

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 6

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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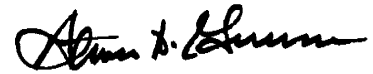
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CLERK OF THE COURT

ETRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C285488-1
)	DEPT NO. XXI
vs.)	
)	
JASON JONES,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

WEDNESDAY, JANUARY 23, 2013

APPEARANCES:

For the State: CHRISTOPHER P. PANDELIS, ESQ.
Chief Deputy District Attorney
NELL CHRISTENSEN, ESQ.
Deputy District Attorney

For the Defendant: CHARLES A. CANO, ESQ.
Deputy Special Public Defender
RANDALL H. PIKE, ESQ.
Asst Special Public Defender

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1 LAS VEGAS, NEVADA, WEDNESDAY, JANUARY 23, 2013, 10:10 A.M.

2 * * * * *

3 (In the presence of the jury.)

4 THE COURT: All right. Court is now back in session.
5 The record should reflect the presence of the State through
6 the deputy district attorneys, the presence of the defendant
7 and his counsel, the officers of the court, and the ladies and
8 gentlemen of the prospective jury panel.

9 And the clerk will now call the next prospective
10 juror to take Chair No. 2 in the jury box.

11 THE CLERK: Yes, Your Honor. George Benitez, Badge
12 No. 351.

13 THE COURT: Good morning, Mr. Benitez. What do you
14 do for a living, sir?

15 PROSPECTIVE JUROR NO. 0351: I'm unemployed.

16 THE COURT: And when you last worked, what kind of
17 work did you do?

18 PROSPECTIVE JUROR NO. 0351: Casino cage.

19 THE COURT: Okay. Is that the type of work you're
20 looking to do again, or kind of --

21 PROSPECTIVE JUROR NO. 0351: Cage or casino slots,
22 yes.

23 THE COURT: Or what?

24 PROSPECTIVE JUROR NO. 0351: Slots.

25 THE COURT: Slots? Okay. And are you married?

1 PROSPECTIVE JUROR NO. 0351: Significant other.

2 THE COURT: Okay. And what does -- what does that
3 person do?

4 PROSPECTIVE JUROR NO. 0351: Bakery manager.

5 THE COURT: Pastry manager?

6 PROSPECTIVE JUROR NO. 0351: Bakery manager.

7 THE COURT: Oh, a bakery manager. Okay. And any
8 children?

9 PROSPECTIVE JUROR NO. 0351: Not possible.

10 THE COURT: Okay. Have you ever been a juror before?

11 PROSPECTIVE JUROR NO. 0351: No.

12 THE COURT: You or anyone close to you ever been
13 arrested, charged with a crime, victim of a crime, anything
14 like that?

15 PROSPECTIVE JUROR NO. 0351: My other half was held
16 at gunpoint and robbed in May --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0351: -- right outside my
19 apartment complex, robbed and assaulted.

20 THE COURT: Okay. Robbed, held at gunpoint, and
21 assaulted. Was -- other than obviously emotional trauma, was
22 that person injured, like, you know, physical injury, in any
23 way?

24 PROSPECTIVE JUROR NO. 0351: [Indiscernible] thrown
25 to the ground and with a gun to his head, he did have his keys

1 to his car, the house, everything taken.

2 THE COURT: Okay. Was -- I'm assuming that was
3 reported to law enforcement, correct?

4 PROSPECTIVE JUROR NO. 0351: Oh, yeah.

5 THE COURT: Okay. And was it Las Vegas Metro,
6 Henderson, or North Las Vegas?

7 PROSPECTIVE JUROR NO. 0351: Metro.

8 THE COURT: Metro? Okay. Was anyone ever arrested
9 or apprehended in connection with that crime?

10 PROSPECTIVE JUROR NO. 0351: No.

11 THE COURT: Okay. Have you, as a result of speaking
12 with your significant other or maybe just your own involvement
13 if you were interviewed or anything like that, have you formed
14 any opinions as to how Metro handled that situation?

15 PROSPECTIVE JUROR NO. 0351: No.

16 THE COURT: Okay. Were you interviewed or anything
17 like that --

18 PROSPECTIVE JUROR NO. 0351: Oh, yeah.

19 THE COURT: -- in connection with that? Okay. Do
20 you feel like the police handled it appropriately,
21 professionally, that kind of thing?

22 PROSPECTIVE JUROR NO. 0351: Yes.

23 THE COURT: Okay. Did they send out photographers or
24 crime scene investigators?

25 PROSPECTIVE JUROR NO. 0351: Yes.

1 THE COURT: Okay. Do you know if they fingerprinted
2 or what kind of investigation they did at the -- at the scene?

3 PROSPECTIVE JUROR NO. 0351: I don't know, I'm
4 thinking about that. [Indiscernible] a helicopter around and
5 people looking, so.

6 THE COURT: Okay. Anything else based on the
7 questions I asked yesterday and the lawyers asked of all the
8 other prospective jurors about, you know, familiarity with
9 guns and the drug and alcohol issues, anything like that you
10 would have had to raise your hand and say yes, that pertains
11 to me or someone I'm close with?

12 PROSPECTIVE JUROR NO. 0351: I have an uncle on
13 either side of my family that's a police officer --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0351: -- an uncle that's in
16 the FBI, one that's in the CIA.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0351: A cousin that's a police
19 officer in New York, a police officer in Los Angeles --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0351: -- a cousin that is a
22 cop in New York --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 0351: -- and [indiscernible]
25 on Rikers Island and --

1 THE COURT: Okay. So you have a guard... I remember
2 that's a guard, a CO at Rikers.

3 PROSPECTIVE JUROR NO. 0351: No, no. He's -- is
4 doing time in Rikers Island.

5 THE COURT: Oh, he's doing time in Rikers? Okay.
6 Probably wishes he was a guard, right? Okay. And then do you
7 have any law enforcement family members that work here in
8 Nevada?

9 PROSPECTIVE JUROR NO. 0351: No.

10 THE COURT: Okay. So the FBI agent, where is he?

11 PROSPECTIVE JUROR NO. 0351: He's in Quantico.

12 THE COURT: Okay. And then the other family members
13 are New York police officers? Is that yes, for the record?

14 PROSPECTIVE JUROR NO. 0351: Yes.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0351: Sorry.

17 THE COURT: Do you know if -- are you close with any
18 of these family members, like, where they talk about their
19 work with you or anything like that?

20 PROSPECTIVE JUROR NO. 0351: No.

21 THE COURT: And then you said another family member,
22 was that a cousin, is at Rikers?

23 PROSPECTIVE JUROR NO. 0351: Yes.

24 THE COURT: And what did he do, what is he -- what
25 did he do?

1 PROSPECTIVE JUROR NO. 0351: I believe he did
2 manslaughter.

3 THE COURT: Okay. Are you close with that cousin at
4 all?

5 PROSPECTIVE JUROR NO. 0351: [Indiscernible.]

6 THE COURT: Okay. Is there anything in your
7 background, in your family background that would impact your
8 ability to be a fair and impartial juror in this case?

9 PROSPECTIVE JUROR NO. 0351: Besides the fact that
10 Chris was held at gunpoint? Yeah.

11 THE COURT: Okay. Does -- do you feel like that, you
12 know, causes you to sort of favor one side over the other as
13 you sit here right now?

14 PROSPECTIVE JUROR NO. 0351: Anything involving guns,
15 yes.

16 THE COURT: Okay. And how -- how so? How do you
17 feel that that impacts your ability to be fair?

18 PROSPECTIVE JUROR NO. 0351: Because that changed a
19 lot of stuff with me and Chris. The whole -- anything
20 involving guns I just feel partial to.

21 THE COURT: Okay. So do you feel like you feel more
22 biased in favor of the State or biased against the State or
23 biased against --

24 PROSPECTIVE JUROR NO. 0351: More towards the State.

25 THE COURT: More in favor -- more towards the State?

1 Okay.

2 State, do you want to question this potential juror?

3 MS. CHRISTENSEN: Sure. Thank you, Your Honor.

4 THE COURT: I'll see counsel up here.

5 (Off-record bench conference.)

6 THE COURT: Ms. Christensen, you may proceed.

7 MS. CHRISTENSEN: Thank you, Your Honor.

8 Mr. Benitez, the incident that occurred with Chris,
9 it's obviously affected you. And it's from that incident that
10 you have this belief that you might be biased in this case?

11 PROSPECTIVE JUROR NO. 0351: Yes.

12 MS. CHRISTENSEN: Okay. Is -- is there any other
13 reason besides that?

14 PROSPECTIVE JUROR NO. 0351: No.

15 MS. CHRISTENSEN: Okay. And when did that occur?

16 PROSPECTIVE JUROR NO. 0351: May.

17 MS. CHRISTENSEN: And what is it about that incident
18 that makes you think that you couldn't be fair and listen to
19 both sides and listen to the testimony and judge it fairly --

20 PROSPECTIVE JUROR NO. 0351: Because --

21 MS. CHRISTENSEN: -- in this case?

22 PROSPECTIVE JUROR NO. 0351: -- we felt violated from
23 that point on, having to change our locks and everything else,
24 and move from [indiscernible].

25 MS. CHRISTENSEN: Okay. So is that something that

1 you believe that you just aren't going to be able to put
2 aside --

3 PROSPECTIVE JUROR NO. 0351: Yes.

4 MS. CHRISTENSEN: -- in listening to this case at
5 all? It'll be -- it'll be in your head when you're dealing
6 with it?

7 PROSPECTIVE JUROR NO. 0351: Anything about guns.

8 MS. CHRISTENSEN: Okay. So that would be
9 automatically just a strike against the defendant in this
10 case?

11 PROSPECTIVE JUROR NO. 0351: Automatic.

12 MS. CHRISTENSEN: Okay. Your Honor, I have no
13 objection to [indiscernible].

14 THE COURT: Okay. Mr. Benitez, we're going to excuse
15 you from this department. Obviously, you're eligible to serve
16 on a civil kind of a jury, or, you know, another type of a
17 criminal case involving theft or fraud or something like that,
18 what we call a paper type case. So thank you, and go back
19 down to jury services.

20 And the clerk will call up the next prospective
21 juror.

22 THE CLERK: Yes, Your Honor. That'll be Badge No.
23 353, Glenn Gunderson.

24 THE COURT: Mr. Gunderson, come on down and have that
25 empty chair there please in the front row of the jury box.

1 Good morning to you. What do you do for a living,
2 sir?

3 PROSPECTIVE JUROR NO. 0353: I'm retired.

4 THE COURT: From what type of work?

5 PROSPECTIVE JUROR NO. 0353: I used to own a sign
6 shop.

7 THE COURT: A sign shop?

8 PROSPECTIVE JUROR NO. 0353: Yep.

9 THE COURT: Was that here in town?

10 PROSPECTIVE JUROR NO. 0353: Yes.

11 THE COURT: Was that outdoor signs or indoor signs?

12 PROSPECTIVE JUROR NO. 0353: Both.

13 THE COURT: Both? Okay.

14 PROSPECTIVE JUROR NO. 0353: Yeah.

15 THE COURT: And are you married, sir?

16 PROSPECTIVE JUROR NO. 0353: No.

17 THE COURT: Any children?

18 PROSPECTIVE JUROR NO. 0353: No.

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

20 PROSPECTIVE JUROR NO. 0353: No.

21 THE COURT: No. You or have you or anyone close to
22 you ever been the victim of a crime?

23 PROSPECTIVE JUROR NO. 0353: Yeah. I had a shop
24 truck stolen in 2001.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0353: And my parents have been
2 burglarized before.

3 THE COURT: Okay. That's their house or residence --

4 PROSPECTIVE JUROR NO. 0353: Yeah.

5 THE COURT: -- has been burglarized? When your
6 parents were burglarized, was anybody home?

7 PROSPECTIVE JUROR NO. 0353: No.

8 THE COURT: Okay. Was that here in Clark County?

9 PROSPECTIVE JUROR NO. 0353: Yes.

10 THE COURT: Was anybody ever apprehended in
11 connection with that?

12 PROSPECTIVE JUROR NO. 0353: No.

13 THE COURT: Okay. And then the 2001 incident, was
14 the truck stolen from like a parking lot at the --

15 PROSPECTIVE JUROR NO. 0353: Yeah. It was --

16 THE COURT: -- location -- work place --

17 PROSPECTIVE JUROR NO. 0353: -- stolen in a parking
18 lot at a restaurant, so the police, unfortunately, wouldn't
19 show up to investigate, and...

20 THE COURT: Okay. What jurisdiction was it? Where
21 did you report it? Las Vegas Metro?

22 PROSPECTIVE JUROR NO. 0353: It was in Las Vegas --
23 it was in Las Vegas.

24 THE COURT: Okay. And you don't sound real happy
25 that they didn't show up. What did they say --

1 PROSPECTIVE JUROR NO. 0353: Well, of course
2 [indiscernible].

3 THE COURT: -- you've got to come down and fill out a
4 report, or what?

5 PROSPECTIVE JUROR NO. 0353: Yeah. Well, I did a
6 report over the phone.

7 THE COURT: Okay. And then was ever -- was anybody
8 ever apprehended in connection with that?

9 PROSPECTIVE JUROR NO. 0353: No.

10 THE COURT: Was your vehicle ever recovered?

11 PROSPECTIVE JUROR NO. 0353: Yeah, 28 days later.

12 THE COURT: Okay. And was it stripped, was it useful
13 again or what?

14 PROSPECTIVE JUROR NO. 0353: Well, it was able to be
15 repaired, but it never ran the same, I mean, because they bent
16 the frame.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0353: So I got rid of it.

19 THE COURT: Anything about that and your experience
20 as a victim that would impact your ability to be fair and
21 impartial in this case?

22 PROSPECTIVE JUROR NO. 0353: No.

23 THE COURT: Okay. Have you had any positive
24 experiences with law enforcement?

25 PROSPECTIVE JUROR NO. 0353: Well, I mean, just being

1 honest, like, I've been pulled over sometimes for speeding.
2 And you tell the cop exactly what you're doing and, like one
3 time I was doing 88, and I told the officer. He was
4 surprised, so he reduced the thing down to 75 and...

5 THE COURT: Okay. So you've had some good, where
6 they were honest and whatnot. Anybody close to you ever -- or
7 you yourself ever been arrested or charged with a crime?

8 PROSPECTIVE JUROR NO. 0353: No.

9 THE COURT: Okay. You heard the other questions.
10 Any of those questions, you know, about guns, drugs, alcohol,
11 you would have had to raise your hand and say, Oh, yes, that
12 pertains to me or a family member? Okay. Is there anything
13 at all, anything in your background or your family background
14 that would impact your ability to be completely neutral and a
15 fair and impartial juror in this case?

16 PROSPECTIVE JUROR NO. 0353: No.

17 THE COURT: Do you think you'd make a good juror?

18 PROSPECTIVE JUROR NO. 0353: Yeah.

19 THE COURT: And why is that?

20 PROSPECTIVE JUROR NO. 0353: Because I'm open to
21 listen.

22 THE COURT: Okay. State, you may follow up with this
23 prospective juror.

24 MS. CHRISTENSEN: Thank you. Sir, when you got your
25 jury summons in the mail, were you one of those people that

1 was actually excited to come?

2 PROSPECTIVE JUROR NO. 0353: No.

3 MS. CHRISTENSEN: Okay. What was your experience --
4 or what was your reaction?

5 PROSPECTIVE JUROR NO. 0353: Hoping that it would be
6 like last time, that I would never be called.

7 MS. CHRISTENSEN: Okay. So last time you got your --
8 your summons, you didn't have to come in?

9 PROSPECTIVE JUROR NO. 0353: Right.

10 MS. CHRISTENSEN: You didn't have to come down?

11 PROSPECTIVE JUROR NO. 0353: No.

12 MS. CHRISTENSEN: Okay. When you actually found out,
13 made the phone call and realized, uh-oh, I really have to go
14 down, what was your reaction?

15 PROSPECTIVE JUROR NO. 0353: Well, I mean, if I get
16 called, I get called. But I'm -- I'm still hoping that I
17 don't.

18 MS. CHRISTENSEN: Okay.

19 THE COURT: That horse has left the barn.

20 MS. CHRISTENSEN: I'm asking, because you seem like
21 you want to be on this jury.

22 PROSPECTIVE JUROR NO. 0353: I mean, I have no
23 problem serving on the jury, no.

24 MS. CHRISTENSEN: Okay. So it's not that you want to
25 be on it, but you're open to it?

1 PROSPECTIVE JUROR NO. 0353: Yes.

2 MS. CHRISTENSEN: Okay. If you weren't here, what
3 would you be doing?

4 PROSPECTIVE JUROR NO. 0353: Well, either out or
5 relaxing at home. I don't have plans, really, being retired.

6 MS. CHRISTENSEN: Okay. And I'm sorry, I didn't
7 catch what you're retired from.

8 PROSPECTIVE JUROR NO. 0353: I used to own a sign
9 shop.

10 MS. CHRISTENSEN: A sign shop, okay. And in owning
11 the sign shop, did you have employees?

12 PROSPECTIVE JUROR NO. 0353: Yes.

13 MS. CHRISTENSEN: And so you heard questions
14 yesterday that we asked about people who maybe sometimes
15 resolved conflicts between people? Do you have to listen to
16 somebody tell a story about what had happened and judge their
17 credibility?

18 PROSPECTIVE JUROR NO. 0353: Oh, yes.

19 MS. CHRISTENSEN: And you think you're a pretty good
20 judge of that?

21 PROSPECTIVE JUROR NO. 0353: Yeah. Because I can be
22 very calm and not get, you know, separate the people, listen
23 to them, you know, tell their -- tell their sides and come to
24 a conclusion on what happened, yes.

25 MS. CHRISTENSEN: Okay. And what about just judging

1 a person's demeanor when they're giving you the story about
2 what they say happened?

3 PROSPECTIVE JUROR NO. 0353: Well, yeah, you --
4 sometimes you can see people look a little shifty or dishonest
5 when they're talking to you, you can pick that up, yeah.

6 MS. CHRISTENSEN: Okay. What about if someone
7 answers a question by repeating the question, hesitating and
8 trying to --

9 PROSPECTIVE JUROR NO. 0353: Well, sometimes some
10 people are nervous, you find that out by talking to them. If
11 they constantly keep going, then they're -- then they're
12 hesitating because they want to try to figure out the answer,
13 what answer you think -- they think you want to hear.

14 MS. CHRISTENSEN: Okay. So you -- sounds like you
15 have a pretty good experience -- I mean, a good amount of
16 experience with that kind of thing in your previous life.
17 What do you do now for -- you said just hanging out --

18 PROSPECTIVE JUROR NO. 0353: Yeah.

19 MS. CHRISTENSEN: -- what is that? What do you do?

20 PROSPECTIVE JUROR NO. 0353: Well, I like to go play
21 poker and travel sometimes, just relax at home and do nothing.

22 MS. CHRISTENSEN: And are you from here?

23 PROSPECTIVE JUROR NO. 0353: No. I've been here 27
24 and a half years. My dad retired in the Air Force, so we just
25 stayed here.

1 MS. CHRISTENSEN: In the Air Force did you travel
2 around a little bit?

3 PROSPECTIVE JUROR NO. 0353: Yeah. Before here we
4 were in Japan.

5 MS. CHRISTENSEN: Okay. Anywhere else?

6 PROSPECTIVE JUROR NO. 0353: Arizona, and before that
7 Spain, and then before that California.

8 MS. CHRISTENSEN: All over the place. Okay. All
9 right. Thank you for your time and your honest answers.

10 I pass the witness -- I mean, pass for cause.

11 THE COURT: Thank you. Defense, you may question.

12 MR. CANO: Thank you. If you don't mind me asking,
13 how old are you?

14 PROSPECTIVE JUROR NO. 0353: 44.

15 MR. CANO: Oh, man, I'm jealous. You're retired at
16 44. Okay. Mr. Gunderson, in your -- well, I guess, when you
17 owned the sign company, did any of your employees ever have
18 any drug or alcohol issues you had to deal with?

