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Clerk of Supreme Court

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

RONALD ERNEST LAKEMAN

**Supreme Court No. 64609**

Appellant,

District Court No. C265107

vs.

THE STATE OF NEVADA

Respondent.

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**APPELLANT'S AMENDED APPENDIX**

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FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

# AIND

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DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-VS-

**DIPAK KANTILAL DESAI,  
#1240942  
RONALD ERNEST LAKEMAN,  
#2753504**

**Defendant(s).**

CASE NO: 10C265107-2 /  
C-12-283381-2

DEPT NO: XXI

**FIFTH AMENDED  
INDICTMENT**

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

The Defendant(s) above named, DIPAK KANTILAL DESAI and RONALD ERNEST LAKEMAN accused by the Clark County Grand Jury of the crime(s) of INSURANCE FRAUD (Category D Felony - NRS 686A.2815); PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM (Category C Felony - NRS 0.060, 202.595); CRIMINAL NEGLIGENCE OF PATIENTS RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 0.060, 200.495); THEFT (Category B Felony - NRS 205.0832, 205.0835); OBTAINING MONEY UNDER FALSE PRETENSES (Category B Felony - NRS 205.265, 205.380) and MURDER (SECOND DEGREE) (Category A Felony - NRS 200.010, 200.020, 200.030, 200.070, 202.595, 200.495), committed at and

1 within the County of Clark, State of Nevada, on or between June 3, 2005, and April 27,  
2 2012, as follows:

3 COUNT 1 - INSURANCE FRAUD

4 Defendants and KEITH MATHAHS did on or about July 25, 2007, knowingly and  
5 willfully present, or cause to be presented a statement as a part of, or in support of, a claim  
6 for payment or other benefits under a policy of insurance issued pursuant to Title 57 of the  
7 Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
8 contained false or misleading information concerning a fact material to said claim; and/or  
9 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
10 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
11 concealed or omitted facts, or did contain false or misleading information concerning a fact  
12 material to a claim for payment or other benefits under such policy issued pursuant to Title  
13 57 of the Nevada Revised Statutes, by falsely representing to ANTHEM BLUE CROSS –  
14 BLUE SHIELD that the billed anesthesia time and/or charges for the endoscopic procedure  
15 performed on SHARRIEFF ZIYAD were more than the actual anesthetic time and/or  
16 charges, said false representation resulting in the payment of money to the Defendants and  
17 KEITH MATHAHS and/or their medical practice which exceeded that which would have  
18 normally been allowed for said procedure; Defendants and KEITH MATHAHS being  
19 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
20 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
21 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
22 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
23 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
24 to commit this crime.

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1 COUNT 2 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS  
2 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

3 Defendants and KEITH MATHAHS did on or about July 25, 2007, then and there  
4 willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons  
5 or property resulting in substantial bodily harm to MICHAEL WASHINGTON, to wit:  
6 transmitting the Hepatitis C virus to MICHAEL WASHINGTON, in the following manner,  
7 to wit: by directly or indirectly using and/or introducing contaminated medical instruments,  
8 supplies, and/or drugs upon or into the body of MICHAEL WASHINGTON which were  
9 contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being  
10 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
11 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
12 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
13 or procuring each other, and/or others to utilize a patient care delivery system which directly  
14 or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled  
15 and/or treated an unreasonable number of patients per day, and/or rushed patients or patient  
16 procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime  
17 in order to fraudulently increase the insurance billing and/or money reimbursement for the  
18 medical procedure performed on the said MICHAEL WASHINGTON; specifically, as to  
19 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT  
20 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a  
21 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others  
22 were pressured to commit the said acts described above; specifically, as to DEFENDANT  
23 LAKEMAN, engaging in conduct against universally accepted standards of medical care,  
24 that he limited the use of medical supplies, and/or drugs and rushed patients, and/or patient  
25 procedures which in turn allowed DEFENDANT DESAI to directly or indirectly treat and/or  
26 perform an unreasonable number of patient procedures in a single day all at the expense of  
27 patient safety and well being, and which resulted in substandard care and jeopardized the  
28 safety of MICHAEL WASHINGTON and/or (3) pursuant to a conspiracy to commit this

1 crime, Defendants and KEITH MATHAHS acting in concert throughout.

2 COUNT 3 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
3 BODILY HARM

4 Defendants and KEITH MATHAHS on or about July 25, 2007, being professional  
5 caretakers of MICHAEL WASHINGTON, did act or omit to act in an aggravated, reckless  
6 or gross manner, failing to provide such service, care or supervision as is reasonable and  
7 necessary to maintain the health or safety of said MICHAEL WASHINGTON, resulting in  
8 substantial bodily harm to MICHAEL WASHINGTON, to wit: transmitting the Hepatitis C  
9 virus to MICHAEL WASHINGTON, said acts or omissions being such a departure from  
10 what would be the conduct of an ordinarily prudent, careful person under the same  
11 circumstances that it is contrary to a proper regard for danger to human life or constitutes  
12 indifference to the resulting consequences, said consequences of the negligent act or  
13 omission being reasonably foreseeable; said ~~danger to human life~~ not being the result of  
14 inattention, mistaken judgment or misadventure, but the natural and probable result of said  
15 aggravated reckless or grossly negligent act or omission, to wit: by directly or indirectly  
16 using and/or introducing contaminated medical instruments, supplies, and/or drugs upon or  
17 into the body of MICHAEL WASHINGTON which were contaminated with the Hepatitis C  
18 virus; Defendants and KEITH MATHAHS <sup>Florida</sup> being responsible under one or more of the  
19 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or  
20 (2) aiding or abetting each other in the commission of the crime by directly or indirectly  
21 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or  
22 others to utilize a patient care delivery system which directly or indirectly limited the use of  
23 medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable  
24 number of patients per day, and/or rushed patients or patient procedures, Defendants and  
25 KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently  
26 increase the insurance billing and/or money reimbursement for the medical procedure  
27 performed on the said MICHAEL WASHINGTON; specifically, as to DEFENDANT  
28 DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and

1 KEITH MATHAHS and said others to perform said acts and created a work environment  
2 where DEFENDANT LAKEMAN, and KEITH MATHAHS and others were pressured to  
3 commit the said acts described above; specifically, as to DEFENDANT LAKEMAN,  
4 engaging in conduct against universally accepted standards of medical care, that he limited  
5 the use of medical supplies, and/or drugs and rushed patients, and/or patient procedures  
6 which in turn allowed DEFENDANT DESAI to directly or indirectly treat and/or perform an  
7 unreasonable number of patient procedures in a single day all at the expense of patient safety  
8 and well being, and which resulted in substandard care and jeopardized the safety of  
9 MICHAEL WASHINGTON and/or (3) pursuant to a conspiracy to commit this crime,  
10 Defendants and KEITH MATHAHS acting in concert throughout.

11 COUNT 4 - INSURANCE FRAUD

12 Defendants and KEITH MATHAHS did on or about July 25, 2007, knowingly and  
13 willfully present, or cause to be presented a statement as a part of, or in support of, a claim  
14 for payment or other benefits under a policy of insurance issued pursuant to Title 57 of the  
15 Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
16 contained false or misleading information concerning a fact material to said claim; and/or  
17 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
18 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
19 concealed or omitted facts, or did contain false or misleading information concerning a fact  
20 material to a claim for payment or other benefits under such policy issued pursuant to Title  
21 57 of the Nevada Revised Statutes, by falsely representing to VETERANS  
22 ADMINISTRATION that the billed anesthesia time and/or charges for the endoscopic  
23 procedure performed on MICHAEL WASHINGTON were more than the actual anesthetic  
24 time and/or charges, said false representation resulting in the payment of money to  
25 Defendants and KEITH MATHAHS and/or their medical practice which exceeded that  
26 which would have normally been allowed for said procedure; Defendants and KEITH  
27 MATHAHS being responsible under one or more of the following principles of criminal  
28 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other

1 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,  
2 commanding, inducing, or procuring each other, and/or others to commit said acts,  
3 Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3)  
4 pursuant to a conspiracy to commit this crime.

5 COUNT 5 - INSURANCE FRAUD

6 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
7 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
8 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
9 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
10 contained false or misleading information concerning a fact material to said claim; and/or  
11 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
12 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
13 concealed or omitted facts, or did contain false or misleading information concerning a fact  
14 material to a claim for payment or other benefits under such policy issued pursuant to Title  
15 57 of the Nevada Revised Statutes, by falsely representing to ANTHEM BLUE CROSS  
16 AND BLUE SHIELD that the billed anesthesia time and/or charges for the endoscopic  
17 procedure performed on KENNETH RUBINO were more than the actual anesthetic time  
18 and/or charges, said false representation resulting in the payment of money to Defendants  
19 and KEITH MATHAHS and/or their medical practice which exceeded that which would  
20 have normally been allowed for said procedure; Defendants and KEITH MATHAHS being  
21 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
22 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
23 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
24 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
25 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
26 to commit this crime.

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COUNT 6 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS  
OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

Defendants and KEITH MATHAHS did on or about September 21, 2007, then and there willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to STACY HUTCHINSON, to wit: transmitting the Hepatitis C virus to STACY HUTCHINSON, in the following manner, to wit: by directly or indirectly using and/or introducing contaminated medical instruments, supplies, and/or drugs upon or into the body of STACY HUTCHINSON which were contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently increase the insurance billing and/or money reimbursement for the medical procedure performed on the said STACY HUTCHINSON; specifically, as to DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted standards of medical care, that he limited the use of medical supplies, and/or drugs and rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to directly or indirectly treat and/or perform an unreasonable number of patient procedures in a single day all at the expense of patient safety and well being, and which resulted in substandard care and jeopardized the safety of STACY HUTCHINSON and/or (3) pursuant to a conspiracy to commit this crime,

1 Defendants and KEITH MATHAHS acting in concert throughout.

2 COUNT 7 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
3 BODILY HARM

4 Defendants and KEITH MATHAHS on or about September 21, 2007, being  
5 professional caretakers of STACY HUTCHINSON, did act or omit to act in an aggravated,  
6 reckless or gross manner, failing to provide such service, care or supervision as is reasonable  
7 and necessary to maintain the health or safety of said STACY HUTCHINSON, resulting in  
8 substantial bodily harm to STACY HUTCHINSON, to wit: transmitting the Hepatitis C  
9 virus to STACY HUTCHINSON, said acts or omissions being such a departure from what  
10 would be the conduct of an ordinarily prudent, careful person under the same circumstances  
11 that it is contrary to a proper regard for danger to human life or constitutes indifference to  
12 the resulting consequences, said consequences of the negligent act or omission being  
13 reasonably foreseeable; said danger to human life not being the result of inattention,  
14 mistaken judgment or misadventure, but the natural and probable result of said aggravated  
15 reckless or grossly negligent act or omission, to wit: by directly or indirectly using and/or  
16 introducing contaminated medical instruments, supplies, and/or drugs upon or into the body  
17 of STACY HUTCHINSON which were contaminated with the Hepatitis C virus; Defendants  
18 and KEITH MATHAHS being responsible under one or more of the following principles of  
19 criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting  
20 each other in the commission of the crime by directly or indirectly counseling, encouraging,  
21 hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care  
22 delivery system which directly or indirectly limited the use of medical instruments, and/or  
23 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,  
24 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting  
25 with the intent to commit said crime in order to fraudulently increase the insurance billing  
26 and/or money reimbursement for the medical procedure performed on the said STACY  
27 HUTCHINSON; specifically, as to DEFENDANT DESAI, that he directly or indirectly both  
28 instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform



1 said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH  
2 MATHAHS and others were pressured to commit the said acts described above; specifically,  
3 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted  
4 standards of medical care, that he limited the use of medical supplies, and/or drugs and  
5 rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to  
6 directly or indirectly treat and/or perform an unreasonable number of patient procedures in a  
7 single day all at the expense of patient safety and well being, and which resulted in  
8 substandard care and jeopardized the safety of STACY HUTCHINSON and/or (3) pursuant  
9 to a conspiracy to commit this crime, Defendants and KEITH MATHAHS acting in concert  
10 throughout.

11 COUNT 8 - INSURANCE FRAUD

12 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
13 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
14 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
15 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
16 contained false or misleading information concerning a fact material to said claim; and/or  
17 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
18 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
19 concealed or omitted facts, or did contain false or misleading information concerning a fact  
20 material to a claim for payment or other benefits under such policy issued pursuant to Title  
21 57 of the Nevada Revised Statutes, by falsely representing to HEALTH PLAN OF  
22 NEVADA that the billed anesthesia time and/or charges for the endoscopic procedure  
23 performed on STACY HUTCHINSON were more than the actual anesthetic time and/or  
24 charges, said false representation resulting in the payment of money to Defendants and  
25 KEITH MATHAHS and/or their medical practice which exceeded that which would have  
26 normally been allowed for said procedure; Defendants and KEITH MATHAHS being  
27 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
28 directly committing said acts; and/or (2) aiding or abetting each other in the commission of

1 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
2 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
3 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
4 to commit this crime.

5 COUNT 9 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS  
6 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

7 Defendants and KEITH MATHAHS did on or about September 21, 2007, then and  
8 there willfully and unlawfully perform acts in willful or wanton disregard of the safety of  
9 persons or property resulting in substantial bodily harm to RUDOLFO MEANA, to wit:  
10 transmitting the Hepatitis C virus to RUDOLFO MEANA, in the following manner, to wit:  
11 by directly or indirectly using and/or introducing contaminated medical instruments,  
12 supplies, and/or drugs upon or into the body of RUDOLFO MEANA which were  
13 contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being  
14 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
15 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
16 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
17 or procuring each other, and/or others to utilize a patient care delivery system which directly  
18 or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled  
19 and/or treated an unreasonable number of patients per day, and/or rushed patients or patient  
20 procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime  
21 in order to fraudulently increase the insurance billing and/or money reimbursement for the  
22 medical procedure performed on the said RUDOLFO MEANA; specifically, as to  
23 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT  
24 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a  
25 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others  
26 were pressured to commit the said acts described above; specifically, as to DEFENDANT  
27 LAKEMAN, engaging in conduct against universally accepted standards of medical care,  
28 that he obtained the medical supplies, and/or drugs utilized in the treatment of KENNETH

1 RUBINO and RODOLFO MEANA which were subsequently contaminated with the  
2 Hepatitis C virus and thereafter directly or indirectly shared, exchanged or transferred said  
3 contaminated medical supplies, and/or drugs between himself and KEITH MATHAHS  
4 and/or between treatment rooms before, during or after the endoscopic procedure performed  
5 on KENNETH RUBINO which resulted in the transmission of the Hepatitis C virus into the  
6 body of RODOLFO MEANA and others and/or (3) pursuant to a conspiracy to commit this  
7 crime, Defendants and KEITH MATHAHS acting in concert throughout.

8 COUNT 10 - CRIMINAL NEGLIGENCE OF PATIENTS RESULTING IN SUBSTANTIAL  
9 BODILY HARM

10 Defendants and KEITH MATHAHS on or about September 21, 2007, being  
11 professional caretakers of RUDOLFO MEANA, did act or omit to act in an aggravated,  
12 reckless or gross manner, failing to provide such service, care or supervision as is reasonable  
13 and necessary to maintain the health or safety of said RUDOLFO MEANA, resulting in  
14 substantial bodily harm to RUDOLFO MEANA, to wit: transmitting the Hepatitis C virus to  
15 RUDOLFO MEANA, said acts or omissions being such a departure from what would be the  
16 conduct of an ordinarily prudent, careful person under the same circumstances that it is  
17 contrary to a proper regard for danger to human life or constitutes indifference to the  
18 resulting consequences, said consequences of the negligent act or omission being reasonably  
19 foreseeable; said danger to human life not being the result of inattention, mistaken judgment  
20 or misadventure, but the natural and probable result of said aggravated reckless or grossly  
21 negligent act or omission, to wit: by directly or indirectly using and/or introducing  
22 contaminated medical instruments, supplies, and/or drugs upon or into the body of  
23 RUDOLFO MEANA which were contaminated with the Hepatitis C virus; Defendants and  
24 KEITH MATHAHS being responsible under one or more of the following principles of  
25 criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting  
26 each other in the commission of the crime by directly or indirectly counseling, encouraging,  
27 hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care  
28 delivery system which directly or indirectly limited the use of medical instruments, and/or

1 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,  
2 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting  
3 with the intent to commit said crime in order to fraudulently increase the insurance billing  
4 and/or money reimbursement for the medical procedure performed on the said RUDOLFO  
5 MEANA; specifically, as to DEFENDANT DESAI, that he directly or indirectly both  
6 instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform  
7 said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH  
8 MATHAHS and others were pressured to commit the said acts described above; specifically,  
9 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted  
10 standards of medical care, that he obtained the medical supplies, and/or drugs utilized in the  
11 treatment of KENNETH RUBINO and RODOLFO MEANA which were subsequently  
12 contaminated with the Hepatitis C virus and thereafter directly or indirectly shared,  
13 exchanged or transferred said contaminated medical supplies, and/or drugs between himself  
14 and KEITH MATHAHS and/or between treatment rooms before, during or after the  
15 endoscopic procedure performed on KENNETH RUBINO which resulted in the  
16 transmission of the Hepatitis C virus into the body of RODOLFO MEANA and others and/or  
17 (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH MATHAHS  
18 acting in concert throughout.

19 COUNT 11 - INSURANCE FRAUD

20 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
21 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
22 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
23 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
24 contained false or misleading information concerning a fact material to said claim; and/or  
25 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
26 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
27 concealed or omitted facts, or did contain false or misleading information concerning a fact  
28 material to a claim for payment or other benefits under such policy issued pursuant to Title

57 of the Nevada Revised Statutes, by falsely representing to SECURE HORIZONS and/or PACIFICARE that the billed anesthesia time and/or charges for the endoscopic procedure performed on RUDOLFO MEANA were more than the actual anesthetic time and/or charges, said false representation resulting in the payment of money to Defendants and KEITH MATHAHS and/or their medical practice which exceeded that which would have normally been allowed for said procedure; Defendants and KEITH MATHAHS being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to commit said acts, Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy to commit this crime.

COUNT 12 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

Defendants and KEITH MATHAHS did on or about September 21, 2007, then and there willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to PATTY ASPINWALL, to wit: transmitting the Hepatitis C virus to PATTY ASPINWALL, in the following manner, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures. Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently increase the insurance billing and/or money reimbursement for the medical procedure performed on the said PATTY ASPINWALL; specifically, as to DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform

1 said acts and created a work environment where DEFENDANT LAKEMAN, KEITH  
2 MATHAHS and others were pressured to commit the said acts described above; specifically,  
3 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted  
4 standards of medical care, that he limited the use of medical supplies, and/or drugs and  
5 rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to  
6 directly or indirectly treat and/or perform an unreasonable number of patient procedures in a  
7 single day all at the expense of patient safety and well being, and which resulted in  
8 substandard care and jeopardized the safety of PATTY ASPINWALL and/or (3) pursuant to  
9 a conspiracy to commit this crime, Defendants and KEITH MATHAHS acting in concert  
10 throughout.

11 COUNT 13 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
12 BODILY HARM

13 Defendants and KEITH MATHAHS on or about September 21, 2007, being  
14 professional caretakers of PATTY ASPINWALL, did act or omit to act in an aggravated,  
15 reckless or gross manner, failing to provide such service, care or supervision as is reasonable  
16 and necessary to maintain the health or safety of said PATTY ASPINWALL, resulting in  
17 substantial bodily harm to PATTY ASPINWALL, to wit: transmitting the Hepatitis C virus  
18 to PATTY ASPINWALL, said acts or omissions being such a departure from what would be  
19 the conduct of an ordinarily prudent, careful person under the same circumstances that it is  
20 contrary to a proper regard for danger to human life or constitutes indifference to the  
21 resulting consequences, said consequences of the negligent act or omission being reasonably  
22 foreseeable; said danger to human life not being the result of inattention, mistaken judgment  
23 or misadventure, but the natural and probable result of said aggravated reckless or grossly  
24 negligent act or omission, to wit: (1) by directly committing said acts; and/or (2) aiding or  
25 abetting each other in the commission of the crime by directly or indirectly counseling,  
26 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize  
27 a patient care delivery system which directly or indirectly limited the use of medical  
28 instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number

1 of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH  
2 MATHAHS acting with the intent to commit said crime in order to fraudulently increase the  
3 insurance billing and/or money reimbursement for the medical procedure performed on the  
4 said PATTY ASPINWALL; specifically, as to DEFENDANT DESAI, that he directly or  
5 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said  
6 others to perform said acts and created a work environment where DEFENDANT  
7 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts  
8 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against  
9 universally accepted standards of medical care, that he limited the use of medical supplies,  
10 and/or drugs and rushed patients, and/or patient procedures which in turn allowed  
11 DEFENDANT DESAI to directly or indirectly treat and/or perform an unreasonable number  
12 of patient procedures in a single day all at the expense of patient safety and well being, and  
13 which resulted in substandard care and jeopardized the safety of PATTY ASPINWALL  
14 and/or (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH  
15 MATHAHS acting in concert throughout.

16 COUNT 14 - INSURANCE FRAUD

17 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
18 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
19 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
20 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
21 contained false or misleading information concerning a fact material to said claim; and/or  
22 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
23 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
24 concealed or omitted facts, or did contain false or misleading information concerning a fact  
25 material to a claim for payment or other benefits under such policy issued pursuant to Title  
26 57 of the Nevada Revised Statutes, by falsely representing to ANTHEM BLUE CROSS  
27 AND BLUE SHIELD that the billed anesthesia time and/or charges for the endoscopic  
28 procedure performed on PATTY ASPINWALL were more than the actual anesthetic time

1 and/or charges, said false representation resulting in the payment of money to Defendants  
2 and KEITH MATHAHS and/or their medical practice which exceeded that which would  
3 have normally been allowed for said procedure; Defendants and KEITH MATHAHS being  
4 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
5 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
6 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
7 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
8 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
9 to commit this crime.

10 COUNT 15 - INSURANCE FRAUD

11 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
12 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
13 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
14 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
15 contained false or misleading information concerning a fact material to said claim; and/or  
16 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
17 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
18 concealed or omitted facts, or did contain false or misleading information concerning a fact  
19 material to a claim for payment or other benefits under such policy issued pursuant to Title  
20 57 of the Nevada Revised Statutes, by falsely representing to UNITED HEALTH  
21 SERVICES that the billed anesthesia time and/or charges for the endoscopic procedure  
22 performed on PATTY ASPINWALL were more than the actual anesthetic time and/or  
23 charges, said false representation resulting in the payment of money to Defendants and  
24 KEITH MATHAHS and/or their medical practice which exceeded that which would have  
25 normally been allowed for said procedure; Defendants and KEITH MATHAHS being  
26 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
27 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
28 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,



1 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
2 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
3 to commit this crime.

4 COUNT 16 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS  
5 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

6 Defendants and KEITH MATHAHS did on or about September 21, 2007, then and  
7 there willfully and unlawfully perform acts in willful or wanton disregard of the safety of  
8 persons or property resulting in substantial bodily harm to SONIA ORELLANA-RIVERA,  
9 to wit: transmitting the Hepatitis C virus to SONIA ORELLANA-RIVERA, in the following  
10 manner, to wit: by directly or indirectly using and/or introducing contaminated medical  
11 instruments, supplies, and/or drugs upon or into the body of SONIA ORELLANA-RIVERA  
12 which were contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS  
13 being responsible under one or more of the following principles of criminal liability, to wit:  
14 (1) by directly committing said acts; and/or (2) aiding or abetting each other in the  
15 commission of the crime by directly or indirectly counseling, encouraging, hiring,  
16 commanding, inducing, or procuring each other, and/or others to utilize a patient care  
17 delivery system which directly or indirectly limited the use of medical instruments, and/or  
18 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,  
19 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting  
20 with the intent to commit said crime in order to fraudulently increase the insurance billing  
21 and/or money reimbursement for the medical procedure performed on the said SONIA  
22 ORELLANA-RIVERA; specifically, as to DEFENDANT DESAI, that he directly or  
23 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said  
24 others to perform said acts and created a work environment where DEFENDANT  
25 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts  
26 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against  
27 universally accepted standards of medical care, that he obtained the medical supplies, and/or  
28 drugs utilized in the treatment of KENNETH RUBINO and SONIA ORELLANA-RIVERA

1 which were subsequently contaminated with the Hepatitis C virus and thereafter directly or  
2 indirectly shared, exchanged or transferred said contaminated medical supplies, and/or drugs  
3 between himself and KEITH MATHAHS and/or between treatment rooms before, during or  
4 after the endoscopic procedure performed on KENNETH RUBINO which resulted in the  
5 transmission of the Hepatitis C virus into the body of SONIA ORELLANA-RIVERA and  
6 others and/or ~~(3) pursuant to a conspiracy to commit this crime,~~ Defendants and KEITH  
7 MATHAHS acting in concert throughout.

8 COUNT 17 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
9 BODILY HARM

10 Defendants and KEITH MATHAHS on or about September 21, 2007, being  
11 professional caretakers of SONIA ORELLANA-RIVERA, did act or omit to act in an  
12 aggravated, reckless or gross manner, failing to provide such service, care or supervision as  
13 is reasonable and necessary to maintain the health or safety of said SONIA ORELLANA-  
14 RIVERA, resulting in substantial bodily harm to SONIA ORELLANA-RIVERA, to wit:  
15 transmitting the Hepatitis C virus to SONIA ORELLANA-RIVERA, said acts or omissions  
16 being such a departure from what would be the conduct of an ordinarily prudent, careful  
17 person under the same circumstances that it is contrary to a proper regard for danger to  
18 human life or constitutes indifference to the resulting consequences, said consequences of  
19 the negligent act or omission being reasonably foreseeable; said danger to human life not  
20 being the result of inattention, mistaken judgment or misadventure, but the natural and  
21 probable result of said aggravated reckless or grossly negligent act or omission, to wit: by  
22 directly or indirectly using and/or introducing contaminated medical instruments, supplies,  
23 and/or drugs upon or into the body of SONIA ORELLANA-RIVERA which were  
24 contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being  
25 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
26 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
27 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
28 or procuring each other, and/or others to utilize a patient care delivery system which directly

1 or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled  
2 and/or treated an unreasonable number of patients per day, and/or rushed patients or patient  
3 procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime  
4 in order to fraudulently increase the insurance billing and/or money reimbursement for the  
5 medical procedure performed on the said SONIA ORELLANA-RIVERA; specifically, as to  
6 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT  
7 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a  
8 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others  
9 were pressured to commit the said acts described above; specifically, as to DEFENDANT  
10 LAKEMAN, engaging in conduct against universally accepted standards of medical care,  
11 that he obtained the medical supplies, and/or drugs utilized in the treatment of KENNETH  
12 RUBINO AND SONIA ORELLANA-RIVERA which were subsequently contaminated with  
13 the Hepatitis C virus and thereafter directly or indirectly shared, exchanged or transferred  
14 said contaminated medical supplies, and/or drugs between himself and KEITH MATHAHS  
15 and/or between treatment rooms before, during or after the endoscopic procedure performed  
16 on KENNETH RUBINO which resulted in the transmission of the Hepatitis C virus into the  
17 body of SONIA ORELLANA-RIVERA and others and/or (3) pursuant to a conspiracy to  
18 commit this crime, Defendants and KEITH MATHAHS acting in concert throughout.

19 COUNT 18 - INSURANCE FRAUD

20 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
21 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
22 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
23 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
24 contained false or misleading information concerning a fact material to said claim; and/or  
25 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
26 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
27 concealed or omitted facts, or did contain false or misleading information concerning a fact  
28 material to a claim for payment or other benefits under such policy issued pursuant to Title

57 of the Nevada Revised Statutes, by falsely representing to CULINARY WORKERS HEALTH FUND that the billed anesthesia time and/or charges for the endoscopic procedure performed on SONIA ORELLANA-RIVERA were more than the actual anesthetic time and/or charges, said false representation resulting in the payment of money to Defendants and KEITH MATHAHS and/or their medical practice which exceeded that which would have normally been allowed for said procedure; Defendants and KEITH MATHAHS being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to commit said acts, Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy to commit this crime.

COUNT 19 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

Defendants and KEITH MATHAHS did on or about September 21, 2007, then and there willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to CAROLE GRUESKIN, to wit: transmitting the Hepatitis C virus to CAROLE GRUESKIN, in the following manner, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently increase the insurance billing and/or money reimbursement for the medical procedure performed on the said CAROLE GRUESKIN; specifically, as to DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform

1 said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH  
2 MATHAHS and others were pressured to commit the said acts described above; specifically,  
3 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted  
4 standards of medical care, that he limited the use of medical supplies, and/or drugs and  
5 rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to  
6 directly or indirectly treat and/or perform an unreasonable number of patient procedures in a  
7 single day all at the expense of patient safety and well being, and which resulted in  
8 substandard care and jeopardized the safety of CAROLE GRUESKIN and/or (3) pursuant to  
9 a conspiracy to commit this crime, Defendants and KEITH MATHAHS acting in concert  
10 throughout.

11 COUNT 20- CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
12 BODILY HARM

13 Defendants and KEITH MATHAHS on or about September 21, 2007, being  
14 professional caretakers of CAROLE GRUESKIN, did act or omit to act in an aggravated,  
15 reckless or gross manner, failing to provide such service, care or supervision as is reasonable  
16 and necessary to maintain the health or safety of said CAROLE GRUESKIN, resulting in  
17 substantial bodily harm to CAROLE GRUESKIN, to wit: transmitting the Hepatitis C virus  
18 to CAROLE GRUESKIN, said acts or omissions being such a departure from what would be  
19 the conduct of an ordinarily prudent, careful person under the same circumstances that it is  
20 contrary to a proper regard for danger to human life or constitutes indifference to the  
21 resulting consequences, said consequences of the negligent act or omission being reasonably  
22 foreseeable; said danger to human life not being the result of inattention, mistaken judgment  
23 or misadventure, but the natural and probable result of said aggravated reckless or grossly  
24 negligent act or omission, to wit: (1) by directly committing said acts; and/or (2) aiding or  
25 abetting each other in the commission of the crime by directly or indirectly counseling,  
26 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize  
27 a patient care delivery system which directly or indirectly limited the use of medical  
28 instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number

1 of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH  
2 MATHAHS acting with the intent to commit said crime in order to fraudulently increase the  
3 insurance billing and/or money reimbursement for the medical procedure performed on the  
4 said CAROLE GRUESKIN; specifically, as to DEFENDANT DESAI, that he directly or  
5 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said  
6 others to perform said acts and created a work environment where DEFENDANT  
7 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts  
8 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against  
9 universally accepted standards of medical care, that he limited the use of medical supplies,  
10 and/or drugs and rushed patients, and/or patient procedures which in turn allowed  
11 DEFENDANT DESAI to directly or indirectly treat and/or perform an unreasonable number  
12 of patient procedures in a single day all at the expense of patient safety and well being, and  
13 which resulted in substandard care and jeopardized the safety of CAROLE GRUESKIN  
14 and/or (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH  
15 MATHAHS acting in concert throughout.

16 COUNT 21 - INSURANCE FRAUD

17 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly  
18 and willfully present, or cause to be presented a statement as a part of, or in support of, a  
19 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of  
20 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or  
21 contained false or misleading information concerning a fact material to said claim; and/or  
22 did assist, abet, solicit or conspire to present or cause to be presented a statement to an  
23 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement  
24 concealed or omitted facts, or did contain false or misleading information concerning a fact  
25 material to a claim for payment or other benefits under such policy issued pursuant to Title  
26 57 of the Nevada Revised Statutes, by falsely representing to HEALTH PLAN OF  
27 NEVADA that the billed anesthesia time and/or charges for the endoscopic procedure  
28 performed on CAROLE GRUESKIN were more than the actual anesthetic time and/or

1 charges, said false representation resulting in the payment of money to Defendants and  
2 KEITH MATHAHS and/or their medical practice which exceeded that which would have  
3 normally been allowed for said procedure; Defendants and KEITH MATHAHS being  
4 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
5 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
6 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
7 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
8 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
9 to commit this crime.

10 COUNT 22 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS  
11 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

12 Defendants and KEITH MATHAHS did on or about September 21, 2007, then and  
13 there willfully and unlawfully perform acts in willful or wanton disregard of the safety of  
14 persons or property resulting in substantial bodily harm to GWENDOLYN MARTIN, to wit:  
15 transmitting the Hepatitis C virus to GWENDOLYN MARTIN, in the following manner, to  
16 wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the  
17 commission of the crime by directly or indirectly counseling, encouraging, hiring,  
18 commanding, inducing, or procuring each other, and/or others to utilize a patient care  
19 delivery system which directly or indirectly limited the use of medical instruments, and/or  
20 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,  
21 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting  
22 with the intent to commit said crime in order to fraudulently increase the insurance billing  
23 and/or money reimbursement for the medical procedure performed on the said  
24 GWENDOLYN MARTIN; specifically, as to DEFENDANT DESAI, that he directly or  
25 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said  
26 others to perform said acts and created a work environment where DEFENDANT  
27 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts  
28 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against

1 universally accepted standards of medical care, that he obtained the medical supplies, and/or  
2 drugs utilized in the treatment of KENNETH RUBINO and GWENDOLYN MARTIN  
3 which were subsequently contaminated with the Hepatitis C virus and thereafter directly or  
4 indirectly shared, exchanged or transferred said contaminated medical supplies, and/or drugs  
5 between himself and KEITH MATHAHS and/or between treatment rooms before, during or  
6 after the endoscopic procedure performed on KENNETH RUBINO which resulted in the  
7 transmission of the Hepatitis C virus into the body of GWENDOLYN MARTIN and others  
8 and/or (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH  
9 MATHAHS acting in concert throughout.

10 COUNT 23 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
11 BODILY HARM

12 Defendants and KEITH MATHAHS on or about September 21, 2007, being  
13 professional caretakers of GWENDOLYN MARTIN, did act or omit to act in an aggravated,  
14 reckless or gross manner, failing to provide such service, care or supervision as is reasonable  
15 and necessary to maintain the health or safety of said GWENDOLYN MARTIN, resulting in  
16 substantial bodily harm to GWENDOLYN MARTIN, to wit: transmitting the Hepatitis C  
17 virus to GWENDOLYN MARTIN, said acts or omissions being such a departure from what  
18 would be the conduct of an ordinarily prudent, careful person under the same circumstances  
19 that it is contrary to a proper regard for danger to human life or constitutes indifference to  
20 the resulting consequences, said consequences of the negligent act or omission being  
21 reasonably foreseeable; said danger to human life not being the result of inattention,  
22 mistaken judgment or misadventure, but the natural and probable result of said aggravated  
23 reckless or grossly negligent act or omission, to wit: (1) by directly committing said acts;  
24 and/or (2) aiding or abetting each other in the commission of the crime by directly or  
25 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,  
26 and/or others to utilize a patient care delivery system which directly or indirectly limited the  
27 use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an  
28 unreasonable number of patients per day, and/or rushed patients or patient procedures,



1 Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to  
2 fraudulently increase the insurance billing and/or money reimbursement for the medical  
3 procedure performed on the said GWENDOLYN MARTIN; specifically, as to  
4 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT  
5 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a  
6 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others  
7 were pressured to commit the said acts described above; specifically, as to DEFENDANT  
8 LAKEMAN, engaging in conduct against universally accepted standards of medical care,  
9 that he obtained the medical supplies, and/or drugs utilized in the treatment of KENNETH  
10 RUBINO and GWENDOLYN MARTIN which were subsequently contaminated with the  
11 Hepatitis C virus and thereafter directly or indirectly shared, exchanged or transferred said  
12 contaminated medical supplies, and/or drugs between himself and KEITH MATHAHS  
13 and/or between treatment rooms before, during or after the endoscopic procedure performed  
14 on KENNETH RUBINO which resulted in the transmission of the Hepatitis C virus into the  
15 body of GWENDOLYN MARTIN and others and/or (3) pursuant to a conspiracy to commit  
16 this crime, Defendants and KEITH MATHAHS acting in concert throughout.

17 COUNT 24 - INSURANCE FRAUD

18 Defendants and KEITH MATHAHS did on or between September 20, 2007 and  
19 September 21, 2007, knowingly and willfully present, or cause to be presented a statement  
20 as a part of, or in support of, a claim for payment or other benefits under a policy of  
21 insurance issued pursuant to Title 57 of the Nevada Revised Statutes, knowing that the  
22 statement concealed or omitted facts, or contained false or misleading information  
23 concerning a fact material to said claim; and/or did assist, abet, solicit or conspire to present  
24 or cause to be presented a statement to an insurer, a reinsurer, a producer, a broker or any  
25 agent thereof, knowing that said statement concealed or omitted facts, or did contain false or  
26 misleading information concerning a fact material to a claim for payment or other benefits  
27 under such policy issued pursuant to Title 57 of the Nevada Revised Statutes, by falsely  
28 representing to PACIFIC CARE that the billed anesthesia time and/or charges for the

1 endoscopic procedure performed on GWENDOLYN MARTIN were more than the actual  
2 anesthetic time and/or charges, said false representation resulting in the payment of money to  
3 Defendants and KEITH MATHAHS and/or their medical practice which exceeded that  
4 which would have normally been allowed for said procedure; Defendants and KEITH  
5 MATHAHS being responsible under one or more of the following principles of criminal  
6 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other  
7 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,  
8 commanding, inducing, or procuring each other, and/or others to commit said acts,  
9 Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3)  
10 pursuant to a conspiracy to commit this crime.

11 COUNT 25 – THEFT

12 Defendants and KEITH MATHAHS did between July 25, 2007 and December 31,  
13 2007, then and there knowingly, feloniously, and without lawful authority, commit theft by  
14 obtaining personal property in the amount of \$250.00, or more, lawful money of the United  
15 States, from STACY HUTCHINSON, KENNETH RUBINO, PATTY ASPINWALL,  
16 SHARRIEFF ZIYAD, MICHAEL WASHINGTON, CAROLE GRUESKIN and RODOLFO  
17 MEANA, and/or ANTHEM BLUE CROSS AND BLUE SHIELD, HEALTHCARE  
18 PARTNERS OF NEVADA, UNITED HEALTH SERVICES, VETERANS  
19 ADMINISTRATION and SECURED HORIZONS, by a material misrepresentation with  
20 intent to deprive those persons of the property, in the following manner, to-wit: by falsely  
21 representing that the billed anesthesia time and/or charges for the endoscopic procedure  
22 performed on STACY HUTCHINSON, KENNETH RUBINO, PATTY ASPINWALL,  
23 SHARRIEFF ZIYAD, MICHAEL WASHINGTON, CAROLE GRUESKIN and RODOLFO  
24 MEANA, were more than the actual anesthetic time and/or charges, said false representation  
25 resulting in the payment of money to Defendants and KEITH MATHAHS and/or their  
26 medical practice, which exceeded that which would have normally been allowed for said  
27 procedure, thereby obtaining said personal property by a material misrepresentation with  
28 intent to deprive them of the property, Defendants and KEITH MATHAHS being

1 responsible under one or more of the following principles of criminal liability, to wit: (1) by  
2 directly committing said acts; and/or (2) aiding or abetting each other in the commission of  
3 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,  
4 or procuring each other, and/or others to commit said acts, Defendants and KEITH  
5 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy  
6 to commit this crime.

7 COUNT 26 - OBTAINING MONEY UNDER FALSE PRETENSES

8 Defendants and KEITH MATHAHS did on or between September 20, 2007, and  
9 December 31, 2007, with intent to cheat and defraud, wilfully, unlawfully, feloniously,  
10 knowingly, designedly, and by use of false pretenses, obtain \$250.00, or more, lawful money  
11 of the United States from GWENDOLYN MARTIN and/or PACIFICARE, within Las  
12 Vegas, Clark County, Nevada, in the following manner, to-wit: by falsely representing that  
13 the billed anesthesia times and/or charges for the endoscopic procedures performed on  
14 GWENDOLYN MARTIN were more than the actual anesthetic times and/or charges, said  
15 false representation resulting in the payment of money to Defendants and KEITH  
16 MATHAHS and/or the medical practice, which exceeded that which would have normally  
17 been allowed for said procedures Defendants and KEITH MATHAHS being responsible  
18 under one or more of the following principles of criminal liability, to wit: (1) by directly  
19 committing said acts; and/or (2) aiding or abetting each other in the commission of the crime  
20 by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or  
21 procuring each other, and/or others to commit said acts, Defendants and KEITH MATHAHS  
22 acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy to commit  
23 this crime.

24 COUNT 27 - OBTAINING MONEY UNDER FALSE PRETENSES

25 Defendants and KEITH MATHAHS did on or between September 21, 2007, and  
26 December 31, 2007, with intent to cheat and defraud, wilfully, unlawfully, feloniously,  
27 knowingly, designedly, and by use of false pretenses, obtain \$250.00, or more, lawful money  
28 of the United States from SONIA ORELLANA-RIVERA and/or CULINARY WORKERS

1 HEALTH FUND, within Las Vegas, Clark County, Nevada, in the following manner, to-wit:  
2 by falsely representing that the billed anesthesia times and/or charges for the endoscopic  
3 procedures performed on SONIA ORELLANA-RIVERA were more than the actual  
4 anesthetic times and/or charges, said false representation resulting in the payment of money  
5 to Defendants and KEITH MATHAHS and/or the medical practice, which exceeded that  
6 which would have normally been allowed for said procedures Defendants and KEITH  
7 MATHAHS being responsible under one or more of the following principles of criminal  
8 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other  
9 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,  
10 commanding, inducing, or procuring each other, and/or others to commit said acts,  
11 Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3)  
12 pursuant to a conspiracy to commit this crime.

13 COUNT 28 - MURDER (SECOND DEGREE)

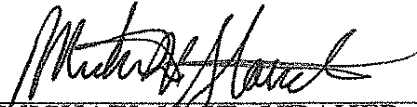
14 Defendants and KEITH MATHAHS did on or between September 21, 2007 and April  
15 27, 2012, then and there willfully, feloniously, without authority of law, and with malice  
16 aforethought, kill RODOLFO MEANA, a human being, by introducing Hepatitis C virus  
17 into the body of RODOLFO MEANA, based upon the following principles of criminal  
18 liability, to-wit: (1) by the killing occurring under circumstances showing an abandoned and  
19 malignant heart; and/or (2) ~~during the commission of an unlawful act, to-wit: criminal~~  
20 ~~neglect of patients, and/or performance of an unlawful act in reckless disregard of persons or~~  
21 ~~property, which in its consequences, naturally tends to destroy the life of a human being;~~  
22 ~~and/or (3) the killing being committed in the prosecution of a felonious intent, to-wit:~~  
23 ~~criminal neglect of patients, and/or performance of an act in reckless disregard of persons or~~  
24 ~~property, which in its consequences, naturally tends to destroy the life of a human being, by~~  
25 ~~directly or indirectly using and/or introducing contaminated medical instruments, supplies,~~  
26 ~~and/or drugs upon or into the body of RODOLFO MEANA which were contaminated with~~  
27 ~~the Hepatitis C virus; Defendants and KEITH MATHAHS being responsible under one or~~  
28 more of the following principles of criminal liability, to wit: (1) by directly committing said

1 acts; and/or (2) by aiding or abetting each other and/or others including uncharged  
2 confederates in the commission of the crime(s) of criminal neglect of patients, and/or  
3 performance of an act in reckless disregard of persons or property by directly or indirectly  
4 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or  
5 others to utilize a patient care delivery system which directly or indirectly limited the use of  
6 medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable  
7 number of patients per day, and/or rushed patients or patient procedures all at the expense of  
8 patient safety and/or well being, and which resulted in substandard care and/or jeopardized  
9 the safety of RODOLFO MEANA, Defendants and KEITH MATHAHS acting with the  
10 intent to commit the crime(s) of criminal neglect of patients, and/or performance of an act in  
11 reckless disregard of persons or property; and/or (3) pursuant to a conspiracy to commit the  
12 crime(s) of criminal neglect of patients, and/or performance of an act in reckless disregard of  
13 persons or property, Defendants and KEITH MATHAHS acting in concert throughout.

14 DATED this 6th day of May, 2013.

15 STEVEN B. WOLFSON  
16 DISTRICT ATTORNEY  
Nevada Bar #001565

17  
18 BY

  
19 MICHAEL V. STAUDAHER  
20 Chief Deputy District Attorney  
21 Nevada Bar #008273  
22  
23  
24  
25  
26  
27  
28

1 Names of witnesses testifying before the Grand Jury:  
2 ARMOUR, PATRICIA, NV. HEALTH DISTRICT  
3 ASPINWALL, PATTY  
4 BAGANG, MAYNARD, LVMPD  
5 CAMPBELL, LYNETTE, RN  
6 CAROL, CLIFFORD  
7 CARRERA, HILARIO  
8 CERDA, RYAN, HEALTH CARE BUSINESS SOLUTIONS  
9 DESAI, SAEHAL  
10 DROBENINE, JAN, CDC LAB SUPERVISOR  
11 DUENAS, YERENY, INSURANCE CLAIMS  
12 GONZALES, PATRICIA, BLUE CROSS DIRECTOR DEPT.  
13 GRUESKIN, CAROLE  
14 HAWKINS, MELVIN  
15 HUTCHINSON, STACY  
16 KALKA, KATIE, UNITED HEALTH GROUP INV.  
17 KHUDYAKOV, YURY, CDC  
18 KRUEGER, JEFFREY ALEN, RN  
19 LABUS, BRIAN, NV HEALTH DISTRICT  
20 LANGLEY, GAYLE, CDC PHYSICIAN  
21 LOBIANBO, ANNAMARIE, CRNA  
22 MARTIN, GWENDOLYN  
23 MEANA, RODOLFO  
24 MYERS, ELAINE, CLAIMS DIRECTOR  
25 NEMEC, FRANK, GASTROENTEROLOGIST  
26 OLSON, ALANE, MEDICAL EXAMINER  
27 RIVERA, SONIA ORELLONO  
28 RUBINO, KENNETH

1 RUSHING, TONYA, OFFICE MGR.  
2 SAGENDORF, VINCENT, CRNA  
3 SAMPSON, NANCY, LVMPD  
4 SAMS, JOANNE, VET ADMIN. CODER  
5 SCHAEFER, MELISSA, CDC PHYSICIAN  
6 SHARMA, SATISH, ANESTHESIOLOGIST  
7 SIMS, DOROTHY, BUREAU OF LICENSING AND CERTIFICATION  
8 SPAETH, CORRINE, CLAIMS DIRECTOR  
9 VANDRUFF, MARION, MEDICAL ASSISTANT  
10 WASHINGTON, MICHAEL  
11 YEE, THOMAS, ANESTHESIOLOGIST  
12 YOST, ANNE, NURSE  
13 ZIYAD, SHARRIEFF  
14  
15 Additional witnesses known to the District Attorney at time of filing the Indictment:  
16 ALFARO-MARTINEZ, SAMUEL  
17 ANWAR, JAVAID, 3006 MARYLAND PKWY #400, LVN 89109  
18 ARBOREEN, DAVE, LVMPD  
19 ARMENI, PAOLA  
20 ARNONE, ANTHONY, LVMPD  
21 ASHANTE, DR.  
22 BAILEY, PAULINE, 3416 MONTE CARLO DR., LVN 89121  
23 BARCLAY, DR. ROBERT  
24 BIEN, KATHY, 3800 DALECREST DR. #1117, LVN 89129  
25 BLEMINGS, RENATE, 2100 PLAIN ST., PAHRUMP, NV 89060  
26 BROWN, DAVID  
27 BUI, DR.  
28 BUNIN, DANIEL

1 BURKIN, JERALD, FBI SA  
2 CALVALHO, DANIEL CARRERA  
3 CARAWAY, ANTOINETTE, 1407 BAREBACK CT., HNV 89014  
4 CARRERA, ELADIO, 612 CANYON GREENS DR., LVN 89144  
5 CARROLL, CLIFFORD, 10313 ORKINEY DR., LVN 89144  
6 CASTLEMAN, DR. STEPHANIE  
7 CAVETT, JOSHUA, 7829 TATTERSALL FLAG ST., LVN 89139  
8 CHAFFEE, ROD, 9303 GILCREASE #1080, LVN 89149  
9 CLEMMER, DANA MARIE, 4913 FERRELL ST., NLVN 89034  
10 COE, DANIEL, LVMPD  
11 COHAN, DR. CHARLES, POB 4144, SAYLORSBURG, PA  
12 COOK, KATIE, FBI S/A  
13 COOPER, DOUG, CHIEF INV., NV. ST. BOARD OF ME  
14 CRANE, AUSA  
15 CREMEN, FRANK  
16 DESAI, DIPAK, 3093 RED ARROW, LVN 89135  
17 DESAI, KUSAM, MD  
18 DIAZ, ALLEN, LVMPD INTERPRETER  
19 DIBUDUO, CHARLES  
20 DORAME, JOHN  
21 DRURY, JANINE  
22 ECKERT, PHYSICIAN ASST.  
23 ELLEN, DIANE  
24 FALZONE, LISA, 8024 PEACEFUL WOODS STREET, LVN 89143  
25 FARIS, FRANK  
26 FIGLER, DAYVID  
27 FISHCHER, GAYLE, 1600 CLIFTON MAIL STOP #G37, ATLANTA, GA. 30333  
28 FORD, MIKE, LVMPD



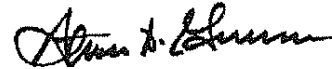
1 FRANKS, LISA, PHYSICIAN ASST.  
2 GASKILL, SARA  
3 GENTILE, DOMINIC  
4 GLASS-SERAN, BARBARA, CRNA  
5 GRAY, WARREN, LVMPD  
6 GREER, MARY, 3462 SHAMROCK AVE., LVN 89120  
7 GREGORY, MARTHA  
8 HAHN, JASON, LVMPD  
9 HANCOCK, L., LVMPD #7083  
10 HANSEN, IDA  
11 HARPER, TIFFANY  
12 HARRIS, ORELENA (HOLLEMAN), 2816 DESERT SONG, LVN 89106  
13 HERRERO, CARMELO, 1864 WOODHAVEN DR., HNV 89074  
14 HIGGINS, HEATHER, INV. NV. ST. BOARD OF ME  
15 HIGUERA, LILIA, 3504 FLOWER, NLVN 89030  
16 HITTI, DR. MIRANDA  
17 HOWARD, NADINE, HEALTH FACILITIES SURVEYOR  
18 HUBBARD, LINDA, 515 PARK ROYAL DR., NLVN 89031  
19 HUGHES, LAURA, AG INV.  
20 HUYNH, NGUYEN, 3004 HAZY MEADOW LN., LVN 89108  
21 IRVIN, JOHNNA  
22 JOHNSON, SHONNA S., 22 VIA DE LUCCIA, HNV 89074  
23 JONES, LISA, CHIEF NSB OF LICENSURE AND CERTIFICATION (BLC)  
24 JURANI, DR.  
25 KIRCH, MARLENE  
26 KAUL, DR.  
27 KAUSHAL, DR. DHAN  
28 KELLEY, J., LVMPD #3716

1 KHAN, IKRAM, 3006 S. MARYLAND PKWY, #465 LVN 89109  
2 KNOWLES, DR.  
3 KOSLOY, LESLEE, RN, HEALTH FACILITIES SURVEYOR  
4 LAKEMAN, RONALD, 700 SHADOW LN #165B, LVN 89106  
5 LATHROP, CAROL, 1741 AUGUSTA ST., PAHRUMP, NV 89048  
6 LATHROP, WILLIAM  
7 LEWIS, DR. DANIEL  
8 LOBIONDA, CRNA  
9 LOPEZ, J. JULIAN, 7106 SMOKE RANCH RD. #120 LVN 89128  
10 LUKENS, JOHN  
11 MAANO, PETER, RN  
12 MALEY, KATIE, 4275 BURNHAM #101, LVN  
13 MALMBERG, GEORGE  
14 MANTHEI, PETER, 7066 AZURE BEACH AZURE ST., LVN 89148  
15 MANUEL, DR. DAVID  
16 MARTIN, LOVEY  
17 MASON, ALBERT  
18 MATHAHS, KEITH, 10220 BUTTON WILLOW DR., LVN 89134  
19 MCDOWELL, RALPH, 388 SANTA CANDIDA ST., LVN 89138  
20 MCGOWAN, SHANNON, 5420 CARNATION MEADOW ST., LVN 89130  
21 MCILROY, ROBIN, FBI  
22 MILLER, JAMES  
23 MIONE, VINCENT, 2408 W. EL CAMPO GRANDE AVE., NLVN 89031  
24 MOORE, DAVID  
25 MUKHERJEE, RANADER, MD  
26 MURPHY, MAGGIE, 10175 W. SPRING MTN RD. #2012 LVN 89117  
27 NAYYAR, SANJAY, MD  
28 NAZAR, WILLIAM

1 NAZARIO, DR. BRUNILDA  
2 OM, HARI, LLC MGR  
3 O'REILLY, JOHN  
4 O'REILLY, TIM  
5 PAGE-TAYLOR, LESLIE, CDC  
6 PATEL, DR.  
7 PENSAKOVIC, JOAN  
8 PETERSON, KAREN, 2138 FT. SANDERS ST., HNV  
9 PHELPS, LISA, 784 MORMON PEAK ST., OVERTON, NV 89040  
10 POMERANZ, AUSA  
11 PRESTON, LAWRENCE, 801 S. RANCHO DR., STE C-1, LVN  
12 QUANNAH, LAKOTA  
13 REXFORD, KEVIN  
14 RICHVALSKY, KAREN, 3325 NIGUL WAY, LVN 89117  
15 ROSEL, LINDA, FBI SA  
16 RUSSOM, RUTA, 4854 MONTERREY AVE., LVN 89121  
17 SAGENDORF, VINCENT  
18 SAMEER, DR. SHEIKH  
19 SAPP, BETSY, PHLEBOTOMIST  
20 SCAMBIO, JEAN, 2920 YUKON FLATS CT., NLVN 89031  
21 SCHULL, JERRY, 5413 SWEET SHADE ST., LVN  
22 SENI, DR.  
23 SHARMA, DR. SATISH  
24 SHARMA, VISHVINDER, DR. 3212 CEDARDALE PL., LVN 89134  
25 SHEFNOFF, NEIL, 755 E. MCDOWELL RD., PHOENIX, AZ 85006  
26 SMITH, CHARNESSA  
27 SOOD, RAJAT  
28 STURMAN, GLORIA

Santacruz

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CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONALD ERNEST LAKEMAN  
#2753504

Defendant.

CASE NO. C265107-2

DEPT. NO. XXI

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 4, 5, 8, 11, 14, 15, 18, 21, and 24 – INSURANCE FRAUD (Category D Felony), in violation of NRS 686A.2815; COUNTS 2, 6, 9, 12, 16, 19, and 22 – PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM (Category C Felony), in violation of NRS 0.060, 202.595; COUNTS 3, 7, 10, 13, 17, 20, and 23 – CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony), in violation of NRS 0.060, 200.495; COUNT 25 – THEFT (Category B Felony), in violation of NRS 205.0832, 205.0835; COUNTS 26 and 27 – OBTAINING MONEY UNDER FALSE PRETENSES (Category B Felony), in violation of NRS 205.265, 205.380; and COUNT

1 28 – MURDER (SECOND DEGREE) (Category A Felony), in violation of NRS 200.010,  
2 200.020, 200.030, 200.070, 202.595, 200.495; and the matter having been tried before  
3 a jury and the Defendant having been found guilty of the crimes of COUNTS 1, 8, 14,  
4 15, 21, and 24 – INSURANCE FRAUD (Category D Felony), in violation of NRS  
5 686A.2815; COUNTS 2, 6, 12, and 19 – PERFORMANCE OF ACT IN RECKLESS  
6 DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL  
7 BODILY HARM (Category C Felony), in violation of NRS 0.060, 202.595; COUNTS 3,  
8 7, 13, and 20 – CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL  
9 BODILY HARM (Category B Felony), in violation of NRS 0.060, 200.495; COUNT 25 –  
10 THEFT UNDER \$250.00 (Misdemeanor); and COUNT 26 – OBTAINING MONEY  
11 UNDER FALSE PRETENSES UNDER \$250.00 (Misdemeanor); thereafter, on the 24<sup>TH</sup>  
12 day of October, 2013, the Defendant was present in court for sentencing with his  
13 counsel, **FREDERICK SANTACROCE, ESQ.**, and good cause appearing,  
14

15  
16  
17 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
18 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee  
19 including testing to determine genetic markers, and \$1,861.73 Extradition Fee, the  
20 Defendant is SENTENCED as follows: AS TO COUNT 1 - TO A MAXIMUM of THIRTY  
21 (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the  
22 Nevada Department of Corrections (NDC); AS TO COUNT 2 - TO A MAXIMUM of  
23 THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in  
24 the Nevada Department of Corrections (NDC), COUNT 2 to run CONCURRENT with  
25 COUNT 1; AS TO COUNT 3 - TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with  
26 a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS in the Nevada  
27  
28

1 Department of Corrections (NDC), COUNT 3 to run CONCURRENT with COUNT 2; AS  
2 TO COUNT 6 – TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole  
3 Eligibility of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC),  
4 COUNT 6 to run CONCURRENT with COUNT 3; AS TO COUNT 7 - TO A MAXIMUM  
5 of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)  
6 MONTHS in the Nevada Department of Corrections (NDC), COUNT 7 to run  
7 CONSECUTIVE to COUNT 6; AS TO COUNT 8 - TO A MAXIMUM of THIRTY (30)  
8 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the Nevada  
9 Department of Corrections (NDC), COUNT 8 to run CONCURRENT with COUNT 7; AS  
10 TO COUNT 12 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole  
11 Eligibility of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC),  
12 COUNT 12 to run CONCURRENT with COUNT 8; AS TO COUNT 13 - TO A  
13 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-  
14 FOUR (24) MONTHS in the Nevada Department of Corrections (NDC), COUNT 13 to  
15 run CONSECUTIVE to COUNT 12; AS TO COUNT 14 - TO A MAXIMUM of THIRTY  
16 (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the  
17 Nevada Department of Corrections (NDC), COUNT 14 to run CONCURRENT with  
18 COUNT 13; AS TO COUNT 15 - TO A MAXIMUM of THIRTY (30) MONTHS with a  
19 MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the Nevada Department of  
20 Corrections (NDC), COUNT 15 to run CONCURRENT with COUNT 14; AS TO COUNT  
21 19 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of  
22 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), COUNT 19  
23 to run CONCURRENT with COUNT 15; AS TO COUNT 20 - TO A MAXIMUM of SIXTY  
24  
25  
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1 (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS in  
2 the Nevada Department of Corrections (NDC), COUNT 20 to run CONSECUTIVE to  
3 COUNT 19; AS TO COUNT 21 - TO A MAXIMUM of THIRTY (30) MONTHS with a  
4 MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the Nevada Department of  
5 Corrections (NDC), COUNT 21 to run CONCURRENT with COUNT 20; AS TO COUNT  
6 24 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of  
7 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), COUNT 24  
8 to run CONCURRENT with COUNT 21; AS TO COUNT 25 - SIX (6) MONTHS in the  
9 Clark County Detention Center (CCDC), COUNT 25 to run CONCURRENT with other  
10 Counts; and AS TO COUNT 26 - SIX (6) MONTHS in the Clark County Detention  
11 Center (CCDC); COUNT 26 to run CONCURRENT with other Counts; with ONE  
12 HUNDRED SEVENTEEN (117) DAYS Credit for Time Served.  
13  
14

15 FURTHER, COUNT 4 is OMITTED and COUNTS 5, 9, 10, 11, 16, 17, 18, 22,  
16 23, 27 and 28 Defendant is found NOT GUILTY.  
17  
18

19 DATED this 8 day of November, 2013  
20

21   
22 VALERIE ADAIR  
23 DISTRICT JUDGE  
24  
25  
26  
27  
28

JURL

DISTRICT COURT  
CLARK COUNTY, NEVADA

The State of Nevada

vs

Dipak K Desai

Ronald Lakeman

CASE NO.: 10C265107-1

10C265107-2

10C283381-1

10C283381-2

DEPARTMENT 21

**JURY LIST**

1. MELEND POMYKAL

2. GREGORY LA FOREST

~~3. RACHEL ROBINSON~~

4 CINDY ENNON-WILSON

5. MACK BROWN

6. JARED BILLOTTE

7. JAMES MC INTOSH

8. LISA RUIZ

9. REGYNA BOOKER

10. RHONAREE MAYO

11. MARGARET SUTKO

12. AJA WALKER

13. DANIEL JONES

14. RAEGAN HARSANYI

15. JMON NADONGA

16. ERICA CONTI

17. MARGARET STEVENS

18. AMAND KELLER

**ALTERNATES**

SECRET FROM ABOVE



**REGISTER OF ACTIONS**  
**CASE NO. 10C265107-2**

Minutes from  
July 1, 2013

The State of Nevada vs Ronald E Lakeman

§  
§  
§  
§  
§  
§  
§  
§

Case Type: **Felony/Gross Misdemeanor**  
Date Filed: **06/04/2010**  
Location: **Department 21**  
Conversion Case Number: **C265107**  
Defendant's Scope ID #: **2753504**  
Lower Court Case Number: **09GJ00049**

**RELATED CASE INFORMATION**

**Related Cases**

10C265107-1 (Multi-Defendant Case)  
10C265107-3 (Multi-Defendant Case)  
C-12-283381-1 (Consolidated)  
C-12-283381-2 (Consolidated)  
C-12-283381-3 (Consolidated)

**PARTY INFORMATION**

**Defendant** Lakeman, Ronald Ernest

**Lead Attorneys**  
**Frederick A. Santacroce**  
*Retained*  
7025981666(W)

**Other** Nevada Mutual Insurance Co

**Plaintiff** State of Nevada

**Steven B Wolfson**  
702-671-2700(W)

**CHARGE INFORMATION**

**Charges: Lakeman, Ronald Ernest**

	<b>Statute</b>	<b>Level</b>	<b>Date</b>
1. INSURANCE FRAUD	686A.291	Felony	01/01/1900
1. AS USED IN NRS 207.360-207.520, INCLUSIVE, UNLESS CONTEXT OTHERWISE REQUIR	207.350	Felony	01/01/1900
1. "CRIME RELATED TO RACKETEERING" MEANS THE COMMISSION OF ATTEMPT TO	207.360	Felony	01/01/1900
1. "CRIMINAL SYNDICATE" MEANS ANY COMBINATION OF PERSONS, SO STRUCTURED	207.370	Felony	01/01/1900
1. "ENTERPRISE" INCLUDES ANY NATRAL PRSN, SOLE PROPRIETRSHP, PRTRNSHP, CORP	207.380	Felony	01/01/1900
1. RACKETEERING ACTIVITY MEANS ENGAGING IN AT LEAST 2 CRIMES RELATED TO	207.390	Felony	01/01/1900
2. PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
3. CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
3. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
4. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
4. INSURANCE FRAUD	686A.291	Felony	01/01/1900
5. INSURANCE FRAUD	686A.291	Felony	01/01/1900
6. PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OF PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
7. CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
7. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
8. INSURANCE FRAUD	686A.291	Felony	01/01/1900
8. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
9. PERFORMANCE OF ACT IN RECKLESS DISREGARD OF	202.595.2	Felony	01/01/1900

PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM			
10.CRIMINAL NEGLIGENCE OF PATIENTS RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
10.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
11.INSURANCE FRAUD	686A.291	Felony	01/01/1900
11.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
12.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
13.CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
13.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
14.INSURANCE FRAUD	686A.291	Felony	01/01/1900
14.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
15.INSURANCE FRAUD	686A.291	Felony	01/01/1900
16.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
17.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
17.CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
18.INSURANCE FRAUD	686A.291	Felony	01/01/1900
18.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
19.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
20.CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
20.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
21.INSURANCE FRAUD	686A.291	Felony	01/01/1900
21.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
22.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
23.CRIMINAL NEGLIGENCE OF PATIENTS, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
23.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
24.INSURANCE FRAUD	686A.291	Felony	01/01/1900
24.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
25.THEFT	205.0835.3	Felony	01/01/1900
26.OBTAINING MONEY UNDER FALSE PRETENSES	205.380.1a	Felony	01/01/1900
26.THEFT-PENALTIES	205.0835	Felony	01/01/1900
27.OBTAINING MONEY UNDER FALSE PRETENSES	205.380	Felony	01/01/1900
27.IT SHALL BE NO DEFENSE TO A PROSECUTION FOR	205.265	Felony	01/01/1900

LARCENY THAT THE ACCUSED WAS			
28.MURDER, SECOND DEGREE	200.030.2	Felony	01/01/1900
28.IT SHALL BE NO DEFENSE TO A PROSECUTION FOR	205.265	Felony	01/01/1900
LARCENY THAT THE ACCUSED WAS			
29.MURDER, SECOND DEGREE	200.030.2	Felony	04/27/2012

EVENTS & ORDERS OF THE COURT

07/01/2013 Jury Trial (9:00 AM) (Judicial Officer Adair, Valerie)

Minutes

07/01/2013 9:00 AM

- JURY PRESENT. Court Advised a question was received from the Jury and the parties have agreed to an additional instruction. Court instructed the Jury.

OUTSIDE THE PRESENCE OF THE JURY. Court noted the parties have agreed on any responses given to the jury based on their questions.

JURY PRESENT. At the hour of 5:44 PM, the Jury returned with the following verdicts:

As to C265107-1, Defendant Dipak Desai;

- COUNT 1 - Insurance Fraud - GUILTY;
- COUNT 2 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 3 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm -- GUILTY;
- COUNT 4 - OMITTED;
- COUNT 5 - Insurance Fraud - GUILTY;
- COUNT 6 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 7 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 8 - Insurance Fraud - GUILTY;
- COUNT 9 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 10 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 11 - Insurance Fraud - GUILTY;
- COUNT 12 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 13 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 14 - Insurance Fraud - GUILTY;
- COUNT 15 - Insurance Fraud - GUILTY;
- COUNT 16 - Performance of Act in Reckless Disregard OF Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 17 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 18 - Insurance Fraud - GUILTY;
- COUNT 19 - Performance of Act in Reckless Disregard OF Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 20 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 21 - Insurance Fraud - GUILTY;

COUNT 22 - Performance of Act In Reckless Disregard OF  
Persons or Property Resulting in Substantial Bodily Harm -  
GUILTY;  
COUNT 23 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - GUILTY;  
COUNT 24 - Insurance Fraud - GUILTY;  
COUNT 25 - Theft - GUILTY of Theft under \$250;  
COUNT 26 - Obtaining Money Under False Pretenses - GUILTY  
of Obtaining Money Under False Pretenses under \$250;  
COUNT 27 - Obtaining Money Under False Pretenses - GUILTY  
of Obtaining Money Under False Pretenses under \$250;  
COUNT 28 - Murder (Second Degree) - GUILTY.

As to C265107-2, Defendant Ronald Lakeman;

COUNT 1 - Insurance Fraud - GUILTY;  
COUNT 2 - Performance of Act in Reckless Disregard of  
Persons or Property Resulting in Substantial Bodily Harm -  
GUILTY;  
COUNT 3 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm -- GUILTY;  
COUNT 4 - OMITTED;  
COUNT 5 - Insurance Fraud - NOT GUILTY;  
COUNT 6 - Performance of Act in Reckless Disregard of  
Persons or Property Resulting in Substantial Bodily Harm -  
GUILTY;  
COUNT 7 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - GUILTY;  
COUNT 8 - Insurance Fraud - GUILTY;  
COUNT 9 - Performance of Act in Reckless Disregard of  
Persons or Property Resulting in Substantial Bodily Harm - NOT  
GUILTY;  
COUNT 10 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - NOT GUILTY;  
COUNT 11 - Insurance Fraud - NOT GUILTY;  
COUNT 12 - Performance of Act in Reckless Disregard of  
Persons or Property Resulting in Substantial Bodily Harm -  
GUILTY;  
COUNT 13 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - GUILTY;  
COUNT 14 - Insurance Fraud - GUILTY;  
COUNT 15 - Insurance Fraud - GUILTY;  
COUNT 16 - Performance of Act In Reckless Disregard OF  
Persons or Property Resulting in Substantial Bodily Harm - NOT  
GUILTY;  
COUNT 17 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - NOT GUILTY;  
COUNT 18 - Insurance Fraud - NOT GUILTY;  
COUNT 19 - Performance of Act In Reckless Disregard OF  
Persons or Property Resulting in Substantial Bodily Harm -  
GUILTY;  
COUNT 20 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - GUILTY;  
COUNT 21 - Insurance Fraud - GUILTY;  
COUNT 22 - Performance of Act In Reckless Disregard OF  
Persons or Property Resulting in Substantial Bodily Harm - NOT  
GUILTY;  
COUNT 23 - Criminal Neglect of Patients Resulting in Substantial  
Bodily Harm - NOT GUILTY;  
COUNT 24 - Insurance Fraud - GUILTY;  
COUNT 25 - Theft - GUILTY of Theft under \$250;  
COUNT 26 - Obtaining Money Under False Pretenses - GUILTY  
of Obtaining Money Under False Pretenses under \$250;

COUNT 27 - Obtaining Money Under False Pretenses - NOT  
GUILTY;  
COUNT 28 - Murder (Second Degree) - NOT GUILTY.

State requested both Defendants be remanded. Arguments by  
Mr. Santacroce requesting Deft. Lakeman remain on bond. Mr.  
Staudaher maintained the State's request for remand. COURT  
ORDERED, Defendant Lakeman and Defendant Desai  
REMANDED; bail previously posted, EXONERATED; and matter  
REFERRED to the Division of Parole and Probation and SET for  
SENTENCING.

CUSTODY (BOTH)

9/5/13 9:30 AM SENTENCING (BOTH)

[Return to Register of Actions](#)

1 RTRAN

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 DIPAK K. DESAI,  
12 RONALD ERNEST LAKEMAN,

13 Defendants.

CASE#: C265107-1  
C265107-2  
C283381-1  
C283381-2

DEPT. XXI

14 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
15 MAY 28, 2013

16 **RECORDER'S PARTIAL ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
17 **JURY TRIAL - DAY 23**  
18 **INTERVIEW WITH JUROR NUMBER 1, MELEND POMYKAL**

19 APPEARANCES:

20 For the State:

MICHAEL V. STAUDAHER, ESQ.  
PAMELA WECKERLY, ESQ.  
Chief Deputy District Attorneys

21 For Defendant Desai:

RICHARD A. WRIGHT, ESQ.  
MARGARET M. STANISH, ESQ.

22 For Defendant Lakeman:

FREDERICK A. SANTACROCE, ESQ.

23  
24  
25 RECORDED BY: JANIE OLSEN, COURT RECORDER

1 TUESDAY, MAY 28, 2013 AT 12:46 P.M.

2  
3 [OUTSIDE PRESENCE OF THE JURY PANEL EXCEPT FOR JUROR NUMBER 1]

4 THE COURT: Ma'am, just have a seat there in your normal juror chair. I got  
5 your letter --

6 JUROR NUMBER 1: Okay.

7 THE COURT: -- this morning and I -- or actually this -- it was still morning.

8 JUROR NUMBER 1: Yeah, it was --

9 THE COURT: And I wanted to follow up on some things. I don't you to think  
10 that we're being unsympathetic.

11 JUROR NUMBER 1: Okay. No, I understand. And it's, you know, I  
12 understand.

13 THE COURT: But, you know, as you can appreciate we have to make sure  
14 we have enough jurors and --

15 JUROR NUMBER 1: Oh, no, I understand.

16 THE COURT: I wanted to though follow up on a few things. With respect to  
17 your MS, I don't think that that was something that we discussed in jury selection,  
18 was it?

19 JUROR NUMBER 1: No, it wasn't. What happened was I did -- and I don't  
20 know if I wrote it in -- I don't think I expressed it --

21 THE COURT: And that's --

22 JUROR NUMBER 1: -- in this. I had contacted my neurologist like about two  
23 days after I had the interview and said --

24 THE COURT: Uh-huh.

25 JUROR NUMBER 1: -- do you think this an appropriate thing to write a letter

1 to the Judge. And they said oh, absolutely, because stress, you know --

2 THE COURT: Uh-huh.

3 JUROR NUMBER 1: -- is one of the worse things. And I don't know what  
4 happened. The letter didn't get sent for a whole week, so by then it was -- I had  
5 already been selected and so I just kind of went, okay, I'm just gonna --

6 THE COURT: Now do you find this -- have you found this stressful being on a  
7 jury I mean?

8 JUROR NUMBER 1: Well, I think just because of the type of jury -- or type of  
9 trial it is and the length and the fact that I'm still kind of doing both jobs. I'm at  
10 school at seven and then I go back after this and I'm --

11 THE COURT: Uh-huh. Now they can't require --

12 JUROR NUMBER 1: -- at school till seven or eight or nine o'clock --

13 THE COURT: -- you to do that, you understand that. I mean, if you're  
14 working at your school that's strictly voluntary --

15 JUROR NUMBER 1: No, I understand.

16 THE COURT: -- because your employer has to excuse you.

17 JUROR NUMBER 1: I understand. There's just nobody to do what I can do --

18 THE COURT: Uh-huh.

19 JUROR NUMBER 1: -- and they promised -- and I think that was one of the  
20 questions that they asked if they would get a substitute for me. And at that time I  
21 thought the answer was yes, and I didn't realize that they had to have the same  
22 qualifications that I did because I do a special gifted and talent program.

23 THE COURT: You do the GATE, right?

24 JUROR NUMBER 1: Right. And they didn't have anyone to do it, so I have  
25 pieces of projects all over my room. So like this morning I went in and taught two



1 classes and tomorrow I'm going --

2 THE COURT: Now, let me ask you this. I understand the school year is  
3 going to be over soon --

4 JUROR NUMBER 1: Right.

5 THE COURT: -- and so that would alleviate any --

6 JUROR NUMBER 1: Right, it would. It's just been a very hard time because  
7 I'm moving schools. I mean, you know --

8 THE COURT: Right.

9 JUROR NUMBER 1: The big -- my big -- I mean, where that is total concern  
10 my biggest concern is the other issue.

11 THE COURT: Right.

12 JUROR NUMBER 1: I mean, it is stressful. I mean, the multiple sclerosis -- I  
13 mean, it's something new I'm kind of learning to live with --

14 THE COURT: To live with and --

15 JUROR NUMBER 1: -- and deal with. And I do find, you know, to be  
16 extremely fatigued. And when stress comes I do -- it's -- the only way I can describe  
17 it is the strength just being sucked out of my muscles and it especially affects that  
18 side. And there is that scary part to me since I am learning about all this is how  
19 much damage this is gonna do in the long run, you know, and --

20 THE COURT: Right. Now in terms --

21 JUROR NUMBER 1: -- so that's where I am right now.

22 THE COURT: -- of your doctor's appointment, we will accommodate that.

23 JUROR NUMBER 1: Right.

24 THE COURT: I mean, we would prefer that you do it either early in the  
25 morning or late in the afternoon so we don't have to interrupt the middle of day.

1 JUROR NUMBER 1: Right.

2 THE COURT: But if you need to see your neurologist, absolutely --

3 JUROR NUMBER 1: Right.

4 THE COURT: -- we'll accommodate you for that or if you need to go get an  
5 injection of --

6 JUROR NUMBER 1: Right.

7 THE COURT: -- you know, some kind of medication, anything like that, as  
8 long as you let us know ahead of time. And by that meaning --

9 JUROR NUMBER 1: Right.

10 THE COURT: -- you know, coordinating with the bailiff, we can accommodate  
11 you there.

12 JUROR NUMBER 1: Right. And I just -- I had -- you know, I had cancelled  
13 the one appointment and immediately made a follow up making it June 13<sup>th</sup> thinking  
14 that this would all be over with at that point, but now kind of thinking that --

15 THE COURT: Right. Well, as I said --

16 JUROR NUMBER 1: -- I'm not sure, so that's --

17 THE COURT: -- I mean, if -- you know, as long as you tell us and maybe if  
18 you can, you know, maybe make that earlier or later in the day we'll accommodate  
19 your appointment. That's not an issue.

20 JUROR NUMBER 1: Okay.

21 THE COURT: Getting to the other issue. You did, I believe, discuss your  
22 grandmother and the possibility of a medical malpractice lawsuit. I think that --

23 JUROR NUMBER 1: Right; yes.

24 THE COURT: -- did come up in the questioning or in the questionnaire. You  
25 didn't get into specifics, at least I don't recall specifics, and so can you tell me more

1 specifically, you know, her situation, who her doctor was if you remember, what the  
2 group was and, you know, what happened there.

3 JUROR NUMBER 1: Well -- and unfortunately I don't know who the doctor  
4 was and I haven't -- you know, I did talk to my brother, but not about the case --

5 THE COURT: Right.

6 JUROR NUMBER 1: -- but about my grandmother's situation before I wrote  
7 the letter 'cause I did -- and it is one of those things. When -- you know, when I did  
8 bring this up -- or when I was asked that question and I, you know, spoke a little bit  
9 about it earlier, I -- you know, you don't connect everything until, you know, I've  
10 been sitting here for three weeks listening to all these different things and I go, oh,  
11 man, you know, that's so similar and that's like, you know. And so she went into  
12 Valley Hospital. She had -- she called it a spasm. They said oh, it's an easy  
13 procedure; there's some blockage, so that's when they did the upper endoscopy.  
14 We didn't find out --

15 THE COURT: And you're sure it was an upper endoscopy?

16 JUROR NUMBER 1: I'm pretty sure it was. That's what --

17 THE COURT: Okay.

18 JUROR NUMBER 1: -- my brother remembers too, so, I mean, that's all I can  
19 go on.

20 THE COURT: Okay.

21 JUROR NUMBER 1: I mean, they did something down -- that's what we  
22 remember.

23 THE COURT: Down the throat?

24 JUROR NUMBER 1: That's all I can -- right. That's all I can say is that's what  
25 we remember and that's why -- I didn't contact any other family members because I

1 didn't want to get into --

2 THE COURT: Right. Okay.

3 JUROR NUMBER 1: -- you know. But there was a perforation. They went to  
4 emergency surgery and she passed away about a month and a half later.

5 THE COURT: Did she -- did they recognize the perforation right? I'm  
6 assuming she's a patient at Valley Hospital and was she admitted through the ER  
7 with spasms or what happened; how she even there?

8 JUROR NUMBER 1: You know, my uncle took her and so I'm not --

9 THE COURT: Okay.

10 JUROR NUMBER 1: -- a hundred percent sure if it was an emergency that he  
11 took her. I -- I don't know.

12 THE COURT: Okay.

13 JUROR NUMBER 1: I know that -- that though this procedure was actually  
14 planned. She had been in the hospital a day or two under observation before they  
15 actually did the procedure. And they told us, oh, it's a simple in and out thing, you  
16 know, and she'll be fine and be released in, you know, a day and --

17 THE COURT: Um-hm.

18 JUROR NUMBER 1: -- and then it turned into this horrific nightmare --

19 THE COURT: Okay. And then they did --

20 JUROR NUMBER 1: -- and they -- they --

21 THE COURT: I'm sorry.

22 JUROR NUMBER 1: Oh, I'm sorry.

23 THE COURT: They didn't diagnosis the perforation right away?

24 JUROR NUMBER 1: They -- during that consultation that we -- and there was  
25 several of us there 'cause I got lots of cousin in town, they did not mention the

1 perforation. We met with the doctor -- I do not personally remember his name and  
2 my brother didn't either, didn't say anything about a perforation. Later on a day or  
3 two later we had a doctor that came to us kind of upset about the whole situation  
4 and said, you know, they should have said something to you immediately because  
5 the perforation was huge. And I remember them holding up their fingers and us  
6 gasping at like how could -- you know, and them saying we knew -- they knew that  
7 there was a perforation and they should have told --

8 THE COURT: When did they --

9 JUROR NUMBER 1: -- you and not --

10 THE COURT: -- operate on the perforation?

11 JUROR NUMBER 1: As I recall they called my uncle about -- we're going to  
12 say about 45 minutes later and then they -- of course they had to get his approval.  
13 And so I remember all the cousins and everybody standing around and having this  
14 discussion and finally one of the nurses says, if you don't -- because we didn't  
15 understand what had all --

16 THE COURT: This is 45 minutes after the endoscopy procedure?

17 JUROR NUMBER 1: After we had the consultation with the endoscopy  
18 procedure.

19 THE COURT: Okay. So almost immediately then she goes back into -- or  
20 into surgery to repair this perforation?

21 JUROR NUMBER 1: Right. But --

22 THE COURT: Okay.

23 JUROR NUMBER 1: -- but it was -- well, yes. And then, you know, and  
24 finally one of the doctors or nurses said to us, you know, we don't know -- you're  
25 wasting time because this is a matter of life or death. But we didn't, you know, we

1 didn't understand everything. We're sitting there trying to make the right decision  
2 and --

3 THE COURT: Okay. And then she passed away unfortunately about a month  
4 later -- a month and a half later.

5 JUROR NUMBER 1: Right.

6 THE COURT: And did they link her death to the perforation or --

7 JUROR NUMBER 1: Yes, ma'am, they did.

8 THE COURT: Okay. And you don't -- nothing else you recall about the  
9 doctor who performed the upper endoscopy?

10 JUROR NUMBER 1: The doctor that had the consultation I remember he had  
11 an extremely thick accent because it was -- we all kind of had to kind of get together  
12 and go, okay -- you know, we were all getting different parts of it. I want to say that  
13 he was Indian --

14 THE COURT: Okay.

15 JUROR NUMBER 1: -- that he had Indian background.

16 THE COURT: I mean, did he appear that he could be, you know, Asian or  
17 Indian or --

18 JUROR NUMBER 1: Oh, def -- I mean, definitely, yes.

19 THE COURT: Okay.

20 JUROR NUMBER 1: I mean, my impression was that he was Indian. I -- you  
21 know, I don't want to -- you know, I couldn't say I'm a hundred percent for sure. I  
22 would say I was 99 -- 98 --

23 THE COURT: I mean, could have been Pakistani or Bangladesian or Sri  
24 Lankan or --

25 JUROR NUMBER 1: I suppose, I suppose. I just remember that being in my

1 mind --

2 THE COURT: Okay.

3 JUROR NUMBER 1: -- and -- but --

4 THE COURT: And then -- and why do you think -- in looking at your letter you  
5 say you think it's possible that it's one of the doctors from the Endoscopy Center  
6 and why do you think that?

7 JUROR NUMBER 1: Well, I just said that it was a possibility. I mean, I'm not  
8 saying that it was. I, you know, certainly didn't go look up names or anything like  
9 that. I just -- I just -- you know, as you're sitting here and you're putting -- trying to  
10 put the whole puzzle together as a juror's supposed to do, I keep -- you know, my  
11 mind just keeps traveling back to when all of this happened and, you know, learning  
12 about privileges that doctors have and realizing that several of them had mentioned  
13 privileges at Valley Hospital. And I just went, you know, it's a possibility --

14 THE COURT: Okay. And now I --

15 JUROR NUMBER 1: -- and that's where -- you know.

16 THE COURT: I believe the only Indian gastroenterologist we've heard from is  
17 Dr. Vishvinder Sharma.

18 JUROR NUMBER 1: Um-hm.

19 THE COURT: That was not the person?

20 JUROR NUMBER 1: You know what, I would -- it happened in 2006, so I  
21 could not give --

22 THE COURT: Okay.

23 JUROR NUMBER 1: -- you identification.

24 THE COURT: But when he came in you didn't recognize him or anything like  
25 that?

1 JUROR NUMBER 1: I wouldn't recognize anyone anyway.

2 THE COURT: Okay.

3 JUROR NUMBER 1: I mean, I --

4 THE COURT: All right.

5 State, would you like to follow up?

6 MR. STAUDAHER: Just a couple.

7 Ma'am, now Vishvinder Sharma is the only Indian doctor that we had  
8 come in --

9 JUROR NUMBER 1: Right.

10 MR. STAUDAHER: -- and he testified that he worked primarily at the  
11 Burnham clinic, that area over there.

12 JUROR NUMBER 1: Um-hm.

13 MR. STAUDAHER: I don't know what his frequency at Valley Hospital, if he  
14 was there at all was, but he did not -- I just want to be clear on this --

15 JUROR NUMBER 1: Right.

16 MR. STAUDAHER: -- he -- when he got in here and testified he testified for  
17 quite a long time.

18 JUROR NUMBER 1: Right.

19 MR. STAUDAHER: At anytime during the time that he was being questioned  
20 or was in court and you were able to observe him, did you have any inkling all at,  
21 hey, that guy looks familiar to me, his voice, anything like that?

22 JUROR NUMBER 1: No, sir.

23 MR. STAUDAHER: Okay.

24 JUROR NUMBER 1: There would be no way that I would. I mean, I just -- I  
25 don't remember what he looked like at all.



1 THE COURT: And I'm sorry. Let me ask you this.

2 JUROR NUMBER 1: I -- I'm sorry.

3 THE COURT: You said this was in 2006. Was it a younger doctor or middle-  
4 aged doctor, older person?

5 JUROR NUMBER 1: I'm gonna say middle-aged. I don't know. I don't think  
6 he was younger. I think might have been something that I would have noticed and  
7 said. I don't think he was younger. I certainly think he was probably middle-aged,  
8 older.

9 MR. STAUDAHER: And when you -- when he was speaking, although he  
10 does have a little accent, clearly he was articulating words --

11 JUROR NUMBER 1: Right.

12 MR. STAUDAHER: -- that everybody didn't have --

13 JUROR NUMBER 1: Right.

14 MR. STAUDAHER: -- to be interpreted.

15 JUROR NUMBER 1: No, that's true. Also though you have to realize that we  
16 were under great stress at the time too --

17 MR. STAUDAHER: Certainly.

18 JUROR NUMBER 1: -- and, you know, so I --

19 MR. STAUDAHER: And --

20 JUROR NUMBER 1: And I'm not saying that it was -- it was specifically  
21 Vishvinder Sharma. I'm just saying that -- I mean, it seems there's been other, if I  
22 remember correctly, that there's been other -- that I thought that there were other  
23 people that it could fit the bill that it could have been --

24 THE COURT: Other Indian gastro --

25 JUROR NUMBER 1: Right. That we have not.

1 THE COURT: Because I believe the other Indian physician who testified was  
2 the anesthesiologist.

3 MR. STAUDAHER: Yes, and he did not work at the clinic.

4 THE COURT: Right. He was an anesthesiologist.

5 JUROR NUMBER 1: So I don't. I mean -- and like I said, I'm not a hundred --  
6 like I said, I couldn't be a hundred percent sure. I just -- this is just been on my mind  
7 and I have to, you know --

8 MR. STAUDAHER: Certainly.

9 THE COURT: No, absolutely.

10 JUROR NUMBER 1: -- say that. I mean, this is --

11 THE COURT: We appreciate the disclosure. And you did the right thing by  
12 disclosing it. Now we just need to, you know -- get the --

13 JUROR NUMBER 1: Right.

14 THE COURT: -- get the details as much as you can remember. And I  
15 appreciate 2006 it was a very stressful time and, you know, probably everything was  
16 a blur, and so I understand it's difficult to recall specifics, but --

17 JUROR NUMBER 1: And it's been a -- I mean, as I stated -- I'm sorry, I didn't  
18 mean to interrupt.

19 MR. STAUDAHER: It's okay.

20 JUROR NUMBER 1: It's just been extremely difficult too just for me just, you  
21 know. I had a nice cry yesterday with my brother, you know, and it's just, you know,  
22 all this being brought back up. It's hard to sit here --

23 THE COURT: It's emotional.

24 JUROR NUMBER 1: -- and listen. It's --

25 MR. STAUDAHER: And I don't mean to pry --

1 JUROR NUMBER 1: No, that's --

2 MR. STAUDAHER: -- into the actual things with your grandmother, but you  
3 said she -- to the best of your knowledge she had an upper endoscopy procedure;  
4 correct?

5 JUROR NUMBER 1: Yes, sir.

6 MR. STAUDAHER: And you said the reason that she came in was because  
7 of some spasm some place?

8 JUROR NUMBER 1: Right. In -- like right around here is what I recall her  
9 saying.

10 THE COURT: And you're indicating the --

11 JUROR NUMBER 1: In her --

12 THE COURT: upper abdominal, kind of --

13 JUROR NUMBER 1: Right. Up in this --

14 THE COURT: -- by the ribcage?

15 JUROR NUMBER 1: Right. Up in this area.

16 MR. STAUDAHER: When you say that there was a perforation or a tear --

17 JUROR NUMBER 1: Yes.

18 MR. STAUDAHER: -- or whatever it was, and you mentioned -- you motioned  
19 it was about, oh, gosh, almost two inches long or so?

20 JUROR NUMBER 1: Yeah. That's what I remember the doctor doing.

21 MR. STAUDAHER: Do you recall if this was in the esophagus or the stomach  
22 or the pylorus or some place downstream, where it was?

23 JUROR NUMBER 1: You know, I think it was more -- I think --

24 THE COURT: The pylorus absolutely.

25 MR. STAUDAHER: The opening -- I'm sorry.

1 THE COURT: No one's going to know.

2 MR. STAUDAHER: The opening between the stomach and the intestine.

3 JUROR NUMBER 1: And you know what, I don't know. I think when you  
4 questioned me about this earlier I said esophagus and went back later and went  
5 why did I say that, that definitely was not the correct word. I think it had to do  
6 something in the lower intestines --

7 MR. STAUDAHER: Okay.

8 JUROR NUMBER 1: -- or not the lower intestines but in the stomach area or  
9 upper intestine area.

10 MR. STAUDAHER: But it was recognized fairly quickly and even though she  
11 had surgery and didn't have a good outcome it was something that -- whether they  
12 told you immediately or 45 minutes later it happened within a relatively short period  
13 of time, is that right?

14 JUROR NUMBER 1: I guess. We were frustrated that we weren't told  
15 immediately so we could make a decision immediately. Obvious -- i mean, we  
16 wasted -- to us it seemed like we wasted a lot of time, you know, but that's, you  
17 know, put it in our perspective. I don't know if that's a long time in doctor  
18 perspective, just seemed like they should have come out been honest with us and  
19 said this is what happened and we need to get her into emergency surgery  
20 immediately and can you give us the permissions that we need. That was how we  
21 felt.

22 MR. STAUDAHER: And to the best of your -- and I know it's limited on  
23 whether you think there might be a connection somewhere, but to the best of your  
24 knowledge for the people that have come in and testified, the witnesses on the list  
25 that you reviewed before you, you know, when you were selected as a juror initially,

1 is there anybody there that you can point to and go that's the guy; I think I  
2 remember?

3 JUROR NUMBER 1: No, there's not. No, sir.

4 MR. STAUDAHER: Okay. Anything about that issue that -- I mean, I know  
5 it's certainly something that occurred to you personally, but is that something that is  
6 so affecting you that you don't feel you could be fair in this case?

7 JUROR NUMBER 1: Well, you know, as I said before, you know, I am going  
8 to do my absolute best to be fair. I mean, that's the kind of person that I am, you  
9 know. But has it affected me personally; oh, absolutely. If it hadn't, I wouldn't have  
10 written the letter. And, you know, I have waited to hear, you know, to kind of let  
11 things unfold before I wrote the letter. I mean, you know, there were things that I  
12 had questions about, you know -- I don't remember exactly, you know, when things  
13 started kind of unraveling in my mind, you know, information. So I don't know. I just  
14 felt like this was the right time before it got any further in the case to say that, yes,  
15 this emotionally very stressful for me and, you know, it's something that I think about  
16 during every testimony when they start talking about it. That's --

17 MR. STAUDAHER: I have nothing further.

18 THE COURT: Mr. Santacrose, any questions for Ms. Pomykal?

19 MR. SANTACROCE: Now, Ms. Pomykal, the only thing I'd like to know is  
20 since the reopening of this wound for you --

21 JUROR NUMBER 1: Um-hm.

22 MR. SANTACROCE: -- has it affected your opinion as to the guilt or  
23 innocence of Dr. Desai and Mr. Lakeman as they sit here today?

24 JUROR NUMBER 1: It gives me a different perspective on everything, I have  
25 to admit that. I mean, have I made a decision a hundred percent whether they're

1 guilty or innocent, no I haven't. I'm trying to -- I'm trying my absolute best to keep an  
2 open mind. But has it changed my perspective on the whole medical issues of  
3 different things like this, I -- yes, it has. I mean, I --

4 THE COURT: Can you elaborate. When you said it changed my perspective,  
5 can you tell us what you mean.

6 JUROR NUMBER 1: Well, I mean, you -- you go in with a trust when you  
7 have certain procedures done. You go -- you know, all these people went in having  
8 a colon -- I'll never have a colonoscopy done, I'll tell you that right now. I'm, you  
9 know, I'm over 50. They told me many times you need to go have this done. I'll  
10 never have it done. And, you know, and you trust when, you know, you have, you  
11 know, you're there at the hospital that people are gonna do the right thing. And  
12 then, you know, you keep hearing what appears that people have not done the right  
13 thing, yeah, it changes your perspective on everything. And it -- it makes you lose  
14 faith in the medical field, doctors -- I mean, I don't know exactly the right words, but,  
15 yeah, it does.

16 THE COURT: I mean, do you think that happened to you as a result of what  
17 happened to your grandmother or are you saying that's happening as you're  
18 listening to the testimony in the trial or --

19 JUROR NUMBER 1: Well, I think it's -- it's added to as I've listen --

20 THE COURT: Okay.

21 JUROR NUMBER 1: -- to the testimony in the trial.

22 THE COURT: So you have that perception just based on your personal life  
23 experience with your grandmother; is that --

24 JUROR NUMBER 1: Well, I mean, you have a little bit of that.

25 THE COURT: Okay.

1 JUROR NUMBER 1: I mean, you try to overlook it. I mean, when I have a  
2 second -- I think I mentioned that we had someone that said that we had a good  
3 case for a malpractice. I have a cousin that after the -- after my grandmother  
4 passed away, at the funeral and everyone was gathered, you know, at one of the  
5 houses, we had -- several of us sat down and had a long talk with her, 'cause she's  
6 a nurse in Texas and then part of the end of her career she became, and I'm not  
7 exactly sure the terminology, she was like a mediator between families that had  
8 things like this happen to them and hospitals.

9 And so when we sat down and we talked to her, you know, and all the  
10 family members that were here in Vegas said, you know -- when we just kept telling  
11 her different parts of the story and everything, at the end of it she goes, I know  
12 you're not gonna, you know, do a lawsuit, she goes, but you would have an  
13 extremely good case to do that.

14 THE COURT: How old was your grandmother?

15 JUROR NUMBER 1: She was almost 90.

16 THE COURT: Yeah.

17 JUROR NUMBER 1: However -- however, I got to say this. She still drove;  
18 she still worked and the --

19 THE COURT: Oh, she worked?

20 JUROR NUMBER 1: She still worked.

21 THE COURT: Out of the home?

22 JUROR NUMBER 1: No, she drove to work everyday. She was a  
23 seamstress and she did alterations at a dry cleaners. And she hated -- she tried to  
24 retire several times and she couldn't stand it. And she -- she drove all the way from  
25 like the Highland -- Highland Hills area into like Valley View and Charleston. I mean,

1 she -- and worked five, six, seven hours a day and then would drive home. And the  
2 Saturday before she -- or the Sunday before she went into the hospital, I took her,  
3 we walked all over Super Walmart. As long as she had that shopping cart she could  
4 go faster than I could. So she was still very active and very alive and had lots of  
5 plans. There was nothing wrong with her mind and, you know, yeah, she had little  
6 ailments, she's 90 --

7 THE COURT: Right.

8 JUROR NUMBER 1: -- almost. But we buried her in her party clothes. You  
9 know --

10 THE COURT: Um-hm.

11 JUROR NUMBER 1: -- that was --

12 THE COURT: Mr. Santacroce, I didn't mean to cut you off.

13 MR. SANTACROCE: Oh, that's okay.

14 Do you think that you can still be fair and impartial given this experience  
15 that you're having with your grandmother?

16 JUROR NUMBER 1: I hope I can be.

17 MR. SANTACROCE: Okay.

18 JUROR NUMBER 1: I mean, I'm gonna admit to you it's gonna be a little bit  
19 harder now just -- just listening to everything and putting the two and two together. I  
20 mean, that's one of the reasons that I brought all of this up. I mean, I will try my  
21 best, that's all I can -- I -- you know, but it's --

22 MR. SANTACROCE: Now, when you say it's going to be a little bit harder for,  
23 is this going to require an added effort by the defense to convince you one way or  
24 the other?