19 PROSPECTIVE JUROR NO. 0353: No.

20 MR. CANO: In your personal life, did you have any
21 friends --

22 PROSPECTIVE JUROR NO. 0353: No.

23 MR. CANO: -- that have to deal with that?

24 PROSPECTIVE JUROR NO. 0353: No. My dad taught me a
25 long time ago, if they bring out drugs, the best thing to do

1 is walk away, because you're asking for nothing but trouble.

2 MR. CANO: Okay. So you really don't have any
3 experience in dealing with people that have had drug issues or
4 chronic drug issues?

5 PROSPECTIVE JUROR NO. 0353: No.

6 MR. CANO: Okay. So would it be fair to say that it
7 may be difficult for you to see whether or not they're being
8 forthright or not?

9 PROSPECTIVE JUROR NO. 0353: No. Because you can
10 tell by the way a person's acting whether they're forthright
11 or not. Has nothing to do with whether they're on drugs.

12 MR. CANO: You think that if they are on drugs that
13 can affect someone's perceptions?

14 PROSPECTIVE JUROR NO. 0353: If they're -- if they're
15 on drugs, yes. But if -- just because they took drugs and
16 they're telling you something that happened when they were on
17 drugs doesn't necessarily mean that that wasn't what happened.

18 Now, if they're on drugs and they seen something,
19 yes, then it could be possible that they didn't see what they
20 seen.

21 MR. CANO: Okay. Fair enough. Now, what about --
22 obviously, being around a military family, you're familiar
23 with guns?

24 PROSPECTIVE JUROR NO. 0353: Yeah.

25 MR. CANO: Weapons?

1 PROSPECTIVE JUROR NO. 0353: Oh yeah. When I was
2 younger, I had a friend who owned several weapons, yes.

3 MR. CANO: Do you own any yourself?

4 PROSPECTIVE JUROR NO. 0353: No.

5 MR. CANO: Okay. How -- how familiar are you with
6 them? Did you go with your friends out shooting?

7 PROSPECTIVE JUROR NO. 0353: Oh, yeah. Yeah. We had
8 several different guns we shot, yeah.

9 MR. CANO: Okay. Do you -- do you realize that there
10 are different calibers of guns --

11 PROSPECTIVE JUROR NO. 0353: Yes, sir.

12 MR. CANO: -- different weapons, different bullets
13 belong to different guns? Okay. I talked yesterday with some
14 of the jurors regarding State's burden of proof in this case.
15 Are you comfortable with holding the State to that burden of
16 proof?

17 PROSPECTIVE JUROR NO. 0353: Yes.

18 MR. CANO: And that's beyond a reasonable doubt that
19 they --

20 PROSPECTIVE JUROR NO. 0353: Yes. Beyond a
21 reasonable doubt, correct.

22 MR. CANO: -- have to prove [indiscernible].

23 PROSPECTIVE JUROR NO. 0353: Yes.

24 MR. CANO: All the -- all the crimes. So if you had
25 to vote right now as to Mr. Jones' guilt or innocence, what

1 would your vote be?

2 PROSPECTIVE JUROR NO. 0353: Well, the -- with the
3 technicality of the law, you've got to vote not guilty.

4 MR. CANO: A technicality? Why is that a
5 technicality?

6 PROSPECTIVE JUROR NO. 0353: Well, because in the
7 real world, we're here in the courtroom, so evidently
8 someone's saying he did something. So we have to listen to
9 someone at least give their version of what they thought
10 happened, and then you can tell from that point if the person
11 truly is innocent.

12 MR. CANO: So what I'm hearing from you is where
13 there's smoke, there's fire.

14 PROSPECTIVE JUROR NO. 0353: There has to be.

15 MR. CANO: So right now as you look at him, you're
16 suspicious that he's guilty of something --

17 PROSPECTIVE JUROR NO. 0353: No. No, I'm not -- I'm
18 not suspicious that he's guilty of anything.

19 MR. CANO: Okay.

20 PROSPECTIVE JUROR NO. 0353: I mean, the other person
21 could be telling a complete lie.

22 MR. CANO: Okay.

23 PROSPECTIVE JUROR NO. 0353: But you've got to have
24 an open mind to be willing to listen to the other person.
25 Because if you come in here thinking that person's totally

1 innocent, why am I going to listen to the person on the stand?

2 MR. CANO: Well, I think that's what the
3 Constitution, you know, is there for, that it represents, that
4 as he's sitting there, he is totally innocent.

5 PROSPECTIVE JUROR NO. 0353: Well, I know that.

6 MR. CANO: So the State has to show evidence.

7 PROSPECTIVE JUROR NO. 0353: Yes.

8 MR. CANO: So as you listen to the [indiscernible].

9 PROSPECTIVE JUROR NO. 0353: But I'm saying, if I'm
10 totally -- if I'm totally biased that he's guilty -- that he's
11 innocent, then there's no point in me even listening to any
12 person giving any testimony.

13 MR. CANO: Well, that's what this process is about.
14 As the State presents evidence --

15 PROSPECTIVE JUROR NO. 0353: That's why I said,
16 there's two differences. There's the real world, and there's
17 what happens in a courtroom.

18 THE COURT: So are you saying your mind isn't made
19 up, that he's innocent or guilty, but --

20 PROSPECTIVE JUROR NO. 0353: Yeah. It's a 50/50
21 right now. He could be innocent, he could be guilty. I have
22 no idea, because I haven't heard anything I should --

23 THE COURT: But you understand that the way our --
24 our --

25 PROSPECTIVE JUROR NO. 0353: Yes.

1 THE COURT: -- system works --

2 PROSPECTIVE JUROR NO. 0353: Yes.

3 THE COURT: -- is unless they prove that he's guilty
4 beyond a reasonable doubt, he's entitled --

5 PROSPECTIVE JUROR NO. 0353: Yes.

6 THE COURT: -- he's entitled, you have to vote not
7 guilty. Do you understand that?

8 PROSPECTIVE JUROR NO. 0353: Yes.

9 THE COURT: And it doesn't mean, like, well, I think
10 maybe he did something, I'm not quite sure, you know, maybe
11 this is that and, you know, they have to prove it to you.

12 PROSPECTIVE JUROR NO. 0353: Yes.

13 THE COURT: Okay.

14 MR. CANO: I think there's a difference between
15 theory and reality. I agree with you there. And the reality
16 is that Mr. Jones is facing some very serious consequences on
17 some very serious allegations. And that's what they are,
18 they're allegations.

19 PROSPECTIVE JUROR NO. 0353: Uh-huh.

20 MR. CANO: So I think, you know, it's important that
21 we believe that he's innocent 100 percent, not 50/50. Would
22 you agree with that?

23 PROSPECTIVE JUROR NO. 0353: If there was no one
24 saying that he did something, yes, I would agree with that.
25 If I met him on the street, I wouldn't think he was guilty of

1 anything. But being that we're in a court, evidently someone
2 thinks he's done something. And until I can hear that person,
3 I can't say that is not 100 percent guilty or innocent.

4 MR. CANO: What do you expect from the defense in
5 this case?

6 PROSPECTIVE JUROR NO. 0353: Them to present
7 witnesses that say he did something. And if they can't prove
8 that he did something, then evidently he is innocent.

9 MR. CANO: From the defense you expect that?

10 PROSPECTIVE JUROR NO. 0353: No. Oh, I'm sorry. I
11 meant that from -- from the defense, you're going to question
12 the witnesses of their -- the veracity of -- of the facts,
13 whether they are actually true or not.

14 MR. CANO: [Indiscernible] showing that he is
15 innocent in this case?

16 PROSPECTIVE JUROR NO. 0353: No. Because I -- I
17 don't know the man, so I have no idea if he's innocent or
18 guilty. I have no clue.

19 MR. CANO: What -- what qualities do you possess, I
20 mean, if you think that you could be a good juror in this
21 case?

22 PROSPECTIVE JUROR NO. 0353: I'm very open and very
23 understanding and able to listen, to understand.

24 MS. CHRISTENSEN: Okay. Now, are you going to keep
25 this open mind -- open-mindedness that you have throughout the

1 entirety of the case?

2 PROSPECTIVE JUROR NO. 0353: Of course.

3 MR. CANO: Okay. And not until you're given the
4 instruction by this Court and sent out to deliberate, start
5 sifting through the evidence that was presented to determine
6 whether or not --

7 PROSPECTIVE JUROR NO. 0353: Yes.

8 MR. CANO: -- Mr. Jones is guilty of anything?

9 PROSPECTIVE JUROR NO. 0353: Right.

10 MR. CANO: We talked about some of the possible
11 punishments yesterday. And as defense attorneys, we hate
12 doing this, but we have to, because it's our only opportunity
13 to talk to you. And you probably heard some of that
14 yesterday. That doesn't mean we're conceding --

15 PROSPECTIVE JUROR NO. 0353: Right.

16 MR. CANO: -- the first day is the trial phase of it,
17 you know what I mean, or his innocence in this case. But
18 obviously we have to fetter out people who are able to
19 consider the punishments and not -- as you saw yesterday,
20 there's some people that weren't able to. What are your
21 feelings on the three available punishments?

22 PROSPECTIVE JUROR NO. 0353: Well, like the question
23 you were asking yesterday, let's say, for example, if a
24 person's on drugs, okay, and they kill someone, they're most
25 likely not in their right mind, so I'd have no problem leaning

1 towards a -- a 20/50 in that situation. Whereas if the person
2 knew the person and just hated them and was looking for excuse
3 to kill them, that's just like premeditation, I'd have no
4 problem giving a life sentence in that case.

5 MR. CANO: Okay. So unless there was something that
6 was altering the person's mind, you wouldn't consider parole?

7 PROSPECTIVE JUROR NO. 0353: No, because if you -- if
8 you just did it because you don't like a person, why --
9 because what are you going to do when you don't like someone
10 else in 20 years when you get out, you're just going to most
11 likely shoot them, too.

12 MS. CHRISTENSEN: Okay. So -- so -- and I just -- I
13 don't want to misspeak, I just want to make sure I'm
14 understanding correctly here. If, in your mind, he's guilty
15 of first degree murder, premeditated deliberated murder, and
16 the Court will instruct you on -- on first degree murder is --
17 for you the only punishment available is life without?

18 PROSPECTIVE JUROR NO. 0353: Well, like I said,
19 you've got those two different situations. If a person wasn't
20 in their right mind at the time or they didn't have 100
21 percent their full faculties and stuff, then there could be a
22 question if they could be -- like, if they were on drugs,
23 let's say, they could be rehabilitated and they could get out.
24 But if they were a person who's just a person who doesn't like
25 people, and their -- and their solution is shooting people,

1 why should they be on the street? Because, like I said, if he
2 gets out in 20 years, he might not like someone else and just
3 pull out a gun and shoot them, too.

4 THE COURT: So are you saying you'd consider what the
5 circumstances were --

6 PROSPECTIVE JUROR NO. 0353: Yes.

7 THE COURT: -- of the crime?

8 PROSPECTIVE JUROR NO. 0353: Yes.

9 THE COURT: Would you look at other things, like what
10 the person had the --

11 PROSPECTIVE JUROR NO. 0353: No. Every -- everyone's
12 got a sob --

13 THE COURT: -- person had done up to that point --

14 PROSPECTIVE JUROR NO. 0353: -- every -- no.
15 Everyone's got a --

16 THE COURT: -- in their life?

17 PROSPECTIVE JUROR NO. 0353: -- everyone's got a sob
18 story. They have a parent who abused them when they were
19 young and stuff, and that's not an excuse.

20 MR. CANO: So then again, just so I'm clear for the
21 record, if in your mind it's first degree premeditated
22 deliberated murder, the only proper punishment that you would
23 consider is --

24 PROSPECTIVE JUROR NO. 0353: No, I mean, I -- I could
25 consider the -- the 20-to-life one, too. But I definitely

1 wouldn't -- I definitely wouldn't consider the 20-to-50 as a
2 option for a person who did or -- did a full-on premeditated
3 where he planned it out and all that stuff, no.

4 MR. CANO: Okay. Well, now, let's talk about theory
5 and reality again. Because from what I'm hearing you're
6 saying -- I'm not trying to pick on you --

7 PROSPECTIVE JUROR NO. 0353: No, no problem.

8 MR. CANO: -- I'm just trying to make sure, you know,
9 I get honest answers here. In theory, you know, sure, I can
10 consider all of them. But in reality, you're not really
11 considering it if it's first degree premeditated deliberate
12 murder. Do you -- do you follow what I'm saying?

13 THE COURT: Well, when you say planned, did that --
14 when you say premeditated, what do you mean? Because these
15 are terms of art --

16 PROSPECTIVE JUROR NO. 0353: Okay.

17 THE COURT: -- and they'll be --

18 PROSPECTIVE JUROR NO. 0353: Okay.

19 THE COURT: -- kind of defined for you later --

20 PROSPECTIVE JUROR NO. 0353: Well, like --

21 THE COURT: -- and --

22 PROSPECTIVE JUROR NO. 0353: -- okay. Like I -- like
23 I said, you've had -- you've had several run-ins with the guy,
24 and your solution is, Well, I just got tired of arguing with
25 the guy so I'm just going to pull out my gun and shoot him.

1 THE COURT: So you're talking about somebody who
2 planned a murder and goes out and does it?

3 PROSPECTIVE JUROR NO. 0353: Yes.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0353: That's a big difference
6 than a person who's high and killed someone, in my opinion.

7 MR. CANO: Okay. Now, you do realize that --
8 [indiscernible].

9 THE COURT: Approach.

10 (Off-record bench conference.)

11 THE COURT: All right. Any other questions, Mr.
12 Cano?

13 MR. CANO: I'll pass for cause.

14 THE COURT: Ms. Christensen, Mr. Pandelis, I believe
15 we're on your sixth challenge.

16 MS. CHRISTENSEN: We'll waive our sixth challenge,
17 Your Honor.

18 THE COURT: All right. We are now on the defense's
19 sixth challenge.

20 MR. CANO: We thank and excuse Mr. Gunderson.

21 THE COURT: All right. Mr. Gunderson -- or -- thank
22 you for being here, and you are excused at this time.

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

25 THE CLERK: Yes, Your Honor. Badge No. 355, Saman

1 Fathizadeh.

2 THE COURT: Sir, come on down and have that empty
3 chair there in the front row of the jury box, please.

4 Good afternoon.

5 PROSPECTIVE JUROR NO. 0355: Good afternoon.

6 THE COURT: We know from yesterday that you're a
7 student at UNLV and you're studying business management,
8 correct?

9 PROSPECTIVE JUROR NO. 0355: Correct.

10 THE COURT: Okay. And then what do you hope to do
11 with that once you finish?

12 PROSPECTIVE JUROR NO. 0355: I want to work somewhere
13 in the airline company, hopefully --

14 THE COURT: In -- in the airline --

15 PROSPECTIVE JUROR NO. 0355: -- that's what I was
16 aiming for.

17 THE COURT: -- so you get to travel for free? All
18 right. And what year are you? You may have told us
19 yesterday, I don't remember. What year are you at UNLV?

20 PROSPECTIVE JUROR NO. 0355: My freshman year, still.

21 THE COURT: You're a freshman?

22 PROSPECTIVE JUROR NO. 0355: Yeah.

23 THE COURT: And are you married?

24 PROSPECTIVE JUROR NO. 0355: No.

25 THE COURT: Any kids?

1 PROSPECTIVE JUROR NO. 0355: Nope.

2 THE COURT: All right. How long have you lived here
3 in Clark County?

4 PROSPECTIVE JUROR NO. 0355: I've lived here for 10
5 years, since -- actually, 11 years, since 2001.

6 THE COURT: Okay. Where are you from originally?

7 PROSPECTIVE JUROR NO. 0355: Iran.

8 THE COURT: Okay. And when you came from Iran, did
9 you come directly to Clark County area, or did you --

10 PROSPECTIVE JUROR NO. 0355: No.

11 THE COURT: -- live somewhere else?

12 PROSPECTIVE JUROR NO. 0355: I went from Iran to
13 Pakistan for two years there, and then I came here to Las
14 Vegas.

15 THE COURT: Okay. And I'm assuming you studied
16 English in Iran?

17 PROSPECTIVE JUROR NO. 0355: No.

18 THE COURT: You learned it when you got here?

19 PROSPECTIVE JUROR NO. 0355: Yeah, just watching TV
20 and stuff.

21 THE COURT: Okay. So you never took a class or
22 anything, just watching television?

23 PROSPECTIVE JUROR NO. 0355: Yeah, watching
24 television.

25 THE COURT: Okay. And have you ever been a juror

1 before?

2 PROSPECTIVE JUROR NO. 0355: No.

3 THE COURT: Now, you heard me ask other people if
4 they've been victims of crime or accused or had family members
5 accused or victims, anything like that in your background or
6 your family background?

7 PROSPECTIVE JUROR NO. 0355: Yeah. I've been robbed
8 twice at gunpoint.

9 THE COURT: Okay. Was that here in Clark County?

10 PROSPECTIVE JUROR NO. 0355: Yes.

11 THE COURT: Okay. Now, the most recent robbery, when
12 did that occur?

13 PROSPECTIVE JUROR NO. 0355: It happened last summer.

14 THE COURT: Okay. And what were the circumstances?
15 Were you at home, or at work or --

16 PROSPECTIVE JUROR NO. 0355: Well, I do this -- I
17 kind of do this thing to make extra money on the side, like I
18 buy and resell iPhones and stuff.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0355: So I was meeting some
21 guy up and then it was me and my friend and then we went --
22 made the mistake of kind of going to his apartment, I guess.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 0355: Met him up, and then
25 like he -- he told us to follow him, and then messed up again,

1 followed him, and then pulled the gun out and then came back,
2 pulled the gun out and robbed us.

3 THE COURT: Okay. Were you advertising these phones
4 on Craigslist?

5 PROSPECTIVE JUROR NO. 0355: I was trying to buy a
6 phone from him. He took my money and ran.

7 THE COURT: Okay. Did -- was it a Craigslist kind of
8 a deal or --

9 PROSPECTIVE JUROR NO. 0355: Yeah. Craigslist.

10 THE COURT: -- the newspaper or what?

11 PROSPECTIVE JUROR NO. 0355: Craigslist.

12 THE COURT: Okay. So he robbed you at gunpoint, and
13 then did you report that to law enforcement?

14 PROSPECTIVE JUROR NO. 0355: Yeah. Actually, like,
15 there was a cop, like, literally within like couple of feet,
16 like he kind of -- I told him -- like, I saw the cop, I went
17 up to him, and I was like, Oh, he's running away, like he's
18 right there. He's like, Oh, just calm down. I'm like, Well,
19 he's right there. So.

20 THE COURT: Okay. So did the cop -- police officer
21 follow him or?

22 PROSPECTIVE JUROR NO. 0355: No, he didn't follow
23 him. He was just telling me to calm down. Well, I was
24 tripping at the moment, he was just telling me to calm down,
25 so I didn't really understand that.

1 THE COURT: Okay. Then after, did you fill out a
2 report or fill out a statement?

3 PROSPECTIVE JUROR NO. 0355: Yeah, I filled out a
4 report and they called me a couple of times. They told me,
5 Oh, yeah, we have the guy. Like, you want to come and look at
6 him just to make sure we do, like, I don't know if like a
7 photo ID.

8 THE COURT: It was a lineup?

9 PROSPECTIVE JUROR NO. 0355: Yeah, yeah, yeah. And
10 they never got back to me.

11 THE COURT: Okay. So they said we -- to ask you to
12 come in for a lineup, but then you never actually did the
13 lineup?

14 PROSPECTIVE JUROR NO. 0355: Yeah. Because they were
15 like, We're going to call you tomorrow to tell you what time
16 to come and I waited for the call and I never got a call.

17 THE COURT: Okay. Was that Metro?

18 PROSPECTIVE JUROR NO. 0355: Metro, yes.

19 THE COURT: Okay. Did you ever follow up with them
20 and say, Hey, what's going on?

21 PROSPECTIVE JUROR NO. 0355: Yeah. I called them
22 back, they didn't really --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 0355: -- answer.

25 THE COURT: Was that the detective bureau, do you

1 know?