25 JUROR NUMBER 1: Possibly.



1 MR. SANTACROCE: Okay. I have nothing further.

2 JUROR NUMBER 1: I'm just being honest. I'm sorry.

3 THE COURT: No, and that's all --

4 JUROR NUMBER 1: I -- I --

5 THE COURT: -- that's all we can ask for --

6 JUROR NUMBER 1: I -- I --

7 THE COURT: -- is honestly. It's -- I don't know if I said this to you during the  
8 initial selection, but all we look for are honest answers.

9 JUROR NUMBER 1: Yeah.

10 THE COURT: You know, there's no right or wrong answer.

11 Mr. Wright or Ms. Stanish?

12 MS. STANISH: Hi. Ms. Pomykal; right?

13 JUROR NUMBER 1: Pomykal.

14 MS. STANISH: Again, let me add thank you for being candid.

15 In reviewing your letter -- and this kind of tags on what Mr. Santacroce  
16 was saying. In your letter you say that you brought this to our attention in part  
17 because you cannot get it out of your mind that one of the doctors associated with  
18 this clinic was the one who caused your grandmother's death.

19 JUROR NUMBER 1: Well, I didn't say they were. I'm just saying after several  
20 people have mentioned privileges at Valley Hospital, could be. I mean, I'm -- you  
21 know, I understand that it's certainly not a hundred percent possibility. I'm just  
22 saying -- I'm sorry, I didn't mean to interrupt.

23 MS. STANISH: No, that's okay. I just -- I did want you to clarify that because  
24 you -- twice in your letter you talk about that being in your mind the potential --

25 JUROR NUMBER 1: Right.

1 MS. STANISH: -- involvement of one of the doctors associated with the clinic.  
2 And you kind of close your letter with that the added stress of this particular court  
3 case, most significantly the parallelisms this trial has with the many probable  
4 medical negligence associated with your grandmother's death, can you elaborate on  
5 that?

6 JUROR NUMBER 1: Well, I just - I mean, you know, we've been talking  
7 about perforations in here. Possible, you know, that was, you know, one of there  
8 fears. You know, the different ways that it was done. I mean, you know, I -- and I  
9 know accidents happen. I understand that. And, you know, the best doctors --  
10 accidents happen, you know. But it is hard to separate at this point. You know, if  
11 they probably had never said privileges at Valley Hospital, you know, I might --  
12 would have never written that letter to you. But it's -- now it's really hard to separate  
13 the two. I mean --

14 MR. STAUDAHER: May we approach for a moment, Your Honor?

15 THE COURT: Sure.

16 [Bench conference -- not transcribed]

17 THE COURT: All right. Ms. Standish, go on.

18 MS. STANISH: You had mentioned, Ms. Pomykal, that this doctor did a  
19 consultation; is that what I --

20 JUROR NUMBER 1: Yes. That's -- I -- yeah.

21 MS. STANISH: Do you mean with respect to your grandmother separate and  
22 apart from the hospital's procedure?

23 JUROR NUMBER 1: No, it was - it was immediately. He still had on his  
24 scrubs and everything as I recall. And she had gone in for the procedure and came  
25 out. We were all -- they -- we were in a little waiting room. We came out -- I -- it

1 seems like it happened in the middle of a hallway. As much as -- as best as I  
2 remember. Listen to me, I sound like a juror or something; right. All these -- and I --  
3 and I don't -- honestly, I can hardly even remember what he said. It was -- 'cause  
4 everything's just a blur. But, you know, just telling us that, you know, whatever the  
5 procedure there was a blockage and whatever it was that they had removed the  
6 blockage and -- and then he went away. I mean, it was -- it was relatively short and  
7 then we all went away thinking that she was, you know, gonna be in recovery for a  
8 short while and then wheeled back down to her room. So we went back down to  
9 another waiting room and I even think some of the cousins went home 'cause, you  
10 know, 'cause there's eight of us in town and --

11 MS. STANISH: Without having you discuss or share with us your perception  
12 of specific evidence --

13 JUROR NUMBER 1: Okay.

14 MS. STANISH: -- is it -- I'm understanding you to say that what you've heard  
15 in the courtroom thus far has opened up an old wound as Mr. Santacrose described  
16 it. Is that a fair statement?

17 JUROR NUMBER 1: Yes, it is.

18 MS. STANISH: And with this wound open now, what's most pressing to us is  
19 whether you can be that blank slate and presume our clients to be innocent.

20 THE COURT: Well, wait a minute. The issue -- and can I state this a different  
21 way?

22 MS. STANISH: Sure.

23 THE COURT: The issue -- you know, as you've heard evidence, you know --  
24 again, we tell you to keep an open mind. But set aside the evidence, because that's  
25 one thing. And, you know, you're entitled to hear it. And as it comes in, even

1 though we want you to keep an open mind, obviously you're, you know, hearing  
2 things. And as each witness testifies you may be making preliminary assessments  
3 as to how credible they were, you know, how -- and I don't want you to talk about  
4 any of those things.

5 I think the issue is, you know, is -- you know, are you, you know -- is  
6 your grandmother's situation, is that going to play a part in anyway in your  
7 deliberations or can you put that aside and, you know, base your verdict solely upon  
8 what's been presented here in this case and not about, you know, the misfortune  
9 that happened to your family or, you know, something that may have been told to  
10 you at the Valley Hospital or something this other physician, you know, that said,  
11 hey, should have told you about the perforation. You can't bring any of that in.

12 JUROR NUMBER 1: Right.

13 THE COURT: You know, we don't -- I mean, obviously it's part of who are. It  
14 always will be unfortunately, but, you know, I think that's really the issue. And if  
15 you're minds changed somewhat and it as a result of the evidence, you know, don't  
16 talk about that. What we're really interested in is this situation with your  
17 grandmother and how that, you know, may affect you. Because we don't want you  
18 to think, oh, well, I was told by this doctor at the Valley Hospital -- you know, that  
19 has to all be set aside. And as you sit here, you know, can you do that?

20 JUROR NUMBER 1: You know, like I say, I try to be --

21 THE COURT: Um-hm.

22 JUROR NUMBER 1: -- an open and honest and as fair -- that's probably why  
23 I'm on this jury right now is because I said --

24 THE COURT: Right.

25 JUROR NUMBER 1: -- I could be. I'm sure there were plenty of people who

1 said they couldn't be. And, you know, I like to think of myself as someone who can  
2 be. But, you know, is it more difficult at this point now that I have heard different  
3 things and, you know, the whole parallel situation; yeah, it's gonna be more difficult.  
4 I mean, am I gonna try my best to; absolutely, I will. I mean, that's the kind of  
5 person I am. Is it gonna harder; yeah, it probably will be. I'm just being honest with  
6 you.

7 THE COURT: Okay. Because you know --

8 JUROR NUMBER 1: I mean --

9 THE COURT: -- it's okay if -- I mean --

10 JUROR NUMBER 1: I mean --

11 THE COURT: -- we don't want anyone to feel sad. But if you feel sad as you  
12 think about that situation, that's okay, but you can't let your sadness, you know --

13 JUROR NUMBER 1: Right. Right. And I don't think it's as much the sadness  
14 part as it is just the way the testimony that I've heard and the similarities as to what  
15 happened.

16 THE COURT: Okay.

17 JUROR NUMBER 1: And I think that's where I'm having issues in my brain  
18 right now, you know. And -- yeah, I mean, I'll always be sad about my grandma.  
19 But it's -- and if -- if this were a different type of medical case, obviously it wouldn't  
20 have an affect. But I think because of the similarities, yeah, it's gonna have an  
21 affect. I'm --

22 THE COURT: Ms. --

23 JUROR NUMBER 1: I can't help but say that. I'm sorry. I --

24 THE COURT: Ms. Stanish, any follow up?

25 MS. STANISH: No, Your Honor.

1 THE COURT: Mr. Staudaher, any additional follow up with Ms. Pomykal?  
2 MR. STAUDAHER: No, Your Honor.  
3 THE COURT: All right. Ms. Pomykal, thank you again --  
4 JUROR NUMBER 1: Okay. Thank you.  
5 THE COURT: -- for your --  
6 JUROR NUMBER 1: I appreciate everyone listening and --  
7 THE COURT: And I'm going to have you --  
8 JUROR NUMBER 1: -- I really do appreciate it.  
9 THE COURT: -- go back in the jury room.  
10 JUROR NUMBER 1: Okay.  
11 THE COURT: Obviously, you can't discuss your letter, your situation, what  
12 we --  
13 JUROR NUMBER 1: Absolutely.  
14 THE COURT: -- discussed in here. They probably know better than to ask  
15 you, but they may say, oh, what was going on in there or something like that.  
16 Obviously, you're directed you can't discuss anything that's just transpired in the  
17 courtroom with the other prospect -- with -- I'm sorry --  
18 JUROR NUMBER 1: Right.  
19 THE COURT: -- the other jurors; all right.  
20 Thank you. Go ahead --  
21 JUROR NUMBER 1: Thank you so much.  
22 ///  
23 ///  
24 ///  
25 ///

1 THE COURT: -- and follow Kenny from the courtroom.

2 [Proceedings resumed 1:18 p.m. -- not transcribed]

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21 ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I  
22 acknowledge that this is a rough draft transcript, expeditiously prepared, not  
23 proofread, corrected, or certified to be an accurate transcript.

24 Sandra A Pruchnic  
25 SANDRA PRUCHNIC  
Court Transcriber

DISTRICT COURT  
CLARK COUNTY, NEVADA

199

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
	)		
Plaintiff,	)	DEPT. NO.	XXI
	)		
-vs-	)		
	)		
DIPAK KANTILAL DESAI,	)		
RONALD ERNEST LAKEMAN	)		
Defendants.	)		
	)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

Jennifer Hooper  
PRINT NAME

100604914 011509  
JUROR NO. BADGE NO.



Badge No.: 011509

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: JENNIFER SUSAN HOOPER  
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 67 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? X Yes        No

If YES, please describe: I will have been out of the office the previous week - traveling for business for a newly formed partnership. Being out 6 additional weeks is difficult.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
       Yes X No

If YES, please describe:       

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers?        Yes X No

If YES, please explain:       

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				



JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

I know 2 people who had to get tested & have seen this case on the news. I watch the news everyday.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

I believe they were negligent purposefully in re-using equipment.

8. Please describe your current or most recent employment:

Employer: MGM Grand Hotel

Length of Employment: 9 years

Number of people employed by your employer: 8400

Job Duties/Responsibilities: Office & Special Events Manager

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 12

What are your duties? Supervise & task staff to execute events, manage & run events

9. If retired: Who was your last employer?

What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
professional dancer	Feld Bros. Mgmt Corp <sup>Solo</sup>	12 Years 6 Months
admin. asst.	Fisher Technical Services	1 Years 7 Months
prof. dancer	Hilton Hotel - Flamingo	2 Years 1 Months
prof dancer	Greg Thompson Productions	Years 6 Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? SPECIAL EVENTS PRODUCTION MGR.

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- |   |  |
|---|--|
| <input type="checkbox"/> Medical                        | <input type="checkbox"/> Manufacturing of Products |
| <input checked="" type="checkbox"/> Business Management | <input type="checkbox"/> Distribution of Products  |
| <input type="checkbox"/> Legal                          | <input type="checkbox"/> Medical Sales             |
| <input type="checkbox"/> Psychology                     | <input type="checkbox"/> Labeling of Products      |
| <input type="checkbox"/> Risk Management                | <input type="checkbox"/> Pharmaceuticals           |

Please describe any of the above areas that are checked: IN COLLEGE, BUSINESS  
Mgmt major

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

\_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
CSN	Bus. Mgmt. & Culinary	1996-2002

\_\_\_\_\_

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_

Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

\_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐  
☐  
☒  
☐  
☐  
☐  
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☒  
☒  
☐  
☐  
☐  
☐  
☐  
☐

Single and never married

Engaged

Currently married for \_\_\_\_\_ years

Separated (legally or not)

Divorced for \_\_\_\_\_ years

Widow/widower for \_\_\_\_\_ years

Other (specify): \_\_\_\_\_

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: LOWRY HOOPER, RETIRED, BANKER

Your stepmother: N/A

Your father: JAMES HOOPER, DECEASED, VP + loan off. WELLS FARGO

Your stepfather: N/A

29. Identify the city and State where you were born: Las Vegas, NV

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
		to
		to
		to
		to
		to

31. How long have you lived in Clark County? 45 YRS

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Spring Valley

33. Describe your current living situation (check one):

☒

Live in own house, condominium, townhouse

☐

Rent apartment, house, condominium, townhouse (circle one)

☐

Live with parents or relative

☐

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒

Channel 3 or 703 (NBC)

☐

Channel 5 or 705 (FOX)

☒

Channel 8 or 708 (CBS)

☒

Channel 13 or 713 (ABC)

☐

Cable Channel 20 or 720 (CNN)

☐

Channel 21 or 721 (FOX News Channel)

☒

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No

Who, Why, and what was the result? my boss's mother in law & my fiancée's sister had to be tested as a result of this case - negative outcomes.

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☒ No  
If YES, please describe who, and the nature of the disease: \_\_\_\_\_

40. What was your favorite subject in school?

<input checked="" type="checkbox"/> English/Language	<input type="checkbox"/> Social Studies	<input type="checkbox"/> Science/Engineering	<input type="checkbox"/> Other
<input type="checkbox"/> Physical Education	<input type="checkbox"/> Mathematics	<input type="checkbox"/> Art/Music	

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☒ Yes ☐ No

Please explain your answer:

EVERYBODY makes mistakes.

42. What do you most like to do in your spare time?

COOK, EXERCISE, spend time w/ family

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☒ Yes ☐ No

How long were you out of work? 9 months

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
2006	criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? Child molestation by Grandfather  
 If *civil*, what was the outcome of the case?  
 Were you pleased with the outcome? ☒ Yes ☐ No  
 Were you the foreperson or the presiding juror of the jury? ☐ Yes ☒ No  
 Did you find your experience as a juror to be: ☐ Positive ☒ Negative  
 If NEGATIVE, please explain: VERY EMOTIONAL & SAD

47. Which of the following best describes you? (Please check all that apply)

<input checked="" type="checkbox"/> Analytical	<input checked="" type="checkbox"/> Compassionate	<input type="checkbox"/> Creative
<input type="checkbox"/> Generous	<input type="checkbox"/> Judgmental	<input type="checkbox"/> Naïve
<input type="checkbox"/> Open-minded	<input type="checkbox"/> Outspoken	<input checked="" type="checkbox"/> Private
<input type="checkbox"/> Pro-worker	<input checked="" type="checkbox"/> Skeptical	<input type="checkbox"/> Strict
<input type="checkbox"/> Technical	<input type="checkbox"/> Trusting	<input type="checkbox"/> Successful
<input checked="" type="checkbox"/> Careful	<input type="checkbox"/> Compulsive	<input type="checkbox"/> Emotional
<input type="checkbox"/> Impulsive	<input checked="" type="checkbox"/> Logical	<input checked="" type="checkbox"/> Old-fashioned
<input type="checkbox"/> Opinionated	<input checked="" type="checkbox"/> Practical	<input type="checkbox"/> Pro-Company
<input checked="" type="checkbox"/> Sensitive	<input type="checkbox"/> Smart	<input checked="" type="checkbox"/> Thoughtful
<input type="checkbox"/> Other _____		

48. Is there anything else that you feel is important for the parties to know about you?

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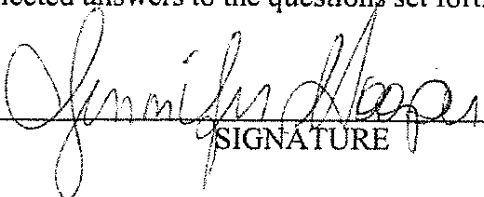


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I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

 4/1/13  
 SIGNATURE Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.



# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C2665107-12
	)	
Plaintiff,	)	DEPT. NO. XXI
	)	
-vs-	)	
	)	
DIPAK KANTILAL DESAI,	)	
RONALD ERNEST LAKEMAN	)	
Defendants.	)	
_____	)	

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TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

  
\_\_\_\_\_  
VALERIE ADAIR, District Judge

Leglie Fenkl  
PRINT NAME

100461612  
011411  
JUROR NO.

011411  
BADGE NO.

Badge No.: 011411

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Leslie Fenkl  
(PLEASE PRINT LEGIBLY)

2. Date of Birth: 1/19/66 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: My 80 year old mother lives with me. I take her to all of her doctor's appts. Also, she puts things on the stove or in the oven and forgets until the fire alarm goes off. I work at home and keep an eye on her.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☐ Yes ☒ No

If YES, please describe: \_\_\_\_\_

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No

If YES, please explain: I work in the health field as a coder and have strong opinions about quality healthcare. Also, my sister has worked as a sterilization tech.

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.			X	
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO			have coded op reports	
CARROL, CLIFFORD			"	
CASTLEMAN, STEPHANIE			X	
CAVETT, JOSHUA				



CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE			have coaxed up reports	
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL			11	
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK			11	
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO			X	
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN			X	
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN			have coded op reports	
KELLEY, JOE				
KHAN, IKRAM			X	
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL			X	
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT			have coded op reports	
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV			X	
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY			//	
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK			//	
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.			which one? X	
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER			have coded op reports	
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSE				
SOOD, RAJAT			X	
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID			have coded op reports	
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS			X	
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

News on TV and newspapers. Also discussed with fellow coders while working at the hospital. Dr. Desai did not properly sterilize equipment and also reused single use vials of anesthetic. A lot of patients got hepatitis and several of them died.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

Dr. Desai is guilty! No one should put patients at risk just to improve their profit margin. Like he wasn't already rich enough?!?

8. Please describe your current or most recent employment:

Employer: Parallon - A division of HCA hospitals

Length of Employment: 7 years

Number of people employed by your employer: thousands

Job Duties/Responsibilities: Inpatient Coder (medical records)

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? \_\_\_\_\_

What are your duties? \_\_\_\_\_

9. If retired: Who was your last employer? \_\_\_\_\_

What kind of work did you do? \_\_\_\_\_

10. List all previous jobs and employers:

Job	Employer	How Long?
Coding manager	St Thomas Hospital	____ Years <u>10</u> Months
Coding manager	Desert Springs Hospital	<u>5</u> Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒ Yes ☐ No If YES, please describe: Lead Coder - Madigan Army Hospital  
Coder - S. Las B. Hays Army Hospital

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? \_\_\_\_\_

13. Have you received special training or schooling in the following areas? Check all areas that apply.

<input checked="" type="checkbox"/> Medical	<input type="checkbox"/> Manufacturing of Products
<input type="checkbox"/> Business Management	<input type="checkbox"/> Distribution of Products
<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Medical Sales
<input checked="" type="checkbox"/> Psychology	<input type="checkbox"/> Labeling of Products
<input type="checkbox"/> Risk Management	<input type="checkbox"/> Pharmaceuticals

Please describe any of the above areas that are checked: ① Work in healthcare as a  
coder. ② 1 year of law school (Hastings College)  
③ B.A. Psychology (Vassar College)

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: close friend is a surgical tech  
and sister worked as a Central Sterile Tech.

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_



16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? me, sister

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☒ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>Vassar College</u>	<u>Psychology</u>	<u>1984-1988</u>
<u>UC Hastings</u>	<u>Law</u>	<u>1988-1989</u>

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ No

Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
 Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?  
☐ Yes ☒ No If YES, please describe: \_\_\_\_\_  
 \_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

<input type="checkbox"/>	African-American/Black
<input checked="" type="checkbox"/>	Asian/Pacific Islander
<input checked="" type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input checked="" type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input type="checkbox"/>	Currently married for _____ years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☐ Yes ☒ No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Retired - Artichoke Industries

Your stepmother: \_\_\_\_\_

Your father: Deceased - Retired US Army

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Seoul, S. Korea

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Nashville	TN	1/2005 to 11/2005
marina	CA	1995 to 2000
Tacoma	WA	1993? to 1994?
		to
		to

31. How long have you lived in Clark County? 12 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Henderson

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☐  
☒  
☐  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
 If YES, please describe who, and the nature of the disease: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
40. What was your favorite subject in school?  
☐ English/Language ☐ Social Studies ☒ Science/Engineering  
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

mistakes are almost always due to laziness or  
carelessness.

42. What do you most like to do in your spare time?

Read

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☒  
☐  
☐  
☐  
☐  
☐  
☒  
☐  
☐  
☐  
☐  
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

☐  
☐  
☐  
☒  
☐  
☐  
☐  
☒  
☒  
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☐  
☐  
☒  
☐  
☒  
☐  
☒  
☐  
☐

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

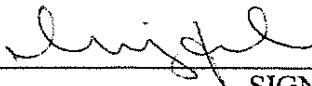
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I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.



SIGNATURE

4/1/13

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	



85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD - have coded
185	Volz, Maria	op reports
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD ~ "
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

116

THE STATE OF NEVADA,

Plaintiff,

-vs-

DIPAK KANTILAL DESAI,  
RONALD ERNEST LAKEMAN  
Defendants.

CASE NO. C2665107-1,2

DEPT. NO. XXI

*Excused  
rather  
patient*

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

*Valerie Adair*  
VALERIE ADAIR, District Judge

John Torres      100930122      010734  
PRINT NAME      JUROR NO.      BADGE NO.

Badge No.: 010734

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: John Brian Torres  
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 182 ☒ Male ☐ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you?          Yes ✓         No  
If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
         Yes ✓         No  
If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers?          Yes ✓         No  
If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				



JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA		✓	✓	
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

That the Clinic gave people HIV and Hepatitis C. Because of ~~unclean~~ conditions.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

That ~~they are~~ they cut corners to make money, and got people sick.

8. Please describe your current or most recent employment:

Employer: CCSD

Length of Employment: 8 yrs.

Number of people employed by your employer:

Job Duties/Responsibilities: Custodian

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise?

What are your duties?

9. If retired: Who was your last employer?   
What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
Tech	Hardie	3 Years ____ Months
u.	U.S. Army	7 Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒

Yes

☐

No

If YES, please describe: U.S. Army NVNG

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? ~~the~~ Sales

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐  
☐  
☐  
☐  
☐

Medical  
 Business Management  
 Legal  
 Psychology  
 Risk Management

☐  
☐  
☐  
☒  
☐

Manufacturing of Products  
 Distribution of Products  
 Medical Sales  
 Labeling of Products  
 Pharmaceuticals

Please describe any of the above areas that are checked:

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐

Yes

☒

No

If YES, please describe:

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job:

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☒ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☒ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: U.S. Army NUAG Rank: E4

Dates of service: from: 2006 to: 2007  
Principal military duties: 63B Light Wheel Vehicle Mechanic

23. Have you ever worked in law enforcement?  
☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

24. Ethnic background (It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box):

- ☐ African-American/Black  
☐ Asian/Pacific Islander  
☐ Caucasian/White  
☒ Hispanic/Latino  
☐ Native American (American Indian)  
☐ Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

- ☐ Single and never married  
☐ Engaged  
☒ Currently married for 7 years  
☐ Separated (legally or not)  
☐ Divorced for \_\_\_\_\_ years  
☐ Widow/widower for \_\_\_\_\_ years  
☐ Other (specify): \_\_\_\_\_

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Juan Torres	6	Boy
Emily Torres	2	Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: \_\_\_\_\_

Your stepmother: Vegas.com

Your father: Sam's Town

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Reno NV

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
		to
		to
		to
		to
		to

31. How long have you lived in Clark County? 30 yrs

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Las Vegas

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☐  
☒  
☒  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☒ Yes ☐ No If YES, please explain: yes my father was  
mugged and beaten almost to death in front of me  
and my mother when I was a kid
36. Have you or someone close to you ever been the victim of medical malpractice?  
☒ Yes ☐ No If YES, please explain: My grand father had the  
wrong leg operated on,
37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No  
 Who, Why, and what was the result? Jason Lujan he had a  
Endoscopy Done results ~~are~~ results were negative  
to any disease.
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
 If YES, please describe who, and the nature of the disease: \_\_\_\_\_
40. What was your favorite subject in school?  
☐ English/Language ☒ Social Studies ☐ Science/Engineering  
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

mistakes are not ok when ~~peoples~~ peoples  
 lives are ~~at~~ at risk.

42. What do you most like to do in your spare time?

spend time ~~at~~ with my kids

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious	catholic	catholic
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☒ Yes ☐ No

How long were you out of work? ~~2 months~~ 3 months

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☐  
☐  
☒  
☒  
☐  
☐  
☐  
☐  
☒  
☐  
☐  
☐

Analytical  
Generous  
Open-minded  
Pro-worker  
Technical  
Careful  
Impulsive  
Opinionated  
Sensitive  
Other \_\_\_\_\_

☒  
☒  
☐  
☒  
☐  
☐  
☐  
☐  
☐  
☐  
☐

Compassionate  
Judgmental  
Outspoken  
Skeptical  
Trusting  
Compulsive  
Logical  
Practical  
Smart

☐  
☐  
☒  
☒  
☒  
☐  
☒  
☐  
☐  
☐  
☐

Creative  
Naïve  
Private  
Strict  
Successful  
Emotional  
Old-fashioned  
Pro-Company  
Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

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I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

  
SIGNATURE

4/1/13  
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	



173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

X

DISTRICT COURT  
CLARK COUNTY, NEVADA

106

THE STATE OF NEVADA,  
  
Plaintiff,  
  
-vs-  
  
DIPAK KANTILAL DESAI,  
RONALD ERNEST LAKEMAN  
Defendants.

CASE NO. C2665107-1,2

DEPT. NO. XXI

Excuse  
for  
Cause

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

Grant Abitna  
PRINT NAME

101198070  
JUROR NO.

010708  
BADGE NO.

Badge No.: 010708

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: GRANT SALWANTE ABITRIA  
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 1/1970 ☒ Male ☐ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No  
If YES, please describe: I'm a sole income provider for my family, my wife is a homemaker, my son is home schooled.
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☐ Yes ☒ No  
If YES, please describe: \_\_\_\_\_
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No  
If YES, please explain: I'm a Registered Nurse by Trade and familiar with the Disai case
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA		✓		
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUĆ, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN			✓	
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				



NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY		✓		
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

Media thru the medical community that I work in.  
Thru my wife, when she used to work for the Health District  
Before deciding she wants to stay home with our son.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

From the information I received w/in the medical community  
I believe that Dr. Desai is guilty of deliberately placing  
his patients at the clinic at high risk of infection.

8. Please describe your current or most recent employment:

Employer: Desert Springs Hospital Medical Center

Length of Employment: Since 2003, left and came back 2010

Number of people employed by your employer: Hundreds

Job Duties/Responsibilities: Manage a Cardiac Procedural Laboratory

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 17

What are your duties? Day to day operation, making sure that patients are  
safe undergoing invasive procedures.

9. If retired: Who was your last employer? N/A

What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
Pacemaker Clin Spec	St. Jude Medical	1 Years 6 Months
Pacemaker Clin spec	Medtronic Inc	Years 11 Months
Summer Staff Nurse	Sumner Hospital	2 Years Months
Staff Nurse	St. Rose Sierra Hospital	1 Years 2 Months

11. Have you ever worked for the state or federal government?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? Clinical Lab Scientist, Southern Nevada Health District

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☒  
☒  
☒  
☐  
☐  
☒

Medical

Business Management

Legal

Psychology

Risk Management

☒  
☒  
☒  
☒  
☒  
☒

Manufacturing of Products

Distribution of Products

Medical Sales

Labeling of Products

Pharmaceuticals

Please describe any of the above areas that are checked: Between my current job as a Department Supervisor/Manager of an invasive procedures Lab and working for the device industry, I've received intense training on items checked above.

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒

Yes

☐

No

If YES, please describe: My brother presently work at the health department as a microbiologist. Most of my friends and acquaintances are in the Medical field.

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Myself, and members of my extended family

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☒ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>Mt. San Antonio College</u>	<u>Associates Degree Nursing</u>	<u>1989 - 1992</u>

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 12

Describe the nature of the business: Medical Staffing Agency

22. Please identify any previous or current military service:

Branch: N/A Rank: \_\_\_\_\_

Dates of service: from: 11/10 to: \_\_\_\_\_  
 Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

<input type="checkbox"/>	African-American/Black
<input checked="" type="checkbox"/>	Asian/Pacific Islander
<input type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input checked="" type="checkbox"/>	Currently married for <u>13</u> years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
James Abbing	6	Boy

27. If any of your children are employed, please list their occupations: NA  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Retired Medical Biller

Your stepmother: N/A

Your father: Medical Coder

Your stepfather: N/A

29. Identify the city and State where you were born: Mamla, Philippines

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Glendale	California	4/1988 to 6/2002
Las Vegas	Nevada	6/2002 to present
		to
		to
		to

31. How long have you lived in Clark County? Since 2002

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? South Summerlin

33. Describe your current living situation (check one):

- ☐ Live in own house, condominium, townhouse  
☒ Rent apartment, house, condominium, townhouse (circle one)  
☐ Live with parents or relative  
☐ Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

- ☒ Channel 3 or 703 (NBC)  
☐ Channel 5 or 705 (FOX)  
☒ Channel 8 or 708 (CBS)  
☐ Channel 13 or 713 (ABC)  
☐ Cable Channel 20 or 720 (CNN)  
☐ Channel 21 or 721 (FOX News Channel)  
☐ Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☐ No

If YES, please describe who, and the nature of the disease: Back in 2006, I lost my  
almost 2 yB old niece to a very severe Strep A infection

40. What was your favorite subject in school?

☐ English/Language ☐ Social Studies  
☐ Physical Education ☒ Mathematics

☒ Science/Engineering ☐ Other  
☒ Art/Music



41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☒ Yes ☐ No

Please explain your answer:

In my world as a Nurse, even with best practice and best intentions, mistakes can still happen.

42. What do you most like to do in your spare time?

Spend time w/ family

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious	None	None
Union Membership	None	None
Volunteer/Other	None	None

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? N/A

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☒ Analytical  
☒ Generous  
☒ Open-minded  
☒ Pro-worker  
☒ Technical  
☒ Careful  
☒ Impulsive  
☒ Opinionated  
☒ Sensitive  
☐ Other \_\_\_\_\_

☒ Compassionate  
☒ Judgmental  
☒ Outspoken  
☒ Skeptical  
☒ Trusting  
☒ Compulsive  
☒ Logical  
☒ Practical  
☒ Smart

☒ Creative  
☒ Naïve  
☒ Private  
☒ Strict  
☒ Successful  
☒ Emotional  
☒ Old-fashioned  
☒ Pro-Company  
☒ Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

Can't think of anything Right Now

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

[Signature]  
SIGNATURE

4/1/2013  
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

12X C-

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
	)		
Plaintiff,	)	DEPT. NO.	XXI
	)		
-vs-	)		
	)		
DIPAK KANTILAL DESAI,	)		
RONALD ERNEST LAKEMAN	)		
Defendants.	)		
_____	)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

<u>LYNDA FULLER</u>	<u>103280419</u>	<u>010156</u>
PRINT NAME	JUROR NO.	BADGE NO.



Badge No.: 010156

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: LYNDA RENEE BRICE Fuller  
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 1/64      ☐ Male      ☒ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes      ☐ No  
If YES, please describe: I mental & physically disabled live alone w/ 2 small dogs ride bus & HAVE to get up @ 4am
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☐ Yes ☒ No  
If YES, please describe: \_\_\_\_\_
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☐ Yes ☒ No  
If YES, please explain: I have been a victim of medical malpractice that worsened my mental & physical disabilities
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				



JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

NEWS & Internet NO CABLE at home only  
watch NEWS & Food channels

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

He was wrong & should be severely  
punished

8. Please describe your current or most recent employment:

Employer: Disabled

Length of Employment: not

Number of people employed by your employer: not

Job Duties/Responsibilities: not

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? not

What are your duties? not

9. If retired: Who was your last employer? not  
What kind of work did you do? not

10. List all previous jobs and employers:

Job	Employer	How Long?
Caretaker	Charles Stokes	4 Years ____ Months
Office Manager	Dr Tokunaga	3 Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? N/A

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Medical             | <input type="checkbox"/> Manufacturing of Products |
| <input checked="" type="checkbox"/> Business Management | <input type="checkbox"/> Distribution of Products  |
| <input type="checkbox"/> Legal                          | <input type="checkbox"/> Medical Sales             |
| <input type="checkbox"/> Psychology                     | <input type="checkbox"/> Labeling of Products      |
| <input type="checkbox"/> Risk Management                | <input type="checkbox"/> Pharmaceuticals           |

Please describe any of the above areas that are checked: Manager of DR  
Office packaged & passed meds, patient  
intake, ordering supplies, billing, phones etc.

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Mother & Daughter  
Sister & Aunt

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☒ Yes ☐ No

If YES, who is the person, what company is/was it, and what is/was the person's job: I sold  
insurance for Williams in Calif passed bond 87"

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Myself, Mother Daughter Sisters Aunt

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☒ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School Degree/Major/Area of Study Dates

School	Degree/Major/Area of Study	Dates

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 4

Describe the nature of the business: Carpet Cleaning

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☒ African-American/Black  
☐ Asian/Pacific Islander  
☐ Caucasian/White  
☐ Hispanic/Latino  
☐ Native American (American Indian)  
☐ Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☐ Single and never married  
☐ Engaged  
☐ Currently married for \_\_\_\_\_ years  
☒ Separated (legally or not)  
☐ Divorced for \_\_\_\_\_ years  
☐ Widow/widower for \_\_\_\_\_ years  
☐ Other (specify): \_\_\_\_\_

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Lynette Fuller	29	GIRL
Latonya Fuller	28	GIRL
Lane F. Pierce	23	GIRL
Richard Fuller Jr	22	BOY
Kimberly Fuller	20	BOY

27. If any of your children are employed, please list their occupations: \_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: LWN RETIRED UCLA

Your stepmother: \_\_\_\_\_

Your father: FORKLIFT DRIVER RETIRED K MART

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: TORRANCE CALIF

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Long Beach	CALIF	1989 to 2011
Lynwood	CALIF	1986 to 1989
Hawthorne	CALIF	1978 to 1980
GARDENA	CALIF	1974 to 1978
Compton	CALIF	1964 to 1974

31. How long have you lived in Clark County? 20 mos.

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Nellis Area

33. Describe your current living situation (check one):

☐

Live in own house, condominium, townhouse

☒

Rent apartment house, condominium, townhouse (circle one)

☐

Live with parents or relative

☒

Other (Please specify): COMPANION DOGS

34. What TV new channel do you watch (check all that apply):

☐

Channel 3 or 703 (NBC)

☒

Channel 5 or 705 (FOX)

☐

Channel 8 or 708 (CBS)

☒

Channel 13 or 713 (ABC)

☐

Cable Channel 20 or 720 (CNN)

☐

Channel 21 or 721 (FOX News Channel)

☐

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☒ Yes ☐ No If YES, please explain: SOME STRANGER USED MY  
SOCIAL SEC # FOR A DOMESTIC VIOLENCE CASE  
I SERVED PRISON TIME FOR 3 PAROLS
36. Have you or someone close to you ever been the victim of medical malpractice?  
☒ Yes ☐ No If YES, please explain: MYSELF IV SLIPPED  
OUT VAIN PUMPED NEEDS INTO MUSCLE LEFT HOSP  
AFTER DAYS @ 45 YRS OLD COULD NOT WALK TALK IN A WALK
37. Have you or anyone you know ever been involved in a civil lawsuit? ☒ Yes ☐ No  
 Who, Why, and what was the result? MYSELF LANDLORD TENANT  
CASES I'VE ONE EVERY TIME
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
 If YES, please describe who, and the nature of the disease: \_\_\_\_\_
40. What was your favorite subject in school?  
☒ English/Language ☐ Social Studies ☐ Science/Engineering  
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

I. A mistake made by an Adult should  
be paid for & they should own up  
to it immediately

42. What do you most like to do in your spare time?

play with my 16 grandchildren & watch  
news & cooking channels & go to church

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
<u>Volunteer/Other</u>	<u>My Church 3405 W</u>	

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☒ Yes ☐ No

How long were you out of work? NEVER RETURNED SINCE 2005

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury		Did you Reach a Verdict?	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☐  
☒  
☐  
☐  
☐  
☒  
☐  
☐  
☐  
☒  
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

☒  
☐  
☒  
☐  
☐  
☒  
☐  
☐  
☒  
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☒  
☐  
☐  
☒  
☐  
☒  
☒  
☒  
☐  
☒

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I just don't think its fair to put me  
one anybodies jury when Im Bipolar &  
OCD. And for me to leave so early to get  
bus here on time w/out my companion.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

*Symon Lulu*

SIGNATURE

4/1/13

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.



# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueilles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriguez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

X

EXC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DIPAK KANTILAL DESAI,  
RONALD ERNEST LAKEMAN  
Defendants.

)  
)  
)  
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)  
)  
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CASE NO. C2665107-1,2

DEPT. NO. XXI

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

Ryan Stewart  
PRINT NAME

100731892  
JUROR NO.

010197  
BADGE NO.

Badge No.: 010197

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: RYAN SED Stewart  
(PLEASE PRINT LEGIBLY)

2. Date of Birth: 1/19/63 ☒ Male ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: OUT OF THE COUNTRY FROM 5/10 THROUGH 5/20

I MANAGE A BUSINESS AND AM RESPONSIBLE FOR BANKING AND FUNDING PAYROLL. THE ONLY OTHER PERSON WHO CAN DO THIS FEL AN BUSTED HER HIP AND IS IN REHAB FOR SEVERAL WEEKS.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☐ Yes ☒ No

If YES, please describe: \_\_\_\_\_

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No

If YES, please explain: I HAVE FRIENDS THAT WERE VICTIMS IN THIS CASE

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				



CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM			X	
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

TV, RADIO, FRIENDS, REUSING dirty NEEDLES  
TO SAVE MONEY

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

YES, THEY SEEM GUILTY TO ME

8. Please describe your current or most recent employment:

Employer: TITAN FRAMING

Length of Employment: 1 yr

Number of people employed by your employer: 100

Job Duties/Responsibilities: GENERAL MANAGER

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 20

What are your duties?

9. If retired: Who was your last employer? FRAMECON, INC.

What kind of work did you do? PRESIDENT OF CONSTRUCTION COMPANY

10. List all previous jobs and employers:

Job	Employer	How Long?
N/A		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes

☒ No

If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? REAL ESTATE

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐  
☐  
☐  
☐  
☐

Medical  
 Business Management  
 Legal  
 Psychology  
 Risk Management

☐  
☐  
☐  
☐  
☐

Manufacturing of Products  
 Distribution of Products  
 Medical Sales  
 Labeling of Products  
 Pharmaceuticals

Please describe any of the above areas that are checked: \_\_\_\_\_

N/A

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes

☐ No

If YES, please describe: NURSE, MEDICAL BILLING

BUSINESS OWNER

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_



16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? SISTER IN LAW, NURSE, COUSIN - EMT

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☒ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☒ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School

Degree/Major/Area of Study

Dates

N/A

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 100 +

Describe the nature of the business: CONSTRUCTION

22. Please identify any previous or current military service:

Branch: NA Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐  
☐  
☒  
☐  
☐  
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☐  
☐  
☒  
☐  
☐  
☐  
☐

Single and never married

Engaged

Currently married for 25 years

Separated (legally or not)

Divorced for \_\_\_\_\_ years

Widow/widower for \_\_\_\_\_ years

Other (specify): \_\_\_\_\_

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_

N/A

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: RETIRED - CITI BANK

Your stepmother: " " - POST OFFICE

Your father: " " - CONSTRUCTION

Your stepfather: DECEASED - OIL COMPANY

29. Identify the city and State where you were born: MOAB, UT (1963-1982)

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
PHOENIX	AZ	1982 to 1988
		to
		to
		to
		to

31. How long have you lived in Clark County? FROM 1989

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? \_\_\_\_\_

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☒  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No  
Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No  
Who, Why, and what was the result? \_\_\_\_\_

SEVERAL FRIENDS RELATIVES. NO INFECTION.

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
If YES, please describe who, and the nature of the disease: \_\_\_\_\_

40. What was your favorite subject in school?

☐ English/Language ☐ Social Studies ☒ Science/Engineering  
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☒ Yes ☐ No

Please explain your answer:

NO ONE IS PERFECT

42. What do you most like to do in your spare time?

PHOTOGRAPH NATURE

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership	<u>NA</u>	<u>NA</u>
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work?

N/A

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
	<u>N/A</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? NA

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☐  
☒  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

☒  
☐  
☐  
☐  
☐  
☒  
☐  
☐  
☐  
☐  
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

NA

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

[Signature]  
SIGNATURE

4/1/13  
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	



85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrianne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriguez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

195

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
	)		
Plaintiff,	)	DEPT. NO.	XXI
	)		
-vs-	)		
	)		
DIPAK KANTILAL DESAI,	)		
RONALD ERNEST LAKEMAN	)		
Defendants.	)		
_____	)		

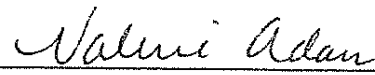
TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

  
\_\_\_\_\_  
VALERIE ADAIR, District Judge

TONDRA DE		100982535	011481
PRINT NAME		JUROR NO.	BADGE NO.

Badge No.: \_\_\_\_\_

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: TONDRA DE  
(PLEASE PRINT LEGIBLY)
2. Date of Birth:                      / 83      ☐ Male      ☒ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes      ☐ No  
If YES, please describe: I am employed by contract. If I cannot complete my work, I will not get paid.
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☐ Yes      ☒ No  
If YES, please describe: \_\_\_\_\_
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes      ☐ No  
If YES, please explain: My mother has been the recipient of harmful medical care several times in the past, so I have a poor opinion of all medical providers in Southern Nevada.
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM		✓		
DESAI, SNEHAL			✓	
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				



JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV			✓	
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY			✓	
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK		✓		
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.			✓	
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.			✓	
SHARMA, SATISH			✓	
SHARMA, VISHVINDER			✓	
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT			✓	
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

I have been following this case in the news very closely. Also, I am an Indian by race and a Hindu by religion, and I attended the same Hindu temple frequented by Dr. Desai and his wife. The entire Indian/Hindu community has been shocked by the events and I have heard much gossip and hear-say.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

I believe that Dipak Desai and Ronald Lakeman are fully guilty of all charges against them.

8. Please describe your current or most recent employment:

Employer: The Lincy Institute at UNLV

Length of Employment: 1 year

Number of people employed by your employer: approx. 10 by the Lincy Institute, but 2000+ by UNLV

Job Duties/Responsibilities: Contract Employee I am a Statistician and Researcher

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 6

What are your duties? I perform statistical analysis and research

9. If retired: Who was your last employer? \_\_\_\_\_  
What kind of work did you do? \_\_\_\_\_

10. List all previous jobs and employers:

Job	Employer	How Long?
Researcher/Statistical Analyst	University of California, Los Angeles	2 Years 0 Months
Engineer	National Security Technology	1 Years 2 Months
<del>Researcher</del> Intern	Bechtel SAIC Co., LLC	2 Years 0 Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? I am single

13. Have you received special training or schooling in the following areas? Check all areas that apply.

<input type="checkbox"/> Medical	<input type="checkbox"/> Manufacturing of Products
<input type="checkbox"/> Business Management	<input type="checkbox"/> Distribution of Products
<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Medical Sales
<input checked="" type="checkbox"/> Psychology	<input type="checkbox"/> Labeling of Products
<input type="checkbox"/> Risk Management	<input type="checkbox"/> Pharmaceuticals

Please describe any of the above areas that are checked: In my previous and current jobs, I have received basic legal training related to my position. I have had to take psychology classes in college and graduate school.

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: I have family members and/or close friends in the following areas: medical, business management, legal, psychology, medical sales, pharmaceuticals, risk management, etc.

15. Have you, any family members, or close friends ever worked for an insurance company or in the field of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Many friends of mine have worked/currently work in the medical profession

18. Have you, any family members, or close friends ever worked for a drug company? ☒ Yes ☐ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

Friend has worked for Merck-Medico as a data entry specialist

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☒ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

N/A

(I am single)

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
UNLV	B.S. in Math	2005
UNLV	B.S. in Electrical Engineering	2005
UCLA	Computer Science	2007
UCLA	MS. in Education	
UCLA	Ph. D. in Education	Expected 2013

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): N/A

Describe the nature of the business: N/A

22. Please identify any previous or current military service: None  
 Branch: N/A Rank: N/A

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
 Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?  
☐ Yes ☒ No If YES, please describe: \_\_\_\_\_  
 \_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

- ☒ African-American/Black
- ☒ Asian/Pacific Islander (*Indian*)
- ☐ Caucasian/White
- ☐ Hispanic/Latino
- ☐ Native American (American Indian)
- ☐ Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

- ☒ Single and never married
- ☐ Engaged
- ☐ Currently married for \_\_\_\_\_ years
- ☐ Separated (legally or not)
- ☐ Divorced for \_\_\_\_\_ years
- ☐ Widow/widower for \_\_\_\_\_ years
- ☐ Other (specify): \_\_\_\_\_

26. Do you have children?

☐ Yes ☒ No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Homemaker

Your stepmother: N/A

Your father: Engineer / Scientist

Your stepfather: N/A

29. Identify the city and State where you were born: Savar, Bangladesh

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
<del>Los</del> Los Angeles	CA	09/2006 to 07/2012
<del>Las Vegas</del> Las Vegas	<del>NV</del> NV	05/2003 to 09/2006
Henderson	NV	12/1995 to 05/2003
Moscow	ID	12/1989 to 12/1995
		to

31. How long have you lived in Clark County? 1 year (but I grew up here and attended high school and college, for a total of about 10 years)

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Las Vegas / Paradise

33. Describe your current living situation (check one):

☐  
☐  
☒  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☒  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☒ Yes ☐ No If YES, please explain: We never went to court, but  
my mother has received harmful medical care from practitioners  
in Southern Nevada

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No

If YES, please describe who, and the nature of the disease: \_\_\_\_\_

40. What was your favorite subject in school?  
☐ English/Language ☐ Social Studies ☒ Science/Engineering  
☐ Physical Education ☒ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

Mistakes do not just happen. There is always someone at fault.

42. What do you most like to do in your spare time?

Reading, writing, volunteer, translation/editing for a magazine

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious	I am involved in the Las Vegas Hindu Temple	
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case: None

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If **civil**, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

<input checked="" type="checkbox"/> Analytical	<input type="checkbox"/> Compassionate	<input checked="" type="checkbox"/> Creative
<input checked="" type="checkbox"/> Generous	<input checked="" type="checkbox"/> Judgmental	<input type="checkbox"/> Naïve
<input type="checkbox"/> Open-minded	<input checked="" type="checkbox"/> Outspoken	<input checked="" type="checkbox"/> Private
<input type="checkbox"/> Pro-worker	<input checked="" type="checkbox"/> Skeptical	<input checked="" type="checkbox"/> Strict
<input checked="" type="checkbox"/> Technical	<input type="checkbox"/> Trusting	<input checked="" type="checkbox"/> Successful
<input checked="" type="checkbox"/> Careful	<input type="checkbox"/> Compulsive	<input type="checkbox"/> Emotional
<input type="checkbox"/> Impulsive	<input checked="" type="checkbox"/> Logical	<input type="checkbox"/> Old-fashioned
<input checked="" type="checkbox"/> Opinionated	<input checked="" type="checkbox"/> Practical	<input type="checkbox"/> Pro-Company
<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Smart	<input checked="" type="checkbox"/> Thoughtful
<input type="checkbox"/> Other _____		

48. Is there anything else that you feel is important for the parties to know about you?

No

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

*Nondrad*

SIGNATURE

04/01/2013

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	



173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

193

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
	)		
Plaintiff,	)	DEPT. NO.	XXI
	)		
-vs-	)		
	)		
DIPAK KANTILAL DESAI,	)		
RONALD ERNEST LAKEMAN	)		
Defendants.	)		
_____	)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

ALTANI G. KARACOSTAS  
PRINT NAME

01-1477 100214989  
JUROR NO. BADGE NO.

Badge No.: 01-1477

## QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: ALAN G. KARAKOSTAS  
(PLEASE PRINT LEGIBLY)

2. Date of Birth:                     165                     ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? \_\_\_\_\_ Yes ~~\_\_\_\_\_~~ No

If YES, please describe: \_\_\_\_\_

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☒ Yes ☐ No

If YES, please describe: I believe in GOD, CHRISTIAN, GREEK  
ORTHODOX

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? Yes ☒ No ☐

If YES, please explain: \_\_\_\_\_

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				



NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

X Yes \_\_\_\_\_ No

If YES, how were you exposed to this information, and generally what information were you provided?

NEWS, talking to friends, Internet.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

IF I remember correctly they are the two that did it.

8. Please describe your current or most recent employment:

Employer: Child care provider

Length of Employment: 5 months

Number of people employed by your employer: 1

Job Duties/Responsibilities: Talking care of a child

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? —

What are your duties? —

9. If retired: Who was your last employer? —

What kind of work did you do? —

10. List all previous jobs and employers:

Job	Employer	How Long?
Winchell's Bar + Grill	Ron Winchell	00-05 Years ____ Months
Claim Jumper	Todd Cummings	05-10 Years ____ Months
Mr. D Frozen Custard		17-11 Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? \_\_\_\_\_

13. Have you received special training or schooling in the following areas? Check all areas that apply.

<input type="checkbox"/> Medical	<input type="checkbox"/> Manufacturing of Products
<input checked="" type="checkbox"/> Business Management	<input type="checkbox"/> Distribution of Products
<input type="checkbox"/> Legal	<input type="checkbox"/> Medical Sales
<input type="checkbox"/> Psychology	<input type="checkbox"/> Labeling of Products
<input type="checkbox"/> Risk Management	<input type="checkbox"/> Pharmaceuticals

Please describe any of the above areas that are checked: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Legal + Medical friend that  
is a lawyer + friend that is a nurse

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

\_\_\_\_\_

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Elwanda Roberson

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☒ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>Baker Junior College</u>	<u>Associates in Fashion Mer.</u> <u>Retail Management.</u>	<u>1984-1987</u>

21. Do you now or have you ever owned your own business? ☒ Now ☐ Previously ☐ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?  
☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

24. Ethnic background (It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box):

☐ African-American/Black  
☐ Asian/Pacific Islander  
☒ Caucasian/White  
☐ Hispanic/Latino  
☐ Native American (American Indian)  
☒ Other (please specify): Creek/American

25. Marital Status (check one):

☐ Single and never married  
☐ Engaged  
☐ Currently married for \_\_\_\_\_ years  
☐ Separated (legally or not)  
☒ Divorced for 6 years  
☐ Widow/widower for \_\_\_\_\_ years  
☐ Other (specify): \_\_\_\_\_

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
ALEXA KARACOSTAS	24	Girl
Lenna KARACOSTAS	23	Girl

27. If any of your children are employed, please list their occupations: Bar tender, Cadie Golf course

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Home maker

Your stepmother: \_\_\_\_\_

Your father: Restaurant owner

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Flint, MI.

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Flint	MI	1965 to 1986
Grosse Pt. Park	MI	1986 to 2000
Henderson	NV.	2000 to Now
		to
		to

31. How long have you lived in Clark County? Almost 13 years (July 6, 2000)

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Green Valley

33. Describe your current living situation (check one):

☐  
☒  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☒  
☒  
☐  
☒  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
If YES, please describe who, and the nature of the disease: \_\_\_\_\_

40. What was your favorite subject in school?  
☐ English/Language ☐ Social Studies ☒ Science/Engineering  
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other



41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☒ Yes ☐ No

Please explain your answer:

We all make mistakes, we need to forgive.

42. What do you most like to do in your spare time?

Go Gambling, movies, walks

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury		Did you Reach a Verdict?	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If *civil*, what was the outcome of the case?

	Yes
--	-----

	No
--	----

1

Yes

☐ No

1

Positive



Negative

Which of the following best describes you? (Please check all that apply)

<input type="checkbox"/>	Analytical
<input type="checkbox"/>	Generous
<input checked="" type="checkbox"/>	Open-minded
<input type="checkbox"/>	Pro-worker
<input type="checkbox"/>	Technical
<input type="checkbox"/>	Careful
<input type="checkbox"/>	Impulsive
<input type="checkbox"/>	Opinionated
<input type="checkbox"/>	Sensitive
<input type="checkbox"/>	Other

<input checked="" type="checkbox"/>	Compassionate
<input type="checkbox"/>	Judgmental
<input type="checkbox"/>	Outspoken
<input type="checkbox"/>	Skeptical
<input type="checkbox"/>	Trusting
<input type="checkbox"/>	Compulsive
<input type="checkbox"/>	Logical
<input type="checkbox"/>	Practical
<input type="checkbox"/>	Smart

<input type="checkbox"/>	Creative
<input type="checkbox"/>	Naïve
<input type="checkbox"/>	Private
<input type="checkbox"/>	Strict
<input type="checkbox"/>	Successful
<input checked="" type="checkbox"/>	Emotional
<input type="checkbox"/>	Old-fashioned
<input type="checkbox"/>	Pro-Company
<input checked="" type="checkbox"/>	Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Atami G. Gararastin  
SIGNATURE

4/01/2013  
Date

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# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,	)	CASE NO. C2665107-1,2
	)	
Plaintiff,	)	DEPT. NO. XXI
	)	
-vs-	)	
	)	
DIPAK KANTILAL DESAI,	)	
RONALD ERNEST LAKEMAN	)	
Defendants.	)	
	)	

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

<u>Wendy Jo Knowles</u>	<u>101777608</u>	<u>011440</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 01440

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Wendy Jo Knowles  
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 1.63 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: I have 6 year old triplets and my husband works overseas (Mongolia) and I have no childcare. My triplets receive allergy shots every other week (next 3 years). I'm ~~single~~ basically a single mother.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☒ Yes ☐ No

If YES, please describe: I believe that if there is a case against "someone", they had to have done something wrong because we don't arrest the innocent.

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No

If YES, please explain: Medical Providers are always trying to get out of paying benefits owed to keep the profit. Look at medicare... all the fraud & denials. Doctors' offices bill for every little thing performed or not

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				



heard of

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.			X	
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
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JONES, LISA				
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KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
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MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

heard of

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
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MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.			x	
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

**In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.**

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

TV: typical tv coverage ... All the wrong they did

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

YES... Crooked and typical ... Cut corners where you can and pocket the profits. Narcissistic / Me Me Me Above the law and I want to be rich rich rich

8. Please describe your current or most recent employment:

Employer: My Triplets

Length of Employment: 6 years +

Number of people employed by your employer:         

Job Duties/Responsibilities:         

Supervisor Duties? ☐ Yes ☐ No If YES, how many people do you supervise?         

What are your duties?         

9. If retired: Who was your last employer?

What kind of work did you do?



10. List all previous jobs and employers:

Job	Employer	How Long?
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒ Yes ☐ No If YES, please describe: State Parks

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? Security Upgrade Projects or New builds of

Embassy's around the world

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐  
☒  
☐  
☐  
☐

Medical  
 Business Management  
 Legal  
 Psychology  
 Risk Management

☐  
☐  
☐  
☐  
☐

Manufacturing of Products  
 Distribution of Products  
 Medical Sales  
 Labeling of Products  
 Pharmaceuticals

Please describe any of the above areas that are checked: Minor in Business  
Degree

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Pharmaceuticals, Legal

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☒ Yes ☐ No

If YES, who is the person, what company is/was it, and what is/was the person's job: Trisha Sousa  
Filed claims in medical office.

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☐ No

If YES, who is the person? not sure

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Maureen Lantz, Trisha Sousa

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☒ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
NDSU-BB	Assoc Biology	Fall 1980-Spring 1982
Univ of Montana	Zoology	Fall 1982-Spring 1983
NDSU	BS Zoology BS Horticulture Business Minor	Winter 1983-Spring 1986

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 3-4

Describe the nature of the business: Auto Mechanic & Customizing Shop

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_

Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☒

Yes

☐

No

If YES, please describe:

State Park Ranger (?)

24. Ethnic background (It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box):

☐  
☐  
☒  
☐  
☐  
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☐  
☐  
☒  
☐  
☐  
☐  
☐

Single and never married

Engaged

Currently married for 13½ years

Separated (legally or not)

Divorced for \_\_\_\_\_ years

Widow/widower for \_\_\_\_\_ years

Other (specify): \_\_\_\_\_

26. Do you have children?

☒

Yes

☐

No

Name	Age	Boy or Girl
Roger Knowles	} triplets age 6	Boy
Porter Knowles		Boy
Luke Knowles		Boy

27. If any of your children are employed, please list their occupations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Retired X Ray Tech Bottineau, ND Hospital

Your stepmother: \_\_\_\_\_

Your father: Retired Lawyer - self employed

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Grand Forks, North Dakota

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Denver	Colorado	Sept 2002 to May 2003
Trujillo Alto, Puerto Rico		Jan 2002 Aug 2002
Ulaanbaatar, Mongolia		May 2000 to Dec 2001
Humacao, Puerto Rico		July 1999 to April 2000
Denver	Colorado ?	Aug 1995 to June 1999
Dallas	Texas	June 1986 to July 1995 ?

31. How long have you lived in Clark County? May 2003 10 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Henderson

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☒  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☒ Yes ☐ No If YES, please explain: Garage. Robbed
- 
36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☐ No If YES, please explain: ?
- 
37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No  
 Who, Why, and what was the result? P
- 
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_
- 
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☐ No  
 If YES, please describe who, and the nature of the disease: Hep C  
My Husband  
Me - Hep B
- 
40. What was your favorite subject in school?  
☐ English/Language ☐ Social Studies ☒ Science/Engineering  
☐ Physical Education ☒ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

Accountability !! Everyone wants to pass-the-buck these days! Things just don't happen by themselves. (ie: Guns don't go off by themselves, people shoot them)

42. What do you most like to do in your spare time? (single Mom)

I don't have any spare time being alone with my triplets and keeping a house going, helping with their school, running for allergy shots, Dr appts, activities outside school, classes outside of school,

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	<del>Spouse</del> Significant Other
Social/Civic/Political/Religious	at church - groups	out of the country
Union Membership	NOT!	NOT!
<del>Volunteer</del> /Other	At school Coaching their activities	out of the country

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☐ No probably

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☒  
☒  
☒  
☒  
☐  
☒  
☐  
☐  
☐  
☐  
☐  
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

☐  
☐  
☒  
☒  
☒  
☒  
☒  
☒  
☒  
☒  
☒  
☒

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☐  
☐  
☐  
☒  
☐  
☐  
☐  
☐  
☐  
☒

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

There are people that want to serve and they  
should be allowed that privilege, I would not want  
to deny anyone that opportunity.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Wendy Jo Knowles

SIGNATURE

1 April 2013

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN



41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

186

THE STATE OF NEVADA,

Plaintiff,

-vs-

DIPAK KANTILAL DESAI,  
RONALD ERNEST LAKEMAN  
Defendants.

CASE NO. C2665107-1,2

DEPT. NO. XXI

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

Paul G. Kaputa  
PRINT NAME

100576347  
JUROR NO.

011453  
BADGE NO.

Badge No.: 011453

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Paul G. Kapota  
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 53 ☒ Male ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you?        Yes        No

If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
       Yes        No

If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers?        Yes        No

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				



BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSE				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

Channel -3 news and Las Vegas Review-Journal  
Doctors were using used and contaminated needles to treat patients.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

They should be prosecuted and sentenced to severe punishment if they are found guilty.

8. Please describe your current or most recent employment:

Employer: Venetian Hotel and Casino, Las Vegas, Nevada

Length of Employment: 14 years

Number of people employed by your employer: 9,000

Job Duties/Responsibilities: Cook for all employees

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? \_\_\_\_\_

What are your duties? \_\_\_\_\_

9. If retired: Who was your last employer? \_\_\_\_\_

What kind of work did you do? \_\_\_\_\_

10. List all previous jobs and employers:

Job	Employer	How Long?
<del>Old Bakery Worker</del>	Obis Spunkmeyer, Inc. Export, Pa.	5 Years ____ Months
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒ Yes ☐ No If YES, please describe: New York State Psychiatric Center  
Albany, N.Y. cook for patients

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? \_\_\_\_\_

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐  
☐  
☐  
☐  
☐  
☐

Medical  
Business Management  
Legal  
Psychology  
Risk Management

☐  
☐  
☐  
☐  
☐  
☐

Manufacturing of Products  
Distribution of Products  
Medical Sales  
Labeling of Products  
Pharmaceuticals

Please describe any of the above areas that are checked: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

\_\_\_\_\_

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

\_\_\_\_\_

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☒ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School

Degree/Major/Area of Study

Dates

Schenectady County Comm. College Assistant Chef 1978-1979

\_\_\_\_\_

\_\_\_\_\_

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_

Rank: \_\_\_\_\_



Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_

Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

\_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐  
☐  
☒  
☐  
☐  
☐  
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☒  
☐  
☐  
☐  
☐  
☐  
☐  
☐

Single and never married

Engaged

Currently married for \_\_\_\_\_ years

Separated (legally or not)

Divorced for \_\_\_\_\_ years

Widow/widower for \_\_\_\_\_ years

Other (specify): \_\_\_\_\_

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: deceased - housewife

Your stepmother: \_\_\_\_\_

Your father: deceased - factory worker

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Mt. Pleasant, Pa.

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Greensburg	Pa.	8-88 to 10-98
Albany	N.Y.	1971 to 1988
		to
		to
		to

31. How long have you lived in Clark County? 14 1/2 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Henderson

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☐  
☒  
☐  
☐  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
If YES, please describe who, and the nature of the disease: \_\_\_\_\_

40. What was your favorite subject in school?

<input type="checkbox"/> English/Language	<input type="checkbox"/> Social Studies	<input type="checkbox"/> Science/Engineering	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Physical Education	<input type="checkbox"/> Mathematics	<input type="checkbox"/> Art/Music	

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

~~Ex~~ ~~Every~~ Every one is Responsible  
 For their own actions.

42. What do you most like to do in your spare time?

Read

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury		Did you Reach a Verdict?	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☐  
☒  
☒  
☐  
☐  
☐  
☒  
☐  
☐  
☒  
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

☒  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☒  
☐  
☒

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☐  
☐  
☒  
☐  
☐  
☐  
☐  
☒  
☒  
☒

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

*I believe the people in this country should be treated with ~~respect~~ respect and dignity. And that means their health is very important.*

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

*Lou G. Kaputa*  
\_\_\_\_\_  
SIGNATURE

*4-1-13*  
\_\_\_\_\_  
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN



129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlina	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,	)	CASE NO. C2665107-1,2
	)	
Plaintiff,	)	DEPT. NO. XXI
	)	
-vs-	)	
	)	
DIPAK KANTILAL DESAI,	)	
RONALD ERNEST LAKEMAN	)	
Defendants.	)	
_____	)	

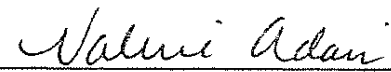
TO THE PROSPECTIVE JUROR:


You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

  
\_\_\_\_\_  
VALERIE ADAIR, District Judge

 _____ PRINT NAME	100095556 _____ JUROR NO.	011502 _____ BADGE NO.
--	---------------------------------	------------------------------

Badge No.: 011502

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Christopher Charles Seitz  
(PLEASE PRINT LEGIBLY)

2. Date of Birth:                      / 1971      ☒ Male      ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you?      Yes      X No

If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
\_\_\_\_\_ Yes      X No

If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers?      Yes      X No

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				



MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY		X		
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSE				
SOOD, RAJAT	X			
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				



10. List all previous jobs and employers:

Job	Employer	How Long?
<del>Auto</del> Shipping Supervisor	Aristocrat Technologies	<del>12</del> 2 Years 3 Months
Tech Service	Aristocrat Technologies	12 Years ____ Months
Technical Installer	Ford Country	2 Years 1 Months
<del>Field</del> Technician	Fletcher Jones Chevrolet	____ Years 9 Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? Compliance Engineer

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- |                          |                     |                                     |                           |
|--------------------------|---------------------|-------------------------------------|---------------------------|
| <input type="checkbox"/> | Medical             | <input checked="" type="checkbox"/> | Manufacturing of Products |
| <input type="checkbox"/> | Business Management | <input checked="" type="checkbox"/> | Distribution of Products  |
| <input type="checkbox"/> | Legal               | <input type="checkbox"/>            | Medical Sales             |
| <input type="checkbox"/> | Psychology          | <input checked="" type="checkbox"/> | Labeling of Products      |
| <input type="checkbox"/> | Risk Management     | <input type="checkbox"/>            | Pharmaceuticals           |

Please describe any of the above areas that are checked: I work for a gaming manufacturer and all of our products + parts have to be specifically labeled for inventory and verified for shipment

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Wife worked for some company

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☒ Yes ☐ No

If YES, who is the person, what company is/was it, and what is/was the person's job: wife worked for AFLAC and has helped to submit claims as a Sales Agent

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Mother in law worked as doctor receptionist

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☒ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>ITT Tech</u>	<u>AA Electronics</u>	<u>4/90 - 6/91</u>

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?  
☐ Yes ☒ No If YES, please describe: \_\_\_\_\_  
\_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

<input type="checkbox"/>	African-American/Black
<input type="checkbox"/>	Asian/Pacific Islander
<input checked="" type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input checked="" type="checkbox"/>	Currently married for <u>6</u> years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Elizabeth Ann Seitz	3	Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Clark County School District

Your stepmother: \_\_\_\_\_

Your father: Clark County Las Vegas Fire Department

Your stepfather: Sr Director of Development for GHI Labs

29. Identify the city and State where you were born: Las Vegas, Nevada

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Phoenix	Arizona	4/90 to 6/91
		to
		to
		to
		to

31. How long have you lived in Clark County? \_\_\_\_\_

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? South East

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☒  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)



35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_
- 
36. Have you or someone close to you ever been the victim of medical malpractice?  
☒ Yes ☐ No If YES, please explain: A friend of mine's father  
was effected by the Hep C outbreak
- 
37. Have you or anyone you know ever been involved in a civil lawsuit? ☒ Yes ☐ No  
 Who, Why, and what was the result? See above
- 
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No  
 Who, Why, and what was the result? My friends father was notified of exposure  
of possible Hep C outbreak
- 
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☐ No  
 If YES, please describe who, and the nature of the disease: My friends father, Jerry  
Hep C
- 
40. What was your favorite subject in school?
- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> English/Language | <input type="checkbox"/> Social Studies | <input type="checkbox"/> Science/Engineering | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Physical Education          | <input type="checkbox"/> Mathematics    | <input type="checkbox"/> Art/Music           |   |

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☒ Yes ☒ No

Please explain your answer:

*Mistakes are almost always due to neglect or ignorance*

42. What do you most like to do in your spare time?

*Spend time with my family, explore so NV deserts by Jeep*

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other	<i>Vegas Valley Four Wheeler</i>	

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Creative

Naïve

Private

Strict

Successful

Emotional

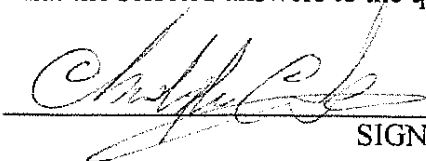
Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?


I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.



SIGNATURE

4/1/2013

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	



DISTRICT COURT  
CLARK COUNTY, NEVADA

200

THE STATE OF NEVADA,	)	CASE NO. C2665107-1,2
	)	
Plaintiff,	)	DEPT. NO. XXI
	)	
-vs-	)	
	)	
DIPAK KANTILAL DESAI,	)	
RONALD ERNEST LAKEMAN	)	
Defendants.	)	
	)	

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

<u>ORLANDO Cortes</u>	<u>103353603</u>	<u>011510</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 1510

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: ORLANDO CORTES  
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 156 ☒ Male ☐ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No  
If YES, please describe: economic, if I do not get pay
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☐ Yes ☒ No  
If YES, please describe: \_\_\_\_\_
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☐ Yes ☒ No  
If YES, please explain: \_\_\_\_\_
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUEÑAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				



SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

in the news - use of infected needles

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

that He is guilty for allowing this to happen.

8. Please describe your current or most recent employment:

Employer: CDW corp.

Length of Employment: 10 years

Number of people employed by your employer: 7,000

Job Duties/Responsibilities: Computer technician

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? \_\_\_\_\_

What are your duties? Assembling and fixing computers

9. If retired: Who was your last employer? \_\_\_\_\_

What kind of work did you do? \_\_\_\_\_

10. List all previous jobs and employers:

Job	Employer	How Long?
Printing Company	Holmes Company	<u>20</u> Years <u>    </u> Months
Motorola lift truck driver	Motorola	<u>3</u> Years <u>    </u> Months
Felpro lift truck driver	Felpro	<u>6</u> Years <u>    </u> Months
		<u>    </u> Years <u>    </u> Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? \_\_\_\_\_

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐  
☐  
☐  
☐  
☐

Medical  
Business Management  
Legal  
Psychology  
Risk Management

☒  
☐  
☐  
☐  
☐

Manufacturing of Products  
Distribution of Products  
Medical Sales  
Labeling of Products  
Pharmaceuticals

Please describe any of the above areas that are checked: work in the  
production area

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: \_\_\_\_\_

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

\_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☒ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School Degree/Major/Area of Study Dates

no degree, was studying IT management

\_\_\_\_\_

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_  
Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐  
☐  
☐  
☒  
☐  
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☐  
☐  
☐  
☐  
☒  
☐  
☐

Single and never married

Engaged

Currently married for \_\_\_\_\_ years

Separated (legally or not)

Divorced for 12 years

Widow/widower for ~~12~~ years

Other (specify): \_\_\_\_\_

26. Do you have children?

☒

Yes

☐

No

Name	Age	Boy or Girl
Bryan Cortes	35	Boy
Steven Cortes	32	Boy

27. If any of your children are employed, please list their occupations: Marines,

and the other has been working

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: None

Your stepmother: \_\_\_\_\_

Your father: Self-employed

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Girardot - Colombia, South America

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Chicago	Illinois	1997 to 2006
		to
		to
		to
		to

31. How long have you lived in Clark County? 6 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? \_\_\_\_\_

33. Describe your current living situation (check one):

☒  
☐  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☐  
☒  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No  
 Who, Why, and what was the result? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
 If YES, please describe who, and the nature of the disease: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
40. What was your favorite subject in school?  
☐ English/Language ☐ Social Studies ☒ Science/Engineering  
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

*There is always someone at fault.*

42. What do you most like to do in your spare time?

*listen music, and be at the computer*

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☐  
☐  
☒  
☐  
☐  
☒  
☐  
☐  
☐  
☐  
☐  
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other \_\_\_\_\_

☒  
☐  
☐  
☐  
☐  
☐  
☐  
☒  
☐  
☐  
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☒  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

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---

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

*April M. [Signature]*  
SIGNATURE

4-1-13  
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT  
CLARK COUNTY, NEVADA

207

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
	)		
Plaintiff,	)	DEPT. NO.	XXI
	)		
-vs-	)		
	)		
DIPAK KANTILAL DESAI,	)		
RONALD ERNEST LAKEMAN	)		
Defendants.	)		
_____	)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair  
VALERIE ADAIR, District Judge

<u>Heather Elise</u>	<u>103213394</u>	<u>011557</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 011557

### QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Heather Elise  
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 1/89 ☐ Male ☒ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No  
If YES, please describe: I have school and work and an upcoming apt. that day.
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?  
☒ Yes ☐ No  
If YES, please describe: I ~~am~~ am prejudice against Handed families - meaning people that marry and have kids with more than 1 person.
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☐ Yes ☒ No  
If YES, please explain: \_\_\_\_\_
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				



ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOAA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

Yes No

If YES, how were you exposed to this information, and generally what information were you provided?

I saw it on various local news channels, such as, Fox 5  
and others. I saw that the workers were not using  
sterilized equipment and therefore caused many people  
to get HC. Also the building was shut down.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

NO,

8. Please describe your current or most recent employment:

Employer: Diamond Shoeshine

Length of Employment: 6-15-12 - current

Number of people employed by your employer: 5

Job Duties/Responsibilities: Shining shoes

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise?

What are your duties? clean the stand/engage with guests/shine shoes

9. If retired: Who was your last employer?

What kind of work did you do?



10. List all previous jobs and employers:

Job	Employer	How Long?
Cocktail Server	hazzards	0 Years 6 Months
Forklift Driver	Sam's Club	0 Years 11 Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? \_\_\_\_\_

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐  
☐  
☐  
☐  
☐

Medical

Business Management

Legal

Psychology

Risk Management

☐  
☐  
☐  
☐  
☐

Manufacturing of Products

Distribution of Products

Medical Sales

Labeling of Products

Pharmaceuticals

Please describe any of the above areas that are checked: \_\_\_\_\_

---



---

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

---

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: \_\_\_\_\_

---

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? \_\_\_\_\_

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? \_\_\_\_\_

\_\_\_\_\_

19. Please check one box for the highest grade level completed:

**SELF**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☒ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

**SPOUSE/SIGNIFICANT OTHER**

- ☐ Less than High School  
☐ High School Graduate  
☐ Business/Tech school/some college  
☐ Community or 2 yr college grad (AA)  
☐ 4 year college graduate degree  
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
UNIV / CSN	B.A	2009 - 2013

\_\_\_\_\_

\_\_\_\_\_

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): \_\_\_\_\_

Describe the nature of the business: \_\_\_\_\_

22. Please identify any previous or current military service:

Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

Dates of service: from: \_\_\_\_\_ to: \_\_\_\_\_

Principal military duties: \_\_\_\_\_

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: \_\_\_\_\_

\_\_\_\_\_

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐  
☐  
☒  
☐  
☐  
☐  
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): \_\_\_\_\_

25. Marital Status (check one):

☒  
☐  
☐  
☐  
☐  
☐  
☐  
☐

Single and never married

Engaged

Currently married for \_\_\_\_\_ years

Separated (legally or not)

Divorced for \_\_\_\_\_ years

Widow/widower for \_\_\_\_\_ years

Other (specify): \_\_\_\_\_

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: ~~Marketing~~ marketing

Your stepmother: \_\_\_\_\_

Your father: Self

Your stepfather: \_\_\_\_\_

29. Identify the city and State where you were born: Houston, TX

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Houston	TX	12-89 to 3-98
Hammond	LA	3-98 to 9-98
Ft. Meyers	FL	2000 to 2001
W Palm Beach	FL	2001 to 2003
Austin	TX	2003 to 2008

31. How long have you lived in Clark County? 5 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Las Vegas

33. Describe your current living situation (check one):

☐  
☒  
☐  
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): \_\_\_\_\_

34. What TV new channel do you watch (check all that apply):

☒  
☒  
☒  
☒  
☐  
☐  
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

36. Have you or someone close to you ever been the victim of medical malpractice?  
☐ Yes ☒ No If YES, please explain: \_\_\_\_\_

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? \_\_\_\_\_

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No  
If YES, please describe who, and the nature of the disease: \_\_\_\_\_

40. What was your favorite subject in school?

☐ English/Language ☐ Social Studies ☐ Science/Engineering  
☐ Physical Education ☐ Mathematics ☒ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?  
☐ Yes ☒ No

Please explain your answer:

---



---



---

42. What do you most like to do in your spare time?

*Sleep / eat too much / be lazy*

---



---

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? \_\_\_\_\_

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? \_\_\_\_\_

If *civil*, what was the outcome of the case? \_\_\_\_\_

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

If NEGATIVE, please explain: \_\_\_\_\_

47. Which of the following best describes you? (Please check all that apply)

☒ Analytical  
☒ Generous  
☒ Open-minded  
☒ Pro-worker  
☐ Technical  
☒ Careful  
☐ Impulsive  
☒ Opinionated  
☒ Sensitive  
☐ Other \_\_\_\_\_

☒ Compassionate  
☒ Judgmental  
☒ Outspoken  
☐ Skeptical  
☒ Trusting  
☒ Compulsive  
☒ Logical  
☒ Practical  
☒ Smart

☒ Creative  
☐ Naïve  
☒ Private  
☐ Strict  
☐ Successful  
☒ Emotional  
☒ Old-fashioned  
☐ Pro-Company  
☒ Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I am not religious, but I am a spiritualist.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

*Heather Hill*

SIGNATURE

4-1-13

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

# EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN



41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solara)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

1 Frederick Santacroce, Esq.  
2 Nevada Bar No. 5121  
3 5440 W. Sahara Avenue, Suite 300  
4 Las Vegas, Nevada 89146  
5 (702) 218-3360

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6  
7 Attorney for Defendant/Appellant  
8 RONALD ERNEST LAKEMAN  
9

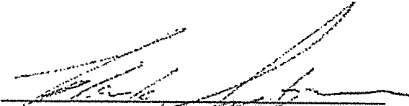
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Dec 13 2013 11:33 am  
Tracie K. Lindeman  
Clerk of Supreme Court

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA  
12

13 THE STATE OF NEVADA )  
14 )  
15 Plaintiff, ) CASE NO: C265107-2  
16 ) DEPT NO: XXI  
17 v. )  
18 )  
19 RONALD ERNEST LAKEMAN )  
20 )  
21 )  
22 ) NOTICE OF APPEAL  
23 Defendant. )  
24 \_\_\_\_\_ )  
25

26 NOTICE is hereby given that the Defendant, RONALD  
27  
28 ERNEST LAKEMAN, appeals from Judgment of Conviction entered on  
29 or about November 13, 2013. This appeal is to all issues of  
30 law and fact.

31 DATED this 9<sup>th</sup> day of December, 2013.  
32

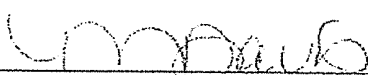
33  
34   
35 Frederick Santacroce, Esq.  
36 Nevada Bar No. 5121  
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38 Las Vegas, Nevada 89146  
39 (702) 218-3360  
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CERTIFICATE OF MAILING

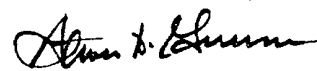
I HEREBY CERTIFY that I am an employee of Frederick Santacroce, Esq. and that on the 9th day of December, 2013 I deposited a true and correct copy of the Notice of Appeal in the Post Office at Las Vegas, Nevada, enclosed in a sealed envelope upon which first-class postage was fully prepaid, addressed to the following:

STEVEN WOLFSON, ESQ.  
Clark County District Attorney  
MICHAEL STAUDAHER, ESQ.  
Deputy District Attorney  
200 Lewis Avenue  
Las Vegas, NV 89155  
Counsel for the State of Nevada  
  
THE HONORABLE JUDGE VALARIE ADAIR  
Eighth Judicial District Court Dept XXI  
200 Lewis Avenue  
Las Vegas, NV 89155  
  
RICHARD A. WRIGHT, ESQ.  
300 South 4<sup>th</sup> St. #701  
Las Vegas, NV 89101  
Counsel for Dipak Desai  
  
CATHERINE CORTEZ MASTO, ESQ.  
Nevada Attorney General  
100 N. Carson St.  
Carson City, NV 89701-4717  
Counsel for The State of Nevada

  
An Employee of  
Frederick Santacroce, Esq.

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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
	)	
DIPAK KANTILAL DESAI, RONALD	)	
E. LAKEMAN,	)	
	)	
Defendants.	)	<b>TRANSCRIPT OF</b>
	)	<b>PROCEEDING</b>

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 1**

MONDAY, APRIL 22, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
FOR DEFENDANT LAKEMAN:	MARGARET M. STANISH, ESQ. FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

UNCERTIFIED ROUGH DRAFT

1 LAS VEGAS, NEVADA, MONDAY, APRIL 22, 2013, 9:32 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the prospective jury panel.)

4 THE COURT: Ms. Stanish, where's your client?

5 MS. STANISH: I'm not sure. Let me [inaudible].

6 THE COURT: I just want to go over unofficially a few  
7 preliminary things. We don't need your client here to do  
8 that.

9 Basically, as you know, we're going to be doing  
10 individual sequestered voir dire. The court recorder asked if  
11 we could use the witness stand, since we're going to be  
12 questioning the jurors individually, because that's easier,  
13 then, for us to hear.

14 Does anyone have any objection to that?

15 MR. STAUDAHER: No, Your Honor.

16 MR. WRIGHT: No.

17 MR. SANTACROCE: No, Your Honor.

18 THE COURT: Okay. Also, what I'm going to have --  
19 because we discussed that we -- they don't know who the  
20 lawyers are and everything, I'm going to have -- just like we  
21 would in any other trial, I'm going to have the State  
22 introduce themselves and make a brief statement about what the  
23 State's case is about, omitting the list of the witnesses.  
24 Are you comfortable doing that?

25 MR. STAUDAHER: Certainly, Your Honor.

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1           THE COURT: Okay. And then we'll have the Defense  
2 introduce themselves and their client, and just, you know, if  
3 you want to -- may -- you know, you anticipate he's going to  
4 kind of -- whatever you're going to, you know, say about your  
5 case you're free to say. Again, the witnesses have already  
6 been given, and then...

7           All right. Kenny, go get them. Go get the jury.

8           Can I see the lawyers, please.

9                     (Off-record bench conference.)

10                    (Pause in the proceedings.)

11           THE COURT: Check out what they put for the type of  
12 case. Maybe you don't get that. Insurance bad faith.

13           MS. STANISH: That seems to be the case.

14           MR. STAUDAHER: Now we don't -- we didn't --

15           THE COURT: Oh, yeah.

16           THE MARSHAL: Juror No. 143 didn't show up.

17           THE COURT: Okay.

18           THE MARSHAL: Bleckwehl. Juror No. 27 -- oh, I'll  
19 wait until you get --

20           THE COURT: Why don't we just do that with --

21           THE MARSHAL: -- okay.

22           THE COURT: -- Denise, and -- Denise is going to call  
23 the roll.

24           THE MARSHAL: 143 didn't show up, Bleckwehl. 276,  
25 Heller. 285, Tubbs. And 340, Morala.

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1 THE CLERK: 285 was one?  
2 THE MARSHAL: Yeah, running late.  
3 THE CLERK: Oh, okay. That's fine. Is that it?  
4 THE MARSHAL: Want me to do a quick roll call? I'll  
5 make sure everybody is out there.  
6 THE COURT: And then just bring them in.  
7 THE MARSHAL: Fill up the front rows [inaudible].  
8 THE COURT: I don't care.  
9 THE MARSHAL: Okay.  
10 THE COURT: Aren't we -- all --  
11 THE MARSHAL: There's not 35 chairs over there.  
12 THE COURT: -- oh, I see. Okay.  
13 THE MARSHAL: Unless you want me just to fill up the  
14 box real quick?  
15 THE COURT: Yeah, fill up the box real quick.  
16 THE MARSHAL: Okay.  
17 (Pause in proceedings)  
18 THE COURT: To the attorneys, what I've done is I've  
19 pulled out -- we'll start with the first on the list, Erin  
20 Sparkman, and then I've pulled out the people who expressed  
21 concerns about financial hardship and other things. So we'll  
22 move them to the front of the list, and then we'll go with  
23 those people. I'll probably question them first regarding  
24 their, you know, financial hardship.  
25 If we make a determination that they should be

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1 excused for financial hardship, then we won't need to do  
2 extensive, you know, questioning, going over their job and  
3 their children, who lives in their household and those kinds  
4 of things. I'll probably follow up initially with those  
5 people I've isolated as potential -- potential financial  
6 hardships based on the questionnaires.

7 MS. STANISH: Your Honor, can you give us the numbers  
8 of those?

9 THE COURT: Sure. 10336. 10327. 1029 --

10 MS. STANISH: I'm sorry. I'll catch up --

11 THE COURT: You know what? I --

12 MS. STANISH: -- with -- yeah, that's not going to  
13 --

14 THE COURT: -- just changed my --

15 MS. STANISH: -- work.

16 THE COURT: -- order. I apologize. 10298. 10294.  
17 10285. 10276. 10253. 10249. 10241. 10235. 10153. 10142.  
18 10139. 10135. And 10136.

19 MR. STAUDAHNER: Your Honor, can we have the second  
20 one that you named one more time? The very -- the second  
21 number?

22 THE COURT: Off the top?

23 MS. WECKERLY: Yes.

24 THE COURT: Is 10327.

25 MR. STAUDAHNER: Thank you.

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1 MS. WECKERLY: Thank you.

2 THE COURT: Those were all ones I noted that they  
3 suggested there could be a financial hardship, whether it's  
4 grounds for excusal we'll -- we'll wait and decide.

5 THE MARSHAL: Ladies and gentlemen, please rise for  
6 the prospective jury.

7 (Prospective jury panel entering at 9:58 a.m.)

8 THE COURT: You may all be seated.

9 THE MARSHAL: Thank you. Everybody may be seated.

10 THE COURT: All right. Court is now in session.  
11 This is the time for Case No. C -- C265107, Plaintiff, State  
12 of Nevada versus Dipak Desai and Ronald Lakeman, Defendants.  
13 Let the record reflect the presence of the State through the  
14 Deputy District Attorneys Mike Staudaher and Pam Weckerly, the  
15 presence of the Defendant Dipak Desai, along with his  
16 attorneys Rick Wright and Margaret Stanish, the presence of  
17 the Defendant Ronald Lakeman, along with his attorney  
18 Frederick Santacroce, the officers of the court, and the  
19 ladies and gentlemen of the -- or partial prospective jury  
20 panel.

21 Good morning to you, ladies and gentlemen. You are  
22 in Department 21 of the Eighth Judicial District Court for the  
23 State of Nevada. My name is Valerie Adair, and I am the  
24 presiding Judge.

25 As you know, you have been summoned here today to

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1 potentially serve as jurors in a criminal jury trial. As you  
2 all know, you were called into jury services earlier to  
3 complete these questionnaires. What we are going to be doing  
4 today is following up on some of your answers to the  
5 questionnaires. The Court may be asking you questions, and  
6 the attorneys for both sides will also be able to ask you  
7 questions and to follow-up on some of your answers that you  
8 gave in the questionnaires.

9           Counsel for the State will now introduce themselves  
10 to you, and they will tell you briefly the nature of the  
11 State's case, the names of the witnesses were already provided  
12 to you in the questionnaires.

13           Mr. Staudaher? Ms. Weckerly?

14           MR. STAUDAHER: Thank you, Your Honor. Ladies and  
15 gentlemen, my name is Michael Staudaher. I am the Deputy  
16 District Attorney, along with Pam Weckerly, also a Deputy  
17 District Attorney who will be prosecuting this case. This  
18 case involves two defendants, Dipak Desai and Ronald Ernest  
19 Lakeman.

20           The -- and the charging document is an indictment  
21 and it contains about 28 different charges, but the categories  
22 of charges are what's important to you. Those range from  
23 insurance fraud, performance of an act and reckless disregard  
24 of persons or property, criminal neglect of patients, theft,  
25 obtaining money under false pretenses, and murder.

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1           In this particular instance the dates of most  
2           significance relate to two specific dates back in 2007, July  
3           25th of 2007 and September 21st of 2007. Beyond those two  
4           dates there will be an expanded period of time in which you  
5           will hear some testimony from various witnesses about the  
6           atmosphere and so forth at the clinic, which was located at  
7           700 Shadow Lane, just near the courthouse but over my UMC  
8           Hospital.

9           It was an endoscopy clinic, and a companion with  
10          that or adjacent to that was a sort of a gastro --  
11          gastroenterology clinic. Those two clinics combined are where  
12          the events took place, but the actual two days where the  
13          charges that arise out of this particular case center is on  
14          the Shadow Lane Endoscopy Center. That's the Endoscopy Center  
15          of Southern Nevada.

16          Now, you've all been given jury questionnaires,  
17          you've all filled those out. Those contained a list of names  
18          of witnesses or potential witnesses, there may be a few other  
19          names as we go through some of the voir dire later on that we  
20          address with you, but those are the names -- I'm not going to  
21          go through those now.

22          Contained within those names are the names of  
23          victims and source patients from those days from which the  
24          infections were -- were derived, allegedly. As far as this is  
25          concerned, the case involves the transmission of hepatitis --

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1 the hepatitis C virus to persons who did not have the  
2 hepatitis C virus, allegedly, prior to the events in question,  
3 and got that from the actual clinic itself through the  
4 practices of Dipak Desai and Ronald Lakeman.

5           You will hear from various witnesses as I said.  
6 We're not going to go through those lists of names right now,  
7 but that's the information, generally, as we start the case.

8           THE COURT: All right. Thank you, Mr. Staudaher.

9           Ladies and gentlemen, in a moment Counsel for the  
10 defense will introduce themselves to you, along with their  
11 clients.

12           An accused in a criminal case is never required to  
13 call any witnesses or to present any evidence or to even put  
14 on a case. The entire burden in all criminal prosecutions  
15 rests with the State. Mr. Wright? Ms. Stanish?

16           MR. WRIGHT: Good morning, my name is Richard Wright.  
17 I'm a defense attorney here in Las Vegas. This is Margaret  
18 Stanish.

19           MS. STANISH: Good morning.

20           MR. WRIGHT: Margaret's my partner. I represent Dr.  
21 Dipak Desai. And regarding the description of the case, I  
22 agree with Mr. Staudaher's description of what you're -- you  
23 all are going to hear about.

24           About five years ago -- five and a half years ago,  
25 there was a hepatitis outbreak here in Clark County, and that

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1 hepatitis outbreak, meaning a cluster of hepatitis C cases,  
2 were traced back to Dr. Desai's clinic. And thereafter, an  
3 investigation took place, and it was determined that hepatitis  
4 C was transmitted within the clinic. And you're going to  
5 learn a lot, if you're on the jury, about hepatitis C, the  
6 transmission of it, and how they believed those things  
7 occurred.

8           Hepatitis C is an illness and it's a blood-borne  
9 disease, meaning you're going to hear that somehow a person  
10 with hepatitis C, who they'll call a source patient, that  
11 source patient's hepatitis C was transferred to another  
12 patient and then they had hepatitis C. That caused an  
13 outbreak with six -- six or seven patients are what we are  
14 talking about here. And one of them was on July 25, 2007, at  
15 the clinic, and the remainder were on -- did I get the dates  
16 right?

17           MR. STAUDAHER: The 21st.

18           MS. STANISH: 21st.

19           MR. WRIGHT: 21st 2007. So those are the dates it's  
20 going to focus in on because those are the times when the  
21 patients who got hepatitis C, who will be called the victims,  
22 they tran -- received hepatitis C on those dates.

23           Now, generally -- there's numerous counts,  
24 20-something, and they really boil down -- by counts, in the  
25 indictment -- the indictment is the charging document because

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1 this is a criminal case, but essentially it's divided into the  
2 patients and then criminal negligence. Criminal medical  
3 malpractice for lack of a better word. It's what -- did  
4 something criminal happen in the clinic that caused the  
5 transmission of hepatitis C. So we'll generally throughout  
6 the trial call those the criminal neglect counts.

7 And then additionally, there are counts that deal  
8 with the billings, we'll call that the fraudulent billing  
9 counts because essentially there are charges that there were  
10 false billings for these seven patients, that they were  
11 charged too much. So you have a criminal neglect portion of  
12 the case, and then a false billing portion of the case. And  
13 they -- basically, I'd just like to point out so that you  
14 understand, that this is a criminal case, and not one of the  
15 civil cases dealing with negligence or who's at fault and who  
16 gets paid. This is a criminal neglect case and a criminal  
17 trial.

18 And thank you very much.

19 THE COURT: All right. Thank you, Mr. Wright.

20 Mr. Santacroce?

21 MR. SANTACROCE: Thank you, Your Honor.

22 Good morning, ladies and gentlemen. My name is  
23 Frederick Santacroce. I'm a criminal defense attorney here in  
24 Las Vegas. I've been practicing here about 20 years. Prior  
25 to that I was practicing in Pennsylvania. My client is Ronald

1 Ernest Lakeman.

2 Mr. Lakeman was an employee of the Endoscopy Center  
3 of Southern Nevada. He is what's referred to as a CRNA. That  
4 stands for Certified Registered Nurse Anesthetist. And you're  
5 going to be hearing those initials a lot during this case, so  
6 I just wanted to point that out to you.

7 The -- my predecessors here have already told you  
8 what the case is about, and I've concurred with that. It's  
9 going to be a lengthy trial, and you're going to hear a lot of  
10 medical testimony and a lot of technical testimony. If you  
11 get to serve on the jury, we're happy to have you on the jury,  
12 and as Mr. Wright pointed out -- or the Judge pointed out,  
13 every client, every person, defendant that comes into this  
14 courtroom today is presumed to be innocent. And the State has  
15 burden of proving beyond a reasonable doubt each and every  
16 element of the crimes charged. So I hope you keep that in  
17 mind during the trial.

18 Thank you.

19 THE COURT: All right. Thank you, Mr. Santacrose.

20 Ladies and gentlemen, in a moment the clerk will  
21 call the roll of the panel of prospective jurors that have  
22 been summoned to be here today. When your name is called,  
23 please answer present or here. Please be aware that  
24 everything that is said during these proceedings is recorded.

25 The lady seated here at the end in the orange

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1 sweater is Ms. Janie Olsen. Ms. Olsen is our official court  
2 recorder. It is her job to make sure that everything that is  
3 said during these proceedings is accurately recorded, and that  
4 a transcript is prepared thereafter.

5 I tell you this because when you're speaking, please  
6 be aware that you are being recorded. Please make sure you  
7 speak up.

8 Also, you may have seen some media cameras in the  
9 courtroom. I just want to allay any fears any of the  
10 prospective jurors may have. The media is not allowed to  
11 photograph, record, or capture the image of any of the  
12 prospective jurors or jurors during the trial. So please  
13 don't be concerned about that in any way.

14 Our court clerk, Ms. Husted, will now call the roll  
15 of the panel of the prospective jurors who are here.

16 (The Clerk calls roll.)

17 THE COURT: All right. Is there anyone whose name  
18 was not called? All right.

19 Ladies and gentlemen, the questioning of the the  
20 jury at the beginning of the case is done under oath. If the  
21 members of the prospective jury panel would please rise for  
22 the oath, and, sir, of course, you may remain seated. Sir,  
23 you don't need to get up if that's a difficulty. Just raise  
24 your right hand.

25 (The Clerk swears prospective jurors.)

1           THE COURT: All right. Thank you, ladies and  
2 gentlemen, please be seated.

3           All right. Ladies and gentlemen, we are about to  
4 commence examination of prospective jurors in this case.  
5 During this process you will be asked questions bearing on  
6 your ability to sit as fair and impartial jurors. The Court,  
7 the lawyers, and everyone involved in this case are all deeply  
8 interested in having this matter tried by a jury composed of  
9 open-minded people who are completely neutral, and who have no  
10 bias or prejudice toward or against either side.

11           In order for us to accomplish this it is necessary  
12 for me to ask you some questions, as I stated earlier. The  
13 attorneys also will have the opportunity to ask you questions.  
14 As you know, you've already filled out the questionnaires, but  
15 we do need to follow up on many of your responses to  
16 answers -- or responses that you gave in the questionnaires.

17           It is not our desire to pry unnecessarily into your  
18 personal lives, although the questioning can at times become  
19 quite personal. Please understand that our only objective is  
20 to ascertain whether there is any reason why you cannot sit as  
21 fair and impartial jurors if you are selected to serve in this  
22 case. It is important that you know the significance of full,  
23 complete, and honest answers to all of the questions we are  
24 about to ask you. I caution you not to try to hide or  
25 withhold anything which might indicate bias or prejudice of

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1 any sort by any of you.

2           We are going to be doing individual voir dire, or  
3 questioning of the jurors in this case, and in a moment I'm  
4 going to have most of you or all of you exit the courtroom,  
5 and then we'll be bringing jurors in individually to question.  
6 Before I do that, I will ask all of you as a group a couple of  
7 questions. If you wish to respond to any of the questions I'm  
8 about to ask in the affirmative, please raise your hand and  
9 when I call on you, please state your name and your badge  
10 number.

11           If you're seated in the audience when I call on you,  
12 so we can make sure we hear you, please stand when you are  
13 addressing the Court.

14           Is there anyone who believes they may know or be  
15 acquainted with either of the Deputy District Attorneys,  
16 either Mr. Michael Staudaher or Ms. Pam Weckerly who you've  
17 seen here this morning? Does anybody think they may know  
18 either of the Deputy District Attorneys?

19           All right. I see no hands.

20           Does anyone believe they may know or be acquainted  
21 with or recognize from their personal lives, either -- or any  
22 of the Defense Attorneys, either Mr. Rick Wright, Ms. Margaret  
23 Stanish, or Mr. Frederick Santacroce? Does anyone believe  
24 they may know or be acquainted with them?

25           All right. For the record, I am seeing no one.

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1           Now, we asked in the questionnaire if any of you  
2 knew either of the defendants? You have now seen them here  
3 today. Does anyone think they may recognize either of the  
4 defendants, either Dipak Desai or Ronald Lakeman from their  
5 personal lives, you know, the barber shop or something of that  
6 nature?

7           All right. For the record, I see no hands.

8           All right. What I'm going to do is I'm going to  
9 give you a brief admonishment. Obviously you haven't heard  
10 any evidence or anything like that in the case, you've just  
11 heard some talking. You are not to discuss anything relating  
12 to this case, or anything that has transpired in the courtroom  
13 with each other or with anyone else. Anyone else would  
14 include members of your family and your friends. You may, of  
15 course, tell them that you are participating in jury selection  
16 in a criminal jury trial, but please do not discuss anything  
17 else relating to this matter.

18           Additionally, you are not to read, watch, or listen  
19 to any reports of or commentaries on this case, any person or  
20 subject matter relating to the case by any medium of  
21 information. Obviously a lot of you probably have iPhones and  
22 iPads and things like that, you're not to get on those in the  
23 hallway and do any kind of research.

24           Additionally, you're not to engage in any social  
25 media regarding this case. That means Twitter or Facebook or

1 anything like that, until you have been discharged and excused  
2 by me as a potential juror. Also, you're not to form or  
3 express an opinion on this case. Now, again, you're not to  
4 discuss anything with each other or with anyone else. If  
5 anyone should try to approach you and attempt to discuss this  
6 case with you, I want you to immediately notify the Court.  
7 You do that by contacting our bailiff, who is -- you see  
8 there, Kenny Hawks, who you met earlier this morning.

9           Also, I must tell you that court personnel, other  
10 than the uniformed bailiffs, the attorneys for both sides, and  
11 the parties are prohibited by the rules of ethics from  
12 speaking directly with you. So should you see one of these  
13 individuals at a break or lunch or something like that, in the  
14 hallway or the elevator, please do not think that they are  
15 being unfriendly or antisocial. They are simply prohibited  
16 from speaking with you. If they were to speak with you, that  
17 could contaminate a future verdict in this case.

18           That concludes my initial comments and admonition.  
19 I'm going to, at this time, have all of you follow the marshal  
20 back out, and I would ask that Mr. Gerald Johnson, Badge No.  
21 336, remain in the courtroom.

22           (Prospective jury panel recessed at 10:20 a.m.)

23           THE MARSHAL: Ladies and gentlemen, please rise. If  
24 I can have the prospective jury please step out.

25           THE COURT: Counsel, approach.

1 (Off-record bench conference.)

2 THE COURT: All right. Sir? Mr. Johnson?

3 PROSPECTIVE JUROR NO. 336: Yeah?

4 THE COURT: Sir, I want you to come up and have a  
5 seat there in the jury box, sir. Anywhere you would like.  
6 Yeah, anywhere. Just in the front row, though. Where you  
7 feel comfortable, maybe towards the middle. And we may be  
8 handing you a microphone, so that we can make sure that we  
9 hear you really well.

10 And before we get into questioning from the  
11 attorneys, I see here where it says -- where it asks you  
12 whether or not you would be able to serve as a juror, and  
13 whether or not that creates significant hardship, you  
14 indicated that you work at Home Depot and you need the money.

15 What do you do for the Home Depot?

16 PROSPECTIVE JUROR NO. 336: I'm an assistant  
17 associate and I work part-time for them, and it's -- that's  
18 all I do, really, is help other customers in the Home Depot  
19 electrical department.

20 THE COURT: Okay. So when I go into Home Depot and I  
21 say, gee, what kind of a switch do I buy, you're the guy that  
22 helps me out?

23 PROSPECTIVE JUROR NO. 336: That's correct.

24 THE COURT: Is that how that works? Okay. And you  
25 said you're a part-time worker?

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1 PROSPECTIVE JUROR NO. 336: Yes.

2 THE COURT: When -- what's your shift and hours that  
3 you work?

4 PROSPECTIVE JUROR NO. 336: It varies anywhere from  
5 6 in the morning to 4 in the afternoon --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 336: -- in the evening.

8 THE COURT: How many days a week do you work and what  
9 days do you work?

10 PROSPECTIVE JUROR NO. 336: That varies also, for  
11 anywhere from two to six days.

12 THE COURT: Okay. Are you kind of on call, or how  
13 does that work?

14 PROSPECTIVE JUROR NO. 336: No, they give me a  
15 schedule two weeks ahead of time, and I show up at that time.

16 THE COURT: Okay. And were you scheduled for this  
17 week, or did you tell them, oh, I've got to do jury duty, or  
18 how did that work?

19 PROSPECTIVE JUROR NO. 336: Yes, I was scheduled  
20 to -- to work, let's see, Thursday, Friday, and Saturday, and  
21 Sunday. Four days this week.

22 THE COURT: Okay. All right. And you said it's a  
23 part-time job, does that mean, basically, 20 hours a week, or  
24 what does that mean?

25 PROSPECTIVE JUROR NO. 336: Yeah, roughly around 20

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1 hours a week, yes --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 336: -- part-time.

4 THE COURT: And then do you have other sources of  
5 income?

6 PROSPECTIVE JUROR NO. 336: I have a retirement from  
7 the Federal Aviation Administration.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 336: And I get a small Social  
10 Security number, which is only about 300 a week.

11 THE COURT: Okay. And then --

12 PROSPECTIVE JUROR NO. 336: I mean a month, I'm  
13 sorry.

14 THE COURT: 300 a month.

15 PROSPECTIVE JUROR NO. 336: Yeah.

16 THE COURT: I was going to say 300 a week, that  
17 doesn't sound -- that sounds pretty good. And then you said  
18 you have a retirement from the Federal Aviation  
19 Administration?

20 PROSPECTIVE JUROR NO. 336: That's correct.

21 THE COURT: And do you mind me asking what -- how  
22 much do you get with that?

23 PROSPECTIVE JUROR NO. 336: 3,400 a month.

24 THE COURT: Okay. And then what did you do with the  
25 FAA?

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1 PROSPECTIVE JUROR NO. 336: I was a electronic  
2 technician, and I -- the last 22 years of my 30 year service I  
3 was a manager and the supervisor --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 336: -- over this time.

6 THE COURT: And as an electronic technician, did you  
7 have to have a certain educational degree to do that, or did  
8 you sort of work your way up to where you were able to do that  
9 type of work?

10 PROSPECTIVE JUROR NO. 336: No, I had to have -- I  
11 had to attend several electronic schools, and I spent two  
12 years at Purdue University.

13 THE COURT: Okay. Did you get an associate's degree?

14 PROSPECTIVE JUROR NO. 336: Yes.

15 THE COURT: Okay. And then do you live on -- by  
16 yourself or with -- is there a wife in the picture or a --

17 PROSPECTIVE JUROR NO. 336: No, I'm --

18 THE COURT: -- girlfriend, maybe?

19 PROSPECTIVE JUROR NO. 336: -- my wife passed  
20 away --

21 THE COURT: I'm sorry.

22 PROSPECTIVE JUROR NO. 336: -- 12 years ago.

23 THE COURT: Okay. So you live on your own?

24 PROSPECTIVE JUROR NO. 336: Yes, I live by myself.

25 THE COURT: Okay. All right, sir. Thank you. I'm

1 going to allow the State to follow-up with any questions they  
2 may have.

3 PROSPECTIVE JUROR NO. 336: All right.

4 MS. WECKERLY: I'll just stand here. Good morning,  
5 sir.

6 PROSPECTIVE JUROR NO. 336: Good morning.

7 MS. WECKERLY: How are you?

8 PROSPECTIVE JUROR NO. 336: Just fine, thank you.

9 MS. WECKERLY: You're lucky, you're our first  
10 prospective juror.

11 PROSPECTIVE JUROR NO. 336: Yeah.

12 MS. WECKERLY: I don't know if that's lucky or  
13 unlucky actually, on --

14 PROSPECTIVE JUROR NO. 336: Right.

15 MS. WECKERLY: -- second thought. Your -- your job  
16 at Home Depot, it sounds like a lot of it is on the weekend,  
17 or at least -- is that for this week?

18 PROSPECTIVE JUROR NO. 336: Yes. Mm-hmm. And --  
19 yes.

20 MS. WECKERLY: Okay. And if you were selected to be  
21 a juror, is there anything pressing at work there that would  
22 make it hard for you to give us your full attention?

23 PROSPECTIVE JUROR NO. 336: No, not really, other  
24 than -- no.

25 MS. WECKERLY: Okay. And you worked for the FAA

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1 prior?

2 PROSPECTIVE JUROR NO. 336: Yes.

3 MS. WECKERLY: Was that for, like, 30 years, or --

4 PROSPECTIVE JUROR NO. 336: 31 years, yes.

5 MS. WECKERLY: Okay.

6 PROSPECTIVE JUROR NO. 336: Before I retired.

7 MS. WECKERLY: And you did mechanical stuff for them?

8 PROSPECTIVE JUROR NO. 336: Yes, I was on the  
9 installation section, and we installed all the -- the  
10 electronic equipment that the FAA has, from control towers to  
11 computers.

12 MS. WECKERLY: Was that all over the country?

13 PROSPECTIVE JUROR NO. 336: It was in the Midwest.  
14 It was -- I -- I covered eight states in and around the  
15 Chicago area.

16 MS. WECKERLY: Okay. And in your -- in your work for  
17 the FAA -- you wrote on your questionnaire that at one point  
18 you were a supervisor?

19 PROSPECTIVE JUROR NO. 336: Yes.

20 MS. WECKERLY: And I assume you worked your way up  
21 into that position?

22 PROSPECTIVE JUROR NO. 336: That's correct.

23 MS. WECKERLY: When you were a supervisor, how many  
24 people were you in charge of?

25 PROSPECTIVE JUROR NO. 336: Well, I had eight people

1 as a -- as a first-line supervisor, and -- and the four  
2 retired, I had 43 people we worked -- that I worked for me --  
3 worked for me, I'm sorry.

4 MS. WECKERLY: As a supervisor did you ever have to  
5 discipline an employee or fire an employee?

6 PROSPECTIVE JUROR NO. 336: I had to discipline  
7 several employees, but I've never fired anyone.

8 MS. WECKERLY: Okay. And the discipline, I would  
9 assume it would range from being late to something that may  
10 endanger people in the workplace?

11 PROSPECTIVE JUROR NO. 336: That's correct, yes.

12 MS. WECKERLY: Okay. And you had to know, I would  
13 assume in your work, all the regulations associated with your  
14 part of the -- the aviation?

15 PROSPECTIVE JUROR NO. 336: Yes. Yes, that's  
16 correct.

17 MS. WECKERLY: Was it pretty technical work?

18 PROSPECTIVE JUROR NO. 336: Yes, it was. Yeah, it  
19 was electronic technical --

20 MS. WECKERLY: Okay.

21 PROSPECTIVE JUROR NO. 336: -- type thing, yeah.

22 MS. WECKERLY: Now, the Judge -- you obviously know  
23 the case that you're here on this morning, correct? You've  
24 heard about it in the media?

25 PROSPECTIVE JUROR NO. 336: Yes.

UNCERTIFIED ROUGH DRAFT

1 MS. WECKERLY: Would you say that you're someone who  
2 follows the news pretty closely?

3 PROSPECTIVE JUROR NO. 336: Yes, I do, yes. The  
4 local and national.

5 MS. WECKERLY: Okay. Read the paper every morning?

6 PROSPECTIVE JUROR NO. 336: Yes, every morning.

7 MS. WECKERLY: Yeah. And watch the news every night?

8 PROSPECTIVE JUROR NO. 336: Pretty much every night,  
9 yeah.

10 MS. WECKERLY: Okay. And you were asked if you had  
11 formed an opinion about the case, and you mentioned in your  
12 questionnaire that you had some opinion about Desai's mental  
13 problems?

14 PROSPECTIVE JUROR NO. 336: Yes, I heard -- yes.  
15 And that's mainly the opinions that the reporters would give,  
16 you know --

17 MS. WECKERLY: Okay.

18 PROSPECTIVE JUROR NO. 336: -- about the case.

19 MS. WECKERLY: Okay. And so that would be from  
20 either watching the news, or maybe reading some articles in  
21 the RJ or the Sun?

22 PROSPECTIVE JUROR NO. 336: Right.

23 MS. WECKERLY: Okay. And you, I'm sure understand,  
24 of course, that if you were selected to be a juror, the only  
25 thing that you can base a decision on is what you hear in the

1 courtroom?

2 PROSPECTIVE JUROR NO. 336: Yes.

3 MS. WECKERLY: Okay. And so, would you be able to  
4 put whatever you've read or heard in the media aside, and  
5 assess the case based on what you hear in the courtroom?

6 PROSPECTIVE JUROR NO. 336: Well, probably. The  
7 opinions that I had was kind of definite, yes.

8 MS. WECKERLY: Okay. And what is the "definite"  
9 opinion that you have?

10 PROSPECTIVE JUROR NO. 336: Well, it seems to me  
11 that Dr. Desai is guilty of malpractice and he should, in my  
12 opinion, go to jail.

13 MS. WECKERLY: Okay. Now, you heard the Judge  
14 discuss that -- the presumption of innocence in criminal  
15 trials?

16 PROSPECTIVE JUROR NO. 336: Right.

17 MS. WECKERLY: Do you have a -- do you have a issue  
18 or a -- is that a concept that you agree with?

19 PROSPECTIVE JUROR NO. 336: Oh, yes. Yes. Yes.

20 MS. WECKERLY: Okay. And so, we're in a criminal  
21 trial, are you able to afford that presumption to Dr. Desai  
22 and Mr. Lakeman in this proceeding, which is a criminal  
23 proceeding?

24 PROSPECTIVE JUROR NO. 336: Well, I would have to  
25 weigh what I've heard previous, along with what I hear in this



1 room -- in this room.

2 MS. WECKERLY: Okay.

3 PROSPECTIVE JUROR NO. 336: And --

4 THE COURT: Well, do you understand if you're -- I  
5 mean, obvious -- do you accept that the media sometimes  
6 reports things -- no disrespect to the media -- incorrectly or  
7 incompletely and they only get part of the story? Do you  
8 accept that? Or do you think the media gets it right all the  
9 time, and --

10 PROSPECTIVE JUROR NO. 336: No. No.

11 THE COURT: -- whatever they say is Gospel?

12 PROSPECTIVE JUROR NO. 336: Yes. Yes, I -- I don't  
13 think the media gets it right all the time, but they do have  
14 strong opinions that --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 336: -- that I have heard,  
17 yes.

18 THE COURT: Now, do you -- and, you know, there's no  
19 right or wrong answer here, we want you to be open and  
20 forthcoming and just tell us your honest viewpoints because  
21 when you're talking about people's feelings and opinions there  
22 is no right or wrong answer. It's not like engineering where  
23 it's a technical answer, you know, or something falls down.

24 PROSPECTIVE JUROR NO. 336: Okay.

25 THE COURT: It's -- you know, it's just opinions. So

1 just be honest with me. If you're selected as a juror, could  
2 you set aside what you've heard in the media and just approach  
3 this with an open mind and listen to the evidence in the case  
4 and base your verdict only on what's heard in this courtroom  
5 -- in this courtroom? Not something that may have been  
6 reported from one of the civil trials, or some other news  
7 story that you may have seen or read about?

8 PROSPECTIVE JUROR NO. 336: Well, I thought -- I  
9 think that I could set it aside, but I really have not been --  
10 well, like I said, I'd have to weigh what I've heard to  
11 compare it to what I've heard in this room.

12 THE COURT: Yeah, and as a juror you're not allowed  
13 to weigh what you've heard because the verdict in a case has  
14 to be based on the evidence presented in the trial --

15 PROSPECTIVE JUROR NO. 336: Yes.

16 THE COURT: -- meaning the testimony from the witness  
17 stand, and the physical exhibits, photographs, and other  
18 things that may be admitted into evidence. Not what somebody,  
19 you know --

20 PROSPECTIVE JUROR NO. 336: Yes. Yes, I understand  
21 that, and I -- I think I can, but I'm not real sure at this  
22 point.

23 THE COURT: All right. Thank you. May I see counsel  
24 at the bench?

25 (Off-record bench conference.)

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Oh, I'm sorry. Ms. Weckerly, come back  
2 here.

3 (Off-record bench conference.)

4 THE COURT: All right. Sir, Ms. Weckerly, I think  
5 has a couple more questions for you.

6 MS. WECKERLY: You're still on the spot.

7 PROSPECTIVE JUROR NO. 336: Okay.

8 MS. WECKERLY: Okay. And as the Judge -- as Judge  
9 Adair explained to you, there really isn't a right or wrong  
10 answer. What we need to know, and we really can't have, like,  
11 a probably or I think so, we need to know if you can put aside  
12 what you've read and what you've heard and decide the case  
13 based on the evidence you hear, which you haven't heard any  
14 yet, through the course of this trial?

15 If -- some people can do that and put what they've  
16 heard before out of their minds, some people, you know --

17 PROSPECTIVE JUROR NO. 336: Yeah.

18 MS. WECKERLY: -- can't. And we just need to know  
19 your honest answer if you're able to put it aside or not?

20 PROSPECTIVE JUROR NO. 336: Like I said, I have  
21 never been put into a position to where I can forget what I've  
22 heard, and totally wipe that out of my mind, and then go  
23 directly, and I've never been on a jury before. So I think I  
24 can, but I can't give you a definite answer because I've never  
25 been put in that position.

1 MS. WECKERLY: Okay. Well, if you heard the evidence  
2 in the case, and Judge Adair instructs you on what the law is  
3 with regard to all those charges, and you think, you know  
4 what? I don't think the State established this beyond a  
5 reasonable doubt, or I don't think they've proved this to me  
6 beyond a reasonable doubt, you would return a verdict of not  
7 guilty, wouldn't you?

8 PROSPECTIVE JUROR NO. 336: Yes.

9 MS. WECKERLY: Because that's our burden.

10 PROSPECTIVE JUROR NO. 336: Right.

11 MS. WECKERLY: And if we don't meet our burden,  
12 you're obligated as a juror to return a verdict of not guilty.

13 PROSPECTIVE JUROR NO. 336: That's correct, yes.

14 MS. WECKERLY: Regardless of maybe you had read a  
15 news article or something like that?

16 PROSPECTIVE JUROR NO. 336: Right. I've seen  
17 several interviews of the people that have got this disease,  
18 and I feel sorry for them.

19 MS. WECKERLY: Sure.

20 PROSPECTIVE JUROR NO. 336: Yeah.

21 MS. WECKERLY: Sure. But it -- but the burden is the  
22 burden, and that doesn't change; is that --

23 PROSPECTIVE JUROR NO. 336: Right. Yes.

24 MS. WECKERLY: -- fair?

25 PROSPECTIVE JUROR NO. 336: Yeah, that's true.

UNCERTIFIED ROUGH DRAFT

1 MS. WECKERLY: And you'd follow your oath to hold us  
2 to that; would that be right?

3 PROSPECTIVE JUROR NO. 336: Yes, absolutely. Yes.

4 MS. WECKERLY: Thank -- thank you.

5 THE COURT: Let me ask you this, sir. Just in your  
6 own words, when you say, well, you're worried that, you know,  
7 it's going to be in the back of your mind, and, you know,  
8 people -- you can't erase your mind and forget and we  
9 understand that. What we're asking you to do is set that  
10 aside, and not think, well, you know what? I didn't hear any  
11 evidence about this, but, you know, Gary Waddell said  
12 something and I'm going to remember that. What station do you  
13 watch, by the way?

14 PROSPECTIVE JUROR NO. 336: Channel 3 most of the  
15 time.

16 THE COURT: All right. I don't get Channel 3, so I  
17 don't know who's in there. I can't quote to a person. But,  
18 you know, so you won't think, oh, I heard that on Channel 3,  
19 and I didn't hear anything about that in the courtroom, but,  
20 you know, that -- that sounded true to me, I'm going to think  
21 about that. That's really where we're going.

22 So just tell me in your own words how you feel about  
23 the fact that you, you know, you're an avid news watcher, how  
24 you think that will play into your mind? Or if you can just,  
25 you know, disregard that, and just come in here and listen and

1 just only pay attention and focus in on what's presented  
2 during the trial of this matter?

3 PROSPECTIVE JUROR NO. 336: I've seen some pretty  
4 vivid things from these -- some of the people in -- on the  
5 T.V. now, just on the T.V. Now, whether it's true or not  
6 true, I don't know. But I don't know whether I -- I can do  
7 that or not. I mean, because there's been some pretty graphic  
8 things shown and -- that I have seen. And I'd like to feel  
9 that I can do it, but like I said, I've seen some pretty  
10 graphic -- graphic things, and I don't know. I really don't  
11 know.

12 THE COURT: All right. Thank you.

13 PROSPECTIVE JUROR NO. 336: But I think I can, but I  
14 don't know.

15 THE COURT: And, Ms. Weckerly, any follow-up before  
16 we take a quick break with Mr. Johnson?

17 MS. WECKERLY: No, Your Honor. Thank you.

18 THE COURT: All right. Mr. Johnson, we may not be  
19 done with you yet. I'm going to ask you to put the microphone  
20 in the chair. The lawyers and I started a little bit before  
21 you got up here, so we're going to need to take a break, and  
22 my staff as well. I'm going to have you have a seat in the  
23 vestibule --

24 PROSPECTIVE JUROR NO. 336: Okay.

25 THE COURT: -- by yourself. The marshal -- the

1 bailiff will escort you, and then he'll come get you in a few  
2 minutes, okay?

3 PROSPECTIVE JUROR NO. 336: Okay. Thank you.

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

5 THE MARSHAL: This way, sir.

6 THE COURT: Just in the side room.

7 All right. At the bench, Mr. Wright, you had  
8 indicated you needed a moment to confer privately with your  
9 client; is that correct?

10 MR. WRIGHT: Yes, Your Honor.

11 THE COURT: And I and I think my staff, also, just  
12 need a brief break. So if anyone needs to take a brief recess  
13 we can do that. We're just going to take five minutes for our  
14 brief recess. They can stay in the room. And then we'll  
15 reconvene on the record, and see if the defense is going to  
16 make a challenge, or where we are on that. Okay?

17 MR. WRIGHT: Yes, Your Honor.

18 (Court recessed from 10:38 a.m. to 10:45 a.m.)

19 THE COURT: So far I've got -- so far I've got  
20 Tuesday and Wednesday covered in the morning, so we'll be able  
21 to start early, and I'm still working on getting coverage for  
22 my Thursday calendar. So I'd like to start, hopefully at 9.

23 THE MARSHAL: I have a problem on Thursday, to  
24 discuss it with you later.

25 THE COURT: Okay.

1           THE MARSHAL: Just to give you a head's up. There  
2 are the tickets.

3           THE COURT: Okay.

4           THE MARSHAL: I would have forgot. Do you want me to  
5 bring the juror back in, or just wait for him --

6           THE COURT: No. No, wait --

7           THE MARSHAL: -- to get in here so --

8           THE COURT: -- no. No.

9           THE MARSHAL: -- okay. No problem.

10          THE COURT: Who is that in the vestibule on the  
11 phone. If that's the media, they can't be talking. In the  
12 hallway or in the vestibule.

13                       (Pause in the proceedings.)

14          MS. WECKERLY: Can I ask just a procedural question  
15 while we're waiting?

16          THE COURT: Sure.

17          MS. WECKERLY: We took this No. 10336 -- I understand  
18 why we took it out of order -- would that person be Seat No. 1  
19 or --

20          THE COURT: No.

21          MS. WECKERLY: -- okay.

22          THE COURT: The way it's going to work -- no. No,  
23 Ms. Weckerly, the way it's going to work is when we get our 35  
24 who have passed for cause, they are going to go in direct  
25 numerical order.

UNCERTIFIED ROUGH DRAFT



1 MS. WECKERLY: Okay.

2 THE COURT: Then the sheet will be passed back and  
3 forth with the 35 names, you'll cross out whichever name, then  
4 the Defense will cross out, then the sheet will go back to  
5 you. Then, the jurors will be seated in numerical order. So  
6 say, for example, the first juror left is the fifth juror on  
7 our list, right?

8 MS. WECKERLY: Right.

9 THE COURT: That juror is Juror No. 1.

10 MS. WECKERLY: Okay.

11 THE COURT: Next number, you know, lowest to highest  
12 is Juror No. 2, 3. The highest numbers will be our  
13 alternates.

14 MS. WECKERLY: Okay.

15 THE COURT: Is everybody clear on how that's going to  
16 work?

17 MS. WECKERLY: The lowest juror number.

18 THE COURT: Yeah, I'm just doing this --

19 MS. WECKERLY: Right.

20 THE COURT: -- for the jurors' convenience.

21 MS. WECKERLY: Sure.

22 THE COURT: And so that we have as few jurors having  
23 to wait in the hall as possible.

24 MS. WECKERLY: I got it.

25 THE COURT: That's the only reason I'm taking out of

1 the order. It doesn't affect their -- their ultimate  
2 numbering, still --

3 MS. WECKERLY: Okay.

4 THE COURT: -- the same.

5 MS. WECKERLY: Lowest --

6 THE COURT: Okay?

7 MS. WECKERLY: -- number will be in 1 -- pass for --  
8 the lowest number passed for cause will --

9 THE COURT: Yes, it's --

10 MS. WECKERLY: -- be 1.

11 THE COURT: -- still going to be Juror No. 1,  
12 assuming they survive a preempt.

13 MS. WECKERLY: Okay. Okay.

14 THE COURT: Okay? So, yes, it has no impact on  
15 anything like that. For the couple of jurors who did not show  
16 up today, jury service is contacting them. They will have to  
17 come in with our next batch of jurors whenever we bring in our  
18 next batch of 35. They will then have to be in part of that  
19 batch. So keep their questionnaires somewhere because they  
20 are not going to be excused simply because they did not come  
21 in today.

22 MS. WECKERLY: Okay.

23 THE COURT: So jury service -- I don't know what  
24 their excuses may be, obviously if they don't respond to jury  
25 service, then a formal show cause order will be issued, and

UNCERTIFIED ROUGH DRAFT

1 then they'll have to come in and explain why they didn't come  
2 in.

3 And just one final thing on the record. Mr. Wright,  
4 Ms. Stanish, you were given an opportunity to confer privately  
5 with your client, Dr. Desai, in the back, correct?

6 MR. WRIGHT: Yes, Your Honor.

7 THE COURT: And have you made a determination at this  
8 point if you're going to challenge Mr. Johnson for cause?

9 MR. WRIGHT: Yes, I have. We do.

10 THE COURT: You do challenge for cause?

11 MR. WRIGHT: Yes, ma'am.

12 THE COURT: All right. Ms. Weckerly?

13 MS. WECKERLY: Your Honor, I think the juror  
14 indicated that he would hold us to our burden, if we didn't  
15 meet our burden he would return a verdict of not guilty. And  
16 he also said he could put aside what he heard in the media and  
17 evaluate the case based on what he heard in the courtroom. So  
18 I think he passes --

19 THE COURT: He said that, but then he said, no, he  
20 couldn't put it aside, then he could put it aside. To me he  
21 was unable to give a clear answer as to whether or not he  
22 would base his verdict solely upon the evidence in this case.  
23 He also had sort of a financial hardship. So I'm going to go  
24 ahead and excuse him.

25 Kenny, bring Mr. Johnson back.

UNCERTIFIED ROUGH DRAFT

1 Mr. Johnson, at this --

2 PROSPECTIVE JUROR NO. 336: Yeah?

3 THE COURT: -- time we're going to go ahead and  
4 excuse you as a juror. In a moment you'll be free to leave.  
5 I am placing you under court order, however, that you are not  
6 to discuss anything that's transpired in this courtroom,  
7 meaning --

8 PROSPECTIVE JUROR NO. 336: Okay.

9 THE COURT: -- you're not to discuss with anyone else  
10 the questions that I asked or the questions Ms. Weckerly asked  
11 or anything like that. Do you understand that?

12 PROSPECTIVE JUROR NO. 336: I understand that.

13 THE COURT: All right. You are free to leave at this  
14 time. We'll have you just go back down and check out through  
15 jury services back down on the third floor, all right, sir?

16 PROSPECTIVE JUROR NO. 336: Okay.

17 THE COURT: And you are excused. Thank you very  
18 much.

19 PROSPECTIVE JUROR NO. 336: Okay.

20 THE COURT: The bailiff will direct you from the  
21 courtroom.

22 And, Kenny, next up is Badge No. 327, it looks like  
23 Mr. Hoyer.

24 THE MARSHAL: Yes, ma'am.

25 MR. WRIGHT: What -- what's his name?

UNCERTIFIED ROUGH DRAFT

1 MS. STANISH: Hoyer, right there.

2 MR. WRIGHT: Okay.

3 THE COURT: Hoyer.

4 MR. STAUDAHER: And, Your Honor, are we going to be  
5 altering -- alternating, or how is -- how is it going to go?  
6 Is the State always going to go first, and then the defense,  
7 or how would the Court like to do it?

8 MR. WRIGHT: I don't -- however we do it.

9 THE COURT: You don't care?

10 MR. WRIGHT: Nope.

11 THE COURT: All right. If the Defense doesn't care,  
12 I think it's easier for the State to --

13 MR. STAUDAHER: That's fine --

14 THE COURT: -- go first.

15 MR. STAUDAHER: -- Your Honor.

16 THE COURT: Sir, just have a seat somewhere there in  
17 the jury box, please.

18 Good morning, Mr. Hoyer, is it?

19 PROSPECTIVE JUROR NO. 327: Yes.

20 THE COURT: And on your questionnaire you had  
21 indicated that you have some training coming up April 25, and  
22 26, in Glendale, correct?

23 PROSPECTIVE JUROR NO. 327: Correct.

24 THE COURT: And then after that you should be fine to  
25 serve? That's the only training you have coming up in the

1 next few weeks; is that right?

2 PROSPECTIVE JUROR NO. 327: There's also a -- at the  
3 end of next month, on the 20th, I also have training that came  
4 through. But I've been on the wait list for --

5 THE COURT: So on May 28, there's also a training?

6 PROSPECTIVE JUROR NO. 327: Right.

7 THE COURT: Okay. And then what is the nature of the  
8 training?

9 PROSPECTIVE JUROR NO. 327: I am a GM technician in  
10 a dealership here, and this is the actual hands-on component  
11 of their training process.

12 THE COURT: Okay. And that would be a Tuesday. And  
13 let me ask you this, you know, GM obviously a big company,  
14 they have a lot of mechanics. I'm assuming they have these  
15 trainings all the time.

16 PROSPECTIVE JUROR NO. 327: Not so much. This --  
17 this class now that's coming up at the end of this week, I  
18 have been -- I was on a wait list for about three months for  
19 it.

20 THE COURT: Okay. And then what about the -- the  
21 class coming up on the 28th?

22 PROSPECTIVE JUROR NO. 327: That also, I was on a  
23 wait list, I believe, since January.

24 THE COURT: Okay. How does that work? As a  
25 mechanic, do you see what courses are available, and then

UNCERTIFIED ROUGH DRAFT

1 decide, oh, I want to take this course or that course? Or  
2 does your supervisor say, oh, you really need to go to this or  
3 that, how does that work?

4 PROSPECTIVE JUROR NO. 327: Actually, in my case I'm  
5 with GM -- I'm a world-class technician, so I have to try and  
6 stay at 100 percent in all of the areas that I work in. So I  
7 usually monitor it myself, and then talk to our, you know, one  
8 of our other technicians that deals with the training. And  
9 I'll put in there, you know, I'll put in a request for a wait  
10 list or whatever, you know, I'm looking for, and then, he has  
11 to approve it.

12 So basically, with those he just approves a wait  
13 list, and then it finally came through.

14 THE COURT: Okay. And then is this training in -- in  
15 Glendale, California -- is this where they train technicians  
16 for the whole country, or is it --

17 PROSPECTIVE JUROR NO. 327: No, they're --

18 THE COURT: -- broken up regionally, or how does that  
19 work?

20 PROSPECTIVE JUROR NO. 327: -- it's regionally.

21 THE COURT: Okay. And you said you're -- you work at  
22 one of the dealerships?

23 PROSPECTIVE JUROR NO. 327: Yes.

24 THE COURT: Okay. All right. And you said you had  
25 heard about this case before through the news media, correct?

1 PROSPECTIVE JUROR NO. 327: Right. Actually -- I'm  
2 from Illinois, and I was actually studying clinical lab  
3 science, and we discussed this case when this -- when it first  
4 came out, there too.

5 THE COURT: Okay. Can you explain a little bit more  
6 what you mean? You were studying clinical labs?

7 PROSPECTIVE JUROR NO. 327: Oh, I -- I'm the -- I  
8 have been studying medicine on the side while I was working as  
9 a technician. I actually -- I had my license as an emergency  
10 medical technician, and also as a certified lab -- or a  
11 pharmacy technician.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 327: Clinical lab science is  
14 basically just the -- behind the scenes doing lab tests, you  
15 know, like, sometimes forensic things, you know, and we were  
16 discussing, you know, like outbreaks and things like that, and  
17 this is one of the things we discussed when this first -- when  
18 it happened, or --

19 THE COURT: And this is as part of your coursework?

20 PROSPECTIVE JUROR NO. 327: It was not necessarily  
21 part of the coursework, but a discussion about coursework --  
22 about the coursework, just --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 327: -- because we had an  
25 outbreak there too. It was -- it turned out the doctors were



1 spreading an infectious disease on their ties, and they  
2 couldn't figure out where it was, and one of my instructors  
3 was one of the ones that figured out what was going on.

4 THE COURT: Okay. So in Illinois -- I'm sorry, you  
5 said Illinois, correct?

6 PROSPECTIVE JUROR NO. 327: Yes.

7 THE COURT: So there was an outbreak of some kind of  
8 infectious disease, and it turned out, what, patients were  
9 coughing on doctors' ties and then --

10 PROSPECTIVE JUROR NO. 327: Well, they never -- they  
11 never washed their ties.

12 THE COURT: Because nobody washes their tie, right?  
13 Okay. So was this something that was brought up by the  
14 professor as part of your discussion in your class, or was  
15 this something -- just a group of students standing around,  
16 hey, did you hear about this thing going on in Nevada, or how  
17 did that work?

18 PROSPECTIVE JUROR NO. 327: It was a discussion with  
19 the instructor.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 327: I mean, it was --

22 THE COURT: And do you recall, as, you know, best as  
23 you can the sort of substance of the discussion, or how that  
24 was presented to you as a -- as a class by your professor?

25 PROSPECTIVE JUROR NO. 327: It was just mostly, you

1 know, with there being an outbreak and -- and through the  
2 extent of it and being able to track it, you know, trying to  
3 trace, you know, where -- where that actually came from, so...

4 THE COURT: And did you -- you say you also saw it in  
5 the news media, would that have been here in Nevada?

6 PROSPECTIVE JUROR NO. 327: That was mostly here. I  
7 believe I did see something about it in Illinois a couple of  
8 times, but not until I'd moved here that I saw a lot more.

9 THE COURT: Okay. And when did you move here to  
10 Clark County?

11 PROSPECTIVE JUROR NO. 327: Last February, February  
12 a year ago.

13 THE COURT: Okay. And are you a regular news  
14 watcher, or reader of --

15 PROSPECTIVE JUROR NO. 327: Yes.

16 THE COURT: -- okay. Is there a particular channel  
17 you like to watch, or kind of flip around or...

18 PROSPECTIVE JUROR NO. 327: It's usually 5, 8, or  
19 13, lately.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 327: 13 on the weekends.

22 THE COURT: All right. And then do you read the  
23 newspaper, or any of the local newspapers?

24 PROSPECTIVE JUROR NO. 327: Yes.

25 THE COURT: Which one?

1 PROSPECTIVE JUROR NO. 327: Sunday paper.

2 THE COURT: Oh, I guess they're together.

3 PROSPECTIVE JUROR NO. 327: Yeah, the Review --  
4 yeah.

5 THE COURT: Just the Sunday, only on Sundays?

6 PROSPECTIVE JUROR NO. 327: Right.

7 THE COURT: Okay. And, you know, as near as you can  
8 remember, do you remember anything from the television media,  
9 or from the news print media, or kind of both, or -- or what  
10 do you recall seeing?

11 PROSPECTIVE JUROR NO. 327: Several different things  
12 from the news media, just on, you know, ongoing case -- or,  
13 you know, before the case start. The Review Journal, I  
14 believe, was it the end of the last year they had an extensive  
15 article with everyone's names listed and -- from the, you  
16 know, from -- what the case was and who was actually going to  
17 be, you know, had charges and who didn't have charges.

18 THE COURT: Okay. So you recall specifically reading  
19 about the criminal case, this case?

20 PROSPECTIVE JUROR NO. 327: Right.

21 THE COURT: Okay. Because as Mr. Wright pointed out,  
22 there's also been some civil cases. Have you read anything  
23 about those, or do you remember?

24 PROSPECTIVE JUROR NO. 327: I don't remember.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 327: I believe I have, but I  
2 can't remember. It's -- a lot of times I just glance over it,  
3 and...

4 THE COURT: Okay. Now, do you think it's a fair  
5 statement that sometimes the media reports things inaccurately  
6 or incompletely?

7 PROSPECTIVE JUROR NO. 327: Yes.

8 THE COURT: Okay. Now, if you're selected as a  
9 juror, do you understand that you have to set aside anything  
10 that you may have read, seen, or heard about through the media  
11 or anywhere else, in fact, and just base your verdict on  
12 what's presented during the trial of this case? And by that I  
13 mean the sworn testimony from the witness stand, by witnesses  
14 who are under oath, and the exhibits that are admitted into  
15 evidence. And that could be photographs, documents, other  
16 things. Do you understand that?

17 PROSPECTIVE JUROR NO. 327: Yes, I do.

18 THE COURT: Would you be able to do that, set aside,  
19 you know, I might have heard this, but only look at what's  
20 actually been sworn to under oath and testified to in this  
21 courtroom, when you go back and consider the evidence and  
22 deliberate with the other jurors?

23 PROSPECTIVE JUROR NO. 327: Unfortunately, I think  
24 I'd be biased, just with my -- my training because when I was  
25 in medical that's -- yeah -- I -- I hate to say well, it's the

1 clinical of science. It's something, where if you have an  
2 outbreak it's, like, okay, if you have one or two people with  
3 it, but if you have a more, you know, an actual -- a cluster  
4 of it, there's usually something more going on.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 327: So --

7 THE COURT: And, you know, the question in a criminal  
8 trial isn't is there more going on or is something there, is,  
9 you know, where there's smoke there's fire. You understand  
10 that the State has the burden of proving a defendant's guilt  
11 beyond a reasonable doubt, and that they must prove each and  
12 every element of the crime charged beyond a reasonable doubt.  
13 I'm sure you've heard about that --

14 PROSPECTIVE JUROR NO. 327: Right. I also --

15 THE COURT: -- threat.

16 PROSPECTIVE JUROR NO. 327: -- I also have a degree  
17 in -- an associate's degree in criminal justice.

18 THE COURT: Oh, okay. So you're familiar --

19 PROSPECTIVE JUROR NO. 327: Yes.

20 THE COURT: -- with all of that. Would you -- I  
21 mean, what -- so the -- the issue as a juror isn't well, was  
22 something here or was there medical negligence or malpractice,  
23 or was somebody a good, you know, did they do a good job or  
24 not. The issue here in a criminal case is whether or not the  
25 State proves the elements of a criminal offense beyond a

1 reasonable doubt. Do you understand that?

2 PROSPECTIVE JUROR NO. 327: Right.

3 THE COURT: Not whether or not someone was doing a  
4 good job on a particular day, or whether somebody should have  
5 done more or less, you know, nothing that you might look at in  
6 a medical malpractice or civil lawsuit. Do you understand  
7 them? And the burden of proof is a lot higher.

8 PROSPECTIVE JUROR NO. 327: Right.

9 THE COURT: Tell me, just in your own words what your  
10 concerns would be in -- in feeling, you know, you've indicated  
11 maybe you're a little bit biased. Tell me, just in your own  
12 words what your concerns on that would be?

13 PROSPECTIVE JUROR NO. 327: Just with my background  
14 I was, you know, being biased, I don't want to, you know, sway  
15 other people to my thinking because I -- it's one of those --  
16 if I have a tendency or if I, you know, if I believe in  
17 something, you know, it's -- especially with having a  
18 background. I don't want to sit there and sway someone to  
19 my -- my thought.

20 THE COURT: Okay. Well, why do you think your  
21 background or your -- your education would bias you one way or  
22 the other? I mean, why do you think that that -- as you sit  
23 here now, how would that bias you in terms of whether or not  
24 the State can prove the charges beyond a reasonable doubt?  
25 And just in your own words. There's no right or wrong answer

1 here. You know, it's not a science test or a math test --

2 PROSPECTIVE JUROR NO. 327: Well, I guess so.

3 THE COURT: -- where you have to -- yeah, just your  
4 feelings and opinions. So I'd just welcome you and ask you to  
5 express those as candidly and openly as possible.

6 PROSPECTIVE JUROR NO. 327: No, it just -- I tend  
7 to, you know, go with -- believe with the State, I mean, it's  
8 just from what I've read and -- I have, you know, I -- still,  
9 it's hard to explain. I just -- I really -- I kind of lost  
10 where I am --

11 THE COURT: That's okay. Just take --

12 PROSPECTIVE JUROR NO. 327: -- and that's --

13 THE COURT: -- your time, and I understand, you know.  
14 You're being called into this room with a stranger and we're  
15 asking you to speak here in an open forum, so I understand it  
16 can be difficult.

17 PROSPECTIVE JUROR NO. 327: Right, no that's just  
18 to --

19 THE COURT: So just take your time. And again,  
20 there's -- you know, we're not looking for a particular  
21 answer. There's no right or wrong answer here. The only  
22 wrong answer is a dishonest answer.

23 PROSPECTIVE JUROR NO. 327: Right. No, it's just --  
24 just from what I've been reading, and, you know, it was -- I  
25 had already made an opinion of it even before I had the

1 summons, where it's, like, wow, look at, you know, all these  
2 people that were involved. Actually, a friend of mine out  
3 here, her husband, was, you know, involved in it too, and  
4 it's, like, how can you have this big a group of people and it  
5 not be, you know, negligent, so...

6 THE COURT: Okay. But again, you understand, it's  
7 not about ordinary negligence --

8 PROSPECTIVE JUROR NO. 327: Right. Right.

9 THE COURT: -- like what you would see in a civil  
10 case. This is not a civil case. Now, you also mentioned  
11 here, your friend's husband was a patient of this clinic?

12 PROSPECTIVE JUROR NO. 327: Yes.

13 THE COURT: Can you tell me more about that?

14 PROSPECTIVE JUROR NO. 327: It's actually my ex-wife  
15 and her husband, you know, she was actually --

16 THE COURT: Her current husband?

17 PROSPECTIVE JUROR NO. 327: -- her current --  
18 yeah --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 327: -- sorry, I -- he --  
21 actually, that's why -- I had -- I had heard about it ahead of  
22 time, and then when I was talking to her she mentioned, oh,  
23 yeah, by the way, he was one of the -- one of the patients  
24 too.

25 THE COURT: Okay. And do you know how, if at all, he



1 was impacted by all of this?

2 PROSPECTIVE JUROR NO. 327: As far as I understand,  
3 he had to go in and be tested and, you know, it was negative.

4 THE COURT: Okay. And did you ever talk to him about  
5 it, or was it more you talked to your ex-wife and she  
6 mentioned that?

7 PROSPECTIVE JUROR NO. 327: It was just between me  
8 and my ex-wife.

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

10 May I see counsel at the bench?

11 (Off-record bench conference.)

12 THE COURT: All right. Thank you. That's all the  
13 questions I have for you, Mr. Hoyer. Ms. Weckerly, for the --

14 MR. STAUDAHER: Actually, we're going to go --

15 THE COURT: -- oh, it's going to be --

16 MR. STAUDAHER: -- yeah.

17 THE COURT: -- Mr. Staudaher --

18 MR. STAUDAHER: Thank you, Your Honor.

19 THE COURT: -- from the District Attorney's Office  
20 will now ask you some questions.

21 MR. STAUDAHER: Mr. Hoyer, I'm just going to focus on  
22 some of the things that you said. I mean, we got your  
23 questionnaire, we got some, you know, things that you've said  
24 to this and that, but the thing that obviously is of concern  
25 is going to be the issue with regard to the media and how that

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1 has affected you, okay?

2 Now, the Judge went through the whole thing about  
3 we've got to -- you know, there are various crimes here and we  
4 have to prove our case beyond a reasonable doubt, and you even  
5 have some exposure, background in criminal justice; is that  
6 right?

7 PROSPECTIVE JUROR NO. 327: Yes.

8 MR. STAUDAHER: So you understand the concept of  
9 that?

10 PROSPECTIVE JUROR NO. 327: Right.

11 THE COURT: Do you agree with the concept that  
12 somebody, before any evidence is presented, stands innocent.  
13 That the State has an obligation to prove a case?

14 PROSPECTIVE JUROR NO. 327: Yes, I do believe that.

15 MR. STAUDAHER: Okay. And you espouse that, that's  
16 part of what you think?

17 PROSPECTIVE JUROR NO. 327: Right. But I,  
18 unfortunately, you can, you know, have your own personal  
19 opinion. I mean, it still has to be proved in a court of law,  
20 but if you are the -- have seen, you know, you can make your  
21 own opinion, like I have, and, you know, whether or not it  
22 is -- is they're guilty in the court of law, that's the part  
23 that matters, it's just not -- I've already, you know, from  
24 what I've seen, kind of been biased one way more than the  
25 other.

1           MR. STAUDAHER: Yeah, they're -- nobody is asking you  
2 to take your personal views or anything like that and just  
3 essentially rip them out of your body and not have them  
4 anymore. I mean, everybody carries a certain amount of their  
5 life experience and so forth with them, throughout anything  
6 that they do, especially things like this. I mean, you're not  
7 asked to divest yourself of who you are.

8           The question is if you -- if you believe that, that  
9 what I said before is there are certain elements of crimes  
10 charged, we have to prove those beyond a reasonable doubt, you  
11 said you agree with that, correct?

12           PROSPECTIVE JUROR NO. 327: Correct.

13           MR. STAUDAHER: That a person who is accused stands  
14 innocent until the State meets that burden, correct?

15           PROSPECTIVE JUROR NO. 327: Correct.

16           MR. STAUDAHER: Regardless of any personal view that  
17 you may have had before the process started; is that fair?

18           PROSPECTIVE JUROR NO. 327: It's fair.

19           MR. STAUDAHER: And again, the question is not just  
20 the putting aside, but, I mean, you wouldn't convict him of --  
21 of -- or either of them of any of these crimes if we didn't  
22 meet our burden, would you?

23           PROSPECTIVE JUROR NO. 327: Right. Right.

24           MR. STAUDAHER: Just because of what you read in the  
25 newspaper?

1 PROSPECTIVE JUROR NO. 327: No, but the thing is I'm  
2 already swayed one way, I don't want to, you know, and I  
3 probably couldn't --

4 MR. STAUDAHER: Would your personal view sort of  
5 crowd in so much so that it would cause you to, you know, err  
6 on the side of, you know what, the State didn't -- really  
7 didn't prove it, but I'm going to go ahead and find him guilty  
8 anyway because I read that article in the newspaper. Would  
9 you ever do that?

10 PROSPECTIVE JUROR NO. 327: No.

11 MR. STAUDAHER: Okay. So --

12 PROSPECTIVE JUROR NO. 327: But --

13 MR. STAUDAHER: -- you're going to hold --

14 THE COURT: Well, wait, he wants to complete his  
15 answer.

16 MR. STAUDAHER: -- I'm sorry, Your Honor.

17 THE COURT: And, I'm sorry, we're lawyers, we  
18 interrupt people and cut them off.

19 PROSPECTIVE JUROR NO. 327: -- no, I --

20 THE COURT: So, sir, finish -- I do it, but no one  
21 can say anything when I do it -- go ahead and finish your  
22 answer. You said, no, but --

23 PROSPECTIVE JUROR NO. 327: -- but my problem is  
24 too, since I was actually, you know, trying into the medical  
25 field and also with what you know of working on cars, I'm

1 liable for everything I work on. So if I see someone that  
2 has, you know, a certain -- you know, a group of patients that  
3 are becoming ill, it's just like with me, if I had a rash of  
4 cars coming back that are crashing on the road, I'd -- you  
5 know, it's -- I'm kind of biased towards, you know, there's an  
6 issue.

7 MR. STAUDAHER: Well, there's a difference between a  
8 criminal proceeding and a -- and a civil proceeding --

9 PROSPECTIVE JUROR NO. 327: Right.

10 MR. STAUDAHER: -- fair? And in -- there may be a  
11 situation where there's issues with how you took care of your  
12 cars or whatever, and that may be something that would expose  
13 you to civil liability, like in this, malpractice, it's a  
14 civil-type liability case, correct?

15 PROSPECTIVE JUROR NO. 327: Correct.

16 MR. STAUDAHER: And what we're talking about here is  
17 not just malpractice, it's something that goes beyond that.  
18 Just like if you had intentionally done something to the cars  
19 to cause them to crash or whatever, or cut corners or  
20 something along those lines, you could be held actually,  
21 potentially criminally liable for some of your own actions,  
22 fair?

23 PROSPECTIVE JUROR NO. 327: Yes.

24 MR. STAUDAHER: And that -- we're talking about a  
25 different level here, it's not just, gosh, you know, did

1 somebody do something wrong, but we have to prove to you that  
2 every one of the elements of the crimes that we have charged,  
3 and there's a number of crimes, that we have met every single  
4 one of those elements beyond a reasonable doubt in your mind  
5 before you could come back with a guilty verdict. Is that  
6 something that you could do?

7 PROSPECTIVE JUROR NO. 327: I don't think so because  
8 I -- I'm biased. I think I'm -- I probably would try to sway  
9 people to my thought because it's -- I mean, I won't -- I'm  
10 not -- how to explain it. It's not like I'm going to go in  
11 there and get everybody -- it's one of those, if somebody was  
12 on the -- on the edge, I would say -- well, did the State  
13 prove it or not? I mean, it's --

14 MR. STAUDAHER: Just so I'm clear, are you saying  
15 that if it was near, but we hadn't done it, we hadn't actually  
16 met our burden in your mind, that you would still vote guilty?  
17 I just want to be --

18 PROSPECTIVE JUROR NO. 327: If --

19 MR. STAUDAHER: -- clear on that point. You've got  
20 to answer that one yes or no, could -- would you do that?

21 PROSPECTIVE JUROR NO. 327: -- no, I would not do --  
22 I would not vote guilty, but if -- if there was more people,  
23 if it was, you know, one of those where it was a question, you  
24 know, whether or not -- if there were other people on the jury  
25 and -- during deliberations that were, you know, questioning

1 it.

2 MR. STAUDAHER: But in your mind it's -- it's not  
3 what another person on the jury might think, it's what you,  
4 individually think, did the State prove to you the essential  
5 elements of the crimes charged beyond a reasonable doubt? If  
6 we have done that in your mind, then you would vote guilty,  
7 correct?

8 PROSPECTIVE JUROR NO. 327: Correct.

9 MR. STAUDAHER: But if we have not done that in your  
10 mind, would you vote guilty? Regardless of your personal  
11 views or biases would -- if you did -- if you personally  
12 believed that we had not met our burden, could you come back  
13 with a guilty verdict -- or would you, rather?

14 PROSPECTIVE JUROR NO. 327: No. No, I would not.

15 MR. STAUDAHER: And I assume that if you personally  
16 could not come back with a guilty verdict on something that  
17 you felt the State had not proved, that if you were even back  
18 in a jury room that you would not try to convince others to do  
19 so, even though you -- you, yourself, couldn't do it, correct?

20 PROSPECTIVE JUROR NO. 327: Correct.

21 MR. STAUDAHER: Okay. So in a sense -- are we  
22 talking about the same thing here? I mean, you said that you  
23 wouldn't argue for something that you didn't believe in  
24 personally, and you wouldn't convict based on your own  
25 personal beliefs, regardless of what those are, if we didn't

1 meet our burden, in your mind?

2 PROSPECTIVE JUROR NO. 327: Yeah, correct.

3 MR. STAUDAHER: So even though you're -- you have a  
4 -- sort of a personal bias, you won't get to that point of  
5 voting guilty or not guilty, unless you -- we still have done  
6 the things that we need to do, which is to prove each element  
7 beyond a reasonable doubt; is that fair?

8 PROSPECTIVE JUROR NO. 327: That's fair.

9 MR. STAUDAHER: Okay.

10 THE COURT: Let me ask you this. You said, well,  
11 you're afraid you'd sway members of the jury, you know, if  
12 it's split or something like that because you had had some  
13 course work in sciences or medical field, what do you -- what  
14 do you mean by that? Because you said to Mr. Staudaher,  
15 well -- and that's okay, you know, it's -- well, we don't want  
16 you to introduce new evidence but that's part of the  
17 deliberative process, not to try to hold yourself above other  
18 jurors, but to say, you know, this is how I interpreted the  
19 evidence or this or that, do you understand --

20 PROSPECTIVE JUROR NO. 327: Yes.

21 THE COURT: -- not to bring -- you know, you're not  
22 back there as an expert.

23 PROSPECTIVE JUROR NO. 327: Right.

24 THE COURT: And, you know, to say, well, I understand  
25 this evidence, you know, better. You have to rely on what the



1 experts say, and there's an instruction on that and it's kind  
2 of dangerous for me to try to paraphrase them, but the weight  
3 or value you give to an expert's testimony is up to, you know,  
4 each -- each juror. And again, there's a whole instruction on  
5 that.

6 My question is just in your own words, what do you  
7 mean that you're -- you're concerned that somehow with your  
8 training you would be able to sway other jurors or -- you  
9 know, what do you -- what is your concern, just in your own  
10 words?

11 PROSPECTIVE JUROR NO. 327: It's just if -- you  
12 know, if we were deliberating and people asked my opinion on  
13 something. If my opinion would, you know, sway them. That  
14 kind of deal. It's just not -- you know, if they were on the  
15 fence and weren't sure, and I was kind of more sure than they  
16 were, and what do you -- what do, you know, what do you think?  
17 That kind of --

18 THE COURT: Well, that's not inappropriate, as long  
19 as you're basing your opinion solely on the evidence --

20 PROSPECTIVE JUROR NO. 327: Right.

21 THE COURT: -- in the case. That's part of the  
22 deliberative process. What becomes inappropriate is if you're  
23 back there saying, well, wait a minute, I read this in the RJ  
24 and we need to talk about this. Or I got on the computer last  
25 night and they didn't tell you that. Or the Judge gave you

1 the wrong instruction, this is really the law we should be --  
2 that's what becomes --

3 PROSPECTIVE JUROR NO. 327: Right. I understand.

4 THE COURT: -- inappropriate. And there are other  
5 instances of, you know, that certainly isn't the only ways.  
6 Do you understand the difference?

7 PROSPECTIVE JUROR NO. 327: Yes.

8 THE COURT: Okay. Now, what are you -- I mean, are  
9 you concerned that you're going to do something that's  
10 inappropriate or -- or -- because I -- you know, just in your  
11 own words, what is your concern?

12 PROSPECTIVE JUROR NO. 327: No, it's not something  
13 inappropriate, it's just, you know, I don't want to have my  
14 mind set as to what I -- you know, which way, you know, the  
15 evidence is going and then have somebody just following me  
16 because they're, you know, aren't sure which way they should  
17 go.

18 THE COURT: Why would you be concerned about that if  
19 you're basing your verdict on the evidence in the case?

20 PROSPECTIVE JUROR NO. 327: That's --

21 THE COURT: And again, I -- just in your own words,  
22 why -- why would you be concerned about that?

23 PROSPECTIVE JUROR NO. 327: -- it depends -- I mean,  
24 that's the thing, if -- depending how it goes, if they're --  
25 you know, the State can't prove and I think that they have,

1 there might be somebody, you know, that isn't sure which  
2 way -- I don't know if I'm phrasing this correctly, I just --  
3 it's --

4 THE COURT: It's okay.

5 PROSPECTIVE JUROR NO. 327: -- that's --

6 THE COURT: Because that's -- as long as you -- what  
7 you're discussing is only the evidence --

8 PROSPECTIVE JUROR NO. 327: Right.

9 THE COURT: -- and the law, that's -- it's okay to  
10 -- to discuss that, and that's what jurors do in the  
11 deliberative process. Hey, you know, you're not looking at  
12 this this way, I'm looking at -- you know, this other -- their  
13 testimony that way. So I guess what I'm trying to get at is  
14 what's concerning to you that you feel maybe you would be  
15 doing something that's not appropriate or would violate your  
16 oath or -- again, there's no right or wrong answer. Just in  
17 your own words.

18 Because sometimes, you know, if I say yes -- you  
19 know, answer yes or no, that's not really communicating to me  
20 what your feelings are. That's why I like jurors to  
21 communicate to me in their own words, so I can maybe  
22 understand better what their concerns are.

23 PROSPECTIVE JUROR NO. 327: To me -- it's not so  
24 much that I do something --

25 THE COURT: I'm sorry?

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1           PROSPECTIVE JUROR NO. 327: -- it's not so much that  
2 I'd do something against the oath, it's just, you know, I --  
3 like, I don't know, I -- I'm not sure how to phrase it.  
4 It's --

5           THE COURT: No, it's okay. I mean -- I'm sure, you  
6 know, these aren't things that you've thought about and  
7 considered and so, you know, again, that's why I -- you know,  
8 I don't want to put words in your mouth. I don't want to put  
9 my words in your mouth, or Mr. Staudaher's words in your mouth  
10 or anybody else's words in your mouth. I want, you know, your  
11 words, so that, you know, all of us can understand kind of  
12 where you're coming from.

13           Because our only goal here in asking all these  
14 questions is to find, you know, 17 people who are completely  
15 neutral, and can sit on this jury and base their verdict,  
16 whatever it may be, on the evidence. That's all we're looking  
17 for here. So that's why we ask these questions.

18           PROSPECTIVE JUROR NO. 327: Right. Well, I'm --

19           THE COURT: Mr. -- I'm sorry?

20           PROSPECTIVE JUROR NO. 327: -- yeah, no, I'm just  
21 not sure what to -- what to say is --

22           THE COURT: No, there -- again, I mean, just your own  
23 feelings. That's all we want here.

24           PROSPECTIVE JUROR NO. 327: Well, I just -- you  
25 know, the -- I'm not sure with, you know, with my opinion

1 with -- if I might sway somebody, you know, if it's close, you  
2 know, to going a different way, so...

3 THE COURT: All right. Mr. Staudaher, any follow up  
4 with -- on this issue --

5 MR. STAUDAHER: On that issue --

6 THE COURT: -- only?

7 MR. STAUDAHER: -- no, Your Honor.

8 THE COURT: With Mr. Hoyer?

9 MR. STAUDAHER: No, Your Honor.

10 THE COURT: Counsel, approach.

11 (Off-record bench conference.)

12 THE COURT: Mr. Wright or Ms. Stanish, would you like  
13 to question --

14 MR. WRIGHT: Yes.

15 THE COURT: -- Mr. Hoyer on this issue?

16 MR. WRIGHT: Yes. I -- my feeling from your answers  
17 is what -- you already have a feeling in this case about what  
18 happened; is that correct?

19 PROSPECTIVE JUROR NO. 327: Yes.

20 MR. WRIGHT: Okay. And your concern is you aren't  
21 coming in with a blank slate, with you having these feelings  
22 already, you're concerned you won't be able to set them aside?

23 PROSPECTIVE JUROR NO. 327: Correct.

24 MR. WRIGHT: Okay. And also, you have training in a  
25 medic -- medicine --

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 327: Yes.  
2 MR. WRIGHT: -- correct? Emergency room?  
3 PROSPECTIVE JUROR NO. 327: Yes, sir. As a licensed  
4 EMT and --  
5 MR. WRIGHT: Okay.  
6 PROSPECTIVE JUROR NO. 327: -- medical -- nurse and  
7 medical technician.  
8 MR. WRIGHT: Okay.  
9 PROSPECTIVE JUROR NO. 327: And also, a pharmacy  
10 technician.  
11 MR. WRIGHT: Okay. And is it your concern that -- I  
12 mean, that -- that is an expertise, correct?  
13 PROSPECTIVE JUROR NO. 327: Excuse me?  
14 MR. WRIGHT: That's an expertise?  
15 PROSPECTIVE JUROR NO. 327: Yes.  
16 MR. WRIGHT: Your knowledge you have. You know more  
17 about it than I do as a lawyer. The -- your concern, as I  
18 understand it, is you -- you may because of your expertise,  
19 other jurors may defer to you on questions, like, how  
20 something can be transmitted by a dirty needle or syringe?  
21 PROSPECTIVE JUROR NO. 327: Yes.  
22 MR. WRIGHT: Okay. Because assume you heard  
23 testimony in the courtroom that using dirty needles and  
24 syringes for 10 patients was aseptic fine technique. Just  
25 assume you heard that, okay?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 327: Okay.

2 MR. WRIGHT: You would know that's BS, correct?

3 PROSPECTIVE JUROR NO. 327: Yes.

4 MR. WRIGHT: Okay. And could you set that aside --  
5 that evidence in the courtroom? Or would you use your own  
6 knowledge and expertise and share it with jurors?

7 PROSPECTIVE JUROR NO. 327: I don't -- if it was in  
8 the evidence, I don't know if -- unless it came up as a  
9 discussion as to what it was -- it's not like I would go back  
10 in the jury room and go, oh, hey, guess what? I was -- it  
11 would be -- if it came up, you know, during deliberation or  
12 something it would be one of those --

13 MR. WRIGHT: Okay. If it came up in deliberations,  
14 that's when the jurors go back and discuss, and if you had  
15 heard testimony in the courtroom, from witnesses, that you --  
16 because of your training and expertise knew was inaccurate,  
17 you would share that with the other jurors, would you not?

18 PROSPECTIVE JUROR NO. 327: Possibly.

19 MR. WRIGHT: Possibly? Okay. Now, you -- you  
20 believe physicians, medical-care providers should be held to a  
21 higher standard?

22 PROSPECTIVE JUROR NO. 327: Yes.

23 MR. WRIGHT: Because?

24 PROSPECTIVE JUROR NO. 327: People go to them, you  
25 know, for care. They go to them thinking that they're going

1 to be taking care of them, and not -- you know, and don't have  
2 to worry about any other issues.

3 MR. WRIGHT: Okay. And I think -- I -- and I'm  
4 saying that because I read your questionnaire --

5 PROSPECTIVE JUROR NO. 327: Yes.

6 MR. WRIGHT: -- and that was one of your answers,  
7 that you felt -- already had an opinion as to guilt, based  
8 upon your reading and your -- what you thought occurred, and  
9 that they should be held to a higher standard?

10 PROSPECTIVE JUROR NO. 327: Yes.

11 MR. WRIGHT: Thank you.

12 THE COURT: Counsel, approach.

13 (Off-record bench conference.)

14 THE COURT: At this time, Mr. Hoyer, we're going to  
15 go ahead and excuse you. Before I dismiss you, however, you  
16 are under court order not to discuss anything that's  
17 transpired in this courtroom with anyone else, including your  
18 family and your friends. By that I mean, you are not to  
19 discuss what my questions were or the questions from Mr.  
20 Wright or Mr. Staudaher or anything like that.

21 Do you understand?

22 PROSPECTIVE JUROR NO. 327: Yes.

23 THE COURT: All right. I'm going to go ahead and  
24 excuse you and dismiss you. You are to report back down to  
25 jury services on the third floor, and then you're free to



1 leave.

2 PROSPECTIVE JUROR NO. 327: Okay.

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

4 PROSPECTIVE JUROR NO. 327: Thank you.

5 THE COURT: And our next juror will be Badge No. 298,  
6 Ms. Valery Lizarbe.

7 Ma'am, just have a seat right here in the jury box,  
8 please.

9 THE MARSHAL: Just have a seat in front of the  
10 microphone, and then, if you need to there's another hand-held  
11 microphone right in front of you.

12 PROSPECTIVE JUROR NO. 298: Okay.

13 THE COURT: Is it Lizarbe? Is that how you say your  
14 name?

15 PROSPECTIVE JUROR NO. 298: Lizarbe.

16 THE COURT: Lizarbe.

17 PROSPECTIVE JUROR NO. 298: Yeah.

18 THE COURT: Okay. And I'm looking here at your  
19 questionnaire, and it said that it would be a hardship for you  
20 to serve as a juror because you have work and childcare  
21 issues. And I want to follow up -- because we can't excuse  
22 everybody who is having, you know, work issues and things like  
23 that. It said here that you're working in a hair salon; is  
24 that right?

25 PROSPECTIVE JUROR NO. 298: Mm-hmm.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: And you have to answer yes or no for the  
2 record.

3 PROSPECTIVE JUROR NO. 298: Yeah.

4 THE COURT: Okay. And you're an assistant and you  
5 -- are you a hair stylist, or are you a --

6 PROSPECTIVE JUROR NO. 298: I assist him, so he just  
7 pays me when I'm there to help him.

8 THE COURT: Okay. So you're assisting a beautician  
9 or whatever?

10 PROSPECTIVE JUROR NO. 298: Yeah.

11 THE COURT: Okay. And how -- you said you've been  
12 doing that only three months?

13 PROSPECTIVE JUROR NO. 298: Mm-hmm.

14 THE COURT: Is that yes?

15 PROSPECTIVE JUROR NO. 298: Yeah, sorry.

16 THE COURT: I know. And what did you do before that?

17 PROSPECTIVE JUROR NO. 298: I was a stay-at-home  
18 mom.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 298: Yeah.

21 THE COURT: And then what days do you normally work,  
22 or do you get called in or how does -- how does that go?

23 PROSPECTIVE JUROR NO. 298: It's usually day-by-day,  
24 like, I go there and I look, and if I work the next day, then  
25 I go.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Okay. Do you work on the weekends too,  
2 Saturdays, that tends to be a busy salon day?

3 PROSPECTIVE JUROR NO. 298: I'm -- yeah, I'm off  
4 Sunday and Monday, for sure, every day.

5 THE COURT: Okay. And then so what you would go in  
6 tomorrow if you're excused, and see if he needs you, or how  
7 does that work?

8 PROSPECTIVE JUROR NO. 298: Yeah, well, on Saturday  
9 I look for what his schedule is on Tuesday.

10 THE COURT: Okay. And typically, how many days a  
11 week do you wind up working?

12 PROSPECTIVE JUROR NO. 298: Five.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 298: Five, sometimes four if  
15 it's slow.

16 THE COURT: Okay. And then how are you compensated?  
17 Do you get compensated for being there all day, or is it just  
18 according to how many clients you work on or how does that  
19 work?

20 PROSPECTIVE JUROR NO. 298: I get paid \$80 a day.

21 THE COURT: \$80 a day? Okay. And then you --  
22 obviously you have children. How many children do you have?

23 PROSPECTIVE JUROR NO. 298: One.

24 THE COURT: And how old is your child?

25 PROSPECTIVE JUROR NO. 298: He's going to be 3 next

UNCERTIFIED ROUGH DRAFT

1 month.

2 THE COURT: Okay. So too early for school, or does  
3 he go to daycare or --

4 PROSPECTIVE JUROR NO. 298: No, not yet.

5 THE COURT: Okay. Who watches your child when you're  
6 at work?

7 PROSPECTIVE JUROR NO. 298: My boyfriend -- his dad.

8 THE COURT: Okay. And are you -- are you still in  
9 -- living in a domestic relationship with the father of your  
10 child?

11 PROSPECTIVE JUROR NO. 298: With --

12 THE COURT: Are you still all living together?

13 PROSPECTIVE JUROR NO. 298: -- yeah.

14 THE COURT: Okay. And so he's -- the dad is  
15 contributing to the household income? He pays some of the  
16 bills?

17 PROSPECTIVE JUROR NO. 298: He -- yeah.

18 THE COURT: Okay. What does the father of the child  
19 do --

20 PROSPECTIVE JUROR NO. 298: He is --

21 THE COURT: -- for a job?

22 PROSPECTIVE JUROR NO. 298: -- a cook at a bar.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 298: And he works at Tropical  
25 Smoothie, but only on --

1 THE COURT RECORDER: I'm sorry, I didn't hear the --  
2 he works where?

3 PROSPECTIVE JUROR NO. 298: He's a cook at a bar,  
4 and he works at Tropical Smoothie, but only one day a week at  
5 Tropical Smoothie.

6 THE COURT: Okay. And the rest of the time he's a  
7 cook at a bar?

8 PROSPECTIVE JUROR NO. 298: Yeah, but --

9 THE COURT: And then --

10 PROSPECTIVE JUROR NO. 298: -- he only --

11 THE COURT: -- does he --

12 PROSPECTIVE JUROR NO. 298: -- works two days there  
13 too.

14 THE COURT: Two days at the bar --

15 PROSPECTIVE JUROR NO. 298: Yeah.

16 THE COURT: -- and one day at the Tropical Smoothie?

17 PROSPECTIVE JUROR NO. 298: Mm-hmm.m

18 THE COURT: Is that --

19 PROSPECTIVE JUROR NO. 298: Yes.

20 THE COURT: -- okay. And then as a cook at the bar,  
21 does he work the swing shift, I'm guessing, or, like, evenings  
22 or...

23 PROSPECTIVE JUROR NO. 298: Four to two a.m.

24 THE COURT: Okay. And then before you got this job  
25 at the beauty salon, who was -- was your boyfriend just

1 supporting you and the baby?

2 PROSPECTIVE JUROR NO. 298: Yeah, he --

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 298: -- he worked more --

5 THE COURT: He worked --

6 PROSPECTIVE JUROR NO. 298: -- but --

7 THE COURT: -- more then?

8 PROSPECTIVE JUROR NO. 298: -- yeah.

9 THE COURT: And what happened that he's working less  
10 now?

11 PROSPECTIVE JUROR NO. 298: I got a job.

12 THE COURT: Okay. Might not have been the smartest  
13 thing. So he cut back on his days as a cook?

14 PROSPECTIVE JUROR NO. 298: No, at Tropical  
15 Smoothie.

16 THE COURT: Okay. And do you know what he makes at  
17 the Tropical Smoothie?

18 PROSPECTIVE JUROR NO. 298: Probably, like, 200  
19 every two weeks because he only works there two days, so --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 298: -- or one day.

22 THE COURT: And then I know sometimes salons are open  
23 in -- you know, sometimes they're open later in the day  
24 because people like to go to the salon after work and whatnot.  
25 What times do you normally work during the week at the salon,

1 if you go in?

2 PROSPECTIVE JUROR NO. 298: It's always different,  
3 like, usually on Tuesdays and Wednesdays and Thursdays, I'm  
4 there from, like, the morning until, like, 4 maybe. And then  
5 like, on Fridays and Saturdays, I'm there all day sometimes.

6 THE COURT: Okay. And then it said here that there  
7 are 13 people working at the salon. Are they all hair  
8 stylists, or other, I guess --

9 PROSPECTIVE JUROR NO. 298: Well, they're all --

10 THE COURT: -- assistants or --

11 PROSPECTIVE JUROR NO. 298: -- they're all hair  
12 stylists, like, they're all self-employed, so they just come  
13 and go when they want.

14 THE COURT: Okay. Do you just assist the one  
15 stylist, or do you -- just one?

16 PROSPECTIVE JUROR NO. 298: Just him, yeah.

17 THE COURT: Okay. Is he kind of, like, the lead guy  
18 at this --

19 PROSPECTIVE JUROR NO. 298: Yeah, he owns the salon,  
20 and then, all of them, just, pay rent to --

21 THE COURT: Pay rent for their stations?

22 PROSPECTIVE JUROR NO. 298: -- yeah.

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

24 Counsel, approach.

25 (Off-record bench conference.)

UNCERTIFIED ROUGH DRAFT

1 THE COURT: And in your questionnaire, it said you  
2 hadn't heard anything about this case; is that right?  
3 PROSPECTIVE JUROR NO. 298: Yeah.  
4 THE COURT: Okay. Do you watch the news on T.V. ever  
5 or not really?  
6 PROSPECTIVE JUROR NO. 298: Not really.  
7 THE COURT: What stations -- do you watch T.V.?  
8 PROSPECTIVE JUROR NO. 298: Not really.  
9 THE COURT: You don't? Okay. Do you read the  
10 newspaper or magazines or anything like that?  
11 PROSPECTIVE JUROR NO. 298: No, not really.  
12 THE COURT: Okay. No magazines? Not, like, Elle or  
13 Marie Claire, nothing?  
14 PROSPECTIVE JUROR NO. 298: No.  
15 THE COURT: Okay. All right. That's all the  
16 questions I have for you.  
17 State, you may follow up.  
18 MS. WECKERLY: How are you?  
19 PROSPECTIVE JUROR NO. 298: Good.  
20 MS. WECKERLY: Good. You probably watch children's  
21 programs with your son?  
22 PROSPECTIVE JUROR NO. 298: Yeah.  
23 MS. WECKERLY: Yeah, so Sesame Street and not --  
24 nothing for adults?  
25 PROSPECTIVE JUROR NO. 298: A lot of cartoons.

UNCERTIFIED ROUGH DRAFT



1 MS. WECKERLY: Yes, a lot of cartoons.  
2 THE COURT RECORDER: I'm sorry, Ms. Weckerly, she  
3 needs to hold the microphone.  
4 MS. WECKERLY: Oh, okay.  
5 PROSPECTIVE JUROR NO. 298: Sorry.  
6 THE COURT: Oh, now we can really hear you. That's  
7 good. Hold it up close to you because if you hold it far  
8 away --  
9 PROSPECTIVE JUROR NO. 298: Okay.  
10 THE COURT: -- it's hard to hear.  
11 MS. WECKERLY: Okay. That's not awkward, right?  
12 When you -- when -- before you started working at the hair  
13 salon, you said you were a stay-at-home mom?  
14 PROSPECTIVE JUROR NO. 298: Mm-hmm.  
15 MS. WECKERLY: Is that yes?  
16 PROSPECTIVE JUROR NO. 298: Yes.  
17 MS. WECKERLY: Sorry. Does the -- does the -- your  
18 -- the father -- do you live with your father-in-law,  
19 essentially, or -- that's who watches the baby when you --  
20 PROSPECTIVE JUROR NO. 298: My boyfriend?  
21 MS. WECKERLY: -- you and your boyfriend are both  
22 working?  
23 PROSPECTIVE JUROR NO. 298: Yeah, we live with our  
24 parents.  
25 MS. WECKERLY: Okay.

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 298: So -- my mom sometimes  
2 will watch him, or --

3 MS. WECKERLY: Can't get a better babysitter than  
4 that, right?

5 PROSPECTIVE JUROR NO. 298: Yeah.

6 MS. WECKERLY: In your questionnaire you indicated  
7 that you went to some training at -- I think it was Aveda?

8 PROSPECTIVE JUROR NO. 298: Mm-hmm.

9 MS. WECKERLY: Is that --

10 PROSPECTIVE JUROR NO. 298: Yes.

11 MS. WECKERLY: -- yes? What -- was that to do the  
12 job that you have now?

13 PROSPECTIVE JUROR NO. 298: Yeah, it's to get my  
14 cosmetology license.

15 MS. WECKERLY: Okay. Are you still going to school  
16 for that?

17 PROSPECTIVE JUROR NO. 298: No.

18 MS. WECKERLY: No. No time or what happened there?

19 PROSPECTIVE JUROR NO. 298: I graduated --

20 MS. WECKERLY: Okay.

21 PROSPECTIVE JUROR NO. 298: -- in May last year.

22 MS. WECKERLY: So is the goal to end up working in  
23 the salon where you're at now?

24 PROSPECTIVE JUROR NO. 298: Yeah.

25 MS. WECKERLY: Is that yes?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 298: Yes.

2 MS. WECKERLY: Okay. So you're -- you're kind of  
3 starting off as sort of an apprentice, but you eventually want  
4 to work at that salon and have your own station and do the --

5 PROSPECTIVE JUROR NO. 298: Yes.

6 MS. WECKERLY: -- have your own customers  
7 essentially?

8 PROSPECTIVE JUROR NO. 298: Yes.

9 MS. WECKERLY: And is the -- has that been kind of a  
10 long process that you've gone through to -- to get to that  
11 point?

12 PROSPECTIVE JUROR NO. 298: Yes, it takes a while to  
13 get your license, and then I have to assist him for nine  
14 months.

15 MS. WECKERLY: Oh, that's part of the licensing  
16 requirement?

17 PROSPECTIVE JUROR NO. 298: No, you don't --

18 MS. WECKERLY: Okay.

19 PROSPECTIVE JUROR NO. 298: -- have to assist, but  
20 it's better to do that.

21 MS. WECKERLY: How long was the training at Aveda?

22 PROSPECTIVE JUROR NO. 298: A year.

23 MS. WECKERLY: A year. And was it all just doing --  
24 was it, like, health standards or having to, you know, do with  
25 cutting hair and all kinds of stuff?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 298: Yeah, you -- you spend,  
2 like, 400 hours in a classroom, and then you go on the floor  
3 and you start taking clients.

4 MS. WECKERLY: Okay. Is that local -- that's the  
5 school, or --

6 PROSPECTIVE JUROR NO. 298: Yeah, it's on Tropicana  
7 and Eastern.

8 MS. WECKERLY: Okay. And how many people would have  
9 been in a class?

10 PROSPECTIVE JUROR NO. 298: It depends, I think,  
11 what time of the year it is because in my class there was only  
12 five, but other classes there was, like, 15 or 20.

13 MS. WECKERLY: And then in your little -- in your  
14 group, did everyone graduate?

15 PROSPECTIVE JUROR NO. 298: Yeah.

16 MS. WECKERLY: Okay. And then prior to starting that  
17 class had you already started being the assistant at the  
18 salon?

19 PROSPECTIVE JUROR NO. 298: No.

20 MS. WECKERLY: Okay. So you started the class and  
21 then -- then you found this --

22 PROSPECTIVE JUROR NO. 298: Yeah, once I --

23 MS. WECKERLY: -- apprenticeship?

24 PROSPECTIVE JUROR NO. 298: -- graduated, I went to  
25 the salon.

1 MS. WECKERLY: Okay. And your boyfriend, he's sort  
2 of working at the bar and at Tropical Smoothie?

3 PROSPECTIVE JUROR NO. 298: Yeah.

4 MS. WECKERLY: If you were picked to be a juror, can  
5 he pitch in more with the child care? Or will that be wrong?

6 PROSPECTIVE JUROR NO. 298: It depends, like, what  
7 day it is, I guess.

8 MS. WECKERLY: Okay. Sort of depending on the  
9 schedule of his work?

10 PROSPECTIVE JUROR NO. 298: Yeah, and mine, I guess.  
11 Yeah.

12 MS. WECKERLY: Okay. If -- you indicated on your  
13 questionnaire that you hadn't read or heard anything about  
14 this case?

15 PROSPECTIVE JUROR NO. 298: Yeah.

16 MS. WECKERLY: That's fair?

17 PROSPECTIVE JUROR NO. 298: Yes.

18 MS. WECKERLY: Okay. But you also said you could be  
19 fair to both sides?

20 PROSPECTIVE JUROR NO. 298: Yes.

21 MS. WECKERLY: And you're only 22, my guess is you  
22 haven't been through anything like this before?

23 PROSPECTIVE JUROR NO. 298: No.

24 MS. WECKERLY: Okay.

25 PROSPECTIVE JUROR NO. 298: I got called once, but I

1 didn't have to come in.

2 MS. WECKERLY: Oh, the recording just said don't show  
3 up?

4 PROSPECTIVE JUROR NO. 298: Yeah.

5 MS. WECKERLY: Okay. Well, I mean, as an overview of  
6 -- once a jury is selected, you'll hear -- you'll hear  
7 evidence, and then the Judge will instruct you on what the law  
8 is at the end of the case.

9 PROSPECTIVE JUROR NO. 298: Mm-hmm.

10 MS. WECKERLY: And the law is what you use to  
11 evaluate the facts you heard --

12 PROSPECTIVE JUROR NO. 298: Yeah.

13 MS. WECKERLY: -- would you be able to do that?

14 PROSPECTIVE JUROR NO. 298: Yes.

15 MS. WECKERLY: Now, as someone who may be one of the  
16 younger members in a potential jury panel, do you think you'd  
17 have -- I don't know, any concerns or any issues with  
18 expressing your opinion with your fellow jurors?

19 PROSPECTIVE JUROR NO. 298: No.

20 MS. WECKERLY: No? Okay. You'd be able to say,  
21 look, this is how I see the evidence, or this is what I think  
22 about that witness?

23 PROSPECTIVE JUROR NO. 298: Yes.

24 MS. WECKERLY: Okay. Do you have any concerns about  
25 your ability to hear about medical testimony or technical

1 terms?

2 PROSPECTIVE JUROR NO. 298: Like, if I'll understand  
3 it?

4 MS. WECKERLY: Yeah.

5 PROSPECTIVE JUROR NO. 298: I don't know.

6 MS. WECKERLY: Do you think you'd be able to pay  
7 attention to the testimony?

8 PROSPECTIVE JUROR NO. 298: Yeah, I could pay  
9 attention.

10 MS. WECKERLY: Okay. You're not going to get bored  
11 there. And other than the concerns with your son and your  
12 job, is there anything else that would make it hard for you to  
13 give us your full attention?

14 PROSPECTIVE JUROR NO. 298: No. I'd just, like,  
15 what, like, does it -- is it, like, is it every day I would  
16 have to be here, or --

17 MS. WECKERLY: It --

18 THE COURT: Monday through Friday.

19 PROSPECTIVE JUROR NO. 298: -- yeah, so, like --

20 THE COURT: We're off on the weekends.

21 PROSPECTIVE JUROR NO. 298: -- so how would that  
22 work, though? Like, if I have work and stuff?

23 THE COURT: Well, you'd have to take off of work for  
24 the days that you're going to be a juror, when the trial is  
25 actually going. Now, before -- if you're picked -- when

1 you're done -- we're done with the questioning today, you'll  
2 be excused today, and then we would contact you to tell you,  
3 A, you've either not been selected, or B, you're going to be a  
4 juror, and then you have to come back, and basically, it's  
5 business hours Monday through Friday that we meet, and then  
6 you're off on the weekends.

7           So during the, you know, day you'd have to make sure  
8 you had child care arrangements and things like that, and  
9 you'd have to, you know, take off from -- from work. We don't  
10 want you working late into the night because we want the  
11 jurors to get enough sleep and be able to pay attention, but  
12 if you were called in, you know, evening hours or something  
13 like that to work, that's entirely up to you, if you chose to  
14 work at those times.

15           PROSPECTIVE JUROR NO. 298: Okay.

16           THE COURT: So that's how it works. Ms. Weckerly, go  
17 on.

18           MS. WECKERLY: And -- and knowing that, is there any  
19 concerns that you have?

20           PROSPECTIVE JUROR NO. 298: Just, like, how --  
21 how -- so I don't get paid at my work or anything? I wouldn't  
22 be getting paid?

23           THE COURT: That's up to your employer --

24           PROSPECTIVE JUROR NO. 298: Yeah.

25           THE COURT: -- how they arrange that, and, you know,



1 unfortunately we can't excuse jurors because they're not going  
2 to be paid --

3 PROSPECTIVE JUROR NO. 298: Yeah.

4 THE COURT: -- because obviously we live in a town  
5 where a lot of people work in, you know, in the service  
6 industry, they're waiters, they're dealers, construction  
7 workers, things like that and they don't get their full wages  
8 or they don't get paid. So I -- you know, we have to have a  
9 jury pool of people who may be missing work.

10 I mean, that's something we all consider, but we  
11 can't just excuse you because you're not going to be, you  
12 know, able to go to work, and you may not be making your --  
13 your wages during that time.

14 PROSPECTIVE JUROR NO. 298: Okay.

15 MS. WECKERLY: And then -- and just on that, the only  
16 other question I have is, will -- if -- if you're gone for a  
17 couple of weeks, or -- you know, four weeks from your work,  
18 will that delay you in getting the job as the hair stylist?

19 PROSPECTIVE JUROR NO. 298: Probably.

20 MS. WECKERLY: By that amount of time, or, like, a  
21 whole bunch of time?

22 PROSPECTIVE JUROR NO. 298: I'm not sure what he  
23 would do.

24 MS. WECKERLY: Okay.

25 THE COURT: Is it the kind of thing where you have to

1 sort of apprentice for a period of time before you get your  
2 full cosmetology license?

3 PROSPECTIVE JUROR NO. 298: No, I have my license  
4 already, I just --

5 THE COURT: Oh.

6 PROSPECTIVE JUROR NO. 298: -- am assisting him --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 298: -- he's, like, teaching  
9 me other --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 298: -- stuff.

12 THE COURT: Is there a rule or -- as to how long you  
13 have to work with a -- with somebody before you can set up  
14 your own station and be out on your own?

15 PROSPECTIVE JUROR NO. 298: Yeah, he said, usually  
16 it's nine months I have to be there --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 298: -- but it's, like, every  
19 day I have to be there.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 298: Like, if I'm not there  
22 helping him, he has nobody.

23 THE COURT: Okay. So he has to do that stuff  
24 himself, then?

25 PROSPECTIVE JUROR NO. 298: Yeah.

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1 THE COURT: Okay.

2 MS. WECKERLY: Would he keep your spot there for you,  
3 if you were here?

4 PROSPECTIVE JUROR NO. 298: I don't know.

5 MS. WECKERLY: You don't know. Okay. Well, that is  
6 all the questions I have, based on the questionnaire.

7 THE COURT: Okay. All right. Thank you. Who would  
8 like to begin for the defense? Mr. Wright?

9 MR. WRIGHT: Yeah. On your -- on your questionnaire,  
10 it was asked if you -- if this would be a significant hardship  
11 for you on jury duty, and you said, yes, because of your work  
12 and child care --

13 PROSPECTIVE JUROR NO. 298: Yeah.

14 MR. WRIGHT: -- correct?

15 PROSPECTIVE JUROR NO. 298: Yes.

16 MR. WRIGHT: Okay. Now, assuming this -- you were  
17 selected for this jury -- that means you would be sitting in  
18 that same box five days a week for the next four to six weeks,  
19 until June, okay? Now, knowing that is that going to be a  
20 significant hardship or cause you problems on paying attention  
21 or worry or concern involving your child?

22 PROSPECTIVE JUROR NO. 298: A little just because  
23 I -- did it shut off? Just because I -- I need to work and I  
24 don't really have anyone to watch my son.

25 THE COURT: Let me follow up on something. You said

1 you live with your parents?

2 PROSPECTIVE JUROR NO. 298: Mm-hmm.

3 THE COURT: That's your parents or your boyfriend's  
4 parents?

5 PROSPECTIVE JUROR NO. 298: We go back and forth --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 298 -- between -- he took the  
8 mike.

9 THE COURT: Oh. Where are you living now? With your  
10 parents or your boyfriend's parents?

11 PROSPECTIVE JUROR NO. 298: Friday, Saturday,  
12 Sunday, and Monday, I'm at my mom's house, and then, Tuesday,  
13 Wednesday, and Thursday, we're at his house.

14 THE COURT: Okay. And you said your mom can -- takes  
15 care of your child sometimes?

16 PROSPECTIVE JUROR NO. 298: Yeah, when I'm at work  
17 she takes care of him on Fridays and Saturdays because me and  
18 my boyfriend both work.

19 THE COURT: Okay. What -- does your mom work? Does  
20 she have a job?

21 PROSPECTIVE JUROR NO. 298: Yeah.

22 THE COURT: What does she do?

23 PROSPECTIVE JUROR NO. 298: She works at Walmart.

24 THE COURT: Okay. Is she, like, a customer service  
25 or checker --

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1 PROSPECTIVE JUROR NO. 298: Cashier.  
2 THE COURT: -- or what do you -- cashier?  
3 PROSPECTIVE JUROR NO. 298: Yeah.  
4 THE COURT: Okay. And then you said sometimes you  
5 live with your boyfriend's parents, correct?  
6 PROSPECTIVE JUROR NO. 298: Yeah.  
7 THE COURT: And is -- are there two parents in the  
8 picture, or is it just your boyfriend's mom, or --  
9 PROSPECTIVE JUROR NO. 298: His mom and dad.  
10 THE COURT: Okay. And do -- do they both work?  
11 PROSPECTIVE JUROR NO. 298: Yeah.  
12 THE COURT: What is -- do you know what they do?  
13 PROSPECTIVE JUROR NO. 298: His dad works at the  
14 post office --  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR NO. 298: -- and his mom works at  
17 Mandalay Bay.  
18 THE COURT: Okay. Do you know what his dad does at  
19 the post office? Is he a letter carrier? A delivery --  
20 PROSPECTIVE JUROR NO. 298: He --  
21 THE COURT: -- or does he --  
22 PROSPECTIVE JUROR NO. 298: -- he drives big trucks.  
23 I don't know it -- it's, like, those big trucks.  
24 THE COURT: The big long ones with --  
25 PROSPECTIVE JUROR NO. 298: Yeah.

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1 THE COURT: -- that have all the mail in it?  
2 PROSPECTIVE JUROR NO. 298: Yeah.  
3 THE COURT: Okay. And then the mom -- you said she  
4 works at the Mandalay Bay?  
5 PROSPECTIVE JUROR NO. 298: Yeah.  
6 THE COURT: What does she do at the Mandalay Bay?  
7 PROSPECTIVE JUROR NO. 298: I think she's the  
8 executive assistant.  
9 THE COURT: Okay. Like, in an office, a --  
10 secretarial-type work?  
11 PROSPECTIVE JUROR NO. 298: Yeah --  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NO. 298: -- something --  
14 THE COURT: And then do your boyfriend's parents ever  
15 watch your baby?  
16 PROSPECTIVE JUROR NO. 298: No.  
17 THE COURT: Do they ever babysit?  
18 PROSPECTIVE JUROR NO. 298: No.  
19 THE COURT: How do they get away with that? They  
20 don't babysit, just your mom?  
21 PROSPECTIVE JUROR NO. 298: Yeah.  
22 THE COURT: Okay. Mr. Wright, sorry for the  
23 interruption. You may follow up.  
24 MR. WRIGHT: Okay. So if you're here Monday,  
25 Tuesday, Wednesday, Thursday, Friday --

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1 PROSPECTIVE JUROR NO. 298: Mm-hmm.  
2 MR. WRIGHT: -- for the next six weeks, okay?  
3 PROSPECTIVE JUROR NO. 298: I would have someone to  
4 watch him those days --  
5 MR. WRIGHT: Okay.  
6 PROSPECTIVE JUROR NO. 298: -- it's just more about  
7 my job, like, I don't know --  
8 MR. WRIGHT: Okay.  
9 PROSPECTIVE JUROR NO. 298: -- what he would do.  
10 MR. WRIGHT: Okay. And on your job -- you need the  
11 money?  
12 PROSPECTIVE JUROR NO. 298: Yes.  
13 MR. WRIGHT: Okay. And if you -- and if he -- if you  
14 don't get paid, what will happen?  
15 PROSPECTIVE JUROR NO. 298: Well, I have stuff to  
16 pay.  
17 MR. WRIGHT: Okay. You have bills to pay?  
18 PROSPECTIVE JUROR NO. 298: Yeah.  
19 MR. WRIGHT: And you rely upon that income?  
20 PROSPECTIVE JUROR NO. 298: Yeah.  
21 MR. WRIGHT: Okay. And you're -- you also have  
22 concern that this will interrupt your advancement, your  
23 becoming a full-time employed beautician?  
24 PROSPECTIVE JUROR NO. 298: Yes.  
25 MR. WRIGHT: Okay. Now, have you ever heard anything

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1 about a hepatitis C outbreak here in Las Vegas?

2 PROSPECTIVE JUROR NO. 298: No.

3 MR. WRIGHT: Okay. How long have you lived here in  
4 Las Vegas?

5 PROSPECTIVE JUROR NO. 298: Since, like, 2011 --

6 MR. WRIGHT: 2011?

7 PROSPECTIVE JUROR NO. 298: -- 2010. Yeah --

8 MR. WRIGHT: Okay. You've lived here --

9 PROSPECTIVE JUROR NO. 298: -- wait. No. No. No,  
10 wait. I'm thinking wrong.

11 MR. WRIGHT: Okay.

12 PROSPECTIVE JUROR NO. 298: It was when I was, like,  
13 10, I don't know what --

14 MR. WRIGHT: Okay. You came to Las Vegas when you  
15 were 10 years old?

16 PROSPECTIVE JUROR NO. 298: -- like, '01 -- '01 --  
17 '01.

18 MR. WRIGHT: Okay. So you -- you've lived here --  
19 you went to high school here?

20 PROSPECTIVE JUROR NO. 298: Yeah.

21 MR. WRIGHT: Okay. What high school?

22 PROSPECTIVE JUROR NO. 298: Durango.

23 MR. WRIGHT: Okay. And did you graduate?

24 PROSPECTIVE JUROR NO. 298: Yes.

25 MR. WRIGHT: Okay. And then ultimately, you went to

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1 beauty college?

2 PROSPECTIVE JUROR NO. 298: Yeah. Yes.

3 MR. WRIGHT: Okay. And you -- you've never heard of  
4 anyone discussing -- family members, anyone, having to get  
5 tested for hepatitis or anything, getting letters from the  
6 health district?

7 PROSPECTIVE JUROR NO. 298: No.

8 MR. WRIGHT: Okay. And I was a little unclear on  
9 your boyfriend's present employment today. He's a cook in a  
10 bar, how many days a week?

11 PROSPECTIVE JUROR NO. 298: On Saturday and Sunday  
12 he works 4 to 2 at a bar.

13 MR. WRIGHT: Okay. As a cook.

14 PROSPECTIVE JUROR NO. 298: And then on Friday he  
15 works at Tropical Smoothie, and he sometimes works there on  
16 Monday.

17 MR. WRIGHT: And previously he -- he worked more than  
18 he does right now?

19 PROSPECTIVE JUROR NO. 298: Yeah, he used to be  
20 full-time at Tropical Smoothie --

21 MR. WRIGHT: Okay.

22 PROSPECTIVE JUROR NO. 298: -- and then, I got a job  
23 so then -- that was making more than him, so then he stopped  
24 working as much there and started working at a bar.

25 MR. WRIGHT: This -- this present job of your -- at

1 the salon where you're an assistant -- that -- is that your  
2 first job right out of the beauty college?

3 PROSPECTIVE JUROR NO. 298: Yes.

4 MR. WRIGHT: Okay. And you have one little boy?

5 PROSPECTIVE JUROR NO. 298: Yeah.

6 MR. WRIGHT: Two?

7 PROSPECTIVE JUROR NO. 298: Mm-hmm.

8 MR. WRIGHT: As a final question on your  
9 questionnaire that you filled out, is there anything else that  
10 you feel is important for us to know about you, you once again  
11 said, Provider for my son. Does that mean financially?

12 PROSPECTIVE JUROR NO. 298: Yes.

13 MR. WRIGHT: Okay. And is that a concern for you, if  
14 you don't get paid?

15 PROSPECTIVE JUROR NO. 298: Yeah.

16 MR. WRIGHT: Okay. Well, I -- how -- I mean, what  
17 we're asking, jury duty is an obligation of all citizens, you  
18 came here, took off work today, right?

19 PROSPECTIVE JUROR NO. 298: Yes.

20 MR. WRIGHT: Okay. So you --

21 PROSPECTIVE JUROR NO. 298: Oh, no. No. No, I  
22 don't work today.

23 MR. WRIGHT: Okay. What days do you work?

24 PROSPECTIVE JUROR NO. 298: Tuesday through  
25 Saturday.

1 MR. WRIGHT: Okay. So everyone is impacted except  
2 maybe some retired people and things --

3 PROSPECTIVE JUROR NO. 298: Mm-hmm.

4 MR. WRIGHT: -- but it's just an obligation we have  
5 to do, but sometimes it's harder on some people than other  
6 people, and that's what we're trying to gauge by calling it  
7 "significant hardship."

8 PROSPECTIVE JUROR NO. 298: Mm-hmm.

9 MR. WRIGHT: Is it -- can you -- can you tolerate, I  
10 mean, without it -- you holding a grudge or it being a great  
11 inconvenience, can you be here every day for the next six  
12 weeks and miss that work?