2 PROSPECTIVE JUROR NO. 0355: I think it was the
3 detective. I'm not really sure, but I think it was.

4 THE COURT: Okay. Let's talk about the first
5 robbery. What -- when did that happen?

6 PROSPECTIVE JUROR NO. 0355: The first robbery, it
7 happened in 2010.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 0355: It was the same thing.
10 Me and my friend, we met up with a couple of guys to buy some
11 phones and then they -- we met them at a Sonic, so we could
12 do, like, publicly.

13 THE COURT: Uh-huh.

14 PROSPECTIVE JUROR NO. 0355: And then they came up to
15 us and they pulled a gun out the bag and took our money.

16 THE COURT: Okay. Was this at the Sonic or in the
17 parking lot?

18 PROSPECTIVE JUROR NO. 0355: It was literally right
19 in front of the -- like, the parking lot for the Sonic. And
20 then we called Sonic to see if they have, like, cameras
21 around, and they said they don't have any cameras.

22 THE COURT: Okay. Let me ask you this. Did you
23 report that incident to law enforcement?

24 PROSPECTIVE JUROR NO. 0355: Yeah, I reported. That
25 one I didn't get anything back, I don't -- like, no call or

1 anything.

2 THE COURT: Okay. Did you go down and fill out a
3 statement at the police department?

4 PROSPECTIVE JUROR NO. 0355: Yeah. I filled out a
5 statement and everything.

6 THE COURT: Okay. Was it Metro?

7 PROSPECTIVE JUROR NO. 0355: It was Metro.

8 THE COURT: Okay. Any feelings about how you were
9 treated by the police in connection with those two incidents?

10 PROSPECTIVE JUROR NO. 0355: I feel like I was
11 treated fairly, but I don't feel like -- I feel like they kind
12 of messed with me, telling me, Oh, you can come tomorrow and
13 see the lineup and everything, but then they don't really,
14 like, you know, just be honest with me if you don't find him,
15 like, that's cool with me, but don't tell me to come and then,
16 like, not have a word for, like, the next like couple of
17 months.

18 THE COURT: Okay. Okay. So you concluded yourself,
19 then, that they never caught him or they were making it up
20 about a lineup? Or what did you --

21 PROSPECTIVE JUROR NO. 0355: I didn't -- I didn't --
22 forget it. Like, I just -- it wasn't, like, worth my time to
23 think about. So I...

24 THE COURT: Okay. Any situations where anyone close
25 to you has been charged with a crime or anything like that?

1 PROSPECTIVE JUROR NO. 0355: No.

2 THE COURT: Okay. So you're still doing this phone
3 business even though you've been robbed twice?

4 PROSPECTIVE JUROR NO. 0355: Yeah. I'm doing it,
5 but, like, way safer. Like, I meet -- I only meet inside of
6 Starbucks, that's it.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0355: Yeah.

9 THE COURT: Do you have a firearm, or --

10 PROSPECTIVE JUROR NO. 0355: No. No.

11 THE COURT: Okay. Is there anything in your
12 background, in your family background that we ought to know
13 about you based on all of our questions and discussions with
14 the other prospective jurors?

15 PROSPECTIVE JUROR NO. 0355: No. There's nothing.

16 THE COURT: Okay. Now, you look pretty young to me,
17 so you must have been very young when you came from -- well,
18 Pakistan.

19 PROSPECTIVE JUROR NO. 0355: Yeah. Yeah.

20 THE COURT: How old were you?

21 PROSPECTIVE JUROR NO. 0355: I think I was eight or
22 nine, one of those two.

23 THE COURT: Okay. Do you think you would be a fair
24 and impartial juror in this case?

25 PROSPECTIVE JUROR NO. 0355: I don't think I'll be.

1 THE COURT: You wouldn't you be? Why not?

2 PROSPECTIVE JUROR NO. 0355: I'm against guns
3 completely. Like, I really don't approve of them. Like, I
4 just -- if you were to ask -- if you're asking me honestly, I
5 would tell you I'm -- I would be -- I don't think I would be
6 fair.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0355: Because -- just because
9 I don't --

10 THE COURT: Well, the issue isn't, you know, whether
11 people approve of, you know, guns or anything like that. The
12 issue is whether you can keep an open mind and base your
13 verdict just on the evidence in the case and listen to the
14 evidence and make sure the State, you know, hold the State to
15 the burden of proving the defendant's guilt beyond a
16 reasonable doubt. And if they don't prove his guilt beyond a
17 reasonable doubt, you know, that you can render a verdict of
18 not guilty. Do you think you can do that?

19 PROSPECTIVE JUROR NO. 0355: For me, anything
20 involved with guns, honestly, like, say, if he were to have a
21 gun but didn't shoot him, I would think that's wrong still
22 having a gun. Like, yeah.

23 THE COURT: Okay. So you're opposed to anybody
24 having a gun, even if it's legal and it's registered --

25 PROSPECTIVE JUROR NO. 0355: Yeah, I -- I --

1 THE COURT: -- and they -- they --

2 PROSPECTIVE JUROR NO. 0355: -- I don't believe you
3 should -- like, there's no point in anybody -- it's not my
4 life.

5 THE COURT: So you don't think anybody should have a
6 gun?

7 PROSPECTIVE JUROR NO. 0355: Unless you're like
8 police officers and stuff, I don't -- I'm not -- I'm just not
9 for it.

10 THE COURT: Okay. State, do you want to follow up
11 with this prospective juror?

12 MS. CHRISTENSEN: First, may we approach, Your Honor?

13 THE COURT: Sure.

14 (Off-record bench conference.)

15 THE COURT: Sir, we're going to excuse you from this
16 department. But you do -- you can serve, there are many other
17 types of cases that don't involve firearms and that don't
18 involve the district attorney's office.

19 PROSPECTIVE JUROR NO. 0355: All right.

20 THE COURT: So you're eligible for assignment to a
21 case prosecuted by the attorney general's office or by -- or
22 for a civil case.

23 PROSPECTIVE JUROR NO. 0355: All right.

24 THE COURT: Okay? So go back down.

25 PROSPECTIVE JUROR NO. 0355: Thank you.

1 THE COURT: And the clerk will call up the next
2 prospective juror.

3 THE CLERK: Yes, Your Honor. Badge No. 365, Norma
4 Ramos.

5 THE COURT: And Ms. Ramos, if you'd have that empty
6 chair there in the front row.

7 Good morning. What do you do for a living?

8 PROSPECTIVE JUROR NO. 0365: First of all, I want to
9 be honest. I don't think I can make a good job like juror
10 duty.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 0365: Because I really don't
13 understand 100 percent English.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0365: So I just --

16 THE COURT: Where are you from?

17 PROSPECTIVE JUROR NO. 0365: From Mexico.

18 THE COURT: Okay. And how long have you lived in the
19 United States?

20 PROSPECTIVE JUROR NO. 0365: Since 1999.

21 THE COURT: Okay. And what do you do for a job?

22 PROSPECTIVE JUROR NO. 0365: I'm employ in --

23 THE COURT: I'm sorry?

24 PROSPECTIVE JUROR NO. 0365: I'm employ in hotel as a
25 housekeeper since --

1 THE COURT: You're in housekeeping?

2 PROSPECTIVE JUROR NO. 0365: [Indiscernible.]

3 THE COURT: Okay. And did you learn -- did you take
4 English classes or did you just pick it up just from living in
5 the United States?

6 PROSPECTIVE JUROR NO. 0365: No. I -- in Mexico I
7 study for three years --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 0365: -- bilingual secretary.
10 But I never work like that. So I --

11 THE COURT: Did you go to secretarial school in --

12 PROSPECTIVE JUROR NO. 0365: Yes.

13 THE COURT: -- in Mexico?

14 PROSPECTIVE JUROR NO. 0365: Uh-huh.

15 THE COURT: Okay. So you finished high school and
16 then went to secretarial school?

17 PROSPECTIVE JUROR NO. 0365: Yes.

18 THE COURT: Okay. And you've -- have you had trouble
19 understanding what we've been saying so far?

20 PROSPECTIVE JUROR NO. 0365: I understand 80 percent;
21 let's say. But some words --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 0365: -- are not familiar for
24 me, you know.

25 THE COURT: Okay. I'll see counsel at the bench.

1 (Off-record bench conference.)

2 THE COURT: Ms. Ramos, we're going to go ahead and
3 excuse you at this time. You need to go back down through
4 jury services.

5 And the clerk will call up the next prospective
6 juror.

7 THE CLERK: Yes, Your Honor. That will be Badge No.
8 369, Gerardo Lorenzana.

9 THE COURT: Good afternoon. What do you do --

10 PROSPECTIVE JUROR NO. 0369: Good afternoon.

11 THE COURT: I'm sorry, it's still morning. Good
12 morning. What do you do for a living?

13 PROSPECTIVE JUROR NO. 0369: I'm an internal medicine
14 physician.

15 THE COURT: All right. And how long have you lived
16 here in Clark County?

17 PROSPECTIVE JUROR NO. 0369: Over 10 years now. A
18 little over 10 years.

19 THE COURT: Okay. Where are you from originally?

20 PROSPECTIVE JUROR NO. 0369: Philippines.

21 THE COURT: All right. And are you married, sir?

22 PROSPECTIVE JUROR NO. 0369: Yes.

23 THE COURT: What does your wife do?

24 PROSPECTIVE JUROR NO. 0369: She's a nurse.

25 THE COURT: Okay. Does she work with you?

1 PROSPECTIVE JUROR NO. 0369: No.

2 THE COURT: Okay. And do you have any children?

3 PROSPECTIVE JUROR NO. 0369: I have a 15-year-old
4 daughter.

5 THE COURT: Okay. Have you ever been a juror before?

6 PROSPECTIVE JUROR NO. 0369: No.

7 THE COURT: Have you or anyone close to you ever been
8 the victim of crime, arrested for crime, anything like that?

9 PROSPECTIVE JUROR NO. 0369: Well, just me about
10 maybe 16, 17 years ago, I was having an argument with my
11 brother-in-law, and he pulled out a gun and threatened me. My
12 wife intervened, and he eventually got arrested. But we
13 dropped charges. And I think he only spent like two or three
14 days in jail.

15 THE COURT: Okay. Where did that happen? Was that
16 here in Clark --

17 PROSPECTIVE JUROR NO. 0369: In Los Angeles.

18 THE COURT: In Los Angeles? Okay. And has this
19 brother-in-law had other problems with --

20 PROSPECTIVE JUROR NO. 0369: No.

21 THE COURT: -- the law? This was -- was this --

22 PROSPECTIVE JUROR NO. 0369: This was --

23 THE COURT: -- an isolated incident?

24 PROSPECTIVE JUROR NO. 0369: -- this was just an
25 isolated --

1 THE COURT: Okay. Was he arrested right then at the
2 time, did the police respond and take him away from --

3 PROSPECTIVE JUROR NO. 0369: Yes.

4 THE COURT: Okay. And then you -- you -- and you
5 decided to drop charges?

6 PROSPECTIVE JUROR NO. 0369: Yes.

7 THE COURT: And why was that?

8 PROSPECTIVE JUROR NO. 0369: Well, because I think it
9 was just a spur of the moment kind of heated thing. And he --
10 he never ever used that gun before, and -- and he was my
11 brother-in-law, so.

12 THE COURT: Right. And probably would have been bad
13 with your wife --

14 PROSPECTIVE JUROR NO. 0369: Yes, exactly.

15 THE COURT: -- had you not.

16 PROSPECTIVE JUROR NO. 0369: Exactly.

17 THE COURT: Okay. Do you have any firearms in your
18 home?

19 PROSPECTIVE JUROR NO. 0369: I've never fired a gun.

20 THE COURT: Never? Okay. Anything else we ought to
21 know about you based on all of our questions and discussions
22 with the other prospective jurors?

23 PROSPECTIVE JUROR NO. 0369: No. Not really.

24 THE COURT: Okay. Anything in your background, in
25 your family background that would impact your ability to be

1 fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 0369: No.

3 THE COURT: Do you have your own practice or do you
4 work for --

5 PROSPECTIVE JUROR NO. 0369: I work with Southwest
6 Medical Associates.

7 THE COURT: Okay. All right. Thank you. State, you
8 may follow up.

9 MS. CHRISTENSEN: Thank you, Your Honor. Sir, when
10 that happened with your brother-in-law years ago, did -- was
11 that something that he had been threatening you with a gun for
12 some time or --

13 PROSPECTIVE JUROR NO. 0369: Oh, no.

14 MS. CHRISTENSEN: -- he just pulled it out out of
15 nowhere?

16 PROSPECTIVE JUROR NO. 0369: He just pulled it out.
17 We didn't -- we didn't even know he had a gun.

18 MS. CHRISTENSEN: Okay. And what did he do with it?

19 PROSPECTIVE JUROR NO. 0369: Well, he just kind of
20 pulled it out, and, you know, but my wife then intervened, and
21 then I left the room, and then somebody called 911 and the
22 police came and found that it was loaded and they took him
23 away.

24 MS. CHRISTENSEN: So he did not fire a gun?

25 PROSPECTIVE JUROR NO. 0369: No.

1 MS. CHRISTENSEN: Okay. And your work as a doctor,
2 you've had to go to medical school, you've had to do a lot of
3 training; did you ever do any work in autopsies?

4 PROSPECTIVE JUROR NO. 0369: I've observed autopsies,
5 yes.

6 MS. CHRISTENSEN: Okay. In this case, we would
7 expect that a medical examiner would testify and give his
8 expertise regarding the autopsy he performed. Would you, as a
9 doctor, be able to take his testimony as an expert in that
10 area, or would you be critiquing it as a doctor yourself?

11 PROSPECTIVE JUROR NO. 0369: It depends on what he's
12 saying, but, you know, if he's -- if he's a medical expert,
13 you know, in that field, and certainly I take -- I take that
14 as --

15 MS. CHRISTENSEN: Have you ever actually done an
16 autopsy in which you looked at gunshot wounds?

17 PROSPECTIVE JUROR NO. 0369: I don't believe so.

18 MS. CHRISTENSEN: Okay. And when was the last time
19 that you did observe an autopsy?

20 PROSPECTIVE JUROR NO. 0369: Oh, that was when I was
21 in medical school. So '81, '82, something like that.

22 MS. CHRISTENSEN: Okay. And are you able to clear
23 your schedule to be here?

24 PROSPECTIVE JUROR NO. 0369: Yes, I am.

25 MS. CHRISTENSEN: Okay. So there's no problem with

1 you being here? When you got your jury summons, what was your
2 reaction?

3 PROSPECTIVE JUROR NO. 0369: It was kind of mixed. I
4 -- I would -- I did want to experience the system and in the
5 process, but also, you know, it's a lot of -- I was quite
6 busy, had a lot of things to do.

7 MS. CHRISTENSEN: Okay.

8 PROSPECTIVE JUROR NO. 0369: But it could be
9 arranged. So, it's okay.

10 MS. CHRISTENSEN: Okay. Thank you. Your Honor, I'll
11 pass for cause.

12 THE COURT: All right. Thank you. Defense, you may
13 follow up.

14 MR. CANO: Mr. Lorenzana?

15 PROSPECTIVE JUROR NO. 0369: Yes.

16 MR. CANO: Or doctor, I guess, Dr. Lorenzana, the
17 incident that happened with your brother-in-law, was there any
18 alcohol involved?

19 PROSPECTIVE JUROR NO. 0369: No.

20 MR. CANO: So was it just a family gathering and he
21 was just over at the house?

22 PROSPECTIVE JUROR NO. 0369: I was actually living in
23 the same apartment with -- with him and my wife at that same
24 time.

25 MR. CANO: Okay. Does he suffer from a history of

1 some kind of a mental illness or something that he just pulled
2 out a gun, or?

3 PROSPECTIVE JUROR NO. 0369: I don't believe so.
4 But ---

5 MR. CANO: [Indiscernible] quite shocking.

6 PROSPECTIVE JUROR NO. 0369: Yeah.

7 MR. CANO: How many years ago did that happen?

8 PROSPECTIVE JUROR NO. 0369: About 17 years ago or
9 something.

10 MR. CANO: Seventeen years ago? Although obviously
11 traumatic enough for your to remember it and you mentioned it
12 here?

13 PROSPECTIVE JUROR NO. 0369: Yeah.

14 MR. CANO: Okay. The fact that this case may involve
15 a gun and someone being shot and -- do you think that that may
16 affect your ability to be fair and unbiased in this case?

17 PROSPECTIVE JUROR NO. 0369: No.

18 MR. CANO: You can understand from the defense's
19 perspective, we wouldn't want you necessarily to sympathize
20 solely with the victim just because of the facts and
21 circumstances that happened to you.

22 PROSPECTIVE JUROR NO. 0369: Yes.

23 MR. CANO: And kind of compare that to what -- what
24 happened to the victim. And you'll be able to keep your own
25 personal feelings outside -- out of that?

1 PROSPECTIVE JUROR NO. 0369: Yes.

2 MR. CANO: Okay. Being a physician, I'm sure you've
3 come across many patients or people that have dealt with drugs
4 and alcohol addictions.

5 PROSPECTIVE JUROR NO. 0369: That's true.

6 MR. CANO: In -- in your, I guess, profession, have
7 you ever dealt with it in your personal life aside from your
8 professional life?

9 PROSPECTIVE JUROR NO. 0369: No.

10 MR. CANO: No? Okay. In your professional life
11 you've dealt with people that have had these type of
12 addictions; how would you say that you'd rate their
13 credibility?

14 PROSPECTIVE JUROR NO. 0369: Credibility? I mean, I
15 take, you know, what they're telling me for -- for truth.

16 MR. CANO: Okay. So --

17 PROSPECTIVE JUROR NO. 0369: I mean, if they tell me
18 they have a problem, then I accept that and -- and I usually
19 try to help them in that way.

20 MR. CANO: Fair enough. Have you ever had to deal
21 with someone who's come to you to -- seeking your help and
22 maybe they're under the influence?

23 PROSPECTIVE JUROR NO. 0369: I believe there have
24 been a -- a number of patients who I -- look like they were
25 under the influence at the time I saw them.

1 MR. CANO: Okay.

2 PROSPECTIVE JUROR NO. 0369: But...

3 MR. CANO: Would they -- would they admit that they
4 were under the influence or would they deny that they were
5 under influence?

6 PROSPECTIVE JUROR NO. 0369: Well, you could see
7 they've had a -- a drink or two or something like that.

8 MR. CANO: But obviously from their condition,
9 perhaps maybe their -- their pupils being dilated, things of
10 that nature, you could tell that there were much more than
11 just a drink or two?

12 PROSPECTIVE JUROR NO. 0369: That's true.

13 MR. CANO: So in that sense, their credibility was
14 not very good.

15 PROSPECTIVE JUROR NO. 0369: Yes.

16 MR. CANO: Okay. So you'd agree, obviously, with the
17 fact that someone being under the influence of drugs or
18 alcohol can affect the perception as to things that are
19 happening in that moment while they're under the influence?

20 PROSPECTIVE JUROR NO. 0369: That's true.

21 MR. CANO: Okay. You'd be able to take that into
22 account in evaluating someone's credibility as they testify?

23 PROSPECTIVE JUROR NO. 0369: Yes.

24 MR. CANO: All right. Did you study your medical
25 school in the Philippines or here in the United States?

1 PROSPECTIVE JUROR NO. 0369: In the Philippines.

2 MR. CANO: Okay. I'm not familiar with the criminal
3 justice system over there. Is that similar to the process
4 that we have over here or is it vastly different?

5 PROSPECTIVE JUROR NO. 0369: I'm not too familiar
6 with the system over there myself.

7 MR. CANO: Okay. Fair enough. Now, we've talked
8 about some concepts regarding Mr. Jones' presumption of
9 innocence. As he sits there right now he's presumed innocent.
10 So if you had to go back and deliberate and vote, what would
11 your vote be?

12 PROSPECTIVE JUROR NO. 0369: That he's not guilty.

13 MR. CANO: Okay. And you're comfortable with that
14 fact? Are you able to hold onto that -- that cloak of
15 innocence throughout the whole trial as you listen to the
16 testimony until the judge gives you the instructions that
17 you're able to follow and go back to deliberate?