13 PROSPECTIVE JUROR NO. 298: I could, I just don't  
14 know -- I just don't know what he will do, like --

15 MR. WRIGHT: Okay. Your boss --

16 PROSPECTIVE JUROR NO. 298: Yeah.

17 MR. WRIGHT: -- or your boyfriend?

18 PROSPECTIVE JUROR NO. 298: No, my -- my boss.

19 MR. WRIGHT: Okay. Okay. Your concern is that he  
20 -- he may not hold your position?

21 PROSPECTIVE JUROR NO. 298: Yeah.

22 MR. WRIGHT: Okay. Have you -- does he know you're  
23 here for jury duty?

24 PROSPECTIVE JUROR NO. 298: No.

25 MR. WRIGHT: Well, I think -- I'll defer to the

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1 Court. I think --

2 THE COURT: All right. Mr. --

3 MR. WRIGHT: -- the boss --

4 THE COURT: -- Wright -- Mr. Wright, I'll see counsel  
5 at the bench --

6 MR. WRIGHT: Okay.

7 THE COURT: -- please.

8 (Off-record bench conference.)

9 THE COURT: And I apologize for the interruption.  
10 Mr. Wright was, I believe, about to tell you that your lawyer  
11 can't retaliate against you -- I'm sorry, your employer can't  
12 retaliate against you for jury service, meaning, they can't  
13 fire you because you're missing work because you're serving as  
14 a juror because, you know, you've made us aware of the  
15 situation, and if we elect not to excuse you --

16 PROSPECTIVE JUROR NO. 298: Yeah.

17 THE COURT: -- then that's really not -- do you need  
18 a tissue?

19 PROSPECTIVE JUROR NO. 298: No, I'm fine.

20 THE COURT: That's really not your -- your fault.  
21 And, you know, again, as Mr. Wright pointed out, it is a duty  
22 of our citizens to serve on juries. And so the law says that  
23 people's employers can't retaliate against them because  
24 they're fulfilling their civic duty. And obviously, to an  
25 extent, you know, you make us aware of your situation, if we

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1 say you're going to serve as a juror, then that's really not  
2 something you have any -- any control over.

3 So -- and, you know, I send a letter to employers, I  
4 do what I as a Judge need to do to make sure that people are  
5 given time off from work, and are able to serve as jurors.  
6 So, you know, if there's ever a situation and someone's  
7 serving as a juror, you let the bailiff know, and, you know,  
8 the Court makes sure that people are excused from their work.

9 I can't make your boss pay you --

10 PROSPECTIVE JUROR NO. 298: Yeah.

11 THE COURT: -- unfortunately --

12 PROSPECTIVE JUROR NO. 298: Yeah.

13 THE COURT: -- that is beyond my power. So, Mr.  
14 Wright, I'm sorry for the interruption. You may continue.

15 MR. WRIGHT: Well, ma'am, the -- you're -- you appear  
16 emotional at the present time.

17 PROSPECTIVE JUROR NO. 298: I just don't want to  
18 lose my job.

19 MR. WRIGHT: Pardon?

20 PROSPECTIVE JUROR NO. 298: I don't want to lose my  
21 job.

22 MR. WRIGHT: Okay. The -- well, you're not going to.  
23 You may not be paid, but he can't --

24 PROSPECTIVE JUROR NO. 298: Yeah. Yeah.

25 MR. WRIGHT: -- do you understand that?

1 PROSPECTIVE JUROR NO. 298: Yeah.

2 MR. WRIGHT: Okay. And does that relieve your fears

3 --

4 PROSPECTIVE JUROR NO. 298: Yeah, a little.

5 MR. WRIGHT: -- and concerns? Okay.

6 No further questions, Your Honor.

7 THE COURT: All right. Mr. Santacroce, you may  
8 question this potential juror.

9 MR. SANTACROCE: Thank you. Ms. Lizarbe, you stated  
10 on your questionnaire that you could be in -- you could be  
11 fair and impartial to both sides; is that correct?

12 PROSPECTIVE JUROR NO. 298: Yes.

13 MR. SANTACROCE: And you understand that as Mr. --  
14 Dr. Desai and Mr. Lakeman sit here today, they are presumed  
15 innocent. Do you understand that?

16 PROSPECTIVE JUROR NO. 298: Yes.

17 MR. SANTACROCE: And what does that mean to you that  
18 they are presumed innocent?

19 PROSPECTIVE JUROR NO. 298: They're innocent until  
20 proven guilty.

21 MR. SANTACROCE: Yes. And you understand that the  
22 State has to prove each and every element of the crime that  
23 they're charged with beyond a reasonable doubt? You  
24 understand that, correct?

25 PROSPECTIVE JUROR NO. 298: Yes.

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1 MR. SANTACROCE: And you would be -- you would hold  
2 the State to that burden? In other words, you would make the  
3 State prove that my client was guilty beyond a reasonable  
4 doubt? Would you be able to do that?

5 PROSPECTIVE JUROR NO. 298: If I can prove him  
6 guilty?

7 MR. SANTACROCE: No, the State -- you don't have to  
8 prove anything.

9 PROSPECTIVE JUROR NO. 298: Okay.

10 MR. SANTACROCE: The State has to prove that my  
11 client is guilty, you understand that --

12 PROSPECTIVE JUROR NO. 298: Yes.

13 MR. SANTACROCE: -- right?

14 PROSPECTIVE JUROR NO. 298: Yes.

15 MR. SANTACROCE: And they have to prove that beyond a  
16 reasonable doubt, you understand that?

17 PROSPECTIVE JUROR NO. 298: Yes.

18 MR. SANTACROCE: And what I'm asking you is whether  
19 or not you'll be able to hold the State to that burden?

20 PROSPECTIVE JUROR NO. 298: Yes.

21 MR. SANTACROCE: Ms. Lizarbe, what if you were the  
22 only one in the jury room with a particular viewpoint, whether  
23 that was guilty or innocent, would you be able to hold onto  
24 that viewpoint, even though there was 11 other people that  
25 were against you?

1 PROSPECTIVE JUROR NO. 298: Yes.

2 MR. SANTACROCE: Now, you've already stated that you  
3 haven't heard anything about this case whatsoever, correct?

4 PROSPECTIVE JUROR NO. 298: Yes.

5 MR. SANTACROCE: And you haven't seen any T.V. news  
6 reports about this case whatsoever?

7 PROSPECTIVE JUROR NO. 298: No.

8 MR. SANTACROCE: And you understand that if you are  
9 selected as a juror that you wouldn't be able to discuss this  
10 case with your relatives that you live with, anybody at the  
11 hair salon, things of that nature, correct? You understand  
12 that?

13 PROSPECTIVE JUROR NO. 298: Yes.

14 MR. SANTACROCE: I have no further questions for her.

15 THE COURT: All right. Thank you.

16 Ms. Lizarbe, we're going to excuse you for today  
17 while we question all of the other jurors. There's no need  
18 for you to wait around. I believe you've already given your  
19 phone number where you can be contacted to our bailiff?

20 PROSPECTIVE JUROR NO. 298: Mm-hmm.

21 THE COURT: You can go ahead and go to work this  
22 week, but you must be available to report for jury service  
23 once we've gone through the process and selected a jury. So  
24 you will be contacted by our bailiff at some point, probably  
25 later this week or next week, and told if and when you need to

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1 report for -- to serve as a juror; do you understand?

2 PROSPECTIVE JUROR NO. 298: Yeah.

3 THE COURT: Okay. But for today you're free to leave

4 --

5 PROSPECTIVE JUROR NO. 298: Okay.

6 THE COURT: -- and, you know, go to work or whatever.

7 Now, very important, you're not to discuss anything, again,

8 relating to this case, you're not to read, watch, listen to --

9 which you don't do anyway -- any reports of or commentaries on

10 any person, subject matter, or anything at all relating to the

11 case, and you're not to form or express an opinion on the

12 trial; additionally, please don't discuss anything that's

13 transpired in the courtroom with anybody else, including your

14 family members and your friends.

15 That means you can't discuss the questions I asked

16 and what was asked by the lawyers and what we discussed in

17 here, all right?

18 PROSPECTIVE JUROR NO. 298: Okay.

19 THE COURT: All right. Thank you.

20 PROSPECTIVE JUROR NO. 298: Thank you.

21 THE COURT: And you are free to leave. Again, make

22 sure Kenny has phone numbers where you can be reached, and

23 you'll be contacted probably later in the week or next week.

24 All right. And our next prospective juror is Robert

25 Trumpp, Badge No. 294.

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1 THE MARSHAL: Go ahead and have a seat next to the  
2 microphone, and use the microphone when you speak, please,  
3 sir.

4 PROSPECTIVE JUROR NO. 294: Okie-dokie.

5 THE MARSHAL: Thank you.

6 THE COURT: Good morning, Mr. Trumpp.

7 PROSPECTIVE JUROR NO. 294: Good morning.

8 THE COURT: It's still barely morning.

9 PROSPECTIVE JUROR NO. 294: Yeah, barely.

10 THE COURT: I wanted to follow up first on a couple  
11 of things that you had said. You indicated as you filled out  
12 your questionnaire that you thought it would be a hardship  
13 financially to serve. You're a cab driver, correct?

14 PROSPECTIVE JUROR NO. 294: Correct.

15 THE COURT: And your company doesn't reimburse for  
16 jury duty, and you only get paid if you're actually driving,  
17 correct?

18 PROSPECTIVE JUROR NO. 294: Correct. I get paid on  
19 commission.

20 THE COURT: Okay. Who do you work for?

21 PROSPECTIVE JUROR NO. 294: Ace Cab.

22 THE COURT: And then when do you normally -- what are  
23 -- you know, what's your shift, what days of the week do you  
24 work?

25 PROSPECTIVE JUROR NO. 294: I am off Thursday and

1 Friday. I work the other five days, starting 2:30 a.m., and I  
2 get off at 2 p.m.

3 THE COURT: Okay. So you work a 12-hour shift --

4 PROSPECTIVE JUROR NO. 294: Yes.

5 THE COURT: -- basically? Okay. And are you  
6 married?

7 PROSPECTIVE JUROR NO. 294: No.

8 THE COURT: Okay. Any children, elderly parents,  
9 anybody else you're supporting?

10 PROSPECTIVE JUROR NO. 294: No.

11 THE COURT: Okay. Just yourself?

12 PROSPECTIVE JUROR NO. 294: Yes.

13 THE COURT: And do you have any other sources of  
14 income?

15 PROSPECTIVE JUROR NO. 294: No.

16 THE COURT: Okay. So obviously if you served --  
17 well, maybe not obviously, but we're not in session Saturdays  
18 and Sundays.

19 PROSPECTIVE JUROR NO. 294: Correct.

20 THE COURT: So your Friday shift would begin 2 a.m.?

21 PROSPECTIVE JUROR NO. 294: Correct.

22 THE COURT: I guess that would be Saturday morning?

23 PROSPECTIVE JUROR NO. 294: Saturday morning, yeah.

24 THE COURT: Okay. And then go to 2 p.m. on Saturday,  
25 and then your Sunday shift would begin 2 a.m. on Sunday and go

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1 to 2 on Saturday -- I'm sorry, Sunday afternoon, and you'd be  
2 able to work those two days even if you served. Does that  
3 kind of help you at all, or --

4 PROSPECTIVE JUROR NO. 294: No, because -- no, your  
5 surmise is wrong. I work that Saturday day --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 294: -- and then -- no, I'm  
8 sorry, you are correct.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 294: Pardon me. Yes, I'm  
11 just a little confused here.

12 THE COURT: No, that's okay. I was confused too.

13 PROSPECTIVE JUROR NO. 294: Yes --

14 THE COURT: So --

15 PROSPECTIVE JUROR NO. 294: -- those two days would  
16 be available for me, yes.

17 THE COURT: -- okay. So you would be essentially  
18 missing three days of work?

19 PROSPECTIVE JUROR NO. 294: Correct.

20 THE COURT: Okay. Would that help you out  
21 financially at all? And I, you know, I tell everyone this  
22 because I know it's difficult for people to serve, obviously  
23 we live in a town where many people work in the service  
24 industry, casinos, construction, other things where they don't  
25 make their full wages.

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1           Unfortunately, I just can't excuse, you know,  
2 everyone who is going to be missing work because that would  
3 probably be 80 percent of our pool.

4           PROSPECTIVE JUROR NO. 294: I understand that.

5           THE COURT: Would working -- being able to work two  
6 days a week, would that help -- I mean, obviously it would  
7 help a little bit, but how would that -- how would that work  
8 for you, or how -- how would that impact the --

9           PROSPECTIVE JUROR NO. 294: On -- on those --

10          THE COURT: -- financial hardship?

11          PROSPECTIVE JUROR NO. 294: -- two days I probably  
12 make about 30 percent of what I normally would be taking home.  
13 So I'd be losing about, probably, 70 percent of my paycheck  
14 for those three days that I'd be at jury.

15          THE COURT: Okay. I'm just guessing, but isn't  
16 Saturday one of your biggest days?

17          PROSPECTIVE JUROR NO. 294: Not really.

18          THE COURT: Really?

19          PROSPECTIVE JUROR NO. 294: No, Sunday is a big day,  
20 but --

21          THE COURT: People leaving town and --

22          PROSPECTIVE JUROR NO. 294: Yeah. Saturday is --  
23 because of the shift I work, it gets busier after I leave --

24          THE COURT: Okay.

25          PROSPECTIVE JUROR NO. 294: -- because I'm -- I'm

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1 off. I head to the yard about 1:30 in the afternoon. So  
2 people are just then starting to get -- get moving around.

3 THE COURT: Ready to go out and -- and whatnot.  
4 Okay. I also wanted to follow up on something else. It says  
5 here you had training as a nurse?

6 PROSPECTIVE JUROR NO. 294: I worked 25 years as a  
7 registered nurse. I've got a bachelor's degree in nursing.

8 THE COURT: Okay.

9 MR. SANTACROCE: I'm having trouble hearing that --  
10 that last answer.

11 THE COURT: Okay. I'm sorry, you said, you have a  
12 bachelor's degree in nursing?

13 PROSPECTIVE JUROR NO. 294: Correct.

14 THE COURT: -- correct? And then you worked as a  
15 nurse for 25 years?

16 PROSPECTIVE JUROR NO. 294: The medical part -- yes,  
17 started in '74, quit in 2000.

18 THE COURT: All right. And you also have an  
19 education, it says, in pharmacy?

20 PROSPECTIVE JUROR NO. 294: No, that's psychology.

21 THE COURT: Oh, I'm sorry. All right. And then I  
22 -- just turning to Question 7 on this -- you said you've  
23 learned something or read about the case through the Review  
24 Journal?

25 PROSPECTIVE JUROR NO. 294: Correct.

1 THE COURT: Do you read the Review Journal every day?

2 PROSPECTIVE JUROR NO. 294: Yeah, I put it in the  
3 cab with me.

4 THE COURT: Okay. What -- as near as you can  
5 remember -- have you learned about this case or the hepatitis  
6 outbreak, generally, through the newspaper?

7 PROSPECTIVE JUROR NO. 294: That there was multiple  
8 use of syringes and needles and vials of medication, and that  
9 violates everything that you're basically taught from the  
10 beginning of -- of any sort of medical career.

11 THE COURT: Okay. And you know that from your own  
12 training or...

13 PROSPECTIVE JUROR NO. 294: From -- from the  
14 training that I had, and then from 25 years of practice.

15 THE COURT: Okay. And then you write, I feel greed  
16 was a huge operative in this case. Greed in the medical  
17 profession is not unheard of, and in my opinion is one of the  
18 reasons medicine is suffering in America. What did you -- I  
19 mean, it's pretty clear, but what did you mean by that? Whose  
20 greed? And what are you talking about?

21 PROSPECTIVE JUROR NO. 294: That's pretty straight  
22 forward what I mean. There is an awful lot of people who are  
23 involved in the medical field who have very altruistic hearts  
24 and there are other people in the medical field that are  
25 trying to make \$50 million and get the heck out of it. And

1 I -- I have absolutely no sympathy for those kind of people.  
2 I was always very altruistic about why I went to nursing  
3 school and the type of medicine that I worked in.

4 THE COURT: Okay. And when you say, you know, greed,  
5 I guess, whose greed are you referring to?

6 PROSPECTIVE JUROR NO. 294: Well, if --

7 THE COURT: If anyone or was that just sort of a --

8 PROSPECTIVE JUROR NO. 294: Well, it's a generality,  
9 but in the specifics, if -- if you have a situation where  
10 employees are being advised to, oh, you can use this equipment  
11 over again even though you know that that's wrong, strictly,  
12 so that we can save a few nickels here and there, that's --  
13 you know, that's greed. That's putting the patients in danger  
14 so that you, yourself, can absorb a little extra income.

15 THE COURT: Okay. And you formed that view based on  
16 what you've read in the Review Journal?

17 PROSPECTIVE JUROR NO. 294: Yes.

18 THE COURT: Okay. Did you ever watch any T.V.  
19 coverage about this case?

20 PROSPECTIVE JUROR NO. 294: No.

21 THE COURT: Okay. So it's all just from the print  
22 media? All right.

23 May I see Counsel at the bench?

24 (Off-record bench conference.)

25 THE COURT: Mr. Trumpp, based on your -- I think it



1 would be a true financial hardship for you, I'm going to go  
2 ahead and excuse you.

3 PROSPECTIVE JUROR NO. 294: Thank you.

4 THE COURT: Now, sir, a couple things, though. You  
5 are under Court order not to discuss the questions and what's  
6 transpired in the courtroom. You are excused. You need to  
7 report down to jury services, and then you're free to leave.

8 PROSPECTIVE JUROR NO. 294: Thank you.

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

10 PROSPECTIVE JUROR NO. 294: I appreciate it, Your  
11 Honor.

12 THE COURT: I don't want to break right at noon  
13 because it tends to be more crowded, and I think it would be  
14 easier to break more at 12:30 for lunch. That way our jurors  
15 won't be, you know, waiting in line with jurors from other  
16 courtrooms. I need to take just a quick 5-minute break, and  
17 then we'll move to the next juror who indicated a hardship,  
18 and that would be Badge No. 285.

19 So if anyone needs to take just a quick break, we'll  
20 do that right now. All right?

21 (Court recessed from 12:06 p.m. to 12:13 p.m.)

22 THE COURT: Are we ready? All right. Next up is  
23 Badge No. 226 [sic], Ms. Heller -- oh, I'm sorry, Darren  
24 Heller, it's Mr. Heller.

25 THE MARSHAL: He didn't show up either.

UNCERTIFIED ROUGH DRAFT

1 MR. WRIGHT: What happened to Tubbs?  
2 THE COURT: He didn't show up either?  
3 THE MARSHAL: Nope.  
4 THE COURT: And 285 didn't show up. Okay. 253,  
5 Urena Wiley. Urana.  
6 MR. WRIGHT: What happened to 285?  
7 THE COURT: He didn't show up. I think I told you,  
8 jury services is contacting them, and they will be in the next  
9 group.  
10 Ma'am, just have a seat there somewhere in the jury  
11 box, please.  
12 MS. STANISH: I'm sorry, Your Honor, may we have the  
13 badge number again?  
14 THE COURT: We're on Badge No. 253.  
15 PROSPECTIVE JUROR NO. 253: Hi.  
16 THE COURT: Good afternoon, barely. I just wanted to  
17 follow up on a couple of things. You say this would be a  
18 hardship for you because you're the full time money earner in  
19 my family, and you're concerned about paying your bills. And  
20 you do what?  
21 PROSPECTIVE JUROR NO. 253: I build convention  
22 websites.  
23 THE COURT: Okay. So you actually construct the  
24 website?  
25 PROSPECTIVE JUROR NO. 253: Mm-hmm.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Isn't that something you could do at home  
2 or in the evening? Do you work on a, you know, can you work  
3 on a --

4 PROSPECTIVE JUROR NO. 253: That isn't something  
5 that they allow us -- they don't allow you to take any of the  
6 equipment home or any of the software like that out of the  
7 building. So it's not -- we don't really have the security  
8 for that at our homes.

9 THE COURT: Oh, okay. So you actually --

10 PROSPECTIVE JUROR NO. 253: Yeah.

11 THE COURT: -- have to work on the computer at work?

12 PROSPECTIVE JUROR NO. 253: Mm-hmm.

13 THE COURT: Is that yes? You have to say --

14 PROSPECTIVE JUROR NO. 253: Yeah. Yes.

15 THE COURT: -- yes or no for --

16 PROSPECTIVE JUROR NO. 253: Oh, I'm sorry, yes.

17 THE COURT: -- that's all right. You have to say yes  
18 or no for the record. And is your job Monday through Friday,  
19 9 to 5, or when do you normally work?

20 PROSPECTIVE JUROR NO. 253: It's Monday through  
21 Friday and it's from 7:30 to 3:30.

22 THE COURT: Okay. Is it the -- and you work, I'm  
23 assuming, in an office setting?

24 PROSPECTIVE JUROR NO. 253: Yes, I do.

25 THE COURT: Are you the only one that does this job,

1 or do other people do it?

2 PROSPECTIVE JUROR NO. 253: No, there's a staff of  
3 11 of us --

4 THE COURT: Okay. All doing --

5 PROSPECTIVE JUROR NO. 253: -- for that department.

6 THE COURT: -- the same thing? Design?

7 PROSPECTIVE JUROR NO. 253: For different regions,  
8 yes.

9 THE COURT: Okay. And when somebody is coming for a  
10 convention, do they hire your company, or how does -- to  
11 design a website or how does that work?

12 PROSPECTIVE JUROR NO. 253: Well, we're contracted  
13 with the show organizers and we build -- depending on the show  
14 that's -- it could be here or it could be in West Virginia,  
15 or -- we're basically all over the world, but I strictly work  
16 on Orlando and New Orleans conventions, so...

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 253: When we have contracts  
19 with them, we build it and we make sure that they can rent out  
20 any of the tables or anything they need to make their booths  
21 look the way that they want them to.

22 THE COURT: Okay. So can you just tell me -- give me  
23 a little synopsis of what you would do in your, I guess, daily  
24 work?

25 PROSPECTIVE JUROR NO. 253: Well, I'd go in in the

1 morning and I would start my workflow and I would see which --  
2 in my region I would see what shows are coming up, and we have  
3 a finalization process where it goes -- I do an initial build  
4 of, like, a PDF kit so that they can see what they're looking  
5 at, and after we go through all of our processes, it can  
6 take -- generally take 30 to 45 days, and once we have an  
7 approval from the client and from our account managers, we go  
8 ahead and build their site, and then we customize it to their  
9 specifications.

10           It just really depends on the show. Sometimes  
11 things are material handling only, or sometimes it's a  
12 full-blown show, and they require all of our services and it  
13 just really depends. It's like a case-by-case basis.

14           THE COURT: Okay. Is it the sort of job where you're  
15 sort of sitting in your -- at your desk or cubicle or  
16 whatever, just focusing on your computer and --

17           PROSPECTIVE JUROR NO. 253: Yes.

18           THE COURT: -- do you -- doing the work?

19           PROSPECTIVE JUROR NO. 253: And you can also --  
20 you're able to volunteer to, like, go out to the shows, if  
21 necessary, if you meet with the clients or anything and they  
22 request you out there.

23           THE COURT: Okay. Now, is it the kind of thing where  
24 if you -- you know, you're -- let's say you know there's a  
25 jewelry show in -- you said Orlando?

1 PROSPECTIVE JUROR NO. 253: Mm-hmm.

2 THE COURT: Is it the kind of thing that you could go  
3 in on the weekends and work on doing the design?

4 PROSPECTIVE JUROR NO. 253: Well, there's nobody in  
5 our offices on the weekends, and I would have -- probably have  
6 supervisor approval for that.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 253: Yeah, they --

9 THE COURT: And how are you compensated? I mean, are  
10 you salaried or --

11 PROSPECTIVE JUROR NO. 253: Oh, no, I'm hourly.

12 THE COURT: -- hourly?

13 PROSPECTIVE JUROR NO. 253: Mm-hmm.

14 THE COURT: Okay. So you're not paid according to  
15 the completed task, it's more how long it took you to complete  
16 the task that you're compensated, is --

17 PROSPECTIVE JUROR NO. 253: Generally, depending on  
18 the sales managers that you work with. Because right now, for  
19 instance, I have 70 active shows that I'm working on. So at  
20 any given time between now and August is when the shows can  
21 start. It just really depends on when we receive them, then  
22 when the contracts are signed.

23 THE COURT: Okay. And you said you work what hours,  
24 typically --

25 PROSPECTIVE JUROR NO. 253: 7:30 to -- or 7 to 3:30.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Okay. Is the office open other hours for  
2 people who maybe don't like to get there at 7 or 7:30?

3 PROSPECTIVE JUROR NO. 253: It's generally -- it's  
4 open -- the section where I'm at is open from 6 to 5:00.

5 THE COURT: Okay. And then you said you're  
6 compensated hourly --

7 PROSPECTIVE JUROR NO. 253: Mm-hmm.

8 THE COURT: -- according to how long it might take  
9 you to --

10 PROSPECTIVE JUROR NO. 253: Right.

11 THE COURT: -- do a particular assignment. How long  
12 have you been working there?

13 PROSPECTIVE JUROR NO. 253: It will be three years  
14 in August.

15 THE COURT: Okay. What did you do before that?

16 PROSPECTIVE JUROR NO. 253: I worked for a sports  
17 handicapping company.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 253: And a few air  
20 conditioning companies in between there.

21 THE COURT: Okay. So you've kind of done a -- done a  
22 few --

23 PROSPECTIVE JUROR NO. 253: Yeah --

24 THE COURT: -- different things?

25 PROSPECTIVE JUROR NO. 253: -- a few things.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: And do you live on your own, or -- what's  
2 your --

3 PROSPECTIVE JUROR NO. 253: No, just with my  
4 husband.

5 THE COURT: -- okay. And is he working?

6 PROSPECTIVE JUROR NO. 253: No.

7 THE COURT: Is he looking for work, or --

8 PROSPECTIVE JUROR NO. 253: Yes.

9 THE COURT: -- what's the situation there?

10 PROSPECTIVE JUROR NO. 253: Yeah, he is a  
11 merchandiser, so he's just generally looking in that section  
12 for merchandising jobs.

13 THE COURT: Okay. How long has he been out of work?

14 PROSPECTIVE JUROR NO. 253: Just the past six  
15 months.

16 THE COURT: Okay. Was it a force of the economy?  
17 Was he let go --

18 PROSPECTIVE JUROR NO. 253: Yeah --

19 THE COURT: -- or --

20 PROSPECTIVE JUROR NO. 253: -- yeah, he was let go  
21 from the company where we both worked at prior, so...

22 THE COURT: Okay. And he's been looking -- he's been  
23 out of work, you said, for six months?

24 PROSPECTIVE JUROR NO. 253: Mm-hmm.

25 THE COURT: Is that yes for the record?

UNCERTIFIED ROUGH DRAFT



1 PROSPECTIVE JUROR NO. 253: Oh, yes.  
2 THE COURT: Okay. You don't have any children?  
3 PROSPECTIVE JUROR NO. 253: No.  
4 THE COURT: Okay. And you said your office isn't  
5 open on the weekend, but you might be able to get supervisor  
6 approval to go in --  
7 PROSPECTIVE JUROR NO. 253: Right. They'd have --  
8 THE COURT: -- on the --  
9 PROSPECTIVE JUROR NO. 253: -- to get --  
10 THE COURT: -- weekend?  
11 PROSPECTIVE JUROR NO. 253: -- approval from, like,  
12 the director of our facility and everything.  
13 THE COURT: Okay. And what is the security concern  
14 with people working at home or working in the office on the  
15 weekend or going in on the weekends; do you know?  
16 PROSPECTIVE JUROR NO. 253: We have client credit  
17 card information stored in our software, and we have a lot of,  
18 like, the contract negotiations that went on. So just a lot  
19 of the information that they don't want public for anything  
20 like that until it's already been signed or anything like  
21 that.  
22 THE COURT: Okay. And then it says also that -- on  
23 your questionnaire, you watch the Channel 8 news?  
24 PROSPECTIVE JUROR NO. 253: Yeah, most mornings, as  
25 I'm --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 253: -- getting ready.

3 THE COURT: Okay. So is that the only time you watch  
4 the news, just typically in the morning?

5 PROSPECTIVE JUROR NO. 253: Yeah, generally just  
6 when I'm getting ready for work.

7 THE COURT: All right. And you saw something about  
8 this case on the news, correct?

9 PROSPECTIVE JUROR NO. 253: Yeah, back when it first  
10 happened, just because I see my own doctor a lot, so when I  
11 hear things like that, I'm, like, oh, God, it's not where I'm  
12 going, is it?

13 THE COURT: Okay. So you remember something back  
14 years ago when --

15 PROSPECTIVE JUROR NO. 253: Yeah, like, when --

16 THE COURT: -- this first all --

17 PROSPECTIVE JUROR NO. 253: -- it happened --

18 THE COURT: -- came to light?

19 PROSPECTIVE JUROR NO. 253: -- yeah.

20 THE COURT: Is that all you remember hearing?

21 Nothing more recent or --

22 PROSPECTIVE JUROR NO. 253: I don't really watch a  
23 lot of live television recently, so...

24 THE COURT: Okay. And then you just said your  
25 opinion is, you think, endangering anyone who has put trust in

UNCERTIFIED ROUGH DRAFT

1 you regarding their health, deserves punishment, now -- and  
2 should be liable. Do you think it's a fair statement that  
3 sometimes the media covers things incorrectly or incompletely?

4 PROSPECTIVE JUROR NO. 253: Oh, definitely.

5 THE COURT: Okay. Now, if you're selected to be a  
6 juror in this case -- setting aside the hardship issue --  
7 would you be able to put out of your mind, or just kind of set  
8 aside anything you may have heard in the media?

9 PROSPECTIVE JUROR NO. 253: Oh, sure.

10 THE COURT: And base your verdict solely upon the  
11 evidence that's presented in this case? And by evidence, I  
12 mean the testimony from the witnesses under oath, and any  
13 exhibits that are admitted to. Could you -- could you promise  
14 me that you would do that?

15 PROSPECTIVE JUROR NO. 253: Oh, yes.

16 THE COURT: All right. Thank you.

17 Ms. Weckerly, Mr. Staudaher, you may follow-up with  
18 this prospective juror.

19 MS. WECKERLY: Thank you. I just wanted to ask you a  
20 couple of --

21 PROSPECTIVE JUROR NO. 253: Sure.

22 MS. WECKERLY: -- questions about your employment.

23 PROSPECTIVE JUROR NO. 253: Sure.

24 MS. WECKERLY: Are those possibilities for you, like,  
25 coming in on the weekends and -- do you think that would work

1 out?

2 PROSPECTIVE JUROR NO. 253: I honestly don't know,  
3 just because I've never asked.

4 MS. WECKERLY: Okay.

5 PROSPECTIVE JUROR NO. 253: So I would just have to  
6 ask them.

7 MS. WECKERLY: Okay. And if we take a break, could  
8 you -- or is there someone you can call to ask, or --

9 PROSPECTIVE JUROR NO. 253: I could probably -- I  
10 could call my supervisor, I just wouldn't -- I don't know if  
11 he's at his desk, but if he's not I can leave him a message --

12 MS. WECKERLY: Okay.

13 PROSPECTIVE JUROR NO. 253: -- or send him an email  
14 or something.

15 MS. WECKERLY: Assuming you could come in, sort of  
16 during odd hours --

17 PROSPECTIVE JUROR NO. 253: Right.

18 MS. WECKERLY: -- would that work for you  
19 financially?

20 PROSPECTIVE JUROR NO. 253: Oh, sure. As long as I  
21 was able to get my hours in for the week that I need.

22 MS. WECKERLY: Okay. And -- now, we don't want you  
23 staying up all night.

24 THE COURT: Right. We want people refreshed and, you  
25 know, obviously able to pay attention --

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 253: Right.  
2 THE COURT: -- during the trial.  
3 PROSPECTIVE JUROR NO. 253: Absolutely.  
4 MS. WECKERLY: Would you be able to do that?  
5 PROSPECTIVE JUROR NO. 253: Sure.  
6 MS. WECKERLY: Okay. And you -- you indicated that  
7 your husband and you used to work at the same place?  
8 PROSPECTIVE JUROR NO. 253: Mm-hmm.  
9 MS. WECKERLY: Is that yes?  
10 PROSPECTIVE JUROR NO. 253: Yes.  
11 MS. WECKERLY: Sorry. And -- but he would -- just  
12 the economy, that place closed down, is that --  
13 PROSPECTIVE JUROR NO. 253: Right. We -- and kind  
14 of downsized in all aspects, and then the rest of it kind of  
15 moved up to Canada, so --  
16 MS. WECKERLY: Okay.  
17 PROSPECTIVE JUROR NO. 253: -- I wasn't really  
18 willing to move to Canada.  
19 MS. WECKERLY: Right. Right. So big changes there?  
20 PROSPECTIVE JUROR NO. 253: Yeah.  
21 MS. WECKERLY: And on your questionnaire, you said  
22 that he is a -- a part-time magazine --  
23 PROSPECTIVE JUROR NO. 253: He was a part-time  
24 magazine vendor.  
25 MS. WECKERLY: Was that there?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 253: No. With me he did the  
2 shipping for that department, so that's kind of how he got  
3 into merchandising.

4 MS. WECKERLY: Okay. But now he's --

5 PROSPECTIVE JUROR NO. 253: He's trying to look for  
6 more of the merchandising because it kind of leaves his  
7 schedule more open for us, so...

8 MS. WECKERLY: Okay. But I'm sure it's --

9 PROSPECTIVE JUROR NO. 253: Right.

10 MS. WECKERLY: -- like everybody else, it's just hard  
11 time.

12 PROSPECTIVE JUROR NO. 253: Right.

13 MS. WECKERLY: And the Judge asked you about the  
14 information that you might have heard from the media, and my  
15 understanding of your answer was this was a couple years ago  
16 that you heard stuff?

17 PROSPECTIVE JUROR NO. 253: Right. Like, back when  
18 it was all first happening and stuff, yeah.

19 MS. WECKERLY: Okay. And there's some -- there will  
20 be media coverage --

21 PROSPECTIVE JUROR NO. 253: Right.

22 MS. WECKERLY: -- obviously, in this case, and you --  
23 you know that you can't --

24 PROSPECTIVE JUROR NO. 253: Right.

25 MS. WECKERLY: -- watch that, and can't read about it

1 and --

2 PROSPECTIVE JUROR NO. 253: Right.

3 MS. WECKERLY: -- anything like that. On your  
4 questionnaire you said that you would have any trouble being  
5 fair to both sides?

6 PROSPECTIVE JUROR NO. 253: No.

7 MS. WECKERLY: No problems?

8 PROSPECTIVE JUROR NO. 253: No.

9 MS. WECKERLY: I asked that in a bad way. You can be  
10 fair, correct?

11 PROSPECTIVE JUROR NO. 253: Right. Yes, I can.

12 MS. WECKERLY: Okay. And if at the end of hearing  
13 all the evidence in the case, you believe that we've proven  
14 both of these defendants guilty beyond a reasonable doubt,  
15 would it be hard for you to say they're guilty?

16 PROSPECTIVE JUROR NO. 253: No.

17 MS. WECKERLY: And sort of the flip side, if you  
18 think we didn't meet our burden, would it be hard to come back  
19 and say they're not guilty?

20 PROSPECTIVE JUROR NO. 253: No.

21 MS. WECKERLY: If you're in a deliberation room with  
22 your fellow jurors, do you think you'd have any trouble  
23 expressing your opinion about how you saw the evidence, or  
24 what you thought about a certain witness?

25 PROSPECTIVE JUROR NO. 253: Oh, no, definitely not.

UNCERTIFIED ROUGH DRAFT

1 MS. WECKERLY: Are you -- at your work, I understand  
2 that you're the one doing the website, but are you called upon  
3 sometimes to collaborate with other people?  
4 PROSPECTIVE JUROR NO. 253: Yeah, we all generally  
5 work together to make sure that everything looks concise and  
6 that we're all kind of on the same page with everything.  
7 MS. WECKERLY: Okay. Other than the -- the issue  
8 with your employer that you're going to maybe check on --  
9 PROSPECTIVE JUROR NO. 253: Right.  
10 MS. WECKERLY: -- anything at all that causes you  
11 concerns about your ability to sit on this type of trial with  
12 medical testimony and technical testimony?  
13 PROSPECTIVE JUROR NO. 253: Nope.  
14 MS. WECKERLY: Okay. I mean, your background is in  
15 --  
16 PROSPECTIVE JUROR NO. 253: Right.  
17 MS. WECKERLY: -- science and details --  
18 PROSPECTIVE JUROR NO. 253: Right.  
19 MS. WECKERLY: -- and that sort of thing --  
20 PROSPECTIVE JUROR NO. 253: Right.  
21 MS. WECKERLY: -- so you're probably conversant with,  
22 maybe not medical but, like, detailed --  
23 PROSPECTIVE JUROR NO. 253: Right.  
24 MS. WECKERLY: -- information; is that fair?  
25 PROSPECTIVE JUROR NO. 253: Yes.s

UNCERTIFIED ROUGH DRAFT



1 MS. WECKERLY: Okay. Thank you.

2 Your Honor, we will pass for cause.

3 THE COURT: All right. Thank you. Who would like to  
4 go first for the defense? Mr. Wright?

5 MR. WRIGHT: Unless Mr. Santacroce does? I don't  
6 want to jump --

7 THE COURT: No, he'll defer.

8 MR. WRIGHT: -- okay.

9 THE COURT: He said -- he's fine on letting you go  
10 first.

11 MR. WRIGHT: Regarding your present employment,  
12 ma'am, you normally work what days?

13 PROSPECTIVE JUROR NO. 253: Monday through Friday.

14 MR. WRIGHT: Okay. And if -- if you were here for  
15 the next six weeks, Monday through Friday, can you get all  
16 your hours in if you can work on weekends?

17 PROSPECTIVE JUROR NO. 253: I would really have to  
18 know, like, if I can work after hours as well. It would just  
19 depend on if they told me I could or not.

20 MR. WRIGHT: Okay. So if -- if -- if you -- you're  
21 going to check with your employer to see if you can work  
22 evenings --

23 PROSPECTIVE JUROR NO. 253: Yes.

24 MR. WRIGHT: -- and weekends?

25 PROSPECTIVE JUROR NO. 253: Yes.

UNCERTIFIED ROUGH DRAFT

1 MR. WRIGHT: And if so you're -- you would be able to  
2 keep up financially?

3 PROSPECTIVE JUROR NO. 253: Yes.

4 MR. WRIGHT: Okay. Now, you recall a number of years  
5 ago hearing about this hepatitis outbreak?

6 PROSPECTIVE JUROR NO. 253: Yes.

7 MR. WRIGHT: Is that correct?

8 PROSPECTIVE JUROR NO. 253: Yes.

9 MR. WRIGHT: And did -- and you said, oh, good, I  
10 don't know those doctors, and I didn't --

11 PROSPECTIVE JUROR NO. 253: Right.

12 MR. WRIGHT: -- go there?

13 PROSPECTIVE JUROR NO. 253: Right.

14 MR. WRIGHT: Okay. Did you know anyone that did?

15 PROSPECTIVE JUROR NO. 253: No.

16 MR. WRIGHT: Okay. And you didn't know anyone that  
17 got a letter from the health district to come in and get  
18 tested or something?

19 PROSPECTIVE JUROR NO. 253: No.

20 MR. WRIGHT: Okay. Now, you indicate that -- from  
21 the news you recall that dirty needles were being used on  
22 multiple patients?

23 PROSPECTIVE JUROR NO. 253: Right.

24 MR. WRIGHT: Correct? And then you're asked if  
25 you've formed an opinion and what is that, and you said you

1 think endangering anyone who is -- I'll read it, I don't want  
2 to mistake it.

3 PROSPECTIVE JUROR NO. 253: Sure.

4 MR. WRIGHT: I think endangering anyone who has put  
5 that many -- who has put trust in you regarding their health  
6 deserves punishment, and should be liable for the patient's  
7 future healthcare fees --

8 PROSPECTIVE JUROR NO. 253: Yes.

9 MR. WRIGHT: -- correct?

10 PROSPECTIVE JUROR NO. 253: Yes.

11 MR. WRIGHT: Okay. Now, in that you are indicating  
12 two different things when a lawyer looks at it.

13 PROSPECTIVE JUROR NO. 253: Okay.

14 MR. WRIGHT: No. 1, you're saying they ought to be  
15 civilly liable.

16 PROSPECTIVE JUROR NO. 253: Okay.

17 MR. WRIGHT: Do you understand what that means?

18 PROSPECTIVE JUROR NO. 253: Yes.

19 MR. WRIGHT: If I say they ought to be civilly liable  
20 and criminally liable?

21 PROSPECTIVE JUROR NO. 253: Yes.

22 MR. WRIGHT: Okay. And in that you are saying, if  
23 that happened --

24 PROSPECTIVE JUROR NO. 253: Right.

25 MR. WRIGHT: -- right?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 253: Right.

2 MR. WRIGHT: And of course, you don't know if it did  
3 or didn't?

4 PROSPECTIVE JUROR NO. 253: Right.

5 MR. WRIGHT: Okay. And are you able to come in here,  
6 even though you have heard about the case, and ignore all --  
7 ignore the opinions or what you have already heard?

8 PROSPECTIVE JUROR NO. 253: Yes.

9 MR. WRIGHT: Okay. And are you able to even more  
10 than ignore it, but are you able to presume that the  
11 defendants are innocent and that the accusations aren't true?

12 PROSPECTIVE JUROR NO. 253: Sure.

13 MR. WRIGHT: Okay. Now, the trial -- what will  
14 involve, I think, a lot of different medical records, patient  
15 records, computer entries, what -- what training have you had  
16 that takes you to your position at GES?

17 PROSPECTIVE JUROR NO. 253: Well, I -- I started  
18 working with a convention company, and I kind of learned all  
19 their software, and then I moved into the department, that put  
20 me kind of more in the back end of it, so that I've kind of  
21 just picked up, like, the PhotoShop and HTML and just building  
22 up websites. But I -- it kind of was just like hands-on  
23 training. Just basically learning through the company.

24 MR. WRIGHT: Okay. And so when you build a website,  
25 like, if a convention is coming here to Las Vegas, and GES was

1 going to build their website, is that the website where I go  
2 and it shows the program and I can register and all of that?

3 PROSPECTIVE JUROR NO. 253: No, that would be the  
4 showroom NYSER [phonetic] website. We kind of do everything  
5 that has to do with, like, the rentals inside the booths. So  
6 anything to do with graphics or furniture or carpet or  
7 anything that has to do with building up your convention site  
8 and building up your booth to make it look presentable to any,  
9 like, future people or anyone that you're interested in  
10 targeting, then that's what we do for you.

11 MR. WRIGHT: Oh, okay. Now, any family members of  
12 your or of your husbands medically trained?

13 PROSPECTIVE JUROR NO. 253: No -- oh, no, I'm sorry.  
14 My niece is in nursing school right now.

15 MR. WRIGHT: Okay. And where is -- where?

16 PROSPECTIVE JUROR NO. 253: In Salt Lake City.

17 MR. WRIGHT: And you would know if you were a juror,  
18 you can't call here to talk --

19 PROSPECTIVE JUROR NO. 253: Yeah.

20 MR. WRIGHT: -- to talk about nursing tips --

21 PROSPECTIVE JUROR NO. 253: Yeah.

22 MR. WRIGHT: -- and the evidence?

23 Any questions?

24 MS. STANISH: Nope.

25 MR. WRIGHT: Pass for cause, Your Honor.

1 THE COURT: All right. Thank you.

2 Mr. Santacroce?

3 MR. SANTACROCE: Thank you. Ms. Wiley, has your  
4 living arrangements changed since you filled out this  
5 questionnaire?

6 PROSPECTIVE JUROR NO. 253: No, but they will be  
7 soon, within the next couple of weeks.

8 MR. SANTACROCE: So you are currently living with  
9 parents or a relative?

10 PROSPECTIVE JUROR NO. 253: We are currently living  
11 in their rental house. It's by ourselves, but it's, like, in  
12 their back property, so -- but we'll be moving out onto our  
13 own.

14 MR. SANTACROCE: Okay. Do you have -- or have you  
15 had occasion to discuss your service on the jury or this case  
16 with those relatives that you live with?

17 PROSPECTIVE JUROR NO. 253: No, we don't really see  
18 each other all that often, so...

19 MR. SANTACROCE: In your employment are you an  
20 employee or an independent subcontractor?

21 PROSPECTIVE JUROR NO. 253: I'm an employee.

22 MR. SANTACROCE: Now, with regard to the media  
23 coverage that you were exposed to -- you said it was several  
24 years ago; is that correct?

25 PROSPECTIVE JUROR NO. 253: Yes.

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1 MR. SANTACROCE: And you haven't heard anything since  
2 that time?

3 PROSPECTIVE JUROR NO. 253: No.

4 MR. SANTACROCE: And you believe that -- from that  
5 coverage that dirty needles were being used at the clinic, is  
6 that --

7 PROSPECTIVE JUROR NO. 253: Yes.

8 MR. SANTACROCE: -- what you believed was happened  
9 -- or happened?

10 PROSPECTIVE JUROR NO. 253: Yes.

11 MR. SANTACROCE: Now, you understand that two men are  
12 on trial here, correct?

13 PROSPECTIVE JUROR NO. 253: Yes.

14 MR. SANTACROCE: Dr. Desai and Mr. Lakeman?

15 PROSPECTIVE JUROR NO. 253: Yes.

16 MR. SANTACROCE: And you understand that they come  
17 into this courtroom presumed innocent, correct?

18 PROSPECTIVE JUROR NO. 253: Yes.

19 MR. SANTACROCE: And you understand that the State  
20 has the burden of proving beyond a reasonable doubt that  
21 they're guilty, correct?

22 PROSPECTIVE JUROR NO. 253: Yes

23 MR. SANTACROCE: And you understand, as I said,  
24 there's two men, so would you have any trouble separating the  
25 two individuals and the case, or do you think that because Mr.

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1 Lakeman is being tried with Dr. Desai or visa versa that  
2 there's an implication of guilt?

3 PROSPECTIVE JUROR NO. 253: No, they're two  
4 different people.

5 MR. SANTACROCE: What do you do in your spare time,  
6 Ms. Wiley?

7 PROSPECTIVE JUROR NO. 253: I do a lot of reading,  
8 like, on my Kindle or something, I'm -- I'm a big reader, so I  
9 read a lot, and I just spend time with my husband and my mom.

10 MR. SANTACROCE: Do you read any crime novels or  
11 anything like that?

12 PROSPECTIVE JUROR NO. 253: No, I don't really like  
13 stuff like that, no.

14 MR. SANTACROCE: You don't like John Grissom or  
15 anybody like --

16 PROSPECTIVE JUROR NO. 253: No.

17 MR. SANTACROCE: -- that? Okay. On T.V. -- what  
18 kind of shows do you watch on T.V.?

19 PROSPECTIVE JUROR NO. 253: Generally, like, the  
20 Food Network. I like --

21 MR. SANTACROCE: Me too.

22 PROSPECTIVE JUROR NO. 253: -- cooking shows, so...

23 MR. SANTACROCE: So the -- I don't even know what  
24 those shows are, but the crime scene shows and all that, are  
25 you a fan of those?

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1 PROSPECTIVE JUROR NO. 253: No, not really.

2 MR. SANTACROCE: Okay. I pass for cause, Your Honor.

3 THE COURT: All right. Thank you. Ms. Wiley, what

4 I'm going to ask you to do in a moment is follow the bailiff.

5 He'll put you in a vestibule --

6 PROSPECTIVE JUROR NO. 253: Okay.

7 THE COURT: -- where you can contact your employer,

8 and just find out if --

9 PROSPECTIVE JUROR NO. 253: Okay.

10 THE COURT: -- working weekends and night would be

11 something that would be possible for you.

12 PROSPECTIVE JUROR NO. 253: Okay.

13 THE COURT: Now, obviously you can tell him that

14 you're participating in jury selection --

15 PROSPECTIVE JUROR NO. 253: Right.

16 THE COURT: -- for what might be a lengthy trial,

17 that you've made the Court aware of your concerns. Please

18 don't discuss anything else relating to which trial it is or

19 anything like that. Have you already told the people at work,

20 oh, you came in and filled out a questionnaire, and it's on

21 the Dipak Desai endoscopy case or --

22 PROSPECTIVE JUROR NO. 253: No, I just told my

23 supervisor that I had to fill out a questionnaire, and that

24 I'd have to go back in a couple of weeks so he would know --

25 THE COURT: Okay.

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1 PROSPECTIVE JUROR NO. 253: -- yeah.  
2 THE COURT: All right. So you haven't --  
3 PROSPECTIVE JUROR NO. 253: Mmm-hm.  
4 THE COURT: -- said anything yet, so please continue  
5 not to say anything. I'm going to have you follow the bailiff  
6 into the vestibule area, and then, he'll come back and get you  
7 in a few minutes.  
8 PROSPECTIVE JUROR NO. 253: Oh, great.  
9 THE COURT: Okay?  
10 PROSPECTIVE JUROR NO. 253: Thank you.  
11 THE COURT: So just stay in there until he comes and  
12 gets you.  
13 And, Kenny, next up is 249.  
14 MR. WRIGHT: Who is that?  
15 THE COURT: Ms. Ennon-Wilson -- Ennon or  
16 Ennon-Wilson.  
17 Ma'am, just have a seat anywhere you would like  
18 there in the jury box, please. And, ma'am, I just wanted to  
19 follow-up a little bit on what you had said in your  
20 questionnaire. It says you're concerned about serving as a  
21 juror because you're the main caregiver for your 12 year old  
22 who attends school, and basically it's too far to walk and she  
23 doesn't get the bus, correct?  
24 PROSPECTIVE JUROR NO. 249: Right.  
25 THE COURT: Is the father of the child -- you're

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1 married and is -- he's in the picture?

2 PROSPECTIVE JUROR NO. 249: Yes.

3 THE COURT: Okay. And what does he do?

4 PROSPECTIVE JUROR NO. 249: Well, he works for a

5 credit company --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 249: -- but his job, they

8 actually closed their doors about two years ago, so he's been

9 working a part time job, so he has to be available whenever

10 they call him for whatever overtime.

11 THE COURT: Okay. What part-time job does he work?

12 PROSPECTIVE JUROR NO. 249: He works for a company

13 called Credit Acceptance.

14 THE COURT: Okay. And then what does he do for them?

15 PROSPECTIVE JUROR NO. 249: He does collections.

16 THE COURT: Okay. And then kind of -- is it they

17 call, what, a few hours ahead of time, or he goes into work

18 and looks on a board, or --

19 PROSPECTIVE JUROR NO. 249: Well, he --

20 THE COURT: -- sees if he's there for the next week,

21 or how does that all work?

22 PROSPECTIVE JUROR NO. 249: -- normally he works --

23 he goes to work before I even get up in the morning --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 249: -- so he's normally gone

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1 at about a quarter to five in the morning --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 249: -- so typically, those  
4 are the hours that they have available for him --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 249: -- and my daughter, he  
7 school starts at 7:30 --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 249: -- but I normally drop  
10 her off at 7.

11 THE COURT: Okay. I promise you this, we will never  
12 start at 7 or 7:30 a.m., so that shouldn't be a problem in the  
13 morning. Now, when does your husband -- what hours does your  
14 husband typically work?

15 PROSPECTIVE JUROR NO. 249: Typically, he works  
16 until 6 if they have overtime, and it's -- it depends on the  
17 time of the month, usually earlier in the month they have a  
18 lot of overtime, so he comes home late a lot. Towards the end  
19 of the month, he normally -- they don't have as much overtime,  
20 so sometimes he doesn't even go in.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 249: So it depends on their  
23 schedule.

24 THE COURT: And so -- and this may be difficult for  
25 you to answer, but let's talk about maybe last week, when did

1 your husband work last week? Like, what days and what hours?

2 PROSPECTIVE JUROR NO. 249: He normally goes in  
3 pretty much every day, including Saturday and Sunday.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 249: And normally he -- he  
6 definitely goes in for at least 5:00 every morning. Sometimes  
7 he comes home early, when I'm not there because they won't  
8 have hours in the middle of the day, and then he'll have to go  
9 back. He did that a lot last week, where he was going back to  
10 work at about 4:00 in the afternoon, and then, he'd work until  
11 about 10.

12 THE COURT: Okay. And basically, he makes  
13 collections calls?

14 PROSPECTIVE JUROR NO. 249: Yes.

15 THE COURT: Is that what he does?

16 PROSPECTIVE JUROR NO. 249: Yes.

17 THE COURT: Okay. And then what time does your  
18 daughter get out of school?

19 PROSPECTIVE JUROR NO. 249: She gets out at 1:41,  
20 but I'm lucky she goes to a middle school that has Safekey --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 249: -- so she can be there  
23 up until 6:00.

24 THE COURT: Okay. All right. So if we were to break  
25 by 5, you should be able to get there to pick her up by 6?

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1 PROSPECTIVE JUROR NO. 249: Yes.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 249: Yes.

4 THE COURT: All right. And then -- so would that  
5 address your concern about -- about your daughter, if we -- if  
6 our hours were such you could drop her off and --

7 PROSPECTIVE JUROR NO. 249: And -- and --

8 THE COURT: -- pick her up --

9 PROSPECTIVE JUROR NO. 249: -- pick her up?

10 THE COURT: -- from the Safekey?

11 PROSPECTIVE JUROR NO. 249: Yes.

12 THE COURT: Okay. All right. Good. I just wanted  
13 to follow up on something else, before I turn it over to the  
14 lawyers. And that is you say you've heard about this case --  
15 or the hepatitis C case from the local news.

16 PROSPECTIVE JUROR NO. 249: I mean, it's been  
17 awhile.

18 THE COURT: Is that the T.V. news or the RJ or what  
19 do you recall?

20 PROSPECTIVE JUROR NO. 249: Well, not the RJ.

21 THE COURT: Okay. You don't read the paper?

22 PROSPECTIVE JUROR NO. 249: No, my husband does all  
23 the time and when there's something interesting he'll usually  
24 convince me to read the paper, but I read so much for work  
25 that I don't want to read the paper.

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1 THE COURT: Okay. So you watch the T.V. news?

2 PROSPECTIVE JUROR NO. 249: Yes.

3 THE COURT: And is there a particular station you  
4 like to watch?

5 PROSPECTIVE JUROR NO. 249: I usually just watch the  
6 local news with -- if my husband is home he likes to watch the  
7 CNN or the other news channels.

8 THE COURT: The kind of 24-hour news coverage?

9 PROSPECTIVE JUROR NO. 249: Yes.

10 THE COURT: And what do you recall hearing about this  
11 case on the news? Well, first of all, let me ask when do you  
12 recall hearing something about this matter on the news?

13 PROSPECTIVE JUROR NO. 249: It was a while ago. As  
14 a matter of fact, when I was filling out the brochure it  
15 didn't click in my head when I read the name -- not right  
16 away.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 249: And I do remember  
19 hearing about hepatitis C and needles being reused.

20 THE COURT: Okay. But you think it was a while ago?

21 PROSPECTIVE JUROR NO. 249: Yeah.

22 THE COURT: Like a year ago, or more back when the  
23 -- the whole thing kind of was first reported, or do you  
24 remember?

25 PROSPECTIVE JUROR NO. 249: I'm pretty sure I heard

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1 something when it first happened, but --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 249: -- it's not so far back  
4 in my mind that it was -- you know, I'm pretty sure that I've  
5 heard something within the last year, as well.

6 THE COURT: Okay. All right. Do you think it's a  
7 fair statement that sometimes the media reports things  
8 incorrectly or incompletely?

9 PROSPECTIVE JUROR NO. 249: Yes.

10 THE COURT: Okay. Now, do you understand that if you  
11 are selected as a juror in this case, you have to set aside  
12 anything you may have heard about this in the media or from,  
13 you know, your neighbor or anybody else. Do you understand  
14 that?

15 PROSPECTIVE JUROR NO. 249: Yes.

16 THE COURT: And that, if you are selected to serve as  
17 a juror, you would have to base your verdict solely upon the  
18 evidence presented during the trial of this case. And by  
19 that, I mean the sworn testimony coming from that witness  
20 stand, and whatever exhibits are admitted into evidence, like,  
21 photographs and documents and other exhibits.

22 Would you be able to do that if you are selected as  
23 a juror in this case?

24 PROSPECTIVE JUROR NO. 249: Yes, I think so.

25 THE COURT: Okay. Any concern about doing that? I

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1 mean, basically, what we ask you to do is we can't force you  
2 to forget, but you need to set that aside and when you go back  
3 and deliberate and consider whether the State has proven the  
4 defendant's guilty beyond a reasonable doubt, or not, that  
5 question must be answered only by the evidence that's been  
6 presented in the courtroom during the trial?

7 PROSPECTIVE JUROR NO. 249: Yes.

8 THE COURT: Can you do that?

9 PROSPECTIVE JUROR NO. 249: I think I would be able  
10 to do that.

11 THE COURT: All right. Thank you. I am going to let  
12 the State follow up with any questions they may have for you.

13 MS. WECKERLY: How are you?

14 PROSPECTIVE JUROR NO. 249: Okay.

15 MS. WECKERLY: You are a fifth grade teacher?

16 PROSPECTIVE JUROR NO. 249: Yes.

17 MS. WECKERLY: What school are you at?

18 PROSPECTIVE JUROR NO. 249: Cortez Elementary.

19 MS. WECKERLY: And this -- this trial will probably  
20 go until maybe the beginning of June, which is almost the --

21 PROSPECTIVE JUROR NO. 249: End of the school year?

22 MS. WECKERLY: -- duration of the school year.

23 PROSPECTIVE JUROR NO. 249: Yes.

24 MS. WECKERLY: How does that impact you?

25 PROSPECTIVE JUROR NO. 249: Well, actually, right

1 now my students are taking CRTs --

2 MS. WECKERLY: The CRT tests?

3 PROSPECTIVE JUROR NO. 249: -- and -- yeah, and

4 they're having to do it with a different teacher because I'm

5 here and it's not the ideal testing situation for them.

6 MS. WECKERLY: Okay.

7 PROSPECTIVE JUROR NO. 249: So...

8 MS. WECKERLY: Any -- besides -- the CRT was last

9 week and this week, right? Or --

10 PROSPECTIVE JUROR NO. 249: Well, this -- we have a

11 window and the schools choose when they give the CRTs. So

12 last week our third graders took it, but this week our fourth

13 and fifth graders are taking it and -- as well as next week --

14 and I have fifth graders so they also --

15 MS. WECKERLY: Oh.

16 PROSPECTIVE JUROR NO. 249: -- take the science

17 CRTs.

18 MS. WECKERLY: Okay.

19 PROSPECTIVE JUROR NO. 249: So we -- we have three

20 different CRTs that we take.

21 MS. WECKERLY: Besides the testing, what are your

22 thoughts about how -- if at all -- that it would impact your

23 students for you to be gone, sort of, the -- the better part

24 of the rest of the year?

25 PROSPECTIVE JUROR NO. 249: Well, we -- a lot of

1 schools don't do this, but we actually have a promotion  
2 ceremony that we do for our students, which we haven't even  
3 started yet, but we practice for it, and there's a lot that we  
4 actually do at the end of the school year that I would really  
5 hate to miss.

6 MS. WECKERLY: Okay. And is that -- obviously you're  
7 attached to your students and you want to participate for  
8 those reasons?

9 PROSPECTIVE JUROR NO. 249: Yes.

10 MS. WECKERLY: Okay.

11 PROSPECTIVE JUROR NO. 249: And, you know, having a  
12 sub -- a substitute teacher -- I mean, thank goodness for  
13 substitute teachers --

14 MS. WECKERLY: Sure.

15 PROSPECTIVE JUROR NO. 249: -- but some of them have  
16 never actually been a teacher before, so they don't exactly  
17 teach, they just say, here, do this. And that part drives me  
18 crazy that they're not actually being taught what I want them  
19 to learn and how I want them to learn it.

20 MS. WECKERLY: Maybe they do better with the regular  
21 teacher?

22 PROSPECTIVE JUROR NO. 249: With -- even if it's not  
23 just me, you know, even if it were just some other teacher who  
24 was -- happened to be substituting at the time they would do  
25 better.

1 MS. WECKERLY: Okay. So there's some -- there's some  
2 concerns about being away from your job. It sounds like,  
3 though, the Judge addressed the concerns about your daughter's  
4 transportation and care?

5 PROSPECTIVE JUROR NO. 249: Yes.

6 MS. WECKERLY: Okay. Because we're going to start  
7 later, and -- and then, there's Safekey at -- at her school?

8 PROSPECTIVE JUROR NO. 249: Yes.

9 MS. WECKERLY: Okay.

10 PROSPECTIVE JUROR NO. 249: Until 6.

11 MS. WECKERLY: When you were discussing with the  
12 Court what you had heard about the case, the way I heard your  
13 answer was I heard -- I heard some things, maybe not five  
14 years ago, but maybe a year ago, but I can put all that aside  
15 and decide this case what I -- on what I hear in the  
16 courtroom; is that fair?

17 PROSPECTIVE JUROR NO. 249: Yes.

18 MS. WECKERLY: In your -- in your training to be a  
19 teacher, was your BA in education?

20 PROSPECTIVE JUROR NO. 249: Yes, it was.

21 MS. WECKERLY: Okay. And then you had your teaching  
22 credential after that?

23 PROSPECTIVE JUROR NO. 249: The -- well, my -- I got  
24 my bachelor's in education, and then, I got a master's in  
25 reading.

1 MS. WECKERLY: Okay. And are you, like, a specialist  
2 with reading with students?

3 PROSPECTIVE JUROR NO. 249: According to my license  
4 I could be, but I'm in the classroom right now. I was out of  
5 the classroom for a while, but I'm back in the classroom now.

6 MS. WECKERLY: Okay. And it's general fifth grade  
7 what you teach?

8 PROSPECTIVE JUROR NO. 249: Yes.

9 MS. WECKERLY: But you could be a specialist if you  
10 wanted to, or you have a special credential --

11 PROSPECTIVE JUROR NO. 249: Yes.

12 MS. WECKERLY: -- for that?

13 PROSPECTIVE JUROR NO. 249: Yes.

14 MS. WECKERLY: Okay. Do you have a science  
15 background at all in your education?

16 PROSPECTIVE JUROR NO. 249: No.

17 MS. WECKERLY: No? Some of -- I mean, some of what  
18 you would hear if you're a juror in this case has to deal with  
19 science and math and somewhat -- I guess, out of the ordinary  
20 medical terminology. I would assume that wouldn't be a  
21 problem for you, given your educational background?

22 PROSPECTIVE JUROR NO. 249: No.

23 MS. WECKERLY: Okay. And now that you kind of know  
24 the nature of this case, do you have any concerns about your  
25 ability to be fair to both sides?

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1 PROSPECTIVE JUROR NO. 249: No.

2 MS. WECKERLY: Okay. And we kind of addressed the  
3 timing issues that you have, other than that, though, you  
4 could sit as a juror; is that fair?

5 PROSPECTIVE JUROR NO. 249: Yes.

6 MS. WECKERLY: Okay.

7 PROSPECTIVE JUROR NO. 249: Yes.

8 MS. WECKERLY: Thank you very much. We'll pass for  
9 cause.

10 THE COURT: All right. Thank you. Who would like to  
11 go first? Mr. Santacroce, would you like to go first?

12 MR. SANTACROCE: Sure. Ms. Ennon-Wilson, am I  
13 pronouncing that right?

14 PROSPECTIVE JUROR NO. 249: Yes.

15 MR. SANTACROCE: In reading some of the  
16 questionnaires of teachers, they feel it's a big hardship,  
17 excuse me, to leave their students this late in the year, and  
18 apparently you have some concern about that yourself?

19 PROSPECTIVE JUROR NO. 249: Yes.

20 MR. SANTACROCE: And I'm just wondering if it's a big  
21 enough concern that we need to worry about that? In other  
22 words, are you going to be distracted because your students  
23 are without you for the rest of the year?

24 PROSPECTIVE JUROR NO. 249: I would hope that I  
25 wouldn't be, but I'm sure that it would be in the back of my

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1 mind, wondering how they're doing in school.

2 MR. SANTACROCE: Well, we need to -- to be sure about  
3 those feelings. I know you're going to be wondering about  
4 them, you've been with them for most of the year, but is it  
5 going to impact upon you as a juror sitting here, judging the  
6 fate of these two men?

7 PROSPECTIVE JUROR NO. 249: Well, I guess what's in  
8 my mind right now is what are they still going to require me  
9 to do at school for the substitute teacher even though I'm  
10 here? I'd be here during the day, but would they require me  
11 to go to school to do whatever I need to do to help the  
12 substitute teacher get through the end of the year.

13 MR. SANTACROCE: So it's a possibility that they  
14 could require you to do some extra work after your jury  
15 service, is that what you're telling me?

16 PROSPECTIVE JUROR NO. 249: I'm not sure. I just --  
17 I've never been in this situation before, so I don't know.

18 THE COURT: So you might have to prepare, let's say  
19 --

20 PROSPECTIVE JUROR NO. 249: Like --

21 THE COURT: -- a lesson plan or something like that?

22 PROSPECTIVE JUROR NO. 249: -- right.

23 THE COURT: Would that be something you could work on  
24 at home over the weekend, if you had to -- I mean --

25 PROSPECTIVE JUROR NO. 249: Possibly --

1 THE COURT: -- do something like that?

2 PROSPECTIVE JUROR NO. 249: -- but the materials  
3 that I would need to use are actually in the classroom. If I  
4 needed to prepare lessons or make copies or anything for the  
5 sub to use with the students.

6 MR. SANTACROCE: So you may be required -- I'm sorry,  
7 Your Honor.

8 THE COURT: Oh, I'm sorry. Just to let you know,  
9 once we finish questioning you today, you'll be excused  
10 temporarily. You won't have to wait while we question the  
11 other jurors.

12 PROSPECTIVE JUROR NO. 249: Okay.

13 THE COURT: And then if you're selected to serve you  
14 would be called back once we actually start the trial.

15 PROSPECTIVE JUROR NO. 249: Okay.

16 THE COURT: So you would, you know, be able to -- if  
17 you needed to prepare a lesson plan or something like that, or  
18 go in -- you'd have probably the rest of this week to do that,  
19 just so you know.

20 PROSPECTIVE JUROR NO. 249: Okay.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 249: Thank you.

23 THE COURT: Sorry, Mr. Santacroce.

24 MR. SANTACROCE: No, that's okay. Having heard the  
25 Judge's explanation, are you any more at ease, or you still



1 have some trepidation?

2 PROSPECTIVE JUROR NO. 249: A little more at ease  
3 than I would have time to actually prepare something for a  
4 substitute teacher.

5 MR. SANTACROCE: Would you be able to handle that? I  
6 mean, would you -- would you be able to do it and still give  
7 us your best as a juror?

8 PROSPECTIVE JUROR NO. 249: Yes, I think so.

9 MR. SANTACROCE: Okay. Now, as a fifth-grade teacher  
10 you teach general curriculum; is that correct?

11 PROSPECTIVE JUROR NO. 249: Yes.

12 MR. SANTACROCE: So you're not -- you don't have a  
13 specific field that you teach them in, like science or math or  
14 English?

15 PROSPECTIVE JUROR NO. 249: No, I -- I teach them  
16 everything.

17 MR. SANTACROCE: And what does that curriculum  
18 consist of?

19 PROSPECTIVE JUROR NO. 249: Well, there's reading,  
20 language arts, math, social studies, science.

21 MR. SANTACROCE: And you teach all of those?

22 PROSPECTIVE JUROR NO. 249: Yes.

23 MR. SANTACROCE: With regard to the media coverage  
24 that you listed on your questionnaire, you said that was  
25 several years ago when it first happened?

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1 PROSPECTIVE JUROR NO. 249: Yes.

2 MR. SANTACROCE: And you've also listed on your  
3 questionnaire that you practically watch every news channel  
4 that's on the questionnaire; is that correct?

5 PROSPECTIVE JUROR NO. 249: Well, when my husband is  
6 home he has it on the news channel, so when we're in the room  
7 together that's what's usually on.

8 MR. SANTACROCE: Is your husband a news junky?

9 PROSPECTIVE JUROR NO. 249: Pretty much, he still  
10 gets the newspapers from New York whenever he can.

11 MR. SANTACROCE: Can't leave New York ever.

12 PROSPECTIVE JUROR NO. 249: No.

13 MR. SANTACROCE: Does he discuss these topics with  
14 you?

15 PROSPECTIVE JUROR NO. 249: Occasionally.

16 MR. SANTACROCE: For example, I'm sure you discussed  
17 what's -- the situation in Boston, right?

18 PROSPECTIVE JUROR NO. 249: Yes.

19 MR. SANTACROCE: And you discussed the situation in  
20 Texas recently --

21 PROSPECTIVE JUROR NO. 249: Yes.

22 MR. SANTACROCE: -- the explosion? So you discussed  
23 these things with your husband. Did you discuss this  
24 hepatitis C outbreak with your husband?

25 PROSPECTIVE JUROR NO. 249: I'm sure when we

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1 originally saw it on the news we did discuss it.

2 MR. SANTACROCE: And your answer is that since the  
3 initial news coverage that you saw, you haven't really seen or  
4 paid too much attention to it?

5 PROSPECTIVE JUROR NO. 249: No, not much.

6 MR. SANTACROCE: You do have a fairly strong opinion  
7 about it; however, isn't that correct?

8 PROSPECTIVE JUROR NO. 249: I don't remember exactly  
9 what I wrote.

10 MR. SANTACROCE: You said, How could they break their  
11 vow as doctors to first do no harm. Can you explain what you  
12 meant by that?

13 PROSPECTIVE JUROR NO. 249: Well, if it was done  
14 purposefully, how do you do something like that on purpose,  
15 knowing that you're supposed to be caring for people and you  
16 do something that you know is not caring for them.

17 MR. SANTACROCE: And if it was proven to you that it  
18 wasn't done purposefully?

19 PROSPECTIVE JUROR NO. 249: Well, if it wasn't  
20 then -- then it wasn't.

21 MR. SANTACROCE: And you would have no problem  
22 acquitting one or both of these individuals if the State  
23 wasn't able to prove that to you?

24 PROSPECTIVE JUROR NO. 249: Well, if the proof isn't  
25 there...

1 MR. SANTACROCE: And you would hold the State to  
2 their burden of proof, correct?

3 PROSPECTIVE JUROR NO. 249: Yes.

4 MR. SANTACROCE: And you understand that to be beyond  
5 a reasonable doubt?

6 PROSPECTIVE JUROR NO. 249: Yes.

7 MR. SANTACROCE: And as explained in the opening when  
8 you first sat down, both men are not doctors -- because you've  
9 listed, How could they break their vow as doctors, you  
10 understand that Mr. Lakeman is not a doctor, correct?

11 PROSPECTIVE JUROR NO. 249: I do now.

12 MR. SANTACROCE: I have no further questions. Thank  
13 you, ma'am.

14 THE COURT: All right. Thank you. Mr. Wright?

15 MR. WRIGHT: Yes, ma'am. Other than the news when  
16 your husband is home, you -- what other shows do you like to  
17 watch on television?

18 PROSPECTIVE JUROR NO. 249: I like a lot of dramas.

19 MR. WRIGHT: Dramas?

20 PROSPECTIVE JUROR NO. 249: Yes.

21 MR. WRIGHT: Okay. Do you watch crime shows?

22 PROSPECTIVE JUROR NO. 249: Yes, I do.

23 MR. WRIGHT: Okay. And do you -- which ones? I was  
24 going to give you some choices, but I don't watch them.

25 PROSPECTIVE JUROR NO. 249: Law & Order, SVU, CSI,

1 NCIS. Only one soap opera.

2 MR. WRIGHT: Okay. And do you come into this  
3 courtroom, with -- with a -- absolute open and fair mind to  
4 give these accused defendants a fair trial?

5 PROSPECTIVE JUROR NO. 249: I think that I do.

6 MR. WRIGHT: Okay. Is there any -- you -- do you  
7 know this -- this case engendered a lot of publicity?

8 PROSPECTIVE JUROR NO. 249: Yes.

9 MR. WRIGHT: Okay. Have -- other than watching it,  
10 have you discussed it with anyone?

11 PROSPECTIVE JUROR NO. 249: Since I've been called  
12 to jury duty, or --

13 MR. WRIGHT: Well, yeah, since you've been called to  
14 jury duty first?

15 PROSPECTIVE JUROR NO. 249: No.

16 MR. WRIGHT: Okay. And beforehand, did you talk  
17 about it?

18 PROSPECTIVE JUROR NO. 249: Pretty much just my  
19 husband when we were watching it on the news.

20 MR. WRIGHT: Okay. And the -- if there were  
21 purposeful or knowing wrongdoing by the medical care  
22 providers, you would question how in the world they could do  
23 that as caregivers, is that --

24 PROSPECTIVE JUROR NO. 249: Purposefully, yes.

25 MR. WRIGHT: Yeah, is that the way I interpret your

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1 --

2 PROSPECTIVE JUROR NO. 249: Yes.

3 MR. WRIGHT: -- comments in there regarding your  
4 opinion, correct?

5 PROSPECTIVE JUROR NO. 249: Yes.

6 MR. WRIGHT: And the -- because this is a criminal  
7 trial and not a civil dispute, to figure out negligence or  
8 fault, and so who get -- has to pay damages and things, this  
9 is a criminal accusation. And we require an presumption of  
10 innocence. Can you presume, as we sit here in the courtroom,  
11 that Dr. Desai and Mr. Lakeman are innocent and wrongly  
12 accused, and keep that in your mind until you've heard all the  
13 evidence?

14 PROSPECTIVE JUROR NO. 249: I do believe that  
15 everyone is innocent unless they're proven guilty, so, yes.

16 MR. WRIGHT: Okay. You've lived here 17 years,  
17 about?

18 PROSPECTIVE JUROR NO. 249: Yes.

19 MR. WRIGHT: Okay. And been teaching that long?

20 PROSPECTIVE JUROR NO. 249: 16.

21 MR. WRIGHT: 16. Okay. You came here from New York?

22 PROSPECTIVE JUROR NO. 249: Yes.

23 MR. WRIGHT: Okay. Is your father a retired police  
24 officer?

25 PROSPECTIVE JUROR NO. 249: Yes.

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1 MR. WRIGHT: Okay. Is he still in New York? Is he

2 --

3 PROSPECTIVE JUROR NO. 249: Right now they're in New  
4 York, but they live in another state now.

5 MR. WRIGHT: Okay. Live here?

6 PROSPECTIVE JUROR NO. 249: Oh, no. No.

7 MR. WRIGHT: Oh, okay. What kind of policeman was  
8 he?

9 PROSPECTIVE JUROR NO. 249: He worked for New York  
10 City, he was in housing authority. So he dealt a lot with  
11 projects.

12 MR. WRIGHT: Okay. When you were in your early 20's  
13 you -- a group of us were conned out of our jewelry and  
14 diamonds, right?

15 PROSPECTIVE JUROR NO. 249: Yes.

16 MR. WRIGHT: What's that -- how did that happen?

17 PROSPECTIVE JUROR NO. 249: It was a con artist, of  
18 course, which I didn't know any better at the time, and they  
19 just convinced us to put all of our things into one bag, and  
20 we took a taxi home together, and of course, the bag was  
21 stuffed with paper when we finally got to where we needed to  
22 be.

23 I mean, that was a long time ago --

24 MR. WRIGHT: Okay.

25 PROSPECTIVE JUROR NO. 249: -- I don't know why that

1 even popped into my head --

2 MR. WRIGHT: Okay.

3 PROSPECTIVE JUROR NO. 249: -- but --

4 MR. WRIGHT: You were -- you were too trusting of  
5 someone?

6 PROSPECTIVE JUROR NO. 249: Yes, I was.

7 MR. WRIGHT: Okay. Court's indulgence.

8 THE COURT: That's fine.

9 MR. WRIGHT: Pass for cause, Your Honor.

10 THE COURT: All right. Both sides pass for cause.

11 Ma'am, in a moment I'm going to excuse you for today  
12 and probably close to the end of the week. You've already  
13 provided a phone number to our bailiff. I ask that you be  
14 available so that when we contact you and tell you if and when  
15 you must report back to jury service, then of course, you have  
16 to report back.

17 In the interim, I -- you know, you're free to return  
18 to work or what have you, however, I must remind you of the  
19 admonition, you're not to discuss the case or anything  
20 relating to the case with other prospective jurors and members  
21 of your family or your friends or co-workers or anything like  
22 that.

23 You're not to read, watch, or listen to any reports  
24 of or commentaries on this case, any person or subject matter  
25 relating to the case by any medium of information, and



1 obviously, if your husband wants to watch the news, you know,  
2 you have to tell him not to watch this coverage, and  
3 certainly, he can't discuss anything he may have seen or read  
4 in the news with you.

5 Also, don't do any independent research by way of  
6 the Internet or any other medium. Don't Twitter or Facebook  
7 or anything like that about this, and please don't form or  
8 express an opinion. Also, obviously you haven't heard any  
9 evidence any evidence in this case, but you are directed not  
10 to discuss what has transpired in the courtroom, meaning you  
11 can't talk about the questions that I asked and the questions  
12 the State, Mr. Santacroce, and Mr. Wright have asked you. Do  
13 you understand that?

14 PROSPECTIVE JUROR NO. 249: Yes.

15 THE COURT: All right. Thank you, ma'am. You're  
16 free to leave for today, and just make sure our bailiff has a  
17 good number where we can reach you. All right. Thank you.

18 And, Kenny, would you bring Ms. Wiley back in.

19 Ms. Wiley, come on back in, please. You can just  
20 have a seat. Did you -- were you able to reach your  
21 supervisor --

22 PROSPECTIVE JUROR NO. 253: Yes.

23 THE COURT: -- or anybody at your work?

24 PROSPECTIVE JUROR NO. 253: Yes.

25 THE COURT: Okay. And are you able, if you're

1 selected, to go in and will they accommodate you so that you  
2 can serve?

3 PROSPECTIVE JUROR NO. 253: He said that that's not  
4 an option at this time.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 253: So I just said, Thank  
7 you.

8 THE COURT: That's all he said, That's --

9 PROSPECTIVE JUROR NO. 253: Yeah.

10 THE COURT: -- not an option and --

11 PROSPECTIVE JUROR NO. 253: Well, he said because of  
12 the time sensitivity of certain shows and certain things that  
13 we do, that he doesn't know that he could allow that.

14 THE COURT: Okay. And that's pretty much all he said  
15 about that?

16 PROSPECTIVE JUROR NO. 253: Yeah, because he would  
17 have to go to our director now after that. And I don't  
18 believe she'll be back until the beginning of May.

19 THE COURT: Okay. Does she work out of the office  
20 here?

21 PROSPECTIVE JUROR NO. 253: Yes, she does, but she's  
22 on, I think, a little bit of bed rest right now or  
23 something --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 253: -- because she's having

1 a baby soon.

2 THE COURT: Okay. Obviously I can't make your  
3 employer, unfortunately --

4 PROSPECTIVE JUROR NO. 253: Right.

5 THE COURT: -- pay you. I wish I could do that, but  
6 I can't. However, your employer can't retaliate against  
7 you --

8 PROSPECTIVE JUROR NO. 253: Right.

9 THE COURT: -- in any way because you're serving as a  
10 ---

11 PROSPECTIVE JUROR NO. 253: Oh, yeah.

12 THE COURT: -- as a jury -- you're already aware of  
13 that? All right. Ma'am, I'm going to excuse you.

14 PROSPECTIVE JUROR NO. 253: Okay.

15 THE COURT: At this point in time you still have to  
16 be available potentially for jury service.

17 PROSPECTIVE JUROR NO. 253: Oh, okay.

18 THE COURT: You've left a phone number with our  
19 bailiff where you can be reached. If you need to come back as  
20 a juror, I'll certainly be mindful of the hardship --

21 PROSPECTIVE JUROR NO. 253: Okay.

22 THE COURT: -- but I can't excuse you at this time.  
23 And before I excuse you, I must, of course, remind you of the  
24 admonition, you're not to discuss the case --

25 PROSPECTIVE JUROR NO. 253: Right.

1           THE COURT: -- or anything relating to the case with  
2 other prospective jurors or anybody else, including your  
3 family, friends, and co-workers. You're not to read, watch,  
4 listen to any reports of or commentaries on this case, any  
5 person or subject matter relating to the case.

6           Don't do any independent research on the Internet or  
7 any other medium. Don't Twitter or Facebook about anything.  
8 Don't form or express an opinion on the trial, and you are not  
9 to discuss anything that's transpired in the courtroom --

10          PROSPECTIVE JUROR NO. 253: Right.

11          THE COURT: -- with anyone else, including, of  
12 course, the questions that I asked and the questions that  
13 you've received from the lawyers.

14          PROSPECTIVE JUROR NO. 253: Okay.

15          THE COURT: All right. Thank you.

16          PROSPECTIVE JUROR NO. 253: Thank you.

17          THE COURT: Just make sure Kenny has -- our bailiff  
18 has a good number for you.

19          PROSPECTIVE JUROR NO. 253: Oh, yes.

20          THE COURT: All right.

21          PROSPECTIVE JUROR NO. 253: Thank you.

22          THE COURT: Thank you. Kenny, go ahead and bring all  
23 the other jurors in. I'm going to excuse them for lunch.

24          (Prospective jury panel entering at 1:02 p.m.)

25          THE COURT: All right. Ladies and gentlemen, first

1 of all, I'd like to thank you for your patience during this  
2 process. We are trying to move through the process as swiftly  
3 as possible. We are going to go ahead -- oh, I'm sorry, I  
4 thought everybody was in here.

5 Ladies and gentlemen, we're going to go ahead and  
6 take our lunch break. We will be in recess for the lunch  
7 break until 2:15.

8 During the lunch break, you are reminded that you're  
9 not to discuss this case or anything relating to the case with  
10 each other or with anyone else. You are not to read, watch,  
11 or listen to any reports of or commentaries on this case, any  
12 person or subject matter relating to the case. Do not do any  
13 independent research by way of the Internet or any other  
14 medium on any subject connected or related to the trial.

15 You are not to Twitter or Facebook or engage in any  
16 other social media with any kind of commentary about the  
17 trial. Additionally, you're not to form or express an opinion  
18 on the case.

19 I'm going to have all of you follow Officer Hawkes  
20 through the double-doors. Any questions about where to go?  
21 Where to meet? Anything like that, address Officer Hawkes in  
22 the courtroom, and we'll see you back here at 2:15, following  
23 the lunch recess.

24 (Prospective jury panel recessed at 1:04 p.m.)

25 THE COURT: All right. Just to put a couple of

1 things -- you all can sit down -- on the record that aren't  
2 clear from the conferences at the bench.

3 Juror No. 294, Mr. Trumpp, was excused for hardship.  
4 That was agreed to by the attorneys, somewhat reluctantly by  
5 the State, but everyone agreed he could be excused for  
6 hardship.

7 Juror 327, Mr. Hoyer, and Juror No. 336, Mr.  
8 Johnson, were both excused on for-cause challenges made by the  
9 defense, correct?

10 MR. WRIGHT: Yes.

11 THE COURT: Mr. Santacroce? Mr. Wright? Correct,  
12 State?

13 MR. SANTACROCE: Yes.

14 MR. STAUDAHER: Yes, Your Honor.

15 THE COURT: All right. We've passed three jurors at  
16 this time for cause. Two have fairly compelling hardships.  
17 I'm not going to excuse them for hardship at this time. I'm  
18 going to kind of wait, see where -- see where we are.

19 Ms. Ennon-Wilson had no hardship problems  
20 whatsoever, and no for cause -- but was passed for cause.

21 So that's where we are in the selection. Does that  
22 comport with everyone's recollection of what transpired at the  
23 bench during jury selection?

24 MR. STAUDAHER: Yes, Your Honor.

25 MR. WRIGHT: Yeah.

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1 MR. SANTACROCE: Yes, Your Honor.

2 THE COURT: Anything I've omitted to place on the  
3 record that needs to be placed on the record?

4 MR. STAUDAHER: I don't think so, Your Honor.

5 THE COURT: Nothing? All right. We'll go ahead and  
6 take our break. The courtroom will be secured, so the  
7 attorneys can leave their paperwork spread out on counsel  
8 table, if they choose to do that. The courtroom will be  
9 locked and secured, so I need everybody to exit.

10 Oh, I made a mistake --

11 MS. STANISH: Yeah, is it 2 or --

12 THE COURT: -- it was I misspoke. Well -- it was  
13 Gerald Johnson, 336 was excused.

14 MR. STAUDAHER: Yes, Gerald Johnson.

15 THE COURT: It was Gerald Johnson, Badge No. 336. So  
16 the Court has it right. The lawyers had the right person.  
17 All right. Cory Johnson has not been called up yet.

18 And while the lawyers can leave their stuff, we do  
19 need you guys all to exit so that the staff -- not right this  
20 second, but we do need -- you can leave your stuff, but we  
21 need everyone to exit because otherwise the staff can't go to  
22 lunch, which they obviously need to do, so...

23 (Court recessed from 1:07 p.m. to 2:21 p.m.)

24 THE COURT: All right. Next up is going to be Badge  
25 241, Joselyn Blanche.

1 MR. WRIGHT: Can we approach the bench?  
2 THE COURT: Sure.  
3 (Off-record bench conference.)  
4 THE COURT: Potential hardship, Joselyn -- Kenny,  
5 would you get Joselyn Blanche? Oh, goodness. I actually  
6 think we're going pretty fast.  
7 MS. STANISH: Not bad.  
8 MR. STAUDAHER: We're moving. We're moving.  
9 THE COURT: Nobody else thinks so, but I think this  
10 is moving pretty quickly for the --  
11 MS. STANISH: There's still a lot here.  
12 THE COURT: Are you Ms. Blanche?  
13 PROSPECTIVE JUROR NO. 241: Yes.  
14 THE COURT: Ms. Blanche, go ahead and have a seat  
15 there somewhere in the jury box, and just grab that microphone  
16 there on the bannister. And good afternoon.  
17 PROSPECTIVE JUROR NO. 241: Good afternoon.  
18 THE COURT: You said that serving on this jury would  
19 be a hardship for you because you work and you help support  
20 your three children?  
21 PROSPECTIVE JUROR NO. 241: Yes.  
22 THE COURT: And then your front desk?  
23 PROSPECTIVE JUROR NO. 241: Yes.  
24 THE COURT: Okay. And you work where again?  
25 PROSPECTIVE JUROR NO. 241: At Mountain Podiatry.

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1 THE COURT: Okay. And so I'm assuming that's, what,  
2 during the week --

3 PROSPECTIVE JUROR NO. 241: Yes.

4 THE COURT: -- 9 to 5 or 8 to 5 or what -- what hours  
5 do you work?

6 PROSPECTIVE JUROR NO. 241: Actually, I work from  
7 7:30 to 5.

8 THE COURT: Okay. And front desk there in the  
9 medical office?

10 PROSPECTIVE JUROR NO. 241: Yes.

11 THE COURT: Okay. What happens if you do have to  
12 serve and you're not able to go to work? Do you get paid at  
13 all, or --

14 PROSPECTIVE JUROR NO. 241: No.

15 THE COURT: Are you compensated in a salary basis or  
16 hourly or how does that work?

17 PROSPECTIVE JUROR NO. 241: It's hourly.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 241: But for any time off  
20 it's under my PTO time.

21 THE COURT: Your PTO meaning your --

22 PROSPECTIVE JUROR NO. 241: Personal time off time  
23 that I've accrued.

24 THE COURT: Okay. So you have some vacation time  
25 accrued and --

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1 PROSPECTIVE JUROR NO. 241: Yes.  
2 THE COURT: -- you don't get paid for any vacations  
3 or --  
4 PROSPECTIVE JUROR NO. 241: No.  
5 THE COURT: And your husband does what?  
6 PROSPECTIVE JUROR NO. 241: He's a machine operator  
7 for Meadow Gold Dairy.  
8 THE COURT: Okay. What hours does he work?  
9 PROSPECTIVE JUROR NO. 241: Well, this week it's 8  
10 to 4:30.  
11 THE COURT: Okay. You said you have three children?  
12 PROSPECTIVE JUROR NO. 241: Yes.  
13 THE COURT: And how old are they, again?  
14 PROSPECTIVE JUROR NO. 241: 15, 11, and 3.  
15 THE COURT: Okay. And who watches the 3 year old?  
16 PROSPECTIVE JUROR NO. 241: She goes to a preschool  
17 in the --  
18 THE COURT: During the day?  
19 PROSPECTIVE JUROR NO. 241: -- morning.  
20 THE COURT: Okay. So really, your only issue is the  
21 financial issue that you're not going to be paid for the time  
22 that you're here?  
23 PROSPECTIVE JUROR NO. 241: Correct.  
24 THE COURT: Okay. Do you -- it might be kind of  
25 hard, but what percentage of the family income do you

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1 contribute and what percentage of the family income does your  
2 husband contribute?

3 PROSPECTIVE JUROR NO. 241: I would say maybe half.

4 THE COURT: Pretty much 50/50 split?

5 PROSPECTIVE JUROR NO. 241: Correct.

6 THE COURT: Okay. Counsel, approach.

7 (Off-record bench conference.)

8 THE COURT: All right. Ma'am, I'm going to let the  
9 State in a moment follow up, but I just have a -- one other  
10 question before I do that. And you said you haven't heard  
11 anything about this case or the endoscopy clinic, or anything  
12 like that in the media?

13 PROSPECTIVE JUROR NO. 241: No.

14 THE COURT: Do you watch the news or read the paper?  
15 What kind of -- what's your television viewing habit, I guess?

16 PROSPECTIVE JUROR NO. 241: Not very much with the 3  
17 year olds.

18 THE COURT: I bet.

19 PROSPECTIVE JUROR NO. 241: More like --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 241: -- like Nick Jr. or  
22 Disney Channel.

23 THE COURT: Okay. So more kid oriented --

24 PROSPECTIVE JUROR NO. 241: Yeah.

25 THE COURT: -- type stuff? Okay. Do you get the

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1 newspaper in your home?

2 PROSPECTIVE JUROR NO. 241: No.

3 THE COURT: No? Okay. State, you can follow up.

4 MR. STAUDAHER: Thank you, Your Honor. Ma'am, a  
5 couple -- couple questions. You work at a doctor's office,  
6 correct?

7 PROSPECTIVE JUROR NO. 241: Yes. Yes.

8 MR. STAUDAHER: Is it -- how many doctors work at  
9 that -- that office?

10 PROSPECTIVE JUROR NO. 241: Just one.

11 MR. STAUDAHER: So you -- it's a sole provider -- or  
12 sole practitioner and then, you're the front-desk person?  
13 Other people work there as well?

14 PROSPECTIVE JUROR NO. 241: Yes.

15 MR. STAUDAHER: And do you work under people, or do  
16 you have any supervisory sort of roll in the position -- or in  
17 the position you're in?

18 PROSPECTIVE JUROR NO. 241: No, no supervisor. We  
19 have a -- I have a front-desk supervisor and then my office  
20 manager.

21 MR. STAUDAHER: Okay. And what's it like working  
22 there, as far as the atmosphere of the business? Is it okay?  
23 Is it fun? Is it --

24 PROSPECTIVE JUROR NO. 241: It's okay.

25 MR. STAUDAHER: -- stressful? What is it?

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1 PROSPECTIVE JUROR NO. 241: Stressful at times.

2 MR. STAUDAHER: Okay. And how so and why?

3 PROSPECTIVE JUROR NO. 241: The doctor can get very  
4 frustrated, and kind of express her feelings out openly. So  
5 it's just -- just mainly my -- my doctor right now is kind  
6 of -- she does -- if things don't go right her way, she gets a  
7 little frustrated, and kind of expresses herself in front of  
8 everyone.

9 MR. STAUDAHER: Does that affect you when you're  
10 working there when she gets frustrated?

11 PROSPECTIVE JUROR NO. 241: Sometimes.

12 MR. STAUDAHER: Now, the other people that work  
13 there, are they working up in the -- sort of the clerical side  
14 of things? Because it sounds like you're more patient  
15 scheduling, handling patients, and paperwork, things like  
16 that?

17 PROSPECTIVE JUROR NO. 241: Yes, I have two other  
18 co-workers that -- with me at the front desk.

19 MR. STAUDAHER: So there's somebody else that does  
20 that same sort of job that you do? You're one of three?

21 PROSPECTIVE JUROR NO. 241: Correct.

22 MR. STAUDAHER: Do you interchange what your  
23 positions are? I mean, do you work at the front desk  
24 sometimes, and then do some other things like billing or  
25 coding or whatever it is?

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1 PROSPECTIVE JUROR NO. 241: Yeah, we actually go  
2 back and forth between check in and check out, and sometimes  
3 insurance verifications.

4 MR. STAUDAHER: Okay. So if we're -- if you did have  
5 to serve, there would be somebody else there, obviously, that  
6 could do your job because you guys do the same type of job --

7 PROSPECTIVE JUROR NO. 241: Yes.

8 MR. STAUDAHER: -- fair?

9 PROSPECTIVE JUROR NO. 241: Yes.

10 MR. STAUDAHER: You had mentioned that you -- well,  
11 like you said, you don't watch the news, do anything like  
12 that. I mean, do you watch television programs, though?

13 PROSPECTIVE JUROR NO. 241: Yes.

14 MR. STAUDAHER: Anything about those that are -- I  
15 mean, do you watch the CSIs and the, you know, the Law &  
16 Orders and all those kinds of things, or what do you --

17 PROSPECTIVE JUROR NO. 241: Yeah.

18 MR. STAUDAHER: -- what else do you watch?

19 PROSPECTIVE JUROR NO. 241: Scandal, maybe 48 hours.

20 MR. STAUDAHER: As far as your job is concerned, I  
21 mean, did you go to any special training, or was this  
22 on-the-job training pretty much?

23 PROSPECTIVE JUROR NO. 241: No, on the job training.

24 MR. STAUDAHER: And your education?

25 PROSPECTIVE JUROR NO. 241: A high school graduate.

1 MR. STAUDAHER: No post -- post high school work to  
2 do what you're doing now?

3 PROSPECTIVE JUROR NO. 241: No.

4 MR. STAUDAHER: Has this been the primary job you've  
5 had since you got out of high school?

6 PROSPECTIVE JUROR NO. 241: No.

7 MR. STAUDAHER: What did you do before that?

8 PROSPECTIVE JUROR NO. 241: Well, before the -- my  
9 employer now, I worked for sports physical therapy front desk,  
10 as well. Prior to that I was an at-home mom for about two  
11 years. And then prior to that, I worked for a time share  
12 company.

13 MR. STAUDAHER: Now, you said that you did business  
14 in technical school, some college -- at least that -- you've  
15 marked that --

16 PROSPECTIVE JUROR NO. 241: Yes.

17 MR. STAUDAHER: -- and you said high school, so I'm a  
18 little confused?

19 PROSPECTIVE JUROR NO. 241: Yes, I did. I did do  
20 some travel and tourism classes.

21 MR. STAUDAHER: But never did anything with those?

22 PROSPECTIVE JUROR NO. 241: No.

23 MR. STAUDAHER: The 3 year old issue -- I mean, you  
24 have, at least care taken before and after, so it's not a time  
25 -- not appearing -- because the Judge will tell you that we're

1 not going to be going to 6, 7:00 at night. Be pretty much  
2 done at 5:00. That wouldn't be a problem for you?

3 PROSPECTIVE JUROR NO. 241: No.

4 MR. STAUDAHER: You know, Judge, I'm going to pass  
5 for cause.

6 THE COURT: All right. Thank you. Who would like to  
7 follow up first for the defense? Mr. -- oh, Ms. Stanish,  
8 you'd like --

9 MS. STANISH: Can I go?

10 THE COURT: -- to go first?

11 MS. STANISH: Yeah, just for something --

12 THE COURT: Sure. Go ahead.

13 MS. STANISH: -- to do.

14 Good afternoon.

15 PROSPECTIVE JUROR NO. 241: Good afternoon.

16 MS. STANISH: Ms. Blanche, how long have you worked  
17 at your current position?

18 PROSPECTIVE JUROR NO. 241: About -- a little over a  
19 year.

20 MS. STANISH: And at some point you worked at -- at a  
21 sports therapy, is that what I understood?

22 PROSPECTIVE JUROR NO. 241: Correct.

23 MS. STANISH: What did you do there?

24 PROSPECTIVE JUROR NO. 241: I was front desk as  
25 well.



1 MS. STANISH: Okay. And in either that job with the  
2 therapy facility and the podiatrist office, have you been  
3 involved in medical billing, other than verifying insurance?

4 PROSPECTIVE JUROR NO. 241: Yes. I did some medical  
5 billing for sports physical therapy.

6 MS. STANISH: And in what regard?

7 PROSPECTIVE JUROR NO. 241: I would just help put  
8 charges in.

9 MS. STANISH: You indicated on your questionnaire --  
10 we know all about you -- that you -- you had heard of a Dr.  
11 Patel?

12 PROSPECTIVE JUROR NO. 241: Correct.

13 MS. STANISH: Tell me what -- what you've heard about  
14 him.

15 PROSPECTIVE JUROR NO. 241: Well, I haven't really  
16 heard anything about him, we've just had patients referred  
17 from his office.

18 MS. STANISH: And do you have a negative or positive  
19 impression of him one way or the other?

20 PROSPECTIVE JUROR NO. 241: No.

21 MS. STANISH: At your medical office, have you --  
22 have you heard anything about this case? It was summarized  
23 this morning, so long ago -- do you -- does this case ring a  
24 bell, the facts of the case?

25 PROSPECTIVE JUROR NO. 241: No.

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1 MS. STANISH: We anticipate that this case could take  
2 about six weeks. Does that present any concern for you?

3 PROSPECTIVE JUROR NO. 241: Just not being able to  
4 go to work, that's it.

5 MS. STANISH: What does your sister do for Sierra  
6 Insurance?

7 PROSPECTIVE JUROR NO. 241: Actually, she no longer  
8 works for Sierra, but she just greeted the actual patients  
9 that would walk into the main building.

10 MS. STANISH: Is she currently working in --

11 PROSPECTIVE JUROR NO. 241: She is not in the  
12 medical field.

13 MS. STANISH: All right. Ages 3 to 15, I know what  
14 you do with your free time. You don't have any. I wanted to  
15 discuss the answer to one of your questions, and I just can't  
16 find it right now. So bear with me. I'm sorry.

17 PROSPECTIVE JUROR NO. 241: No problem.

18 MS. STANISH: Here we go. There was a question about  
19 whether you believe sometimes that mistakes are made and that  
20 -- or that they just happen, and that no one is at fault. And  
21 you responded, Yes and no, people do make mistakes, but I do  
22 believe that it is someone's fault and they must be held  
23 accountable.

24 You understand that in the context of this case in  
25 this courtroom this is a criminal case, correct?

1 PROSPECTIVE JUROR NO. 241: Yes.

2 MS. STANISH: Is -- do you have any ideas or leanings  
3 one way or the other about this case, based on what you heard  
4 this morning between Mr. Staudaher and Mr. Wright about the  
5 description of the case?

6 PROSPECTIVE JUROR NO. 241: No, I mean -- I guess I  
7 don't understand the question.

8 MS. STANISH: You've heard about the description of  
9 the case --

10 PROSPECTIVE JUROR NO. 241: Correct.

11 MS. STANISH: -- and that this involves the  
12 transmission of hepatitis C at a medical clinic, and Mr.  
13 Lakeman and Dr. Desai here, are accused of various offenses.  
14 Based on what you just heard in court this morning about the  
15 description of the case, do you -- do you have any feelings  
16 one way or the other as to whether these men should be held  
17 accountable or at --

18 PROSPECTIVE JUROR NO. 241: No, I don't have any --

19 MS. STANISH: -- fault?

20 PROSPECTIVE JUROR NO. 241: -- feelings.

21 MS. STANISH: So you can keep an open mind and listen  
22 to the evidence?

23 PROSPECTIVE JUROR NO. 241: Yes.

24 MS. STANISH: And -- you know, when you say that  
25 someone has to be accountable for their mistakes, the -- in a

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1 criminal case, you understand that these men are presumed  
2 innocent and the State has to prove beyond a reasonable doubt  
3 that they are guilty. Can you accept that and follow that  
4 rule?

5 PROSPECTIVE JUROR NO. 241: Yes.

6 MS. STANISH: Okay. Pass for cause, Your Honor.

7 THE COURT: Thank you. Mr. Santacroce?

8 MR. SANTACROCE: Thank you, Your Honor.

9 Ms. Blanche, you mentioned earlier about your  
10 relationship with the doctor that you currently work for --

11 PROSPECTIVE JUROR NO. 241: Yes.

12 MR. SANTACROCE: -- and that sometimes it can be a  
13 little stressful?

14 PROSPECTIVE JUROR NO. 241: Yes.

15 MR. SANTACROCE: What is your opinion of doctors in  
16 general?

17 PROSPECTIVE JUROR NO. 241: In general? The ones  
18 that I've dealt with, I mean, most of them are good at what  
19 they do, but then you'll find some that are not really good at  
20 what they do.

21 MR. SANTACROCE: And as an employee of a doctor,  
22 sometimes as you pointed out, it can be very stressful,  
23 correct?

24 PROSPECTIVE JUROR NO. 241: Yes.

25 MR. SANTACROCE: And so how does that relationship

1 with the doctor work out for you?

2 PROSPECTIVE JUROR NO. 241: I mean, it's -- our  
3 relationship, it's good, it's -- you know, business-wise, but,  
4 I mean, I don't bring any personal issues or anything personal  
5 into the office. It's just business.

6 MR. SANTACROCE: And you said that you work from,  
7 like, 7:30 to 6, so I'm presuming that it can be a very  
8 demanding job --

9 PROSPECTIVE JUROR NO. 241: Oh, yes.

10 MR. SANTACROCE: -- correct?

11 PROSPECTIVE JUROR NO. 241: Yes.

12 MR. SANTACROCE: And the doctors can be very  
13 demanding of you?

14 PROSPECTIVE JUROR NO. 241: Yes.

15 MR. SANTACROCE: Now, with regard to the medical  
16 billing experience that you've had, other than the -- the  
17 verification, what's been your experience, like, with medical  
18 insurance companies?

19 PROSPECTIVE JUROR NO. 241: Oh, calling and  
20 verifying insurances, sometimes can be very tedious. You'll  
21 get someone from the insurance end where they just kind of  
22 want to rush through, you know, getting the benefit  
23 information when it's, you know, it's to the -- the patient's  
24 benefit for us to get the actual benefit for them for when  
25 they come into the office.

1           So sometimes you'll get someone that really just  
2 doesn't want to help you out or doesn't want to do their job.

3           MR. SANTACROCE: Okay. And in your practice now, do  
4 you bill by procedure? Is there a code that you bill by?

5           PROSPECTIVE JUROR NO. 241: Yes.

6           MR. SANTACROCE: So the doctor would fill out a sheet  
7 for you with a procedure number, and you would just bill that;  
8 is that correct?

9           PROSPECTIVE JUROR NO. 241: Correct.

10          MR. SANTACROCE: And it's been your experience that  
11 the medical providers pay -- pay for those procedures?

12          PROSPECTIVE JUROR NO. 241: I'm sorry?

13          MR. SANTACROCE: Has it been your experience that the  
14 medical providers pay for those procedures?

15          PROSPECTIVE JUROR NO. 241: Yes.

16          MR. SANTACROCE: You mentioned earlier that you watch  
17 shows like CSI and things like that?

18          PROSPECTIVE JUROR NO. 241: Yes.

19          MR. SANTACROCE: In this particular case there's  
20 going to be a lot of medical experts that are going to  
21 testify. Do you give any greater weight to those medical  
22 people than you would a layperson?

23          PROSPECTIVE JUROR NO. 241: No.

24          MR. SANTACROCE: Is that a no?

25          PROSPECTIVE JUROR NO. 241: Yeah. Sorry, no.

UNCERTIFIED ROUGH DRAFT

1 MR. SANTACROCE: Okay. So you would treat each of  
2 the people that testify -- their testimony would be based upon  
3 what you believe their credibility is, experience and  
4 knowledge, correct?

5 PROSPECTIVE JUROR NO. 241: Correct.

6 MR. SANTACROCE: And you wouldn't favor one side or  
7 the other?

8 PROSPECTIVE JUROR NO. 241: No.

9 MR. SANTACROCE: Now, I'm concerned about this  
10 financial hardship that you mentioned, because I don't want  
11 you to be sitting up here worried about your job, I need you  
12 to be paying attention, and not worrying about what's going on  
13 outside. Can -- are you confident you can do that?

14 PROSPECTIVE JUROR NO. 241: Probably not. We just  
15 bought a new house, and so me going to work every day is  
16 something that, you know, I have to do.

17 MR. SANTACROCE: It's imperative?

18 PROSPECTIVE JUROR NO. 241: Correct.

19 MR. SANTACROCE: And by serving on the jury it would  
20 present a --

21 PROSPECTIVE JUROR NO. 241: It would be a hardship.

22 MR. SANTACROCE: -- great financial hardship?

23 PROSPECTIVE JUROR NO. 241: Yes.

24 THE COURT: So are you worried about not being able  
25 to make your monthly mortgage payments?

1 PROSPECTIVE JUROR NO. 241: Yes.

2 THE COURT: And -- and that depends -- I guess, those  
3 -- what you're saying is those are dependent on both your  
4 income and your husband's income?

5 PROSPECTIVE JUROR NO. 241: Correct.

6 THE COURT: Does he have the kind of job where he can  
7 pick up extra hours or anything like that? Or is it pretty  
8 much like a set 40-hour week? Or --

9 PROSPECTIVE JUROR NO. 241: It's actually a set  
10 40-hour week. They just started layoffs at his job, so --  
11 yeah.

12 MR. SANTACROCE: I pass for cause, Your Honor.

13 THE COURT: All right. Thank you. Ms. Blanche,  
14 we're certainly going to be mindful of your hardship  
15 situation. I'm going to excuse you at this time, not from  
16 total service, but again, we're mindful -- I'm mindful of this  
17 situation that you have. You're free to leave today. You're  
18 free to go back to work for the rest of the week. You've  
19 provided a phone number to our bailiff, and you just need to  
20 be able to be reached, you know, we'll either excuse you, or  
21 if you do have to come back, then you have to be available to  
22 report when we tell you to. But again --

23 PROSPECTIVE JUROR NO. 241: Okay.

24 THE COURT: -- I am cognizant of your situation. And  
25 thank you. And of course, I do need to remind you of the



1 admonition --

2 PROSPECTIVE JUROR NO. 241: Yes.

3 THE COURT: -- that you're still, you know, not to  
4 discuss the case, or anything relating to the case, and you  
5 still can't read, watch, listen to any reports of, or  
6 commentaries of anything relating to the case. And of course,  
7 once again, don't form or express an opinion, do research,  
8 Twitter, Facebook, any of that relating to anything concerning  
9 this matter.

10 And thank you for being here today, and just put the  
11 microphone in the chair, something like that, and again, you  
12 are --

13 PROSPECTIVE JUROR NO. 241: Thank you.

14 THE COURT: All right. Mr. Wright, do you need a  
15 moment?

16 MR. SANTACROCE: What are we moving onto next, Your  
17 Honor?

18 THE COURT: Next, I took it a little bit out of  
19 order. Angela Sears, Badge No. 135. She's the one that --  
20 with the possible religious problem with serving.

21 We may go 'til about 6 tonight, because I'm going to  
22 get as many people out of here as we can, so we don't have a  
23 bunch of people having to --

24 Next up, Mr. Wright, Ms. Stanish, is going to be  
25 Badge No. 135, Angela Sears. She expressed religious

1 difficulty with serving.

2 MR. WRIGHT: Thank you.

3 THE COURT: Kenny, go get Angela Sears, Badge No.  
4 135.

5 THE MARSHAL: Yes, Judge.

6 THE COURT: Thank you. And while Kenny's doing that,  
7 I'll see counsel up at the bench.

8 (Off-record bench conference.)

9 THE COURT: Ms. Sears, if you'd just have a seat  
10 there in the jury box?

11 THE MARSHAL: There's a microphone right there, just  
12 make sure you hold it up to your mouth --

13 PROSPECTIVE JUROR NO. 135: To the microphone?

14 THE MARSHAL: -- before speaking. Yes, ma'am.

15 THE COURT: And good afternoon to you.

16 PROSPECTIVE JUROR NO. 135: Hello.

17 THE COURT: Just have a seat. I wanted to follow up  
18 on something you wrote in your questionnaire. You indicated  
19 that serving as a juror in this case could be a hardship for  
20 you because you have small children and you go to school; is  
21 that right?

22 PROSPECTIVE JUROR NO. 135: Yes, ma'am.

23 THE COURT: And how old are your children?

24 PROSPECTIVE JUROR NO. 135: I have a 3 and a 4 year  
25 old.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: And who watches that -- you don't work  
2 outside of the home? You're a full-time student or a  
3 part-time --

4 PROSPECTIVE JUROR NO. 135: No, I work and -- I work  
5 and go to school full-time.

6 THE COURT: Okay. Where do you go to school?

7 PROSPECTIVE JUROR NO. 135: At CSN.

8 THE COURT: Okay. And that's during the daytime or  
9 in the --

10 PROSPECTIVE JUROR NO. 135: That's when I get off  
11 work, I go right to school.

12 THE COURT: Okay. And what do you do for a job,  
13 again?

14 PROSPECTIVE JUROR NO. 135: I'm a guest room  
15 attendant.

16 THE COURT: A guest room attendant?

17 PROSPECTIVE JUROR NO. 135: Yes, ma'am.

18 THE COURT: Where do you work?

19 PROSPECTIVE JUROR NO. 135: At the Riviera Hotel and  
20 Casino.

21 THE COURT: Okay. And then you have two small  
22 children. Who watches your children when you're at work  
23 and --

24 PROSPECTIVE JUROR NO. 135: They go to --

25 THE COURT: -- at school?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 135: -- school.

2 THE COURT: I'm sorry?

3 PROSPECTIVE JUROR NO. 135: They go to school.

4 THE COURT: And then when you're at school yourself,  
5 who watches them?

6 PROSPECTIVE JUROR NO. 135: My daughter picks up my  
7 children for me until I get off.

8 THE COURT: Okay. And then -- so your hardship is  
9 more with missing school or that -- watching your children,  
10 or?

11 PROSPECTIVE JUROR NO. 135: Well, I don't like  
12 people to -- like to depend on people basically, to watch my  
13 kids a lot, and I'm trying to, you know, get my schooling and  
14 stuff together also.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 135: And it's really hard  
17 doing Monday through -- Monday through Wednesday is, like, a  
18 full day for me 5:00 in the morning, 8:00 at night.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 135: And then you know, so...

21 THE COURT: What are you studying at CSN?

22 PROSPECTIVE JUROR NO. 135: I'm studying to be a  
23 business -- business administration and also radiology.

24 THE COURT: Okay. Are you missing any exams or  
25 anything like that while you're here over the next couple

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1 weeks?

2 PROSPECTIVE JUROR NO. 135: We have our midterm -- I  
3 mean, our final exams, I do believe May 8.

4 THE COURT: Okay. Now, if you do have to serve, they  
5 do have to let you make up those exams.

6 PROSPECTIVE JUROR NO. 135: What? Oh, okay.

7 THE COURT: Let me ask you this -- in the next  
8 question it says, Do you have any religious beliefs that would  
9 make it difficult for you, and you said, Yes, that you believe  
10 God should be the judge and jury. Is that based on a formal  
11 religion you belong to, or is that just more your own personal  
12 view that you've sort of developed?

13 PROSPECTIVE JUROR NO. 135: No, I do believe that to  
14 a certain extent. Because on one -- that's the question -- I  
15 did answer that in another question, I also believe in eye for  
16 an eye and so forth and so on. It all depends, you know?

17 THE COURT: Okay. Now, the jury in this case -- the  
18 function of the jury in a case like this is to listen to the  
19 evidence and then make the determination as to whether the  
20 State has proven the defendant's guilt of each crime charged  
21 beyond a reasonable doubt. Do you understand that?

22 PROSPECTIVE JUROR NO. 135: Mm-hmm.

23 THE COURT: You have to answer yes or no.

24 PROSPECTIVE JUROR NO. 135: Oh, I'm sorry.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 135: Yes.

2 THE COURT: Is that something you would be able to do  
3 if you were selected as a juror in this case? You don't have  
4 to -- you know, it's up to -- if and only if a defendant is  
5 found guilty, then it becomes the duty of the Court to  
6 pronounce sentence. So we don't ask the jurors to determine  
7 what the appropriate sentence or punishment is. The sole  
8 function of the jury is to decide whether the defendant is  
9 guilty or not guilty from the evidence that's presented during  
10 the trial. Is that something that you would be able to do if  
11 you are selected to serve in this case?

12 PROSPECTIVE JUROR NO. 135: Yes.

13 THE COURT: Okay. And then you do have somebody to  
14 watch your children, but you're more concerned, just, you  
15 don't like to ask for favors and things like that?

16 PROSPECTIVE JUROR NO. 135: I'm -- I'm very  
17 independent, yes.

18 THE COURT: Okay. And now, is the children's father,  
19 is he in the picture?

20 PROSPECTIVE JUROR NO. 135: No.

21 THE COURT: Okay. So it's kind of all up to you?

22 PROSPECTIVE JUROR NO. 135: Yes.

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

24 State, you may follow-up with this prospective  
25 juror.

1 MR. STAUDAHER: You mentioned in your -- through your  
2 background, your education, that you had gone to Pima; is that  
3 correct?

4 PROSPECTIVE JUROR NO. 135: Yes, Pima Medical  
5 Institution, yes.

6 MR. STAUDAHER: So that was a --

7 MR. SANTACROCE: I can't hear. I'm sorry.

8 PROSPECTIVE JUROR NO. 135: Pima Medical  
9 Institution.

10 MR. SANTACROCE: Okay.

11 MR. STAUDAHER: So that was as a medical assistant?

12 PROSPECTIVE JUROR NO. 135: Yes.

13 MR. STAUDAHER: Did you -- I mean, how -- that was  
14 2007 to 2009, so did --

15 PROSPECTIVE JUROR NO. 135: Yes.

16 MR. STAUDAHER: -- you end up with a degree or  
17 something afterward or a certificate or something?

18 PROSPECTIVE JUROR NO. 135: Yes.

19 MR. STAUDAHER: Is that something that you -- you  
20 currently use or have used in your employment?

21 PROSPECTIVE JUROR NO. 135: No, I haven't used it.  
22 Not yet.

23 MR. STAUDAHER: So you've got that, now, you're  
24 working at the Riviera, right?

25 PROSPECTIVE JUROR NO. 135: No, I -- I was working

1 at the Riviera before I received that.

2 MR. STAUDAHER: Oh, okay.

3 PROSPECTIVE JUROR NO. 135: I was trying to get out  
4 of the housekeeping field, so I was going into the medical  
5 field. And from there I was taking it to be radiology.

6 MR. STAUDAHER: So you want to go into radiology; is  
7 that right?

8 PROSPECTIVE JUROR NO. 135: Have my own business as  
9 a radiology, so I'm taking -- yes.

10 MR. STAUDAHER: Okay. So that was sort of a stepping  
11 stone to get to that, or was it --

12 PROSPECTIVE JUROR NO. 135: Correct.

13 MR. STAUDAHER: -- okay. So you're going to build on  
14 that then; is that right?

15 PROSPECTIVE JUROR NO. 135: Yes.

16 MR. STAUDAHER: Okay. And right now you're trying to  
17 get the business side of things so that you can go in and  
18 -- and have your own business itself?

19 PROSPECTIVE JUROR NO. 135: Yes.

20 MR. STAUDAHER: Okay. As far as the -- obviously  
21 you've got the kids worked out, clearly. I mean, as far as  
22 coverage for your children when you're going to school and  
23 working and doing all of that?

24 PROSPECTIVE JUROR NO. 135: Yes.

25 MR. STAUDAHER: When you were, sort of, in school --

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1 I mean, I know that you have, maybe finals or you have some  
2 tests coming up the first week of May, is that the end of your  
3 school then, or do you have something going on after that?

4 PROSPECTIVE JUROR NO. 135: No, school is over then.

5 MR. STAUDAHER: So that would be -- at least the  
6 school issue would be over at that point for you?

7 PROSPECTIVE JUROR NO. 135: Yes.

8 MR. STAUDAHER: Okay. As far as studying, are these  
9 a lot of classes that you're taking, or are you just taking  
10 one or two classes right now?

11 PROSPECTIVE JUROR NO. 135: No, I take four  
12 full-time classes.

13 MR. STAUDAHER: So you're really almost a full-time  
14 student, even though you're working full-time as well?

15 PROSPECTIVE JUROR NO. 135: Yes.

16 MR. STAUDAHER: The question that I wanted to ask you  
17 about, kind of -- and you kind of touched on it a little bit  
18 when you were talking to the Judge a moment ago, was this  
19 issue of your religious beliefs about, you know, God's the  
20 judge, or -- or whatever, and then, you also said that you  
21 also believe an eye for an eye and you've got to have --  
22 you're sort of responsible for your own actions, that kind of  
23 thing.

24 Can you explain to me how that kind of goes hand in  
25 hand with each other? I mean, does -- is there real -- I'm

1 trying to figure out how that works because if you --

2 PROSPECTIVE JUROR NO. 135: That's --

3 MR. STAUDAHER: -- don't want --

4 PROSPECTIVE JUROR NO. 135: -- that's --

5 MR. STAUDAHER: -- to judge, then how do you --  
6 what's the eye for an eye thing?

7 PROSPECTIVE JUROR NO. 135: -- oh, that's just how I  
8 feel. I don't judge other people with their situations, but  
9 if something, like, for me and mine, like, I'm -- I'm, like,  
10 I'm independent, a single mother, so when it comes to my kids  
11 or something in my -- someone in my family, I'm more like, you  
12 know what I'm saying, like a bull. It's, like, don't -- like,  
13 I always tell my kids -- because my oldest daughter watches my  
14 son, and just an example, sorry --

15 THE COURT: That's all right.

16 PROSPECTIVE JUROR NO. 135: -- but she walked into  
17 the store, and I'm, like, if my son gets hit by the car -- and  
18 she, like, I know, mom, I better get hit by the same car,  
19 right, because you're not protecting my kid. So it's, like,  
20 that's how -- that's how I feel. I don't -- like, as a -- I  
21 don't play when it comes to my kids and my family. So it's,  
22 like -- but I mean, as far as, like -- like, the situation is,  
23 it's, like, I don't judge other people, you know what I'm  
24 saying?

25 MR. STAUDAHER: When --

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 135: But if I personally see  
2 something happening, I'm, like, oh, well, you know, that's not  
3 right, or -- you know what I'm saying? Or something like  
4 that.

5 MR. STAUDAHER: Well, if you were a juror in this  
6 case --

7 PROSPECTIVE JUROR NO. 135: Mm-hmm.

8 MR. STAUDAHER: -- and you were -- you know,  
9 obviously you haven't made any decision and you shouldn't have  
10 because there's been no evidence presented, anything like that  
11 at this point, right?

12 PROSPECTIVE JUROR NO. 135: Correct.

13 MR. STAUDAHER: I mean, he's innocent -- they're --  
14 both of them are innocent at this stage until the State proves  
15 otherwise --

16 PROSPECTIVE JUROR NO. 135: Right.

17 MR. STAUDAHER: -- correct? But if you, at the -- if  
18 you were a juror and you're listening to the evidence come in,  
19 and then, the -- at the very end the Judge instructs you on  
20 the law, that means, how to apply the evidence to the law that  
21 the Judge gives you, was -- is that something that you could  
22 do?

23 PROSPECTIVE JUROR NO. 135: Well, I mean, like,  
24 when -- if the evidence is presented to me, and it's, like,  
25 I'm, like, well, I could be optimistic with it -- that's a big

1 word, I'm sorry, I'm trying to use it, optimistic with the  
2 decision because it all depends on how I'm -- I might have a  
3 different view than somebody else --

4 MR. STAUDAHER: Certainly.

5 PROSPECTIVE JUROR NO. 135: -- you know what I'm  
6 saying? So it will be, like, well, maybe not, or well, could  
7 this right here have happened also? You know, so it's, like,  
8 that's how I look at stuff. But also it's, like, to a point  
9 where -- I mean, it didn't happen to my family, so it's,  
10 like -- I'm, like, oh, well, you know?

11 THE COURT: Well, I think what we're asking you is,  
12 if you're selected as a juror in this case, you know, would  
13 you be able to consider the evidence and discuss it with your  
14 fellow jurors, and then, you know, say, yes, I think the State  
15 proved the defendant's guilt beyond a reasonable doubt and  
16 vote, guilty, or if you didn't think so, if you thought, you  
17 know what, I just don't think they proved it to me, raise your  
18 hand and vote not guilty and make a decision --

19 PROSPECTIVE JUROR NO. 135: Yes.

20 THE COURT: -- after discussing it. That's what we  
21 want.

22 PROSPECTIVE JUROR NO. 135: Yes.

23 THE COURT: Or would you be somebody, no, I have  
24 religious beliefs, and I can't -- I can't vote. I can't  
25 participate. You would be able to participate and discuss and

1 consider and then vote one way or the other? Is that -- is  
2 that what you could do?

3 PROSPECTIVE JUROR NO. 135: Sure, I -- I do believe  
4 so. I mean...

5 THE COURT: Okay.

6 MR. STAUDAHER: Now, you --

7 THE COURT: And let me ask you this. I mean, you do  
8 have, maybe, some exams coming up, is this something that -- I  
9 mean, would you like to be a juror, or do you feel more like  
10 you just want to be excused and -- and go back to --

11 PROSPECTIVE JUROR NO. 135: Well, I -- I would  
12 rather be --

13 THE COURT: -- go back to school?

14 PROSPECTIVE JUROR NO. 135: -- excused because of  
15 all of the stuff that I have. I have -- I already have a lot  
16 on my -- on my back and my shoulders.

17 THE COURT: Kids, full-time work --

18 PROSPECTIVE JUROR NO. 135: Right. And I --

19 THE COURT: -- full-time school.

20 PROSPECTIVE JUROR NO. 135: -- and I mean, I have  
21 six kids, so -- I mean, I have -- I'm constantly on the go, on  
22 the go, on the go. I'm out there calling constant with the  
23 kids, going okay, make sure you -- don't forget to pick your  
24 sister up, you know, so I have certain days that I got certain  
25 people picking up my kids.

1 THE COURT: Okay. But if we made -- I mean, if --  
2 because --

3 PROSPECTIVE JUROR NO. 135: If push come to shove  
4 and I have to, then I have to --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 135: -- but --

7 THE COURT: And, you know, we're not -- we're  
8 sympathetic to all of that, but of course, you know, everybody  
9 has hardships with child care or elder care or their jobs and  
10 schooling, and so, unfortunately we can't excuse people simply  
11 because they have difficulties --

12 PROSPECTIVE JUROR NO. 135: Mm-hmm.

13 THE COURT: -- in serving. All right. Thank you.  
14 Go on, Mr. Staudaher.

15 MR. STAUDAHER: Just a couple of things. You had --  
16 you said you had six children?

17 PROSPECTIVE JUROR NO. 135: Yes.

18 MR. STAUDAHER: Because you listed four down --

19 PROSPECTIVE JUROR NO. 135: I have --

20 MR. STAUDAHER: -- here.

21 PROSPECTIVE JUROR NO. 135: -- six, total.

22 MR. STAUDAHER: Total. Are -- are just four living  
23 with you --

24 PROSPECTIVE JUROR NO. 135: Yes.

25 MR. STAUDAHER: -- currently?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 135: Yes.

2 MR. STAUDAHER: Okay. So the others are --

3 PROSPECTIVE JUROR NO. 135: 15, 11, 3, and 4.

4 MR. STAUDAHER: Are the ones that are with you?

5 PROSPECTIVE JUROR NO. 135: Yes.

6 MR. STAUDAHER: And the others, are they older,  
7 younger, I mean --

8 PROSPECTIVE JUROR NO. 135: Yeah, they're my 21 and  
9 20 year old.

10 MR. STAUDAHER: So they're on their own?

11 PROSPECTIVE JUROR NO. 135: Yes.

12 MR. STAUDAHER: Okay. Again, the -- as the Judge  
13 said, the only issue that I really have to make sure about is  
14 that -- this whole issue of you being able to make a decision,  
15 even though you -- did it help when the Judge told you that it  
16 was up to the Judge to make a determination if there was a  
17 finding of guilt, and only then, as to the punishment, that  
18 you wouldn't have to make that decision. Does that help you  
19 at all in your religious side of things?

20 PROSPECTIVE JUROR NO. 135: Well, yeah, but then  
21 it's, like, I'm a part of that decision somewhat, but -- it --  
22 she explained it perfectly to me, so...

23 MR. STAUDAHER: Okay. Pass for cause, Your Honor.

24 THE COURT: Thank you. Who would like to go first  
25 for the Defense? Mr. Santacroce?

UNCERTIFIED ROUGH DRAFT

1 MR. SANTACROCE: Good afternoon, Ms. Sears, how are  
2 you?

3 PROSPECTIVE JUROR NO. 135: Fine, and yourself?

4 MR. SANTACROCE: I'm more concerned about your  
5 schedule than I am about your religious beliefs. You said  
6 that you had four classes, so you're a full-time student?

7 PROSPECTIVE JUROR NO. 135: Yes.

8 MR. SANTACROCE: What -- when do you go to school?  
9 What's your schedule for school?

10 PROSPECTIVE JUROR NO. 135: I go to -- I go to  
11 school from 6 to 8 --

12 MR. SANTACROCE: 6 --

13 THE COURT: In the evening?

14 MR. SANTACROCE: -- in the evening?

15 PROSPECTIVE JUROR NO. 135: Yes. I get off work, I  
16 work 9 to 5, I get off work at 5:00, I go right to school.  
17 And from Monday -- Mondays and Wednesdays, I'm 6 to 8,  
18 Tuesdays, I'm 6 to 8:50.

19 THE COURT: And then Friday you have off?

20 PROSPECTIVE JUROR NO. 135: Friday there's no  
21 school.

22 THE COURT: Okay. And then whatever --

23 PROSPECTIVE JUROR NO. 135: And Thursday's no --

24 THE COURT: -- exams and --

25 PROSPECTIVE JUROR NO. 135: -- school.

UNCERTIFIED ROUGH DRAFT



1 THE COURT: -- everything would obviously be in the  
2 evening time?

3 PROSPECTIVE JUROR NO. 135: Yeah. When I get off,  
4 yeah.

5 THE COURT: Okay.

6 MR. SANTACROCE: So if you were chosen to serve on  
7 the jury you would have to leave from here to go to school.  
8 Would you continue to do that, go to school --

9 PROSPECTIVE JUROR NO. 135: Yes, I would --

10 MR. SANTACROCE: -- at night?

11 PROSPECTIVE JUROR NO. 135: -- I would have -- yes.  
12 I would have to.

13 MR. SANTACROCE: And you -- that would entail  
14 preparing for exams, doing homework, when do you have time to  
15 do homework? Do you have a schedule for that?

16 PROSPECTIVE JUROR NO. 135: I do my homework on  
17 Thursdays --

18 MR. SANTACROCE: During the day?

19 PROSPECTIVE JUROR NO. 135: -- after work.

20 MR. SANTACROCE: After work?

21 PROSPECTIVE JUROR NO. 135: Mm-hmm.

22 MR. SANTACROCE: So do you think that you will  
23 negatively affected for school if you have to serve on this  
24 jury?

25 PROSPECTIVE JUROR NO. 135: Well, I mean, I -- I

1 think so because I would have a lot of, like, so much going  
2 on. I have to think about the jury, and my stuff trying to  
3 get my school and stuff together.

4 MR. SANTACROCE: And you understand that there's some  
5 very serious charges in this case --

6 PROSPECTIVE JUROR NO. 135: Yes.

7 MR. SANTACROCE: -- and we would want you to be fully  
8 alert during the day --

9 PROSPECTIVE JUROR NO. 135: Yes.

10 MR. SANTACROCE: -- so do you think you could manage  
11 that?

12 PROSPECTIVE JUROR NO. 135: No.

13 MR. SANTACROCE: Okay.

14 THE COURT: Now, if you are --

15 MR. SANTACROCE: I don't either, but --

16 THE COURT: -- selected to serve, your school does  
17 have to allow you to, you know, make up the work. That could  
18 delay, you know, your graduation or delay completion of  
19 certain coursework, but they -- they can't penalize you, in  
20 other words, for being on the jury.

21 PROSPECTIVE JUROR NO. 135: Okay.

22 MR. SANTACROCE: But it would delay you from -- I  
23 don't know, what year are you --

24 THE COURT: It could.

25 MR. SANTACROCE: -- are you close to being finished,

1 or?

2 PROSPECTIVE JUROR NO. 135: Yeah, I'm in my last  
3 year.

4 MR. SANTACROCE: You're in your last year, so there's  
5 a possibility that it could delay that. Are you aware of  
6 that?

7 PROSPECTIVE JUROR NO. 135: Yes.

8 MR. SANTACROCE: So, I guess, to sum it up would it  
9 be a hardship for you to serve on the jury?

10 PROSPECTIVE JUROR NO. 135: Yes.

11 MR. SANTACROCE: Not to mention the four children you  
12 have to take care of after work, after school, and then take  
13 care of the children's needs, correct?

14 PROSPECTIVE JUROR NO. 135: Right.

15 MR. SANTACROCE: I take it that your religious  
16 beliefs are very dear to you, correct?

17 PROSPECTIVE JUROR NO. 135: Yes.

18 MR. SANTACROCE: Otherwise you wouldn't have made --  
19 wrote this statement. So you have a strong spiritual need and  
20 a spiritual desire, and a spiritual belief, correct?

21 PROSPECTIVE JUROR NO. 135: Yes, to a certain  
22 extent. When it come -- like I just -- like I explained, when  
23 it -- I'm very defensive when it comes to my kids and my  
24 family.

25 MR. SANTACROCE: Are you a Bible reader?

UNCERTIFIED ROUGH DRAFT

1 PROSPECTIVE JUROR NO. 135: Of course.

2 MR. SANTACROCE: So when the Bible says "Judge not,  
3 lest you be judged," what does that mean to you?

4 PROSPECTIVE JUROR NO. 135: Don't judge anybody  
5 else, or you'll be judged also.

6 MR. SANTACROCE: And as it relates to this case, how  
7 does that affect you?

8 PROSPECTIVE JUROR NO. 135: Don't judge -- I'm not  
9 the one to be judge. I can't judge anybody else because I'm  
10 not God, so...

11 MR. SANTACROCE: Well, you'll be sitting in that  
12 position as a juror, possibly. Would you be able to be fair  
13 and impartial and to judge my client and the doctor that's  
14 sitting there?

15 PROSPECTIVE JUROR NO. 135: No way, bro. So  
16 confusing. I don't -- I don't know.

17 MR. SANTACROCE: Well, it's --

18 PROSPECTIVE JUROR NO. 135: Could you put --

19 MR. SANTACROCE: -- important to us to know, and I  
20 don't mean to press you on it, and I don't mean to pry into  
21 your beliefs because I know that they are sacred to you, but  
22 we need to know if you can do that or not do that?

23 PROSPECTIVE JUROR NO. 135: I don't know.

24 MR. SANTACROCE: Okay. I don't have any further  
25 questions.

1           THE COURT: All right. And, ma'am, when you say  
2 you're concerned about judging and Mr. Santacroce used the  
3 term "judge," and I think that was the term you used in your  
4 questionnaire, what did you mean "judge," that --

5           PROSPECTIVE JUROR NO. 135: I don't judge -- I don't  
6 judge other people.

7           THE COURT: Meaning what?

8           PROSPECTIVE JUROR NO. 135: Meaning that -- I mean,  
9 who am I to judge, I'm just -- you know, I'm like -- basically  
10 I'm a nobody trying to judge somebody else, and I don't -- I  
11 don't judge other people or what they do or anything like  
12 that, that's not my job. God is the judge, I'm not.

13          THE COURT: Okay.

14          PROSPECTIVE JUROR NO. 135: So --

15          THE COURT: Now, having said that, do you still think  
16 that if you're a juror you could make a determination, you  
17 know, whether someone is guilty or not guilty of the charges?  
18 Because that's the -- the role of the jury, not to -- to  
19 pass judgment on them in terms of what should happen  
20 thereafter, meaning what a punishment should be or anything  
21 like that. That is the sole function of the jury, guilty or  
22 not guilty. Can you do that?

23          PROSPECTIVE JUROR NO. 135: I don't know. Do I have  
24 to give a yes or a no?

25          THE COURT: I'm sorry?

UNCERTIFIED ROUGH DRAFT

1           PROSPECTIVE JUROR NO. 135: Do I have to say a yes  
2 or a no?

3           THE COURT: Yes.

4           PROSPECTIVE JUROR NO. 135: I don't know. Well, I  
5 guess it would be no.

6           THE COURT: Okay. And -- and why did you say no?

7           PROSPECTIVE JUROR NO. 135: Because I don't want  
8 to -- because just like you said, you're -- you have -- you  
9 would lay down the law or whatever, but I would be part of  
10 that. I don't want to judge, I don't judge people as far as  
11 what they do and how they do stuff.

12          THE COURT: Okay.

13          PROSPECTIVE JUROR NO. 135: Do you know what I'm  
14 saying?

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

16                   (Off-record bench conference.)

17          THE COURT: Ma'am, we're going to go ahead and excuse  
18 you at this point. You have a lot on your plate with exams  
19 and everything coming up, so we're going to go ahead and  
20 excuse you from jury service.

21                 But before you leave, I must tell you under Court --  
22 you're not to discuss what's transpired in the courtroom with  
23 anybody else, meaning the questions and why you were excused  
24 and all of that, do you understand?

25          PROSPECTIVE JUROR NO. 135: Yes, ma'am.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: All right. Ma'am, you're free to leave  
2 at this time.

3 PROSPECTIVE JUROR NO. 135: Thank you.

4 THE COURT: All right. Next up is Badge No. 136, Mr.  
5 Powell.

6 And for the record, it was agreed at the bench to  
7 excuse No. 135, Ms. Sears, correct?

8 MR. STAUDAHER: Yes, Your Honor.

9 MR. WRIGHT: Yes.

10 THE COURT: All right.

11 Mr. Powell, have a seat wherever you would like  
12 there in the jury box, please, sir. And it says here in your  
13 questionnaire you're concerned about serving because you work  
14 through the week and you have a 2 year old?

15 PROSPECTIVE JUROR NO. 136: Yeah, that's correct.

16 THE COURT: Correct? And when do you normally work?

17 PROSPECTIVE JUROR NO. 136: I work Monday through --  
18 or what is it, Saturday through Wednesday.

19 THE COURT: Okay. So you're normally off Thursday  
20 and Friday?

21 PROSPECTIVE JUROR NO. 136: Thursday and Friday.

22 THE COURT: So basically you'd be missing work  
23 Monday, Tuesday, and Wednesday?

24 PROSPECTIVE JUROR NO. 136: Yes.

25 THE COURT: And what do you do, again, for a living?

1 PROSPECTIVE JUROR NO. 136: I work in a restaurant.

2 THE COURT: As a food server?

3 PROSPECTIVE JUROR NO. 136: As a cook.

4 THE COURT: And a cook?

5 PROSPECTIVE JUROR NO. 136: Yeah.

6 THE COURT: And what shift do you work?

7 PROSPECTIVE JUROR NO. 136: 7 to 3.

8 THE COURT: Okay. And what restaurant do you work  
9 at?

10 PROSPECTIVE JUROR NO. 136: Charlie's Down Under.  
11 It's on Buffalo and Lake Mead.

12 THE COURT: Is that kind of like a bar/restaurant?

13 PROSPECTIVE JUROR NO. 136: Yes, it is.

14 THE COURT: Okay. And is it you don't get paid at  
15 all, or you don't make as much money if you don't work, or  
16 what happens if you don't work Monday, Tuesdays, and  
17 Wednesdays?

18 PROSPECTIVE JUROR NO. 136: We're pretty much like a  
19 short staff, so it's kind of hard to sit there and make people  
20 work extra, so, I mean, it's just kind of hard.

21 THE COURT: Right. And of course, your employer does  
22 have to let you off work, if --

23 PROSPECTIVE JUROR NO. 136: Yeah, I know --

24 THE COURT: -- you're going to be --

25 PROSPECTIVE JUROR NO. 136: -- that.



1           THE COURT:  -- serving.  We can't make them pay you,  
2  unfortunately --

3           PROSPECTIVE JUROR NO. 136:  Yeah.

4           THE COURT:  -- but they do have to excuse you.  And  
5  you said you're the parent of a 2 year old.  Are you married,  
6  or --

7           PROSPECTIVE JUROR NO. 136:  Actually, I'm a -- I'm  
8  a, like, a temporary guardian.

9           THE COURT:  Okay.

10          PROSPECTIVE JUROR NO. 136:  We have the 2 year old.  
11  It's my sister's kid.

12          THE COURT:  Okay.  Do you have formal legal  
13  guardianship, or is it just kind of an informal situation?

14          PROSPECTIVE JUROR NO. 136:  Informal.

15          THE COURT:  Okay.  And are you taking care of the  
16  child on your own, or --

17          PROSPECTIVE JUROR NO. 136:  No, I have my mother  
18  helping me.

19          THE COURT:  Okay.  Do you live with your mother,    or  
20  --

21          PROSPECTIVE JUROR NO. 136:  Yes.

22          THE COURT:  Okay.  So is it your house or apartment?

23          PROSPECTIVE JUROR NO. 136:  It's her house.

24          THE COURT:  Your parent's house?

25          PROSPECTIVE JUROR NO. 136:  Yeah.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Okay. And you're living there, and you  
2 and your mom are taking care of your sister's child?

3 PROSPECTIVE JUROR NO. 136: Yes, ma'am.

4 THE COURT: Okay. Now, when you're at work, does  
5 your mom just watch the child there at home, or how does that  
6 work?

7 PROSPECTIVE JUROR NO. 136: No, she get --  
8 usually -- she has another family member come over and  
9 babysit --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 136: -- if she's working.

12 THE COURT: Okay. What does your mom do?

13 PROSPECTIVE JUROR NO. 136: She's an auditor.

14 THE COURT: An auditor?

15 PROSPECTIVE JUROR NO. 136: Yeah.

16 THE COURT: For who? Gaming?

17 PROSPECTIVE JUROR NO. 136: She works for Arizona  
18 Charlie's.

19 THE COURT: Okay. So she goes in the cage and --

20 PROSPECTIVE JUROR NO. 136: Yes.

21 THE COURT: -- checks out that --

22 PROSPECTIVE JUROR NO. 136: Counts the --

23 THE COURT: -- the money is --

24 PROSPECTIVE JUROR NO. 136: -- money.

25 THE COURT: -- where it's supposed to be, more or

1 less?

2 PROSPECTIVE JUROR NO. 136: Yes, ma'am.

3 THE COURT: Okay. And then I don't mean to pry, but  
4 with your sister was she having some kind of drug problem,  
5 alcohol problem, or --

6 PROSPECTIVE JUROR NO. 136: You could say that.

7 THE COURT: -- okay.

8 PROSPECTIVE JUROR NO. 136: Yeah, you can say that.  
9 Now, she's incarcerated, so it's --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 136: -- kind of stubborn,  
12 so...

13 THE COURT: Is she incarcerated in jail or --

14 PROSPECTIVE JUROR NO. 136: Yeah.

15 THE COURT: -- prison? Jail?

16 PROSPECTIVE JUROR NO. 136: Jail, yes.

17 THE COURT: Is she -- are there charges pending  
18 against your sister?

19 PROSPECTIVE JUROR NO. 136: Yes, there is.

20 THE COURT: Okay. And again, I don't mean to pry,  
21 but we need to know --

22 PROSPECTIVE JUROR NO. 136: Hey, it's  
23 understandable.

24 THE COURT: -- if people's family members are  
25 involved in the justice system because there could be

1 conflicts or bias there --

2 PROSPECTIVE JUROR NO. 136: Yes.

3 THE COURT: -- so I have to ask you these questions.

4 PROSPECTIVE JUROR NO. 136: Yeah.

5 THE COURT: What kind of charges is your sister  
6 facing right now?

7 PROSPECTIVE JUROR NO. 136: I do believe it's theft,  
8 I do believe.

9 THE COURT: Okay. Was theft --

10 PROSPECTIVE JUROR NO. 136: And failure to respond  
11 to probation.

12 THE COURT: -- okay. So she was on probation --

13 PROSPECTIVE JUROR NO. 136: Probation, yes.

14 THE COURT: -- and now she's in --

15 PROSPECTIVE JUROR NO. 136: She went on a run for,  
16 like, a year and a half, and then it finally caught up with  
17 her.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 136: So --

20 THE COURT: And now she's sitting in jail, and  
21 they're --

22 PROSPECTIVE JUROR NO. 136: -- yes.

23 THE COURT: -- going to figure out what to do with  
24 her?

25 PROSPECTIVE JUROR NO. 136: Yes, ma'am.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Was the theft from an employer, or do you  
2 know?

3 PROSPECTIVE JUROR NO. 136: I'm assuming it was  
4 probably, like, a home burglary, I would suppose because it  
5 got caught through going through a pawn shop or whatever --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 136: -- so that's --

8 THE COURT: Pawning some stolen stuff?

9 PROSPECTIVE JUROR NO. 136: -- yes, ma'am.

10 THE COURT: Now, did you -- it doesn't sound like you  
11 really talk to your sister about the case or anything like  
12 that?

13 PROSPECTIVE JUROR NO. 136: No.

14 THE COURT: Okay. Are you close with her at all, or  
15 --

16 PROSPECTIVE JUROR NO. 136: No.

17 THE COURT: Is that because of her problems?

18 PROSPECTIVE JUROR NO. 136: You could say that.

19 THE COURT: Okay. Well, it's not what I say, it's  
20 what you say. So I'm concerned -- and again, I understand  
21 this is difficult to talk about --

22 PROSPECTIVE JUROR NO. 136: Yeah.

23 THE COURT: -- but, you know, if I say something and  
24 that's not the case --

25 PROSPECTIVE JUROR NO. 136: Yeah.

1           THE COURT:  -- don't feel like you have to agree with  
2 me.  It sounds -- it looks like this is still kind of  
3 emotional for you?

4           PROSPECTIVE JUROR NO. 136:  Yeah.

5           THE COURT:  Okay.  Did you ever go to court with your  
6 sister, or anything like that?

7           PROSPECTIVE JUROR NO. 136:  No, I've been to court  
8 with my brother, who has been in the system before, so...

9           THE COURT:  Okay.  And what's going on with your  
10 brother?

11          PROSPECTIVE JUROR NO. 136:  Well, I would assume  
12 trafficking would be the charge.

13          THE COURT:  Of drugs?

14          PROSPECTIVE JUROR NO. 136:  Yes, ma'am.

15          THE COURT:  Okay.  Was hew prosecuted here locally?  
16 Do you know, by the --

17          PROSPECTIVE JUROR NO. 136:  Yes, ma'am.

18          THE COURT:  -- okay.

19          PROSPECTIVE JUROR NO. 136:  Well, it hasn't went  
20 into the courts just yet, but he's got an upcoming court date.

21          THE COURT:  Okay.  Is he in jail too?

22          PROSPECTIVE JUROR NO. 136:  No, he's out on bail.

23          THE COURT:  Okay.  Now, I'm assuming your sister and  
24 probably your brother are being prosecuted by the Clark County  
25 District Attorney's Office?

1           PROSPECTIVE JUROR NO. 136: I would probably say so,  
2 yes.

3           THE COURT: Okay. Now, these two lawyers, Ms.  
4 Weckerly and Mr. Staudaheer work for that office, I'm assuming  
5 it's neither of these lawyers to the best of your knowledge?

6           PROSPECTIVE JUROR NO. 136: Yeah, I'm not for sure.

7           THE COURT: Okay. Is there anything about the fact  
8 that they work for that office and you've got family members  
9 prosecuting -- being prosecuted by that same office that would  
10 impact your ability to be fair and impartial in this case?  
11 We're going to set aside the hardship issue for right now. Or  
12 could you set aside whatever is going on with your family  
13 members and, you know, keep an open mind and be fair and  
14 impartial to both sides in this case?

15           PROSPECTIVE JUROR NO. 136: It's kind of hard to  
16 say. I'm sorry.

17           THE COURT: Okay. And then also, it says here that  
18 you heard about this case in the newspaper and on the local  
19 news, correct?

20           PROSPECTIVE JUROR NO. 136: Yes.

21           THE COURT: Okay. And if yes, have you formed any  
22 opinion?

23           PROSPECTIVE JUROR NO. 136: And then I --

24           THE COURT: I think --

25           PROSPECTIVE JUROR NO. 136: -- I also heard

1 something this morning too, on the radio, I was just getting  
2 up for work and stuff like that, and they were talking about  
3 something that happened with the case about someone dying  
4 from -- in the Philippines or something like that.

5 THE COURT: Okay. That was on the news this morning.

6 PROSPECTIVE JUROR NO. 136: It was on the news this  
7 morning.

8 THE COURT: And I think you mentioned that to my  
9 bailiff?

10 PROSPECTIVE JUROR NO. 136: Yes, I did.

11 THE COURT: Okay. And you say, I think he's guilty.

12 PROSPECTIVE JUROR NO. 136: I honestly do. I think  
13 if you're in court, there's --

14 THE COURT: No, I mean, there's no right --

15 PROSPECTIVE JUROR NO. 136: -- I mean -- I mean, I  
16 have a feeling if you're here you're here for -- I mean,  
17 automatically, I mean, there's something that you did, and I  
18 think --

19 THE COURT: Okay. You think that's everybody or just  
20 cases you hear about?

21 PROSPECTIVE JUROR NO. 136: No, I do. I think it's  
22 everybody.

23 THE COURT: Okay. So if you're charged with a crime,  
24 you think you must have done something wrong?

25 PROSPECTIVE JUROR NO. 136: That's the way I look at



1 it.

2 THE COURT: May I see counsel at the bench?

3 (Off-record bench conference.)

4 THE COURT: Mr. Powell, you've got a few situations.  
5 Your family members are being prosecuted. It does sound like  
6 it's a bit of a hardship for you, so I'm going to go ahead and  
7 excuse you at this time.

8 Before I excuse you, however, I must tell you you're  
9 not to discuss anything that's transpired in the courtroom  
10 with anyone else, including the questions that I've asked, all  
11 right?

12 PROSPECTIVE JUROR NO. 136: Yes, ma'am.

13 THE COURT: Thank you, sir. You're free to leave.  
14 Go back and check out through jury services, however.

15 Kenny, next up is Badge No. 235, Howerton --  
16 Howerton -- Sean Howerton.

17 Four to go on the -- on the hardships.

18 THE MARSHAL: There's a microphone on that seat, just  
19 make sure you hold it close to your mouth.

20 THE COURT: Good afternoon. Is it, Mr. Howerton?

21 PROSPECTIVE JUROR NO. 235: Yes, ma'am.

22 THE COURT: And it says here -- I'm looking at your  
23 questionnaire, that you're concerned about serving because you  
24 work during the day at 2:30 to 9, and you're concerned about  
25 missing wages?

1 PROSPECTIVE JUROR NO. 235: Yes, ma'am.  
2 THE COURT: Okay. What do you do?  
3 PROSPECTIVE JUROR NO. 235: I'm a stage hand.  
4 THE COURT: Okay. In a -- I think you said in here  
5 you're a Union IATSE?  
6 PROSPECTIVE JUROR NO. 235: Yes. Yes, I am.  
7 THE COURT: Are you on a particular show?  
8 PROSPECTIVE JUROR NO. 235: I work the Legends in  
9 Concert --  
10 THE COURT: Okay.  
11 PROSPECTIVE JUROR NO. 235: -- during the day,  
12 Donnie and Marie, and then George Wallace.  
13 THE COURT: You work all of them?  
14 PROSPECTIVE JUROR NO. 235: I work all three shows.  
15 THE COURT: Okay. What do you do, run back and  
16 forth, or --  
17 PROSPECTIVE JUROR NO. 235: It's --  
18 THE COURT: -- just set up, or how does that work?  
19 PROSPECTIVE JUROR NO. 235: Yeah, we -- in the  
20 morning we have to go in -- or an hour early we set up for the  
21 Legends show --  
22 THE COURT: Mm-hmm.  
23 PROSPECTIVE JUROR NO. 235: -- build all their  
24 scenery, do their show, and then, when they're done we strike  
25 their scenery down in the basement and set up Donnie and Marie

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1 show, do their show, and then, when they're done we strike  
2 their stuff, and we set up for George Wallace and do his show.

3 THE COURT: Because he's really late at night?

4 PROSPECTIVE JUROR NO. 235: Yeah, George, yes.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 235: He gets done at  
7 midnight --

8 THE COURT: And then the --

9 PROSPECTIVE JUROR NO. 235: -- quarter after.

10 THE COURT: -- Legends, that's more, like, it starts  
11 in the afternoon?

12 PROSPECTIVE JUROR NO. 235: Yes, it's a 4:00 show.

13 THE COURT: Okay. So you set up at 2:30?

14 PROSPECTIVE JUROR NO. 235: Yes, ma'am.

15 THE COURT: Okay. And then if -- what days of the  
16 week do you work?

17 PROSPECTIVE JUROR NO. 235: I'm off on Sunday and  
18 Mondays.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 235: Our show runs seven days  
21 a week.

22 THE COURT: I see. But you have two days a week off?

23 PROSPECTIVE JUROR NO. 235: Yes, ma'am.

24 THE COURT: Now, if you were to serve as a juror in  
25 this case, it's obviously Monday through Friday, and we go

1 until 5:00, typically, would you not make your wages, or not  
2 make your full wages, or how does that work?

3 PROSPECTIVE JUROR NO. 235: It would affect me at  
4 least \$100 a day for the rest of -- for that week, so it would  
5 be, like, a \$500 a week hit.

6 THE COURT: Okay. And why -- where do you get the  
7 \$100 a day?

8 PROSPECTIVE JUROR NO. 235: Well, by contract we  
9 make \$93 a show.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 235: Plus our hourlies on top  
12 of that.

13 THE COURT: Okay. So you'd be missing one show, but  
14 you could work Donnie and Marie and you could work George  
15 Wallace?

16 PROSPECTIVE JUROR NO. 235: Yes.

17 THE COURT: Okay. So you'd be able to go in late?

18 PROSPECTIVE JUROR NO. 235: I -- that would --  
19 obviously that's up to the hotel -- I'm the head carpenter, I  
20 run the crew, so that's up to management.

21 THE COURT: Okay. And then you finish working, what  
22 time? Like 12 -- you get home, 1, 2:00 in the morning?

23 PROSPECTIVE JUROR NO. 235: I get home about 1,  
24 quarter after 1 in the morning.

25 THE COURT: Okay. Because we need jurors, obviously,

1 alert --

2 PROSPECTIVE JUROR NO. 235: Well --

3 THE COURT: -- and we typically would be starting

4 around 9:30 for trial. Now, you're married or no?

5 PROSPECTIVE JUROR NO. 235: Yes, I am.

6 THE COURT: And you -- does your wife work? She's a

7 dresser?

8 PROSPECTIVE JUROR NO. 235: She's a dresser for

9 Marie Osmond?

10 PROSPECTIVE JUROR NO.

11 THE COURT: Okay. So you work together part of the

12 time, at least, sort of?

13 PROSPECTIVE JUROR NO. 235: Yes, ma'am.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 235: Yeah.

16 THE COURT: And is that the only show she works on?

17 PROSPECTIVE JUROR NO. 235: Yes.

18 THE COURT: Okay. And then you and your wife, are

19 there children in the picture?

20 PROSPECTIVE JUROR NO. 235: Yes, I have an 11 year

21 old at home --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 235: -- and then I got a

24 college student at New Mexico State University and my stepson

25 in Arizona.

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 235: He's getting ready to go  
3 for college.

4 THE COURT: And then it says on your questionnaire  
5 that you did see something about this case on the news on  
6 T.V., correct?

7 PROSPECTIVE JUROR NO. 235: Yes, ma'am.

8 THE COURT: Is there a particular station you can  
9 remember seeing the news or just --

10 PROSPECTIVE JUROR NO. 235: Channel 8.

11 THE COURT: Okay. Is that what you --

12 PROSPECTIVE JUROR NO. 235: We record the 11:00 news  
13 every night --

14 THE COURT: -- okay.

15 PROSPECTIVE JUROR NO. 235: -- and then when we get  
16 home from work, we --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 235: -- relax and watch the  
19 news.

20 THE COURT: So that's a daily thing. You watch the  
21 channel --

22 PROSPECTIVE JUROR NO. 235: Yes, ma'am.

23 THE COURT: -- okay. And what, if you can remember,  
24 do you recall having seen about this case or the endoscopy  
25 clinics, what do you -- what do you recall seeing on the news?

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1           PROSPECTIVE JUROR NO. 235: How they were reusing  
2 needles and the hepatitis scare and how it could affect  
3 hundreds of people, and they were running through names, and  
4 if you'd been to that office to get in touch with your doctor  
5 or the Health Department and find out where -- where you stand  
6 with that.

7           THE COURT: Okay. And then where it says about your  
8 opinion. You say, he's an idiot. It is my opinion that he  
9 endangered the entire valley. That's based on what you saw on  
10 the news?

11           PROSPECTIVE JUROR NO. 235: Yes.

12           THE COURT: Okay. Now, do you think it's a fair  
13 statement that sometimes the news reports things inaccurately  
14 or incompletely or puts a particular spin on -- on news  
15 stories?

16           PROSPECTIVE JUROR NO. 235: Anything is possible.

17           THE COURT: Well, do you think that's something that  
18 occurs, you know, a lot? That the -- the news doesn't get  
19 everything right all the time, or they don't get every -- they  
20 don't give you the whole story all the time, do you think  
21 that's true?

22           PROSPECTIVE JUROR NO. 235: I think they take the  
23 truth, but they make it more exciting to get your interest.

24           THE COURT: Okay. If you're selected to serve as a  
25 juror would you be able to kind of set aside anything you may

1 have heard outside the courtroom? Meaning, on the news, from  
2 friends, in the newspaper, and base your verdict solely upon  
3 the evidence that is presented during this case. And by that,  
4 I mean the testimony from the witness stand, and the exhibits  
5 and other things that are admitted into evidence?

6 PROSPECTIVE JUROR NO. 235: To be honest with you, I  
7 don't think so.

8 THE COURT: All right. Why is that?

9 PROSPECTIVE JUROR NO. 235: I just -- what would  
10 somebody -- why would somebody do what they did? Reuse  
11 needles, I -- I don't understand that, you know, it don't make  
12 no sense to me. The Health Department gives out needles to  
13 HIV users, you know, or heroine users so they don't transmit  
14 diseases, you know, even people that were drug addicts, you  
15 know.

16 THE COURT: Okay. Well, you understand that that's  
17 just -- that was just an allegation, or an -- from a news  
18 story. You haven't heard any evidence that that's what  
19 occurred?

20 PROSPECTIVE JUROR NO. 235: True.

21 THE COURT: Okay. But do you still -- I mean,  
22 because one of the things if you are a juror, you have to base  
23 your verdict solely upon the evidence. We don't expect you to  
24 erase your mind, that's not possible, but you have to set it  
25 aside. You can't say, oh, you know, I didn't hear anything



1 about this, but I'm going to rely on what I heard in the  
2 media, or I'm going to, you know, rely on what -- I don't know  
3 who is on at night, George Waddell or whoever said on the  
4 news.

5 Do you think you -- is that something you could do,  
6 or is that something you couldn't do?

7 PROSPECTIVE JUROR NO. 235: I don't think I could,  
8 to be honest with you.

9 THE COURT: All right. Counsel? Yes, that meant  
10 approach. I'm sorry. It's been a long day.

11 (Off-record bench conference.)

12 THE COURT: At this time, Mr. Howerton, we're going  
13 to go ahead and excuse you. I do have to admonish you that  
14 you're not to discuss anything that's transpired in this  
15 courtroom with anyone else. That includes the questions I've  
16 asked you and the discussion on that we've had.

17 Put the microphone on the chair, and you are  
18 excused.

19 PROSPECTIVE JUROR NO. 235: All right. Thank you,  
20 ma'am.

21 THE COURT: All right. Next up is Mr. Perez, Badge  
22 No. 153.

23 Mr. Perez, come on down, and just have a seat  
24 anywhere in the jury box there.

25 Good afternoon, Mr. Perez. I'm looking here at your

1 jury form, and it says that you're concerned about serving for  
2 a few weeks if you're selected in this case because you would  
3 be missing work, and you're a commission and hourly worker; is  
4 that correct?

5 PROSPECTIVE JUROR NO. 153: Yes.

6 THE COURT: Okay. You have six children?

7 PROSPECTIVE JUROR NO. 153: I have four --

8 THE COURT: Or six all together?

9 PROSPECTIVE JUROR NO. 153: -- children -- yeah.

10 THE COURT: Four children and you and your wife?

11 PROSPECTIVE JUROR NO. 153: Me and my wife, yes.

12 THE COURT: Okay. Does she work at all?

13 PROSPECTIVE JUROR NO. 153: She doesn't work.

14 THE COURT: All right. So you're the sole support  
15 for your -- your whole family?

16 PROSPECTIVE JUROR NO. 153: Yes.

17 THE COURT: And what do you do again?

18 PROSPECTIVE JUROR NO. 153: I work in sales for  
19 Super Pawn.

20 THE COURT: Okay. What hours do you work?

21 PROSPECTIVE JUROR NO. 153: 12 to 9.

22 THE COURT: 12 p.m. to 9 p.m.?

23 PROSPECTIVE JUROR NO. 153: Yes.

24 THE COURT: Okay. And what days of the week do you  
25 work?

1 PROSPECTIVE JUROR NO. 153: I work Monday -- I mean,  
2 Saturday through Wednesday.

3 THE COURT: So you -- if you are selected you could  
4 work Saturday and Sunday, but you would not be able to work  
5 Monday, Tuesday, and Wednesday, obviously?

6 PROSPECTIVE JUROR NO. 153: Yes.

7 THE COURT: Okay. And you don't get a -- you don't  
8 get paid at all if you're not there?

9 PROSPECTIVE JUROR NO. 153: I asked my manager  
10 during my lunch break, and she wasn't sure.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 153: She was going to find  
13 out for me.

14 THE COURT: Okay. So you might be able to get a  
15 little bit something, if you --

16 PROSPECTIVE JUROR NO. 153: I don't know.

17 THE COURT: -- okay. And you said you work on  
18 commission, and that's just basically what jewelry you sell,  
19 correct?

20 PROSPECTIVE JUROR NO. 153: I sell everything in the  
21 store, yeah.

22 THE COURT: No. No, I mean, you get a commission if  
23 you sell something, or how does your commission work?

24 PROSPECTIVE JUROR NO. 153: Yes, off of the stuff I  
25 sell.

1 THE COURT: Okay. And then you also get paid just  
2 for being there?

3 PROSPECTIVE JUROR NO. 153: Right.

4 THE COURT: Okay. What if you take a vacation or a  
5 sick day or something like that, do you get paid for those  
6 days? How does that work?

7 PROSPECTIVE JUROR NO. 153: I have six days of  
8 vacation, but we already planned our vacation for June, and we  
9 already have our tickets.

10 THE COURT: Okay. Where are you going?

11 PROSPECTIVE JUROR NO. 153: To Disneyland --

12 THE COURT: Okay. So you don't --

13 PROSPECTIVE JUROR NO. 153: -- in California.

14 THE COURT: -- want to use your vacation to be a  
15 juror?

16 PROSPECTIVE JUROR NO. 153: I can't. I can't use it  
17 for that.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 153: We already planned it.

20 THE COURT: All right. And you're -- you're -- right  
21 now your supervisor is looking into whether or not you could  
22 get paid at least something if you're here, correct?

23 PROSPECTIVE JUROR NO. 153: Yes.

24 THE COURT: Okay. All right. And it says here that  
25 you saw something on the news about this case?

1 PROSPECTIVE JUROR NO. 153: Yes.

2 THE COURT: Okay. Do you think it's true that  
3 sometimes the news gets things wrong, or maybe doesn't give  
4 the whole story, or gives the story a little bit inaccurately?  
5 Do you think that happens sometimes?

6 PROSPECTIVE JUROR NO. 153: At the beginning, yes,  
7 they do get it every -- you know, whatever they can, they'll  
8 tell you, but usually towards the end they figure out what's  
9 going on.

10 THE COURT: You think so? You think the media gets  
11 better with time on a story?

12 PROSPECTIVE JUROR NO. 153: Yes.

13 THE COURT: Why is that?

14 PROSPECTIVE JUROR NO. 153: They get more  
15 information from people and stuff.

16 THE COURT: Okay. Now, you understand if you're a  
17 juror in this case, you would have to base your verdict solely  
18 upon the evidence presented during the trial; do you  
19 understand that? Not on anything, you know, you saw on the  
20 news or your neighbor told you or that kind of thing?

21 PROSPECTIVE JUROR NO. 153: Yes.

22 THE COURT: Would you be able to do that, set that  
23 aside, and base your verdict solely upon the evidence that's  
24 presented during the trial?

25 PROSPECTIVE JUROR NO. 153: Yes.

1 THE COURT: Thank you. State?

2 MS. WECKERLY: Sir, aside from the -- the situation  
3 with your employer, do you have any other issues that would  
4 make it hard for you to sit as a juror?

5 PROSPECTIVE JUROR NO. 153: Just money, that's about  
6 it.

7 MS. WECKERLY: Just the money?

8 PROSPECTIVE JUROR NO. 153: Yeah.

9 MS. WECKERLY: Okay. And I think you said your wife  
10 -- she -- she isn't employed outside the home, or --

11 PROSPECTIVE JUROR NO. 153: She doesn't work.

12 MS. WECKERLY: Okay. In your job, you've been there  
13 about three years --

14 PROSPECTIVE JUROR NO. 153: Yes.

15 MS. WECKERLY: -- is that right? And you're dealing  
16 with the public all the time?

17 PROSPECTIVE JUROR NO. 153: All the time.

18 MS. WECKERLY: Okay. And you probably see quite a  
19 range of people there?

20 PROSPECTIVE JUROR NO. 153: Yes, we do.

21 MS. WECKERLY: Okay. And are you pretty good at  
22 dealing with the different types of customers or clients that  
23 come into the shop?

24 PROSPECTIVE JUROR NO. 153: Yes, I'm one of the  
25 better salesmens [sic] there.

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1 MS. WECKERLY: Okay.

2 PROSPECTIVE JUROR NO. 153: I can deal with anybody.

3 MS. WECKERLY: Okay. You're pretty calm and able to

4 deal with maybe people that are upset or -- or people that are

5 agitated?

6 PROSPECTIVE JUROR NO. 153: Usually the managers

7 deal with them because in sales we don't deal with the --

8 MS. WECKERLY: Okay.

9 PROSPECTIVE JUROR NO. 153: -- people that are

10 angry.

11 MS. WECKERLY: You maybe pass them off to your

12 manager?

13 PROSPECTIVE JUROR NO. 153: The -- the loan people

14 are the ones that get all the angry people.

15 MS. WECKERLY: Okay.

16 PROSPECTIVE JUROR NO. 153: Not in sales.

17 MS. WECKERLY: And when you're doing the selling, are

18 -- do you make the final decision about whether the sale goes

19 through or not, or is that the manager?

20 PROSPECTIVE JUROR NO. 153: It all depends on what

21 the item is, and what of a -- how much of a discount I'm

22 giving.

23 MS. WECKERLY: Okay.

24 PROSPECTIVE JUROR NO. 153: Sometimes I have to go

25 ask the manager to approve it.

1 MS. WECKERLY: And have you gotten better at your job  
2 over time, do you think?

3 PROSPECTIVE JUROR NO. 153: Yes.

4 MS. WECKERLY: Better at assessing what's a good sale  
5 to make versus not make?

6 PROSPECTIVE JUROR NO. 153: Yes.

7 THE COURT: Okay. Judge Adair talked to you about  
8 some of the -- the things you might have heard in the media  
9 about this case?

10 PROSPECTIVE JUROR NO. 153: Right.

11 MS. WECKERLY: Okay. How long ago was that?

12 PROSPECTIVE JUROR NO. 153: To tell you the truth, I  
13 don't remember when it was.

14 MS. WECKERLY: Okay.

15 PROSPECTIVE JUROR NO. 153: I just remember hearing  
16 that.

17 MS. WECKERLY: Well, you got a lot of kids, you have  
18 a lot going on. Do you think it was more than a year ago,  
19 or --

20 PROSPECTIVE JUROR NO. 153: Yeah -- oh, the first  
21 part, yes, it was about a year ago.

22 MS. WECKERLY: Okay.

23 PROSPECTIVE JUROR NO. 153: Just today, on the  
24 radio, though, coming in to jury duty, I did hear something  
25 else.



1 MS. WECKERLY: Okay. You heard some more media  
2 attention on the case?

3 PROSPECTIVE JUROR NO. 153: Yeah.

4 MS. WECKERLY: And are you able to put that out of  
5 your mind and decide the case based on what you hear in this  
6 courtroom?

7 PROSPECTIVE JUROR NO. 153: What I heard today or  
8 all of it?

9 MS. WECKERLY: All of it.

10 PROSPECTIVE JUROR NO. 153: All of it.

11 THE COURT: Not today, it doesn't count.

12 MS. WECKERLY: All of it outside the courtroom.

13 THE COURT: Because this wasn't evidence. And that's  
14 an important thing I'll tell you if you're selected to serve.  
15 The evidence is the sworn testimony. Not -- not us, but would  
16 you be able to do that? We haven't, obviously, heard any  
17 sworn testimony yet.

18 PROSPECTIVE JUROR NO. 153: Yeah, I should be able  
19 to do that, yeah.

20 MS. WECKERLY: Okay. Because, I mean, you didn't --  
21 you hear -- when you hear something reported you don't hear it  
22 firsthand. We want cases decided on what you hear in the  
23 courtroom, exhibits that are entered into evidence,  
24 photographs, documents, that kind of thing. That's what  
25 they -- that's what you'll be asked to evaluate, rather than

1 what you -- maybe you were the only juror, but, like, maybe  
2 something you heard, you know, a year ago, leave that out of  
3 your mind and decide, based on what you hear in court. Can  
4 you do that?

5 PROSPECTIVE JUROR NO. 153: Yeah.

6 MS. WECKERLY: Okay.

7 PROSPECTIVE JUROR NO. 153: I could do it.

8 MS. WECKERLY: Okay. And do you think you can be  
9 fair to both sides, the State of Nevada and the Defendants?

10 PROSPECTIVE JUROR NO. 153: Yeah.

11 MS. WECKERLY: Okay. You hesitated a little bit, or  
12 maybe I'm imagining that, but was there a hesitation, or do  
13 you feel pretty --

14 PROSPECTIVE JUROR NO. 153: No, because I was trying  
15 to figure out what you were asking me.

16 MS. WECKERLY: Okay.

17 PROSPECTIVE JUROR NO. 153: You said, you and them,  
18 and I was, like, yeah, I can do it.

19 MS. WECKERLY: You can be fair to both --

20 PROSPECTIVE JUROR NO. 153: Yeah.

21 MS. WECKERLY: -- sides? On your questionnaire you  
22 indicated that your brother works for Blue Cross?

23 PROSPECTIVE JUROR NO. 153: Yes.

24 MS. WECKERLY: And what does he do?

25 PROSPECTIVE JUROR NO. 153: He does, like, the

1 claims, I think it is. He does it from home.

2 MS. WECKERLY: Oh, okay. So is he dealing with

3 medical offices, or with customers?

4 PROSPECTIVE JUROR NO. 153: From Blue Cross, I guess

5 he gets the paperwork from them, and then he submits the

6 claims in.

7 MS. WECKERLY: Okay. To Blue Cross?

8 PROSPECTIVE JUROR NO. 153: Like a process, I guess.

9 Yeah, he works for Blue Cross --

10 MS. WECKERLY: Okay.

11 PROSPECTIVE JUROR NO. 153: -- and Blue Shield.

12 MS. WECKERLY: And is he doing, kind of computer

13 work?

14 PROSPECTIVE JUROR NO. 153: Yes, it's computer work.

15 MS. WECKERLY: Does he talk to you a lot about his

16 job?

17 PROSPECTIVE JUROR NO. 153: No, he doesn't live

18 here. He lives in California.

19 MS. WECKERLY: Oh, okay.

20 PROSPECTIVE JUROR NO. 153: Yeah.

21 MS. WECKERLY: And you also said your sister works

22 for a doctor?

23 PROSPECTIVE JUROR NO. 153: Yes.

24 MS. WECKERLY: And is that local?

25 PROSPECTIVE JUROR NO. 153: Yes.

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1 MS. WECKERLY: What type of doctor does she work for?  
2 PROSPECTIVE JUROR NO. 153: I think it's just  
3 regular M.D.  
4 MS. WECKERLY: Okay. Like a general?  
5 PROSPECTIVE JUROR NO. 153: General, yeah.  
6 MS. WECKERLY: And what does she do for the doctor?  
7 PROSPECTIVE JUROR NO. 153: She does their, like,  
8 the billing stuff, too, payroll and all that.  
9 MS. WECKERLY: Sort of similar to your brother, but I  
10 guess in a different aspect.  
11 PROSPECTIVE JUROR NO. 153: Yeah, because she's in  
12 office. And then I forgot to probably put on there that my  
13 aunt works there too. I don't know if I did.  
14 MS. WECKERLY: I didn't see that. But she works in  
15 the same office with the sister?  
16 PROSPECTIVE JUROR NO. 153: Yeah, she's the manager  
17 for the office.  
18 MS. WECKERLY: Okay. And how about your sister, do  
19 you talk to her a lot about her job?  
20 PROSPECTIVE JUROR NO. 153: Yes, because she lives  
21 with me.  
22 MS. WECKERLY: Oh, well, okay. So she does billing  
23 from the medical offices to the insurance companies?  
24 PROSPECTIVE JUROR NO. 153: To the insurance  
25 companies and to the patients.

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1 MS. WECKERLY: Okay. So both?

2 PROSPECTIVE JUROR NO. 153: Both.

3 MS. WECKERLY: And so she's dealing with patients,  
4 too?

5 PROSPECTIVE JUROR NO. 153: Yes.

6 MS. WECKERLY: And your aunt runs that office?

7 PROSPECTIVE JUROR NO. 153: Yes.

8 MS. WECKERLY: The -- the last thing I wanted to ask  
9 you about was on your questionnaire you said you took some  
10 classes at CSN?

11 PROSPECTIVE JUROR NO. 153: Fresh out of high  
12 school.

13 MS. WECKERLY: What type of classes did you take?

14 PROSPECTIVE JUROR NO. 153: I took an electrician  
15 class, and a computer repair class.

16 MS. WECKERLY: Were you thinking of going into that  
17 before you got the job you have now?

18 PROSPECTIVE JUROR NO. 153: It was -- I wanted to be  
19 an electrician, that's why I took the electrician class, but I  
20 couldn't get in the Union.

21 MS. WECKERLY: Oh, okay. Bad economy and all that?

22 PROSPECTIVE JUROR NO. 153: Then after that, I was  
23 working at other places, and I just started working here at  
24 Super Pawn.

25 MS. WECKERLY: Okay.

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1 PROSPECTIVE JUROR NO. 153: Three years ago.  
2 MS. WECKERLY: And that seems to be working out  
3 pretty well --  
4 PROSPECTIVE JUROR NO. 153: Yeah.  
5 MS. WECKERLY: -- at Super Pawn? Okay. Thank you  
6 very much, sir.  
7 PROSPECTIVE JUROR NO. 153: You're welcome.  
8 MS. WECKERLY: We'll pass for cause, Your Honor.  
9 THE COURT: All right. Thank you. Who for the  
10 Defense would like to go first? Mr. Santacroce?  
11 MR. SANTACROCE: Good afternoon, Mr. Perez.  
12 PROSPECTIVE JUROR NO. 153: Good afternoon.  
13 MR. SANTACROCE: What's going to happen to you and  
14 your family if your employer doesn't compensate you for jury  
15 duty?  
16 PROSPECTIVE JUROR NO. 153: We'll be very  
17 short-handed in money because we're living paycheck to  
18 paycheck.  
19 MR. SANTACROCE: And do you have a mortgage or a rent  
20 that you pay each month?  
21 PROSPECTIVE JUROR NO. 153: Yes, rent, car payments,  
22 insurance, all that stuff.  
23 MR. SANTACROCE: And you're the sole provider?  
24 PROSPECTIVE JUROR NO. 153: Yes.  
25 MR. SANTACROCE: No other -- does your sister pay any

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1 rent to you for staying there?

2 PROSPECTIVE JUROR NO. 153: She pays half and we pay  
3 half.

4 MR. SANTACROCE: So it's going to make -- put you in  
5 a financial hardship, correct?

6 PROSPECTIVE JUROR NO. 153: Yes, it will.

7 MR. SANTACROCE: You work for Super Pawn?

8 PROSPECTIVE JUROR NO. 153: Yes.

9 MR. SANTACROCE: You ever watch those T.V. shows  
10 about Pawn Stars --

11 PROSPECTIVE JUROR NO. 153: That's why I got the  
12 job, yeah.

13 MR. SANTACROCE: I was just curious, is that real?  
14 Pawn Stars?

15 PROSPECTIVE JUROR NO. 153: The show is fake.

16 MR. SANTACROCE: It's fake?

17 PROSPECTIVE JUROR NO. 153: It's fake.

18 MR. SANTACROCE: So you would agree that not  
19 everything on T.V. is real, correct?

20 PROSPECTIVE JUROR NO. 153: Not everything on T.V.  
21 is real.

22 MR. SANTACROCE: Okay. So the press could make a  
23 mistake sometimes, right?

24 PROSPECTIVE JUROR NO. 153: A lot of times they do.

25 MR. SANTACROCE: Okay. And I noticed in your job

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1 resume or your job history, you worked for Channel 3?

2 PROSPECTIVE JUROR NO. 153: Yes.

3 MR. SANTACROCE: And what did you do for them?

4 PROSPECTIVE JUROR NO. 153: I started off working in  
5 the auto shop. The owner has a classic car museum, and then,  
6 after that I was his personal, like, runner -- go-for. And I  
7 just worked there for about three years too.

8 MR. SANTACROCE: So you're familiar with the T.V.  
9 business, and at least to some extent?

10 PROSPECTIVE JUROR NO. 153: Not really. I didn't  
11 really have any part in the T.V. business.

12 MR. SANTACROCE: Okay.

13 PROSPECTIVE JUROR NO. 153: I worked more for the,  
14 like, the automotive shop for, like, a year and a half, and  
15 then, for the owner.

16 MR. SANTACROCE: So when you saw the T.V. news  
17 report, or heard the report that the endoscopy clinic was,  
18 your words, reusing needles to save money; do you believe  
19 that?

20 PROSPECTIVE JUROR NO. 153: It's the only reason why  
21 they would do it.

22 MR. SANTACROCE: And you said it put a lot of people  
23 in danger and killed some?

24 PROSPECTIVE JUROR NO. 153: Yes.

25 MR. SANTACROCE: Was that on the news that you heard

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1 also?

2 PROSPECTIVE JUROR NO. 153: Yeah, I heard that there  
3 was also, I think, two -- one or two had passed away.

4 MR. SANTACROCE: And then you said you hoped they get  
5 what they deserved. Well, what do you think they deserve?

6 PROSPECTIVE JUROR NO. 153: Whatever the jury thinks  
7 they deserve.

8 MR. SANTACROCE: Well, you have an opinion that you  
9 "hope they got what they deserve." That's what you wrote on  
10 your questionnaire, correct?

11 PROSPECTIVE JUROR NO. 153: Right.

12 MR. SANTACROCE: So what in your mind is a fair  
13 punishment?

14 PROSPECTIVE JUROR NO. 153: I don't know. I don't  
15 have anything to do with punishments.

16 THE COURT: And that's a good point because if you  
17 are selected as a juror, you would have nothing to do with  
18 punishment. The sole function of the jury is to decide  
19 whether the defendant is guilty or not guilty of the charges  
20 according to the evidence that's presented during the trial,  
21 and nothing more. That's all the jury does.

22 If and only if a defendant is found guilty, then it  
23 becomes the duty of the Court to pronounce the sentence, but  
24 the jury does not do that. That's not a function of jury  
25 service. Okay?

1 PROSPECTIVE JUROR NO. 153: Okay.

2 MR. SANTACROCE: You have -- you believe this report  
3 that they were reusing needles at the clinic, would you be  
4 able to put that view aside until you heard the evidence on  
5 that, or would that be something that would be -- keep  
6 creeping up into your mind, they reuse needles, they reuse  
7 needles?

8 PROSPECTIVE JUROR NO. 153: Every time I hear the  
9 name, that's what pops up into my head, but I --

10 MR. SANTACROCE: Every time you hear the name of  
11 Desai?

12 PROSPECTIVE JUROR NO. 153: -- Desai, yeah.

13 MR. SANTACROCE: Or endoscopy, that's what pops into  
14 --

15 PROSPECTIVE JUROR NO. 153: Or the endoscopy --

16 MR. SANTACROCE: -- your head?

17 PROSPECTIVE JUROR NO. 153: -- yeah.

18 MR. SANTACROCE: And will that continue to pop up  
19 into your head as you hear this case go through the -- the  
20 system?

21 PROSPECTIVE JUROR NO. 153: I think I could be able  
22 to put it aside for the case.

23 MR. SANTACROCE: The fact that these folks are here  
24 today in court, do you think because they're here they're  
25 guilty?

1 PROSPECTIVE JUROR NO. 153: No.

2 MR. SANTACROCE: Would you give my client and Dr.  
3 Desai a fair shot at the evidence? Would you be a fair and  
4 impartial juror?

5 PROSPECTIVE JUROR NO. 153: Yes.

6 MR. SANTACROCE: Would you want -- if you were  
7 sitting in that chair right there, would you want someone like  
8 you sitting in the jury box?

9 PROSPECTIVE JUROR NO. 153: Yes.

10 MR. SANTACROCE: Now, you said that your brother was  
11 an employee of Blue Cross; is that correct?

12 PROSPECTIVE JUROR NO. 153: Yes.

13 MR. SANTACROCE: If someone from Blue Cross came up  
14 here and testified in court, would you give that person more  
15 weight than anybody else because your brother worked for Blue  
16 Cross?

17 PROSPECTIVE JUROR NO. 153: No.

18 MR. SANTACROCE: So they'd just be like any other  
19 witness?

20 PROSPECTIVE JUROR NO. 153: Yes.

21 MR. SANTACROCE: I'm going to pass on this witness,  
22 Your Honor.

23 THE COURT: Thank you, Mr. Santacroce. Mr. Wright  
24 or Ms. Stanish?

25 MS. STANISH: Hi, Mr. Perez.

1 PROSPECTIVE JUROR NO. 153: Hello.

2 MS. STANISH: You're going to Disneyland. When in  
3 June are you planning to do that with your family?

4 PROSPECTIVE JUROR NO. 153: That's June 6 through  
5 June 15.

6 MS. STANISH: It's possible that this case is going  
7 to take 4-6 weeks starting next week. I'm concerned about  
8 your financial situation and your plans with your family.  
9 Tell us how you feel about that at this point? I mean, if I  
10 tell you this trial could go up to six weeks, what does --

11 THE COURT: May I see Counsel up here?

12 (Off-record bench conference.)

13 THE COURT: All right. Ms. Stanish, please continue  
14 your questioning.

15 MS. STANISH: So knowing that the case could go six  
16 weeks, that presents a hardship for you?

17 PROSPECTIVE JUROR NO. 153: Yes, it would. A big  
18 one.

19 MS. STANISH: Big one?

20 PROSPECTIVE JUROR NO. 153: Yes.

21 MS. STANISH: I'll let you chat a bit about your  
22 television news viewing. How often do you watch the news?

23 PROSPECTIVE JUROR NO. 153: Every day. We have it  
24 on on all of our T.V.s at work.

25 MS. STANISH: Can you guesstimate for me how often

1 you've heard about this case?

2 PROSPECTIVE JUROR NO. 153: I'd say about 10 times.

3 MS. STANISH: And when -- when you've -- and that's  
4 watching T.V.?

5 PROSPECTIVE JUROR NO. 153: Mostly, yes, watching  
6 T.V., here and there from my sister.

7 MS. STANISH: And what -- in what respect are you  
8 hearing about it from your sister?

9 PROSPECTIVE JUROR NO. 153: Just whatever she saw on  
10 T.V. she would, you know, tell me about it.

11 MS. STANISH: When you -- and you -- you associate  
12 Dr. Desai's name -- you've heard Dr. Desai's name in  
13 connection with these stories, I assume?

14 PROSPECTIVE JUROR NO. 153: Yes, because it's so  
15 unusual.

16 THE COURT: Unusual name, you mean?

17 PROSPECTIVE JUROR NO. 153: Yes, unusual name.

18 MS. STANISH: When you got this jury questionnaire,  
19 did you talk to anybody about, oh, wow, I got the Dr. Desai  
20 case?

21 PROSPECTIVE JUROR NO. 153: I didn't tell nobody  
22 about the questionnaire, no.

23 MS. STANISH: Have you -- you've had discussions with  
24 your sister about it, you said?

25 PROSPECTIVE JUROR NO. 153: Previous to this, yes.

1 MS. STANISH: Have you -- you've had discussions with  
2 your sister about it, you said?

3 PROSPECTIVE JUROR NO. 153: Previous to this, yes.

4 MS. STANISH: Okay. Anybody else?

5 PROSPECTIVE JUROR NO. 153: My wife and my sister is  
6 about it.

7 MS. STANISH: How about any medical person?

8 PROSPECTIVE JUROR NO. 153: No, I don't talk to no  
9 medical people.

10 MS. STANISH: You don't talk to your doctor?

11 PROSPECTIVE JUROR NO. 153: I don't have one.

12 MS. STANISH: All right.

13 THE COURT: He's young, Ms. Stanish.

14 MS. STANISH: Well, yeah. I don't remember those  
15 days. I have to say I'm troubled by your comment, "I hope  
16 that they get what they deserve." It -- it sounds to me like  
17 you've made a decision in this case, based on all the  
18 television shows that you've seen -- or news, I should say.  
19 am I right or wrong about that, do you think?

20 PROSPECTIVE JUROR NO. 153: If the television, you  
21 know, was saying that they're reusing needles and the people  
22 were dying from that certain hepatitis C, you know, it had to  
23 come from there, that's why it had to be from them.

24 MS. STANISH: You formed an opinion about my client  
25 as you sit here today?

1 PROSPECTIVE JUROR NO. 153: Well, not him, but I  
2 mean, from that office. Yes, from the office.

3 MS. STANISH: When you -- in your statement when you  
4 say "I hope they get what they deserve," is there anyone in  
5 particular that you feel should be punished?

6 PROSPECTIVE JUROR NO. 153: Whoever reused those  
7 needles.

8 MS. STANISH: I'm going to jump ahead on -- you  
9 answered this one question. It's kind of interesting. I just  
10 wanted you to elaborate on it for me. You asked if -- do  
11 you -- the question was, do you believe that sometimes  
12 mistakes are made, that they just happen, and that no one is  
13 at fault. And your answer was, Yes. And your response was,  
14 some people just don't understand or can't follow  
15 instructions.

16 Tell me what you mean by that?

17 PROSPECTIVE JUROR NO. 153: There's some people that  
18 you can explain it to them how to do something, they still  
19 won't get it right. They still end up making mistakes after  
20 you explained it to them. It's just -- they just don't  
21 understand.

22 MS. STANISH: It sounds like you speak from  
23 experience?

24 PROSPECTIVE JUROR NO. 153: Well, I used to work  
25 with a guy that I had to, like, literally walk him through

1 everything because he couldn't comprehend how to put A and B  
2 together.

3 THE COURT: I said, we used to have a bailiff like  
4 that. Not this current bailiff, we like.

5 MS. STANISH: I have nothing further, Your Honor.

6 THE COURT: All right. Thank you. Mr. Perez, thank  
7 you very much for being here today. We are going to be  
8 cognizant of your hardship; however, I can't excuse you at  
9 this point. I will excuse you for today and probably the rest  
10 of the week, but you've given a phone number to our bailiff  
11 where you can be reached, and you --

12 PROSPECTIVE JUROR NO. 153: Yes.

13 THE COURT: -- and you just have to be available  
14 should you be selected and be called back, but as I said, I am  
15 cognizant of your -- aware of your situation.

16 PROSPECTIVE JUROR NO. 153: Okay.

17 THE COURT: You know, you're free to go to work or  
18 whatever, but of course, the admonition about discussing the  
19 case or doing anything relating to the case -- you're not to  
20 read, watch, listen to any reports of or commentaries on this  
21 case. I would suggest, you know, turn off the -- not  
22 listening to the local news until you've heard from us that  
23 you've been excused.

24 You're not to do any independent research on any  
25 subject connected with the case. Don't Twitter or Facebook or



1 do any of that social media, and please don't form or express  
2 an opinion on the trial. Again, just make sure Kenny has a  
3 good number where we can reach you.

4 PROSPECTIVE JUROR NO. 153: Okay.

5 THE COURT: All right. Sir, thank you. And you're  
6 free to go today.

7 Before I bring in the next juror, we're going to  
8 take five.

9 THE MARSHAL: Okay.

10 MS. STANISH: Your Honor, who will be the next juror?  
11 It's hard finding these things.

12 THE COURT: I'm sorry. I apologize.

13 MS. STANISH: That's okay.

14 THE COURT: It's Juror No. 135 [sic], Debra Aruti,  
15 will be next.

16 And for the record, both sides passed Mr. Perez for  
17 cause?

18 MR. WRIGHT: Yes.

19 MR. STAUDAHER: Yes, Your Honor.

20 THE COURT: All right. Mr. Santacrocce, I think you  
21 already said, but pass for cause?

22 MR. SANTACROCE: Yes, Your Honor.

23 MS. WECKERLY: It's 139 is Aruti.

24 THE CLERK: Ms. Stanish?

25 MS. STANISH: Yes?

1 THE CLERK: It's 139.  
2 MR. STAUDAHER: 139 is Aruti?  
3 THE CLERK: Yeah, it's 139.  
4 MS. STANISH: Oh, 139.  
5 MS. WECKERLY: It's 139 not 135.  
6 THE CLERK: Oh, I thought I was hearing wrong.  
7 (Court recessed from 3:45 p.m. to 3:51 p.m.)  
8 THE COURT: Good afternoon, Ms. Aruti.  
9 PROSPECTIVE JUROR NO. 139: Hello.  
10 THE COURT: I wanted to follow up on something you  
11 wrote on your questionnaire. It says here that you're  
12 concerned about having to serve as a juror in this trial if  
13 the MGM doesn't pay you.  
14 PROSPECTIVE JUROR NO. 139: Yeah.  
15 THE COURT: Do you know whether you'd get paid or not  
16 if you serve as a juror?  
17 PROSPECTIVE JUROR NO. 139: They won't. It's the  
18 first company I've ever worked for that won't pay the  
19 difference.  
20 THE COURT: Really?  
21 PROSPECTIVE JUROR NO. 139: Yeah.  
22 THE COURT: Did you check with your supervisor?  
23 PROSPECTIVE JUROR NO. 139: I did. They said  
24 it's -- our -- just our duty -- our civic duty, so -- they're  
25 fine if you're -- if you go --

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1 THE COURT: What about their civic duty? Pay or not  
2 pay.

3 PROSPECTIVE JUROR NO. 139: They're fine if I'm not  
4 there, but --

5 THE COURT: Yeah, they have to be because there's a  
6 law that tells them they have to be fine or --

7 PROSPECTIVE JUROR NO. 139: Yeah.

8 THE COURT: -- I believe it's a gross misdemeanor if  
9 they -- if they try to interfere with your jury service.

10 PROSPECTIVE JUROR NO. 139: Most companies will pay  
11 the difference, so I was surprised at that.

12 THE COURT: Okay. What do you do at the MGM?

13 PROSPECTIVE JUROR NO. 139: I work in casino  
14 marketing.

15 THE COURT: Okay. And how are you compensated?

16 PROSPECTIVE JUROR NO. 139: Hourly.

17 THE COURT: Okay. So for each hour you're there, you  
18 make a certain amount?

19 PROSPECTIVE JUROR NO. 139: Right.

20 THE COURT: And do you mind me asking what do you  
21 make an hour?

22 PROSPECTIVE JUROR NO. 139: 16.31.

23 THE COURT: Okay. And now, what happens if you go on  
24 vacation or take a sick day or something like that?

25 PROSPECTIVE JUROR NO. 139: We earn -- they call it

1 flex time, so if you have enough earned then you get paid that  
2 way.

3 THE COURT: Okay. So you could take a vacation with  
4 your flex time --

5 PROSPECTIVE JUROR NO. 139: Right.

6 THE COURT: -- in other words? Do you have any flex  
7 time accrued that if you -- I mean, I know, it's not as fun  
8 to, say, go to Disneyland, but if you use your flex time for  
9 jury -- do you have flex time that you could use for jury  
10 service?

11 PROSPECTIVE JUROR NO. 139: At this point I have 43  
12 hours.

13 THE COURT: 43 hours. Okay. So basically one week  
14 would be covered, but --

15 PROSPECTIVE JUROR NO. 139: Right.

16 THE COURT: -- not the rest?

17 PROSPECTIVE JUROR NO. 139: Right.

18 THE COURT: When do you -- what's your shift and what  
19 days do you work?

20 PROSPECTIVE JUROR NO. 139: I work 3 to 11 with  
21 Monday, Tuesday off.

22 THE COURT: Okay. So --

23 PROSPECTIVE JUROR NO. 139: So today is my day off.

24 THE COURT: -- okay. So basically if you were  
25 serving you'd miss three days of work each week, but you could

1 work on Saturday and Sunday?

2 PROSPECTIVE JUROR NO. 139: Right. I would have to  
3 work Saturday, Sunday.

4 THE COURT: Okay. And you said you work 3 to 11?

5 PROSPECTIVE JUROR NO. 139: Mm-hmm.

6 THE COURT: That's 3 p.m. to 11 p.m.?

7 PROSPECTIVE JUROR NO. 139: Yes.

8 THE COURT: If you were to serve, we normally get off  
9 or stop -- we try to stop as close to 5:00 as we can. One of  
10 the reasons for that is because the county doesn't have any  
11 money and they can't pay overtime to the court staff, and so  
12 we try to end near 5. If you were to be able to leave here 5,  
13 5:15, what have you, would you then be able to go to work and  
14 work part of your shift?

15 PROSPECTIVE JUROR NO. 139: I don't know. I would  
16 have to ask. I'm sure if we're short staffed, I don't see why  
17 they would argue that --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 139: -- if I was willing to  
20 do it.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 139: I didn't ask, though.

23 THE COURT: Okay. Now, if you worked until 11, would  
24 that give you enough time to, you know, go to sleep and be  
25 refreshed? Because we don't want jurors to sit in here that

1 are, you know, dozing off and not paying attention.  
2 Obviously, if you're selected as a juror, we expect your  
3 number one priority during the four weeks or six weeks or what  
4 have you to be this trial and paying attention.

5 Would you be able to do that?

6 PROSPECTIVE JUROR NO. 139: It would be hard. I  
7 worked last night to 11, and when I came home I said, you  
8 know, I have to go to bed, but by the time I wind down it's  
9 3:30, 4:00, and I'm getting up at 6:30, so --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 139: -- I did nap a little in  
12 the hall.

13 THE COURT: Now, you had to report today at, what, 8  
14 a.m.?

15 PROSPECTIVE JUROR NO. 139: 8:30.

16 THE COURT: 8:30. Okay. Normally, we'll start  
17 around, you know, 9:30, so a little bit later. And then  
18 you're married?

19 PROSPECTIVE JUROR NO. 139: I am married.

20 THE COURT: And your husband does -- he's a writer?

21 PROSPECTIVE JUROR NO. 139: He's a freelance writer,  
22 yeah.

23 THE COURT: Okay. What is -- what kind of things  
24 does he write?

25 PROSPECTIVE JUROR NO. 139: Well, right now he does

1 press releases and he's doing website writing for restaurants,  
2 but his specialty is more, just, article writing on the hotels  
3 and shows and that sort of thing.

4 THE COURT: Okay. And what does he sell to  
5 magazines, or to --

6 PROSPECTIVE JUROR NO. 139: Well, he doesn't really  
7 sell. He used to freelance specifically for the magazine  
8 called Yi [phonetic], which -- printed in both English and in  
9 Chinese.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 139: She doesn't do it  
12 anymore. She left the country and she's working in China now.  
13 So now he's working for a company called Text Brokers, and you  
14 just go in and you pick jobs and that's how he does these  
15 little press releases and these little writeups. It doesn't  
16 pay much, but it's --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 139: -- what he likes to do.

19 THE COURT: So if the -- somebody is looking for a  
20 writer to write up a press release, and then, he just does  
21 it --

22 PROSPECTIVE JUROR NO. 139: He does it, yeah.

23 THE COURT: -- and he gets paid a certain amount?

24 PROSPECTIVE JUROR NO. 139: Right.

25 THE COURT: Okay. And when he -- I have to ask.

1 When he was writing for the paper is he writing in English, or  
2 is he writing in English and Chinese?

3 PROSPECTIVE JUROR NO. 139: Oh, no, he -- he would  
4 write in English, and then she had translators that translated  
5 it.