18 PROSPECTIVE JUROR NO. 0369: Yes.

19 MR. CANO: Okay. Are you able to hold the State to
20 their burden of proof in this case, that they have to prove
21 every element of the crime here in this case beyond a
22 reasonable doubt?

23 PROSPECTIVE JUROR NO. 0369: Yes.

24 MR. CANO: Now, in a situation where perhaps the
25 State proves maybe something happened, and not necessarily

1 that Mr. Jones is the person -- the perpetrator of the crime,
2 are you comfortable with returning a verdict of not guilty?

3 PROSPECTIVE JUROR NO. 0369: Yes.

4 MR. CANO: Okay. So then you can't hold them to that
5 burden of proof? [Indiscernible] Thank you.

6 THE COURT: Pass for cause?

7 MR. CANO: Yes.

8 THE COURT: All right. Defendant's sixth. Oh,
9 State's seventh, I'm sorry. State's seventh. I'm sorry.

10 MS. CHRISTENSEN: Your Honor, we would like to thank
11 and excuse No. 319, Mr. Delmundo.

12 THE COURT: Sir, thank you for being here, you are
13 excused at this time.

14 And the clerk will call up the next prospective
15 juror.

16 THE CLERK: Yes, Your Honor. Badge No. 373, David
17 Antonovich.

18 THE COURT: And Mr. Antonovich, if you'll please --
19 excuse me -- have that empty chair there in the first row.

20 Good morning. What do you do for a living?

21 PROSPECTIVE JUROR NO. 0373: I'm retired.

22 THE COURT: From what type of work?

23 PROSPECTIVE JUROR NO. 0373: Delivering liquor and
24 alcohol.

25 THE COURT: Was that here in Clark County?

1 PROSPECTIVE JUROR NO. 0373: Yes, it was.

2 THE COURT: Did you work for like a wholesaler or?

3 PROSPECTIVE JUROR NO. 0373: Yes, I did.

4 THE COURT: Okay. And are you married?

5 PROSPECTIVE JUROR NO. 0373: No, I'm divorced. Well,
6 I've been divorced 40 years.

7 THE COURT: Okay. And do you have any children?

8 PROSPECTIVE JUROR NO. 0373: Yes, I have one.

9 THE COURT: Grown?

10 PROSPECTIVE JUROR NO. 0373: Yes.

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

12 PROSPECTIVE JUROR NO. 0373: No.

13 THE COURT: You heard my questions, if people were
14 victims of crime, accused of a crime, had family members that
15 that had happened to --

16 PROSPECTIVE JUROR NO. 0373: Yes.

17 THE COURT: -- anything like that in your background
18 or your family background?

19 PROSPECTIVE JUROR NO. 0373: Yes.

20 THE COURT: Tell me about it.

21 PROSPECTIVE JUROR NO. 0373: I was robbed -- I was
22 robbed in 1980 at gunpoint at an ATM machine.

23 THE COURT: Was that here in Clark County?

24 PROSPECTIVE JUROR NO. 0373: Yes, it was.

25 THE COURT: Okay. Was there one assailant or more

1 than one?

2 PROSPECTIVE JUROR NO. 0373: Just one.

3 THE COURT: Okay. Did you report that to law
4 enforcement?

5 PROSPECTIVE JUROR NO. 0373: Yes, I did.

6 THE COURT: Was it Las Vegas Metro?

7 PROSPECTIVE JUROR NO. 0373: Yes, it was.

8 THE COURT: Okay. Did they ever apprehend, to your
9 knowledge?

10 PROSPECTIVE JUROR NO. 0373: Yes, they did.

11 THE COURT: Okay. Did you have to go and testify?

12 PROSPECTIVE JUROR NO. 0373: No, because the DA
13 stabbed me in the back and made a plea bargain with the idiot.

14 THE COURT: Okay. So did you ever get a subpoena or
15 how did you learn that --

16 PROSPECTIVE JUROR NO. 0373: We went down for a
17 preliminary hearing, the defendants came in, sat down, the DA
18 asked me if I recognized him. I said, Top row, second one
19 from the left, he shaved his head, grew a beard. She says,
20 We're going to plea bargain. I says, No, we're not. We're
21 going for a trial. He's an ex-felon out of California, he had
22 five major felonies against him.

23 THE COURT: How did you know that?

24 PROSPECTIVE JUROR NO. 0373: I've got -- I've got
25 friends in the LAPD.

1 THE COURT: Okay. So what -- what, you asked your
2 friend to run him and they did and told you --

3 PROSPECTIVE JUROR NO. 0373: Yeah.

4 THE COURT: -- the information? Okay. And so the --
5 whoever the deputy was in 1980 --

6 PROSPECTIVE JUROR NO. 0373: Detective.

7 THE COURT: Oh, it was the detective that told you
8 that, not the deputy?

9 PROSPECTIVE JUROR NO. 0373: Well, the detective told
10 me, and I also called a buddy of mine I went through the
11 service with who was a LAPD officer and told him to run -- run
12 him and see what was -- his background.

13 THE COURT: Okay. And you had the name, what, from
14 your subpoena, I'm assuming?

15 PROSPECTIVE JUROR NO. 0373: Yes.

16 THE COURT: Okay. And your friend with the LAPD did
17 that and gave you some information and -- so, in other words,
18 you were upset with the negotiation?

19 PROSPECTIVE JUROR NO. 0373: Yes, I was.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0373: I was treated as a
22 criminal, not as a victim.

23 THE COURT: All right. It sounds -- you still sound
24 angry about that, is that --

25 PROSPECTIVE JUROR NO. 0373: Yes, I am. The justice

1 system in this country does not work.

2 THE COURT: Okay. As opposed to the better justice
3 system in what country?

4 PROSPECTIVE JUROR NO. 0373: [Indiscernible] as Iran
5 and those places, you get caught as a thief, they cut your
6 hand off; you get caught as a murderer, they chop your head
7 off. They don't -- they don't beat around the bush, criminals
8 like that.

9 THE COURT: All right. May I see counsel at the
10 bench.

11 (Off-record bench conference.)

12 THE COURT: I mean, you've had some clearly negative
13 experiences, it was 1980, so long before these young lawyers
14 -- even before I was a lawyer in 1980. Do you think you could
15 set those negative feelings aside --

16 PROSPECTIVE JUROR NO. 0373: No, I can't.

17 THE COURT: -- and be fair and impartial in this
18 case?

19 PROSPECTIVE JUROR NO. 0373: No, I can't.

20 THE COURT: All right. Sir, I'm going to excuse you
21 from this department. You know, we have 32 district court
22 departments. Half of them are in civil session, half are in
23 criminal session. So you would eligible for a civil trial,
24 which would be a dispute between two private parties. So I'm
25 going to send you back downstairs, sir, and you are excused

1 from this department.

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

4 THE CLERK: Yes, Your Honor. Badge No. 379, Christy
5 Thunstrom.

6 THE COURT: Ms. Thunstrom, if you'd have a seat there
7 in the front row, please. And one moment, please.

8 Good morning. What do you do for a living?

9 PROSPECTIVE JUROR NO. 0379: I'm a part-time teacher
10 assistant and a real estate agent.

11 THE COURT: Okay. Do you work at the -- with the
12 Clark County School District?

13 PROSPECTIVE JUROR NO. 0379: Yes, I do
14 [indiscernible].

15 THE COURT: Okay. And what grade level do you teach?

16 PROSPECTIVE JUROR NO. 0379: Junior high school.

17 THE COURT: All right. And then you're also, you
18 said, a real estate sales person?

19 PROSPECTIVE JUROR NO. 0379: Yes.

20 THE COURT: Do you sell residential or commercial or
21 both?

22 PROSPECTIVE JUROR NO. 0379: Residential.

23 THE COURT: Okay. Are you married?

24 PROSPECTIVE JUROR NO. 0379: Yes.

25 THE COURT: What does your husband do?

1 PROSPECTIVE JUROR NO. 0379: He's a foreman at
2 [indiscernible].

3 THE COURT: Do you have any children?

4 PROSPECTIVE JUROR NO. 0379: I have a 14-year-old
5 daughter.

6 THE COURT: Okay. Have you ever been a juror before?
7 You've heard all of my other --

8 Okay, you need to speak a little bit louder. You
9 have a really soft voice --

10 PROSPECTIVE JUROR NO. 0379: Okay.

11 THE COURT: -- and we'll hand you the microphone if
12 we need to.

13 You've heard all of my questions, if people have been
14 the victims of crime, accused of crime or had family members,
15 anyone close to them; anything like that in your background?
16 Okay. Anything else we should know about you based on all of
17 our questions and discussions with the other prospective
18 jurors?

19 PROSPECTIVE JUROR NO. 0379: No.

20 THE COURT: Okay. Do you think you could be a fair
21 and impartial juror in this case?

22 PROSPECTIVE JUROR NO. 0379: Yes.

23 THE COURT: Okay. Do you have a firearm? Any
24 experience with guns?

25 PROSPECTIVE JUROR NO. 0379: Yes.

1 THE COURT: Okay. Tell me about that.

2 PROSPECTIVE JUROR NO. 0379: My husband owns a lot of
3 guns.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0379: So we go shooting.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0379: I'm familiar with it.

8 THE COURT: Okay. So does he shoot for sport?

9 PROSPECTIVE JUROR NO. 0379: Yes.

10 THE COURT: Okay. Does he do, like, trap shooting or
11 skeet shooting or just target practice or what?

12 PROSPECTIVE JUROR NO. 0379: Yeah. Just target
13 practice.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0379: At the ranges.

16 THE COURT: All right. Do you think you'd be a good
17 juror?

18 PROSPECTIVE JUROR NO. 0379: Yes.

19 THE COURT: And why is that?

20 PROSPECTIVE JUROR NO. 0379: I think it would be
21 interesting to hear the --

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 0379: I think it would be
24 interesting to hear this case --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0379: -- and I can listen.

2 THE COURT: All right. Thank you. State, you may
3 follow up.

4 MS. CHRISTENSEN: Thank you, Your Honor. Ma'am, did
5 you have an interest in law or crime or anything like that
6 before you came in here?

7 PROSPECTIVE JUROR NO. 0379: No.

8 MS. CHRISTENSEN: I'm sorry?

9 THE RECORDER: All right. Ms. -- Ms. Cano.

10 PROSPECTIVE JUROR NO. 0379: No.

11 THE RECORDER: I'm getting her answers because I'm
12 watching her, and you're standing right in front of her, so
13 she needs to speak up or --

14 MS. CHRISTENSEN: I'm sorry. I'll stay out of your
15 line of sight.

16 And so that was just something that you came in here
17 and listening yesterday, as for some people probably, wasn't a
18 good experience sitting all day. But that made you more
19 interested in possibly hearing what this trial was about?

20 PROSPECTIVE JUROR NO. 0379: Yes.

21 MS. CHRISTENSEN: Okay. Did you feel that way when
22 you got your summons?

23 PROSPECTIVE JUROR NO. 0379: No.

24 MS. CHRISTENSEN: Okay. Did you have to reschedule
25 some things in order to be here?

1 PROSPECTIVE JUROR NO. 0379: Yes.

2 MS. CHRISTENSEN: Okay. Can we count on you to pay
3 your full attention during your days here to the testimony and
4 to the witnesses and the evidence that'll be presented?

5 PROSPECTIVE JUROR NO. 0379: Yes.

6 MS. CHRISTENSEN: You heard the judge earlier and
7 yesterday discuss the possible sentencing options, and that
8 you may sit as a sentencing body if the defendant is found
9 guilty of first degree murder. Did you -- would you have any
10 problem with that?

11 PROSPECTIVE JUROR NO. 0379: No.

12 MS. CHRISTENSEN: All three of those sentencing
13 options would be available. Do you have any belief that you
14 couldn't consider any of those?

15 PROSPECTIVE JUROR NO. 0379: No.

16 MS. CHRISTENSEN: Okay. Thank you. I'll pass for
17 cause.

18 THE COURT: All right. Thank you. Defense, you may
19 question.

20 MR. CANO: Thank you. And I'll make sure I stay out
21 of your way so I don't get yelled at. Ms. Thunstrom, what
22 changed your mind from receiving your summons and today?

23 PROSPECTIVE JUROR NO. 0379: Well, I've already been
24 here a whole day, so now I'd like to see it through.

25 MR. CANO: That's all it took was to get you hooked

1 to come back for a second day, huh?

2 PROSPECTIVE JUROR NO. 0379: Yes.

3 MR. CANO: Okay. And did you learn anything from the
4 questions that we're asking some of the other jurors about
5 yourself or about how other people view the world?

6 PROSPECTIVE JUROR NO. 0379: I feel pretty fortunate,
7 I think. I haven't experienced a lot of things that some of
8 these people have.

9 MR. CANO: Okay. There were some things I think are
10 -- I need to cover with you, obviously, because we haven't had
11 a chance to talk. This concept of -- this presumption of
12 innocence, do you believe in that?

13 PROSPECTIVE JUROR NO. 0379: Yes.

14 MR. CANO: Okay. So as Mr. Jones sits right over
15 there, you would agree with the fact that he's innocent of any
16 charges that he's accused of?

17 PROSPECTIVE JUROR NO. 0379: Yes.

18 MR. CANO: Okay. If you had to go back and
19 deliberate, what would you vote?

20 PROSPECTIVE JUROR NO. 0379: Not guilty.

21 MR. CANO: Okay. Now, that being said, the State has
22 the burden to prove their charges, their allegations, because
23 that's what they are. And they're alleging that he committed
24 these crimes. If the State isn't able to prove that Mr. Jones
25 committed these crimes, you know, they may be able to prove a

1 crime was committed, but not necessarily tie Mr. Jones into
2 these crimes. Despite the fact that you may feel he's maybe
3 involved and maybe, you know, somehow, you're not really sure,
4 are you comfortable turning back a verdict of not guilty?

5 PROSPECTIVE JUROR NO. 0379: Yes.

6 MR. CANO: Okay. So you will be able to hold the
7 State to their burden of proof?

8 PROSPECTIVE JUROR NO. 0379: Yes.

9 MR. CANO: Okay. Now, have you had any experiences
10 with friends, family, acquaintances that have had issues with
11 drugs or alcohol?

12 PROSPECTIVE JUROR NO. 0379: Yes.

13 MR. CANO: Tell me about that.

14 PROSPECTIVE JUROR NO. 0379: I have a girlfriend
15 whose husband had an accident at the Columns. He fell down an
16 elevator shaft and died. And she wasn't able to handle it.
17 So --

18 MR. CANO: Can you speak up a little bit louder?

19 PROSPECTIVE JUROR NO. 0379: -- she got involved in
20 drugs. And I know that -- she ended up killing herself, and I
21 don't think she would have if she would have been sober,
22 because she has a little girl that she left and so that's my
23 experience with drugs.

24 MR. CANO: Okay. So she suffered a great tragedy and
25 that kind of got her into the world of drugs?

1 PROSPECTIVE JUROR NO. 0379: Yes.

2 MR. CANO: And that caused another great tragedy for
3 her daughter?

4 PROSPECTIVE JUROR NO. 0379: Yes.

5 MR. CANO: Okay. While she was going through these
6 episodes of the drug use, were you close in her life, were you
7 involved in her life?

8 PROSPECTIVE JUROR NO. 0379: I tried to be in as much
9 as I could.

10 MR. CANO: And would she push you away because of
11 drug use?

12 PROSPECTIVE JUROR NO. 0379: Yes.

13 MR. CANO: Okay. So it altered her behavior and her
14 personality of who she was?

15 PROSPECTIVE JUROR NO. 0379: Yes.

16 MR. CANO: While she was under the influence?

17 PROSPECTIVE JUROR NO. 0379: Yes.

18 MR. CANO: Okay. So it would be fair to say that
19 when she was under the influence that her credibility could be
20 suspect?

21 PROSPECTIVE JUROR NO. 0379: Yes.

22 MR. CANO: You'd agree with that?

23 PROSPECTIVE JUROR NO. 0379: Yes.

24 MR. CANO: And a completely different person when she
25 wasn't under the influence, I would imagine?

1 PROSPECTIVE JUROR NO. 0379: Yes.

2 MR. CANO: Okay. Now, you are a gun user, I guess?

3 PROSPECTIVE JUROR NO. 0379: I've shot guns.

4 MR. CANO: You've shot guns?

5 PROSPECTIVE JUROR NO. 0379: Yes.

6 MR. CANO: You said your husband owns a lot of guns?

7 PROSPECTIVE JUROR NO. 0379: Yes.

8 MR. CANO: What kind of guns does he own?

9 PROSPECTIVE JUROR NO. 0379: AR15, some automatic
10 ones, some smaller ones, handguns.

11 MR. CANO: Okay. Which ones have you shot, all of
12 them?

13 PROSPECTIVE JUROR NO. 0379: Yes.

14 MR. CANO: Okay. Which one's your favorite?

15 PROSPECTIVE JUROR NO. 0379: Automatics.

16 MR. CANO: The automatics? Okay. You do realize
17 there's some differences, obviously, between calibers and
18 different types of guns?

19 PROSPECTIVE JUROR NO. 0379: Yes.

20 MR. CANO: Between the rifles and -- and the
21 handguns?

22 PROSPECTIVE JUROR NO. 0379: Yes.

23 MR. CANO: Okay. And the fact that a gun may have
24 been used in -- in this case to kill someone, does that affect
25 you, prejudice you or bias you one way or the other?

1 PROSPECTIVE JUROR NO. 0379: No.

2 MR. CANO: No? Okay. What qualities do you think
3 that you possess that would make you a good juror?

4 PROSPECTIVE JUROR NO. 0379: I'm a good listener.

5 And I get along well with others, so deliberating with a bunch
6 of people.

7 MR. CANO: Okay. Now, if you're alone, for example,
8 you -- after listening to all the evidence, it is your firm
9 belief that, you know, your decision is the correct decision,
10 and there are 11 other people that disagree with you, are you
11 the type of person that's going to give in to the pressure of
12 the majority, or are you going to stand your ground?

13 PROSPECTIVE JUROR NO. 0379: No, I'll stand my
14 ground.

15 MR. CANO: Despite the fact that may not be a popular
16 decision?

17 PROSPECTIVE JUROR NO. 0379: Yes.

18 MR. CANO: Now, you said you were a teacher, or
19 part-time?

20 PROSPECTIVE JUROR NO. 0379: I'm a teacher's
21 assistant.

22 MR. CANO: Oh, assistant?

23 PROSPECTIVE JUROR NO. 0379: I help with the --
24 they're called resource room children, they're just a little
25 bit lower learning than the regular -- or the other classes.

1 So I assist them.

2 MR. CANO: And you also said you worked in real
3 estate?

4 PROSPECTIVE JUROR NO. 0379: Yes.

5 MR. CANO: Okay. Have you ever worked in a job or
6 position where you were like supervisory or had to settle
7 disputes between parties?

8 PROSPECTIVE JUROR NO. 0379: You have to settle
9 disputes between kids.

10 MR. CANO: Okay. Well, how do you do that? Let's
11 start with that.

12 PROSPECTIVE JUROR NO. 0379: I just listen to both
13 sides and go off of that.

14 MR. CANO: Okay.

15 PROSPECTIVE JUROR NO. 0379: Judge based on the two
16 sides of the story.

17 MR. CANO: All right. And I guess being in a
18 schoolroom setting is a little bit different than being in a
19 courtroom setting?

20 PROSPECTIVE JUROR NO. 0379: Yes.

21 MR. CANO: I'm sure most people believe that there
22 are two sides to every story.

23 PROSPECTIVE JUROR NO. 0379: Yes.

24 MR. CANO: But, you know, because of our
25 Constitution, Mr. Jones doesn't have to get up there to

1 testify. Are you comfortable with that?

2 PROSPECTIVE JUROR NO. 0379: Yes.

3 MR. CANO: Okay. Do you still think you can fether
4 out through the evidence and -- and what you believe had
5 happened despite the fact that you may not hear from Mr.
6 Jones?

7 PROSPECTIVE JUROR NO. 0379: Yes.

8 MR. CANO: Okay. Would you hold that against him
9 that he didn't get up to give his side?

10 PROSPECTIVE JUROR NO. 0379: No.

11 MR. CANO: All right. Now, there were three possible
12 punishments to be considered here if we get to that place.
13 And I've mentioned probably too many times, but we're not
14 conceding the trial phase at all. But we have to talk about
15 it, obviously. If you're not able to consider all three
16 punishments, [indiscernible] the case, doesn't mean you might
17 not be a good juror, this just may not be the case for you.

18 Give me your thoughts on the three possible
19 punishments. Do you recall what they were?

20 PROSPECTIVE JUROR NO. 0379: Yes.

21 MR. CANO: Okay.

22 PROSPECTIVE JUROR NO. 0379: I'm okay with that. I
23 don't know, what's the question?

24 MR. CANO: Well, what are your thoughts on that? I
25 mean, obviously, if he's convicted -- only if he's convicted

1 of first degree murder, there's a possibility of, like, that
2 possibility of parole --

3 PROSPECTIVE JUROR NO. 0379: Right.

4 MR. CANO: -- you know, parole, but only after 20
5 years has been served with life term, and a term of years of
6 20 to 50 years. Could you give parole to somebody who, in the
7 first phase you've just a day before or maybe earlier that
8 day, had just found him guilty of deliberately committing
9 first degree murder, premeditated deliberate first degree
10 murder. Now you have to make a decision what the proper
11 punishment is. Could you consider giving that person parole?
12 Do you think that's a proper punishment to take into
13 consideration?

14 PROSPECTIVE JUROR NO. 0379: Yes.

15 MR. CANO: Okay. As well as the others that are
16 available?

17 PROSPECTIVE JUROR NO. 0379: Yes.

18 MR. CANO: Pass, Your Honor.

19 THE COURT: All right. Thank you. I believe we're
20 on defendant's seventh challenge.

21 MR. CANO: Yes, Your Honor. We would thank and
22 excuse Mrs. Johns, Juror No. 330.

23 THE COURT: All right. Mrs. Johns, thank you very
24 much for being here and your willingness to serve as a juror.
25 Ma'am, you are excused.

1 And the clerk will please call up the next
2 prospective juror.

3 THE CLERK: Yes, Your Honor. That'll be Badge No.
4 380, Susan Bertin.

5 THE COURT: And Ms. Bertin, if you -- excuse me -- if
6 you'd have that empty chair there in the back row, please.

7 Good morning. What do you do for a living?

8 PROSPECTIVE JUROR NO. 0380: I work at Walmart.

9 THE COURT: Okay. What do you do for Walmart?

10 PROSPECTIVE JUROR NO. 0380: I work in the photo lab.

11 THE COURT: Okay. And are you married?

12 PROSPECTIVE JUROR NO. 0380: No.

13 THE COURT: Any children?

14 PROSPECTIVE JUROR NO. 0380: No.

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

16 PROSPECTIVE JUROR NO. 0380: Close.

17 THE COURT: Okay. Have you actually gotten to the
18 box where --

19 PROSPECTIVE JUROR NO. 0380: I -- yes, I got to this
20 part.

21 THE COURT: But you never got picked? Okay. Maybe
22 you'll have better luck this time. You've heard me and the
23 lawyers ask all these questions, people are victims of crime,
24 accused of crime, had people in their family that that
25 happened to or family members, law enforcement. Any of those

1 you would have had to raise your hand and answer in the
2 affirmative and say yes, that pertains to me or someone I'm
3 close with?

4 PROSPECTIVE JUROR NO. 0380: Well, just the drug use
5 part.

6 THE COURT: Okay. Tell me about that.

7 PROSPECTIVE JUROR NO. 0380: In my early 20s I fell
8 into the wrong crowd and had issues with methamphetamines.

9 THE COURT: Okay. And where -- were you living here
10 in Clark County at the time?

11 PROSPECTIVE JUROR NO. 0380: Yes.

12 THE COURT: Okay. As a result of your drug problems,
13 did you ever have any negative contacts with law enforcement,
14 like you were arrested?

15 PROSPECTIVE JUROR NO. 0380: No.

16 THE COURT: Nothing? Okay. And how did you -- how
17 did you manage to address your drug issue; did you do
18 counseling or did you just kind of work through it yourself
19 or?

20 PROSPECTIVE JUROR NO. 0380: Just decided it was time
21 to quit.

22 THE COURT: Okay. And the crowd, the people you were
23 hanging with at that time, do you know if any of them were
24 having negative contacts with law enforcement, I mean, were
25 they getting arrested for drugs or anything like that?

1 PROSPECTIVE JUROR NO. 0380: No. One of them did
2 die, though, from an overdose.

3 THE COURT: Oh. From an overdose? Okay. Were you
4 close with that person?

5 PROSPECTIVE JUROR NO. 0380: Not really, no.

6 THE COURT: Okay. Anything in your background or
7 your family background that would impact your ability to be
8 fair and impartial in this case? Can you keep an open mind
9 and base your verdict just on the evidence that's presented?

10 PROSPECTIVE JUROR NO. 0380: Yes.

11 THE COURT: All right. Thank you. State, you may
12 follow up.

13 MS. CHRISTENSEN: Thank you, Your Honor. How long
14 did you have that addiction?

15 PROSPECTIVE JUROR NO. 0380: About five and a half
16 years.

17 MS. CHRISTENSEN: Okay. And you're standing here
18 today having kicked it?

19 PROSPECTIVE JUROR NO. 0380: I kicked it. Clean and
20 sober for nine and a half years now.

21 MS. CHRISTENSEN: Nine and a half years. Okay.
22 That's great. When you -- do you have memories of that time
23 period of your life?

24 PROSPECTIVE JUROR NO. 0380: Vague.

25 MS. CHRISTENSEN: Okay.

1 PROSPECTIVE JUROR NO. 0380: I try and block it out.

2 THE RECORDER: Sorry? I didn't hear that last part.

3 THE COURT: I try and block it.

4 MS. CHRISTENSEN: Probably blocking [indiscernible].

5 You try to block it out now. During the time that it
6 happened, would you be able to remember things that had
7 happened?

8 PROSPECTIVE JUROR NO. 0380: I remember stealing from
9 my family.

10 MS. CHRISTENSEN: Okay. Obviously, those are things
11 that you don't want to remember --

12 PROSPECTIVE JUROR NO. 0380: Yeah.

13 MS. CHRISTENSEN: -- because it turns you into a
14 different person sometimes. But what I'm asking is if you did
15 something and then told -- could you tell someone about what
16 you did three hours later?

17 PROSPECTIVE JUROR NO. 0380: Oh, yes.

18 MS. CHRISTENSEN: You would remember what you did?

19 PROSPECTIVE JUROR NO. 0380: Yes.

20 MS. CHRISTENSEN: You would remember what you saw?

21 PROSPECTIVE JUROR NO. 0380: Yes.

22 MS. CHRISTENSEN: You would remember what you
23 observed?

24 PROSPECTIVE JUROR NO. 0380: Yes.

25 MS. CHRISTENSEN: Did it cause you to hallucinate?

1 PROSPECTIVE JUROR NO. 0380: When I started coming
2 down [indiscernible], I would start hallucinating and seeing
3 things that weren't really there.

4 MS. CHRISTENSEN: Like what?

5 PROSPECTIVE JUROR NO. 0380: Like visions coming out
6 of a TV that wasn't even on.

7 MS. CHRISTENSEN: Okay. So ghost type --

8 PROSPECTIVE JUROR NO. 0380: Yeah.

9 MS. CHRISTENSEN: -- visions? Okay. And -- and was
10 methamphetamine the only thing that you were on at the time?

11 PROSPECTIVE JUROR NO. 0380: Yes.

12 MS. CHRISTENSEN: Okay. Have you ever used any other
13 drugs?

14 PROSPECTIVE JUROR NO. 0380: I have experimented with
15 acid and marijuana, and that's pretty much it.

16 MS. CHRISTENSEN: Okay. Cocaine?

17 PROSPECTIVE JUROR NO. 0380: Once.

18 MS. CHRISTENSEN: Okay. And how did that affect your
19 ability to observe things?

20 PROSPECTIVE JUROR NO. 0380: Not very well.

21 MS. CHRISTENSEN: What do you mean by that?

22 PROSPECTIVE JUROR NO. 0380: It would slow me down
23 where I just -- I wouldn't be able to focus.

24 MS. CHRISTENSEN: Okay. Cocaine slowed you down?

25 PROSPECTIVE JUROR NO. 0380: Yes.

1 MS. CHRISTENSEN: When you were under the influence
2 of those things, it changed your behavior, you said it changed
3 who you were, you stole from --

4 PROSPECTIVE JUROR NO. 0380: Yes.

5 MS. CHRISTENSEN: -- people you loved. But would you
6 still be able to explain things that had happened during your
7 day, things of that nature?

8 PROSPECTIVE JUROR NO. 0380: On paper. I used to be
9 able to write it in poetry.

10 MS. CHRISTENSEN: Okay. After -- when -- let's take
11 the example that I gave you a couple of minutes ago about,
12 like, three hours later, are you able to tell your friend what
13 happened earlier that day; how about a year later would you be
14 able to remember something that had happened, or does that
15 affect your long-term memory?

16 PROSPECTIVE JUROR NO. 0380: There are times I do
17 tend to forget, unless somebody gives me, you know, things
18 that actually happened, then it helps me remember.

19 MS. CHRISTENSEN: And then that'll trigger your
20 memory into, Oh, yeah, I do remember that?

21 PROSPECTIVE JUROR NO. 0380: Yes.

22 MS. CHRISTENSEN: Okay. Are you nervous to be here?

23 PROSPECTIVE JUROR NO. 0380: A little bit.

24 MS. CHRISTENSEN: Are you just nervous to speak in
25 front of others?

1 PROSPECTIVE JUROR NO. 0380: Yeah. I'm not a very
2 good public speaker.

3 MS. CHRISTENSEN: Okay. Is there any other reason
4 that you're nervous to be here, that you -- that you don't --
5 that you're not comfortable here?

6 PROSPECTIVE JUROR NO. 0380: No.

7 MS. CHRISTENSEN: Okay. Is there anything that jumps
8 at you about this case, the nature of the case, things that
9 we've told you that you might hear about that would cause you
10 to believe you wouldn't be able to be able to be fair to both
11 sides in the case?

12 PROSPECTIVE JUROR NO. 0380: No.

13 MS. CHRISTENSEN: Okay. Now, the defense attorney,
14 Mr. Cano, has said to several different people that, of
15 course, under the criminal justice system, the Constitution,
16 when the State has not presented evidence, the defendant has a
17 presumption of innocence. However, once we present evidence
18 and once we've proved beyond a reasonable doubt that he's
19 guilty, do you have any problem going back and deliberating
20 and saying, Yes, I find him guilty?

21 PROSPECTIVE JUROR NO. 0380: No. Not at all.

22 MS. CHRISTENSEN: Okay. Thank you. I'll pass for
23 cause.

24 THE COURT: All right. Thank you. Defense, you may
25 follow up.

1 MR. CANO: Thank you, Your Honor. Ms. Bertin, I'm
2 not trying to give the impression that someone under the
3 influence doesn't see something or doesn't hear something. It
4 happens. But would you agree with me that when someone is
5 under the influence, then, because you're under the influence,
6 that can affect your perceptions of things?

7 PROSPECTIVE JUROR NO. 0380: Yes.

8 MR. CANO: So what you think may happen may not --
9 like, for example, there was a camera observing a segment,
10 incidents, that is going on, and someone's under the
11 influence, their perspective of what they think happened or
12 may have happened or not have happened would be vastly
13 different than, say, that camera. Would you agree with that?

14 PROSPECTIVE JUROR NO. 0380: I would, yes.

15 MR. CANO: Okay. And was that your experience when
16 you were under the influence?

17 PROSPECTIVE JUROR NO. 0380: Yes, it was.

18 MR. CANO: Okay. Would you agree that the people
19 that you were doing drugs with at that time, that it would
20 affect them, as well?

21 PROSPECTIVE JUROR NO. 0380: Yes.

22 MR. CANO: So would it be difficult while -- during
23 that period of time -- I hate to hark back on it, because I
24 know you're trying to get past that -- but would it be
25 difficult to -- to tell the credibility of some of your

1 associates at that time, you know, depend -- you know, when
2 they were describing an incident or situation? Did you
3 question it?

4 PROSPECTIVE JUROR NO. 0380: I -- I would now.

5 MR. CANO: Okay. Now, under a clean and sober
6 mind --

7 PROSPECTIVE JUROR NO. 0380: Under a clean mind, yes.

8 MR. CANO: You -- you'd question did I really see or
9 hear or is that what really happened or is that what they
10 thought had happened; would that be a fair statement?

11 PROSPECTIVE JUROR NO. 0380: Yes.

12 MR. CANO: Okay. You have any experiences with guns
13 or weapons or being around them?

14 PROSPECTIVE JUROR NO. 0380: I have been around them.
15 My best friend owns a gun, a .38 Special.

16 MR. CANO: Okay. Have you shot a gun before?

17 PROSPECTIVE JUROR NO. 0380: I have years ago.

18 MR. CANO: So you're somewhat familiar with them?

19 PROSPECTIVE JUROR NO. 0380: A little bit.

20 MR. CANO: A little bit? You realize there are
21 different calibers of guns --

22 PROSPECTIVE JUROR NO. 0380: Yes.

23 MR. CANO: -- not every bullet or cartridge fits into
24 every other gun, they're not interchangeable?

25 PROSPECTIVE JUROR NO. 0380: Yes.

1 MR. CANO: Now, talk a little bit about this
2 presumption of innocence of Mr. Jones right now. Do you agree
3 and believe in the concept?

4 PROSPECTIVE JUROR NO. 0380: Yes, I do.

5 MR. CANO: Okay. Back in the day when you were, you
6 know, going through -- through your drug issues, did you have
7 friends that were involved in the criminal justice system?

8 PROSPECTIVE JUROR NO. 0380: No.

9 MR. CANO: No? So you were fortunate that you didn't
10 have to go through that?

11 PROSPECTIVE JUROR NO. 0380: Yeah, fortunate, yes.

12 MR. CANO: Okay. Now, if you had to go vote right
13 now as to whether Mr. Jones is guilty or not guilty, what
14 would your vote be?

15 PROSPECTIVE JUROR NO. 0380: [Indiscernible] not
16 guilty.

17 MR. CANO: Right now?

18 PROSPECTIVE JUROR NO. 0380: Until I hear the rest of
19 the evidence.

20 MR. CANO: Right. Now, the State's going to bring
21 witnesses to testify, and that's what the evidence is going to
22 consist of, the testimony of the witnesses that they bring up
23 and if there's any documents, also, that come into evidence,
24 that's -- that's what the case is made up about. State may
25 bring up 100 people to testify, but they still haven't been

1 able to prove their case, what would you [indiscernible] then?

2 PROSPECTIVE JUROR NO. 0380: Probably still not
3 guilty, if it wasn't proven.

4 MR. CANO: Okay. So you're comfortable holding them
5 to that burden of proof?

6 PROSPECTIVE JUROR NO. 0380: Yes.

7 MR. CANO: Now, there are three possible punishments
8 you can take into consideration. And that's because open
9 murder cases are different in the state of Nevada, and
10 potentially, if and only -- if he's convicted of first degree
11 murder do we get to that second phase. I think you probably
12 heard that before, we discussed it a little bit yesterday.

13 PROSPECTIVE JUROR NO. 0380: Yes.

14 MR. CANO: Okay. What are your thoughts on available
15 punishments? Do you think that those are appropriate?

16 PROSPECTIVE JUROR NO. 0380: I think they're fair.

17 MR. CANO: Okay. Would you be able to take them into
18 consideration?

19 PROSPECTIVE JUROR NO. 0380: Yes.

20 MR. CANO: And -- and give him a proper sentence in
21 this case?

22 PROSPECTIVE JUROR NO. 0380: Of course. Yes.

23 MR. CANO: What would be important for you to know
24 before you make that decision as to what the proper sentence
25 is? You -- you would have already heard the case. So you

1 know what the facts of the case are. You've already made your
2 decision on that portion of it. What other information do you
3 think you may want to know before you make the decision
4 [indiscernible] what the proper punishment should be?

5 PROSPECTIVE JUROR NO. 0380: I don't know.

6 MR. CANO: Would it be important to know about the
7 deceased?

8 PROSPECTIVE JUROR NO. 0380: Oh, yes.

9 MR. CANO: Maybe the impact that it had on his
10 family?

11 PROSPECTIVE JUROR NO. 0380: Well, knowing the
12 situation would help, too. What brought it to that.

13 MR. CANO: Well, you would have heard that in the --
14 in the trial phase, obviously. What about Mr. Jones, would it
15 be important to know about Mr. Jones?

16 PROSPECTIVE JUROR NO. 0380: His background,
17 probably.

18 MR. CANO: Okay. Would you want to know in as much
19 as you could about him --

20 PROSPECTIVE JUROR NO. 0380: Yes.

21 MR. CANO: -- in order to make that decision?

22 PROSPECTIVE JUROR NO. 0380: Of course.

23 MR. CANO: Okay. Now, considering if we get to that
24 penalty phase, you made a decision that, you know, Mr. Jones
25 had committed premeditated deliberate murder, could you

1 consider giving him parole?

2 PROSPECTIVE JUROR NO. 0380: Yes.

3 MR. CANO: Okay. Term of the years, 20 to 50, as
4 well as 20 to life? The two different options, they sound
5 similar, but they're different.

6 PROSPECTIVE JUROR NO. 0380: Probably the first one.

7 MR. CANO: Could you take them into consideration all
8 the --

9 PROSPECTIVE JUROR NO. 0380: Yes.

10 MR. CANO: -- all the [indiscernible]?

11 PROSPECTIVE JUROR NO. 0380: Yes.

12 MR. CANO: Okay. Pass [indiscernible].

13 THE COURT: All right. Thank you. I believe we're
14 on the State's eighth.

15 MS. CHRISTENSEN: Court's indulgence. Your Honor,
16 we'll waive.

17 THE COURT: All right. Thank you. Defense's eighth.

18 MR. CANO: Court's indulgence. Court's indulgence.
19 We'll waive, Your Honor.

20 THE COURT: All right. Thank you. State's ninth.

21 MS. CHRISTENSEN: We'll waive.

22 THE COURT: Defendant's ninth.

23 MR. CANO: We'll waive.

24 THE COURT: All right. Thank you. Ladies and
25 gentlemen, all of the challenges having been either exercised

1 or waived. You are the 14 members of the jury.

2 The rest of you, thank you for being here. I
3 apologize the jury selection took so long and that you had to
4 come back a second day, but I'm sure you can all appreciate
5 how extremely important it is for both sides to thoroughly vet
6 the prospective jurors and for both sides to make sure that
7 they have 14 people who are open-minded and who are not biased
8 in any way. And so thank you for your patience, and thank you
9 all for being here.

10 The 14 ladies and gentlemen who are the jurors,
11 please remain there. The rest of you, please follow our
12 marshal through the double doors and he'll give you direction
13 in the hallway.

14 (Remaining prospective jury panel dismissed.)

15 THE COURT: Is everyone okay without a break or does
16 anyone need a break?

17 JUROR NO. 217: Can I just go pee really quick,
18 please?

19 THE COURT: Okay. The way it works is, yes. But
20 when the jury is seated we all take our breaks together.

21 JUROR NO. 217: Okay. I'll wait.

22 THE COURT: It's not like during jury selection
23 where --

24 JUROR NO. 217: Okay.

25 THE COURT: -- you can kind of come and go. We all

1 -- we're all -- we're all in this --

2 JUROR NO. 217: I'll wait, then. It's okay.

3 THE COURT: If you need to go, we can take a quick
4 break. And then we'll do some introductory comments and then
5 take our lunch break. So, of course, remember the admonition
6 not to discuss anything or do anything relating to the case,
7 and ladies and gentlemen, just exit through the door, let's
8 just take a real quick break of 10 minutes.