6 THE COURT: Okay. It says here you had a procedure  
7 done by Dr. Sood -- or Sood?

8 PROSPECTIVE JUROR NO. 139: Sood, yeah, Sood wasn't  
9 my doctor, but he was the doctor who actually did the  
10 procedure. When I got there they said he was a good doctor,  
11 he was just the -- the one attending, I guess, for the day,  
12 and he did the endoscope.

13 THE COURT: Okay. And it says here, you did seek  
14 legal advice and an attorney?

15 PROSPECTIVE JUROR NO. 139: I did because of the  
16 commercials that were on, and I fell in the time frame, so  
17 we -- it was through some attorney here, and then a -- a  
18 company in Texas, like, Coonan --

19 THE COURT: Was it one of those ads, if you've been a  
20 patient here --

21 PROSPECTIVE JUROR NO. 139: Yeah. Yeah.

22 THE COURT: -- call this number?

23 PROSPECTIVE JUROR NO. 139: It was one of those, and  
24 then I got tested. I've been tested several times, just as  
25 part of my blood work, and I've been negative, thank God,



1 but...

2 THE COURT: Okay. Now, the fact -- you've been in  
3 -- you were tested, you saw an attorney, you were a patient  
4 there, you didn't have any of -- you didn't have Mr. Lakeman  
5 as your nurse anesthetist?

6 PROSPECTIVE JUROR NO. 139: I don't remember who it  
7 was -- it was a male, but I don't remember who it was. I  
8 don't think so.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 139: But I don't know.

11 THE COURT: You don't recognize him?

12 PROSPECTIVE JUROR NO. 139: No.

13 THE COURT: Okay. What a -- it was a male, you said?

14 PROSPECTIVE JUROR NO. 139: Yes.

15 THE COURT: Do you recall anything else about the  
16 male who was your nurse anesthetist, older, younger, black,  
17 white, Hispanic, Asian, anything like that?

18 PROSPECTIVE JUROR NO. 139: He was white, maybe 40s.  
19 I was really nervous. It was the first time I ever had a  
20 medical procedure really done, so --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 139: -- I was more concerned  
23 when they start giving you the oxygen and prepping you than  
24 really what they were doing.

25 THE COURT: So not an older man, more middle-aged

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1 person?

2 PROSPECTIVE JUROR NO. 139: I don't -- yeah, more  
3 middle aged.

4 THE COURT: Okay. Now, would you be able to set  
5 aside the fact that you were a patient there and you've had  
6 some, you know, had to get tested and all of that kind of  
7 thing, if you were selected to serve in this case, or do you  
8 feel like your own experiences would kind of be up there in  
9 the front of your mind?

10 PROSPECTIVE JUROR NO. 139: When it happens -- I  
11 never paid attention to any of the stuff, but the commercials  
12 got really strong, and when it happened I thought, all right,  
13 it's just a blood test, I'll go for the blood test, no big  
14 deal, and you had to wait -- I forget how many weeks, for some  
15 reason you had to wait for the results, and I thought, this is  
16 awful, you know, because then I'm thinking -- I didn't realize  
17 it was contagious and that my husband could have gotten it,  
18 and all these things were going through my mind.

19 I did watch all of the news that was being covered  
20 on it at the time because it affected me. I do have an  
21 opinion from what I've read --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 139: -- and what I've seen on  
24 T.V. Normally, I could, but because it was me I do have an  
25 opinion. I don't know all the facts, obviously, but --

1 THE COURT: Okay. Now, is your opinion based on what  
2 you've seen in the news, or is it based on your own personal  
3 experiences having been a patient at that clinic?

4 PROSPECTIVE JUROR NO. 139: Well --

5 THE COURT: Or is it more, just, you know, the things  
6 you've just read about or heard about in the news media?

7 PROSPECTIVE JUROR NO. 139: -- well, the -- I was a  
8 patient there, and because of what happened I had to be  
9 tested, and I had to be tested, in my opinion because the  
10 whole thing was just really to save money. So greed overtook  
11 the medical oath. And like I said, I was petrified to go in,  
12 I didn't want to go in. I had never had anesthesia for  
13 anything.

14 I know it's not a big deal, the procedure, but for  
15 me it was.

16 THE COURT: Right. Because you --

17 PROSPECTIVE JUROR NO. 139: So --

18 THE COURT: -- you had never been through anything  
19 and it was --

20 PROSPECTIVE JUROR NO. 139: -- right.

21 THE COURT: -- you know, okay.

22 PROSPECTIVE JUROR NO. 139: And I will never do  
23 anything like that again in a surgery center. If it has to be  
24 done again, and it might because I do have stomach issues, it  
25 will be done in a hospital.

1 THE COURT: Okay. As a result of what happened?  
2 PROSPECTIVE JUROR NO. 139: Right.  
3 THE COURT: May I see Counsel.  
4 (Off-record bench conference.)  
5 THE COURT: All right. Ms. Aruti, since you've been  
6 a patient at that place, as well as some of your economic  
7 issues, we're going to go ahead and excuse you.  
8 PROSPECTIVE JUROR NO. 139: Okay.  
9 THE COURT: You're going to be free to leave in a  
10 minute, but you do have to check out back through jury  
11 services.  
12 PROSPECTIVE JUROR NO. 139: Okay.  
13 THE COURT: I must admonish you, however -- you're,  
14 obviously, at this point free to read whatever you want, look  
15 up whatever you want at the Internet, what you can't do is  
16 talk about what's transpired in this courtroom, and the  
17 questions that we've asked you in our discussion, okay?  
18 PROSPECTIVE JUROR NO. 139: That's why nobody says  
19 good bye. We've all been --  
20 THE COURT: Well, yeah, that's why.  
21 PROSPECTIVE JUROR NO. 139: -- trying to figure that  
22 out. Nobody is saying good bye.  
23 THE COURT: They're afraid. Yes, ma'am --  
24 PROSPECTIVE JUROR NO. 139: Okay.  
25 THE COURT: -- because, obviously, we want each juror

1 to come in here fresh, and just give us their honest opinions  
2 and conversation and not be influenced by what another juror  
3 may -- may have said, okay?

4 PROSPECTIVE JUROR NO. 139: Okay. Thank you.

5 THE COURT: That's why it's important. All right.  
6 Thank you, ma'am. Just put the microphone down, and next up  
7 is Mr. Terril Carter, Badge No. 142.

8 This is the last one of our special pile. So maybe  
9 now it will start going a little bit better.

10 Mr. Carter, just have a seat there anywhere in the  
11 box where you're comfortable.

12 THE MARSHAL: Do me a favor, let me grab this for  
13 you.

14 THE COURT: Except there.

15 THE MARSHAL: Make sure you hold it very close to  
16 your mouth.

17 THE COURT: Good afternoon. I wanted to follow-up  
18 with you on something you wrote here. You say that you're  
19 concerned about serving as a juror because you're  
20 self-employed and you're the sole support of your family, and  
21 you have contractual obligations. Can you elaborate a little  
22 bit on that?

23 PROSPECTIVE JUROR NO. 142: I'm a licensed land  
24 surveyor, and I have contracts with clients to perform  
25 surveying on projects.

1 THE COURT: Okay. And you have your own business?

2 PROSPECTIVE JUROR NO. 142: Yes, ma'am.

3 THE COURT: Are you the only person employee of your  
4 business, or do you have employees, or how does --

5 PROSPECTIVE JUROR NO. 142: I'm the only person. I  
6 have a robotic survey instrument that allows me to be a  
7 one-man show more or less.

8 THE COURT: Okay. And you said you have some  
9 contractual obligations coming up, meaning you've been  
10 retained to provide some land surveying services?

11 PROSPECTIVE JUROR NO. 142: Correct.

12 THE COURT: Okay. And can you just tell me what you  
13 have coming up that you're concerned about missing?

14 PROSPECTIVE JUROR NO. 142: I have a project out of  
15 Lake at Las Vegas to survey for a water line. I have a couple  
16 of mortgage surveys that I'm under contract already on for  
17 financing on some commercial projects.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 142: And I have a couple of  
20 grading plans that I'm working on for single-family  
21 residential.

22 THE COURT: Okay. Now, I'm assuming you have to do  
23 your survey work in the daytime or can -- is that something  
24 you can do in the evening, or how does that work?

25 PROSPECTIVE JUROR NO. 142: In the daytime.

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1 THE COURT: Because of the sunlight?

2 PROSPECTIVE JUROR NO. 142: Correct.

3 THE COURT: Okay. But you can do that on the  
4 weekends, or...

5 PROSPECTIVE JUROR NO. 142: Well, I do work on  
6 weekends, yes. I mean, obviously being self-employed you work  
7 when the work is there and --

8 THE COURT: Right.

9 PROSPECTIVE JUROR NO. 142: -- whenever the demand  
10 is there.

11 THE COURT: Okay. When are these projects due, or  
12 when is your land reports due -- survey reports?

13 PROSPECTIVE JUROR NO. 142: Well, I actually have a  
14 project that was due today that I was not able to complete, so  
15 I have, you know, obviously the obligation here has taken the  
16 place, but typically I have in my contracts a time frame from  
17 the time the contract is initiated until completion. It's  
18 generally a -- like a two week turn around.

19 THE COURT: Okay. And I -- I mean, I see people out  
20 there with their surveying instruments. What do you do, you  
21 go out, survey the land, and then, do you prepare a report on  
22 your computer or something like that? How do you work?

23 PROSPECTIVE JUROR NO. 142: I do prepare maps on the  
24 computer reports. It depends on what it is they actually  
25 need. Subdividing land would be mapping. Construction

1 staking would be whenever there are different phases of  
2 construction, I have contracts to go out and lay out where  
3 the -- the improvements are going to be, the buildings, the  
4 utilities, the parking, paving, that type of thing.

5 THE COURT: Okay. And you're married?

6 PROSPECTIVE JUROR NO. 142: Yes, ma'am.

7 THE COURT: And does your wife work out of the home  
8 at all?

9 PROSPECTIVE JUROR NO. 142: No.

10 THE COURT: And no children living at home, they're  
11 all both grown?

12 PROSPECTIVE JUROR NO. 142: Yes.

13 THE COURT: Okay. It says here you have a disabled  
14 -- is it a daughter?

15 PROSPECTIVE JUROR NO. 142: My daughter is disabled.  
16 She's on -- she has kidney disease.

17 THE COURT: Okay. Does she live on her own, or does  
18 she live at home, or --

19 PROSPECTIVE JUROR NO. 142: She lives on her own.  
20 She's got a boyfriend, but we assist her.

21 THE COURT: Okay. Does she get Social Security  
22 disability?

23 PROSPECTIVE JUROR NO. 142: Yes, ma'am.

24 THE COURT: Okay. And then I just wanted to  
25 follow-up on one other thing. It says here that you have

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1 learned about this case in the media and you were treated at  
2 the endoscopy center as well, and notified by the Health  
3 Department and tested, correct?

4 PROSPECTIVE JUROR NO. 142: Correct.

5 THE COURT: And then you've also followed the case in  
6 the news. Was that because that -- you, yourself, was a --  
7 you, yourself, were a patient, or do you just kind of follow  
8 news stories anyway?

9 PROSPECTIVE JUROR NO. 142: Probably both.

10 THE COURT: Okay. Now, setting aside the financial  
11 hardship, we're going to set that aside for right now. I'm  
12 just going to ask you about the fact that you were a patient  
13 there and you were tested. Would you be able to set that  
14 aside and keep an open mind and be neutral and impartial in  
15 this case, or do you feel that that impacts you one way or the  
16 other?

17 PROSPECTIVE JUROR NO. 142: To be honest, I don't  
18 know that I could be impartial because of the circumstances.

19 THE COURT: Okay. Do you -- and you may have marked  
20 it. Do you recall who treated you there?

21 PROSPECTIVE JUROR NO. 142: The doctor I had was Dr.  
22 Nicolae Weisz, and I --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 142: -- checked his name on  
25 the list.

1           THE COURT: And then what about -- you had a nurse  
2 anesthetist?

3           PROSPECTIVE JUROR NO. 142: I'm sure I did, but, you  
4 know --

5           THE COURT: Okay.

6           PROSPECTIVE JUROR NO. 142: -- there's -- was  
7 multiple staff there that you meet when you come through the  
8 door, and then when you go back and you get your anesthesia,  
9 and then some people you don't see because you're under  
10 anesthesia. So I could not tell --

11          THE COURT: Okay.

12          PROSPECTIVE JUROR NO. 142: -- tell you specifically  
13 who it was or wasn't.

14          THE COURT: Okay. You don't remember anything about  
15 that person, male, female, young, old, white, black, Hispanic,  
16 anything?

17          PROSPECTIVE JUROR NO. 142: I would say probably  
18 female, but that's just because most of the nurses and the  
19 people that I've been around have been female.

20          THE COURT: Okay. But no specific memory?

21          PROSPECTIVE JUROR NO. 142: No.

22          THE COURT: All right. Counsel, approach.

23                   (Off-record bench conference.)

24          THE COURT: We're going to go ahead and excuse you at  
25 this point in time. Please don't discuss anything that's

1 transpired in the courtroom with anyone else, meaning the  
2 questions that I've asked in our discussions; do you  
3 understand?

4 PROSPECTIVE JUROR NO. 142: Okay. Yes, ma'am.

5 THE COURT: All right. Sir, thank you. Put your  
6 microphone down and you're free to leave.

7 And Badge No. 126 is next, Bryan Wentte.

8 You guys are lucky, I have no questions for Mr.  
9 Wentte, or Went, whatever.

10 MS. WECKERLY: I think I missed it, was 10053, was  
11 that a no-show?

12 THE COURT: Sir, go ahead and have a seat there in  
13 the jury box, please. You can sit down, sir. And the  
14 attorneys are going to follow up on some of the answers that  
15 you gave in your questionnaire, all right?

16 State, you may proceed. Who would like to --

17 MR. STAUDAHER: Certainly, Your Honor.

18 THE COURT: -- Mr. Staudaher?

19 MR. STAUDAHER: Yes. A couple of things. You  
20 indicated that this wouldn't be a problem for you to sit for  
21 this length of time, correct?

22 PROSPECTIVE JUROR NO. 126: Yes.

23 MR. STAUDAHER: I know that it probably isn't the  
24 most enjoyable thing that you could ever want to do, but you  
25 can accommodate it if you were chosen?

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1 PROSPECTIVE JUROR NO. 126: Yes, I can.

2 MR. STAUDAHER: Okay. Also, it indicated that you

3 indicated that there was no issue with regard to your ability

4 to be fair and impartial, you could do that?

5 PROSPECTIVE JUROR NO. 126: That's correct.

6 MR. STAUDAHER: And what we mean by that is can you

7 give both sides a fair shot -- you haven't listened to any of

8 this in the news, you don't have a real -- much background

9 as -- other than what you heard today about what the case is

10 even about, correct?

11 PROSPECTIVE JUROR NO. 126: Yeah, and then simply

12 seeing headlines in the news, but nothing, like, in-depth for

13 the articles. I'd see the headlines from, like --

14 MR. STAUDAHER: Right.

15 PROSPECTIVE JUROR NO. 126: -- the Sun or the

16 Journal --

17 MR. STAUDAHER: Okay.

18 PROSPECTIVE JUROR NO. 126: -- or KNPR.

19 MR. STAUDAHER: Now, can you reserve -- I mean,

20 whatever -- even if you've just a little bit seen a headline

21 or something about this, can you kind of put that aside and

22 just listen to the evidence as it comes in, and then apply

23 that to the -- whatever the law is the Judge gives you, and

24 then render your verdict based on that?

25 PROSPECTIVE JUROR NO. 126: Yes, I can.

1 MR. STAUDAHER: Okay. Now, you're a music teacher;  
2 is that right?

3 PROSPECTIVE JUROR NO. 126: That's correct.

4 MR. STAUDAHER: It looks like you have no -- you  
5 weren't a patient at the clinic, you have no family connection  
6 to the clinic or anything; is that fair?

7 PROSPECTIVE JUROR NO. 126: That's correct.

8 MR. STAUDAHER: Okay. If the State at the end of the  
9 trial is able to prove the essential elements of the crimes  
10 charged beyond a reasonable doubt, can you come back with a  
11 guilty verdict?

12 PROSPECTIVE JUROR NO. 126: State that again,  
13 please?

14 MR. STAUDAHER: I'll ask it a different way. There  
15 are certain charges in this case and those charges have parts  
16 or elements. We have to prove -- the State has to prove every  
17 element of those charges beyond a reasonable doubt. If we are  
18 successful at that at the end, and in your mind we have done  
19 that beyond a reasonable doubt, can you come back with a  
20 guilty verdict?

21 PROSPECTIVE JUROR NO. 126: Yes, I can.

22 MR. STAUDAHER: Is there any reason philosophical,  
23 religious, or otherwise, why that might be difficult for you  
24 to do?

25 PROSPECTIVE JUROR NO. 126: No.

1 MR. STAUDAHER: So you can just listen to the  
2 evidence and render a verdict based on that?

3 PROSPECTIVE JUROR NO. 126: Yes, that's correct.

4 MR. STAUDAHER: As far as the -- the job that you  
5 have, I mean, as a high school teacher, do you ever supervise  
6 people, do you work with -- in a capacity where you are in  
7 charge, so to speak, other than in charge of the student's in  
8 your classroom?

9 PROSPECTIVE JUROR NO. 126: Well, I'm a band  
10 director, and so I'm in charge of functions that happen at the  
11 school and performing for functions, so in addition to  
12 students that I deal with, it's also dealing with parents,  
13 administration, and other teachers, and community members at  
14 the events that we perform at or are involved with.

15 MR. STAUDAHER: In the job role that you are in, is  
16 it more of a once you are in your classroom, is it more of an  
17 independent thing for you, or are you still under the -- are  
18 you still under the, sort of -- I don't know, obviously the  
19 administration still is in charge of you, so to speak,  
20 correct?

21 PROSPECTIVE JUROR NO. 126: Administration is in  
22 charge of me, but I'm pretty free in my own area. There's no  
23 one breathing down my back.

24 MR. STAUDAHER: Okay. Has you -- have you ever been  
25 in a job where that was the case where you had some bad boss

1 who -- or somebody that was really one who, you know,  
2 overlorded their position or really made it uncomfortable for  
3 you to be around them?

4 PROSPECTIVE JUROR NO. 126: No, no one has  
5 overstepped their boundaries with me.

6 MR. STAUDAHER: Okay. So you're just -- pretty much,  
7 you've got an even job, you can go in and do your work, and  
8 nobody really gives you a hard time unless you really make a  
9 mistake and blow it, I assume?

10 PROSPECTIVE JUROR NO. 126: No one gives me a hard  
11 time. I am a hard worker so...

12 MR. STAUDAHER: Okay. Your Honor, I pass for cause.

13 THE COURT: All right. Thank you. Who would like to  
14 go first for the defense? Mr. -- or --

15 MR. SANTACROCE: Is it Mr. Wentz or Went?

16 PROSPECTIVE JUROR NO. 126: Wentz.

17 MR. SANTACROCE: Wentz. I'm a little confused  
18 because some of the teachers we've had in here said it would  
19 be a hardship missing the rest of the school year. You may be  
20 different because of what you do, but I'm just curious, would  
21 it be a hardship for you or your students if you missed the  
22 rest of the school year?

23 PROSPECTIVE JUROR NO. 126: I could make it happen.  
24 The issue is I'm at an at-risk high school, where 37 percent  
25 graduate. And so, I deal with 250 students that are relying

1 on me to carry out the rest of the school year, as well as  
2 being the band director, I'm already planning for next fall's  
3 school year too. It's more than just the 8 to 2:00 job.

4 And so that's -- I mean, I can fulfill the job as a  
5 jury duty member, however, it does put stress on the program  
6 at the school.

7 MR. SANTACROCE: So would it be your preference to  
8 serve? Not to serve? Do you have an opinion about that?

9 PROSPECTIVE JUROR NO. 126: It -- I mean, it's my  
10 civic duty to serve.

11 MR. SANTACROCE: Okay. Your questionnaire said, I  
12 believe, that your mother is a nurse?

13 PROSPECTIVE JUROR NO. 126: That's correct.

14 MR. SANTACROCE: And she works in a pediatric trauma  
15 care center?

16 PROSPECTIVE JUROR NO. 126: No, currently she's a  
17 school nurse in St. Paul, at an at-risk elementary school.  
18 She has been there about five -- eight years now, something  
19 like that. She used to work at Hennepin County Medical  
20 Center, which is downtown Minneapolis, dealing first in  
21 trauma, then pediatrics, and I think she was there for about  
22 10 years while I was growing up.

23 MR. SANTACROCE: With regard to this particular case,  
24 did you ever have any discussion with your mother about this  
25 particular case?



1 PROSPECTIVE JUROR NO. 126: No, I have not.

2 MR. SANTACROCE: The State asked you a question if  
3 they proved all the facts here, could you render a guilty  
4 verdict. I'm going to ask you the opposite. If the State  
5 doesn't meet their burden of proving each and every element  
6 beyond a reasonable doubt, could you vote for an acquittal?

7 PROSPECTIVE JUROR NO. 126: I could.

8 MR. SANTACROCE: As you sit here today, do you give  
9 preference to either side philosophically or otherwise?

10 PROSPECTIVE JUROR NO. 126: No.

11 MR. SANTACROCE: As you sit here today do you have  
12 any opinion as to whether the fact that Dr. Desai and Mr.  
13 Lakeman are here, that they must have done something wrong?

14 PROSPECTIVE JUROR NO. 126: No.

15 MR. SANTACROCE: You understand that two men are on  
16 trial here, correct?

17 PROSPECTIVE JUROR NO. 126: Correct.

18 MR. SANTACROCE: And you understand that the State  
19 has to prove that each of them committed these certain  
20 offenses beyond a reasonable doubt?

21 PROSPECTIVE JUROR NO. 126: Correct.

22 MR. SANTACROCE: If they were to reach -- or if you  
23 believe that they reached that conclusion with one of the  
24 defendants, but not the other, would you be reluctant to  
25 acquit the one that they didn't meet their burden on?

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1 PROSPECTIVE JUROR NO. 126: Is the -- what you're  
2 trying for, it's all or nothing, either/both, or -- or is --  
3 are they tried separately?

4 THE COURT: No --

5 PROSPECTIVE JUROR NO. 126: I'm unclear on that.

6 THE COURT: -- basically -- yeah, I -- I'm a little  
7 bit reluctant to paraphrase the instructions, I'm really not  
8 supposed to do that. At the end you get the instructions, but  
9 it will tell you essentially that you are to consider each  
10 defendant individually and each charge individually.

11 So you have to consider each defendant and the  
12 evidence presented against that defendant, and then you go  
13 through each charge separately. So you have to make sure that  
14 the State has met its burden as to each defendant, as to each  
15 charge.

16 So you don't have to find both guilty or both not  
17 guilty or, you know, one guilty of all the charge -- you know,  
18 it's not an all or nothing proposition. The duty of the jury  
19 is to go through each count separately and make and  
20 independent -- or a determination as to each count and each  
21 defendant; do you understand?

22 PROSPECTIVE JUROR NO. 126: That's clear, yes.

23 THE COURT: Okay. Mr. Santacroce, then, go on with  
24 your question.

25 MR. SANTACROCE: Thank you, Your Honor. So you --

1 you could do that, then, correct?

2 PROSPECTIVE JUROR NO. 126: I could. That's  
3 correct.

4 MR. SANTACROCE: Okay. Great. Looking at your  
5 Question No. 41, where it says, Do you believe that sometimes  
6 mistakes are made, that they just happen and that no one is at  
7 fault, and you answered, no, a mistake is due to an error in  
8 judgment and a consequence must be accepted by the party at  
9 fault. And then -- I can't read that -- and then it says,  
10 Accident is different in that it is possible for no one to be  
11 at fault.

12 So can you just elaborate a little bit about what  
13 you meant by that answer?

14 PROSPECTIVE JUROR NO. 126: I think an accident is  
15 more at random, or such as an act of God, which is to the  
16 extreme, however, a mistake -- there was action or judgment  
17 involved that could have had prevention to, and has a  
18 consequence to it, whereas an accident -- it -- it happens and  
19 you move on.

20 MR. SANTACROCE: I have no further questions. Thank  
21 you.

22 THE COURT: Thank you. Pass for cause?

23 MR. SANTACROCE: Yes.

24 THE COURT: Ms. Stanish?

25 MS. STANISH: Good afternoon, Mr. Went.

1 PROSPECTIVE JUROR NO. 126: Good afternoon.

2 MS. STANISH: Just a few more things about your  
3 employment. When does your school year end?

4 PROSPECTIVE JUROR NO. 126: The school year ends --  
5 June 8 is graduation day for us. So we get out, I think June  
6 6 or 7 is when the school year ends, but the band plays at  
7 graduation, so June 8 is the end.

8 MS. STANISH: And do you get a summer vacation, or do  
9 you have to work in the summer at -- in the -- in that  
10 capacity?

11 PROSPECTIVE JUROR NO. 126: I have a summer vacation  
12 from teaching. I also perform in the summer though, also. As  
13 far as an individual outside the school, like, as a freelance  
14 musician.

15 MS. STANISH: Do you have any work lined up for this  
16 summer break?

17 PROSPECTIVE JUROR NO. 126: I do have work lined up  
18 in June and then August. It's not solid yet as far as  
19 specific dates, but it's on my calendar tentatively.

20 MS. STANISH: Have you had -- have you or anybody  
21 close to you had any negative experience with medical  
22 professionals?

23 PROSPECTIVE JUROR NO. 126: Not that I can think of,  
24 no.

25 MS. STANISH: Okay. Pass, Your Honor, for cause.

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1           THE COURT: All right. Sir, thank you. I'm about to  
2 excuse you for the rest of the day, and the next couple of  
3 days, as we continue through jury selection. You may still be  
4 chosen as a juror in this case, so I believe you've already  
5 given our bailiff, Kenny, your phone number. Make sure he has  
6 a correct number where we can reach you. If you are going to  
7 be a juror, then we will direct you when to report.

8           For that reason, of course, the admonition is still  
9 in place. So you're not to discuss anything relating to this  
10 case with anybody else, you're not to read, watch, listen to  
11 any reports of, or commentaries on this case, any person or  
12 subject matter relating to the case. Don't do any independent  
13 research by way of the Internet. Don't Twitter or Facebook or  
14 engage in any social media concerning the case, and please  
15 don't form or express an opinion on the case.

16           Go ahead, you're free to leave. Today you need to  
17 check out, back down through jury services, and then, as I  
18 said, you must be available if you're chosen to report back  
19 for jury duty.

20           PROSPECTIVE JUROR NO. 126: Thank you.

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

22           And next up would be Mr. Cory Johnson, Badge No.  
23 129. Oh, I'm sorry.

24           MR. WRIGHT: Just one moment.

25           THE COURT: Kenny, just a moment.

1           Maybe we can just pull out all the teachers. I feel  
2 good we've got two.

3           MR. STAUDAHER: There we go.

4           MS. WECKERLY: We're this close.

5           MR. STAUDAHER: That one went fairly quickly.

6           THE COURT: I'm so telling them, you know, depending  
7 on how this goes, maybe we just won't have any alternates.

8           MR. STAUDAHER: Yes.

9           MS. WECKERLY: It will -- but it will go faster now.

10          THE COURT: Yeah. No, I know. Those were the --  
11 those were the problems, and...

12          You know, I wish we could just take a Polaroid of  
13 everybody and make this...

14          MR. STAUDAHER: Your Honor, are we starting at 9:30  
15 tomorrow, is that -- or do we know?

16          THE COURT: We can start at 9.

17          MR. STAUDAHER: Okay.

18          THE COURT: Unless there's some other conflict.

19          MR. STAUDAHER: Yes, I just didn't remember exactly  
20 when you had said, if you had.

21          THE COURT: I may have said 9 -- I mean, I'd just as  
22 soon start at 9. No, because we still have 18. Well, let's  
23 see where we get -- well, I don't know. Maybe we should have  
24 another 10 come tomorrow? Do you think?

25          MR. STAUDAHER: Yeah, because we're going to get

1 through, I think, quite a few of them now, at least we got --  
2 THE COURT: Okay. Why don't --  
3 MR. STAUDAHER: You're still planning to go to 6, you  
4 said?  
5 THE COURT: Yeah.  
6 MR. STAUDAHER: Okay. Yeah, I think.  
7 THE COURT: Why don't we have another 15 then, for  
8 tomorrow? But just make them sit in jury services until we --  
9 THE MARSHAL: And then I'll go get them?  
10 THE COURT: -- right.  
11 MS. WECKERLY: Or -- yeah, or have them come in the  
12 afternoon, the 15.  
13 THE COURT: That's a good -- Kenny?  
14 THE MARSHAL: Yes, Judge.  
15 THE COURT: This is why she's, like, so smart.  
16 THE MARSHAL: I didn't hear a word.  
17 THE COURT: Come in the afternoon. So have another  
18 -- well, have another 10 come at, like, noon.  
19 THE MARSHAL: Okay.  
20 (Pause in the proceedings.)  
21 THE COURT: All right. Kenny, bring in Cory Johnson.  
22 MS. WECKERLY: Your Honor, may we approach before we  
23 bring him in?  
24 THE COURT: Sure.  
25 (Off-record bench conference.)

UNCERTIFIED ROUGH DRAFT

1 THE COURT: We have Wednesday until 5, right?  
2 MR. STAUDAHER: Right.  
3 THE COURT: Okay. So then, tomorrow we'll figure out  
4 what we're going to do --  
5 MS. WECKERLY: Okay.  
6 THE COURT: -- for Wednesday.  
7 MR. STAUDAHER: Okay.  
8 MS. WECKERLY: Thank you.  
9 THE COURT: Okay? Kenny, bring in 129.  
10 MS. STANISH: Who is that, please?  
11 THE COURT: Cory Johnson.  
12 Mr. Johnson, just have a seat there anywhere in the  
13 jury box that you're comfortable. Good afternoon.  
14 PROSPECTIVE JUROR NO. 129: Hi.  
15 THE COURT: I wanted to follow-up on something you  
16 put in your questionnaire. You said, You might have a problem  
17 with serving as a juror in this case because you travel  
18 frequently for work on short notice, and you have an  
19 outstanding audit.  
20 PROSPECTIVE JUROR NO. 129: Correct.  
21 THE COURT: What is that about? Can you elaborate?  
22 PROSPECTIVE JUROR NO. 129: Yeah, I'm a security  
23 auditor, so we do ISO audits for corporations.  
24 THE COURT: Okay. And so you said you have something  
25 in April. What have you got scheduled?

UNCERTIFIED ROUGH DRAFT



1 PROSPECTIVE JUROR NO. 129: That actually ended up  
2 not happening.

3 THE COURT: Okay. So we're good for April. And then  
4 in terms of your travel on short notice, how does that work?

5 PROSPECTIVE JUROR NO. 129: Well, basically, if -- I  
6 work mostly with casinos which usually have very very tight  
7 operational windows, and since I do information security,  
8 often they have to do it quickly before their IT people find  
9 out I'm coming.

10 THE COURT: Okay. Because if they find out you're  
11 coming, they'll kind of maybe clear whatever --

12 PROSPECTIVE JUROR NO. 129: They can invalidate --

13 THE COURT: -- it is they're --

14 PROSPECTIVE JUROR NO. 129: -- the audit.

15 THE COURT: -- doing that's problematic?

16 PROSPECTIVE JUROR NO. 129: Correct.

17 THE COURT: Okay. Now, are there other people in  
18 your company that, if you're here serving as a juror, somebody  
19 else can go and do the audit or assessment?

20 PROSPECTIVE JUROR NO. 129: There are. I'm just the  
21 most qualified.

22 THE COURT: Okay. Well, then they'll really  
23 appreciate you when you get back. And then one other thing I  
24 wanted to follow up on. Sorry. You did see something in the  
25 media. What -- was that the news of television, or --

1 PROSPECTIVE JUROR NO. 129: News, radio, back -- I  
2 don't even remember when it was exactly, you just almost  
3 couldn't go without hearing about it.

4 THE COURT: Okay. And it says, Due to incompetent  
5 practice at the clinic, many people contracted hep C, dirty  
6 needle, and cover-ups.

7 PROSPECTIVE JUROR NO. 129: That's what I recall.

8 THE COURT: Okay. And they deserve to be out of  
9 business and charged with criminal malpractice. And that's  
10 based on your assessment from what you saw and heard in the --  
11 in the news?

12 PROSPECTIVE JUROR NO. 129: Yep, and most of my  
13 family is in healthcare in one way or another.

14 THE COURT: Okay. Have you discussed this with your  
15 family members that work in healthcare?

16 PROSPECTIVE JUROR NO. 129: I have not.

17 THE COURT: Okay. When you got the summons and came  
18 in and filled out the questionnaire, did you tell any of your  
19 family members, oh, I just filled out a questionnaire, I might  
20 be a juror on the Desai case?

21 PROSPECTIVE JUROR NO. 129: Nope.

22 THE COURT: Okay. Now, do you accept that sometimes  
23 the media, the news media, gets things wrong? They report  
24 things incorrectly or incompletely?

25 PROSPECTIVE JUROR NO. 129: Sure.

1           THE COURT: Okay. If you're selected as a juror, do  
2 you understand that you would have to set aside anything you  
3 may have seen or heard outside the courtroom, including in the  
4 newspaper, or on the news, and base your verdict solely upon  
5 the evidence presented in the case? Meaning, the testimony  
6 from the witness stand and the exhibits.

7           Would you be able to do that?

8           PROSPECTIVE JUROR NO. 129: I imagine so.

9           THE COURT: Okay. I mean, obviously we can't erase  
10 your memory, but we expect that that not weigh into your  
11 deliberations, that, you know, if you're a juror you -- you  
12 know, hold the State to the burden of proving the defendant's  
13 guilt beyond a reasonable doubt, based on the evidence they  
14 present. Is that something you would be able to do?

15          PROSPECTIVE JUROR NO. 129: I'd imagine that's  
16 possible, yeah.

17          THE COURT: Okay. Any concerns or -- any concerns  
18 about whether or not you could do that?

19          PROSPECTIVE JUROR NO. 129: I don't believe so.

20          THE COURT: Okay. Now, you understand that the flip  
21 side of the fact that the State has to prove the defendant's  
22 guilt beyond a reasonable doubt is that if the State doesn't  
23 prove the defendant's guilt beyond a reasonable doubt, the  
24 defendant's are entitled to a verdict of not guilty. Do you  
25 have any problem with that concept?

1           PROSPECTIVE JUROR NO. 129:  It's a -- it could be a  
2 bit distasteful, but that depends.

3           THE COURT:  Okay.  Distasteful, why?

4           PROSPECTIVE JUROR NO. 129:  In the -- now, how do I  
5 put it?  I'm not really sure how the whole reasonable doubt  
6 thing exactly works, aside from --

7           THE COURT:  T.V.?

8           PROSPECTIVE JUROR NO. 129:  -- what's on T.V. and  
9 whatnot.

10          THE COURT:  Right.  And you'll get an instruction at  
11 the end as to what reasonable doubt means.  I'm prohibited  
12 from trying to, you know, explain the instruction.  I have to  
13 read it exactly as the instruction is given, and unfortunately  
14 I don't have it exactly memorized.  So I'm, you know,  
15 reluctant to tell you what it is, and maybe say something  
16 incorrect.

17          But once I give you the instruction and explain to  
18 you what that is, is there any reason, anything that you feel  
19 would impact your ability to follow the instruction, apply the  
20 standard to the evidence presented in this case, and then make  
21 the determination, yes, the State has met its burden of proof,  
22 or no, the State hasn't met its burden of proof because that's  
23 really what the function of a -- of a trial jury is.

24          PROSPECTIVE JUROR NO. 129:  I don't believe so.

25          THE COURT:  All right.  I don't believe so, you could

1 do it? Or I don't believe so, you couldn't do it?

2 PROSPECTIVE JUROR NO. 129: I don't believe it would  
3 be too big of a problem.

4 THE COURT: All right. State, you may follow up with  
5 Mr. Johnson.

6 MS. WECKERLY: How are you, sir?

7 PROSPECTIVE JUROR NO. 129: Okay.

8 MS. WECKERLY: The way I understood your -- your  
9 conversation with the Court about your employment is that it's  
10 pretty inconvenient, but you could probably serve?

11 PROSPECTIVE JUROR NO. 129: Probably, yes.

12 MS. WECKERLY: I mean, I'm simplifying it, certainly,  
13 but it's not a -- like a devastating hardship?

14 PROSPECTIVE JUROR NO. 129: No.

15 MS. WECKERLY: Okay. And you wrote on your  
16 questionnaire, or you marked the box that you are able to be  
17 fair and impartial to both sides?

18 PROSPECTIVE JUROR NO. 129: I'd hope so.

19 MS. WECKERLY: Okay. And it's a little bit, I guess,  
20 artificial in the sense that we have to kind of secure that,  
21 yes, I can be fair and impartial before we can seat you as a  
22 juror. And I know you haven't heard any of the evidence, but  
23 essentially, can you -- can you commit to that that I can be  
24 fair to both sides and listen to the evidence fairly?

25 PROSPECTIVE JUROR NO. 129: Well, I don't have any

1 personal stake one way or the other, so I would imagine so.

2 MS. WECKERLY: Okay. And even though you have heard  
3 about this case through the media, you'll decide the case  
4 based on what you hear in the courtroom; is that fair?

5 PROSPECTIVE JUROR NO. 129: It's reasonable.

6 MS. WECKERLY: Okay. And Judge Adair will instruct  
7 you, as she said, on what the law is. Wouldn't have -- I  
8 would assume you wouldn't have any trouble applying the  
9 Judge's instructions?

10 PROSPECTIVE JUROR NO. 129: I would imagine not.

11 MS. WECKERLY: Okay. You mentioned on your  
12 questionnaire that your mom was the victim of malpractice by a  
13 medical provider?

14 PROSPECTIVE JUROR NO. 129: Yeah, once during  
15 dialysis she was -- nearly died.

16 MS. WECKERLY: Was that here locally?

17 PROSPECTIVE JUROR NO. 129: No.

18 MS. WECKERLY: How long ago was that?

19 PROSPECTIVE JUROR NO. 129: A few months ago.

20 MS. WECKERLY: Where does she live, or --

21 PROSPECTIVE JUROR NO. 129: She lives in Iowa.

22 MS. WECKERLY: Iowa? And is there anything about  
23 that happening to your mom that you think might affect your  
24 ability to be fair?

25 PROSPECTIVE JUROR NO. 129: I don't know precisely

1 what happened, and she elected not to push it further, so I --  
2 I'd have to assume that it wasn't that big of a deal, at least  
3 as far as she was concerned.

4 MS. WECKERLY: Okay. If -- I mean, she's someone  
5 that it sounds like she would have had this done -- dialysis  
6 done frequently?

7 PROSPECTIVE JUROR NO. 129: Yeah, she's zero  
8 functioning kidneys.

9 MS. WECKERLY: Okay. And did you just not push it  
10 because she -- because that was sort of what her decision was?

11 PROSPECTIVE JUROR NO. 129: Yeah, it's her decision.

12 MS. WECKERLY: Okay. Your brother-in-law is retired  
13 Metro?

14 PROSPECTIVE JUROR NO. 129: Correct.

15 MS. WECKERLY: And what's that individual's name?

16 PROSPECTIVE JUROR NO. 129: Steven Edwards.

17 MS. WECKERLY: And do you know where he worked, or  
18 where he was assigned?

19 PROSPECTIVE JUROR NO. 129: Yeah, he was a fraud  
20 detective and violent crimes.

21 MS. WECKERLY: How --

22 PROSPECTIVE JUROR NO. 129: Go ahead?

23 MS. WECKERLY: -- oh, how long has he been retired?

24 PROSPECTIVE JUROR NO. 129: A month or two.

25 MS. WECKERLY: Oh, not very long. Anything about

1 that relationship that would make you biased for -- in favor  
2 of one side or the other?

3 PROSPECTIVE JUROR NO. 129: No, if -- if he had  
4 anything to do with this, he didn't mention it.

5 MS. WECKERLY: Okay. Fair enough. How about just  
6 having an association with Metro, that --

7 PROSPECTIVE JUROR NO. 129: No.

8 MS. WECKERLY: -- wouldn't influence you one way or  
9 the other? And your sister-in-law worked for a doctor?

10 PROSPECTIVE JUROR NO. 129: She's a  
11 transcriptionist, I believe.

12 MS. WECKERLY: And so, maybe not on the medical side,  
13 but more on sort of a --

14 PROSPECTIVE JUROR NO. 129: Record keeping.

15 MS. WECKERLY: -- office side?

16 PROSPECTIVE JUROR NO. 129: Yeah.

17 MS. WECKERLY: Okay. I wouldn't -- was that doctor  
18 here locally?

19 PROSPECTIVE JUROR NO. 129: Yes.

20 MS. WECKERLY: And do you know who it was, or --

21 PROSPECTIVE JUROR NO. 129: Not off the top of my  
22 head.

23 MS. WECKERLY: -- okay.

24 PROSPECTIVE JUROR NO. 129: I think he was a plastic  
25 surgeon, but I -- but I don't remember who.



1 MS. WECKERLY: Okay. And you don't seem too  
2 connected with that to where --

3 PROSPECTIVE JUROR NO. 129: It's been awhile.

4 MS. WECKERLY: -- it -- where it would affect you.  
5 Other than what we've discussed, you and I, and then, also  
6 what you've discussed with the Court, is there anything in  
7 your mind that causes you concerns about your ability to be a  
8 juror in this case?

9 PROSPECTIVE JUROR NO. 129: None I can really think  
10 of, no.

11 MS. WECKERLY: Okay. And would you be okay listening  
12 to -- it's not super technical, but medical-type testimony or  
13 detail-type -- detail oriented testimony?

14 PROSPECTIVE JUROR NO. 129: No, I think I'd probably  
15 prefer that over anything else to be honest.

16 MS. WECKERLY: Okay. And that's kind of in line  
17 with, probably your line of work is -- is very detailed and  
18 precise, would that be fair?

19 PROSPECTIVE JUROR NO. 129: Correct.

20 MS. WECKERLY: Thank you, sir. Your Honor, the State  
21 will pass for cause.

22 THE COURT: All right. Thank you. Who would like to  
23 go first for the Defense? Ms. Stanish?

24 MS. STANISH: Good afternoon, sir.

25 PROSPECTIVE JUROR NO. 129: Hello.

1 MS. STANISH: I just want to tag on that last  
2 question that was posed to you. Why is it that you prefer to  
3 listen to a case that involves something involving medical  
4 than anything else?

5 PROSPECTIVE JUROR NO. 129: I didn't -- necessarily  
6 not medical, just very precise and the -- the more precisely  
7 it can be explained, the better off I am.

8 MS. STANISH: I notice when -- on that question that  
9 deals with receiving special training or schooling, check all  
10 the boxes that apply, you did check off, Risk management.

11 PROSPECTIVE JUROR NO. 129: Correct.

12 MS. STANISH: You had -- it looked like you had  
13 checked off medical, but then crossed it off. Was there  
14 something you have in your background that is related to  
15 medical?

16 PROSPECTIVE JUROR NO. 129: When I initially went to  
17 college, I was a pre-medicine major, but I dropped that -- I  
18 hadn't --

19 MS. STANISH: And that -- how long ago was that?

20 PROSPECTIVE JUROR NO. 129: Oh, that was in 1994.

21 MS. STANISH: Were you active duty in the military?

22 PROSPECTIVE JUROR NO. 129: Correct.

23 MS. STANISH: Do you have any -- are you entitled to  
24 any Veteran's benefits?

25 PROSPECTIVE JUROR NO. 129: I used my GI bill, so I

1 think I could do the VA home loan thing, that's about it.

2 MS. STANISH: You're -- you're not entitled to any  
3 Veteran's benefits as far as medical?

4 PROSPECTIVE JUROR NO. 129: I chose not to keep  
5 that.

6 MS. STANISH: Why is that?

7 PROSPECTIVE JUROR NO. 129: It seemed an unnecessary  
8 tie, so when I got out, I got all the way out.

9 MS. STANISH: With respect to your job as a -- a  
10 security auditor, can -- can you explain to me how that --  
11 what kind of risk that you're looking for in that regard?

12 PROSPECTIVE JUROR NO. 129: Well, I have two primary  
13 jobs. One is a test engineer, which deals with, basically,  
14 fault analysis. And the second is as a --

15 MR. WRIGHT: I'm sorry. Fault? I didn't hear what  
16 you said.

17 PROSPECTIVE JUROR NO. 129: Yeah, fault.

18 MR. WRIGHT: Fault analysis?

19 PROSPECTIVE JUROR NO. 129: More precisely failure  
20 modes in both systems and processes. So whenever I do an  
21 audit for security or whatever, one of the things I'm looking  
22 at is how they do what they do. And to make sure that they  
23 are following up with published procedures and practices.

24 MS. STANISH: Going back to your job in -- your  
25 absence from your job, should you be selected to sit on this

1 jury, this trial will likely take the entire month of May and  
2 possibly go into the month of June. Knowing that, does that  
3 create a hardship for you or your business?

4 PROSPECTIVE JUROR NO. 129: If it started after the  
5 first week of May it probably wouldn't be a big deal, but the  
6 first week of May and actually the last week of April is going  
7 to be very busy.

8 MS. STANISH: So the first week of May is gee, next  
9 week already.

10 PROSPECTIVE JUROR NO. 129: Week after next.

11 MS. STANISH: Week after next? Well, it's middle,  
12 Wednesday, I think starts it --

13 THE COURT: So you're talking about the first full  
14 week of May?

15 MS. STANISH: -- oh, okay.

16 PROSPECTIVE JUROR NO. 129: Specifically, I have  
17 to -- they want me to go to San Francisco May 5 and May 6.

18 MS. STANISH: And after -- later in the month of May?

19 PROSPECTIVE JUROR NO. 129: I don't have anything on  
20 my schedule for that yet.

21 MS. STANISH: And how about June?

22 PROSPECTIVE JUROR NO. 129: Nothing in June.

23 MS. STANISH: I think I was writing and I might have  
24 missed what you said earlier in response to a question by  
25 Judge Adair about some -- something being distasteful to you,

1 what -- could you elaborate on that for me?

2 PROSPECTIVE JUROR NO. 129: Sure. There -- as far  
3 as I can tell, there may be a point of contention between the  
4 law and what may necessarily be what I would consider to be  
5 right under certain circumstances. I don't know whether or  
6 not this would fall under that, but given what I've heard so  
7 far, it's possible.

8 MS. STANISH: So if I'm understanding you, if the  
9 Judge gives you the law and says that -- here's the law that  
10 you have to apply to this set of facts, you may not, based on  
11 what you already know, agree with the law?

12 PROSPECTIVE JUROR NO. 129: Correct.

13 MS. STANISH: And if you don't agree with the law,  
14 does that mean you're not going to follow it?

15 PROSPECTIVE JUROR NO. 129: Not necessarily.

16 MS. STANISH: What does it mean?

17 PROSPECTIVE JUROR NO. 129: It just means that I may  
18 not, at all, feel good about it. We'll put it that way.  
19 Merely distasteful. Not that I would pursue any other course.

20 MS. STANISH: Do you have any strong feelings about  
21 the -- the presumption of innocence that attaches to people  
22 when they're charged by way of indictment?

23 PROSPECTIVE JUROR NO. 129: Not at all.

24 MS. STANISH: You -- you agree with it?

25 PROSPECTIVE JUROR NO. 129: Yes, and I understand

1 its purpose.

2 MS. STANISH: If -- if you were charged with a  
3 criminal offense, would you want someone like yourself on the  
4 jury?

5 PROSPECTIVE JUROR NO. 129: That, I don't think I  
6 can really answer objectively.

7 MS. STANISH: Why?

8 PROSPECTIVE JUROR NO. 129: Because it's me.

9 MS. STANISH: So you would want yourself on the jury?

10 PROSPECTIVE JUROR NO. 129: Well, I would want 12 of  
11 myself on the jury.

12 MS. STANISH: Okay. You would like to be cloned.  
13 Pass, Your Honor.

14 THE COURT: Pass for cause? Thank you. Mr. Johnson,  
15 we're going to go ahead and excuse you --

16 MR. SANTACROCE: Your Honor, I have some questions,  
17 if you don't mind?

18 THE COURT: Okay. Go ahead.

19 MR. SANTACROCE: Mr. Johnson, you were in the Air  
20 Force for five years; is that correct?

21 PROSPECTIVE JUROR NO. 129: Correct.

22 MR. SANTACROCE: And was that a good experience or  
23 bad experience?

24 PROSPECTIVE JUROR NO. 129: Very good.

25 MR. SANTACROCE: And what did you do in the Air

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1 Force?

2 PROSPECTIVE JUROR NO. 129: I was an aircraft  
3 mechanic and phase inspection technician.

4 MR. SANTACROCE: And is that sort of what you do now?

5 PROSPECTIVE JUROR NO. 129: Very slightly related.

6 MR. SANTACROCE: A security auditor, I'm not familiar  
7 at all with that, can you kind of educate me as to what that  
8 is?

9 PROSPECTIVE JUROR NO. 129: Sure. At its most basic  
10 level, a -- an organization -- I primarily deal with casinos  
11 and lotteries, so when a gaming organization of some sort  
12 would take steps to protect all of its internal information,  
13 and my responsibility is to ensure that they, A, did indeed  
14 follow their own policies and procedures to protect that  
15 information, and B, that they upheld to whatever the published  
16 standard is for their jurisdiction, which in Nevada would be  
17 the Gaming Control Board.

18 MR. SANTACROCE: And is that what you referred to as  
19 "fault analysis" --

20 PROSPECTIVE JUROR NO. 129: Correct.

21 MR. SANTACROCE: -- when you mentioned "fault  
22 analysis?"

23 PROSPECTIVE JUROR NO. 129: Because part of that  
24 deals with failures of those systems and how they're backed  
25 up.

1 MR. SANTACROCE: And what happens when you find that  
2 they didn't follow their policies and procedures?

3 PROSPECTIVE JUROR NO. 129: That depends on the  
4 engagement specifically, but usually it's just followed up in  
5 a report, and then reported to whoever it is that ordered the  
6 security audit in the first place.

7 MR. SANTACROCE: Okay. So I'm guessing that you're a  
8 very analytical person; is that fair?

9 PROSPECTIVE JUROR NO. 129: Correct.

10 MR. SANTACROCE: And as an analytical person you  
11 would expect, if you were not finding any fault for all the  
12 dots to connect so to speak, correct?

13 PROSPECTIVE JUROR NO. 129: Correct.

14 MR. SANTACROCE: And if there was a gap between the  
15 dots, what would happen?

16 PROSPECTIVE JUROR NO. 129: It depends on what  
17 precisely the gap is because some gaps are procedural and can  
18 it be instituted by the end of the day. Some gaps could be  
19 into the forensic examination may need to be done to find out  
20 the extent of the gap.

21 MR. SANTACROCE: What if there were some gaps that  
22 couldn't be explained?

23 PROSPECTIVE JUROR NO. 129: I've never come across  
24 any.

25 MR. SANTACROCE: You -- when you were asked if you



1 could be fair and impartial and all that other stuff, you used  
2 words, like, I imagine so, I imagine that's possible, I don't  
3 believe, I hope so. I guess, I need to get a more committed  
4 answer from you. Are you going to be a fair and impartial  
5 juror?

6 PROSPECTIVE JUROR NO. 129: I could be. Again,  
7 that's -- it's impossible to say ahead of time. I like to  
8 think I know exactly what I -- how I would react to any  
9 situation, but in reality, I don't think that's possible.

10 THE COURT: For you or for anybody else, or --

11 PROSPECTIVE JUROR NO. 129: For anybody really, but  
12 specifically myself.

13 THE COURT: Okay.

14 MR. SANTACROCE: So you can't say, as you sit here  
15 right now, for sure, for certainty, that you will be fair and  
16 impartial?

17 PROSPECTIVE JUROR NO. 129: I'd like to think I  
18 would be, yes.

19 MR. SANTACROCE: And is that because of what you've  
20 heard or what you've read?

21 PROSPECTIVE JUROR NO. 129: That's in general.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 129: That's completely in  
24 general, outside of the court or anywhere else.

25 THE COURT: So do you mean -- I mean, let me just ask

1 you this, Is it specific to this case, or if you were a  
2 potential juror on another type of a case, let's just say --

3 PROSPECTIVE JUROR NO. 129: It doesn't matter.

4 THE COURT: -- an armed robbery case, and we asked  
5 you can you be fair and impartial on this armed robbery case,  
6 would your answer be the same?

7 PROSPECTIVE JUROR NO. 129: My answer would be the  
8 same.

9 THE COURT: All right. Thank you.

10 MR. SANTACROCE: May we approach, Your Honor?

11 THE COURT: Sure.

12 (Off-record bench conference.)

13 THE COURT: Mr. Johnson, thank you. We're going to  
14 go ahead and excuse you for this evening. I need to make  
15 sure -- I think you've already given our bailiff your phone  
16 number where you could be reached?

17 PROSPECTIVE JUROR NO. 129: I have.

18 THE COURT: You know, we're not going to make you sit  
19 in the hall while we talk to all of the other prospective  
20 jurors, so you're free to go to work tomorrow, probably  
21 through the end of the week. Just have to be available should  
22 we call you and indicate that you've been selected to be a  
23 juror, then you must return and report back for jury -- jury  
24 duty when we tell you; do you understand?

25 PROSPECTIVE JUROR NO. 129: I understand.

1           THE COURT: All right. Thank you, sir. Go ahead --  
2 oh, one final thing I forgot to tell you. Obviously the  
3 admonition about discussing the case, reading, writing,  
4 watching anything relating to the case, independent research,  
5 all of that is still in effect.

6           Additionally, you are instructed that you're not to  
7 discuss anything that has transpired in the courtroom with  
8 anyone else. What that means, is the questions I've asked,  
9 the lawyers have asked, and our discussions here in the  
10 courtroom today.

11           PROSPECTIVE JUROR NO. 129: I understand.

12           THE COURT: All right. Thank you, sir. You can just  
13 put the microphone down in the chair, and just make sure Kenny  
14 has your number.

15           MR. SANTACROCE: Before you call the next person --

16           THE COURT: Yes, I understand.

17           MR. SANTACROCE: -- oh, thanks.

18           THE COURT: Kenny, maybe you could step into the  
19 vestibule there. Thank you. Let the door shut.

20           All right. At the break at the bench -- or not the  
21 break, but at the conference at the bench, Mr. -- I didn't  
22 want him to hear this -- Mr. Santacroce had challenged Mr.  
23 Johnson for cause. That was opposed by the State. Mr.  
24 Wright, what's the Desai Defense's position on for cause? Ms.  
25 Stanish had passed Mr. Johnson for cause.

1 MR. WRIGHT: I -- we -- we --

2 THE COURT: I mean, here's --

3 MR. WRIGHT: -- we switch and we go back to for cause  
4 after the answers were brought out by Mr. Santacroce.

5 THE COURT: State?

6 MS. WECKERLY: Well, Judge, my recollection is that  
7 he sort of indicated that he had no personal stake in -- in  
8 this case in particular. When I questioned him he said he  
9 didn't feel one way or the other about the case. He indicated  
10 he could be fair to both sides, and he just seems like his  
11 answers are kind of technical and analytical versus having a  
12 predisposition.

13 THE COURT: That's how I took it. I don't think he's  
14 saying, or indicating any bias. In fact, he said, no, I would  
15 answer this the same way in another case, an armed robbery  
16 case in response to a question from the Court. This is a  
17 technical person. He's answering these in a technical way,  
18 which means he doesn't want to say with scientific certainty  
19 that he's going to do A, B, or C.

20 I don't think it suggested any kind of bias in this  
21 case, or any unwillingness to follow the law. In fact, he was  
22 questioned about following the law, and he said, even if he  
23 found it distasteful, he would follow the law.

24 So I think being a technical person, he was  
25 answering questions in a very technically precise way. So I

1 don't find that this meets a for cause challenge. So that  
2 request is denied on for cause. He will go into the pool.

3 And, Mr. Staudaher, did you need a break? Just real  
4 quick?

5 MR. STAUDAHER: Yeah, well, I mean, I -- I've sent  
6 this to your clerk, so -- but I can show it -- I can just give  
7 it to you if you want it.

8 THE COURT: What is it?

9 MS. WECKERLY: The order.

10 MR. STAUDAHER: This is the order from the Supreme  
11 Court.

12 THE COURT: Oh, we have it. Oh, not the order for  
13 you to respond, we -- I'm sorry, we have their petition.

14 MR. STAUDAHER: The -- the order -- the reason that  
15 I'm at -- I'm concerned is that it specifically says that  
16 after we respond it says, the petitioner shall have until noon  
17 on Friday, April 26, 2013, to file and serve a reply.

18 So the concern that we have is that we are in the  
19 process of picking a jury. We have to do the answer by  
20 when -- they have until Friday to do the -- their -- it seems  
21 like maybe we should get that resolved before we continue to  
22 pick a jury at this point, as opposed to continuing on, but  
23 that's just something we wanted to raise before we go any  
24 further.

25 THE COURT: Right. It would -- it's --

1           MR. WRIGHT: I didn't see the order. Are they saying  
2 the stay or the entire thing?

3           MS. WECKERLY: The entire thing.

4           MR. STAUDAHER: The entire thing.

5           MR. WRIGHT: Okay.

6           MR. STAUDAHER: Both -- we have to -- we have to  
7 respond on both the stay and on the actual merits of the --

8           THE COURT: So they have an issue to stay, but  
9 basically they're telling the lawyers that you have to work on  
10 this during the period of time you're supposed to be in  
11 Department 21 picking a jury. So without issuing a stay, they  
12 have essentially said, well, the lawyers aren't available, so  
13 how are we supposed to pick a jury when they've directed the  
14 lawyers to be doing this other work.

15          MR. WRIGHT: Yep.

16          THE COURT: That's essentially what the Supreme Court  
17 has done.

18          Now, based on our conversation at the bench, what we  
19 had decided, as I understood it initially, was that we would  
20 finish with the 30 people that had been -- that we've had up  
21 here today, correct?

22          MS. WECKERLY: Yes.

23          THE COURT: And that, then, whenever we finished with  
24 that tomorrow, the State would then be able to prepare their  
25 response to Mr. Wright's petition, but now, in view that

1 they've also ordered a reply --

2 MR. STAUDAHER: Well, they said they would have the  
3 -- they can file a reply up to noon on Friday.

4 THE COURT: Right. So they didn't order one, but  
5 obviously they're going to file a reply because it's in your  
6 best interest to file a reply, so why wouldn't they?

7 So, you know, I kind of -- I don't -- this kind of  
8 throws everything off. It does and it doesn't because we had  
9 people who had to be available for, you know, at least six  
10 weeks. You know, if they're going to stay it, then I wish  
11 they would just stay it, so that we can excuse the people who  
12 filled out the questionnaires. Obviously, if there's a stay  
13 for any period of time we would have to excuse those people  
14 from service, and then, if and when this trial were to proceed  
15 again, summons in a whole new pool of potential jurors to come  
16 in and fill out the questionnaires. That is what we would  
17 have to do.

18 It is obviously my goal that if we don't have to do  
19 that, not to excuse this panel if the Supreme Court isn't  
20 going to issue a stay, and it's just a delay of three or four  
21 days. This Court's desire at that point is to keep these  
22 people sort of in abeyance for various reasons, so that we can  
23 go forward then, right away, so that we don't go through the  
24 time and expense of bringing in new people.

25 Toward that end, I'll entertain suggestions from

1 both sides. Toward that end, perhaps what we could -- should  
2 do, is maybe, if we can, finish up with these people, not  
3 bring any -- another pool in, and then, start again, I don't  
4 know, next Monday or -- I -- or Mr. Wright can work on picking  
5 the jury and Ms. Stanish, you can be writing the reply. Same  
6 for the State, you know, one of you -- Ms. Weckerly, you can  
7 be here, and Mr. Staudaher can be working on writing the  
8 reply, or vice versa.

9 Thoughts? Perhaps what we should do is just --  
10 we've had these people waiting around all day. Let's plow  
11 forward until, you know, 6:00, 5:30, whatever, just on  
12 questioning them, and then we'll decide -- we'll hear from the  
13 State what their preference would be. We'll hear from the  
14 Defense what their preference would be. Mr. Santacroce,  
15 obviously he doesn't have to write anything, but he can weigh  
16 in as well. And then I'm going to make a determination as to  
17 what to do going forward.

18 Because as I said, you know, if the Supreme Court  
19 isn't going to issue a stay and we delay this two or three  
20 days, then I don't want to excuse all these people and bring  
21 in a new panel, and, you know, we can just kind of keep going,  
22 or put it off until next Monday or whatever because people  
23 knew they might have to be available.

24 And, you know, typically most other big cases that  
25 other Judges have done, you know, they don't bring them in 30



1 at a time. A lot of other Courts bring 200 people in at a  
2 time, and they just have to sit around downstairs. So -- so  
3 far there hasn't been too much inconvenience, I would just say  
4 to the prospective jurors.

5 So why don't we just forge ahead like that.  
6 Everybody be thinking about how you think the best way to  
7 handle this would be. You know, in view of that, maybe let's  
8 just take two or three minutes right now, and then we'll go  
9 forward with Juror No. 130.

10 MR. WRIGHT: Okay.

11 MS. STANISH: Name, please?

12 MR. WRIGHT: Did we say we could take a couple  
13 minutes?

14 THE COURT: Just two or three, yeah.

15 MR. WRIGHT: Yes. Thank you.

16 (Court recessed at 5:01 p.m. to 5:04 p.m.)

17 (Outside the presence of the prospective jury panel.)

18 THE COURT: I'll be discussing this in chambers with  
19 the lawyers after we finish tonight.

20 MR. STAUDAHER: Sure.

21 THE COURT: Kenny, next up is Melenda Pomykal, Badge  
22 130. Don't get her yet until Mr. Wright comes in.

23 All right. Kenny, bring in Ms. Pomykal.

24 All right. Good afternoon. Just sit down anywhere  
25 you're comfortable. And it says here you have seen something

1 on the news, but you haven't formed any opinions yet; is that  
2 correct?

3 PROSPECTIVE JUROR NO. 130: That is correct.

4 THE COURT: Okay. And if during the course of the  
5 trial you remember or, you know, think about something that  
6 you may have heard or seen on T.V. or read in the paper, would  
7 you be able to set that aside and base your verdict solely  
8 upon the evidence presented in this case?

9 PROSPECTIVE JUROR NO. 130: I believe I would be  
10 able to do that.

11 THE COURT: All right. Thank you. State, you may  
12 follow-up with this prospective juror.

13 MR. STAUDAHER: What do you teach in school? I know  
14 you're a teacher, correct?

15 PROSPECTIVE JUROR NO. 130: I teach a gifted and  
16 talented program.

17 MR. STAUDAHER: Okay. So what grade levels are  
18 those, or --

19 PROSPECTIVE JUROR NO. 130: Third, fourth, and  
20 fifth.

21 MR. STAUDAHER: Your background before this, was that  
22 in anything in particular? I mean, were you -- you're --

23 PROSPECTIVE JUROR NO. 130: I've always been an --

24 THE COURT: You have to keep your --

25 PROSPECTIVE JUROR NO. 130: -- educator.

1 THE COURT: -- voice up, Mr. Staudaher.

2 MR. STAUDAHER: I'm sorry?

3 THE COURT: Keep your voice up.

4 MR. STAUDAHER: Oh, I'm sorry. I'll try to -- I'll  
5 try to speak up, Your Honor.

6 THE COURT: All right.

7 MR. STAUDAHER: With regard to -- I guess you said  
8 that you're -- when the Judge asked you if you had no opinion  
9 you have heard it on the news, do you recall when that was --  
10 how far back in time?

11 PROSPECTIVE JUROR NO. 130: You know what? I really  
12 don't recall exactly. I mean -- I mean, I watch the news on a  
13 semiregular basis, so I've heard different reports now and  
14 then, I mean, you know -- it's hard to say you have absolutely  
15 no opinion on something, you know, when you've heard things,  
16 but it's not like I've sat down and really thought it all  
17 through, I guess. I don't know, I mean --

18 MR. STAUDAHER: The bottom line is as the Judge asked  
19 you, you can put whatever you've heard aside and just listen  
20 to what's in court, apply it to the law, and come back with  
21 your own verdict; is that right?

22 PROSPECTIVE JUROR NO. 130: I think I can,  
23 absolutely.

24 MR. STAUDAHER: Now, you know that there are  
25 different charges, we listed off a few of those at the

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1 beginning. Each one of those charges carries a -- has a  
2 certain number of elements or parts to it. The State has to  
3 prove each and every part of each one of those charges beyond  
4 a reasonable doubt. If the State at the end of the trial --  
5 if you were a juror and we got to that point and we've proved  
6 all the elements of the charges beyond a reasonable doubt in  
7 your mind, could you come back with a guilty verdict?

8 PROSPECTIVE JUROR NO. 130: Yes, absolutely.

9 MR. STAUDAHER: Is there any reason philosophical,  
10 religious, or otherwise why that might be difficult for you to  
11 do?

12 PROSPECTIVE JUROR NO. 130: No.

13 MR. STAUDAHER: And as far as -- do you have any  
14 medical background or training at all?

15 PROSPECTIVE JUROR NO. 130: No, not any formal  
16 training, no.

17 MR. STAUDAHER: Now, I see that you do -- is it  
18 primarily television news that you listen to, or do you read  
19 print as well?

20 PROSPECTIVE JUROR NO. 130: I, you know, watch -- I  
21 read print too --

22 MR. STAUDAHER: You said --

23 PROSPECTIVE JUROR NO. 130: -- but mainly --

24 MR. STAUDAHER: -- in one of your responses that a  
25 friend's husband had hepatitis -- is it hepatitis C?

1           PROSPECTIVE JUROR NO. 130: Yes, I have -- one of my  
2 best friends, he contracted hepatitis C through a blood  
3 transfusion and it ultimately, I mean, it kind of destroyed  
4 their lives, he ended up committing suicide about three or  
5 four years ago.

6           MR. STAUDAHER: That -- was that person associated  
7 with this clinic, at all?

8           PROSPECTIVE JUROR NO. 130: No.

9           MR. STAUDAHER: So something completely different?

10          PROSPECTIVE JUROR NO. 130: Right.

11          MR. STAUDAHER: And you're not a -- you don't know  
12 anybody who has been a clinic patient or you, yourself, have  
13 not been one?

14          PROSPECTIVE JUROR NO. 130: Not that I'm aware of.

15          MR. STAUDAHER: Or been tested or knew anybody who  
16 was tested?

17          PROSPECTIVE JUROR NO. 130: Not at that particular  
18 clinic that I'm aware of.

19          MR. STAUDAHER: As far as your -- the time period in  
20 question, even though you're a teacher, that's not an issue  
21 for you? You can get a substitute or something to cover you  
22 while you're in court?

23          PROSPECTIVE JUROR NO. 130: Well, it is -- I mean, I  
24 really hate missing the last six, seven weeks with my kids. I  
25 mean, it's -- it's a hardship, I think, on my children at

1 school. I mean, I would prefer for that reason alone not to  
2 have to -- to be here just because -- I mean, it's hard  
3 finishing up -- not knowing that you can't finish up the year  
4 with your children. I mean, it -- you know, I've got field  
5 trips planned, I have, you know, different projects in the  
6 classroom right now, going on, and so it's, you know, just  
7 difficult being away.

8 MR. STAUDAHER: But, of course, everybody that has a  
9 job --

10 PROSPECTIVE JUROR NO. 130: Right. I --

11 MR. STAUDAHER: -- is probably --

12 PROSPECTIVE JUROR NO. 130: -- you know, I -- right,  
13 absolutely.

14 MR. STAUDAHER: -- in the same boat.

15 PROSPECTIVE JUROR NO. 130: I understand that. I'm  
16 just, you know.

17 MR. STAUDAHER: No, and I appreciate your --

18 PROSPECTIVE JUROR NO. 130: It's --

19 MR. STAUDAHER: -- answer. But it -- but suffice it  
20 to say is it -- is it fair to say, though, that you could get  
21 coverage? I mean, there's a substitute or somebody that could  
22 come in if they had to to cover you and you could have a  
23 chance to do a -- lesson plans, or whatever, in advance?  
24 Because it's not going to be as though you're coming back to  
25 trial tomorrow.

1 PROSPECTIVE JUROR NO. 130: Right. Yes.

2 MR. STAUDAHER: Is that fair?

3 PROSPECTIVE JUROR NO. 130: Yes.

4 MR. STAUDAHER: Okay. Your Honor, I'd pass for  
5 cause.

6 THE COURT: All right. Thank you.

7 Who would like to go first for the Defense? Mr.  
8 Wright or Ms. Stanish?

9 MR. SANTACROCE: No, I'll go.

10 THE COURT: All right. Thank you, Mr. Santacroce.

11 MR. SANTACROCE: Ms. Pomykal, it's late in the day,  
12 and we certainly appreciate your patience today. Thank you  
13 very much.

14 PROSPECTIVE JUROR NO. 130: You're welcome.

15 MR. SANTACROCE: The fact that you're going to be  
16 missing the field trips with the kids, and I know there's lots  
17 of activities planned at the end of the year, you're not going  
18 to hold that against my client, are you?

19 PROSPECTIVE JUROR NO. 130: I won't hold it against  
20 your --

21 MR. SANTACROCE: Okay.

22 PROSPECTIVE JUROR NO. 130: -- client. I'll be  
23 really sad, but I won't hold it against anybody.

24 MR. SANTACROCE: Okay. Well, that's very nice.

25 THE COURT: You can hold it against me.

1 PROSPECTIVE JUROR NO. 130: I'm sorry?

2 THE COURT: You can hold it against me.

3 PROSPECTIVE JUROR NO. 130: Oh, okay. I won't hold  
4 it against anybody. They may right you a letter and cry, but  
5 that's it.

6 MR. SANTACROCE: That's fair enough. The State asked  
7 you a question that if they proved every element beyond a  
8 reasonable doubt could you find them guilty, and I'm going to  
9 ask you the converse to that and ask you if they don't meet  
10 their burden and don't prove each and every element beyond a  
11 reasonable doubt, can you find my client not guilty?

12 PROSPECTIVE JUROR NO. 130: Yes, I can.

13 MR. SANTACROCE: Great. I have no questions. I'll  
14 pass for --

15 THE COURT: Pass for cause?

16 MR. SANTACROCE: -- cause.

17 THE COURT: Thank you. Is it Ms. Stanish?

18 MS. STANISH: Yes.

19 THE COURT: To be questioning?

20 MS. STANISH: How do I pronounce your last name?

21 PROSPECTIVE JUROR NO. 130: It's Pomi-call.

22 MS. STANISH: Pomycall?

23 PROSPECTIVE JUROR NO. 130: Palm-a-call.

24 MS. STANISH: Palm-call. Got it. Thank you.

25 PROSPECTIVE JUROR NO. 130: It's from teaching



1 elementary all those years.

2 MS. STANISH: I'm not as gifted as your children, so  
3 I appreciate the help. Could you elaborate for us on how much  
4 exposure you've had to the press regarding this case?

5 PROSPECTIVE JUROR NO. 130: I mean, I've heard it on  
6 the news. I mean, at various times. I mean, it's -- I mean,  
7 it is a high-profile case. It's been around for several  
8 years, and, you know, you do hear little -- you know, you hear  
9 about it, I mean, on the news. And so I wouldn't say I had a  
10 huge -- I mean, I haven't followed it, I guess, if that's what  
11 you're -- if that's what you're referring to. I haven't  
12 followed it, but it certainly is something that I'm aware of,  
13 and, you know, in the past, you know, when -- you know, you  
14 get together with friends or whether it, you know, it's come  
15 up in conversations and things like that.

16 But it's -- but I guess I haven't followed it,  
17 followed it, you know. It's just one of those things that you  
18 hear about and, you know, you might say something about in  
19 passing, but not -- I don't know.

20 MS. STANISH: I get it.

21 PROSPECTIVE JUROR NO. 130: Did that answer it?  
22 I --

23 MS. STANISH: It did. Yes. I want to talk to you  
24 some more about the unfortunate incident with -- it was your  
25 best friend's husband --

1 PROSPECTIVE JUROR NO. 130: One of my best  
2 friend's --

3 MS. STANISH: -- committed suicide?

4 PROSPECTIVE JUROR NO. 130: -- husbands, yes.

5 MS. STANISH: When did that occur?

6 PROSPECTIVE JUROR NO. 130: He -- I'm not 100  
7 percent for sure. He contracted it through a blood  
8 transfusion, I'm going to say, maybe about 12-13 years ago,  
9 and he lived with hepatitis C for about 10 years, and -- and,  
10 you know, it ruined their lives. It -- you know, he lost  
11 their business, he ended up committing suicide. I mean,  
12 it's -- you know.

13 MS. STANISH: Now, as you've heard, this case  
14 involves --

15 PROSPECTIVE JUROR NO. 130: Yeah.

16 MS. STANISH: -- hepatitis?

17 PROSPECTIVE JUROR NO. 130: Yes. Yeah.

18 MS. STANISH: And I anticipate that you will be  
19 hearing from some of the -- the people who are named in the  
20 indictment as the --

21 PROSPECTIVE JUROR NO. 130: Right.

22 MS. STANISH: -- patients. Is there anything about  
23 that experience with your best friend's husband that is going  
24 to influence you as a juror?

25 PROSPECTIVE JUROR NO. 130: Well, I just think it --

1 just because I know someone that has gone through the horrors  
2 of it, you know, because, you know, he didn't -- I mean, you  
3 know, it was a medical mistake at that point, you know, with  
4 him as well. I -- I probably will have a lot more sympathy  
5 with people that have -- are going through this. I mean, I  
6 don't think you can help but have that. I mean, you know, I  
7 was there the day that it -- you know, it happened. And, I  
8 mean, how do you separate something like that from people's  
9 lives, you know.

10 Because I've seen -- I've seen what it can do to  
11 people's lives, you know, I -- I've watched her, you know,  
12 during that 10 years, you know, when they were trying to  
13 desperately find, you know, something that would help him,  
14 and -- and then how he fell apart at the end, and I don't  
15 know, you know.

16 MS. STANISH: Understood. It's tough.

17 PROSPECTIVE JUROR NO. 130: I mean --

18 MS. STANISH: I get it.

19 PROSPECTIVE JUROR NO. 130: -- it is, it's tough.  
20 It's -- I mean, I'm trying to be honest here. It is tough.  
21 It's --

22 MS. STANISH: Will you be able to set aside those  
23 emotions and decide this case based on the evidence and the  
24 law that Judge Adair gives you?

25 PROSPECTIVE JUROR NO. 130: Yes, I think I will be

1 able to. I'll do it to the best of my ability. But, I mean,  
2 you -- when someone has seen that there are influences. I  
3 mean, I -- I think there -- you can't help but -- not be able  
4 to separate everything out, but I would try to the best of my  
5 ability not to.

6 MS. STANISH: And you said that was -- your friend's  
7 husband got infected due to a mistake?

8 PROSPECTIVE JUROR NO. 130: Well, I mean, it was a  
9 blood transfusion that he had, and, I mean, obviously they  
10 didn't think that he -- they were, you know, infecting him  
11 with a -- with hepatitis C.

12 THE COURT: So in other words, it's believed that  
13 whoever the donor was of the blood had hep C and somehow it  
14 wasn't screened?

15 PROSPECTIVE JUROR NO. 130: Correct, yes.

16 THE COURT: Okay. Not that the medical people did  
17 something in the transmission, but nobody tested or discovered  
18 that the donor --

19 PROSPECTIVE JUROR NO. 130: Yes, correct.

20 THE COURT: -- you know, disclosed whatever it was  
21 --

22 PROSPECTIVE JUROR NO. 130: Yes.

23 THE COURT: -- hep C positive?

24 PROSPECTIVE JUROR NO. 130: Yes.

25 THE COURT: Okay.

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1 MS. STANISH: Aside from your friend's husband, is  
2 there anyone else who is in your family or close to you that  
3 has -- had experienced medical malpractice against them?

4 PROSPECTIVE JUROR NO. 130: I'm -- I don't think so,  
5 no. We had a bad experience with a hospital with my  
6 grandmother about five years ago where she ended up having a  
7 blockage and she went in for surgery and they put a hole in  
8 her esophagus and she ended up passing away a month and a half  
9 later. I mean, that -- that I felt like was certainly not --  
10 we thought it was going to be a simple procedure and that  
11 happened.

12 So, I mean, it wasn't malpractice. We didn't sue  
13 anybody, you know, but that's the only other thing I can think  
14 of that would come close to that.

15 MS. STANISH: Do you hold any opinions or beliefs  
16 about the medical profession in general that would sway you  
17 one way or the other in this case?

18 PROSPECTIVE JUROR NO. 130: No, I do not.

19 MS. STANISH: On a scale of one to five with one  
20 being, I really do not want to be a juror and five being, I  
21 really do want to be a juror, where would you put yourself?

22 PROSPECTIVE JUROR NO. 130: Because of the time of  
23 year it is and my children who I love so much and I have so  
24 many things going on and I'm switching schools at the end of  
25 this year and all of that that I have to go through, at this

1 point it's a one. I really don't want to be here. I would  
2 love to come serve at some other time, I, you know, find, you  
3 know, I do want to do my civil, you know, service, but just  
4 because of all the other things that I have going on right now  
5 with the school, I mean, it's just really hard.

6 If it were in the middle of the year, you know,  
7 five, six, seven weeks wouldn't be such a bad thing, but right  
8 at the end of the school year to have to miss the whole, you  
9 know, that whole part, it's going to be hard --

10 MS. STANISH: And --

11 PROSPECTIVE JUROR NO. 130: -- on me and the kids.

12 MS. STANISH: -- when does the school year end  
13 exactly?

14 PROSPECTIVE JUROR NO. 130: It's the first week in  
15 June. And my understanding is this will probably take us past  
16 that.

17 MS. STANISH: Correct.

18 PROSPECTIVE JUROR NO. 130: So...

19 MS. STANISH: Pass for cause, Your Honor.

20 THE COURT: All right. Thank you. Ms. Pomykal?

21 PROSPECTIVE JUROR NO. 130: Yes, ma'am.

22 THE COURT: Did I say that correctly?

23 PROSPECTIVE JUROR NO. 130: Yes.

24 THE COURT: All right. Those first grade techniques  
25 work really well on me. Thank you. I'm going to go ahead and

1 excuse you for today, and you've --

2 PROSPECTIVE JUROR NO. 130: Okay.

3 THE COURT: -- left a phone number with our Bailiff  
4 Kenny. You don't have to come back while we're questioning  
5 the other jurors, but when we've selected a jury you may be  
6 one of the jurors selected. So you must be available to come  
7 back and report for jury duty when we call you. So make sure  
8 Kenny has a good number for you.

9 PROSPECTIVE JUROR NO. 130: Okay.

10 THE COURT: Now, of course, the admonition about  
11 discussing anything relating to the case, reading, watching,  
12 listening to any reports of or commentaries on the case, any  
13 person or subject matter relating to the case, doing any  
14 independent research, and forming or expressing an opinion on  
15 the case is still in effect.

16 Additionally, do not discuss anything that's  
17 transpired in the courtroom with anyone else, meaning, you're  
18 not to discuss the questions I ask, the attorneys asked, or  
19 anything we discussed during the jury selection process with  
20 you. Do you understand?

21 PROSPECTIVE JUROR NO. 130: Yes, ma'am, I do.

22 THE COURT: All right. Thank you. Go ahead and put  
23 the microphone --

24 PROSPECTIVE JUROR NO. 130: Okay.

25 THE COURT: -- on the chair and Kenny will direct you

1 from the court. And you do need to check back out, I'm told,  
2 through jury services for this evening.

3 PROSPECTIVE JUROR NO. 130: Okay.

4 THE COURT: So go back down to the third floor, and  
5 then you're free to go home.

6 PROSPECTIVE JUROR NO. 130: Okay.

7 THE COURT: All right?

8 PROSPECTIVE JUROR NO. 130: Thank you.

9 THE COURT: And, Kenny, we're going to need Juror No.  
10 132, Torres-Contreras.

11 THE MARSHAL: You want me to bring them in, Judge?

12 THE COURT: Tell them they have just a couple of  
13 minutes, and then they need to come back.

14 State, I'm inclined to have everyone come back  
15 tomorrow at 9 that we haven't gotten through today, and then  
16 when we're done you guys can do whatever, and then we'll talk  
17 about Wednesday tomorrow. Does that work?

18 MS. WECKERLY: That's -- yes.

19 MR. STAUDAHER: Yes --

20 THE COURT: Okay.

21 MR. STAUDAHER: -- that will work.

22 MS. WECKERLY: Thank you.

23 THE COURT: And then --

24 MS. WECKERLY: And you mean just -- I'm sorry, but,  
25 like, you just --



1 THE COURT: Finish up with the people who --  
2 MS. WECKERLY: -- this group?  
3 THE COURT: -- were here today --  
4 MS. WECKERLY: Okay.  
5 THE COURT: -- tomorrow morning --  
6 MS. WECKERLY: Sure.  
7 THE COURT: -- starting at 9. If one of you is not  
8 here, that's between the two of you, when we're finished with  
9 them we'll take our break tomorrow. And then tomorrow we'll  
10 discuss what we're going to do on Wednesday.  
11 MS. WECKERLY: Okay. Thank you.  
12 THE COURT: And next up is Badge No. 132,  
13 Torres-Contreras.  
14 Sir, just have a seat there in the jury box, please,  
15 wherever you're comfortable. And the State may have some  
16 questions that they'd like to follow up from your answers on  
17 the jury questionnaire.  
18 Ms. Weckerly?  
19 MS. WECKERLY: Thank you. Sir, we've asked some  
20 people in -- that have come before you if they've heard  
21 anything about this case in the media, and my recollection  
22 from your questionnaire is that you haven't?  
23 PROSPECTIVE JUROR NO. 132: No, I have not.  
24 MS. WECKERLY: Okay. You have had, though, some --  
25 some EMT training?

1 PROSPECTIVE JUROR NO. 132: Yes, ma'am.

2 MS. WECKERLY: Can you share with us what kind of  
3 training you've had or how extensive that was?

4 PROSPECTIVE JUROR NO. 132: Sure. It was EMT basic  
5 training. It was a nine-month program through the College of  
6 Southern Nevada. I did 24-hours of ride-alongs with -- with  
7 the Fire Department for Paramedics.

8 MS. WECKERLY: Okay.

9 PROSPECTIVE JUROR NO. 132: I also did eight hours  
10 in a psychiatric ward, eight hours of labor and delivery,  
11 and -- yeah, that was the extent of the training for that. I  
12 was not certified, though. I failed the test by three points.

13 MS. WECKERLY: Okay. Is part of your plan, maybe to  
14 try to get certified so you can go into that field?

15 PROSPECTIVE JUROR NO. 132: At this point, probably  
16 not, to be honest with you.

17 MS. WECKERLY: And you're in another line of work  
18 now, with auto detailing?

19 PROSPECTIVE JUROR NO. 132: Yes, ma'am.

20 MS. WECKERLY: Okay. And that -- does that seem to  
21 be where you'll stay or --

22 PROSPECTIVE JUROR NO. 132: For the time being, yes.

23 MS. WECKERLY: Okay. And your -- your significant  
24 other is in insurance or works in insurance?

25 PROSPECTIVE JUROR NO. 132: She used to work in

1 insurance. Right now she works for Cox Communications.

2 MS. WECKERLY: When she was working in insurance who  
3 was -- do you know the company or who that was for?

4 PROSPECTIVE JUROR NO. 132: It was State Farm.

5 MS. WECKERLY: State Farm? And was she someone who  
6 assessed claims or what did she do there?

7 PROSPECTIVE JUROR NO. 132: Yeah, she was a claim  
8 assessor.

9 MS. WECKERLY: Okay. And then the other thing I  
10 wrote down about your questionnaire is that you have  
11 psychological training or -- is that part of the classes that  
12 you took.

13 PROSPECTIVE JUROR NO. 132: Yes. Yes, that was part  
14 of the training.

15 MS. WECKERLY: Okay. As you sit here with us this  
16 evening, do you have any concerns about your ability to -- to  
17 be fair and impartial to both sides?

18 PROSPECTIVE JUROR NO. 132: Unfortunately, I do kind  
19 of have a thing against Middle Eastern people.

20 MS. WECKERLY: Okay.

21 PROSPECTIVE JUROR NO. 132: I'm a little embarrassed  
22 to say that, but it's true.

23 MS. WECKERLY: Okay. And that -- that feeling, do  
24 you think that would maybe make it difficult for you to be a  
25 juror in this type of case -- or this case?

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1 PROSPECTIVE JUROR NO. 132: I believe it may, just  
2 because I see who the defendant is.

3 MS. WECKERLY: Okay.

4 PROSPECTIVE JUROR NO. 132: But that spawns from my  
5 family being in military, also.

6 THE COURT: Now, if you were to learn that the  
7 defendant in this case is actually East Indian would that  
8 affect your concerns? I mean, is it specifically Middle  
9 Eastern people or is it people from, you know, other countries  
10 or people of a certain religion or --

11 PROSPECTIVE JUROR NO. 132: People -- people from  
12 other countries, to be honest with you.

13 THE COURT: Okay.

14 MS. WECKERLY: I'll submit it, Your Honor.

15 THE COURT: Challenge?

16 MR. SANTACROCE: Yes.

17 MR. WRIGHT: Yes.

18 THE COURT: All right. Mr. Torres-Contreras, we're  
19 going to go ahead and excuse you at this point. You are not  
20 to discuss what's just transpired in the courtroom, meaning my  
21 question -- or I didn't ask you really many questions, but  
22 anything I said, the questions and your responses; do you  
23 understand?

24 PROSPECTIVE JUROR NO. 132: Yes, ma'am.

25 THE COURT: All right.

1 PROSPECTIVE JUROR NO. 132: Yes, ma'am.  
2 PROSPECTIVE JUROR NO. 132: Yes, ma'am.  
3 THE COURT: Thank you, sir. Put the microphone in  
4 the chair and go check out through jury services.  
5 PROSPECTIVE JUROR NO. 132: All right. Thank you.  
6 THE COURT: All right. Next up is Ms. Zambarano.  
7 MR. SANTACROCE: What's the number?  
8 THE COURT: Badge No. 140.  
9 THE MARSHAL: 140.  
10 THE COURT: Ma'am, just have a--  
11 THE MARSHAL: Right this way. This way.  
12 PROSPECTIVE JUROR NO. 140: Oh, okay.  
13 THE MARSHAL: Turn your microphone on and just hold  
14 it up closely to your mouth when you speak, please.  
15 THE COURT: Good -- I guess it's now good evening.  
16 And it says you've been following this case in the news; is  
17 that --  
18 PROSPECTIVE JUROR NO. 140: Yes.  
19 THE COURT: -- correct?  
20 PROSPECTIVE JUROR NO. 140: Yes, I have.  
21 THE COURT: Okay. And is it just that you watch the  
22 news all the time, or have you had a specific and interest in  
23 following this case?  
24 PROSPECTIVE JUROR NO. 140: No. My husband is a  
25 news fanatic.

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 140: If he could have news on  
3 24 hours a day he would. So we do watch a lot of news.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 140: And I do know of the  
6 case, but --

7 THE COURT: Okay. Is that from the print news,  
8 meaning the newspaper, or the Internet or primarily from  
9 the --

10 PROSPECTIVE JUROR NO. 140: T.V.

11 THE COURT: -- from the T.V. news?

12 PROSPECTIVE JUROR NO. 140: Yeah.

13 THE COURT: The T.V. Is there a particular station  
14 you like to watch?

15 PROSPECTIVE JUROR NO. 140: Channel -- NBC, channel  
16 3.

17 THE COURT: Channel 3? Okay. And do you think that  
18 sometimes the media reports things inaccurately or  
19 incompletely?

20 PROSPECTIVE JUROR NO. 140: Oh, I think they like to  
21 kind of finesse things a little bit.

22 THE COURT: Okay. If you're selected as a juror in  
23 this case, do you understand that you would have to set aside  
24 anything you may have seen or heard outside the courtroom,  
25 including what's been reported in the media, and base your

1 verdict solely upon the evidence that's presented in this case  
2 in this courtroom?

3 PROSPECTIVE JUROR NO. 140: Could I?

4 THE COURT: Do you understand that that would be  
5 the --

6 PROSPECTIVE JUROR NO. 140: Yeah.

7 THE COURT: -- your duty as a juror?

8 PROSPECTIVE JUROR NO. 140: Yeah, I do understand --

9 THE COURT: Would you be --

10 PROSPECTIVE JUROR NO. 140: -- that.

11 THE COURT: -- able to do that?

12 PROSPECTIVE JUROR NO. 140: Would I be able to? I  
13 would hope I could.

14 THE COURT: Okay. When you say, I would hope I  
15 could, there are a --

16 PROSPECTIVE JUROR NO. 140: Well --

17 THE COURT: -- lot of qualifiers in there.

18 PROSPECTIVE JUROR NO. 140: -- yeah.

19 THE COURT: You know, what's your concern?

20 PROSPECTIVE JUROR NO. 140: The thing of it is is  
21 that with the doctors -- well, doctors make an oath, and I've  
22 had a couple endoscopies myself, and I always trusted my  
23 doctor fully that everything would come out well, that I  
24 wouldn't have a problem. I do, I feel sorry for the people  
25 that have been involved in this.

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1 THE COURT: Okay. Now, you --

2 PROSPECTIVE JUROR NO. 140: They -- it could have  
3 just been a fluky thing that went wrong, I don't know that,  
4 but --

5 THE COURT: -- okay. Now, you understand that  
6 feeling sorry for people is different --

7 PROSPECTIVE JUROR NO. 140: -- yeah.

8 THE COURT: -- from keeping an open mind and basing  
9 your verdict on the evidence?

10 PROSPECTIVE JUROR NO. 140: Right.

11 THE COURT: I mean, honestly, do you -- could you do  
12 that? Could you set aside anything you may have seen or heard  
13 and come in here and listen to the evidence that's  
14 presented -- and by "evidence" what that means is the  
15 testimony from witnesses right there, coming from right there,  
16 under oath and the exhibits that are admitted during the  
17 trial. And the exhibits are photos and documents and other  
18 things like that.

19 PROSPECTIVE JUROR NO. 140: I would probably be a  
20 more pro prosecutor perhaps.

21 THE COURT: Okay. And why do you -- why -- why --  
22 just in this case, or is that sort of a general bent that you  
23 have?

24 PROSPECTIVE JUROR NO. 140: I don't know how to  
25 explain it exactly.



1 THE COURT: Well, do your best.

2 PROSPECTIVE JUROR NO. 140: It's been a long day.

3 THE COURT: I don't want to put words in your mouth.  
4 I don't want to hear my words. I'd like to hear your words.

5 PROSPECTIVE JUROR NO. 140: Yeah. Well, I feel that  
6 in this case -- because I am -- like I said, I do know of the  
7 case, that I think he is guilty. I'm sorry to say that  
8 because I don't know the whole story, but that's just how I  
9 feel.

10 THE COURT: And why do you think that?

11 PROSPECTIVE JUROR NO. 140: Because I think that  
12 people go to doctors, they have procedures done, and they're  
13 entrusting their health, their livelihood for everything to  
14 come out right. To -- for them to do their best for you, in  
15 other words.

16 THE COURT: Right. Well, that's different from  
17 saying that you think he's guilty of some --

18 PROSPECTIVE JUROR NO. 140: Well --

19 THE COURT: -- criminal activity because that's what  
20 we're here, as Mr. Wright said at the very beginning, hours  
21 ago, earlier today, you'll recall Mr. Wright said, This isn't  
22 a civil case. This isn't -- we're not here about medical  
23 negligence or, you know, whether or not somebody was injured  
24 and entitled to monetary recovery as a result of the  
25 negligence of somebody else, like we would be in a civil case.

1 PROSPECTIVE JUROR NO. 140: Right.

2 THE COURT: That this is a criminal prosecution. You  
3 understand the difference?

4 PROSPECTIVE JUROR NO. 140: I do.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 140: I do.

7 THE COURT: And as you sit here today, I mean, would  
8 you be able to, again, hold the State to their burden of  
9 proving the defendant's guilt beyond a reasonable doubt and  
10 even if you heard something in the -- in the media, set that  
11 aside, and if the evidence wasn't there in this case --

12 PROSPECTIVE JUROR NO. 140: I'd do my best.

13 THE COURT: -- in this room --

14 PROSPECTIVE JUROR NO. 140: I would do my very best.

15 THE COURT: -- okay. State, you may follow up on  
16 this whole media issue --

17 MS. WECKERLY: Thank you.

18 THE COURT: -- if you would like.

19 MS. WECKERLY: When you say that you would do your  
20 best, and I -- I know you're giving us the -- the most honest  
21 answer you can give us at the -- at this time.

22 PROSPECTIVE JUROR NO. 140: Yes, I do.

23 MS. WECKERLY: We need to know from jurors that --  
24 that you will decide the case based on the evidence you hear  
25 in this courtroom, and not on something you might have heard

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1 in the media.

2 PROSPECTIVE JUROR NO. 140: Right. I have to go  
3 with a clean slate.

4 MS. WECKERLY: Right. Can you do that?

5 PROSPECTIVE JUROR NO. 140: I would do my best to --  
6 yes, because I'm sure there will be things that will pop up in  
7 the courtroom that might ding, ding, ding, you know, ring a  
8 bell, but -- and that's bound to happen.

9 MS. WECKERLY: But if -- I mean, what you've heard in  
10 the media, is it specific information or -- or what have you  
11 heard?

12 PROSPECTIVE JUROR NO. 140: Well, I heard -- because  
13 of the -- the practice the doc -- the doctor did lose his  
14 house, and then I -- just general information, you know, about  
15 the type of sickness or the illnesses these people did --

16 MS. WECKERLY: That it was hepatitis --

17 PROSPECTIVE JUROR NO. 140: -- come into contact --

18 MS. WECKERLY: -- C?

19 PROSPECTIVE JUROR NO. 140: -- with. Yeah.

20 MS. WECKERLY: Okay. But those two things don't tell  
21 you anything about whether or not these two defendants are  
22 guilty of criminal acts, is that --

23 PROSPECTIVE JUROR NO. 140: Right.

24 MS. WECKERLY: -- right?

25 PROSPECTIVE JUROR NO. 140: Right. You're --

1 MS. WECKERLY: You don't --  
2 PROSPECTIVE JUROR NO. 140: -- right.  
3 MS. WECKERLY: -- know anything about that?  
4 PROSPECTIVE JUROR NO. 140: No, I don't know that  
5 end of it, no.  
6 MS. WECKERLY: And then -- and the charges that Mr.  
7 Staudaher read many hours ago, those are criminal charges and  
8 my guess is you don't know, kind of, what the legal definition  
9 is of those charges --  
10 PROSPECTIVE JUROR NO. 140: No, I don't.  
11 MS. WECKERLY: -- is that fair?  
12 PROSPECTIVE JUROR NO. 140: No -- yeah, you're fair.  
13 MS. WECKERLY: And the Judge will instruct you on --  
14 on what those definitions are.  
15 PROSPECTIVE JUROR NO. 140: Mm-hmm. Yeah.  
16 MS. WECKERLY: And so your assessment of the evidence  
17 will be based on how the Judge defines the crime --  
18 PROSPECTIVE JUROR NO. 140: Right.  
19 MS. WECKERLY: -- and what you hear in court. Not  
20 that he --  
21 PROSPECTIVE JUROR NO. 140: Exactly.  
22 MS. WECKERLY: -- lost his house or --  
23 PROSPECTIVE JUROR NO. 140: No.  
24 MS. WECKERLY: -- what was reported about the clinic,  
25 fair?