9 We're just taking a real quick 10-minute break,
10 Kenny.

11 THE MARSHAL: Okay.

12 (Court recesses at 11:30 a.m.; until 11:36 a.m.)

13 (Outside the presence of the jury.)

14 MR. PIKE: Your Honor, before we bring the jury in,
15 Mr. Cano will make a record --

16 THE COURT: I'm sorry?

17 MR. PIKE: Before we bring the jury in --

18 THE COURT: Oh, we do have to make a record.

19 MR. PIKE: -- I have -- a record. Yeah.

20 THE COURT: Are we on the record?

21 THE RECORDER: Yes.

22 THE COURT: Okay. Go ahead.

23 MR. PIKE: Thank you, Your Honor. In reference to
24 Proposed Juror No. 353, we approached the bench and Mr. Cano
25 made a challenge for cause that was traversed by the State.

1 The Court denied that.

2 THE COURT: Was that the Spanish-speaking person who
3 had said -- or who had said initially -- was that the --

4 MR. PIKE: No. No, that was --

5 THE COURT: -- or that was --

6 MR. PIKE: -- Glenn Gunderson.

7 THE COURT: Oh, Mr. Gunderson. Right.

8 MR. PIKE: Yeah.

9 THE COURT: Right. Mr. Cano had challenged him
10 saying that he didn't feel that he could consider the term of
11 years of the 20 to 50, State opposed it.

12 MR. PIKE: That's correct.

13 THE COURT: My feeling was that he had said, Well, if
14 it's premeditated, but he was using premeditated not in the
15 legal way that we all use it, but to refer to a situation
16 where somebody had had an ongoing beef or dispute with
17 somebody and that they planned out the murder. And he did say
18 he would consider all three, the life without, the life with,
19 and the 20-to-50. So --

20 MR. PIKE: That is correct.

21 THE COURT: -- I think his comments speak, you know,
22 the record speaks for itself in terms of what he said.

23 MR. PIKE: And --

24 THE COURT: And then the other one was from
25 yesterday, the Spanish-speaking person, and I don't remember

1 his juror number.

2 MR. PIKE: That was, let's see --

3 MS. CHRISTENSEN: I think it was 251, Mr. Tereso
4 Pacheco.

5 MR. PIKE: That's right.

6 THE COURT: Okay. And he had been all fine with the
7 English. And then when he said, Oh, well, when he had to do
8 penalty, he says something, he's afraid he wouldn't understand
9 everything.

10 MS. CHRISTENSEN: And it was in conjunction at the
11 same time of him saying he was uncomfortable with the
12 sentencing aspect of it.

13 THE COURT: Right. I -- I felt, if you looked at the
14 -- I mean, you know, it didn't make sense to me that he felt
15 like he could speak English well enough to sit on a jury and
16 decide something as important as whether somebody was guilty
17 or not guilty of murder, and then -- so it seemed like he --
18 he just was uncomfortable doing the penalty. But standard
19 isn't whether you're comfortable, the standard is whether you
20 can do it and consider all three things.

21 Once again, the record will speak for itself in terms
22 of what he actually -- actually said. But again, it doesn't
23 make sense to me that somebody could speak English well enough
24 to decide guilt or not guilt. But not speak English well
25 enough to decide penalty. So --

1 MR. CANO: And, for the record, Your Honor, just in
2 conjunction with this, you did excuse one of the jurors
3 because they have language issues that they said they only
4 understood [indiscernible].

5 THE COURT: Well, I don't -- here's on that, they
6 said they have language issues. And once the state of the
7 record, you know, she said she was only understanding 80
8 percent, whether she did or not, and no one opposed --

9 MS. CHRISTENSEN: Right, Your Honor --

10 THE COURT: -- excusing her, either.

11 MS. CHRISTENSEN: -- that's what I wanted to bring
12 up, is we all came to the bench, you asked us, does anyone
13 have an objection to letting her go, and it was agreed that
14 she be let go. It wasn't over the defense objection. She was
15 let go because she was a Spanish-speaker.

16 MR. PIKE: That was -- that was Juror 365, Norma
17 Ramos.

18 MS. CHRISTENSEN: Right. Correct.

19 MR. PANDELIS: And with Mr. Pacheco, who I believe
20 that's his name, prior to that issue when we were discussing
21 penalty coming up, everybody was questioning back and forth
22 with him when he was able to engage in dialogue, prior to that
23 other issue coming up.

24 THE COURT: Right. In terms of the other Spanish
25 speaker, no one objected to excusing her. She seemed to me

1 somewhat deliberate in trying to appear to not be a very
2 gifted English speaker. You know, and so I called everyone to
3 the bench because it didn't make sense to waste a lot of time
4 with someone that was going to go out of their way to be
5 disqualified.

6 So, you know, who knows if she really speaks English
7 or doesn't speak English. I mean, she, you know, she finished
8 high school in Mexico and went to secretarial school, which
9 puts her well above, you know, many other Mexican immigrants
10 who didn't finish high school and certainly didn't attend any
11 English training.

12 But, again, you know, she -- my feeling was she
13 didn't, you know, she seemed to -- to stress her language
14 inadequacies.

15 MR. PIKE: And for the record, we reviewed the -- the
16 peremptory challenges by the State and there -- there being an
17 absence of -- of any basis for that, there were no Batson
18 challenges that were made --

19 THE COURT: Right.

20 MR. PIKE: -- that -- and we don't -- so there isn't
21 any record that we made -- need to make --

22 THE COURT: Okay.

23 MR. PIKE: -- in reference to that. But I know the
24 reviewing court is only --

25 THE COURT: I'm sorry?

1 MR. PIKE: I know the reviewing court wants to know
2 whether or not there are Batson issues, whether we considered
3 them, and that's part of the evaluation that we have to do as
4 counsel during the selection of a jury.

5 MR. JONES: What does that mean? I don't understand
6 that, Your Honor.

7 MR. CANO: We'll explain it to him.

8 MR. PIKE: We'll explain it to him.

9 THE COURT: Yeah. Basic -- in a nutshell, if there's
10 anything to suggest that their peremptory challenges were
11 motivated by race or ethnicity or some other inappropriate
12 motivation, then they make a record of it, and then they're
13 saying, well, no, there was nothing here. And, in fact,
14 although there were no African-Americans in the panel, as you
15 pointed out last time, there are various ethnic minorities who
16 were --

17 MR. JONES: That's what I was going to say.

18 THE COURT: -- present on the jury, such as the
19 physician who's from the Philippines and is obviously Asian.
20 So that's what -- that's what they're -- Mr. Pike is saying.

21 MR. PIKE: Thank you. State --

22 MR. JONES: I was going to bring up my issue, Your
23 Honor. I didn't waive the -- I didn't waive when you asked
24 was the court -- the defense satisfied with the waiving of the
25 business of the last juror or anything of that sort, I was not

1 -- I didn't waive, I told him I didn't want to waive that, I
2 -- I wanted to keep picking jurors. I had a couple other
3 jurors on the bench that I want to dismiss. They totally --
4 defense counsel totally disregarded that fact and said, you
5 know, I want to waive. And I didn't want to waive.

6 MR. PIKE: We reviewed the upcoming jurors and
7 anticipate -- and based upon the observations, it appeared
8 that they were much more conservative, would be more
9 pro-State, and there were articulable reasons as to why it was
10 not appropriate at that time. And while we considered his
11 input and offered a list of proposed --

12 MR. CANO: It was counsel's strategic decision to
13 waive.

14 THE COURT: Right. Basically, you know, that's why
15 we do it in order, so that you can anticipate who's coming up
16 and whether you're going to get somebody worse, number one.
17 Number two, had they -- had they exercised all of them, the
18 ninth one would have been on Chair 6 and 7, which are your
19 alternate chairs, anyway. So they couldn't have -- they only
20 had one left on the regular jury, not two on the regular jury.
21 So the alternates are only going to be relevant if we call in
22 an alternate.

23 So in any event. All right, then. Kenny, bring the
24 jurors in.

25 MR. PIKE: Thank you, Your Honor.

1 MR. CANO: You're going to give them instructions and
2 then we'll open after lunch?

3 THE COURT: Then we'll go to lunch, yeah.

4 MR. CANO: Thank you.

5 THE COURT: Because apparently we need to set up if
6 something -- and the JAVS people are going to come in and --

7 MR. CANO: Thank you, Your Honor.

8 THE COURT: -- figure it out.

9 MR. CANO: Thank you.

10 MR. PIKE: Yeah. We checked ours and it was fine.

11 THE COURT: Yeah. And do you have the information?

12 And just for the record, the other jurors who were
13 excused for cause were agreed to at the bench. The -- they
14 met a for cause, correct?

15 MR. PIKE: That's correct.

16 MR. CANO: Yes, Your Honor.

17 MR. PIKE: And that would have been --

18 THE COURT: It was all the people we told they had to
19 have civil hearings.

20 MR. PIKE: 373, yeah.

21 THE MARSHAL: All rise for the jury.

22 (Jury reconvenes at 11:45 a.m.)

23 THE MARSHAL: Thank you, you may be seated.

24 THE COURT: All right. Court is now back in session.

25 The record should reflect the presence of the State, the

1 defendant and his counsel, the officers of the court, and the
2 ladies and gentlemen of the jury.

3 And ladies and gentlemen, if you will please stand,
4 the clerk is going to administer the oath to the members of
5 the jury.

6 (Oath administered.)

7 THE CLERK: Thank you. Please be seated.

8 THE COURT: All right. The marshal is going to pass
9 out some pads that you can all use during the course of the
10 trial to take notes. He's also after that going to give you
11 some blue badges that identify you as Department 21 jurors.
12 It's important that you wear the blue badges when you're in
13 and around the building, so people can recognize you as jurors
14 and somebody doesn't, you know, start talking about the case
15 in your presence, not realizing that you are here serving as a
16 juror in this matter.

17 I'm now going to take a few minutes to talk to you
18 about what to expect in this case. My comments are intended
19 to serve as an introduction to the trial. At the conclusion
20 of the trial, I will give you more detailed instructions in
21 writing. And those detailed instructions will control your
22 deliberations.

23 This is a criminal case brought by the State of
24 Nevada against the defendant. The case is based on an
25 information. The clerk will now read the information and

1 state the plea of the defendant.

2 THE CLERK: District Court, Clark County, Nevada, the
3 State of Nevada, plaintiff, versus Jason Jones, the defendant,
4 in Case No. C12285488 in Department 21.

5 State of Nevada, County of Clark, Steven B. Wolfson,
6 District Attorney within and for the County of Clark, State of
7 Nevada, in the name and by the authority of the State of
8 Nevada, informs the Court that Jason Jones, the defendant,
9 above name, having committed the crime of murder with use of a
10 deadly weapon, a Category F felony.

11 On or about the 17th day of June, 2012, within the
12 County of Clark, State of Nevada, contrary to the form, force
13 and effect of Statute and such case may -- made and provided
14 and against the peace and dignity of the State of Nevada did
15 then and there willfully, feloniously, without authority of
16 law, and with premeditation and deliberation, and with malice
17 aforethought, kill Jaime Corona, a human being, by defendant
18 shooting at and into the body of the said Jaime Corona with a
19 deadly weapon, to which the defendant has entered a plea of
20 not guilty.

21 THE COURT: All right. Ladies and gentlemen, you
22 should distinctly understand that the information just read to
23 you is simply a description of the charge made by the State
24 against the defendant. It is not evidence of anything, it
25 does not prove anything. Therefore, the defendant starts out

1 with a clean slate. The defendant has plead not guilty and is
2 presumed innocent.

3 This is a criminal case, and there are two basic
4 rules you must keep in mind. First, the defendant is presumed
5 innocent unless and until proved guilty beyond a reasonable
6 doubt. The defendant is not required to present any evidence
7 or prove his innocence. The law never imposes upon a
8 defendant in a criminal case the burden of calling any
9 witnesses or introducing any evidence.

10 Second, to convict, the State must prove beyond a
11 reasonable doubt that the crime was committed and that the
12 defendant is the person who committed the crime.

13 It will be your duty as jurors to decide from the
14 evidence to be presented whether the defendant is guilty or
15 not guilty. You are the sole judges of the facts. You will
16 decide what the facts are from the evidence which will be
17 presented. The evidence will consist of testimony of
18 witnesses from the witness stand right there, and documents
19 and other things received into evidence as exhibits.

20 You must apply the facts to the law, which I shall
21 give you, and in that way reach your verdict. It is important
22 you perform your duty of determining the facts diligently and
23 conscientiously, for ordinarily there is no way of correcting
24 an erroneous determination of facts by the jury.

25 You should not take anything I may say or do during

1 the trial as indicating my opinion as to how you should decide
2 the case, or to influence you in any way in your determination
3 of the facts. At times, I may even ask questions of
4 witnesses. If I do so it is for the purpose of bringing out
5 matters which should be brought out and not in any way to
6 indicate my opinion about the facts or to indicate the weight
7 or value you should give the testimony of a witness.

8 There are two kinds of evidence, direct and
9 circumstantial. Direct evidence is testimony about what the
10 witness personally saw, heard, or did. Circumstantial
11 evidence is indirect evidence, is proof of one or more facts
12 from which one can find another fact. By way of example, if
13 you wake up in the morning and see the ground, the sidewalks
14 and the streets are all wet and water is running down the
15 gutters, you may find from those facts that it rained during
16 the night. It is proof of one or more facts from which you
17 can find another fact. Conversely, if you were awake during
18 the night and saw the rain fall, that would be direct
19 evidence, which is something you personally saw.

20 You may consider both direct and circumstantial
21 evidence in deciding this case. The law permits you to give
22 equal weight or value to both, but it is for you to decide how
23 much consideration to give to any evidence. Certain things
24 are not evidence and you must not consider them as evidence in
25 deciding the facts of this case. They include statements and

1 arguments by the attorneys, questions and objections of the
2 attorney, testimony instructs you to disregard anything you
3 may see or hear if court is not in session, even if what you
4 see or hear is done or said by one of the witnesses.

5 Remember, evidence is sworn testimony by a witness while court
6 is in session and documents and other things received into
7 evidence as exhibits.

8 There are rules of law which control what can be
9 received into evidence. When a lawyer asks a question or
10 offers an exhibit into evidence, and the lawyer on the other
11 side thinks it is not permitted by the rules, that lawyer may
12 object. If I overrule the objection, the question can be
13 answered or the exhibit received. If I sustain the objection,
14 the question cannot be answered or the exhibit cannot be
15 received. Whenever I sustain an objection to a question,
16 ignore the question and do not guess or speculate as to what
17 the answer might have been.

18 Sometimes I may order evidence stricken from the
19 record and tell you to disregard or ignore such evidence.
20 This means that when you are deciding the case, you must not
21 consider the evidence which I told you to disregard.

22 It is the duty of the lawyer to object to evidence
23 which that lawyer believes is not permitted under the rules.
24 You should not be prejudiced in any way against the lawyer or
25 his client, the party he represents, because a lawyer has made

1 an objection.

2 Also, I may find it necessary to admonish a lawyer.
3 If I do so, you should not be prejudiced toward the lawyer or
4 client because I found it necessary to admonish him or her.

5 You are not to concern yourself in any way with the
6 sentence which the defendant might receive if you should find
7 the defendant guilty during the guilt phase, this first phase
8 of the trial. Only if you find the defendant guilty of first
9 degree murder will the jury decide the sentence the defendant
10 may receive.

11 At the end of the trial you will have to make your
12 decision based on what you recall of the evidence. You will
13 not have a written transcript to consult and it's difficult
14 and time consuming for the court recorder to play back lengthy
15 testimony. Therefore, I urge you to pay close attention to
16 the testimony as it is given.

17 If you wish, you may take notes to help you remember
18 what witnesses said. If you do take notes, please keep them
19 to yourself until you and your fellow jurors have gone into
20 the jury deliberation room to decide the case.

21 Do not let note-taking distract you so that you do
22 not hear other answers by witnesses. You should rely upon
23 your own memory of what was said and not be overly influenced
24 by the notes of other jurors.

25 Do not make up your mind about what the verdict

1 should be until after you've gone to the jury room to decide
2 the case and you and your fellow jurors have discussed the
3 evidence. It is important that you keep an open mind.

4 A juror may not declare to a fellow juror any fact
5 relating to this case of which the juror has knowledge. If
6 any juror discovers during the trial or after the jury has
7 retired that that juror or any other juror has personal
8 knowledge of any fact and controversy in this case, that juror
9 shall disclose that situation to me in the absence of the
10 other jurors. This means that if you learn during the course
11 of the trial that you have personal knowledge of any fact
12 which is not presented by the evidence in this case, you must
13 declare that fact to me. You would communicate to the Court
14 through the bailiff.

15 During the course of this trial, the attorneys for
16 both sides and all court personnel other than the bailiff are
17 not permitted to converse with members of the jury. These
18 individuals are not being antisocial. They are bound by
19 ethics and the law not to talk to you. To do so might
20 contaminate your verdict.

21 The trial proceeds in the following manner. The
22 deputy district attorney will make an opening statement, which
23 is an outline to help you understand what the State expects to
24 prove. Next, the defendant's attorney may, but does not have
25 to make an opening statement. Opening statements serve as an

1 introduction to the evidence which the party making the
2 statement intends to prove.

3 The State will then present its evidence and counsel
4 for the defendant may cross-examine the witnesses. Following
5 the State's case, the defendant may present evidence and the
6 deputy district attorney may cross-examine those witnesses.
7 However, as I have already said, the defendant is not
8 obligated to present any evidence or to call any witnesses.

9 After all the evidence has been presented, I will
10 instruct you on the law. After the instructions on the law
11 have been read to you, each side has the opportunity to
12 present oral argument. What is said in closing argument is
13 not evidence. The arguments are designed to summarize and
14 interpret the evidence. Since the State has the burden of
15 proving the defendant guilty beyond a reasonable doubt, the
16 State has the right to open and close the arguments.

17 After the arguments have been completed, you will
18 retire to deliberate on your verdict. Jurors are now
19 permitted to ask questions of the witnesses. If you have a
20 question for one of the witnesses, I ask you to write it down
21 using a full sheet of your notebook paper, then get my
22 attention or the bailiff's attention, and he will retrieve the
23 question from you. Please wait until the attorneys from both
24 sides have had an opportunity to question the witness, because
25 very often one of the lawyers will ask your question. If not,

1 I probably will be asking it.

2 Please don't be offended if I don't ask one of your
3 questions. The questions from the jurors are governed by the
4 same rules of evidence which control what the lawyers can ask.
5 So please don't be offended if I don't ask one of your
6 questions. That doesn't mean it's not an interesting
7 question, but it could call for hearsay or some other type of
8 inadmissible evidence, and for that reason I may not be asking
9 it.

10 Also, if you can't hear a witness or you have some
11 other type of a question, just please indicate or write down
12 -- make a notation and get the bailiff's attention.

13 That concludes my introductory remarks. It's now
14 noon, so we'll go ahead and take our lunch break. We'll be at
15 lunch until 1:00. And following the lunch break the attorneys
16 will be given the opportunity to make their opening statement.
17 Before I excuse you for the lunch break, I must admonish you
18 that you're not to discuss this case or anything relating to
19 the case with each other or with anyone else, you're not to
20 read, watch, or listen to any reports of or commentaries on
21 this case, any person or subject matter relating to the case,
22 you're not to do any independent research by way of the
23 Internet, or any other medium. And please do not form or
24 express an opinion on the trial.

25 If you would all please leave your notepads in your

1 chairs and follow the bailiff through the double doors, any
2 questions, please address the bailiff in the hallway.

3 (Court recesses at 11:59 a.m., until 1:12 p.m.)

4 (Outside the presence of the jury.)

5 THE COURT: Are we ready?

6 THE MARSHAL: Yeah.

7 THE COURT: Okay. Can we bring them in?

8 THE MARSHAL: Ladies and gentlemen, please rise for
9 the jury.

10 (The jury reconvenes at 1:12 p.m.)