1 PROSPECTIVE JUROR NO. 140: I will do my best.  
2 MS. WECKERLY: Okay.  
3 PROSPECTIVE JUROR NO. 140: Yeah, I would.  
4 MS. WECKERLY: And if after hearing the definitions  
5 of the crimes and other instructions given to you by the  
6 Court, if we didn't prove that these two defendants committed  
7 those crimes, would you be able to return a verdict of not  
8 guilty?  
9 PROSPECTIVE JUROR NO. 140: If -- yeah, I --  
10 MS. WECKERLY: Okay.  
11 PROSPECTIVE JUROR NO. 140: -- think I could.  
12 MS. WECKERLY: Even though you read about --  
13 PROSPECTIVE JUROR NO. 140: Even though I know what  
14 I know now.  
15 THE COURT: Well, when you say, You know --  
16 PROSPECTIVE JUROR NO. 140: But if you could prove  
17 otherwise.  
18 THE COURT: -- do you really know it?  
19 PROSPECTIVE JUROR NO. 140: Well, I really don't. I  
20 only know what I've seen on T.V.  
21 MS. WECKERLY: And what you --  
22 PROSPECTIVE JUROR NO. 140: So yeah, I mean, you  
23 guys could change my mind very easily.  
24 MS. WECKERLY: -- sure. Because you're going to  
25 decide based on what you hear in court --

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1 PROSPECTIVE JUROR NO. 140: Right.  
2 MS. WECKERLY: -- is that right?  
3 PROSPECTIVE JUROR NO. 140: I'm just going by  
4 hearsay, third party.  
5 MS. WECKERLY: Okay. And -- but even what you've  
6 heard doesn't relate to criminal charges it sounds like?  
7 PROSPECTIVE JUROR NO. 140: No.  
8 MS. WECKERLY: Okay.  
9 PROSPECTIVE JUROR NO. 140: Just misdemeanors --  
10 well --  
11 THE COURT: Just what? And don't be afraid to --  
12 because --  
13 PROSPECTIVE JUROR NO. 140: No --  
14 THE COURT: -- you know --  
15 PROSPECTIVE JUROR NO. 140: -- because --  
16 THE COURT: -- you know, we just -- we want to hear  
17 from you.  
18 PROSPECTIVE JUROR NO. 140: -- I don't want --  
19 THE COURT: We don't want to --  
20 PROSPECTIVE JUROR NO. 140: -- yeah. I don't want  
21 to -- to say anything negative, really, about anybody here --  
22 THE COURT: -- no, we won't --  
23 PROSPECTIVE JUROR NO. 140: -- but --  
24 THE COURT: -- and, you know, the only -- I say this  
25 all the time, there is no right or wrong answer. The only

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1 wrong answer is a dishonest answer.

2 PROSPECTIVE JUROR NO. 140: -- yeah.

3 THE COURT: So, you know, the only -- I say this all  
4 the time, there is no right or wrong answer. The only wrong  
5 answer is a dishonest answer.

6 PROSPECTIVE JUROR NO. 140: Yeah.

7 THE COURT: So, you know, don't be afraid of  
8 offending anyone or anything like that. We need you to be  
9 honest with us. So what were you going to say?

10 PROSPECTIVE JUROR NO. 140: Oh, boy. I forgot. We  
11 were talking about --

12 MS. WECKERLY: Well, we were talking about the -- the  
13 fact that the information that you described, that you -- that  
14 you heard in the media -- I mean, my interpretation of it is  
15 that it doesn't really have any bearing on the criminal  
16 charges in this case.

17 PROSPECTIVE JUROR NO. 140: Right.

18 MS. WECKERLY: It -- and it seems like it's general  
19 information?

20 PROSPECTIVE JUROR NO. 140: Just general, right.

21 MS. WECKERLY: Okay. And so if you're selected to be  
22 a juror, can you fairly assess the evidence that you hear in  
23 court?

24 PROSPECTIVE JUROR NO. 140: If -- yeah, I'll do my  
25 best is --

1 MS. WECKERLY: Okay.

2 PROSPECTIVE JUROR NO. 140: -- that's what I've  
3 said.

4 MS. WECKERLY: And you were actually a juror before;  
5 is that right?

6 PROSPECTIVE JUROR NO. 140: In Rhode Island. In  
7 Rhode Island.

8 MS. WECKERLY: But that was in a civil case?

9 PROSPECTIVE JUROR NO. 140: Yes.

10 MS. WECKERLY: Okay. And the Judge will -- there's a  
11 different standard in a criminal case.

12 PROSPECTIVE JUROR NO. 140: Yeah. This whole --

13 MS. WECKERLY: And --

14 PROSPECTIVE JUROR NO. 140: -- procedure has been a  
15 lot different.

16 MS. WECKERLY: -- I'll bet.

17 PROSPECTIVE JUROR NO. 140: Yeah.

18 MS. WECKERLY: But you'll be able to apply the law  
19 that Judge Adair --

20 PROSPECTIVE JUROR NO. 140: Oh, definitely, yeah.

21 MS. WECKERLY: -- issues? Okay. Your -- you  
22 mentioned that your stepdaughter works in the medical field?

23 PROSPECTIVE JUROR NO. 140: Actually, I have two  
24 stepdaughters that are CNAs, and one of the girls also works  
25 in an office -- a doctor's office. And then one of my other

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1 stepdaughters does X-rays and ultrasounds and things like  
2 that.

3 MS. WECKERLY: So is that three then, that are in  
4 medicine?

5 PROSPECTIVE JUROR NO. 140: Three in the medical  
6 field, and my sister-in-law, which I didn't list on there, is  
7 an RN.

8 MS. WECKERLY: Okay. So everybody --

9 PROSPECTIVE JUROR NO. 140: Kind of --

10 MS. WECKERLY: -- or a lot of family?

11 PROSPECTIVE JUROR NO. 140: -- yeah. It looks that  
12 way.

13 MS. WECKERLY: The one that works in the offices, is  
14 that scheduling appointments or billing?

15 PROSPECTIVE JUROR NO. 140: No, she takes the vitals  
16 and things like that. She doesn't do anything like the office  
17 work itself.

18 MS. WECKERLY: Okay.

19 PROSPECTIVE JUROR NO. 140: She takes vitals and --  
20 she's a doctor's assistant.

21 MS. WECKERLY: So when people go to, like, a medical  
22 office?

23 PROSPECTIVE JUROR NO. 140: Yeah, she'll take your  
24 blood pressure and --

25 MS. WECKERLY: Okay.

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1 PROSPECTIVE JUROR NO. 140: -- what have you.  
2 MS. WECKERLY: And the next one you said was a --  
3 PROSPECTIVE JUROR NO. 140: A CNA, certified nursing  
4 assistant. She's in a nursing home. She works in a nursing  
5 home.  
6 MS. WECKERLY: Okay.  
7 PROSPECTIVE JUROR NO. 140: And also, the one  
8 that -- that works in the doctor's office, she also takes care  
9 of elderly people on the side.  
10 MS. WECKERLY: Okay.  
11 PROSPECTIVE JUROR NO. 140: That are -- not like  
12 through -- hospice, but it's like a home-care situation. So  
13 there again, she takes the med -- or the vitals.  
14 MS. WECKERLY: And the third one?  
15 PROSPECTIVE JUROR NO. 140: She takes -- she does  
16 X-rays and she takes ultrasounds.  
17 MS. WECKERLY: Okay. So one is -- one is in a  
18 medical office, primarily, but works with elderly people --  
19 PROSPECTIVE JUROR NO. 140: Right. On the side.  
20 MS. WECKERLY: -- the second one is in a nursing  
21 home?  
22 PROSPECTIVE JUROR NO. 140: Correct.  
23 MS. WECKERLY: And then the -- the third one is in  
24 X-rays, ultrasounds, that kind of thing?  
25 PROSPECTIVE JUROR NO. 140: Mm-hmm.m

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1 MS. WECKERLY: No one in endoscopy or  
2 gastroenterology?  
3 PROSPECTIVE JUROR NO. 140: No.  
4 MS. WECKERLY: Okay.  
5 PROSPECTIVE JUROR NO. 140: No.  
6 MS. WECKERLY: The fact that you have these family  
7 members that have, obviously, training and that their  
8 profession is in medicine, would that cause you to be biased  
9 in favor of one side or the other?  
10 PROSPECTIVE JUROR NO. 140: No, because they all  
11 live on the East Coast, so they're not even out here, so --  
12 MS. WECKERLY: Okay. And no problem, then, that  
13 you -- you wouldn't have any problem not discussing this case  
14 with them?  
15 PROSPECTIVE JUROR NO. 140: Oh, no.  
16 MS. WECKERLY: Okay.  
17 PROSPECTIVE JUROR NO. 140: I see no reason to.  
18 MS. WECKERLY: All right. Well, thank you, ma'am.  
19 PROSPECTIVE JUROR NO. 140: You're welcome.  
20 MS. WECKERLY: Just -- I just want to make sure I  
21 covered everything. Yes, that's it. Thank you.  
22 PROSPECTIVE JUROR NO. 140: Okay.  
23 MS. WECKERLY: I'll pass for cause, Your Honor.  
24 THE COURT: All right. Who would like to go first  
25 for the defense?

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1 MR. SANTACROCE: Good evening --  
2 THE COURT: Ms. Stanish -- or --  
3 MR. SANTACROCE: -- Ms. Zambarano.  
4 THE COURT: -- sorry.  
5 PROSPECTIVE JUROR NO. 140: Good evening.  
6 MR. SANTACROCE: We certainly appreciate your honesty  
7 here today. Thank you for that. Our object today is to  
8 select a jury of 12 people that are fair and impartial and  
9 will listen to the evidence and render a verdict. Can you --  
10 do you think you can do that?  
11 PROSPECTIVE JUROR NO. 140: I -- you know, I'll do  
12 my very best. I said that.  
13 MR. SANTACROCE: Okay.  
14 PROSPECTIVE JUROR NO. 140: Hopefully I'll learn  
15 something too.  
16 MR. SANTACROCE: Good. Now, you were very honest  
17 with us, I'm going to be very honest with you.  
18 PROSPECTIVE JUROR NO. 140: Okay.  
19 MR. SANTACROCE: Okay? As you sit here today, you  
20 said that you thought Dr. Desai was guilty?  
21 PROSPECTIVE JUROR NO. 140: Well, in my feelings,  
22 yes.  
23 MR. SANTACROCE: Okay. And as you sit here today do  
24 you think Mr. Lakeman is guilty?  
25 PROSPECTIVE JUROR NO. 140: I didn't know anything

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1 about him at all. I've only heard about the doctor.

2 MR. SANTACROCE: So the fact that Mr. Lakeman is  
3 being tried with the doctor --

4 PROSPECTIVE JUROR NO. 140: Right.

5 MR. SANTACROCE: -- does that affect your thinking  
6 today as to whether or not Mr. Lakeman is guilty?

7 PROSPECTIVE JUROR NO. 140: No, I have no opinion.

8 MR. SANTACROCE: Great. Now, you -- as to Mr.  
9 Lakeman, that is, correct?

10 PROSPECTIVE JUROR NO. 140: Correct.

11 MR. SANTACROCE: Now, you also said that you were  
12 pro-prosecutor?

13 PROSPECTIVE JUROR NO. 140: Well, that -- that has  
14 been my opinion, yes.

15 MR. SANTACROCE: Okay.

16 PROSPECTIVE JUROR NO. 140: When I first came in up  
17 until then.

18 MR. SANTACROCE: Is it still your opinion?

19 PROSPECTIVE JUROR NO. 140: Well, you know, there's  
20 two sides to every story, too.

21 MR. SANTACROCE: Great.

22 PROSPECTIVE JUROR NO. 140: And I would do my best  
23 to be fair.

24 MR. SANTACROCE: So that when you came in you were  
25 sort of pro-prosecutor, but are you telling me now that the

1 playing field is level?

2 PROSPECTIVE JUROR NO. 140: Well, there's a big  
3 difference between criminal and civil and -- and I don't know  
4 what the exact charges are. I was just basing my opinion on  
5 what I heard on T.V.

6 MR. SANTACROCE: Okay. That's fair enough. But what  
7 I'm concerned about is if we were in a race and I was racing  
8 the prosecutors would you give them a head start?

9 PROSPECTIVE JUROR NO. 140: Oh, no.

10 MR. SANTACROCE: Okay.

11 PROSPECTIVE JUROR NO. 140: No, I wouldn't.

12 MR. SANTACROCE: I just want to make sure. So you  
13 think that you can be fair and impartial and listen to all the  
14 evidence; is that correct?

15 PROSPECTIVE JUROR NO. 140: There again, I would be  
16 giving it my best shot, yes.

17 MR. SANTACROCE: Okay. And at the end of the day, if  
18 the State has proved their case beyond a reasonable doubt,  
19 what would you do?

20 PROSPECTIVE JUROR NO. 140: At the end of what day?

21 MR. SANTACROCE: At the end of the trial? At the end  
22 of the trial, if the State has presented all their evidence --

23 PROSPECTIVE JUROR NO. 140: Oh, okay.

24 MR. SANTACROCE: -- and they --

25 PROSPECTIVE JUROR NO. 140: If the --

1           MR. SANTACROCE: -- haven't met their burden of  
2 proving each and every element beyond a reasonable doubt in  
3 your mind, what would you do?  
4           PROSPECTIVE JUROR NO. 140: It would be my -- myself  
5 and my jury, my fellow jurors, we'd have to come up with a  
6 decision.  
7           MR. SANTACROCE: And what would that be if they  
8 weren't able to prove beyond a reasonable doubt each and every  
9 element of the crime?  
10          PROSPECTIVE JUROR NO. 140: Then the -- the charges  
11 should be dropped.  
12          MR. SANTACROCE: A not guilty then, correct?  
13          PROSPECTIVE JUROR NO. 140: Not guilty.  
14          MR. SANTACROCE: And you're comfortable --  
15          PROSPECTIVE JUROR NO. 140: If they can prove --  
16          MR. SANTACROCE: -- in doing that?  
17          PROSPECTIVE JUROR NO. 140: -- well, I'd have other  
18 co-workers here with me, so everybody would be feeding into  
19 it, it wouldn't be just one person making that decision.  
20          MR. SANTACROCE: What if --  
21          PROSPECTIVE JUROR NO. 140: It would be --  
22          MR. SANTACROCE: -- you were the only one that had  
23 one opinion and the other 11 people had a different opinion?  
24          PROSPECTIVE JUROR NO. 140: Oh, I'd express it if I  
25 had a different opinion.

1 MR. SANTACROCE: And you would hold to that opinion?

2 PROSPECTIVE JUROR NO. 140: I would express it  
3 whether it would get me --

4 THE COURT: Well, let's --

5 PROSPECTIVE JUROR NO. 140: -- anywhere or not, I  
6 don't know.

7 THE COURT: -- okay. Well, let's say you expressed  
8 your opinion, whatever it -- either side, whatever it may be,  
9 and then the other jurors, they expressed a different opinion,  
10 and you all went around the room and everybody states the  
11 reason for their decision, and you listen to everybody else  
12 and you considered it --

13 PROSPECTIVE JUROR NO. 140: If I was the --

14 THE COURT: -- think about it, and then you thought,  
15 you know what, they're wrong because I heard it the way I  
16 heard it, and what -- which ever way it might be --

17 PROSPECTIVE JUROR NO. 140: -- well, if I heard it  
18 some -- a different way, I would express -- or say what I  
19 thought, and if they all still disagreed or if they heard  
20 differently --

21 THE COURT: And then, but would you -- if you weren't  
22 persuaded by them after listening to them, and you -- they  
23 didn't persuade you, would you hold your grounds and vote the  
24 way you felt was right?

25 PROSPECTIVE JUROR NO. 140: I would.

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 140: I would.

3 MR. SANTACROCE: You answered about that you -- your  
4 husband has the T.V. on --

5 PROSPECTIVE JUROR NO. 140: Oh, yeah, he's --

6 MR. SANTACROCE: -- on news programs --

7 PROSPECTIVE JUROR NO. 140: -- he's a news bug,  
8 yeah.

9 MR. SANTACROCE: -- does he have a particular  
10 favorite?

11 PROSPECTIVE JUROR NO. 140: What? As --

12 MR. SANTACROCE: News?

13 PROSPECTIVE JUROR NO. 140: -- NBC news all the way.

14 MR. SANTACROCE: All the way?

15 PROSPECTIVE JUROR NO. 140: Yeah.

16 MR. SANTACROCE: And do you discuss news events with  
17 your husband?

18 PROSPECTIVE JUROR NO. 140: Well, we did this last  
19 week with -- with the -- everything going on in Boston.

20 MR. SANTACROCE: Okay.

21 PROSPECTIVE JUROR NO. 140: We did.

22 MR. SANTACROCE: And when you heard about this case  
23 in the news, did you discuss it with your husband?

24 PROSPECTIVE JUROR NO. 140: We might have said a few  
25 things about it. We might have said a few things, but, you

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1 know, just our own personal opinions because we were talking  
2 amongst ourselves so...

3 MR. SANTACROCE: Do you and your husband often  
4 disagree about certain news stories?

5 PROSPECTIVE JUROR NO. 140: Oh, yeah. On occasion,  
6 yeah.

7 MR. SANTACROCE: Now, I -- I didn't recall, did you  
8 say you were employed or not employed?

9 PROSPECTIVE JUROR NO. 140: Now, we -- we moved out  
10 here from Rhode Island a year and a half ago, and I haven't  
11 worked since we've come out here.

12 MR. SANTACROCE: And what does your husband do?

13 PROSPECTIVE JUROR NO. 140: He's retired from  
14 Verizon Communications.

15 MR. SANTACROCE: Are you looking for work or you  
16 don't need to work or --

17 PROSPECTIVE JUROR NO. 140: I figured after the  
18 summer, maybe I'd find -- look for something part-time, but --

19 MR. SANTACROCE: So you're available --

20 PROSPECTIVE JUROR NO. 140: -- not right now.

21 MR. SANTACROCE: -- to sit on this jury for four to  
22 six weeks?

23 PROSPECTIVE JUROR NO. 140: Yeah, I would be.

24 MR. SANTACROCE: Your Honor, I'm going to reserve  
25 until after --

1 THE COURT: All right. Thank you.  
2 MR. SANTACROCE: -- Ms. Stanish --  
3 THE COURT: Ms. Stanish, you may question.  
4 MS. STANISH: Good afternoon.  
5 PROSPECTIVE JUROR NO. 140: Good afternoon.  
6 MS. STANISH: You don't feel like people are beating  
7 you up here, do you?  
8 PROSPECTIVE JUROR NO. 140: Oh, wow. Well, it's  
9 been a long time sitting out there today, so, no.  
10 MS. STANISH: All we want is to make sure --  
11 THE COURT: Hope you brought a book.  
12 MS. STANISH: -- yeah.  
13 THE COURT: Hope you brought a book.  
14 MS. STANISH: All we want to make sure is that you  
15 are going to be fair to our clients.  
16 PROSPECTIVE JUROR NO. 140: Right. And you want the  
17 right people for the right job here.  
18 MS. STANISH: We want people who can -- who haven't  
19 formed opinions yet, so I want to talk to you about your  
20 opinion that you stated on the form even more.  
21 PROSPECTIVE JUROR NO. 140: Yeah, I'll bet you do.  
22 MS. STANISH: But let me start with a different  
23 topic. You had mentioned that you had two endoscopies, is  
24 that what I understood you to say?  
25 PROSPECTIVE JUROR NO. 140: Yes, I had two back in

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1 Rhode Island.

2 MS. STANISH: All right. And how recent were those?

3 PROSPECTIVE JUROR NO. 140: Maybe about -- the last  
4 one was probably about five years ago.

5 MS. STANISH: Okay. And --

6 PROSPECTIVE JUROR NO. 140: It turned out I had an  
7 inflamed esophagus and inflamed intestines.

8 MS. STANISH: And are you still get -- do you get  
9 treatment for any kind of GI issue?

10 PROSPECTIVE JUROR NO. 140: Not anymore. I had my  
11 gallbladder taken out, at the time all the acids were being  
12 directed right into the stomach which was inflaming the whole  
13 area. And so I took medication for about a year to a year and  
14 a half and its leveled off now, so...

15 MS. STANISH: Now I am going to talk to you about  
16 your answer. Now that we know all about your gastro issue.  
17 The -- you say that you -- in response to what you see on  
18 television you say that -- well, actually, in the question  
19 that deals with whether or not you can be fair and impartial  
20 you stated that, I've been following this story on the news,  
21 and I -- I know your husband is a news junky --

22 PROSPECTIVE JUROR NO. 140: Yeah.

23 MS. STANISH: -- but is there anything particular  
24 about this case that you have -- that has drawn your attention  
25 to it, whether it's your experience with the endoscopy or

1 anything?

2 PROSPECTIVE JUROR NO. 140: No, I think what really  
3 brought -- caught my attention was when we first came out here  
4 and -- that was a year ago last January, and we had to get new  
5 doctors here, so rather than going through the phone book, you  
6 know, and just pulling out names, we talked to neighbors, we  
7 talked to acquaintances, and a couple of them said, you know,  
8 doctors were hard to find, and we said, well, there's a lot of  
9 them here, and they used this as an example.

10 So that's what was first brought to our attention,  
11 you know, there's a lot of bad doctors here, which I don't  
12 know if they're really bad or not, everybody's got their own  
13 opinion. But they used that as an example of being very  
14 careful about what doctors you go to. And so we did -- we  
15 found so far all good doctors, so...

16 MS. STANISH: Now, in your -- did you ever do  
17 anything, then, to search on the Internet or locate  
18 information about this case?

19 PROSPECTIVE JUROR NO. 140: Did I? No. No.

20 MS. STANISH: Okay.

21 PROSPECTIVE JUROR NO. 140: No, I just --

22 MS. STANISH: When --

23 PROSPECTIVE JUROR NO. 140: -- going by the news.

24 MS. STANISH: -- and your talk -- when you talked to  
25 your neighbors and they -- about locating a good doctor, they

1 did -- was there a discussion about my client, Dr. Desai?

2 PROSPECTIVE JUROR NO. 140: No, they were just using  
3 the example where you had to be careful with doctors and --  
4 and I think we had asked why at one point, and somebody said  
5 about Dr. Desai had -- his name had come up. But I wasn't  
6 going to use Dr. Desai anyway. We were just looking for  
7 general doctors here.

8 MS. STANISH: You --

9 PROSPECTIVE JUROR NO. 140: That was it.

10 MS. STANISH: -- you've made -- you said that you  
11 have the opinion that Dr. Desai was terribly negligent?

12 PROSPECTIVE JUROR NO. 140: Well, of my -- yeah.

13 MS. STANISH: Based on what? Why do you say that?

14 PROSPECTIVE JUROR NO. 140: Well, just from what  
15 we've heard, the stories that we've heard. And in the -- not  
16 so much the news, but just my opinion.

17 MS. STANISH: Have you or anybody close to you have  
18 -- have any -- had any negative experience with anyone in the  
19 medical profession?

20 PROSPECTIVE JUROR NO. 140: The only thing that  
21 stands out is my mother had prescriptions filled and they gave  
22 her the wrong medication and it was for her heart. But  
23 fortunately she caught it beforehand, before she took them,  
24 but it wouldn't have been good.

25 MS. STANISH: But have -- have you or anyone close to

1 you sued doctors?

2 PROSPECTIVE JUROR NO. 140: No. No.

3 MS. STANISH: And you understand this is not a civil  
4 case?

5 PROSPECTIVE JUROR NO. 140: Right. Oh, I -- I  
6 agree.

7 MS. STANISH: And am I correct when you were  
8 answering the questions of the DA you -- the things you saw on  
9 T.V. are -- am I to understand they were only in connection  
10 with civil matters and not this criminal case?

11 PROSPECTIVE JUROR NO. 140: Well, they went in and  
12 they explained what was going on with the -- I guess there was  
13 two people that died from this? Is that what's coming into  
14 this too? I don't even know for sure what's being --

15 MS. STANISH: As Mr. Staudaher explained earlier this  
16 morning, one of the charges involves murder.

17 PROSPECTIVE JUROR NO. 140: -- yeah. I don't know  
18 the situation with that at all. I don't know. I know.

19 MS. STANISH: Yeah. What do you think? Can you be a  
20 fair juror when you have formed an opinion that Dr. Desai is  
21 terribly negligent?

22 PROSPECTIVE JUROR NO. 140: Well, like I've said  
23 before, I don't know all of the -- I don't know everything  
24 about the case. I really don't. And I'm sure I'm going to  
25 learn a lot if I'd be chosen for this -- for the juror's

1 position. And if -- if it's -- you guys could present or if I  
2 see where Dr. Desai was innocent, you know, this was a --  
3 maybe just negligence or whatever it is, but he wasn't guilty  
4 of murder or anything like that, yeah, you -- yeah, you could  
5 change my mind.

6 THE COURT: Well, and -- and that's the thing. Ms.  
7 Stanish and Mr. Wright and Mr. -- they don't have to change  
8 your mind, it's the --

9 PROSPECTIVE JUROR NO. 140: Right.

10 THE COURT: -- jury's --

11 PROSPECTIVE JUROR NO. 140: It's --

12 THE COURT: -- I'm sorry, it's the State's duty to  
13 prove the defendant's guilt beyond a reasonable doubt.

14 PROSPECTIVE JUROR NO. 140: -- right.

15 THE COURT: They don't have a duty to do anything.

16 PROSPECTIVE JUROR NO. 140: Right.

17 THE COURT: To prove the defendant's guilt beyond a  
18 reasonable doubt.

19 PROSPECTIVE JUROR NO. 140: Right.

20 THE COURT: They don't have a duty to do anything.

21 PROSPECTIVE JUROR NO. 140: Right.

22 THE COURT: To prove anything or change anybody's  
23 mind.

24 PROSPECTIVE JUROR NO. 140: They just have to come  
25 in. But if the information in your -- the people that come in



1 here, if they can present a -- a whole entire different case  
2 than what I know about, then I am changeable.

3 THE COURT: Okay. I'll -- yeah. Anything else, Ms.  
4 Stanish?

5 MS. STANISH: Just one last question.

6 PROSPECTIVE JUROR NO. 140: Okay.

7 MS. STANISH: You know, I'm going to put up a  
8 continuum here. On this hand, do you really do not,  
9 absolutely do not want to be a juror in this case. On this  
10 hand, I really, really want to be a jury in -- juror in this  
11 case. Where would you be?

12 PROSPECTIVE JUROR NO. 140: In the middle.

13 MS. STANISH: Right in the middle?

14 PROSPECTIVE JUROR NO. 140: Yeah. That's where. Is  
15 that fair?

16 MS. STANISH: What do you think?

17 PROSPECTIVE JUROR NO. 140: Well, you asked a  
18 question and that's how I feel.

19 MS. STANISH: I don't have to answer questions, you  
20 do.

21 THE COURT: Yeah, you -- we ask you questions. You  
22 don't get to ask the questions.

23 PROSPECTIVE JUROR NO. 140: Oh, okay.

24 MR. SANTACROCE: Your Honor --

25 THE COURT: Let me ask you this.

1 PROSPECTIVE JUROR NO. 140: Okay.

2 THE COURT: Ms. Stanish asked the question one way,  
3 but on a continuum of jurors, you know, somebody who has  
4 never -- doesn't know anything about anything, no opinion,  
5 never heard a thing about this case, you know, completely  
6 open-minded, never heard anything, and somebody who has made  
7 up their mind completely, and says, you know, I don't care  
8 what I hear, I think the defendant's did it, you know, if  
9 they're charged with this, I don't need to hear anything. I'm  
10 ready to vote right now. I want to go back there and vote  
11 guilty, okay?

12 PROSPECTIVE JUROR NO. 140: Yeah.

13 THE COURT: On that continuum, where would you fall?

14 PROSPECTIVE JUROR NO. 140: In the middle.

15 THE COURT: Okay. And when --

16 PROSPECTIVE JUROR NO. 140: Yeah.

17 THE COURT: -- when you say, In the middle, what do  
18 you mean?

19 PROSPECTIVE JUROR NO. 140: Go either way.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR NO. 140: I could go either way.

22 THE COURT: Okay. So you could either go guilty or  
23 not guilty?

24 PROSPECTIVE JUROR NO. 140: Yeah.

25 THE COURT: All right. Any other follow up based on

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1 the Court's last questions?

2 MS. STANISH: Does that mean you're going to be  
3 pro-defense?

4 PROSPECTIVE JUROR NO. 140: No, I'm going to have to  
5 go in with an open mind is what I have to do.

6 MS. STANISH: Okay.

7 PROSPECTIVE JUROR NO. 140: If I get chosen for the  
8 jury, yes, I'll have to come in open-minded. But when we  
9 started out today, how I felt today, I don't know.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 140: I've never done this.

12 THE COURT: Right. It's hard, I know. And we put  
13 you on the --

14 PROSPECTIVE JUROR NO. 140: It is hard.

15 THE COURT: -- spot and here's -- anything else?  
16 Here's what we're going to do, ma'am. I'm going to go ahead  
17 and excuse you for this evening. You've given a phone number  
18 to our Bailiff Kenny?

19 PROSPECTIVE JUROR NO. 140: I did.

20 THE COURT: If you are selected for jury service, you  
21 would need to report back. So the prohibition about speaking  
22 about the case, doing anything relating about the case is  
23 still in effect, of course.

24 PROSPECTIVE JUROR NO. 140: Right.

25 THE COURT: And you're under order not to discuss

1 anything that's transpired in the courtroom, anything I've  
2 asked you, our discussions, the discussions and questions from  
3 the lawyers; do you understand?

4 PROSPECTIVE JUROR NO. 140: Okay. Yes, I do.

5 THE COURT: All right. Ma'am, go ahead and check out  
6 back through jury services.

7 PROSPECTIVE JUROR NO. 140: Okay.

8 THE COURT: All right. Thank you.

9 PROSPECTIVE JUROR NO. 140: Well, thank you very  
10 much.

11 THE COURT: All right.

12 MR. SANTACROCE: And, Your Honor, I --

13 MR. WRIGHT: Wait --

14 THE COURT: I understand.

15 MR. WRIGHT: -- oh, I don't know what happened.

16 THE COURT: Ma'am, go ahead and just put that in the  
17 chair.

18 PROSPECTIVE JUROR NO. 140: Okay.

19 THE COURT: And Kenny will direct you from the  
20 courtroom.

21 PROSPECTIVE JUROR NO. 140: Good night, everyone.

22 MR. WRIGHT: Good night.

23 MS. STANISH: Thank you.

24 THE COURT: Before we get into our discussions on the  
25 record, I'm going to bring in the rest of the panel. I'm

1 going to tell the top five to return at 9 tomorrow morning and  
2 the remainder to return at 9:30, then we can make whatever --  
3 yes?

4 MR. WRIGHT: Did we excuse her -- did --

5 THE COURT: No, I know you're going to make a  
6 for-cause challenge, but you said you had no more questions --

7 MR. WRIGHT: All right.

8 THE COURT: -- so let's get her done --

9 MR. WRIGHT: -- okay.

10 THE COURT: -- that's why I kept the question open.  
11 She's not to talk about the case --

12 MR. WRIGHT: Oh, okay.

13 THE COURT: -- we can -- if the for-cause isn't  
14 granted, then she's a perspective juror. If it is granted,  
15 then she's not.

16 MR. WRIGHT: Okay.

17 THE COURT: But the --

18 MR. WRIGHT: I just didn't know what happened.

19 THE COURT: -- that's -- Ms. Stanish, you understood,  
20 right, Ms. Stanish?

21 MS. STANISH: Yes, Your Honor. I don't know what's  
22 wrong with him.

23 THE COURT: I know. I can see -- I know she knew.  
24 Bring in the other prospective jurors, Kenny.

25 MS. STANISH: He has hearing aids.

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1 THE COURT: There's no point in us arguing on the  
2 record with these people waiting outside. Let's let them go  
3 home. That -- and then we --

4 (Prospective jury panel entering at 5:59 p.m.)

5 THE COURT: Ladies and gentlemen, once again, thank  
6 you for your patience. I'm sorry -- I know it's been a very  
7 long day for you all seated out in the hallway. I'm sure you  
8 can all appreciate that the process of selecting a jury is an  
9 extremely important process, an extremely important part of  
10 the trial, and so sometimes it does take a little bit of time,  
11 and I appreciate your patience.

12 Obviously, you know, you've seen -- probably about  
13 half of you have been spoken to today, the rest of you do have  
14 to report back tomorrow. I am going to ask the following  
15 jurors to report at 9 a.m.

16 Juror No. 143, Mr. Bleckwehl.

17 Juror No. 152, Mr. Contreras.

18 Juror No. 188, Mr. Ramon.

19 And Juror No. 189, Mr. Strattan.

20 Juror No. 200, Ms. Armstrong.

21 You're to report to -- here at 9 a.m. tomorrow. The  
22 rest of you are to report at 9:30 tomorrow. Once we're done  
23 questioning, as you saw today, you will be excused, subject  
24 then to have to report at a later date, if you're selected,  
25 once we actually begin the trial. We won't make you wait

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1 around while he jurors who come after you are questioned.

2 Before I excuse you for our evening recess, I must  
3 admonish you folks that you're not to discuss the case or  
4 anything relating to the case with each other or with anyone  
5 else. Anyone else would, of course, include members of your  
6 family and your friends. You may tell them that you are still  
7 participating in jury selection for a criminal jury trial, but  
8 please do not discuss anything else relating to this matter.

9 Additionally, you are not to read, watch, or listen  
10 to any reports of or commentaries on this case, any person or  
11 subject matter relating to the case. Do not do any  
12 independent research by way of the Internet or any other  
13 medium. Do not engage in any social networking, like Twitter  
14 or Facebook, on any subject relating to this trial, and please  
15 do not form or express an opinion on the case.

16 If you all would please follow Kenny into the  
17 hallway, questions regarding parking and where to meet  
18 tomorrow, he will answer those out in the hallway, and you are  
19 all excused for the evening recess.

20 (Prospective jury panel excused for the evening at 6:02 p.m.)

21 THE COURT: All right. The Defense indicated that  
22 they wanted to voice a for-cause challenge on Juror No. 140,  
23 Ms. Zambarano; is that correct?

24 MR. WRIGHT: Yes.

25 MR. SANTACROCE: Correct, Your Honor.

1 THE COURT: Both sides?

2 MR. SANTACROCE: Yes.

3 THE COURT: I mean, both defense --

4 MR. SANTACROCE: That's correct.

5 THE COURT: -- defendants?

6 MR. WRIGHT: Yes.

7 THE COURT: All right. State? Ms. Weckerly?

8 MS. WECKERLY: Briefly, I -- I mean, I agree her  
9 answers were a little bit all over the place. I think some of  
10 that was attributed to sort of an unfamiliarity with the --  
11 the legal concepts and the legal process. But in -- in the  
12 end, I think she reiterated on more than one occasion that she  
13 would be fair to both sides, and that she would decide the  
14 case based on what she heard in the courtroom, rather than,  
15 sort of the vague information that she had heard in the media.

16 And she also indicated on more than one occasion  
17 that if -- in the process, you know, she would articulate her  
18 own opinion in the deliberative process, and not change her  
19 mind if she thought, you know, everybody else was against her  
20 or had a different opinion than her, but that she would listen  
21 to her fellow jurors, and that if we didn't meet the burden it  
22 would be the jurors responsibility to return a not guilty  
23 verdict.

24 She didn't say not guilty, she said, Dismiss the  
25 charges, but, you know, effectively the same answer.

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1 THE COURT: Mr. Wright?

2 MR. WRIGHT: Yes, Your Honor. I think we obviously  
3 would -- would have a burden of persuasion with her. She  
4 announced she had an opinion as to his guilt, through his  
5 terrible negligence, but if we overcome that she would have an  
6 open mind, is I think most charitably. And so that -- that  
7 isn't a presumption of innocence.

8 THE COURT: I'm not sure that's quite what she said  
9 when I tried to get her to clarify it that --

10 MR. WRIGHT: Well, she's in the middle --

11 THE COURT: -- because --

12 MR. WRIGHT: -- then.

13 THE COURT: -- well, because that -- I mean, when I  
14 said --

15 MR. WRIGHT: We aren't supposed to be on the 50-yard  
16 line, we're --

17 THE COURT: -- no, you're --

18 MR. WRIGHT: -- supposed to be --

19 THE COURT: -- at zero.

20 MR. WRIGHT: -- correct.

21 THE COURT: No, I know. I think she didn't  
22 understand my question when I asked her because then she said,  
23 Well, no, I could go either way. I could go guilty or not  
24 guilty. So let -- I'm going to hold this one in abeyance. I  
25 mean, I think part of it was she was unfamiliar with the

1 process. I mean, she did say she'd hold the State to their  
2 burden. She'd keep an open mind. She understood that she  
3 hasn't heard any evidence.

4 I mean, I know, she -- she did say some  
5 contradictory things. I'm not sure if we've placed all of the  
6 jurors that we had excused on the record. Some of them where  
7 we did conferences at the bench. I'm just going to go through  
8 that at this point.

9 Juror No. 135, Ms. Sears, I know she was excused as  
10 a hardship with her schooling and other things. There may  
11 have been a bit of a for-cause element in there as well. I  
12 don't remember exactly. It was stipulated to that she would  
13 be excused. Does anyone remember what the possible for-cause  
14 issue? There was the issue of whether she could hold others  
15 in judgment, she kind of waffled back and forth on that  
16 particular issue.

17 Anyone need to add anything to what the Court said?

18 MR. STAUDAHER: I -- you know, Your Honor, I think  
19 you're correct in that, but I think the primary thing was the  
20 issue of hardship. She had four children -- or actually, six  
21 children --

22 THE COURT: Six children, four --

23 MR. STAUDAHER: -- that --

24 THE COURT: -- at home.

25 MR. STAUDAHER: -- that four were at home, and she

1 had --

2 THE COURT: She had exams coming up.

3 MR. STAUDAHER: -- right. Full-time --

4 THE COURT: We had stipulated --

5 MR. STAUDAHER: -- job, all those things, so --

6 THE COURT: -- yeah. We had stipulated to excuse  
7 other college students who, on their questionnaires, had  
8 indicated that they had exams coming up and things like that.  
9 She didn't indicate that as her hardship. She said, Student,  
10 so that wasn't clear. So I think excusing her is consistent  
11 with the other college students that we excused so that they  
12 wouldn't miss their exams. I think she certainly -- between  
13 her job, the four kids, and the full-time student qualified as  
14 a hardship.

15 And everyone agreed to that, correct?

16 MR. STAUDAHER: Yes, Your Honor.

17 MR. SANTACROCE: Correct.

18 MR. WRIGHT: Yes.

19 THE COURT: Mr. Powell was excused. He was a bit of  
20 a hardship, and I think he had also indicated some problems  
21 with being fair. And does anyone remember exactly what that  
22 was?

23 MR. WRIGHT: His brother -- brother out on bail,  
24 sister in jail, kind of hard to say I'd be fair.

25 MR. SANTACROCE: And he said --

1 THE COURT: Right.

2 MR. SANTACROCE: -- he said if -- he said if you're

3 in court you're guilty.

4 THE COURT: Okay. So he was against everybody.

5 MR. WRIGHT: Right.

6 MS. STANISH: Which is fair.

7 THE COURT: All right. Juror No. 235, Mr. Howerton.

8 Had some hardship. We agreed to excuse him. Does anyone

9 remember what else?

10 MS. WECKERLY: He said he couldn't be --

11 MR. WRIGHT: What's his --

12 MS. STANISH: Howerton.

13 MS. WECKERLY: -- he couldn't put what he read in the

14 media aside.

15 THE COURT: All right. So that was a for-cause

16 challenge, and the Court agreed to excuse him.

17 THE CLERK: Did we do [inaudible?]

18 THE COURT: Yeah, we're getting there.

19 139, Ms. Aruti, was excused and she had been a

20 patient who was tested. So clearly she had her own personal

21 experience, couldn't be fair. A for-cause challenge granted

22 by the Court.

23 Juror No. 142, Mr. Carter. He, I believe, likewise

24 had been tested; is that correct?

25 MR. STAUDAHER: Yes, Your Honor. He was a patient

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1       --

2               THE COURT:   Been a patient --

3               MR. STAUDAHER:  -- tested and had an opinion.

4               THE COURT:  -- tested, had his own personally based  
5 negative impressions and experiences based on having to be  
6 tested.  A for-cause challenge by the Defense was granted by  
7 the Court.

8               Comport with everyone's recollection?

9               MR. WRIGHT:  Yes.

10              MR. STAUDAHER:  Yes.  He also had a work-related  
11 issue.  He was the surveyor who had upcoming actual projects  
12 that were due and so forth, multiple ones of that.

13              THE COURT:  Right.  He had something that was  
14 actually due today, indicated a hardship based on that.  And  
15 so, I believe we -- the other earlier ones we had previously  
16 put on the record at the break.  That completes the record of  
17 those who have been excused as of right now.

18              MR. WRIGHT:  All right.

19              THE COURT:  So we'll see everybody back at 9.

20              MS. WECKERLY:  The only other one that was excused,  
21 and you -- I guess you made a record of it, was 132?

22              MR. SANTACROCE:  Torres-Contreras.

23              THE COURT:  Okay.

24              MS. WECKERLY:  Oh, yeah.

25              THE COURT:  If I didn't, Ms. Weckerly, you can put

1 that on the record.

2 MS. WECKERLY: He was -- he was the one, Your Honor,  
3 that said that he -- he had racial issues in --

4 THE COURT: Oh, right. I think that was -- I didn't  
5 specifically put that on the record. I think it was pretty  
6 clear when he said he didn't like Middle Eastern people.

7 MS. WECKERLY: Yes.

8 THE COURT: And then when I pointed out Dr. Desai  
9 wasn't Middle Eastern, well, then he doesn't like anybody. So  
10 that was a clear for-cause challenge, which was granted --

11 MS. WECKERLY: We stipulated.

12 THE COURT: -- right. I don't think anyone wants  
13 those people on the jury.

14 All right. We'll see you back here -- the courtroom  
15 will be secured, so if people want to leave their stuff in the  
16 courtroom, that is fine. It will be locked for the night.  
17 We're the only thing on tomorrow. So...

18 MR. WRIGHT: Well, are the ones who didn't show up  
19 --

20 THE COURT: Those people -- oh, the ones who didn't  
21 show up, these people have been contacted by jury services, I  
22 don't want them just to show up by themselves, so they will be  
23 placed in the next group of jurors.

24 MR. WRIGHT: Okay. So not tomorrow?

25 THE COURT: Right. Not tomorrow.

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360

1 MR. WRIGHT: And who didn't -- who didn't show?  
2 THE COURT: We have Badge No. 276.  
3 MR. WRIGHT: 276.  
4 THE COURT: Darren Heller.  
5 285, Nocholas Tubbs.  
6 53, Erin Sparkman.  
7 Is there anybody else?  
8 THE MARSHAL: 340.  
9 THE CLERK: 143, Peter Bleckwehl. I don't remember  
10 what you said, but did you say Joselyn Blanche, 241?  
11 THE COURT: She was here.  
12 MR. STAUDAHER: She was here.  
13 THE CLERK: Oh, that's a call back. I'm sorry.  
14 THE COURT: Okay.  
15 THE CLERK: Oh, and also Roy --  
16 THE MARSHAL: 340.  
17 THE CLERK: -- Morala.  
18 MR. WRIGHT: 340?  
19 THE CLERK: 340.  
20 THE COURT: Okay. So they'll all be -- assuming we  
21 ever have a next group, they'll all be in the next group.  
22 MS. STANISH: Your Honor, did you say, 9:00 or 9:30?  
23 THE COURT: 9.  
24 (Court recessed for the evening at 6:11 p.m.)  
25

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ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

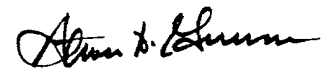
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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA, )  
 )  
Plaintiff, ) CASE NO. C265107-1,2  
 ) DEPT. XXI  
vs. )  
 )  
DIPAK K. DESAI, RONALD LAKEMAN, ) TRANSCRIPT OF  
 ) PROCEEDINGS  
Defendants. )  
 )  
 )  
 )  
 )

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
FRIDAY, APRIL 26, 2013  
JURY TRIAL - DAY 3

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.  
PAMELA WECKERLY, ESQ.  
Chief Deputy District Attorneys  
  
FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.  
MARGARET M. STANISH, ESQ.  
  
FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

RECORDED BY: JANIE L. OLSEN, COURT RECORDER

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1 LAS VEGAS, CLARK COUNTY, NV., FRIDAY, APRIL 26, 2013

2  
3 (Prospective jury panel entering 10:13 a.m.)

4  
5 THE COURT: All right. Court is now in session.  
6 This is the time for Case No. C265107, Plaintiff, State of  
7 Nevada versus Dipak Desai and Ronald Lakeman, Defendant.

8 Let the record reflect the presence of the State  
9 through the Chief Deputy District Attorneys Michael Staudaheer  
10 and Pam Weckerly, the presence of the defendants, Mr. Desai --  
11 or Dr. Desai along with his counsel, Margaret Stanish and Rick  
12 Wright, the presence of the defendant Mr. Lakeman along with  
13 his counsel, Frederick Santacroce, the officers of the court  
14 and the ladies and gentlemen of the partial prospective jury  
15 panel.

16 Good morning, ladies and gentlemen. You are in  
17 Department 21 of the Eighth Judicial District Court for the  
18 state of Nevada. My name is Valerie Adair, and I am the  
19 presiding Judge.

20 As you know, you have been summoned here today to  
21 possibly serve as jurors in a criminal jury trial. I know  
22 that you already reported to jury services and filled out a  
23 questionnaire. Today I along with the lawyers will be  
24 following up on some of your answers in the questionnaires.

25 In a moment, counsel for the State will introduce

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1 themselves to you. They will tell you briefly the nature of  
2 the State's case.

3 Mr. Staudaher, Ms. Weckerly.

4 MR. STAUDAHER: Thank you, Your Honor.

5 Ladies and gentlemen, my name is Michael Staudaher  
6 and my co-counsel Pamela Weckerly. We are Deputy District  
7 Attorneys for the state of Nevada, Clark County specifically.  
8 We have been assigned to prosecute the particular case that  
9 you are here to be questioned about today; that is State of  
10 Nevada versus Dipak Desai and Ronald Ernest Lakeman.

11 The events in question take place specifically on two  
12 days in the past, specifically January -- excuse me -- July  
13 25<sup>th</sup> of 2007 and September 21<sup>st</sup> of 2007; however, the events  
14 that you will hear about encompass a greater timespan than  
15 that, and they include a period of time in which there was  
16 exposure to the hepatitis C virus to a number of people in  
17 Clark County and a large patient notification, approximately  
18 63,000 patients that you will hear about.

19 The case here involves conduct that occurred at a  
20 location her in town which is near UMC and Valley Hospital.  
21 It's over on 700 Shadow Lane is the address. It was known as  
22 the Endoscopy Center of Southern Nevada, and also the  
23 companion medical side of it which was the Gastroenterology  
24 Center of Southern Nevada.

25 In this particular instance the two individuals whom

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1 I had told you are the defendants in this case, Dipak Desai is  
2 a physician who was in charge of the clinic and Ronald Ernest  
3 Lakeman is the certified nurse anesthetist who also worked at  
4 the clinic.

5           The charges involved in this case are as follows: We  
6 have insurance fraud, Performance of an act in reckless  
7 disregard of persons or property, Criminal neglect of  
8 patients, Theft, obtaining money under false pretenses, and  
9 Murder. Those are the charges. The time frame in question is  
10 as I've said. You will hear evidence that will be presented  
11 to you through a number of witnesses related to that  
12 investigation, a lot of lay witnesses. I know we're not going  
13 to go through all the names; some of them you've had, the vast  
14 majority of them, in the questionnaires that you filled out  
15 and have let us know if you know any of those people.

16           The questions that we'll ask you obviously are  
17 related to your answers in the questionnaires.

18           I would submit it, Your Honor.

19           THE COURT: All right. Thank you, Mr. Staudaher.

20           Ladies and gentlemen, in a moment counsel for the  
21 defense will introduce themselves to you along with their  
22 clients. An accused in a criminal case is never required to  
23 present any evidence or to call any witnesses.

24           Mr. Wright, you're first.

25           MR. WRIGHT: My name is Richard Wright. I am an

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1 attorney here in Las Vegas. This is my partner Margaret  
2 Stanish. We together represent Dr. Dipak Desai who is seated  
3 here.

4 Dr. Desai was a physician. He no longer practices,  
5 but he was one of, like, 16 physicians at a clinic over on  
6 Shadow Lane here in Las Vegas. You may all recall, and we  
7 know what you all recall from the questionnaires you filled  
8 out when you came in a while back, but you recall that there  
9 was a hepatitis C outbreak in 2007, 2008, which resulted in  
10 mass notification of patients who went and had procedures done  
11 at the clinic, and there were two clinics; one on Burnham, one  
12 on Shadow Lane.

13 And after that hepatitis C outbreak there was an  
14 investigation by various health districts, federal health  
15 authorities, state health authorities, Count health  
16 authorities as to what caused the transmission of hepatitis C,  
17 which is a blood-borne virus which comes from someone -- a  
18 source patient with hepatitis C comes in contact with another  
19 patient's blood, and so there is an investigation as to how  
20 that occurred, and then for the next five years there was  
21 civil litigation about who was responsible for various things,  
22 the anesthesia involved, the manufacturers of it, the doctors,  
23 the nurses, the CRNAs.

24 And then this, what we're here for is the criminal  
25 case because the physician, Dr. Desai, is here, and Mr.

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1 Staudaher told you the various charges, but they basically  
2 boil down to criminal negligence involving patients, certain  
3 victims we will call them, people who contracted hepatitis C  
4 on a given date. That's half the charges.

5 And then the other half of the charges have to do  
6 with the billing that was done on them to Medicare or  
7 insurance companies or that they paid, the honesty of the  
8 billing. So it's basically two things you'll be, if you're  
9 chosen as jurors, listening to. You'll be listening to how  
10 this -- or you will be attempting to find through listening to  
11 experts and all kinds of scientific evidence how did this  
12 hepatitis C spread.

13 And then if you determine that, you'll be looking to  
14 who was at fault, where was the negligence, who made the  
15 mistakes. And then for the criminal portion, did someone do  
16 that on purpose, were they so reckless and outrageous that  
17 it's criminal-medical negligence.

18 And then you'll look at the billing. We expect the  
19 trial to go into June if you are a juror in the case, and  
20 that's basically a synopsis of the case, and then we're going  
21 to go into questioning you all individually about your  
22 knowledge and whether you can be fair.

23 Thank you.

24 THE COURT: All right. Thank you, Mr. Wright.

25 Mr. Santacroce.

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1 MR. SANTACROCE: Thank you, Your Honor.

2 Good morning, ladies and gentlemen. My name is  
3 Frederick Santacroce. I'm a criminal defense attorney here in  
4 Las Vegas. This is my client, Ronald Ernest Lakeman.

5 I point out to you that Mr. Lakeman is not a doctor.  
6 He's a CRNA as the State said, a certified registered nurse  
7 anesthetist. So that's a fact that you'll be keeping in mind.

8 Our purpose here today is to find people that are  
9 impartial and fair and that can listen to the evidence for  
10 about six to eight weeks and render a decision. I'll just  
11 reiterate what Mr. Wright said. This is a criminal trial not  
12 a civil trial. So we're not here looking to compensate  
13 victims in a monetary fashion. You will make the  
14 determination as to guilt or innocence of these two men that  
15 sit before you.

16 As I said, we're not going to look to pry into your  
17 personal life, but there are questions that we're going to be  
18 asking of you. We only ask that you be honest about it.  
19 We're not here to judge anybody. As the Judge will mention to  
20 you, there are no right or wrong answers that you'll give  
21 today, just merely your opinions and your views on things and  
22 stuff that we ask you.

23 So we thank you for coming today, and we ask you to  
24 be patient with us. It may take some time. Thank you.

25 THE COURT: All right. Thank you, Mr. Santacroce.

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1 Ladies and gentlemen, in a moment the clerk will call  
2 the roll of the panel of prospective jurors. When your name  
3 is called, please answer present or here. Please be aware  
4 that everything that is said during these proceedings is  
5 recorded. The lady in the, I guess it's teal blouse, here at  
6 the end is Ms. Janie Olsen. She is our official court  
7 recorder. It is Ms. Olsen's job to make sure that everything  
8 that is said is accurately recorded and that a transcript is  
9 prepared thereafter.

10 I tell you this because when you are speaking, please  
11 be aware that you are being recorded, and please make sure you  
12 speak up so we can hear you.

13 Ms. Husted, our court clerk, will now call the roll.

14 Ms. Husted.

15 THE CLERK: Yes, Your Honor.

16 Mr. Darren Heller, could you tell me what your number  
17 is, the last three digits?

18 THE COURT: 276.

19 THE CLERK: 276, okay.

20 THE COURT: Is Mr. Darren Heller here?

21 PROSPECTIVE JUROR NO. 276: Here.

22 THE COURT: All right. Thank you.

23 (Clerk calls roll of prospective jurors.)

24 THE COURT: Is there anyone whose name was not  
25 called?

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1 All right, ladies and gentlemen, the questioning of  
2 the jury at the beginning of the case is done under oath. If  
3 you would all please stand, the clerk will administer the oath  
4 to the panel of prospective jurors.

5 (Prospective jurors sworn.)

6 THE COURT: All right. Thank you, ladies and  
7 gentlemen, please be seated.

8 Ladies and gentlemen, we're about to commence  
9 examination of prospective jurors in this case. During the  
10 process, you will be asked questions bearing on your ability  
11 to sit as fair and impartial jurors. The Court, the lawyers,  
12 the defendants and everyone involved in this case are all  
13 deeply interested in having this matter tried by a jury  
14 composed of open-minded people who are completely neutral and  
15 who have no bias or prejudice toward or against either side.

16 In order for us to accomplish this, it is necessary  
17 for me to ask you some questions. The attorneys will also be  
18 given the opportunity to ask you some questions. Please  
19 understand that it is not our desire to pry unnecessarily into  
20 your personal lives although the questioning can at times  
21 become quite personal. Our only objective is to determine  
22 whether there is any reason why any of you cannot sit as fair  
23 and impartial jurors in this case.

24 It is important that you know the significance of  
25 full, complete and honest answers to all of the questions we

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1 are about to ask you. I caution you not to try to hide or  
2 withhold anything touching upon your qualifications to serve  
3 as a juror in this case.

4 In a moment I'm just going to ask a couple of  
5 questions to all of you seated there in the audience. If you  
6 wish to respond to any of my questions, please raise your  
7 hand, and when I call on you, please state your name and your  
8 badge number, and then we'll follow up with individual  
9 questioning of the jurors here in the courtroom.

10 Is there anyone who believes they recognize or may  
11 know or be acquainted with either of the Deputy District  
12 Attorneys, either Mr. Michael Staudaher or Ms. Pam Weckerly.

13 All right. No one.

14 Does anyone believe they may know or know of or be  
15 acquainted with any of the defense attorneys in this case,  
16 either Ms. Margaret Stanish, Mr. Rick Wright or Mr. Frederick  
17 Santacroce?

18 No one.

19 Now, you've seen the two defendants here, Dr. Dipak  
20 Desai and Mr. Ronald Lakeman; does anyone think they may  
21 recognize them from their personal lives? You go to the  
22 barbershop together, anything like that? Does anyone think  
23 they may recognize or come into contact with them at all in  
24 their personal lives, personal or professional lives?

25 All right. No one.

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1 Ladies and gentlemen, in a moment, I'm going to have  
2 all of you follow our bailiff, Kenny Hawkes through the rear  
3 door. Before I do that, I must admonish you. Obviously you  
4 haven't heard any evidence or anything; you've just heard some  
5 talk as to what's going, you know, what the case is about and  
6 other things. You are admonished that you're not to discuss  
7 anything relating to this case or anything that's transpired  
8 in the courtroom with each other or with anyone else. Anyone  
9 else would include members of your family and your friends.  
10 You may of course tell them that you are participating in jury  
11 selection for a criminal jury trial, but please do not discuss  
12 anything else relating to this matter.

13 Additionally, you are not to read, watch or listen to  
14 any reports of or commentaries on this case, any person or  
15 subject matter related to the case. You are not to do any  
16 independent research by way of the Internet or any other  
17 medium. You are not to engage in any social media relating to  
18 this case by way of Twitter, Facebook or any other type of  
19 social media, and you're not to form or express an opinion on  
20 the trial.

21 Additionally, should you see anyone, court personnel,  
22 anyone other than the uniformed bailiffs, the attorneys,  
23 defendants, anyone else, they are prohibited by the rules of  
24 ethics from speaking directly with members of the jury. So  
25 should you see one of these people in the hallway or the

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1 elevator or something like that, please do not think that they  
2 are being unfriendly or antisocial. As I said, they are  
3 simply precluded by the rules of ethics from speaking directly  
4 with members of the jury and members of the prospective jury  
5 panel. To do so could contaminate a future verdict.

6 Having said that, if all of you would please follow  
7 Officer Hawkes through the double doors.

8 (Prospective panel recessed 10:31 a.m.)

9 THE COURT: We'll start with Badge 226, Mr. Heller.

10 MR. STAUDAHER: Your Honor, before he does that, can  
11 we at least put on the record the no shows so that --

12 THE COURT: Okay. So it's clear.

13 Ms. Husted, would you put the no shows on the record.

14 THE CLERK: Yes, Your Honor.

15 MS. WECKERLY: Thank you.

16 THE CLERK: Badge No. 053, Erin Sparkman; Badge  
17 143, Peter Bleckwehl, and Badge 364, Michael Celosse; 367,  
18 Sylvia Cortes; and 370, Charles Archuletta.

19 MR. STAUDAHER: Thank you, Your Honor.

20 THE COURT: All right. We'll start with Badge 276,  
21 Darren Heller.

22 And, sir, if you'd please have a seat anywhere there  
23 in the jury box.

24 Good morning, to you, sir.

25 PROSPECTIVE JUROR NO. 276: Good morning.

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1 THE COURT: Well, I have to ask you first, what  
2 happened to you on Monday? We were expecting you Monday for  
3 jury service.

4 PROSPECTIVE JUROR NO. 276: Well, I did as I was  
5 instructed, and I called the number after 6 p.m. It was on  
6 Saturday, and the recording said that jurors through -- ending  
7 in numbers 076 through 280 were excused, and my last three  
8 numbers were 132.

9 THE COURT: Oh, you know, can I just explain the  
10 confusion on that. Basically your juror number is No. 0132.  
11 I'm wondering if they were referring to your badge number, but  
12 that doesn't --

13 PROSPECTIVE JUROR NO. 276: I wrote it down so that  
14 I would remember.

15 THE COURT: So you said they were excusing jurors  
16 number what?

17 PROSPECTIVE JUROR NO. 276: 076 through 280.

18 THE COURT: Really?

19 PROSPECTIVE JUROR NO. 276: Yeah, and I listened to  
20 the entire message to make sure.

21 THE COURT: I'm going to look into this. This may  
22 be a little bit confusing. Normally, we may get all the  
23 prospective jurors show up on one day. There's, you know,  
24 hundreds, and so we're trying to make it as, you know,  
25 convenient as possible for the jurors. So I just needed to

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1 know.

2 Let's move on now to your questionnaire. You  
3 indicated that you were concerned about serving as a juror for  
4 this length of time because you're the only income for your  
5 family, and I need to follow up on that a little bit.

6 What do you do; you're a manager?

7 PROSPECTIVE JUROR NO. 276: Yes, a food and beverage  
8 manager.

9 THE COURT: At the Planet Hollywood?

10 PROSPECTIVE JUROR NO. 276: Correct.

11 THE COURT: Is that a salaried job?

12 PROSPECTIVE JUROR NO. 276: Yes.

13 THE COURT: Okay. So you're over -- are you over  
14 all the restaurants or just a particular restaurant?

15

16 PROSPECTIVE JUROR NO. 276: Gordon Ramsey Burger.

17 THE COURT: Okay. And are you employed directly by  
18 that restaurant, or are you employed by the hotel?

19 PROSPECTIVE JUROR NO. 276: By the hotel.

20 THE COURT: I see. And then you're assigned to the  
21 Gordon Ramsey --

22 PROSPECTIVE JUROR NO. 276: Correct.

23 THE COURT: -- Burger restaurant. So you are a  
24 salaried employee?

25 PROSPECTIVE JUROR NO. 276: Uh-hum.

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1 THE COURT: Is that yes? It's being recorded so you  
2 have to answer yes or no.

3 PROSPECTIVE JUROR NO. 276: Yes, I am.

4 THE COURT: And your employer is Cesar's  
5 Entertainment?

6 PROSPECTIVE JUROR NO. 276: Correct.

7 THE COURT: How does that work with being a salaried  
8 employee if you miss work?

9 PROSPECTIVE JUROR NO. 276: It either has to be done  
10 by vacation or by some other leave of absence.

11 THE COURT: Okay. Because they can't penalize you  
12 in terms of your job or retaliate against you for serving as a  
13 juror.

14 Now, in terms of how they compensate you, obviously  
15 that's up to your employer, and I can't unfortunately help you  
16 in that regard. So do you know what would happen with  
17 compensation or you really don't?

18 PROSPECTIVE JUROR NO. 276: I don't.

19 THE COURT: Okay. And then is there -- you have a  
20 supervisor or a boss that's head of all food and beverage?

21 PROSPECTIVE JUROR NO. 276: Correct.

22 THE COURT: How does that work?

23 PROSPECTIVE JUROR NO. 276: Yes. He's the director  
24 of food and beverage for Planet Hollywood.

25 THE COURT: Okay. And then let me ask you this:

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1 What hours and what, you know, days of the week, what shift do  
2 you normally work? How does --

3 PROSPECTIVE JUROR NO. 276: Normally from 12 in the  
4 afternoon to 10 to 12 at night, and I occasionally get off  
5 Monday or Tuesday.

6 THE COURT: I'm sorry, Monday or?

7 PROSPECTIVE JUROR NO. 276: Tuesday.

8 THE COURT: Okay. So it's -- tends to be more than  
9 a 40-hour week as a manager?

10 PROSPECTIVE JUROR NO. 276: A little bit, yes.

11 THE COURT: Okay. All right. Now, is your job the  
12 kind of thing where, you know, if we broke at 5 you'd be able  
13 to, you know, go to work and get some of your work done in the  
14 evening hours?

15 PROSPECTIVE JUROR NO. 276: True.

16 THE COURT: Okay. Now, we obviously want our jurors  
17 to be alert and focused on this case. So we would ask that,  
18 you know, you not work into the wee small hours of the morning  
19 and come in, you know, falling asleep, but certainly within  
20 reason you would be able to work after trial so long as that  
21 didn't impact your ability, you know, to be alert and pay  
22 attention during the proceedings. Would that help you with  
23 your hardship at all?

24 PROSPECTIVE JUROR NO. 276: It would.

25 THE COURT: And your family consists of what?

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1 PROSPECTIVE JUROR NO. 276: A wife and two children.

2 THE COURT: Okay. How old are your children?

3 PROSPECTIVE JUROR NO. 276: They're 5 and 8.

4 THE COURT: Okay. And then you say here on your  
5 questionnaire that you saw some information about this case  
6 briefly on TV, but you don't -- no information retained. So  
7 you don't really remember what you saw?

8 PROSPECTIVE JUROR NO. 276: No.

9 THE COURT: Okay. Do you think it's fair that -- a  
10 fair statement that sometimes the media reports things either  
11 incompletely or inaccurately?

12 PROSPECTIVE JUROR NO. 276: Yes.

13 THE COURT: Okay. Now, if you're selected to serve  
14 as a juror, would you be able to -- you know, if you're a  
15 juror and then you remember, oh, I did hear something about  
16 this, could you set aside anything you may have seen or heard  
17 in the media and base your verdict solely on the evidence in  
18 this case, and by evidence we're talking about the testimony  
19 of the witnesses under oath and the exhibits that are  
20 admitted, like photographs and documents and other things like  
21 that?

22 PROSPECTIVE JUROR NO. 276: I could.

23 THE COURT: All right. Thank you. That concludes  
24 my questions. The State may follow up.

25 MR. STAUDAHER: Thank you, Your Honor, just a few.

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1           Related to the news issue, I mean, the Judge has  
2 already kind of gone over that, but it was just a cursory kind  
3 of thing?

4           PROSPECTIVE JUROR NO. 276: Yeah. It was very  
5 brief, and I don't recall the specifics at all.

6           MR. STAUDAHER: I looked at your background, and it  
7 looks like you have -- I mean, I know you're currently in a  
8 managerial position at Gordon Ramsey Burger; is that right?

9           PROSPECTIVE JUROR NO. 276: Uh-hum. Correct.

10          MR. STAUDAHER: But before that it looks like you  
11 were involved in the various food-related industry jobs; is  
12 that fair?

13          PROSPECTIVE JUROR NO. 276: Correct.

14          MR. STAUDAHER: A number of them look as though  
15 they might have been a management position as well, is that --

16          PROSPECTIVE JUROR NO. 276: That is correct.

17          MR. STAUDAHER: So in those instances, and I was  
18 tallying up the years; it's quite a number of years?

19          PROSPECTIVE JUROR NO. 276: Correct.

20          MR. STAUDAHER: In your current position and some of  
21 the past positions, have you been, obviously, somebody that's  
22 a supervisor over other people?

23          PROSPECTIVE JUROR NO. 276: Yes.

24          MR. STAUDAHER: Have you yourself ever been in a  
25 position where you were actually a subordinate, where people

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1 were above you that you had to kind of, you know, answer to?

2 PROSPECTIVE JUROR NO. 276: Yes.

3 MR. STAUDAHER: In those instances, I mean, how  
4 close was the connection, the supervision? Was it somebody  
5 who was directly over you all the time? Was it you were kind  
6 of on your own and just responsible and only got called on the  
7 carpet if there was a problem? Where was it?

8 PROSPECTIVE JUROR NO. 276: Mostly on my own, but  
9 there is daily communication with my superiors, not only  
10 through emails but also on one on one face to face.

11 MR. STAUDAHER: Now, although you work for a  
12 celebrity chef in name, how often is that individual at your  
13 business?

14 PROSPECTIVE JUROR NO. 276: I would say once a  
15 quarter.

16 MR. STAUDAHER: When he comes in, how do you handle  
17 the facility when he comes in. I mean, is everybody on their  
18 toes?

19 PROSPECTIVE JUROR NO. 276: Absolutely.

20 MR. STAUDAHER: 'Cause he -- that particular guy is  
21 a -- I mean, Gordon Ramsey is quite a personality; is he not?

22 PROSPECTIVE JUROR NO. 276: Yes, he is.

23 MR. STAUDAHER: Now, I've seen things on TV with  
24 him, and it sounds like he's kind of -- can be kind of a holy  
25 terror at times?

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1 PROSPECTIVE JUROR NO. 276: Actually, it's nothing  
2 could be further from the truth. That's a character that he  
3 plays on TV, and we were all afraid, you know, when he was  
4 coming in that he was going to yell at us, and he's the most  
5 soft-spoken, kindest, supportive gentleman I've ever met.

6 MR. STAUDAHER: So when he comes to the facility  
7 other than he's the guy that's name is on the sort of the  
8 restaurant, and, yeah, we want to make sure things are going  
9 right, it's not like pins and needles when he's around the  
10 facility 'cause you're afraid you're going to have your head  
11 taken off?

12 PROSPECTIVE JUROR NO. 276: Everyone is on their  
13 toes, of course. We want to impress him by our hard work, but  
14 we're not so much afraid of being yelled at.

15 MR. STAUDAHER: Have you ever been in a position in  
16 any of the -- 'cause the food industry is kind of a tough  
17 business; is it not?

18 PROSPECTIVE JUROR NO. 276: Uh-hum.

19 MR. STAUDAHER: Have you been in a position where  
20 there have been people like that that you had to deal with?

21 PROSPECTIVE JUROR NO. 276: Yes.

22 MR. STAUDAHER: Where, you know, it's like, man,  
23 that guy walks in the facility or that lady walks in the  
24 facility, I don't want to be here or if I am here I'm nervous  
25 the whole time?

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1 PROSPECTIVE JUROR NO. 276: Absolutely.

2 MR. STAUDAHER: So you've experienced that yourself?

3 PROSPECTIVE JUROR NO. 276: Yeah.

4 MR. STAUDAHER: How did you deal with that?

5 PROSPECTIVE JUROR NO. 276: By performing my duties  
6 the best I could and always being forthright and honest with  
7 that person, and that's it.

8 MR. STAUDAHER: How would you classify your sort of  
9 role as a supervisor toward the subordinates around you? Is  
10 it the kind of thing where when you walk onto the floor around  
11 the facility everybody is scared to death, or do you have a  
12 more congenial approach?

13 PROSPECTIVE JUROR NO. 276: It seems as I progress  
14 along in my career that, yes, when I do walk on the floor  
15 there's a -- things start moving quicker, things change, I can  
16 -- I've noticed that. But my position as a superior is more  
17 of a mentor, more of a coach, and I'm very supportive of the  
18 folks that I work with, and I care about them a great deal.  
19 I've always prided myself on that.

20 MR. STAUDAHER: Do you think it's important to give  
21 those people the right tools to do the job that you expect  
22 them to do?

23 PROSPECTIVE JUROR NO. 276: Absolutely.

24 MR. STAUDAHER: And the right supervision and  
25 training and all that?

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1 PROSPECTIVE JUROR NO. 276: Absolutely.

2 MR. STAUDAHER: I pass for cause, Your Honor.

3 THE COURT: All right. Thank you.

4 Who would like to go first for the defense?

5 MR. SANTACROCE: I will.

6 THE COURT: All right. Thank you, Mr. Santacroce.

7 MR. SANTACROCE: Good morning, Mr. Heller, how are  
8 you today?

9 PROSPECTIVE JUROR NO. 276: Good morning.

10 MR. SANTACROCE: The first question I have to ask  
11 you, are you related to Dean Heller?

12 PROSPECTIVE JUROR NO. 276: No.

13 MR. SANTACROCE: Okay. Great. I think we've  
14 covered quite a bit on your employment, but what I want to  
15 focus in on is some of the things you put on your  
16 questionnaire regarding your wife and your mother.

17 PROSPECTIVE JUROR NO. 276: Uh-hum.

18 MR. SANTACROCE: You said your mother was in medical  
19 billing, correct?

20 PROSPECTIVE JUROR NO. 276: Yes.

21 MR. SANTACROCE: Can you tell me a little bit about  
22 more about what she did.

23 PROSPECTIVE JUROR NO. 276: She started a long time  
24 ago at Blue Shield for California, and she was just a data  
25 entry, and then she later went into the actual medical billing

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1 through insurance companies and going through the different --  
2 finding the correct ways for doctors to get paid.

3 MR. SANTACROCE: And did she ever discuss that  
4 billing with you?

5 PROSPECTIVE JUROR NO. 276: On occasion.

6 MR. SANTACROCE: Did she ever discuss any kind of  
7 irregularities in billing with doctors?

8 PROSPECTIVE JUROR NO. 276: I think it was more just  
9 of maybe voicing her concerns about the loopholes that needed  
10 to be jumped through and the overall difficulty of the system.

11 MR. SANTACROCE: As you sit here today, do you have  
12 any feelings about whether there's abuses by doctors in  
13 billing?

14 PROSPECTIVE JUROR NO. 276: No.

15 MR. SANTACROCE: And your wife's a dental assistant?

16 PROSPECTIVE JUROR NO. 276: Yes. She was before she  
17 had our children.

18 MR. SANTACROCE: Is she a stay-at-home mom now?

19 PROSPECTIVE JUROR NO. 276: Yes.

20 MR. SANTACROCE: How long was she a dental  
21 assistant?

22 PROSPECTIVE JUROR NO. 276: I would say probably  
23 about three years.

24 MR. SANTACROCE: Did she work here in Las Vegas?

25 PROSPECTIVE JUROR NO. 276: Uh-hum. Yes.

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1 MR. SANTACROCE: Have you and your wife ever  
2 discussed what's happening, I believe in Colorado which is a  
3 dentist that's accused of spreading hepatitis C through his  
4 practice?

5 PROSPECTIVE JUROR NO. 276: No.

6 MR. SANTACROCE: And you were born in Sparks?

7 PROSPECTIVE JUROR NO. 276: Correct.

8 MR. SANTACROCE: Grew up in this area?

9 PROSPECTIVE JUROR NO. 276: I was there until I was  
10 5 and then grew up in Yuba City, California.

11 MR. SANTACROCE: And hence that's why you went to  
12 Chico State?

13 PROSPECTIVE JUROR NO. 276: Correct.

14 MR. SANTACROCE: As I told you in our opening, we're  
15 looking for impartial people to sit. Can you be an impartial  
16 person, impartial juror?

17 PROSPECTIVE JUROR NO. 276: Yes.

18 MR. SANTACROCE: As these two gentlemen sit here  
19 today, Dr. Desai and Mr. Lakeman, do you have any preconceived  
20 ideas as to their guilt or innocence?

21 PROSPECTIVE JUROR NO. 276: No.

22 MR. SANTACROCE: Do you think because they're in the  
23 courtroom today that they must be guilty or they wouldn't be  
24 here?

25 PROSPECTIVE JUROR NO. 276: No.

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1 MR. SANTACROCE: You'd listen to all the evidence  
2 carefully?  
3 PROSPECTIVE JUROR NO. 276: Yes.  
4 MR. SANTACROCE: The trial is 6 to 8 weeks; is that  
5 going to impact upon you, any kind of a hardship?  
6 PROSPECTIVE JUROR NO. 276: Other than what we've  
7 discussed about my employment.  
8 MR. SANTACROCE: You understand this is a criminal  
9 case, and in a criminal case the State has the burden of  
10 proving each and every element of the crime beyond a  
11 reasonable doubt?  
12 PROSPECTIVE JUROR NO. 276: Correct.  
13 MR. SANTACROCE: And you would hold the State to  
14 that burden?  
15 PROSPECTIVE JUROR NO. 276: Yes.  
16 MR. SANTACROCE: And if they don't meet that burden  
17 you'll return a verdict of not guilty?  
18 PROSPECTIVE JUROR NO. 276: Correct.  
19 MR. SANTACROCE: I'll pass him, Your Honor.  
20 THE COURT: Pass for cause?  
21 MR. SANTACROCE: Yes.  
22 THE COURT: All right. Thank you.  
23 Ms. Stanish, will it be you?  
24 MS. STANISH: Good morning, Mr. Heller.  
25 PROSPECTIVE JUROR NO. 276: Good morning.

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1 MS. STANISH: Just a few questions for you, sir.

2 Do -- have you or anybody close to you experienced  
3 any negative dealings with anyone in the medical profession?

4 PROSPECTIVE JUROR NO. 276: Yes.

5 MS. STANISH: Tell us about that, please.

6 PROSPECTIVE JUROR NO. 276: My father was -- in the  
7 last three years had a hip replacement, and the hip  
8 replacement through either faulty equipment or faulty, I guess  
9 I could say procedure, went bad, and he has to get that  
10 redone. So that was quite unfortunate.

11 MS. STANISH: Now, in your questionnaire you were  
12 asked a question about what your beliefs are when people make  
13 mistakes, and your response was, Mistakes are made all the  
14 time, but there should be accountability for those that hurt  
15 people, you know, tagging on that last answer regarding your  
16 father's problem with the hip surgery, how would -- this is  
17 kind of a difficult question -- but how would you apply your  
18 feelings about accountability to that doctor?

19 PROSPECTIVE JUROR NO. 276: Accountability with  
20 gross misjudgment or gross negligence, I believe is -- is just  
21 in some cases.

22 MS. STANISH: And as you sit here today, do you have  
23 any idea what you think is a -- well, let me withdraw that.

24 How do you think the doctor who treated your father  
25 should be held accountable?

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1 PROSPECTIVE JUROR NO. 276: I think that would  
2 probably be for others to decide.

3 MS. STANISH: Obviously you're in a position where  
4 you're going to have to pass judgment on two individuals, and  
5 it sounds like you're willing and able to do that?

6 PROSPECTIVE JUROR NO. 276: Uh-hum.

7 MS. STANISH: Mr. Staudaher asked you a lot of  
8 questions about your management skills and your management  
9 technique. It sounds like you're a nice guy to work for.

10 PROSPECTIVE JUROR NO. 276: I would hope to think  
11 so.

12 MS. STANISH: The, you know, we anticipate that  
13 there's going to be evidence presented by the State where  
14 they're going to show that my client, Dr. Desai had -- was --  
15 did not have the same management technique as you. Can you  
16 decide this case based solely on the facts and not your  
17 emotions?

18 PROSPECTIVE JUROR NO. 276: Yes.

19 MS. STANISH: I'll pass for cause, Your Honor.

20 THE COURT: All right. Thank you.

21 Mr. Heller, in a moment I'm going to excuse you for  
22 the day and while we continue with jury selection. You may be  
23 selected as a juror. So make sure our bailiff, Officer  
24 Hawkes, has a phone number where you can be reached. You must  
25 be available to report back for jury service if you are

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1 selected. For that reason, the prohibition I said about  
2 discussing anything relating to the case, reading, watching,  
3 listening to any news reports or commentaries on the case,  
4 person, or subject matter relating to the case, independent  
5 research and forming or expressing an opinion on the trial are  
6 still in effect.

7           So you're excused. You're free to go back to work or  
8 whatever, and then you'll be contacted by someone from our  
9 chambers, my chambers, letting you know whether you've been  
10 selected or not as a juror in this case.

11           PROSPECTIVE JUROR NO. 276: Thank you.

12           THE COURT: And don't -- one final thing I forgot to  
13 say. You are not to discuss anything that's transpired in  
14 this courtroom with anyone else. That means my questions, the  
15 questions from the lawyers and your answers; do you understand  
16 that, sir?

17           PROSPECTIVE JUROR NO. 276: I understand.

18           THE COURT: All right. Thank you, sir, and just  
19 follow Officer Hawkes through the door, and you can put the  
20 microphone on the chair there.

21           Let's take like 5 minutes or 2 or 3 minutes and then  
22 next up will be  
23 Mr. Tubbs.

24           (Recess taken 10:50 a.m. to 10:56 a.m.)

25           THE COURT: Good morning, Mr. Tubbs. Have a seat.

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1           To start, where were you Monday?

2           PROSPECTIVE JUROR NO. 285: I was at the doctor. I  
3 had a medical issue. The appointment was actually made the  
4 previous Friday, and the soonest they could get me in was May  
5 16<sup>th</sup>, but it was important so they squeezed me in on Monday.  
6 That's the only reason I wasn't here.

7           THE COURT: Okay. Did you let anybody know in jury  
8 services?

9           PROSPECTIVE JUROR NO. 285: Yes, ma'am. I let the  
10 people know when I checked in, and I told them that I was  
11 going to have to leave to make my appointment.

12          THE COURT: So you checked in and then you left?

13          PROSPECTIVE JUROR NO. 285: Yes, ma'am.

14          THE COURT: Okay. That wasn't reported to us. And  
15 what did they tell you when you said you were going to have to  
16 leave?

17          PROSPECTIVE JUROR NO. 285: They told me I would  
18 probably be in contempt of court and --

19          THE COURT: Well, you're here today so we're not  
20 going to hold you in contempt or punish you in any way.

21          PROSPECTIVE JUROR NO. 285: I appreciate it.

22          THE COURT: Okay. So that all worked out fine.

23          Let me -- and I don't mean to pry, but again, you  
24 know, we have to cover some of these things. The issue, the  
25 medical issue you're having is what?

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1 PROSPECTIVE JUROR NO. 285: It's my back. And  
2 actually, I do have a receipt from my appointment on Monday.  
3 I don't know if you wanted to see that.

4 THE COURT: Yeah, go ahead and just give that to the  
5 bailiff.

6 And then just in a nutshell, what's your back  
7 problem?

8 PROSPECTIVE JUROR NO. 285: They need to replace two  
9 discs in my lower back that are shot.

10 THE COURT: How did you hurt yourself, or how were  
11 you hurt, I guess?

12 PROSPECTIVE JUROR NO. 285: Just through years of  
13 construction work. I've always just been a laborer and just  
14 through the years it just compressed my spine down.

15 THE COURT: Okay. And then also on your  
16 questionnaire you expressed concern about serving as a juror  
17 because -- about missing work, and then later in the  
18 questionnaire you say you've been working for -- you filled  
19 out a week; you've had your job for a week?

20 PROSPECTIVE JUROR NO. 285: At that point, yeah.  
21 It's been about a month since I've started this job, and  
22 unfortunately with this back it's been almost two weeks since  
23 I haven't worked, and I'm kind of worried that I'm going to  
24 fall behind -- I just want to be able to keep my head above  
25 water.

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1 THE COURT: Right, I get it. Now, how -- are you  
2 unable to work due to your back injury?

3 PROSPECTIVE JUROR NO. 285: I'm actually supposed to  
4 go back to work Monday, but I'm reporting for light duty.  
5 There's a lot of stuff I'm not going to be able to do right  
6 away.

7 THE COURT: Okay. Did your physician discharge you  
8 to go back to work with light duty or --

9 PROSPECTIVE JUROR NO. 285: Yes. Yes.

10 THE COURT: Do you have any kind of worker's  
11 compensation claim or anything like that relating to your back  
12 injury?

13 PROSPECTIVE JUROR NO. 285: No, ma'am, I don't.

14 THE COURT: And so you're discharged to go back to  
15 work for one week, and tell me what hours and days you work.

16 PROSPECTIVE JUROR NO. 285: I work Monday through  
17 Friday, 7 a.m. to  
18 3 p.m.

19 THE COURT: Okay. And then how long were you out of  
20 work before getting this job at the wholesale builder's  
21 supply?

22 PROSPECTIVE JUROR NO. 285: Actually, I was -- I  
23 transferred right over. I was cleaning carpets, and then the  
24 hours just weren't there. There was no money, and so then I  
25 was -- construction had started picking up so they hired.

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1 THE COURT: Okay. So you were never out of work;  
2 you just kind of got a better job?

3 PROSPECTIVE JUROR NO. 285: Yes, much better.

4 THE COURT: Okay. And then how are you compensated  
5 at the builder supply; is it a salaried position or hourly?

6 PROSPECTIVE JUROR NO. 285: Hourly.

7 THE COURT: Okay. And again, I don't mean to pry,  
8 but what do you make an hour?

9 PROSPECTIVE JUROR NO. 285: 15.

10 THE COURT: \$15 an hour?

11 PROSPECTIVE JUROR NO. 285: Yes, ma'am.

12 THE COURT: Okay. What happens if you're not at  
13 work?

14 PROSPECTIVE JUROR NO. 285: I don't get paid.

15 THE COURT: You don't get paid?

16 PROSPECTIVE JUROR NO. 285: Yes.

17 THE COURT: All right. Let me ask you about your  
18 household. Who do you live with?

19 PROSPECTIVE JUROR NO. 285: Right now I live with --  
20 I live at my mom's house.

21 THE COURT: Okay. And do you pay rent or is she  
22 kind of helping you out with your back problems and all that?

23 PROSPECTIVE JUROR NO. 285: Well, with the back, I  
24 mean, I always give some money. I mean, I'm too old to be  
25 living for free. So I always, you know, give money for bills

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1 and food and the mortgage and all that kind of stuff.

2 THE COURT: Okay. And then I'm assuming you have  
3 your own vehicle and insurance --

4 PROSPECTIVE JUROR NO. 285: Yes, ma'am.

5 THE COURT: -- and that kind of thing?

6 PROSPECTIVE JUROR NO. 285: Yeah.

7 THE COURT: And you don't have any kids or anything  
8 like that?

9 PROSPECTIVE JUROR NO. 285: No.

10 THE COURT: Does your mom have a job?

11 PROSPECTIVE JUROR NO. 285: Yeah, she works part  
12 time as a legal secretary. She's been a legal secretary for  
13 as long as I can remember, and then she also has her own thing  
14 on the side. She does bankruptcies at home and stuff like  
15 that.

16 THE COURT: Okay. Now, let me talk to you about  
17 this legal secretary job. Who does she work for?

18 PROSPECTIVE JUROR NO. 285: William McGimsey.

19 THE COURT: Okay. Do you know if he does any  
20 criminal defense work?

21 PROSPECTIVE JUROR NO. 285: As far as I know it's  
22 bankruptcy.

23 THE COURT: Okay. And then you said she does some  
24 bankruptcy work at home. What does she do at home?

25 PROSPECTIVE JUROR NO. 285: She basically just -- I

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1 guess she writes up paperwork. I know there's certain things  
2 she can't do because she's not an attorney, but she just  
3 contracts out her services for however much they agree on for  
4 money and whatever her part.

5 THE COURT: So what, she helps people fill out the  
6 forms or tells them --

7 PROSPECTIVE JUROR NO. 285: No, I think she -- she  
8 works for the attorneys.

9 THE COURT: Oh, she works for attorneys.

10 PROSPECTIVE JUROR NO. 285: She contracts herself  
11 out to the attorneys, yeah.

12 THE COURT: Oh, I get it, okay. So they might refer  
13 her to what, do what?

14 PROSPECTIVE JUROR NO. 285: Honestly, I'm not too  
15 sure. I think -- all I know is that she has dictations that  
16 she has to do, and she has to type out -- I'm not exactly sure  
17 honestly.

18 THE COURT: That's fine. Do you know if your mom  
19 has ever worked for any criminal defense attorneys or any  
20 prosecutors' offices or anything like that?

21 PROSPECTIVE JUROR NO. 285: I'm not exactly sure. I  
22 mean, I can remember a couple of the attorneys that she's  
23 worked for in the past, Harold Gewerter.

24 THE COURT: Harold Gewerter; is that what you said?

25 PROSPECTIVE JUROR NO. 285: Yeah. Cal Potter, that

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1 was a long, long time ago, and as far as -- I think that's --  
2 and then Bill McGimsey I think that's the, as far as I can  
3 remember, those are the three that she's worked for over all  
4 the years.

5 THE COURT: Okay. And then this light duty that  
6 your job is going to put you on, do you know what that's going  
7 to entail?

8 PROSPECTIVE JUROR NO. 285: A little bit, not too  
9 much. I mean, I'm familiar with the industry. It's kind of  
10 my trade so I do know that there are going to be -- it's going  
11 to be a lot of sweeping, and then I'll be able to carry items  
12 or be able to do some hardware pick up, re-key locks, stuff  
13 like that, stuff that's just not going to be intrusive on the  
14 back.

15 THE COURT: Okay. Anyway you could get work on the  
16 weekends, or is it just --

17 PROSPECTIVE JUROR NO. 285: They're closed on the  
18 weekends.

19 THE COURT: Oh, they're closed on the weekends,  
20 okay. And are you on any medication or anything like that for  
21 your back problems?

22 PROSPECTIVE JUROR NO. 285: Right now, I'm not on  
23 any kind of pain killers. I am taking a steroid pack to help  
24 the inflammation.

25 THE COURT: Okay. What we're looking for is, you

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1 know, pain killers, if you're on oxycodone or --

2 PROSPECTIVE JUROR NO. 285: No. No. I will not  
3 take that kind of stuff.

4 THE COURT: Okay. So if you're selected to serve, I  
5 know that this may be a bit of a hardship for you, if you have  
6 issues with your back, you know, you can't sit for long  
7 periods of time or something like that, we can put you in the  
8 back row so you can stand up during the testimony, and then if  
9 you need a break, ask for one.

10 PROSPECTIVE JUROR NO. 285: Okay.

11 THE COURT: I know it's tough to sit in those chairs  
12 even if you don't have a back problem. So that is one  
13 accommodation we make.

14 May I see counsel at the bench.

15 (Conference at the bench not recorded.)

16 THE COURT: Thank you. So I've got to follow up on  
17 question 48 that there's some judges who should be thrown in  
18 jail; you're not talking about me, are you?

19 PROSPECTIVE JUROR NO. 285: No. No, ma'am.

20 THE COURT: Okay. Because I don't recognize you  
21 that you've ever been in here before.

22 PROSPECTIVE JUROR NO. 285: No, ma'am. Honestly,  
23 I've been able to keep my nose clean. I've never really been  
24 in any kind of trouble.

25 THE COURT: Who were you talking about, a family-law

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1 judge? In your answer you say, I don't think the judicial  
2 system is honest and fair. Not all judges are bad but there  
3 are a couple, well, one anyway, that should be thrown in jail.

4 PROSPECTIVE JUROR NO. 285: Yes, ma'am, I do truly  
5 believe that.

6 THE COURT: Okay. Is this based on a personal  
7 experience?

8 PROSPECTIVE JUROR NO. 285: Yes, ma'am.

9 THE COURT: And is it a family court matter or --

10 PROSPECTIVE JUROR NO. 285: No, not family court.  
11 I'm not exactly sure. It must have been -- I assume it was  
12 criminal. I don't think it would have been civil.

13 THE COURT: Something happen to you or --

14 PROSPECTIVE JUROR NO. 285: No, ma'am, a very close  
15 friend of mine.

16 Do you want me to give you the details?

17 THE COURT: Just in a nutshell.

18 PROSPECTIVE JUROR NO. 285: He was accused of a --  
19 he was charged with two counts of some serious crimes. He was  
20 not allowed to admit any kind of evidence in court. His  
21 lawyers weren't allowed to cross-examine the accuser.  
22 Anyways, he went to prison for three years and had appealed  
23 his case, and the Nevada State Supreme Court ordered his  
24 release right away, and there's -- they're working on -- I'm  
25 not -- he's supposed to get some money because he's suing the

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1 State of Nevada.

2 THE COURT: I've got to ask, who was the Judge?

3 PROSPECTIVE JUROR NO. 285: Donald Mosley.

4 THE COURT: Okay. Well, he's retired.

5 PROSPECTIVE JUROR NO. 285: Oh, is he? Oh, good.

6 THE COURT: All right. Well, sir, because of your -  
7 - it sounds like you do have a bit of a hardship here and your  
8 back issues and other things.

9 So both stipulate to excuse?

10 MS. WECKERLY: Stipulate.

11 THE COURT: Mr. Tubbs, we'll go ahead and excuse  
12 you. Before I excuse you, however, you are admonished you're  
13 not to discuss anything that's transpired in the courtroom  
14 with anyone else. That means my questions, your answers, our  
15 discussions in here.

16 Do you understand that, sir?

17 PROSPECTIVE JUROR NO. 285: Yes, ma'am.

18 THE COURT: All right. Thank you. Put the  
19 microphone on the chair and follow the bailiff from the  
20 courtroom. You're free to leave.

21 Next up is Mr. Morala.

22 Sir, come on in, have a seat over here in the box.

23 Good morning, Mr. Morala. Where were you on Monday?

24 PROSPECTIVE JUROR NO. 340: Oh, I don't know because  
25 me speak really English.

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1 THE COURT: You don't speak good English?  
2 PROSPECTIVE JUROR NO. 340: Yeah.  
3 THE COURT: Well, how did you figure out to be here  
4 today but not on Monday?  
5 PROSPECTIVE JUROR NO. 340: Oh, because somebody  
6 call me, somebody send me.  
7 THE COURT: Okay. Where are you from?  
8 PROSPECTIVE JUROR NO. 340: From Philippines.  
9 THE COURT: From the Philippines?  
10 PROSPECTIVE JUROR NO. 340: Yeah.  
11 THE COURT: How long have you been in the US, the  
12 United States?  
13 PROSPECTIVE JUROR NO. 340: I'm here in 1986.  
14 THE COURT: 1986?  
15 PROSPECTIVE JUROR NO. 340: Yeah.  
16 THE COURT: And what do you do for a job?  
17 PROSPECTIVE JUROR NO. 340: Yeah. Hum?  
18 THE COURT: What's your job?  
19 PROSPECTIVE JUROR NO. 340: Oh, housekeeping.  
20 THE COURT: Oh, you're in housekeeping?  
21 PROSPECTIVE JUROR NO. 340: Yeah.  
22 THE COURT: Where in the Philippines are you from?  
23 PROSPECTIVE JUROR NO. 340: Mindanao.  
24 THE COURT: Okay. Don't -- didn't you go to school  
25 in English in the Philippines at all, or is that just --

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1 PROSPECTIVE JUROR NO. 340: Yeah, but I know how to  
2 read, but I don't speak really English. I know how to read  
3 English.

4 THE COURT: Okay. Do you feel that your inability  
5 to speak English would be a problem if you were selected to be  
6 a juror in this case?

7 PROSPECTIVE JUROR NO. 340: What that?

8 THE COURT: Okay. Do you feel that, I mean, do you  
9 have trouble -- when you say you don't speak good English, do  
10 you have trouble understanding English or speaking it or  
11 reading it or what?

12 PROSPECTIVE JUROR NO. 340: Yeah, I can read, but a  
13 speak a little bit English.

14 THE COURT: Okay. Counsel approach.

15 (Conference at the bench not recorded.)

16 THE COURT: Mr. Morala, we're going to go ahead and  
17 excuse you. Don't talk about what's gone on in the courtroom,  
18 meaning my questions and your answers, okay?

19 PROSPECTIVE JUROR NO. 340: Okay.

20 THE COURT: You're free to leave. Thank you, sir,  
21 for being here.

22 PROSPECTIVE JUROR NO. 340: Okay. Thank you.

23 THE COURT: Do you guys have the questionnaire for  
24 427?

25 Are you guys ready to go?

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1 MR. STAUDAHER: Yes.

2 THE COURT: All right, 427, Villia-Santinac.

3 Good morning. How do you say your name; is it  
4 Villia?

5 PROSPECTIVE JUROR NO. 427: It's Germaine Santinac.

6 THE COURT: Okay. I just want to follow up on some  
7 of your answers. You're concerned about being a juror because  
8 you're not going to be able to be at work, and you take your  
9 children and work at the school. Are you a teacher?

10 PROSPECTIVE JUROR NO. 427: I'm a teacher's  
11 assistant, yes.

12 THE COURT: Okay. And what school do you work at?

13 PROSPECTIVE JUROR NO. 427: International Christian  
14 Academy.

15 THE COURT: Okay. And who is picking up your  
16 children from school today?

17 PROSPECTIVE JUROR NO. 427: I don't know yet.

18 THE COURT: Okay. What time do they normally get  
19 out of school?

20 PROSPECTIVE JUROR NO. 427: 3 o'clock.

21 THE COURT: And is that when you're done with day,  
22 or do you stay till 5 and your kids kind of hang out in the  
23 classroom with you?

24 PROSPECTIVE JUROR NO. 427: I'm finished at 3:15.

25 THE COURT: Okay. And so -- and what time do you

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1 get your children to school?

2 PROSPECTIVE JUROR NO. 427: Normally by 8 o'clock,  
3 but I have to be there at 7:30.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 427: And they play until 8.

6 THE COURT: Are you in a salaried position or --

7 PROSPECTIVE JUROR NO. 427: No, I am not, not in  
8 salaried position, and we do not work over the summer, and we  
9 don't get paid, and my teacher has already said if I'm out  
10 they will have to get someone to cover me, and there's no  
11 guarantee that I will be asked back the next year.

12 THE COURT: Really?

13 PROSPECTIVE JUROR NO. 427: Uh-hum.

14 THE COURT: Because it's illegal to punish you for  
15 jury service.

16 PROSPECTIVE JUROR NO. 427: No, we get told that  
17 every year. It's not guaranteed.

18 THE COURT: Oh, you get told that so it's nothing  
19 with this.

20 PROSPECTIVE JUROR NO. 427: Yes.

21 THE COURT: Is that a budget issue or do you know?

22 PROSPECTIVE JUROR NO. 427: It's a private school,  
23 and it's not a big school. So it's just each year it depends  
24 on yes, you know, their budget if they have enough for  
25 teacher's assistants.

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1 THE COURT: Now, is your job a regular Monday  
2 through Friday, 7:30 to 3:15 job every day?

3 PROSPECTIVE JUROR NO. 427: Yes, it is.

4 THE COURT: But you don't have a salary; you're paid  
5 hourly?

6 PROSPECTIVE JUROR NO. 427: I'm paid hourly.

7 THE COURT: And what do you make an hour if you  
8 don't mind me asking?

9 PROSPECTIVE JUROR NO. 427: It's just \$10.

10 THE COURT: And then how many children and how old  
11 are they?

12 PROSPECTIVE JUROR NO. 427: I have two children, two  
13 boys, 7 and 11.

14 THE COURT: And what does your husband do?

15 PROSPECTIVE JUROR NO. 427: He's in sales.

16 THE COURT: For what company?

17 PROSPECTIVE JUROR NO. 427: U.S. Food Service.

18 THE COURT: Okay. Is that wholesale sales,  
19 wholesale food sales?

20 PROSPECTIVE JUROR NO. 427: Yes, restaurant,  
21 casinos.

22 THE COURT: And I'm assuming he makes a base salary  
23 and then commission?

24 PROSPECTIVE JUROR NO. 427; It's commission only.

25 THE COURT: Only commission?

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1 PROSPECTIVE JUROR NO. 427: Uh-huh, yeah.