11 THE MARSHAL: Thank you. You may be seated.

12 THE COURT: We're missing somebody.

13 THE MARSHAL: Back row [indiscernible].

14 THE COURT: Kenny?

15 THE MARSHAL: Yes, ma'am?

16 THE COURT: We're missing somebody.

17 THE MARSHAL: They were all just there a second ago.
18 Sorry, Judge.

19 THE COURT: All right. Court is now back in session.

20 The record should reflect the State through the deputy
21 district attorneys, the defendant and his counsel, the
22 officers of the court, and the ladies and gentlemen of the
23 jury.

24 And is the State prepared to go forward with their
25 opening statement?

1 MS. CHRISTENSEN: Yes, Your Honor.

2 THE COURT: All right.

3 MS. CHRISTENSEN: Thank you.

4 THE COURT: You may proceed.

5 STATE'S OPENING STATEMENT

6 MS. CHRISTENSEN: On June 17th of 2012 at 10:38 p.m.,
7 9-1-1 calls came into Metro dispatch to respond, because Jaime
8 Corona had been shot inside of his apartment at 1416 F Street
9 in Las Vegas. It was Apartment No. 10 that he was in.

10 Police officers patrol units immediately responded.
11 More than one patrol officers, in fact. Several officers
12 responded. And those who first got there ran into the home
13 trying to do what they could to save Jaime Corona.

14 Jaime Corona had been shot through the heart and he
15 had no vital signs at that time. He was deceased already.
16 And so medical, once they responded, just made sure that that
17 was true, and then left him as part of the crime scene,
18 because he was not going to be transported for any medical
19 attention.

20 The first goal of patrol officers when they respond
21 to a scene like that is to help the victim. Once they
22 realized that they couldn't, then they move on to their next
23 roles, which is to make the scene safe for those around it,
24 and to get people out of the scene so that it can be preserved
25 for the investigation into the crime that had just occurred.

1 So when patrol officers immediately respond, as you
2 can see in -- there's a courtyard in this apartment complex.
3 This is an apartment complex made up of 18 one-bedroom small
4 units, and several of the residents occupants of that
5 apartment complex were in that courtyard when they responded.
6 Some of them were people that had called 9-1-1. Some of them
7 were trying to administer aid to Jaime. Some of them were
8 hysterical because of what had just happened.

9 And so patrol officers' job is to take the scene from
10 a dynamic scene and make it static and preserve it. So they
11 take those witnesses out of that area and they take them
12 across the street and down out of the way so that they can
13 then put up crime scene tape, and you can see some in this
14 photograph along the gate, and -- and tape off that scene,
15 don't let anybody in there, so that crime scene investigators
16 and detectives can come and look at the scene to see what they
17 can garner from the evidence that was left there.

18 Now, when detectives and crime scene analysts
19 respond, detectives split up their duties. In this case,
20 homicide detectives respond because of the nature of the case,
21 that it was a homicide. Some of them are going to go
22 interview witnesses, people in the area, see what they can
23 find out about what had happened.

24 Other detectives are going to work with crime scene
25 analysts to look at the scene. And the scene acts as a

1 witness, as well, because it can tell them part of what
2 happened. This is Jaime Corona's apartment. Something that
3 jumped out at them right away is the bullet hole through the
4 screen door. There's a bullet hole straight through that
5 screen security door, but there is no corresponding bullet
6 hole through the door itself. So it's clear that whoever shot
7 him stood outside and shot him through that screen door while
8 the door was open.

9 This is a crime scene diagram that was later put
10 together by the crime scene analysts who responded. You can
11 see the layout of the apartment, the living room is where this
12 took place. And you can see they actually also put on there
13 where Jaime came to his final resting place after he stumbled
14 over into this area after being shot.

15 But they know that the person who shot that gun shot
16 straight through the door to that back wall. Here's the front
17 door, you can see that's notated by that door symbol. And
18 that "A" signifies that bullet hole that is through that door.

19 The bullet went straight through Jaime, through his
20 sternum, through his heart, severed other parts inside of him,
21 obviously, and went out his back. Then that bullet still had
22 enough velocity that it continued on to the back wall and it
23 struck that back wall. And that is what's indicated by "B,"
24 the bullet strike. The bullet itself is found on two.

25 So they make notes of all of that so they can see

1 what that can tell us about what happened. There you can see
2 the bullet strike in the baseboard of that wall and then up
3 close it's easier to see the bullet ricocheted off and landed
4 on the floor in front of that baseboard. You can see the
5 damage that that bullet still did to the baseboard when it hit
6 it.

7 The wound itself tells us about what happened, as
8 well. A coroner, a medical examiner, can look at a wound and
9 tell if it's an entrance or an exit wound. And they could
10 tell that the one through the chest was the entrance wound.
11 That bullet hit him square right in the middle of the chest
12 and it went out of his back.

13 Other parts of his body told the story about what
14 happened, as well. Can tell that this was a close-range
15 gunshot. Meaning that that gun was only one to two feet,
16 possibly three feet away from Jaime's skin when the bullet was
17 fired. Because guns, depending on the kind of gun, when they
18 eject that bullet, also gunpowder that's burning leaves the
19 gun, and that'll only travel a short distance. Very short
20 distance, one, two feet, usually. And that causes -- when it
21 hits skin -- it causes stippling, it's called.

22 You can see those injuries to his arm. It appears as
23 if he put up his arm in a defense mode, and Jaime was not
24 wearing a shirt at that time. And the gun being only a foot
25 or two away from him at the time caused those particles to

1 burn into his skin, and some of those injuries are also seen
2 on his chest behind his arm.

3 So they can tell that the person who -- who shot him
4 was standing right out on his front stoop, pointing the gun at
5 him right through that screen door. And they can also tell
6 that Jaime was probably standing very close to the door, as
7 well.

8 Now, also consistent with that, right outside that
9 door they find other firearms related evidence. They find
10 that cartridge case. And that's notated -- it's marked with
11 an orange cone you can kind of see in this picture. When they
12 find that cartridge case, they put an orange cone next to it,
13 and then photograph it in place so we know exactly where it
14 was.

15 And this is a picture of that cartridge case that
16 they found. And as you can see from the photograph, it's
17 exactly where you would expect to find a cartridge case from a
18 -- fired -- fired from a semi-automatic firearm when they're
19 facing the door, because it would eject to the right. That
20 cartridge case is a WIN 380 AUTO head stamp. And that becomes
21 important later.

22 Here is a calendar from some of the important dates
23 in June, 2012, that you're going to hear about in this trial.
24 The 17th of June is the day that Jaime was killed. It's 10:38
25 p.m. that the 9-1-1 calls come in. That's a Sunday, a Sunday

1 night.

2 Patrol officers had already responded to a call that
3 Jaime made to 9-1-1 earlier that night. He had called 9-1-1
4 for someone to respond, police to respond to his house because
5 someone was banging on the door outside. And, of course, it
6 was important enough for him that he wanted to call 9-1-1 to
7 put an end to this.

8 Patrol officers responded and police were there at
9 the apartment with Jaime from 9:18 until 9:38. We know that,
10 because police officers keep track of where they are at all
11 times. They have to radio in through dispatch that they've
12 arrived somewhere and that they're leaving somewhere.

13 Those police officers made contact with Jaime Corona
14 that night and Jaime Corona was extremely intoxicated. In
15 fact, you'll find out that at his autopsy his blood alcohol
16 level was a .321. It was very difficult for police officers
17 to communicate with him. He couldn't communicate to them the
18 nature of the emergency. And so they -- they stayed there for
19 20 minutes looking around, determined that they didn't see any
20 danger. They tried to talk to him to get information, they
21 couldn't. They told him when you sober up, make a report.
22 And they left.

23 Now, in that apartment complex -- and this -- this
24 photograph is not a crime scene photograph. This is one
25 that's just taken off of Google. It's -- it's not to show you

1 what this car is or what these signs are or anything like
2 that. It's just to show the out -- the general apartment
3 complex and what it's like, because that's how it looks like
4 still today, and at the time of the crime.

5 In this apartment complex, there were a lot of
6 different people living there. And some of them you're going
7 to hear from. As you look at this photograph, of course,
8 Jaime's apartment is the one right here on the end. You're
9 also going to hear from a William Coleman who was staying with
10 his girlfriend, Jovonne Butler, and they were up in this
11 apartment.

12 Defendant and his fiancée also lived in this
13 apartment complex. They lived with a child in common that
14 they had and then one of his fiancée's children in this
15 apartment, Apartment 18, right across the way from Jaime's
16 apartment.

17 You'll also hear that some friends of the defendant
18 lived down in this apartment on the corner, No. 1, and you'll
19 hear from Loretta Coleman, who lived in this apartment. And
20 then it's difficult to see, but two doors down from Jaime's
21 door is another apartment, and there is an individual there by
22 the name of Jimmie Brown, who you'll hear from. And those
23 people all have information about this case.

24 And the detectives talked to those people and they
25 began to get information about what had happened that night,

1 because they knew that Jaime had called 9-1-1 to report
2 someone was banging on the door. And they found out that the
3 defendant was the one that was banging on Jaime's door before
4 he called 9-1-1, wanting to talk, yelling and knocking. And
5 that after the police came and left, he went back, continued
6 to pound on the door, wanted to talk, yelling into the
7 apartment, up until residents heard a gunshot and Jaime was
8 dead.

9 In their interviews, they also found out that someone
10 had broken into the defendant's apartment the Thursday or
11 Friday before this occurred. And the next day after the
12 break-in the defendant found out that it was Jaime who had
13 broken into his apartment and broken things in his apartment
14 and taken some things in his apartment. And they -- the
15 defendant confronted Jaime, and there was an agreement that
16 Jaime was going to pay him money for what had happened.

17 That agreement to pay money is important because
18 there was actually a person inside of Jaime's apartment with
19 him when he was killed. And she heard and observed some
20 things. That person's name is Loretta Coleman. I showed you
21 where her apartment was earlier. And she was intoxicated, as
22 well. She was drinking with Jaime it sounds like probably
23 most of the day. And she was difficult to -- to communicate
24 with to a certain degree, as well. She was -- had been
25 drinking beer.

1 But what she told the police is somebody is banging
2 on Jaime's door like that person wanted to kill someone.
3 Jaime calls the police, and then later she says at some point
4 she remembers Jaime opening the door, hearing a bang, and then
5 Jaime falling to the ground. She does not know who was
6 outside the door. She just knows it was a man. She just
7 heard him yelling at Jaime about money owed to him. And he
8 was angry with Jaime. And Loretta also doesn't know the
9 defendant. But she didn't see who it was, in any event.

10 Loretta -- this is a photograph of Loretta taken that
11 night. And you will hear from her testifying in this trial as
12 to what she can remember that she observed despite the fact
13 that she was intoxicated.

14 Now, she told the detectives hours after the event
15 about what she had observed. But other witnesses also saw her
16 reaction to what she had observed. And afterwards she ran out
17 of the apartment yelling, He got shot over five dollars, he
18 got shot over five dollars, completely hysterical.

19 Detectives also interviewed her brother, William
20 Coleman. He's one of the ones who immediately went out and
21 saw Loretta yelling about that and tried to go down and help
22 Jaime. And William was nervous to talk to police. In fact,
23 when police contacted him, he kind of looked around both ways
24 and called them closer, said, Are you recording this? Police
25 officer told him no, and he proceeded to tell him, Here's what

1 I know; tonight defendant was knocking and yelling outside
2 Jaime's door. And police came and police left. Then the
3 defendant went back again and was knocking on the door and
4 yelling for approximately 10 minutes, until William hears the
5 gunshot. He can hear the knocking and yelling and then he
6 hears it end with a gunshot.

7 He is in his apartment at the time with Jovonne
8 Butler. And he jumps up and he looks out of his window. And
9 as I explained to you before, this is the vantage point that
10 he had. He was in that apartment, where Jovonne Butler had a
11 lease. You can see the vantage point he had of the street and
12 of Jaime's apartment.

13 He saw the defendant run out from Jaime's front stoop
14 area, go out the gate, and jump into his black Neon that was
15 parked right there that William knew that the defendant shared
16 with his girlfriend, fiancée. And then drive off northbound.

17 William also told the detectives, And I think his
18 girlfriend is still up there, because I saw her looking down
19 here and go back in. And pointed them to the defendant's
20 apartment. So, of course, the detectives want to talk to this
21 woman, Denise Williams. And they go and they knock. And they
22 knock. And they knock, and they knock, and they knock, and
23 there's no answer. And because of the nature of this crime
24 and because they know that the -- that's the suspect's
25 apartment, and there may be occupants in it, that means that

1 they're going to be getting a search warrant for this
2 apartment. And because there's occupants inside, that means
3 they need SWAT to serve it, because of the nature of this
4 case. That means it's a danger to the people around there.

5 So they have to evacuate the entire apartment
6 complex. And this is at 2:30 or 3:00 in the morning that they
7 have to go door to door in the apartment complex one by one
8 and get one of those occupants who lives there who wasn't
9 already escorted away out. And one by one, all the people
10 that live there come to the door and they say, We're sorry, we
11 have to take you down the street because of what's happening
12 here, for your own safety. And everyone's evacuated. Denise
13 Williams still does not come.

14 This also means that they have to put their
15 investigation on a hold. They can't have the crime scene
16 analyst right there and the detectives right there in the
17 apartment right across the courtyard. So they've all got to
18 suspend their investigation, as well, and get out of there.
19 So everybody gets out of there for SWAT to come, get over the
20 PA system, Resident of Number 18, we need you to come out.
21 That sort of thing, over the PA system, waiting for that
22 person to come out.

23 And after quite some time of the PA system and even
24 to the point where they needed Flashbangs, which is a thing
25 that sounds such like an explosion outside, Denise Williams

1 finally exits that apartment at 4:25 a.m. And she is taken
2 down to a detective's vehicle to be interviewed. And other
3 detectives go up into the apartment and get custody of the
4 children to make sure that they are safe.

5 She is interviewed. And during that interview, she
6 is also provided with information, which becomes important
7 later in the investigation. She's told, Your boyfriend is a
8 suspect in Jaime's murder. Fleed [sic] the scene in your
9 black Neon. She is told people saw him banging on Jaime's
10 door tonight. She's told, We know that there's some
11 disagreement with him about money owed, about a break-in at
12 your apartment. So she's provided with information about the
13 investigation and what they know at that time.

14 Detectives also search the apartment. And this is --
15 these are photographs taken inside of that apartment. Nothing
16 is taken during the search, but they do document the inside of
17 the apartment with photos. And those photos become important
18 later, as well.

19 And then they leave what's called a Search Warrant
20 Return, which they have to leave in every case in which a
21 search warrant is served on the premises. It's essentially a
22 receipt to the homeowner to tell them what happened. And this
23 is left, as you can see from the background, on one of those
24 red couches. And then they turn the apartment back over to
25 Denise Williams and her children, and they continue their

1 investigation.

2 And they are there at the crime scene until 6:47 a.m.
3 working. So from 10:40 at night until 6:47 a.m., police are
4 there, the defendant never comes back. They never see that
5 Dodge Neon return.

6 Detectives continue their investigation and they go
7 back to the apartment complex to do follow-up, and they don't
8 see the defendant then, either on the next days. But they do
9 see Denise Williams. She's at the apartment with her brother,
10 and she's moving some things out of the apartment. While the
11 detectives are looking for the defendant, they haven't found
12 him yet, and the criminal apprehension team with Metro is a
13 team that's dedicated to apprehending suspects, they're the
14 ones that are going to be actually taking him into custody.
15 So the detectives want to provide information to them to try
16 to actually be able to find the defendant.

17 So they see Denise Williams and her brother, and they
18 see a car that they're driving. So they get the plates, they
19 run the plate, they see the address it comes back to, and they
20 provide that to the CAP team. And the CAP team goes there to
21 this apartment complex.

22 And on the 21st of June, that Thursday, the defendant
23 is found. What they do is they go to the parking lot of
24 Denise's brother's apartment and they see that vehicle, the
25 Dodge Neon that they're looking for. They identify it by

1 license plate. And they start to conduct surveillance on it.
2 They just sit and watch it in an undercover capacity, meaning
3 they -- they don't look like detectives.

4 And at some point they see the defendant come from
5 the area of Denise Williams' brother's apartment and go and
6 sit in the passenger seat of that car and start playing on a
7 phone as if he's waiting. They go up to him and take him into
8 custody right there. That car is searched and Denise
9 Williams' brother's apartment around the corner is searched,
10 as well.

11 The defendant is taken to the homicide offices
12 immediately for the homicide detectives who are investigating
13 this case to talk to him. These are the detectives who are in
14 charge of the case who know everything about the investigation
15 up to this point, who know about the witnesses and what
16 they've said. They have the best ability to talk to the
17 defendant to see what does he have to say about it?

18 So they read him his rights, tell him he doesn't have
19 to talk. And he does talk. They ask him how -- what kind of
20 explanation he has for the information they have. They say,
21 We're here investigating a crime. Jaime Corona was killed on
22 Sunday. And we heard that you had a big beef with him about
23 some money and a break-in.

24 And the defendant's response is that he did not even
25 know that the -- that Jaime had broken in his apartment. He

1 says, I don't know about no break-in. You're telling me
2 something I don't know. The evidence shows, however, that
3 other residents had heard the defendant talking about the
4 break-in. In fact, a friend of the defendant's, Jimmie Brown,
5 who lived two doors down from Jaime, said the day after the
6 break-in, the defendant came up to him and said, Hey --
7 essentially -- Denise and I went out last night, we came home,
8 we discovered that there had been a break-in at our apartment,
9 things are broken, things are missing. Did you see anything?

10 Jimmie Brown says, No, sorry. You know, I -- I
11 didn't see anything. Jimmie Brown sees him go next door to
12 that person. And the defendant asks him the same questions.
13 Then he sees him go to Jaime's apartment. And Jaime doesn't
14 come out. He doesn't -- Jimmie Brown does not hear what is
15 being said, but he says that the defendant is talking
16 excitedly and moving his arms around through the door to
17 Jaime.

18 He also says that he didn't even know that Jaime was
19 dead. He says, Jaime being murdered and all this shit is new
20 to me. He says he didn't even know that detectives
21 interviewed Denise. In fact, it comes as a shock to him that
22 they even searched their apartment on F Street.

23 Well, this is something the detectives don't find to
24 be credible, because everybody in that neighborhood knows that
25 Jaime was killed. Everybody in that neighborhood knows that

1 Denise is -- Denise Williams was interviewed and everybody in
2 that neighborhood knows that their apartment was searched
3 because they were all evacuated that night at 3:00 in the
4 morning down the street. And he is with Denise at the time of
5 his arrest. She is in the apartment complex of her brother's
6 as well, on the 21st, when they find him. And they know that
7 they provided all that information to Denise, and she knows
8 all of that.

9 So they find it very unlikely that she wouldn't say
10 to her fiancé, Hey, guess what, you might want to know that
11 you're a suspect in this murder. They searched our house, and
12 I told them -- they interviewed me. The fact that he says he
13 didn't even know their apartment was searched is also
14 difficult for detectives to believe, because when they
15 searched Denise Williams' brother's apartment at the scene
16 where they took the defendant into custody on the 21st, that
17 Thursday, and went up and searched the apartment afterwards,
18 they found something under this desk that's pictured here. It
19 was that search warrant return that they had left at the
20 defendant's apartment when they turned it back over to Denise
21 -- Denise Williams.

22 They ask him to explain what happened that day. What
23 do you have to say about what happened that day? His
24 explanation is that he was not there all day. He left at 9:00
25 or 10:00 a.m. and didn't go back. Then he says, But wait, as

1 a matter of fact, I did drive past in the black Neon, and I
2 heard a gunshot, and I just kept driving, never to return.
3 And, in fact, he says he never went back to his apartment, and
4 he hadn't even been back to his apartment on F Street since he
5 left on that occasion. So he said he had never been back to
6 Jaime's -- to the apartment since Jaime's death.

7 Detective said, What? What? That's where you live.
8 You -- you didn't go back there? You never went back? His
9 explanation is, We were in the process of moving. All of our
10 stuff is in storage. Well, where are you moving? They don't
11 know where they're moving yet. But they were in the process
12 of it, and that's why he did not go back. Well, that doesn't
13 comport with evidence that the detectives know, because they
14 were in that apartment, it didn't look like they were in the
15 process of moving. There were no boxes, nothing was packed
16 up.

17 They tell him, Listen, witnesses saw you there.
18 Witnesses saw you banging on Jaime's door, demanding money.
19 How do you explain that? And over and over again they tell
20 him this. There's people that live there, they saw you, they
21 know you. They saw you banging on Jaime's door. What gives?

22 He remembers, Oh, you know what, now I remember going
23 to Jaime's house in the morning before I left. I went to tell
24 him happy Father's Day, see if he needed anything. They ask
25 him, Where did you go after you left, after you heard that

1 gunshot and fled, where did you go? He says he went with a
2 friend. Okay, great, give us that -- that person's name.
3 We'll talk to him.

4 Defendant changes the subject. Becomes defensive.
5 They continue with the interview, they continue talking about
6 other things, and then they go back to it. Listen, what --
7 what about that guy whose house you went to afterwards? Can
8 you give us some information on him, give us his name, give us
9 something. All the defendant will tell them is that his name
10 is CJ and that he lives around the corner.

11 The detectives go so far as to draw a map for him to
12 try to have him explain where this person lives so that they
13 can find him and talk to him. They can't figure out where he
14 lives from talking to the defendant. They can't get his full
15 name talking to the defendant. All they get is CJ who lives
16 around the corner from where I stay.

17 He's hesitant to even agree that his nickname is J,
18 because the detectives say, What do you go by in the street?
19 Defendant says, Huh? What do you mean? What's your nickname?
20 They say, Do you go by J? Because they know that the
21 witnesses at the scene have been calling him J. It's -- he's
22 hesitant to even agree to innocuous questions like that.

23 Then they ask him if he had a cell phone. He doesn't
24 know. What about earlier in June, did you have a cell phone
25 that you were using earlier in June? Possibly, is his answer.

1 Well, when he's apprehended, his phone is with him in that
2 car, and it's taken, it was found in Denise Williams' purse in
3 the back of the car behind the passenger seat.

4 And there's no doubt that that's defendant's phone.
5 The subscriber information from the provider, Cricket, is
6 registered to Jason Jones at 1416 F Street, No. 18. There's
7 photos of him on the phone. And in texts it says who it is,
8 that his name is J or Jason. And those texts go up to the day
9 before the murder.

10 You'll hear from the person who actually took that
11 phone and did a download of all the information that's on that
12 phone. What they can do is take a cell phone and plug it into
13 a program they have and download any information that's on
14 that phone. Sometimes they can get deleted information, but
15 sometimes they cannot. And in this case all they were able to
16 get was information that had not been deleted from the phone.
17 So any texts or photos or calls that had been deleted were not
18 able to be downloaded. But everything else they were -- they
19 got. And they put it in a report.

20 Texts. Hundreds of texts. Photos. Call logs. All
21 of that is downloaded. And, as I said, the information in the
22 phone only goes up to the 16th of June, day before the murder.
23 But there is something of great interest to detectives on that
24 phone. As you recall, witnesses said that someone had broken
25 into the defendant's apartment on either the Thursday or the

1 Friday before Jaime was killed.

2 Well, on that 14th, defendant texted a friend
3 inquiring about a .380 gun. And those texts, to put into
4 context, go back to June 11th. On June 11th, he texts a
5 friend who in his contact -- contacts is named Big Homie. And
6 this is the text of that text, exactly how it's written. He
7 says, Shit fam:-) at my nigga spot... He gotta 380... a
8 beretta dat hold 16...

9 Big Homie responds back, "How much." Defendant, "4
10 da 380 he want 200... nd 4 da Beretta he want 400." On the
11 14th, the defendant starts texting a friend in his phone whose
12 contact name is JR. So when he put the person in his phone,
13 that's the name that he gave for this contact. He says, "U
14 still got dat 380 bro...

15 "Ya I do & I got a 22 for I need 125 for tho!
16 Defendant says, U want a buc' nd a quarter for a 22 bro...
17 Man nd what kind of 22... a revolver???" JR says, "Yea a
18 dillenger there HARD to come across that's we not trippin if
19 noone wants it lol." Defendant asks, "Send me a pic of da 380
20 nd da 22..." JR responds, "I don't send pics of hammers."

21 You'll hear from detectives that that's the slang
22 term for gun.

23 And the defendant texts back, "Wr U @ bro..." Now,
24 the next day he follows up with JR again.

25 Setting up a meeting with JR. "U at da spot bro..."

1 "Sup bro..."

2 JR says, "Yea." "Sup." "Sup." Defendant says, "I
3 was gn stop thru..." JR says, "Cum thru." Defendant, "Yep."
4 JR, "If you can bring a new [indiscernible.]" So on two days
5 before Jaime is killed, the Defendant is setting up a time to
6 go meet with a person he was just texting with about a .380 to
7 meet with him. And, of course, Jaime is killed with a .380
8 two days later.

9 Ladies and gentlemen, at the end of the presentation
10 of evidence, we will get to speak with you again. That'll be
11 after the judge has instructed you on the law with regards to
12 this case and we've presented the evidence in the case. And
13 we'll get to explain to you how we've proved this case beyond
14 a reasonable doubt, that the defendant is responsible and
15 guilty of first degree murder with use of a deadly weapon in
16 this case.

17 Thank you.

18 THE COURT: All right. Thank you, Ms. Christensen.

19 Does the defense wish to make an opening statement at
20 this time?

21 MR. PIKE: We do, Your Honor.

22 THE COURT: All right.

23 MR. PIKE: May I have a moment.

24 DEFENDANT'S OPENING STATEMENT

25 MR. PIKE: May it please the Court, counsel for the

1 State, Ladies and gentlemen of the jury, and Jason. This is
2 an opportunity that the defense has to tell you the facts as
3 we believe will be presented during the presentation of this
4 case, and how they differ from the State's theory, which they
5 have just given you.

6 You're lucky that you get to sit as a juror in this
7 courtroom. You're lucky that you get to sit in a courtroom
8 where you have experienced attorneys both for the defense and
9 for the State. We're not here to try and waste anybody's
10 time. We're here to try and get at what the evidence is and
11 how that leads to the correct result. Of course, the correct
12 result in this case is going to be a finding of not guilty.
13 And these are the facts that will lead you to that conclusion.

14 Charging document that was read to you is a theory.
15 And it has no more import than that the -- that picture or the
16 -- the presentation up there in the Powerpoint that says Jason
17 Jones. He's here, he sits at that table and stands accused at
18 this time.

19 During the -- the introduction, the Court asked you
20 to keep an open mind. Some studies have said that jurors have
21 already made up their mind by the time they walk into the
22 courtroom, others have said that they make up their mind by
23 the time the -- the conclusion of the opening arguments.

24 What we say is just what we say. What is evidence,
25 as I indicated before during some of the questioning of you

1 ladies and gentlemen of the jury, is what comes from here,
2 what is believable, what is credible, and what is to the
3 point.

4 What can you rely upon? There will be a number of
5 photographs. The photographs that you've seen in the State's
6 opening Powerpoint, there were photographs of the area, of the
7 location. You'll get to meet the people whose names you have
8 heard, because without meeting them and without hearing them,
9 the State's interpretation is not evidence, and you'll find a
10 very different story and the -- the State gave you a timeline
11 and they kept going back.

12 Well, we're -- were talking about Father's Day. This
13 was Father's Day last year. It was during the summer. It was
14 a regular June day, June evening, in Las Vegas. It was hot.
15 The courtroom -- the courtyard that you saw in that picture
16 has no grass. The courtyard that you saw in there is nothing
17 but concrete. The doors that you saw, you just saw that
18 screen. Well, behind that there's a metal door. They are
19 older apartments.

20 The evidence is going to show that it's hard to get
21 people's attention in those apartments because of the way that
22 they were constructed. It's hard to get somebody's attention
23 if you're trying to get -- knock on the door and sometimes you
24 have to knock on it loud enough to get their attention. And
25 that, as Mr. Brown will testify, is not necessarily banging

1 trying to threaten or do anything else. It's just what you
2 have to do.

3 And that -- that leads to the evidence that's going
4 to be presented in -- in relation to -- ship to which version
5 of what the -- the witnesses say can you find most credible?
6 And the -- the proof is going to be in the pudding. The proof
7 is going to be when you listen to them. You will hear the
8 evidence that will come in when a witness says, Well, I didn't
9 say that. Or, I meant this. It's what you have to do and --
10 and no, the -- the detective -- I didn't tell the detective
11 that.

12 And then the evidence will in likely -- unfold, Well,
13 didn't you tell the detective this? No, I didn't. Well, then
14 the detective will be called. Now, detective, didn't you meet
15 with this person at a certain time and didn't he say this?
16 Well, yes, he said that.

17 So what you've got now is you have hearsay from a
18 detective saying, This is what I heard somebody say, but is
19 the detective's memory as to what that person said at a time
20 when he wasn't recording it where he was handling one of the
21 hundreds, unfortunately, of murder cases that they handle.
22 And is that going to be more credible, more reliable and more
23 competent evidence than what the actual eyewitness that was
24 there said, No, I didn't see that -- I just heard something
25 from somebody else.

1 Because if it's not -- if it's not reliable, or --
2 you have -- you have the -- the ultimate responsibility to
3 weigh each and every separate version and ultimately make a
4 decision what's most important. And you'll find that as it
5 goes through, that there are a couple of things that have
6 occurred. Number one, the evidence is going to show you that
7 on Father's Day, that there was, gee, who -- who else may have
8 had some sort of a -- a beef with Jaime?

9 Well, you're going to see autopsy photographs. We
10 know from the -- the testimony from the doctor that will come
11 in and testify that there was a single bullet wound that went
12 in here. But when they were performing the autopsy, the
13 doctor found something that he didn't expect to see, which was
14 a bunch of staples across the head of Jaime. He had been in a
15 fight the Friday before, Saturday before. That had been
16 resolved.

17 There were other people, there were other events in
18 Jaime's life and that -- is this the only person? Do these
19 circumstantial evidence, the evidence will show you that the
20 circumstantial evidence will not lead you to the conclusion
21 that there's just -- Jason Jones [indiscernible] do this. And
22 then lead to a Father's Day event to the impounded Neon as the
23 -- the State indicated with the photographs that were done.

24 In going through and -- going through that, then --
25 then we look at, Okay, who was at the complex? Who were the

1 people, the eyewitnesses that they're going to call? Well,
2 there aren't any eyewitnesses. Nobody saw the shooting occur
3 that will be called as a witness by the State. The names of
4 the witnesses that they've indicated were neighbors that were
5 in the area, but no one will come forward and say, I saw a saw
6 a gun being fired.

7 We have James Sheffield, and that was -- the
8 gentleman in the -- the apartment in the middle there. He's
9 deceased. You won't hear from him. He passed away from
10 natural causes between the time of that and this time.

11 Vincent Herrera was upstairs, James Brown was two
12 doors down. We can agree on all of the locations as to where
13 these people were, but the evidence will show that Mr. Brown
14 was two stories -- two doors down. He'd gone to sleep. He
15 has sciatica. He has pain issues. He took some pain pills,
16 went to bed, and didn't hear anything until his dog disturbed
17 him and he came out and went to try and help. Same thing as
18 Mr. Coleman, outside right after the shooting. They've gone
19 through, Did you see anything happen? Did you see anything go
20 away? What did you see? They did reports at that time. Not
21 only generally did they fill out a report, it's: Did you see
22 a suspect, do you know a suspect? No. Can you identify
23 anybody? No. When did the stories -- when did the -- the
24 statements change? What was going on?

25 And -- and as you go through those -- those various

1 times, you'll also see that they had other difficulties at
2 that time. Loretta Coleman, who was inside the apartment, was
3 interviewed a number of times. Saw her picture. Met with her
4 on July 27th. Told investigator Joseph Perez, a witness from
5 -- that we would be calling in reference to that during an
6 interview, I saw somebody shoot him, I don't know who it was,
7 but it wasn't the neighbor.

8 Loretta -- so -- I'm sorry, I'm backwards. Denise
9 Williams, she was at home at the apartment with her children.
10 There'd been a shooting outside. She's going to stay in
11 there. It will also show that there were other people that
12 were associated with that apartment. Not just Jason with whom
13 she'd had a child, but she had two brothers that would come
14 by. And that is Danny and Everett Williams. And they looked
15 alike except for distinguishing features in reference to their
16 hair. One had short hair, one had dreadlocks.

17 Witnesses, testimony will show, there may have been a
18 problem between Jaime and Jason. They resolved it. Things
19 had worked out that this had not -- this may not be seen as a
20 motive for the theory that the State has espoused at this
21 time.

22 Just like when the -- the CSIs go in and they collect
23 evidence, there's -- there's some difficulty in collecting
24 evidence. The State alluded to part of it. It's a -- it's a
25 close little apartment complex, everybody's going to want to

1 look, everybody's going to want to see, everybody's going to
2 want to talk. You know, and when people talk and they don't
3 have all the facts, they want to fill in all the blanks.
4 Well, I heard -- well, maybe this happened, well, didn't you
5 see this, what about that.

6 So it's not what they heard, not what they as a
7 conglomerate did during the time when the detectives were
8 trying to collect the statements. And then on top of
9 everything else, just as the State suggested, which is a
10 problem in gathering the succinct and actual observations of
11 witnesses, is they have to -- they have to take all of these
12 people away from their homes and kind of put them around the
13 same spot over at the New Town Tavern in the middle of the
14 night. Not a place you want to go at 2:30 in the morning and
15 after being roused from bed and hanging out around the New
16 Town Tavern.

17 But they're out there, and by that time then you can
18 understand why this tale grew in the telling and not based
19 upon observations of the facts. Because they wanted to
20 resolve it.

21 So you've got to look at the -- the corroborative
22 evidence that the detectives are trying to find. The evidence
23 is going to show that the detectives, Detective Ivie and
24 Detective Sanborn of the two detectives -- primary detectives
25 that are assigned to the case -- that they would go through

1 and they would take their theory and then try to follow a
2 investigative line towards the conclusion that they believe is
3 their theory of the case. Didn't always lead them there. But
4 that -- they're trying to find that.

5 And so that's when -- well, let's pull the cell phone
6 out. Let's see what's on that cell phone. There will be a
7 report that will be provided to you in reference to the --
8 what's called a telephone extraction. And it will contain a
9 -- a report indicating the text messages and also the names
10 and numbers of the callers they will have Harry, Everett, and
11 Danny; Danny is Danny Williams, Denise Williams' brother with
12 the dreadlocks, Everett is her other brother. Danny also goes
13 by the name of Castro. And you will receive these -- these
14 text messages into evidence and you'll have an opportunity to
15 look at them, see how they all go together.

16 And you'll see that people other than Jason are using
17 that phone. On one page you'll see a text message saying,
18 Hey, Harry, it's Denise. Can I borrow your oil pan? Need to
19 change my oil. Other individuals that are involved, Castro
20 calling and texting to Denise, What's up, sis, where my
21 nephew?

22 Does that confluence of cell phone messages that you
23 saw tell you that Jason ever purchased a gun or that he was
24 trying to make a connect with somebody that wanted to do it,
25 maybe get some money? It's tough out there. And the messages

1 will show how tough it was for them, particularly for Jason
2 when he writes on the 13th that it's kind of hard to do, baby,
3 of course I'd rather be laid up in the presence of my wifey,
4 but babe, datz -- datz, D-A-T-Z -- kind of hard to do and rent
5 is due and all we have is 100.

6 Did he have the money to buy a gun? Did he ever buy
7 a gun? Did he ever present itself as having that kind of --
8 no gun was ever found in this case. There are ballistics to
9 confirm that it was a .380, but the gun's never recovered a --
10 and, you know, as the State identifies JR as the person that's
11 selling it, they also have a cell phone number from that --
12 that identifier, JR, at this telephone number. Let's go to
13 Cricket, get the same thing. Go subpoena those records, get a
14 search warrant, get those records. Let's find out who JR is,
15 bring him and say, Where's the gun? Did you ever sell it to
16 him or did you sell it to somebody else? Who did you sell it
17 to?

18 Circumstantial evidence doesn't always lead to the
19 State's desired result. It's a theory, and that's what the
20 evidence is going to show. The autopsy will show that, you
21 know, maybe the weight and the type of bullet, is it -- are
22 they defensive wounds or are they wounds that reflect -- and
23 I'm talking about the photograph that was shown here, that
24 shown -- showed that a -- an extremely drunk Jaime maybe was
25 coming at the door, that he was yelling, that there was a lot

1 going on at that point in time. With a -- with an extreme
2 alcohol level which was four times the legal limit to drive,
3 things are going on.

4 In the forensic investigation, there are other things
5 besides just a gun. You'll see that when CAP came in and they
6 saw Jason out there, that they said, Okay, well, here he is,
7 we know that we have a gun that's potentially a gun crime.
8 There's a shot that was done there. And as the State
9 indicated, the testimony's going to be not just that the --
10 the spray of gunshot goes forward, but, you know, as it comes
11 back, then it gets on the hands, it gets on the individual who
12 shoots it, it gets on their clothing. So there's a gunshot
13 residue test that is done on Jason and it comes back negative,
14 as he's -- as he's taken into custody. So circumstantial
15 evidence points a very different direction than the State has
16 indicated.

17 Additionally, the -- there -- the evidence will show
18 that there is no fingerprint evidence on the doorknobs,
19 there's no DNA evidence, there's no eyewitness testimony. And
20 with DNA evidence, you've got to look at -- at this. The
21 evidence was as presented, of course, as argued by the State,
22 shows a -- a rough screen door and a window that's covered
23 with that same type of metal mesh. If you're banging up
24 against that, and it's that rough, and you have skin that is
25 going to go against that, they should at least swab it to see

1 if there's any residue [indiscernible]. There might not be.
2 It's -- CSA says you can pick it up off of the -- the tiniest
3 of items. And that's not reality. But at least you can try
4 with what's -- which was -- with -- which science and
5 technology you have.

6 And that wasn't always done in this case. So there
7 are holes. The evidence will show that there are gaps. And
8 those can't be filled with just I believe or I think. They
9 have to be -- show that that theory, those essential elements
10 -- used the wrong term there -- material elements. State has
11 to prove each and every one of those material elements beyond
12 a reasonable doubt.

13 Believability all comes down to you. You are the
14 finders of fact. You are the conscience of the community and
15 you are the people that have to decide what is reliable,
16 what's believable, and give it the weight that is your
17 responsibility.

18 Other circumstantial evidence has to do with, well,
19 did they surround them, saying it -- it was presented, I
20 think, during the -- in voir dire. Some people may not want
21 to talk to the police. They may come and say, Well, is
22 anybody out there? I'll tell you this, but you're not
23 recording me, are you? Well, once somebody is arrested,
24 they're no longer a threat, then presumably [indiscernible]
25 will go away, and they can speak the truth. Because the truth

1 doesn't change.

2 You're culling, you're harvesting that circumstantial
3 evidence as the State presents it. You ultimately will come
4 to an instruction at the end of this saying that the defendant
5 is presumed innocent until the contrary has been proven. And
6 you have to hold yourself in suspense and hold yourself in
7 belief until the conclusion of everything, until the judge
8 says, We're done now, I'm going to read you these
9 instructions. Go back and all of you decide what is
10 [indiscernible]. And the burden as -- as proving each and
11 every element beyond a reasonable doubt is going to be your
12 burden [indiscernible].

13 Once everything is done, you'll return a verdict of
14 not guilty. [Indiscernible] thank you very much.

15 THE COURT: All right. Thank you, Mr. Pike. Ladies
16 and gentlemen, we're going to go ahead and take a brief recess
17 until 2:25. During the brief recess you are reminded that
18 you're not to discuss the case or anything relating to the
19 case with each other or with anyone else. You're not to read,
20 watch, or listen to any reports of or commentaries on this
21 case, any person or subject matter relating to the case, and
22 please don't form or express an opinion on the trial.

23 If you would all please place your notepads in your
24 chairs and follow the bailiff through the double doors.

25 THE MARSHAL: Ladies and gentlemen, please rise for