2 THE COURT: Okay. And what hours does your husband  
3 work?

4 PROSPECTIVE JUROR NO. 427: Sometimes it starts at  
5 4:30 in the morning. It could go to 8 o'clock at night.  
6 Since it is commission only whenever the client needs him he's  
7 there. He works a lot of hours including Sunday sometimes.

8 THE COURT: And he's also a territory manager?

9 PROSPECTIVE JUROR NO. 427: Yes.

10 THE COURT: Doesn't he get extra money for being a  
11 territory manager?

12 PROSPECTIVE JUROR NO. 427: It's all commission.

13 THE COURT: Okay. Does he get a partial commission  
14 from the people under him or how does that work?

15 PROSPECTIVE JUROR NO. 427: It's all based on what  
16 he sells to his clients. It's based on the amount of cases  
17 that each restaurant or casino purchases. He gets a certain  
18 amount off of each case that he sells, and he has regular  
19 clients. So that's how he continues to make money. But  
20 restaurants close, they open, they close. Sometimes the  
21 business is slow during the holidays, and sometimes it's busy.

22 THE COURT: Okay. Let's talk about getting your  
23 children picked up from school. Don't you have like a friend,  
24 a neighbor, one of the classmates that could pick up, your  
25 husband even?

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1           PROSPECTIVE JUROR NO. 427: My husband can't do it,  
2 no. He's in sales, and sometimes he's in Primm. Sometimes he  
3 has to go to Arizona, but I do have something else I would  
4 like to mention I think that's a little bit more important  
5 than that.

6           THE COURT: Okay.

7           PROSPECTIVE JUROR NO. 427: I've recently learned  
8 that I've known someone that is involved in this case, and I  
9 don't think I can be partial to this jury.

10          THE COURT: Okay. Involved in this case how?

11          PROSPECTIVE JUROR NO. 427: She was one of the ones  
12 that received a letter, I guess over the past years, and she  
13 had received treatment at this clinic. She's a friend of my  
14 mother.

15          THE COURT: Okay. But she didn't have hepatitis or  
16 an infection or anything?

17          PROSPECTIVE JUROR NO. 427: No. Huh-uh.

18          THE COURT: How did you just learn about this  
19 mother's friend that had to get the -- got the letter?

20          PROSPECTIVE JUROR NO. 427: Well, when I had the  
21 jury service on April 1<sup>st</sup>, I went to go pick up my mother, and  
22 I take her to Curves; it's one of her exercise buddies. She  
23 just wanted to know. She said how was your day, and I said,  
24 it's fine, but I was told this case may last 6 to 8 weeks, and  
25 then a couple days later, I guess it was on the news, and she

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1 said I hope it's not that one for the clinic.

2 THE COURT: Your mom said this?

3 PROSPECTIVE JUROR NO. 427: Yes, uh-huh.

4 THE COURT: So your mom could probably pick your  
5 kids up from school?

6 PROSPECTIVE JUROR NO. 427: No, my mom does not  
7 drive. I drove my mom to Curves.

8 THE COURT: Oh, okay. I figured if she's healthy  
9 enough to do the Curves --

10 PROSPECTIVE JUROR NO. 427: It's part of her, yes,  
11 it's part of her therapy that she does.

12 THE COURT: Okay. But she doesn't operate a car?

13 PROSPECTIVE JUROR NO. 427: No.

14 THE COURT: Okay. Counsel approach.

15 (Conference at the bench not recorded.)

16 THE COURT: Ma'am, we're going to go ahead and  
17 excuse you at this point. Before I excuse you I must admonish  
18 you that you're not to discuss anything that's transpired in  
19 the courtroom, meaning my questions, your answers, et cetera,  
20 with anyone else including your mother and the friend and all  
21 of that. Do you understand?

22 PROSPECTIVE JUROR NO. 427: Yes.

23 THE COURT: All right. Thank you, ma'am. Put the  
24 microphone in the chair and you are excused.

25 Next up, 417. I don't know if she's Catherine

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1 Magharing or Catherine Gabriel.

2 Ma'am, have a seat in the jury box, please. And do  
3 you like -- Ms. Gabriel; is that what you like to be called?

4 PROSPECTIVE JUROR NO. 417: Yes.

5 THE COURT: All right. And it says here on your  
6 questionnaire that you're concerned about serving because this  
7 case will create significant hardship, and your company  
8 doesn't provide income while sitting on jury duty, and you  
9 have a small staff.

10 So you're a nurse?

11 PROSPECTIVE JUROR NO. 417: Yes.

12 THE COURT: And who do you work for?

13 PROSPECTIVE JUROR NO. 417: I work for St. Michael  
14 Center for special surgery under Brown Hand Center corporate.

15 THE COURT: All right. So basically you're a  
16 surgical nurse assisting in hand surgeries and other related-  
17 type surgery?

18 PROSPECTIVE JUROR NO. 417: Yes.

19 THE COURT: And when do you normally work, what  
20 hours?

21 PROSPECTIVE JUROR NO. 417: Monday through Friday  
22 between 6:30 to whenever we end. It depends on how the  
23 schedule looks.

24 THE COURT: Okay. So while you being here the other  
25 nurses have to fill in; is that --

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1 PROSPECTIVE JUROR NO. 417: Yes. Actually, we're  
2 such a small -- our facility is so small we have two operating  
3 rooms, and we have two OR nurses only, and I'm one of them,  
4 and so our director of nursing she has a background in OR so  
5 she's filling in for me today.

6 THE COURT: Okay. And you said you don't get paid  
7 if you're here?

8 PROSPECTIVE JUROR NO. 417: Our company doesn't  
9 provide that.

10 THE COURT: So are you salaried or hourly or how --

11 PROSPECTIVE JUROR NO. 417: Hourly.

12 THE COURT: You're only hourly, okay.

13 PROSPECTIVE JUROR NO. 417: Yes.

14 THE COURT: Okay. What do you normally make a year,  
15 I guess?

16 PROSPECTIVE JUROR NO. 417: Yes, probably between 68  
17 to 70,000 a year.

18 THE COURT: Now, as a nurse you mentioned that you  
19 discussed it with co-workers; is that just kind of regular  
20 office cooler chitchat, or did any of the nurses that you work  
21 with actually know something about the case or know people  
22 involved in this case or what?

23 PROSPECTIVE JUROR NO. 417: It's actually both.  
24 Working in a medical facility and working in an ambulatory  
25 surgery center for, I think the last 11, 12 years, it's

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1 pretty, when this came out it's pretty much discussed in our  
2 facility at that time. And also, actually, one of the people  
3 that work at this particular center I'm actually working with  
4 him right now, and, you know, he has kind of told me a little  
5 bit. I don't know how much he knows, but, yes. He doesn't  
6 work there now; I mean, I'm working with him now.

7 THE COURT: Okay. And who's in your household?

8 PROSPECTIVE JUROR NO. 417: My husband.

9 THE COURT: What does he do?

10 PROSPECTIVE JUROR NO. 417: He's a surgeon.

11 THE COURT: Okay. So he's got to make decent money?

12 PROSPECTIVE JUROR NO. 417: I guess.

13 THE COURT: Right?

14 PROSPECTIVE JUROR NO. 417: I guess, yes.

15 THE COURT: So I'm assuming that when it comes to  
16 the household budget it's more your husband's income than your  
17 income; is that fair?

18 PROSPECTIVE JUROR NO. 417: Sure. Yes.

19 THE COURT: Okay. So your concern is more sort of  
20 leaving your coworkers in the lurch than the money aspect?

21 PROSPECTIVE JUROR NO. 417: Yes. It's mostly for  
22 our company just because right now our company has -- it's  
23 restructuring the company. We actually met the president  
24 yesterday who flew in from Houston, which is where our  
25 corporate is. As far as I know, there's just a little bit of

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1 a hiring freeze I think at the moment. So if I have to serve,  
2 it will be a little bit harder for my company.

3 THE COURT: And your husband is what kind of a  
4 surgeon?

5 PROSPECTIVE JUROR NO. 417: He's a general surgeon.

6 THE COURT: General surgery. And what's his name?

7 PROSPECTIVE JUROR NO. 417: Scott Gabriel. One of  
8 his offices is actually in the same building as Dr. Desai's.

9 THE COURT: Have you talked about this case with  
10 your husband at all?

11 PROSPECTIVE JUROR NO. 417: Not at whole length. I  
12 mean, he doesn't know the Dr. Desai, and I haven't worked with  
13 the doctor either.

14 THE COURT: Okay. When you came in and filled out  
15 the questionnaire did you go home and tell your husband that  
16 you had filled out a questionnaire for this case?

17 PROSPECTIVE JUROR NO. 417: Yes.

18 THE COURT: Okay. And he didn't give you -- he had  
19 no insight information, I guess, that he shared --

20 PROSPECTIVE JUROR NO. 417: No.

21 THE COURT: -- with you? Okay. Now, if you're  
22 selected as a juror in this case, can you set aside anything  
23 that you've read in the paper or saw on TV, the office  
24 chitchat around the, you know, water cooler or whatever and  
25 base your verdict on the evidence in the case?

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1 PROSPECTIVE JUROR NO. 417: I can possibly do that.  
2 It's just, you know, part of it will be in my head as far as  
3 what I've known and learning about the situation.

4 THE COURT: Now, I -- anything that you -- do you  
5 accept that sometimes the media reports things incompletely or  
6 inaccurately?

7 PROSPECTIVE JUROR NO. 417: Yes.

8 THE COURT: Okay. And the only sort of -- this  
9 person that used to work there that you mentioned, he talked  
10 about it; what was his role if anything at the --

11 PROSPECTIVE JUROR NO. 417: He's one of the nurses  
12 in the GI. He does -- I don't know if he does go to the OR as  
13 being part, but I know he does do recover the patients as  
14 well.

15 THE COURT: Okay. Did he ever work at Dr. Desai's  
16 facility or work --

17 PROSPECTIVE JUROR NO. 417: Yes.

18 THE COURT: Okay. He did. And you said he talked  
19 to you about the situation?

20 PROSPECTIVE JUROR NO. 417: It was just a general  
21 story of what transpired.

22 THE COURT: Can you tell us what he told you?

23 PROSPECTIVE JUROR NO. 417: That -- it's so general;  
24 it's been a while, but as far as I remember he just mentioned  
25 some of the practices that he doesn't approve of, and I can't

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1 really tell you the whole detail what it is.

2 THE COURT: Just as much as you can remember.

3 PROSPECTIVE JUROR NO. 417: That -- I really can't  
4 say. I mean, I don't know as far as -- as far as I know, he  
5 just works there in the OR. He has helped some of the CRNAs  
6 helping with the patients, putting them comfortable and asleep  
7 while doing the procedure, and then sometimes he goes to the  
8 recovery area and helps the patients.

9 THE COURT: And specifically what did he say about  
10 the situation at Dr. Desai's clinic?

11 PROSPECTIVE JUROR NO. 417: That I think -- I have  
12 no clue what was the reason why he left there. I think it's  
13 just -- I'm not really sure. Probably -- I have no clue. I  
14 think I just have to leave it that way. I can't remember.

15 THE COURT: That's fine. Just as well as you can  
16 remember. We don't expect people to remember everything.

17 PROSPECTIVE JUROR NO. 417: Right.

18 THE COURT: And let me ask you this, this person's  
19 name is what?

20 PROSPECTIVE JUROR NO. 417: Peter Maanao.

21 THE COURT: Manyo?

22 PROSPECTIVE JUROR NO. 417: Maanao, M-a-a-n-a-o.

23 THE COURT: Okay. Is he Polynesian or --

24 PROSPECTIVE JUROR NO. 417: He's I think from Guam.

25 THE COURT: Okay. It sounded like that with the

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1 last name.

2 Counsel approach.

3 (Conference at the bench not recorded.)

4 THE COURT: Ma'am, because you know one of the  
5 potential witnesses in this case, we're going to go ahead and  
6 excuse you at this time.

7 I must admonish you you're not to discuss anything  
8 that's transpired in the courtroom with anyone else. Do you  
9 understand that includes your husband and your coworkers.

10 PROSPECTIVE JUROR NO. 417: Okay.

11 THE COURT: That means my questions and your  
12 answers. Do you understand?

13 PROSPECTIVE JUROR NO. 417: Yes.

14 THE COURT: All right. Thank you.

15 PROSPECTIVE JUROR NO. 417: Thank you.

16 THE COURT: You can discuss all that when the case  
17 is over.

18 PROSPECTIVE JUROR NO. 417: Okay.

19 THE COURT: Thank you, ma'am, you're excused. Put  
20 the microphone in the chair, please.

21 PROSPECTIVE JUROR NO. 417: Thank you.

22 THE COURT: All right. Next up is Badge 415,  
23 Zalewski, Sandra Zalewski.

24 MR. SANTACROCE: Who do we have here?

25 THE COURT: Badge 415, Sandra Zalewski.

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1           Good morning, Ms. Zalewski. I want to follow up on a  
2 couple of things that you put in your questionnaire. You  
3 indicated that you're concerned about serving because you care  
4 for your four grandchildren.

5           PROSPECTIVE JUROR NO. 415: That's correct.

6           THE COURT: How old are your grandchildren?

7           PROSPECTIVE JUROR NO. 415: 4, 7, 8 and 10.

8           THE COURT: Okay. And who's -- I'm assuming the 10  
9 year old and the 7 and 8 year olds are all in school. What  
10 about the 4 year old?

11          PROSPECTIVE JUROR NO. 415: He's home with us.

12          THE COURT: Okay. So he doesn't go to nursery  
13 school or anything like that?

14          PROSPECTIVE JUROR NO. 415: No.

15          THE COURT: When you say home with us, who are you  
16 talking about?

17          PROSPECTIVE JUROR NO. 415: Myself and my husband.

18          THE COURT: Okay. Is your husband retired?

19          PROSPECTIVE JUROR NO. 415: Yes.

20          THE COURT: So he's able to watch the children there  
21 at home like you do?

22          PROSPECTIVE JUROR NO. 415: A small amount of time.

23          THE COURT: And when you say small amount, is it  
24 just he loses patience or what?

25          PROSPECTIVE JUROR NO. 415: No. He's got a heart

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1 condition, and he's under treatment for it.

2 THE COURT: Okay. And I don't mean to pry, but  
3 what's your husband's heart condition?

4 PROSPECTIVE JUROR NO. 415: Well, he's going to have  
5 to go in and have a valve or something. I don't understand  
6 it, but --

7 THE COURT: Okay. So he needs a valve --

8 PROSPECTIVE JUROR NO. 415: He's under the care of a  
9 cardiologist.

10 THE COURT: Okay. He needs a valve replacement?

11 PROSPECTIVE JUROR NO. 415: I think so, yes.

12 THE COURT: Does he have something pending like  
13 scheduled already or is this just --

14 PROSPECTIVE JUROR NO. 415: Well, he sees the  
15 cardiologist in about a week or two so probably after that.

16 THE COURT: Okay. Who's his cardiologist?

17 PROSPECTIVE JUROR NO. 415: Dr. Ruth.

18 THE COURT: All right. And I'm assuming he's on  
19 medication, heart medication?

20 PROSPECTIVE JUROR NO. 415: Yes, he has been.

21 THE COURT: Does he operated a motor vehicle?

22 PROSPECTIVE JUROR NO. 415: Yes.

23 THE COURT: So he could pick the kids up from school  
24 and that sort of thing?

25 PROSPECTIVE JUROR NO. 415: If he has to.

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KARR REPORTING, INC.

1 THE COURT: Okay. Now, are these children that  
2 you're caring for your son's children or your daughter's  
3 children?

4 PROSPECTIVE JUROR NO. 415: Both daughters'  
5 children.

6 THE COURT: Okay. And is there -- I don't mean to  
7 pry but --

8 PROSPECTIVE JUROR NO. 415: There's extenuating  
9 circumstances. One of my daughters is either in detox at the  
10 moment or rehab at the moment. So sometimes I have to watch  
11 them overnight or it's a very trying time.

12 THE COURT: I'm sorry.

13 PROSPECTIVE JUROR NO. 415: That's okay.

14 THE COURT: No, it's okay. I'm sorry. Again, I  
15 don't mean to pry --

16 PROSPECTIVE JUROR NO. 415: It's just very emotional  
17 kind of thing and it's, you know, I'm very in bad shape right  
18 now.

19 THE COURT: Okay. Is she in detox court ordered or  
20 just kind of --

21 PROSPECTIVE JUROR NO. 415: She's on leave as being  
22 a teacher -- from teaching right now, and she's, you know,  
23 can't go back to teaching right at the moment. So I don't  
24 know what that's considered, but --

25 THE COURT: Okay. Is she --

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1 PROSPECTIVE JUROR NO. 415: -- I, you know,  
2 sometime, you know.  
3 THE COURT: So they don't live with you, but have to  
4 watch them while she's getting her treatment; is that fair?  
5 PROSPECTIVE JUROR NO. 415: That's part of it.  
6 THE COURT: Okay. Is she -- so she's not in an  
7 inpatient treatment; it's an outpatient treatment?  
8 PROSPECTIVE JUROR NO. 415: Today. It's a day to  
9 day thing.  
10 THE COURT: Is it one of those things you go all day  
11 long every day?  
12 PROSPECTIVE JUROR NO. 415: Sometimes. She's been  
13 in like a halfway house kind of thing where she's 24 hours for  
14 a month at a time. It's just a nightmare.  
15 THE COURT: It's difficult, right.  
16 PROSPECTIVE JUROR NO. 415: Yeah, it's really bad.  
17 THE COURT: Is -- she has two children?  
18 PROSPECTIVE JUROR NO. 415: Uh-hum.  
19 THE COURT: And you have to answer yes or no for the  
20 record. Is she -- are the two children living with her but  
21 they stay with you and your husband during the day or  
22 overnight if she's getting treatment?  
23 PROSPECTIVE JUROR NO. 415: Yes. She's home and her  
24 husband's working.  
25 THE COURT: What does her husband do?

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1 PROSPECTIVE JUROR NO. 415: He works as a financial,  
2 he tells people how to get money for school.

3 THE COURT: Oh, like a loan?

4 PROSPECTIVE JUROR NO. 415: It's a private school,  
5 art institute or something.

6 THE COURT: And then your other daughter, why are  
7 you caring for her children?

8 PROSPECTIVE JUROR NO. 415: Well, one of them is 4,  
9 and she works Monday through Thursday and so we watch Jacob.

10 THE COURT: Okay. What's -- but she doesn't have  
11 any drug or alcohol problems?

12 PROSPECTIVE JUROR NO. 415: No.

13 THE COURT: And what kind of a job does she have?

14 PROSPECTIVE JUROR NO. 415: She's a legal assistant.

15 THE COURT: Okay. Who does she work for?

16 PROSPECTIVE JUROR NO. 415: You know, I can't  
17 remember the name, Jones and something.

18 THE COURT: Is it Jones, Kemp and -- do they do  
19 civil work; do you know?

20 PROSPECTIVE JUROR NO. 415: I can't remember. She's  
21 not far. She's like down the street.

22 THE COURT: Oh, so it's downtown?

23 PROSPECTIVE JUROR NO. 415: Yes.

24 THE COURT: Any criminal defense?

25 PROSPECTIVE JUROR NO. 415: I don't --

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1 THE COURT: You don't think so?  
2 PROSPECTIVE JUROR NO. 415: -- think so.  
3 THE COURT: All right. Is she married?  
4 PROSPECTIVE JUROR NO. 415: Yes.  
5 THE COURT: And what does her husband do?  
6 PROSPECTIVE JUROR NO. 415: He works for an  
7 insurance company.  
8 THE COURT: Okay. Is he an agent or adjuster or?  
9 PROSPECTIVE JUROR NO. 415: I think what he does is  
10 he hooks people up for companies to get insurance. I'm, you  
11 know, I'm very vague. I'm not sure.  
12 THE COURT: It sounds like maybe he sells insurance  
13 or tries to find the best policy for people?  
14 PROSPECTIVE JUROR NO. 415: I think that's what,  
15 yeah. I'm embarrassed to say I've never really asked him.  
16 THE COURT: Okay. Well, that's all right. And then  
17 it says you've seen something about this case in the media?  
18 PROSPECTIVE JUROR NO. 415: Right.  
19 THE COURT: Okay. On the television news or in the  
20 newspaper or what?  
21 PROSPECTIVE JUROR NO. 415: Television.  
22 THE COURT: Okay. Is there a particular station  
23 that you remember seeing something about this case on or?  
24 PROSPECTIVE JUROR NO. 415: It was probably a local  
25 station of course. I don't usually watch the news much.

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1 THE COURT: And did you see something recently or a  
2 long time ago, or have you seen many things?

3 PROSPECTIVE JUROR NO. 415: No, but I understand  
4 it's been in the paper, someone has, you know, related what  
5 they have heard about this case.

6 THE COURT: Okay. But you haven't read anything in  
7 the paper?

8 PROSPECTIVE JUROR NO. 415: No.

9 THE COURT: Do you read the paper?

10 PROSPECTIVE JUROR NO. 415: Not often.

11 THE COURT: And do you --

12 PROSPECTIVE JUROR NO. 415: There's never anything  
13 good in it.

14 THE COURT: Let me ask you this. What did you hear  
15 on the TV news? What do you remember hearing about this case  
16 or about the situation?

17 PROSPECTIVE JUROR NO. 415: Actually, my close  
18 friend had a procedure done with the doctor who is in the  
19 defendant in this case.

20 THE COURT: Okay. Well, you say here, you don't say  
21 a close friend.

22 PROSPECTIVE JUROR NO. 415: Well, I didn't realize  
23 until later after I wrote out that questionnaire, and she said  
24 actually she went, but there was no problem I guess. I don't  
25 know.

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 415: But a --

3 THE COURT: Do you know if this is a -- was a  
4 patient of Dr. Desai's or was a patient at the clinic or what?

5 PROSPECTIVE JUROR NO. 415: For some reason there  
6 was no issue. I understand what you're saying but I don't --

7 THE COURT: You don't know?

8 PROSPECTIVE JUROR NO. 415: I don't know for sure.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 415: But that's what she  
11 said.

12 THE COURT: What did you hear in the media?

13 PROSPECTIVE JUROR NO. 415: That they were using  
14 dirty needles.

15 THE COURT: Okay. And do you think it's fair that  
16 sometimes the media gets things wrong or incomplete, they give  
17 incomplete stories?

18 PROSPECTIVE JUROR NO. 415: Absolutely.

19 THE COURT: If you're selected, will you set aside  
20 anything you heard in the media and base your verdict solely  
21 upon the evidence in this case?

22 PROSPECTIVE JUROR NO. 415: I would give it my best  
23 effort.

24 THE COURT: Okay. And then the close friend, you  
25 only talked to her after you filled out the questionnaire; is

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1 that true?

2 PROSPECTIVE JUROR NO. 415: Right.

3 THE COURT: Okay. And did you call her up and say,  
4 hey, I just filled out a questionnaire in the Desai case; is  
5 that how that conversation came about?

6 PROSPECTIVE JUROR NO. 415: Pretty much.

7 THE COURT: Okay. And then the friend of a friend,  
8 that's not somebody you really even know?

9 PROSPECTIVE JUROR NO. 415: No. No.

10 THE COURT: Okay. And what did your friend say when  
11 you called her up and you spoke to her and told her you'd  
12 filled out the questionnaire?

13 PROSPECTIVE JUROR NO. 415: She said she -- I  
14 believe she said she had a colonoscopy there and there was no  
15 issue.

16 THE COURT: Okay. So she was fine?

17 PROSPECTIVE JUROR NO. 415: (No audible response.)

18 THE COURT: All right. And that was -- was that  
19 pretty much all she told you?

20 PROSPECTIVE JUROR NO. 415: Uh-hum.

21 THE COURT: You have to --

22 PROSPECTIVE JUROR NO. 415: That's all she knew.

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

24 (Conference at the bench not recorded.)

25 THE COURT: Ms. Zalewsky, it sounds like you're

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1 under some emotional stress right now. I'm going to excuse  
2 you from this case, but you still may be summoned to serve as  
3 a juror at some other time.

4 PROSPECTIVE JUROR NO. 415: I would appreciate being  
5 summoned. I've wanted to serve on a jury ironically for many,  
6 many years, and this is just absolutely the wrong time.

7 THE COURT: Okay. The only thing I must admonish  
8 you before you leave today is you're not to discuss anything  
9 that's transpired in the courtroom. That means my questions  
10 and our discussions. So don't call your friend up and say,  
11 oh, this is what I told them and they excused me, okay?

12 PROSPECTIVE JUROR NO. 415: Absolutely.

13 THE COURT: Thank you, ma'am. Just put the  
14 microphone on the chair.

15 Next up is Badge 401, Randall Rego.

16 Sir, have a seat in the jury box, please.

17 Good morning, sir. I want to follow up on some --

18 PROSPECTIVE JUROR NO. 401: Good morning.

19 THE COURT: You look very relaxed there.

20 PROSPECTIVE JUROR NO. 401: Yeah, I am.

21 THE COURT: Okay. Well, that's good because most  
22 people are a little bit nervous and emotional. Are you used  
23 to public speaking; is that why you appear so relaxed this  
24 morning?

25 PROSPECTIVE JUROR NO. 401: It's just me.

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1 THE COURT: Okay. Well, good. You say here that  
2 you're concerned about serving because you get paid by the  
3 hour, and I want to follow up on that. Where do you work?

4 PROSPECTIVE JUROR NO. 401: A company called Hello,  
5 USA.

6 THE COURT: All right. And what do you do for them?

7 PROSPECTIVE JUROR NO. 401: I'm a tour guide,  
8 driver, et cetera.

9 THE COURT: So do you drive like a van or a bus or?

10 PROSPECTIVE JUROR NO. 401: Yes.

11 THE COURT: And where do you take people?

12 PROSPECTIVE JUROR NO. 401: Grand Canyon, Hoover  
13 Dam.

14 THE COURT: Okay. And you're narrating as you're  
15 driving along?

16 PROSPECTIVE JUROR NO. 401: Yeah.

17 THE COURT: See, you are used to speaking in public.  
18 I got that immediately from you. And you say you get paid by  
19 the hour. What days and shift do you normally work?

20 PROSPECTIVE JUROR NO. 401: Right now I'm working  
21 Tuesday through Saturday.

22 THE COURT: Okay. So if you're selected you can  
23 obviously work Saturday, but you'd miss your work Tuesday  
24 through Friday?

25 PROSPECTIVE JUROR NO. 401: Well, I can't afford it

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1 really.

2 THE COURT: Okay. We're going to talk about that,  
3 sir. That's why you're here because other people have  
4 expressed problems with serving, child-care issues, elder-care  
5 issues, other things. So we have to follow up on that. Do  
6 you understand that?

7 PROSPECTIVE JUROR NO. 401: Yes.

8 THE COURT: All right. How much do you get paid an  
9 hour?

10 PROSPECTIVE JUROR NO. 401: Roughly my base pay is  
11 \$10 an hour plus I get tips.

12 THE COURT: Tips from the people that were on the  
13 tour?

14 PROSPECTIVE JUROR NO. 401: Yes.

15 THE COURT: Okay. And you work during the day, I'm  
16 assuming? Who all is in your household? Do you have a wife  
17 or?

18 PROSPECTIVE JUROR NO. 401: Just myself.

19 THE COURT: Just yourself, okay.

20 PROSPECTIVE JUROR NO. 401: I do have a roommate  
21 though.

22 THE COURT: Okay. And that person pays, what, part  
23 of the rent, or how does that work?

24 PROSPECTIVE JUROR NO. 401: He charges me for a  
25 room.

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1 THE COURT: Okay. And you said you make \$10 an  
2 hour, and it's roughly an eight-hour day?

3 PROSPECTIVE JUROR NO. 401: Anywhere from 8 to 10  
4 hours.

5 THE COURT: Counsel approach.

6 (Conference at the bench not recorded.)

7 THE COURT: Sir, we've all agreed to excuse you  
8 based on financial hardship. So you are free to leave at this  
9 time. You're free to go home, go to work, whatever it is  
10 you'd like to do. You will not be called back for service in  
11 this case; however, you could be called for another case.

12 I must admonish you that you're not to discuss  
13 anything that's transpired in the courtroom with anyone else,  
14 that means my questions, your answers and the reason you were  
15 excused. Do you understand that, sir?

16 PROSPECTIVE JUROR NO. 401: I absolutely do.

17 THE COURT: All right. Thank you, sir. Put the  
18 microphone in the chair, and you are free to leave.

19 Next up Badge No. 395, Ms. Abdinoor.

20 Ma'am, come on in and just have a seat anywhere  
21 there in the jury box. Good morning.

22 PROSPECTIVE JUROR NO. 395: Good morning.

23 THE COURT: And you work for the law office of  
24 Douglas R. Johnson?

25 PROSPECTIVE JUROR NO. 395: Correct.

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KARR REPORTING, INC.

1 THE COURT: And is that a solo practice, or are  
2 there other lawyers?

3 PROSPECTIVE JUROR NO. 395: A total of two lawyers.

4 THE COURT: Okay. What type of work does he do as a  
5 lawyer?

6 PROSPECTIVE JUROR NO. 395: A lot of insurance  
7 defense, insurance fraud.

8 THE COURT: Okay. So --

9 PROSPECTIVE JUROR NO. 395: Personal injury.

10 THE COURT: He does litigation?

11 PROSPECTIVE JUROR NO. 395: Correct.

12 THE COURT: Civil litigation or does he do any  
13 criminal defense?

14 PROSPECTIVE JUROR NO. 395: No criminal, no.

15 THE COURT: Okay. And it says you're concerned  
16 about doing this because you kind of run the office?

17 PROSPECTIVE JUROR NO. 395: Yeah.

18 THE COURT: Are you a salaried employee?

19 PROSPECTIVE JUROR NO. 395: Yes.

20 THE COURT: So he has to pay you whether you do this  
21 or not?

22 PROSPECTIVE JUROR NO. 395: Well, that I'm not sure  
23 of.

24 THE COURT: Okay. Did you talk to him about that?

25 PROSPECTIVE JUROR NO. 395: Yeah.

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1 THE COURT: What did he say?

2 PROSPECTIVE JUROR NO. 395: He said that since I'm  
3 not a government employee I don't -- he doesn't have to pay  
4 me.

5 THE COURT: That's true. Did he say whether he  
6 would or not?

7 PROSPECTIVE JUROR NO. 395: Most likely he wouldn't.

8 THE COURT: Really?

9 PROSPECTIVE JUROR NO. 395: Yeah, my opinion, yeah.

10 THE COURT: You know that, I've got to comment. I  
11 don't know Mr. Johnson personally, but I've got to say that as  
12 an attorney who's in litigation that has to find people who  
13 are willing to serve, you think he'd be a little more willing  
14 to enable his employees to serve, wouldn't you?

15 PROSPECTIVE JUROR NO. 395: You would think, yeah.

16 THE COURT: Because I know I'm sure Mr. Johnson  
17 doesn't want a jury full of nothing but government workers?

18 PROSPECTIVE JUROR NO. 395: Correct.

19 THE COURT: And you understand we need diversity in  
20 our, you know, we can't just have senior citizens who are  
21 retired and whatnot. So he didn't tell you; he just said he  
22 didn't have to pay you?

23 PROSPECTIVE JUROR NO. 395: Correct.

24 THE COURT: He didn't say whether he would pay you  
25 or not? Or did you kind of get the feeling he wasn't going to

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1 pay --

2 PROSPECTIVE JUROR NO. 395: I got the feeling he  
3 wouldn't.

4 THE COURT: Okay. What do you make, if you don't  
5 mind me asking?

6 PROSPECTIVE JUROR NO. 395: Depends on my overtime.  
7 My base is just under 60.

8 THE COURT: Okay. And then I'm assuming you work  
9 Monday through Friday, or do you sometimes work on the  
10 weekends?

11 PROSPECTIVE JUROR NO. 395: No, I do. I try not to  
12 though.

13 THE COURT: Okay. Is your job the kind of thing  
14 where you'd be able to maybe catch up on your work on the  
15 weekends if you're selected to --

16 PROSPECTIVE JUROR NO. 395: Most likely, no.

17 THE COURT: Why is that?

18 PROSPECTIVE JUROR NO. 395: We have a heavy  
19 workload. We have three paralegals that work for us that I  
20 supervise.

21 THE COURT: Okay. Who else is in your household?

22 PROSPECTIVE JUROR NO. 395: I take care of my  
23 mother.

24 THE COURT: And she's retired I'm assuming?

25 PROSPECTIVE JUROR NO. 395: Correct. Yeah.

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1 THE COURT: Okay. Is she disabled in any way or?  
2 PROSPECTIVE JUROR NO. 395: No.  
3 THE COURT: No, she just lives with you?  
4 PROSPECTIVE JUROR NO. 395: Yeah, she's elderly.  
5 THE COURT: And she probably gets Social Security or  
6 something like that?  
7 PROSPECTIVE JUROR NO. 395: Yeah, but not much.  
8 THE COURT: Not much?  
9 PROSPECTIVE JUROR NO. 395: Yeah.  
10 THE COURT: No pension, nothing like that?  
11 PROSPECTIVE JUROR NO. 395: No.  
12 THE COURT: Okay. And you don't have any children?  
13 PROSPECTIVE JUROR NO. 395: No.  
14 THE COURT: Other than the concern about getting  
15 paid by Mr. Johnson, whom I can't wait to have in this  
16 department.  
17 PROSPECTIVE JUROR NO. 395: I know he's been before  
18 you.  
19 THE COURT: I'm going to excuse everybody.  
20 Is there any other concern about you serving?  
21 PROSPECTIVE JUROR NO. 395: I don't think I could be  
22 a fair and impartial juror.  
23 THE COURT: And why is that?  
24 PROSPECTIVE JUROR NO. 395: Oh, because of medical  
25 occurrences that have happened in the past. I mean, my father

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1 died of a disease that wasn't detected.

2 THE COURT: And you're obviously still emotional  
3 about that?

4 PROSPECTIVE JUROR NO. 395: Yeah.

5 THE COURT: So you -- did you pursue a medical  
6 malpractice case?

7 PROSPECTIVE JUROR NO. 395: I was 11.

8 THE COURT: And your mom obviously didn't?

9 PROSPECTIVE JUROR NO. 395: No.

10 THE COURT: Counsel approach.

11 (Conference at the bench not recorded.)

12 THE COURT: Ms. Abdinoor, I'm going to excuse you on  
13 hardship. I really -- that -- can't wait to get Mr. Johnson  
14 in here. Ma'am, however, here's the deal. You are not to  
15 discuss anything that's transpired in this courtroom with  
16 anyone else including your employer, that means our  
17 discussions and your answers. So much as I would love to have  
18 you go back and report to Mr. Johnson what I've said, you are  
19 precluded from doing that. Do you understand?

20 PROSPECTIVE JUROR NO. 395: I understand.

21 THE COURT: All right. Thank you, ma'am.

22 Next up is Badge No. 385, Ms. Valente-Libanotis.

23 Ma'am, just have a seat anywhere there in the box,  
24 please.

25 PROSPECTIVE JUROR NO. 385: Thank you.

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1 THE COURT: Good morning.

2 PROSPECTIVE JUROR NO. 385: Good morning.

3 THE COURT: Have a seat. I wanted to follow up on  
4 some answers you gave in your questionnaire. You said that  
5 you're concerned about serving because you're not going to be  
6 making your full wages or any of your wages, or what's the  
7 situation?

8 PROSPECTIVE JUROR NO. 385: Well, I just lost my job  
9 so that's no longer a consideration.

10 THE COURT: All right. And I apologize, are you at  
11 least getting some unemployment, or do you anticipate getting  
12 unemployment benefits?

13 PROSPECTIVE JUROR NO. 385: I anticipate that I will  
14 be, yes.

15 THE COURT: Okay. And I guess you still have to get  
16 enrolled in that and everything like that?

17 PROSPECTIVE JUROR NO. 385: Yes.

18 THE COURT: Just so you know, you've seen everybody  
19 who's come in here then they leave. We're excusing people as  
20 soon as we're done questioning them, and then they have to  
21 report when the trial starts because we don't want to make  
22 people just sit around in the hallways while we're questioning  
23 the other jurors. So if you need to go to the unemployment  
24 office, I'm not sure how that all works, you would have, you  
25 know, some time next week to do that before the trial started.

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1 PROSPECTIVE JUROR NO. 385: Thank you.

2 THE COURT: All right. And who was in your  
3 household?

4 PROSPECTIVE JUROR NO. 385: My husband and my  
5 daughter.

6 THE COURT: And your husband does what?

7 PROSPECTIVE JUROR NO. 385: My husband and my  
8 daughter. He's unemployed as well, and then I have an 8-year-  
9 old daughter.

10 THE COURT: Okay. And you said you'd heard  
11 something about this case through news broadcasts. Do you  
12 recall what station it was that you heard, if it was --

13 PROSPECTIVE JUROR NO. 385: I know very minimal  
14 about the actual case, you know. I was concerned at the time  
15 because I had had some, you know, surgery at that time, so  
16 that's the only reason it brought -- it came to my mind, but I  
17 don't really know a lot of details, no.

18 THE COURT: Okay. And you didn't have any work done  
19 or procedures at this particular endoscopy clinic?

20 PROSPECTIVE JUROR NO. 385: No, I did not.

21 THE COURT: Okay. Was it something you heard  
22 recently or a long time ago?

23 PROSPECTIVE JUROR NO. 385: That was a long time  
24 ago, but not so long ago when I was at my daughter's  
25 pediatrician he mentioned this case which was maybe a little

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1 bit unorthodox, but he did mention it yeah. Not a lot of  
2 detail, but he just --

3 THE COURT: Why did he mention it? Did he know  
4 you'd filled out a juror questionnaire or just randomly  
5 mentioned it?

6 PROSPECTIVE JUROR NO. 385: No. No. It was kind of  
7 random. I can't remember exactly why he brought it up. It  
8 only came to my mind when I filled out the questionnaire I  
9 remembered him, you know, mentioning that some of the  
10 practices in town weren't as, you know, good as they should  
11 be.

12 THE COURT: Okay. And did he mention anyone  
13 specifically or the clinic by name or --

14 PROSPECTIVE JUROR NO. 385: No, he did not.

15 THE COURT: Okay. And your daughter's pediatrician  
16 is who?

17 PROSPECTIVE JUROR NO. 385: Let's see, gosh. What  
18 is his name, we call him Dr. Harold Naiman.

19 THE COURT: Ch, Dr. Naiman, okay.

20 PROSPECTIVE JUROR NO. 385: Uh-huh.

21 THE COURT: Now, if you're selected to serve in this  
22 case, can you set aside anything your daughter's pediatrician  
23 said, anything you may remember from the news and base your  
24 verdict solely upon the evidence in the case, and that's the  
25 testimony under oath from the witnesses coming from that stand

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1 and the exhibits that are admitted into evidence? And by  
2 exhibits, we mean photos and documents and things like that.

3 PROSPECTIVE JUROR NO. 385: Absolutely.

4 THE COURT: All right. Thank you, ma'am.

5 That concludes the questions I had for you. The  
6 State may follow up with you now.

7 MR. STAUDAHER: Thank you, Your Honor.

8 A couple things, I saw that you -- your education  
9 you had a degree in philosophy?

10 PROSPECTIVE JUROR NO. 385: I do.

11 MR. STAUDAHER: And you got that over in England?

12 PROSPECTIVE JUROR NO. 385: Kings College, London,  
13 yes.

14 MR. STAUDAHER: So what put you over in England?

15 PROSPECTIVE JUROR NO. 385: I went to England  
16 straight out of high school, and I lived there for 15 years.  
17 I used to be married to an Englishman.

18 MR. STAUDAHER: That makes sense if you were living  
19 over there for a long time. But as far as your degree, did  
20 you do anything specific with that as far as job down the  
21 road, anything along those lines?

22 PROSPECTIVE JUROR NO. 385: Well, philosophy is one  
23 of those kind of, I don't know, career moves that, you know,  
24 you're not really looking to be a philosopher. I've gone into  
25 a career in writing so I could say that I applied philosophy

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1 to my -- in my writing career, yes.

2 MR. STAUDAHER: And I'm sorry for your recent loss  
3 of your job, but the job that you had that you just were  
4 unemployed from, you had administration down. What kind of  
5 administration did you do?

6 PROSPECTIVE JUROR NO. 385: Well, I was a marketing  
7 coordinator. So there was some writing involved.

8 MR. STAUDAHER: As far as your job, did you have  
9 people that were underneath you as far as you being a  
10 supervisor?

11 PROSPECTIVE JUROR NO. 385: No.

12 MR. STAUDAHER: Were you in a position where people  
13 were directly looking at your work the writing and things that  
14 you did, gave you tasks to do, that kind of thing?

15 PROSPECTIVE JUROR NO. 385: Yes, uh-huh. I was  
16 writing the -- it was a travel company. So I was working in  
17 business development, and so, you know, one of my tasks was I  
18 was kind of like an assistant editor for the company magazine,  
19 and then some multi-media stuff, you know, various writing  
20 bits and pieces, you know, just related to travel.

21 MR. STAUDAHER: In that job, was that kind of a  
22 thing where you were on your own most of the time? I mean,  
23 you had people to answer to, but you were pretty much doing  
24 your thing?

25 PROSPECTIVE JUROR NO. 385: Pretty much I was

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1 working independently, yeah.

2 MR. STAUDAHER: Is that the kind of job that you've  
3 done since that time, that kind of writing aspect of things?

4 PROSPECTIVE JUROR NO. 385: Well, previously, I was  
5 a journalist for newspapers. So that was totally different.

6 MR. STAUDAHER: So writing but in a different sort  
7 of situation?

8 PROSPECTIVE JUROR NO. 385: Writing news, yes.

9 MR. STAUDAHER: I would imagine that was a little  
10 bit more high pressure than what you were in most recently?

11 PROSPECTIVE JUROR NO. 385: Well, this was in the  
12 Seychelles so it wasn't as pressurized as it might have been  
13 if you were working in New York City or something, so, no, not  
14 so much.

15 MR. STAUDAHER: Okay. The issue with your -- you  
16 were involved in a medical malpractice case yourself, right?

17 PROSPECTIVE JUROR NO. 385: It wasn't a case as  
18 such; it's what I deemed to be medical malpractice.

19 MR. STAUDAHER: Okay. I just wanted to make sure.

20 PROSPECTIVE JUROR NO. 385: Yes.

21 MR. STAUDAHER: So this was a procedure you had  
22 done, and you didn't like however it came out or what happened  
23 to you?

24 PROSPECTIVE JUROR NO. 385: Yes. Uh-huh.

25 MR. STAUDAHER: But you never sued anybody?

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1 PROSPECTIVE JUROR NO. 385: No.

2 MR. STAUDAHER: You said that you didn't like the  
3 medical profession; is that because of what your own personal  
4 experience with this knee?

5 PROSPECTIVE JUROR NO. 385: Well, yes. I mean, I,  
6 you know, my mom died of cancer when I was little. So she was  
7 in hospitals in and out for, you know, much of my childhood.  
8 So, you know, I guess I've been influenced by my father  
9 somewhat who, you know, had sort of a, you know, maybe a  
10 little negative about the medical profession. And what I've  
11 seen in Las Vegas I haven't been too positive about the  
12 medical profession here either.

13 MR. STAUDAHER: But you know that this case, at  
14 least the nutshell version you've gotten so far has to do with  
15 the medical profession?

16 PROSPECTIVE JUROR NO. 385: Absolutely.

17 MR. STAUDAHER: Medical things that were done in  
18 this town, correct?

19 PROSPECTIVE JUROR NO. 385: Uh-hum.

20 MR. STAUDAHER: Even though you have some of those  
21 feelings about your own personal experience, things that your  
22 father may have kind of instilled in you, that kind of stuff,  
23 is that something that you feel that you could just kind of  
24 put that aside, just listen to the facts as they're presented  
25 in this case and make your decision based on what you hear in

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1 this case?

2 PROSPECTIVE JUROR NO. 385: Definitely. I mean, you  
3 know, I think it's so hard to be impartial. I mean, everyone  
4 has -- is, you know, subjective about certain topics, and I've  
5 always wanted to serve on a jury so it's unfortunate it would  
6 be a medical malpractice, but I'm a strong believer in truth  
7 and justice, so, yes, I would, you know, definitely --

8 MR. STAUDAHER: And just so we're clear on this,  
9 this --

10 PROSPECTIVE JUROR NO. 385: --would be as impartial  
11 as I could be.

12 MR. STAUDAHER: Sorry to interrupt you. I didn't  
13 mean to interrupt you.

14 PROSPECTIVE JUROR NO. 385: No, go ahead.

15 MR. STAUDAHER: This is not a medical malpractice  
16 case, a civil-type case; this is a criminal case. Are you  
17 aware that there's a difference?

18 PROSPECTIVE JUROR NO. 385: Probably not all the ins  
19 and outs of it, but I do understand it's a criminal case, yes.

20 THE COURT: Right. In the medical malpractice  
21 cases, it's a dispute between two different parties, not, you  
22 know, the state of Nevada or any governmental agency, you  
23 know, typically. Somebody who alleges that they've been  
24 injured as a result of medical malpractice --

25 PROSPECTIVE JUROR NO. 385: Right.

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1 THE COURT: -- seeks compensation from the person or  
2 entities that they allege is responsible for the medical  
3 negligence. So it's about compensating someone, and there's a  
4 lower standard of proof; it's preponderance of the evidence.

5 This is a criminal prosecution where the State has  
6 the burden of proving that a defendant committed criminal  
7 offenses, and the burden of proof is much higher. It's beyond  
8 a reasonable doubt, and there isn't the issue of monetary  
9 compensation for an individual who's, you know, allegedly been  
10 injured or aggrieved in some way.

11 Do you understand the difference?

12 PROSPECTIVE JUROR NO. 385: I do. I understand.  
13 Thank you for that.

14 THE COURT: Mr. Staudaher, sorry for the  
15 interruption.

16 MR. STAUDAHER: Thank you.

17 You heard some of the types of charges that the  
18 State has proffered against these individuals, correct?

19 PROSPECTIVE JUROR NO. 385: Yes.

20 MR. STAUDAHER: And at this point you don't have any  
21 information at all on the case other than just the general  
22 cursory stuff that we just talked about before you and the  
23 room earlier today; is that fair?

24 PROSPECTIVE JUROR NO. 385: Absolutely.

25 MR. STAUDAHER: But at the end of the case, the

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1 State will have presented its case, the Judge will have given  
2 you the law to apply those facts to, and the State has the  
3 burden of proving each element or each part of each one of  
4 those crimes beyond a reasonable doubt. If the State in your  
5 mind at the end of the trial has proven each element, each  
6 part of the crimes beyond a reasonable doubt, can you come  
7 back with a guilty verdict?

8 PROSPECTIVE JUROR NO. 385: Yes.

9 MR. STAUDAHER: Is there any reason, religious,  
10 philosophical or otherwise why you might have difficulty doing  
11 that?

12 PROSPECTIVE JUROR NO. 385: No. To me it's all  
13 about, you know, truth and the evidence, you know.

14 MR. STAUDAHER: And conversely, if we don't prove  
15 our case, if at the end of the case you go, you know what,  
16 they made one or two elements, but they didn't do them all,  
17 and they were required to do them all, you'd have to vote not  
18 guilty; isn't that right?

19 PROSPECTIVE JUROR NO. 385: That's how the justice  
20 system works, yes.

21 MR. STAUDAHER: And you're okay with that?

22 PROSPECTIVE JUROR NO. 385: Yes. Uh-hum.

23 MR. STAUDAHER: Do you think that based on my  
24 understanding, and please correct me if I'm wrong, that you're  
25 essentially a person that can listen to the evidence in this

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1 case, in this case, put aside anything that you've heard or  
2 your own personal things and just render your verdict based on  
3 the evidence presented here?

4 PROSPECTIVE JUROR NO. 385: I hope so, yes.

5 MR. STAUDAHER: Pass for cause, Your Honor.

6 THE COURT: All right. Thank you. Who would like  
7 to follow up first for the defense? Ms. Stanish.

8 MS. STANISH: Good morning, ma'am.

9 PROSPECTIVE JUROR NO. 385: Good morning.

10 MS. STANISH: Of course since we represent a doctor,  
11 we're concerned about your comment that you loathe the medical  
12 profession. I know you touched on that with Mr. Staudaher,  
13 but could you elaborate on that for me.

14 PROSPECTIVE JUROR NO. 385: Well, I've heard so many  
15 horror stories particularly in the state of Nevada about  
16 people that have gone in for treatments and ended up dead  
17 basically, so that does kind of taint, you know. I wouldn't  
18 want to go and have an operation in the state of Nevada. I  
19 would rather prefer going to, say, for instance, the UK where  
20 it's not so much based about the money, the money, the money,  
21 where I know that they're there, you know, to render a service  
22 and perhaps save the State money so there is the, you know,  
23 that downside of it, but, yeah.

24 So, I mean, that is my, you know, everyone has a  
25 view whether they want to say they're impartial or not, but

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1 everyone has a life experience for which, you know, certain  
2 experiences are going to, you know, affect the way they think  
3 about things, but, like I said, what is paramount is, you  
4 know, truth, justice, the evidence, you know, presented in  
5 front of me. I have nothing against anybody in this trial and  
6 particularly so in that way I, you know, I am impartial.

7 MS. STANISH: You touched on the other issue I  
8 wanted to address with you, and that was your comment that you  
9 formed an opinion about Dr. Desai. The question was, I should  
10 say, after seeing things on TV and discussing this matter  
11 generally with your daughter's doctor, the question was, have  
12 you formed any opinion about Dipak Desai or Ronald Lakeman,  
13 and you were asked to describe your opinion, and you put  
14 malpractice out of greed.

15 Tell me how you came to that conclusion.

16 PROSPECTIVE JUROR NO. 385: Well, I was just based  
17 it on the, you know, general banter when the people heard  
18 about this case, that's what everyone is saying basically,  
19 but, I mean, that's quite a few years ago now, but, yeah, that  
20 is the feeling that he wanted to cut corners. So basically  
21 the wellbeing of the patients went out the window.

22 But like I don't have the evidence, but that's, you  
23 know, that's the banter on the street pretty much.

24 MS. STANISH: In what respect did you understand  
25 that he cut corners?

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1 PROSPECTIVE JUROR NO. 385: Like I said, I don't  
2 know the details, and I have not been studying this case, you  
3 know, prior to coming here, but I think it was something to do  
4 with using needles again or something like that. I mean, like  
5 I said, I don't even know if that is the case, but that's, you  
6 know, I wasn't looking into it in depth, but that's what I had  
7 heard something about using, you know, the same needles or  
8 something like that again, and people were then, you know,  
9 injected with, you know, infected needles.

10 MS. STANISH: I understand you resided overseas in  
11 the UK. Do they have socialized medicine there?

12 PROSPECTIVE JUROR NO. 385: Yes, they do.

13 MS. STANISH: And I also get the impression, correct  
14 me if I'm wrong, that you have some pretty strong opinions  
15 about for-profit medicine versus socialized medicine?

16 PROSPECTIVE JUROR NO. 385: Yeah, when it's, you  
17 know, when it costs, you know, \$45,000 to go to the emergency  
18 room, and this is the only place in the world where it costs  
19 that much, yeah, I think there's a problem. When it costs \$25  
20 for an aspirin, yeah, I think there's a problem.

21 MS. STANISH: And your writing experience by the way  
22 as a formal journalist, what kind of -- did you have a  
23 specialty? Did you write in a certain area?

24 PROSPECTIVE JUROR NO. 385: Of the environment.

25 MS. STANISH: Environment?

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1 PROSPECTIVE JUROR NO. 385: Yeah.

2 MS. STANISH: And currently as a writer do you focus  
3 your writing on any particular area?

4 PROSPECTIVE JUROR NO. 385: Travel.

5 MS. STANISH: I also get the impression that you  
6 have some, you know, very committed relationships to truth and  
7 justice.

8 PROSPECTIVE JUROR NO. 385: Uh-hum.

9 MS. STANISH: Can you tell me how you have -- the  
10 source of that strong commitment to truth and justice?

11 PROSPECTIVE JUROR NO. 385: Well, lifetime  
12 experience. I mean, I can't tell you in a nutshell, but  
13 anybody who studies philosophy at King's College is going to  
14 be committed to truth, I think.

15 MS. STANISH: So would you describe yourself as an  
16 absolutist?

17 PROSPECTIVE JUROR NO. 385: An absolutist, I'm an  
18 idealist unfortunately, as much as the world tries to beat it  
19 out of me, yeah, I'm still an idealist.

20 MS. STANISH: You mentioned that it's hard to be  
21 objective. Can you explain that to me.

22 PROSPECTIVE JUROR NO. 385: Well, because everyone  
23 is influence by their life experiences.

24 MS. STANISH: And it sounds to me like your life  
25 experience with medicine is not -- is something that's going

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1 to influence your perception of this case; is that fair to  
2 say?

3 PROSPECTIVE JUROR NO. 385: It could do, but it  
4 doesn't matter. To me it's all about the evidence and coming  
5 up with the truth. It doesn't matter what I personally think,  
6 you know. What matters is that, you know, I have enough  
7 integrity to do the right thing.

8 MS. STANISH: I almost want to ask you if a tree  
9 falls in the forest does someone hear it.

10 PROSPECTIVE JUROR NO. 385: Oh, please.

11 THE COURT: What's that? Oh, if a tree falls in the  
12 forest.

13 MS. STANISH: What's the answer to that?

14 PROSPECTIVE JUROR NO. 385: one, oh, one.

15 MS. STANISH: How about the meaning of life?

16 PROSPECTIVE JUROR NO. 385: The meaning of life,  
17 hmmm, you don't want to know the answer.

18 MS. STANISH: I'm concerned that you have strong  
19 feelings life -- based on your life experience about the  
20 medical profession, the fact that the medical profession in  
21 the United States is driven by money, and this case involves  
22 the medical profession. As you heard in the early description  
23 of the case, it is going to -- it involves allegations of  
24 insurance fraud, medical billing fraud, if you will. Knowing  
25 that, can you be fair in this case? Can you put aside your

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1 life experiences?

2 PROSPECTIVE JUROR NO. 385: It's not about my life  
3 experiences. It's about a sense of integrity and doing the  
4 right thing. So it doesn't matter. I mean, I could walk out  
5 of here hating the man's guts, but if there's no evidence to  
6 prove that he's guilty, I'm not going to sit there and say  
7 he's guilty. I have nothing against him personally.

8 If it was my daughter who had been inflicted upon,  
9 you know, then it would be a different story, but I have  
10 nothing personal against the man.

11 MS. STANISH: I see in your response to the question  
12 about whether you've ever been the victim of malpractice,  
13 you've already mentioned that you had an issue, and as I  
14 understand it from your questionnaire, you had a knee  
15 operation which is making you crippled.

16 Can you tell us some more about that. You know, I  
17 don't mean to pry, but I just want to understand that.

18 PROSPECTIVE JUROR NO. 385: No, it's fine. No, I  
19 went to a doctor here, you know, not knowing how bad the  
20 medicine is in Nevada or Las Vegas, I should say, and for a  
21 simple torn meniscus I went in and from what I've heard from  
22 other stories could be the case, could not be the case, I  
23 don't know, you know, he hasn't been put on trial, but my knee  
24 never healed, and as a result of that, now I'm near crippled  
25 and I need, you know, knee, you know, replacements. But of

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1 course because it's \$35,000 a knee I can't afford that. So  
2 I've got an eight-year-old daughter, and now I'm walking  
3 around crippled with no way to get it fixed. So, you know, of  
4 course I'm not going to be too happy about that.

5 MS. STANISH: Right. Did you -- you said he wasn't  
6 put on trial or anything like that?

7 PROSPECTIVE JUROR NO. 385: No.

8 MS. STANISH: Was there any -- did you file any  
9 complaints against him?

10 PROSPECTIVE JUROR NO. 385: At the time I didn't  
11 realize. This is something that happened, you know, eight  
12 years ago right when my daughter was born, but I was, you  
13 know, insult on top of injury, I was told the best thing I  
14 could do was to ditch my baby. So, yeah, that doesn't make me  
15 feel too happy about, you know, the way that people carry on  
16 here. I was never even allowed to see that doctor again. He  
17 just disappeared, and I was never able to see him again, but  
18 his assistant told me the best thing I could do was -- if I  
19 wasn't healing that I should ditch my baby.

20 MS. STANISH: Is there anything else that I haven't  
21 asked you that you think would touch upon your ability to keep  
22 an open mind in this case?

23 PROSPECTIVE JUROR NO. 385: The only thing that's  
24 going to give me an open mind is to look at the evidence, and,  
25 I mean if, you know, this man is, you know, not guilty in any

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1 shape or form, then, you know, my feelings would, you know, be  
2 reflected in, you know, those pieces of evidence.

3 MS. STANISH: And I'm not sure if we covered this.  
4 You understand that this case will take anywhere from 6 to 8  
5 weeks and go into the month of June?

6 PROSPECTIVE JUROR NO. 385: Exactly, yeah.

7 MS. STANISH: Is that -- I understand unfortunately  
8 you've lost your job, but is there any other hardship or  
9 issues going on during that time frame that would cause a  
10 problem for you to serve that long?

11 PROSPECTIVE JUROR NO. 385: Not really.

12 MS. STANISH: I have no further questions, Your  
13 Honor.

14 THE COURT: Pass for cause?

15 MS. STANISH: Yes.

16 THE COURT: All right. Thank you. Mr. Santacroce.

17 MR. SANTACROCE: Thank you.

18 Good morning.

19 PROSPECTIVE JUROR NO. 385: Good morning.

20 MR. SANTACROCE: You made a couple of comments that  
21 I wanted to follow up on. First of all, are you familiar with  
22 the English system of justice?

23 PROSPECTIVE JUROR NO. 385: Not really, no.

24 MR. SANTACROCE: You made a comment that if this man  
25 is not guilty in any way, shape or form that you would find

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1 him not guilty, correct?

2 PROSPECTIVE JUROR NO. 385: That's correct.

3 MR. SANTACROCE: Do you understand that our system  
4 of justice is such that defense doesn't have to do anything in  
5 this case? We don't have to present any witnesses. We don't  
6 have to say anything. We don't have to do anything. The  
7 burden is with the State to prove each and every element of  
8 the crime beyond a reasonable doubt; do you understand that?

9 PROSPECTIVE JUROR NO. 385: Yes.

10 MR. SANTACROCE: Do you have a problem with that  
11 system that we have? Any philosophical --

12 PROSPECTIVE JUROR NO. 385: I don't have a problem  
13 with your system, okay, so, I mean, you know.

14 MR. SANTACROCE: Okay. But I'm not trying to be  
15 obstreperous here. I'm just trying to find some people that  
16 are fair and impartial, okay.

17 You made a comment that you always wanted to serve  
18 on a jury. Can you tell me why you always wanted to serve on  
19 a jury?

20 PROSPECTIVE JUROR NO. 385: Because it's  
21 interesting.

22 MR. SANTACROCE: And the fact that you're a writer  
23 has nothing to do with serving on the jury? I mean, you're  
24 not going to be writing about this case after --

25 PROSPECTIVE JUROR NO. 385: I don't have a job right  
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1 now, and when I did, I was just doing a simple travel journal.  
2 So, I mean, it's not like really, you know, I have any  
3 interest in that.

4 MR. SANTACROCE: Do you have any aspirations to  
5 write any kind of books, novels, nonfiction, fiction or --

6 PROSPECTIVE JUROR NO. 385: Perhaps one day, but not  
7 about this case.

8 MR. SANTACROCE: I'm not asking you about this, I'm  
9 talking about in the future; is that an aspiration of yours?

10 PROSPECTIVE JUROR NO. 385: Yes, but it would be  
11 fiction.

12 MR. SANTACROCE: You said that you wouldn't want to  
13 have an operation in this country --

14 PROSPECTIVE JUROR NO. 385: No, I said in the state  
15 of Nevada.

16 MR. SANTACROCE: Okay. But you said you would go to  
17 the UK because they're not concerned with money --

18 PROSPECTIVE JUROR NO. 385: I didn't say I was going  
19 to the UK either.

20 MR. SANTACROCE: Why don't you explain the comment  
21 or the --

22 PROSPECTIVE JUROR NO. 385: I said I would not want  
23 to have an operation in the state of Nevada from what I have  
24 heard from other people. I said the system they have in the  
25 UK you can trust the doctors more. I don't have the, you

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1 know, I don't have that opportunity to go and have medical  
2 done in the UK, but I just mentioned that in the UK doctors  
3 aren't being paid over the top for their services. You can  
4 trust the doctors more to get the work done and just the work  
5 done that is needed instead of reaming the patients for  
6 everything they can in order to make a buck.

7 MR. SANTACROCE: I believe your words were, Because  
8 they're not concerned with money.

9 PROSPECTIVE JUROR NO. 385: I didn't say they were  
10 not concerned with money but perhaps -- I mean, I don't know  
11 where this is going anyway. This is starting to get on my  
12 nerves. So what is it you're getting at?

13 THE COURT: Ma'am, you know, I have to just tell you  
14 a lot of times potential jurors don't understand, you know,  
15 why the lawyers are asking the questions that they do, but the  
16 lawyers, you know, if it's not an objectionable question, the  
17 lawyers can ask these things without explanation, meaning  
18 without explaining the point of their question.

19 So, Mr. Santacroce, proceed.

20 And, ma'am, to the best of your ability, you need to  
21 answer the questions. If you can't answer the question, then  
22 just say you can't answer it or you don't understand the  
23 question. But even if a question maybe doesn't seem relevant  
24 to you, they still get to ask it.

25 So, Mr. Santacroce, ask your question.

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1 MR. SANTACROCE: Am I irritating you because I'm  
2 challenging your beliefs and your prejudices?

3 PROSPECTIVE JUROR NO. 385: I don't like to be  
4 called prejudiced, okay, number one. And challenging my  
5 beliefs, I mean, you don't really mean anything to me, sir, so  
6 I'm -- I'm just trying to find out what are you trying to get  
7 at? I'll answer any question you want, but I'm not going to  
8 be badgered and, you know.

9 MR. SANTACROCE: You don't like me right now, do  
10 you?

11 PROSPECTIVE JUROR NO. 385: I don't really care.

12 MR. STAUDAHER: Objection, Your Honor. I mean,  
13 those are not appropriate questions for --

14 MR. SANTACROCE: Well, the questions --

15 THE COURT: I'll see counsel up here, please.

16 (Conference at the bench not recorded.)

17 THE COURT: All right. Mr. Santacroce, you may  
18 resume your questioning of this prospective juror.

19 MR. SANTACROCE: Ma'am, as you sit here today do you  
20 have any feelings as to whether Dr. Desai or Mr. Lakeman are  
21 guilty because they're sitting here being charged for these  
22 crimes?

23 PROSPECTIVE JUROR NO. 385: I don't know if they're  
24 guilty or not; I haven't heard any evidence.

25 MR. SANTACROCE: So the answer is that you don't

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1 have any preconceived ideas as to their guilt or innocence at  
2 this point?

3 PROSPECTIVE JUROR NO. 385: Well, like I say, just  
4 know the word on the street that people are saying that, you  
5 know, perhaps they used -- like I say, I don't know the  
6 details; you see what I mean? I don't know the details so  
7 it's just, you know, I can't really make, you know, an  
8 assumption based on, you know, what people said on the street  
9 ago. I mean, I really don't know.

10 MR. SANTACROCE: In your questionnaire you stated in  
11 Question 5 that you loathe the medical profession, and being a  
12 writer I'm assuming that you chose that word loathe very  
13 carefully?

14 PROSPECTIVE JUROR NO. 385: Not really. I was just  
15 trying to fill out the questionnaire and get to my -- back to  
16 my job, but that is correct. I didn't choose it very  
17 carefully, hmmm, hmmm, what word should I use, no, I wasn't  
18 going through that. It just came off the top of my head.

19 MR. SANTACROCE: But you would agree that the word  
20 has a very strong connotation, wouldn't you?

21 PROSPECTIVE JUROR NO. 385: Yeah.

22 MR. SANTACROCE: And you have strong feelings about  
23 the medical profession in Nevada?

24 PROSPECTIVE JUROR NO. 385: Yes.

25 MR. SANTACROCE: And those feelings are not very

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1 good, are they?

2 PROSPECTIVE JUROR NO. 385: That is correct.

3 MR. SANTACROCE: There may come a time in the trial  
4 where the Judge may admonish me for something. The fact that  
5 the Judge admonishes me in trial, are you going to hold that  
6 against my client, Mr. Lakeman?

7 PROSPECTIVE JUROR NO. 385: No.

8 MR. SANTACROCE: The fact that we've had this little  
9 discourse here today, are you going to hold that against my  
10 client, Mr. Lakeman?

11 PROSPECTIVE JUROR NO. 385: You mean because of your  
12 aggressive attitude; is that what you're talking about?

13 MR. SANTACROCE: Possibly.

14 PROSPECTIVE JUROR NO. 385: Uh-huh. Well, no,  
15 you're just like the rest, just trying to make some money,  
16 okay.

17 MR. SANTACROCE: So lawyers are like doctors, right,  
18 just greed; is that your opinion?

19 PROSPECTIVE JUROR NO. 385: It depend -- like I say,  
20 I'm generalizing wildly, but it's, you know, it's not like  
21 that's a, you know, unknown information.

22 MR. SANTACROCE: And you have knowledge that I'm  
23 being paid?

24 MR. STAUDAHNER: Objection, Your Honor.

25 PROSPECTIVE JUROR NO. 385: How would I know that.

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1 THE COURT: Well, she already said she doesn't know.

2 Let me ask you this: Do you understand that an  
3 accused in a criminal case is obviously they have a  
4 constitutional right to be represented by counsel; are you  
5 aware of that?

6 PROSPECTIVE JUROR NO. 385: Yes, of course.

7 THE COURT: Okay. And do you hold against an  
8 accused that his client -- his attorney is doing the best  
9 according to his ability to defend some -- to defend him in  
10 trial?

11 PROSPECTIVE JUROR NO. 385: That's his job. Are you  
12 doing this for charity, sir? I'm just --

13 THE COURT: Wait.

14 PROSPECTIVE JUROR NO. 385: -- wondering because why  
15 there's --

16 THE COURT: Ma'am. Ma'am.

17 PROSPECTIVE JUROR NO. 385: -- an issue.

18 THE COURT: Again, you can't ask questions. You  
19 know, whether or not he's being compensated by his client or,  
20 you know, regardless of who compensates a criminal defense  
21 attorney, an accused is entitled to be represented --

22 PROSPECTIVE JUROR NO. 385: Of course.

23 THE COURT: Not just at trial but throughout the  
24 proceedings by a defense attorney. Do you have any problem  
25 with the fact that that is one of our constitutional rights?

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1 PROSPECTIVE JUROR NO. 385: No, and it's not only in  
2 the USA.

3 THE COURT: Okay. And I think where Mr. Santacroce  
4 is going is, you know, if he does something as part of his  
5 zealous defense that you're offended by or you think maybe  
6 wasn't a good idea, would you hold that against Mr. Lakeman?

7 PROSPECTIVE JUROR NO. 385: I can't imagine that  
8 anybody education or any person of integrity would do such a  
9 thing.

10 THE COURT: Okay. And I'm going to ask you the flip  
11 side of that. Do you -- sort of the flip side. Do you  
12 understand that under our constitutional system that an  
13 accused in a criminal case has no burden? They don't have to  
14 prove their innocence. They don't have to call any witnesses.  
15 They don't have to present any evidence. Do you agree with  
16 that?

17 PROSPECTIVE JUROR NO. 385: Well, that's not  
18 something that I've given a great deal of thought; so it's not  
19 something I'm prepared to answer.

20 THE COURT: Okay. Now, that's part of -- that is  
21 the situation in our constitutional system, and if I were to  
22 instruct you that an accused doesn't have to present any  
23 evidence, and the State has the entire burden of proof in a  
24 case, would you follow that instruction, and if the State  
25 didn't prove the defendant's guilt beyond a reasonable doubt,

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1 you know, you hear the evidence, you go back at the end of the  
2 case, you discuss it with your fellow jurors, and you think,  
3 you know what, they just didn't prove that to me. Would you  
4 be able to raise your hand and vote not guilty?

5 PROSPECTIVE JUROR NO. 385: Yes, I've already said  
6 that is the case. Yes.

7 THE COURT: And even if you felt that, you know  
8 what, I don't think Mr. Santacroce or Mr. Wright did a good  
9 job, you know, they really didn't -- they weren't aggressive  
10 enough or they didn't ask the right questions, do you  
11 understand that that's not the issue, that the issue is  
12 regardless of whether you think the lawyers did a good job, a  
13 bad job, an in-between job, you still have to hold the State  
14 to its burden of proving the defendant's guilt beyond a  
15 reasonable doubt?

16 PROSPECTIVE JUROR NO. 385: This man thinks I want  
17 to take it personally against him; I could care less to be  
18 quite honest.

19 THE COURT: Okay. So you understand that you can't  
20 base your verdict on any opinion you may have as to how the  
21 lawyers perform, whether they were good, whether they were  
22 annoying, whether they seemed lazy to you, whether they seemed  
23 unprepared, whether they seemed zealous; you get that, right?

24 PROSPECTIVE JUROR NO. 385: Of course. I would just  
25 feel sorry for whoever's being defended if they didn't have a

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1 lawyer that stated their case in the best possible way.

2 THE COURT: All right. And by the same token, the  
3 State, you know, if you think Mr. Staudaher is annoying or,  
4 you know, rude, you still have to focus on the evidence not  
5 the personalities, not the, you know, the lawyers and how good  
6 or bad they think they were. Can you do that?

7 PROSPECTIVE JUROR NO. 385: I would have thought my  
8 credentials would stand for that but, anyway.

9 THE COURT: Well, you know, these are important  
10 issues, and, you know, at the end of the day regardless of  
11 anything you may think about the questions, we're just trying  
12 to get to whether people really can be fair and impartial.  
13 That's really all this about.

14 PROSPECTIVE JUROR NO. 385: No, I appreciate that,  
15 but if someone's going to act aggressive towards me, I'm not  
16 going to pussyfoot around and, you know --

17 THE COURT: Well, I'm sure Mr. Santacroce didn't  
18 mean to be aggressive if that's how you perceived it.

19 You know, the bottom line is regardless of any  
20 feelings you may have throughout the trial as to the lawyers  
21 and their personalities and their abilities, can you base your  
22 verdict on the evidence?

23 PROSPECTIVE JUROR NO. 385: Absolutely.

24 THE COURT: All right. Mr. Santacroce, go on.

25 MR. SANTACROCE: Thank you.

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1           So if I'm aggressive with a witness that's  
2     testifying, are you going to find that offensive?

3           PROSPECTIVE JUROR NO. 385:   It's not about you, sir.  
4     It's not about you.

5           MR. SANTACROCE:   I'm asking what your opinion is,  
6     would you find it offensive --

7           PROSPECTIVE JUROR NO. 385:   It doesn't matter.   Alls  
8     that matters is the evidence is presented in front of me.   If  
9     I personally think, oh, I don't like that guy, it really  
10    doesn't matter.

11          MR. SANTACROCE:   The question is will you find it  
12    offensive?

13          PROSPECTIVE JUROR NO. 385:   I don't know.   I'm don't  
14    have the evidence --

15          THE COURT:   Well, I think that's -- Mr. Santacroce,  
16    I think that that calls kind of for a hypothetical because I  
17    think it would maybe depend on the circumstances with the  
18    witness and --

19          MR. SANTACROCE:   Well, she obviously felt that --

20          THE COURT:   Okay.   Mr. Santacroce.

21          MR. SANTACROCE:   Okay.   I have no more questions,  
22    Your Honor.

23          THE COURT:   All right.   Thank you.   Ma'am, I'm going  
24    to excuse you for today.   You don't have to hang around in the  
25    hall while we question the other jurors.

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1 PROSPECTIVE JUROR NO. 385: Okay.

2 THE COURT: Here is the thing, you must make sure  
3 that our bailiff, Officer Hawkes, has a phone number where you  
4 can be reached in case you are selected to serve as a juror.  
5 Then you must come back and report for service at that time.

6 In the meantime because you may be selected to  
7 serve, the prohibition about speaking about the case, reading,  
8 writing, listening to any reports of or commentaries on the  
9 case, person or subject matter relating to the case, doing any  
10 independent research, expressing an opinion on the case, still  
11 is in effect.

12 Also, you are not to discuss anything that has  
13 transpired in the courtroom with anyone else. That means, of  
14 course, my questions, the lawyers' questions, your answers and  
15 all of our discussions.

16 Do you understand?

17 PROSPECTIVE JUROR NO. 385: I understand.

18 THE COURT: All right. Thank you, ma'am. Place  
19 your microphone in the chair and Officer Hawkes will direct  
20 you from the courtroom.

21 Officer Hawkes, would you bring in the remaining  
22 potential jurors.

23 (Prospective jurors entering 12:22 p.m.)

24 THE COURT: All right, ladies and gentlemen, first  
25 of all, I'd like to thank you for your patience. As you've

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1 seen, when we finish questioning people, they are excused for  
2 the day. So when we finish with each of you, you will be able  
3 to leave. You won't have to hang around while we question the  
4 other prospective jurors.

5           Unfortunately, we obviously haven't finished with  
6 all of you. It is almost 12:30. So we're going to take our  
7 lunch recess at this point in time. We'll be in recess for  
8 the lunch break until 1:30, and of course, the admonition, you  
9 are all reminded of the admonition not to discuss anything  
10 relating to the case, not to read, watch, listen to any  
11 reports of or commentaries on the case, person or subject  
12 matter relating to the case. Don't do any independent  
13 research by way of the Internet. Don't engage in any social  
14 media discussing this case, and please don't form or express  
15 an opinion.

16           If you all would please follow Officer Hawkes  
17 through the double doors. Any questions regarding where to  
18 go, where to meet at the end of lunch, address Officer Hawkes  
19 in the hallway, please.

20           (Prospective Jurors recessed 12:23 p.m.)

21           THE COURT: All right. Before we take our lunch  
22 break, I understand based on our discussion at the bench that  
23 the defense wishes to challenge Ms. Valente-Libanotis for  
24 cause; is that correct?

25           MR. SANTACROCE: That's correct, Your Honor.

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1 THE COURT: All right. Mr. Santacroce, go ahead.

2 MR. SANTACROCE: Despite her answers that she could  
3 be fair and impartial, that she'll weigh the evidence, I think  
4 it's very clear that she comes into this court with deep-  
5 seated prejudices. One of them is against the medical  
6 profession in Nevada if not the United States. She certainly  
7 has a socialistic bent on that. She feels that they're  
8 greedy. She says in her questionnaire that she loathes the  
9 medical profession. She has the same viewpoint apparently of  
10 defense attorneys because she wasn't that combative with the  
11 prosecution when they were asking the questions.

12 THE COURT: Well, she wasn't combative with Ms.  
13 Stanish either.

14 Ms. Stanish, did you feel that she was combative  
15 with you?

16 MS. STANISH: I didn't want to engage her, Your  
17 Honor, because I felt her opinions were very strong and  
18 something that she wouldn't keep outside the courthouse;  
19 although she claimed otherwise.

20 THE COURT: She did become a little aggressive and  
21 combative then with the Court when I tried to question her as  
22 well. So I can't say that her aggressiveness was directed  
23 solely at you, if we're going to call it that, Mr. Santacroce.  
24 It started with you, but then that seemed to pervade her  
25 attitude when I questioned her as well.

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1 MR. SANTACROCE: Doesn't that mean to indicate to  
2 the Court that she can't be fair and impartial because she has  
3 such deep-seated feelings that she's going to be combative  
4 with me and with the Court?

5 THE COURT: No, that indicates that she was annoyed  
6 by the process, and, you know, to me that doesn't rise to a  
7 for-cause challenge if somebody is simply annoyed by the  
8 process. And, you know, the comment wasn't that there aren't  
9 good doctors in the United States; the comment was that she  
10 doesn't believe that there are good doctors in the state of  
11 Nevada, and she would leave the state.

12 Unfortunately, that's a view shared by many people  
13 including former governors of this state who elect not to be  
14 treated here and former county commissioners who the minute  
15 they're diagnosed with some kind of skin cancer rush off to MD  
16 Anderson. It seems to be the view of many people in this  
17 state. Like I said, prominent elected officials gets reported  
18 in the media they don't get treated here.

19 So I don't think it's a for-cause challenge that  
20 she's expressing a viewpoint that seems to be shared by other  
21 people of prominence in our community --

22 MR. SANTACROCE: But that's not what she said. She  
23 said she loathes the medical profession. She doesn't say that  
24 she doesn't like the med --

25 THE COURT: That's what she said in her

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1 questionnaire.

2 MR. SANTACROCE: Correct.

3 THE COURT: And then she said she doesn't -- she  
4 wouldn't want to be treated in Nevada, that she's heard bad  
5 things about Nevada physicians, and she'd like to be treated  
6 in the UK; however, she can't be treated in the UK because  
7 obviously she's not a resident or a citizen, and I don't think  
8 you can just show up at the UK and say, hey, I'd like this  
9 free surgery, please. So I think that's more where she was  
10 going with the UK answer.

11 Mr. Santacroce, anything else you'd like to say on  
12 this topic?

13 MR. SANTACROCE: No. I think Mr. Wright has  
14 something.

15 THE COURT: Mr. Wright, what would you like to say  
16 on this topic?

17 MR. WRIGHT: I'd just like to join in it. I don't  
18 want -- I think we have shared peremptories. I don't want to  
19 waste my client's peremptory with Mr. Santacroce using a  
20 peremptory because obviously they didn't get along. I think  
21 on her questionnaire she should be stricken for cause. Jurors  
22 are sworn in. They're placed under oath, and she's asked,  
23 have you formed an opinion, and she says under oath, sworn in  
24 and signs it, I loathe the medical profession.

25 And then when she says do you have an opinion about

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1 Lakeman or Desai, she says under oath, Malpractice out of  
2 greed. These are her sworn to opinions, and then she comes in  
3 here and bolsters it by being aggressive. I think she's a  
4 smart aleck in my judgment. Her answers, You're just like the  
5 rest trying to make some money, addressing Mr. Santacroce. If  
6 that doesn't show a bias and preconceived notion of a person,  
7 I don't know what does.

8 Are you doing this for charity, sir? She's a smart  
9 aleck. You're starting to get on my nerves; where is this  
10 going, all of that was supposed to say she's fair, impartial,  
11 comes in here with no -- absolutely fair, open mind and hasn't  
12 taken a position? I just think she should be challenged for  
13 cause.

14 THE COURT: All right. We'll hear from the State as  
15 to their opinion as to whether she should be excused for cause  
16 or not excused for cause.

17 MR. STAUDAHNER: We believe she should not be excused  
18 for cause. There is nothing that she said, and she was  
19 questioned very pointedly, and I would articulate to the Court  
20 that I think that part of what happened at the very end of her  
21 testimony was that the defense didn't clearly see that they  
22 had any basis for a cause challenge and then attempted to pick  
23 a fight with her.

24 So they knew that she was a person that could do  
25 that. They tried to push her buttons and were successful to a

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1 large degree, and there's nothing that she said specifically  
2 that indicated in any way that she couldn't set aside any  
3 feelings or thoughts she had before this and just judge the  
4 evidence as it came in.

5 She also made a clear distinction between a  
6 situation where she felt she could not do that, where if it  
7 was a child of her own or somebody that she knew versus the  
8 situation in this case where it has absolutely no one that she  
9 knows or has any association with or has any feelings towards,  
10 that she could actually objectively look at the evidence and  
11 render her verdict based on that.

12 She said specifically that if the State didn't meet  
13 its burden, if that evidence didn't come in that regardless of  
14 her personal feelings even if she -- and I don't know the word  
15 she used, but it was something to the effect of even if she  
16 thought they were the worst person in the world to some extent  
17 that she would not change her position based on her personal  
18 feelings but would just rely on what was presented in the  
19 facts.

20 That's all that a juror is required to do. A juror  
21 is required to divest themselves of any personal feelings or  
22 beliefs. They have to be able to set it aside and just judge  
23 the case as it comes forward and do so objectively and apply  
24 the law that the Court has given them. There's no indication  
25 that she was going to go outside the law or do anything other

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1 than what the Court directed and that she would do anything  
2 outside of the Court and outside of the evidence here in  
3 rendering her verdict. So we don't believe that there's a  
4 for-cause challenge.

5 THE COURT: Any response?

6 MR. WRIGHT: Yes. They didn't do anything, and I  
7 don't think Mr. Santacroce set out to push her buttons. Her  
8 buttons are easy to push because she has a preconceived notion  
9 about things, like defense attorneys and doctors.

10 MR. SANTACROCE: And for the record, I wasn't  
11 setting out to press her buttons.

12 THE COURT: I didn't get that Mr. Santacroce was  
13 setting out to press her buttons either. You know, here's the  
14 thing. I think she indicated she could be fair and impartial.  
15 She can separate personal viewpoints from the evidence in this  
16 case. I mean, clearly she's a very well educated woman.

17 You know, the issue isn't whether she's a likeable  
18 person or a smart aleck person or had to prove that she was  
19 smarter than the rest of us. I think there may have been some  
20 of that going on. That, you know, that's not the issue for  
21 cause, do we like this person; is she kind of a cranky,  
22 argumentative person. That's not the issue.

23 The issue is, you know, can she be fair, and I was a  
24 little, you know, to me the best challenge would be any  
25 hostility towards defense attorneys and that side of the

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1 table. You know, I felt then she was just kind of annoyed by  
2 the process because I felt she was aggressive, had the same  
3 tone with me that she had with Mr. Santacroce. So I don't  
4 know that I really saw that as against him.

5 I think you triggered it, frankly. I don't think it  
6 was purposeful. I wasn't reading, Mr. Santacroce, that you  
7 were being purposeful in that conduct. I think once you saw  
8 it, I think then you wanted to bring it to a for-cause  
9 challenge, but I don't -- I didn't get that you set out that  
10 way. I think you may have capitalized on the tension and  
11 brought that to escalation, but I think her annoyance was  
12 manifested toward the Court as well as you.

13 Again, for cause isn't somebody who's likeable or  
14 somebody who, you know, doesn't exhibit attitude and things  
15 like that. So we all know in many cases you have a lot of  
16 people that kept on the jury that exhibit attitude.

17 So I'm going to deny that.

18 We'll go to lunch. You all can keep your stuff  
19 spread out.

20 To the media I know you've been taking notes.  
21 Obviously, you can't report, you know, the names and anything  
22 like that of prospective jurors. You can report sort of  
23 generally, you know, a couple of African-American, you know,  
24 that kind of thing or people had heard in the, you know, but  
25 not as specifics.

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1 MR. SANTACROCE: Your Honor, what happened to Mr.  
2 Bleckwehl, 143.

3 THE COURT: Mr. Bleckwehl didn't show up again  
4 today. So for the people who've not shown up for two days,  
5 we're not going to bother with them. It will just -- this  
6 doesn't pertain to you guys, but the Court will issue show-  
7 cause orders to them.

8 (Recess taken 12:33 p.m. to 1:35 p.m.)

9 THE COURT: Next up, Sylvia Cortes, Badge 367.

10 MR. STAUDAHER: No show, Your Honor.

11 MR. WRIGHT: We have her as no show.

12 THE COURT: A no show. How about Badge 356, Mike  
13 Corpuz. Is he here?

14 THE MARSHAL: Yeah, he's here.

15 THE COURT: Sir, have a seat there in the jury box,  
16 please. Good afternoon.

17 PROSPECTIVE JUROR NO. 356: Good afternoon.

18 THE COURT: I wanted to follow up on something you'd  
19 put in your jury questionnaire. You said that you were kind  
20 of concerned about serving because you work under contract  
21 with Metro and having -- being absent for six weeks would have  
22 a big impact on completing deadlines and getting your projects  
23 invoiced. Can you tell me more fully what you're concerned  
24 about in the next six weeks missing?

25 PROSPECTIVE JUROR NO. 356: Yeah, the end of the

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1 contract is in June, and we have only about two months left to  
2 complete our projects, and without me there, it's going to  
3 really hinder the process, and I don't think we would be able  
4 to finish the whole project without me.

5 THE COURT: Okay. What are you doing? What kind of  
6 a project is this you're doing for Metro?

7 PROSPECTIVE JUROR NO. 356: I work under contract  
8 under the Silver Shield program. It's a critical  
9 infrastructure program where we collect data from all the  
10 critical infrastructure in Las Vegas and Clark County like  
11 getting floor plans and emergency response plans from all,  
12 like, the casinos and the schools. So in case there's  
13 emergencies, first responders would be able to use that  
14 information to be better prepared in case something happens.

15 THE COURT: And then what do you do, put that into  
16 the computer or some kind of --

17 PROSPECTIVE JUROR NO. 356: Yeah. There's a system  
18 tool that Metro uses, and it's like a database where we put  
19 all the information that we gathered into that, and I do most  
20 of the data entry.

21 THE COURT: So you're mostly doing data entry?

22 PROSPECTIVE JUROR NO. 356: Uh-hum.

23 THE COURT: Is that yes for the record?

24 PROSPECTIVE JUROR NO. 356: Yes.

25 THE COURT: So other people go out to the different

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1 casinos and get the information and then you input it?

2 PROSPECTIVE JUROR NO. 356: Yeah, we send out a  
3 field team, and we use the information. We take pictures, and  
4 we put it into an orator presentation, and we also put it into  
5 the data base.

6 THE COURT: Okay. And how -- are you on a salary  
7 or?

8 PROSPECTIVE JUROR NO. 356: Hourly.

9 THE COURT: Hourly. And when do you normally work?

10 PROSPECTIVE JUROR NO. 356: Monday through Thursday,  
11 7 a.m. to 5 p.m.

12 THE COURT: Okay. And if you were selected to  
13 serve, you know, like you don't have any choice, what would  
14 your employer do; do you know, for your part of the job?

15 PROSPECTIVE JUROR NO. 356: I just got hired. So I  
16 don't think they would compensate me if I was gone.

17 THE COURT: Okay. Who would do the work? Would  
18 they hire somebody else, or you just don't know?

19 PROSPECTIVE JUROR NO. 356: They would probably have  
20 to outsource it to our main office in Monterey.

21 THE COURT: Okay. And how long have you been  
22 working there?

23 PROSPECTIVE JUROR NO. 356: About four months.

24 THE COURT: Okay. And in your household who -- do  
25 you live by yourself or --

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1 PROSPECTIVE JUROR NO. 356: I live with my family.  
2 THE COURT: Okay. Your parents or you have a wife  
3 and kids?  
4 PROSPECTIVE JUROR NO. 356: My parents.  
5 THE COURT: You live with your parents?  
6 PROSPECTIVE JUROR NO. 356: Yeah.  
7 THE COURT: Okay. So they kind of helping you  
8 financially?  
9 PROSPECTIVE JUROR NO. 356: Yeah.  
10 THE COURT: Did you just recently get out of school?  
11 PROSPECTIVE JUROR NO. 356: No, I graduated in 2011.  
12 THE COURT: Okay. It says you're an orator?  
13 PROSPECTIVE JUROR NO. 356: Oh, that's the company I  
14 work for, but Metro hired Orator to do the work.  
15 THE COURT: Okay. And how much do you make an hour?  
16 PROSPECTIVE JUROR NO. 356: \$24 an hour.  
17 THE COURT: 24 an hour, okay. And did you discuss  
18 with your employer that you might have to serve as a juror?  
19 PROSPECTIVE JUROR NO. 356: Yeah.  
20 THE COURT: And what did they say?  
21 PROSPECTIVE JUROR NO. 356: I didn't really discuss  
22 it with my main boss, but my boss in Las Vegas, and he doesn't  
23 think that I would get compensated if I were able -- if I had  
24 to serve.  
25 THE COURT: If you had to serve, okay. And you know

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1 they -- I can't make them compensate you, but they can't  
2 retaliate against you if you serve --

3 PROSPECTIVE JUROR NO. 356: Yeah.

4 THE COURT: -- meaning, you know, they can't take  
5 you -- fire you or anything like that, you understand?

6 PROSPECTIVE JUROR NO. 356: Uh-hum.

7 THE COURT: Okay. May I see counsel at the bench.

8 (Conference at the bench not recorded.)

9 THE COURT: That's all the questions I have for you.  
10 How do you say your name? Corpuz?

11 PROSPECTIVE JUROR NO. 356: Mike Corpuz.

12 THE COURT: Okay. The Deputy District Attorneys may  
13 have some questions for you at this point.

14 PROSPECTIVE JUROR NO. 356: All right.

15 MS. WECKERLY: May I proceed, Your Honor?

16 THE COURT: You may.

17 MS. WECKERLY: Okay. Thank you.

18 Sir, it looks like your education was in history and  
19 sociology?

20 PROSPECTIVE JUROR NO. 356: Yes.

21 MS. WECKERLY: And so what -- this seems different  
22 than what you're doing now?

23 PROSPECTIVE JUROR NO. 356: Yeah, I originally  
24 interned for UVR, Urban Environmental Research, and I did the  
25 same work that I'm doing now with them except Metro hired a

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1 different company.

2 MS. WECKERLY: I see. So at the company more?

3 PROSPECTIVE JUROR NO. 356: Yeah.

4 MS. WECKERLY: And is it, am I understanding it  
5 correctly that you'll finish this project for Metro, and then  
6 your company may have you work for another entity and do  
7 another project?

8 PROSPECTIVE JUROR NO. 356: Last I heard that  
9 Metro's going to hire us again for the next contract. It's  
10 not until the next 2014 year.

11 MS. WECKERLY: Okay. So you could be kept working  
12 for Metro developing that sort of emergency or structural  
13 plan?

14 PROSPECTIVE JUROR NO. 356: Yeah, hopefully.

15 MS. WECKERLY: Yeah, that would be great then,  
16 right. You mentioned on your questionnaire that you've had  
17 some exposure about this case in the media?

18 PROSPECTIVE JUROR NO. 356: Uh-hum.

19 MS. WECKERLY: Can you describe what you've heard  
20 about it.

21 PROSPECTIVE JUROR NO. 356: When I first heard about  
22 it I think it was, like, 2007. I heard about the -- on I  
23 think Channel 8 news that there is a hepatitis outbreak and  
24 that they were re-using needles on patients, and I think  
25 that's all I heard about it, and somebody died from it.

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1 MS. WECKERLY: And was your -- was it a story that  
2 you were kind of following closely, or do you feel like, look,  
3 I just remember it, and I don't really know the details?

4 PROSPECTIVE JUROR NO. 356: Sort of mixed both  
5 because my coworkers would always talk about it.

6 MS. WECKERLY: Your coworkers?

7 PROSPECTIVE JUROR NO. 356: Yeah, back then.

8 MS. WECKERLY: And in the, I mean, as the Judge has  
9 discussed, would you agree that sometimes the media gets the  
10 incomplete version of events or reports things even  
11 inaccurately?

12 PROSPECTIVE JUROR NO. 356: Sometimes maybe half  
13 like, yeah.

14 MS. WECKERLY: Okay. If you were selected to be a  
15 juror in this case, you would be required to set aside and not  
16 consider anything you heard in the media and evaluate the case  
17 solely on what you heard in the courtroom; would you be able  
18 to do that?

19 PROSPECTIVE JUROR NO. 356: I don't know because I  
20 have previous to this before I, you know, I was going to be on  
21 this case that I kind of did some research and read about it a  
22 lot.

23 MS. WECKERLY: Oh, you researched this actual case?

24 PROSPECTIVE JUROR NO. 356: Oh, no, I mean, like, I  
25 read about it a lot because my coworkers would talk about it,

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1 and they'd discuss it at work.

2 MS. WECKERLY: Okay. And was the research like on  
3 the Internet or?

4 PROSPECTIVE JUROR NO. 356: Internet or if I saw it  
5 on TV I would watch it, stuff like that.

6 MS. WECKERLY: Okay. And based on the fact that  
7 you've done that research, is that something you can set aside  
8 in your mind if you were to sit as a juror?

9 PROSPECTIVE JUROR NO. 356: Huh-uh.

10 MS. WECKERLY: Why is that?

11 MR. SANTACROCE: Was that a no?

12 PROSPECTIVE JUROR NO. 356: No.

13 MS. WECKERLY: Sorry. Why is that? Why can't you  
14 set that aside?

15 PROSPECTIVE JUROR NO. 356: Because I don't know  
16 from what I've read, you know, it's his business, and he's  
17 responsible for what's going on, I think. And he put a lot of  
18 people in harm.

19 MS. WECKERLY: And in this case, this is a criminal  
20 case, and there are charges that the State has alleged, and  
21 the duty of jurors is to see if the State has proven the  
22 elements of the crime, the different parts of the crimes  
23 beyond a reasonable doubt, and as you sit here now, you  
24 haven't heard any evidence, and you don't know any of the  
25 specific facts. You haven't heard from a witness. You

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1 haven't seen an exhibit. Would you, if you were a juror, be  
2 able to look at that evidence and hold us to our burden to see  
3 if we did actually did prove it beyond a reasonable doubt?

4 PROSPECTIVE JUROR NO. 356: I don't -- I don't know.

5 MS. WECKERLY: And can you explain why?

6 PROSPECTIVE JUROR NO. 356: Can you explain the  
7 question again?

8 MS. WECKERLY: Well, jurors in cases will get  
9 instructions from the Court at the end of the trial that  
10 defines what the crimes are, what our burden of proof is, and  
11 the idea being that you decide the case -- you hear all this  
12 evidence, and you decide the case according to the law that  
13 the Judge issues to you at the end of the case. Okay. And  
14 what we need are people that can decide cases based on the  
15 evidence versus their own Internet research or what they may  
16 have discussed with coworkers or heard in the media and solely  
17 based on the evidence in the courtroom. Is that something  
18 that you would be able to do?

19 PROSPECTIVE JUROR NO. 356: It would be hard because  
20 I'd always, like, think about my own biases from what I've  
21 seen before.

22 MS. WECKERLY: And what are those biases?

23 PROSPECTIVE JUROR NO. 356: I think he's  
24 responsible.

25 MS. WECKERLY: And that's based on what research

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1 that you've done or what you've heard?

2 PROSPECTIVE JUROR NO. 356: What I've heard.

3 MS. WECKERLY: And that is what? What did you hear?

4 PROSPECTIVE JUROR NO. 356: That his clinic was re-  
5 using needles and there was just all of that some people got  
6 hurt.

7 MS. WECKERLY: And where did you hear that or where  
8 did you get that information?

9 PROSPECTIVE JUROR NO. 356: The news outlets in  
10 town.

11 MS. WECKERLY: Okay. So you're telling us right now  
12 that you can't put that aside and just decide the case based  
13 on the witnesses and evidence you hear in this courtroom?

14 PROSPECTIVE JUROR NO. 356: Uh-hum. Yes.

15 MS. WECKERLY: You cannot put that aside?

16 PROSPECTIVE JUROR NO. 356: No, yes, I can't put it  
17 aside.

18 THE COURT: All right. Submitted?

19 MS. WECKERLY: Yes.

20 THE COURT: All right. Mr. Corpuz, we're going to  
21 go ahead and excuse you from this proceeding. Before I  
22 release you, however, I must admonish you. You are not to  
23 discuss anything that transpired in this courtroom with anyone  
24 else, meaning my questions, the State's questions, your  
25 answers and everything we've discussed. Do you understand

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1 that?

2 PROSPECTIVE JUROR NO. 356: Yes.

3 THE COURT: All right, sir. Thank you. Put the  
4 microphone in the chair and follow the bailiff out.

5 And next up is Mr. Celosse, Badge No. 364.

6 THE CLERK: Not here.

7 THE COURT: He's not here.

8 THE CLERK: Nor is 367 or --

9 THE COURT: Okay. How about Archuletta?

10 I'm going to need to listen to this tape they're  
11 doing because I think it must be pretty confusing.

12 374, Billotte, is he here?

13 MS. WECKERLY: It seems like they might be saying  
14 the juror number versus the badge number.

15 THE COURT: I know, and people don't know the  
16 difference.

17 Sir, just have a seat anywhere there in the jury  
18 box, please. And I just want to follow up on a few things in  
19 your questionnaire. It says here that you're concerned about  
20 serving as a juror because you just retired from the air  
21 force, and you're looking for work; is that right?

22 PROSPECTIVE JUROR NO. 374: Yes, that's correct.

23 THE COURT: And you said you're seeking  
24 opportunities out of state. Can you tell me a little more  
25 about that.

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1 PROSPECTIVE JUROR NO. 374: Just looking for job  
2 opportunities in other states. If I can get a job in New  
3 Mexico, I'll try to get to New Mexico.

4 THE COURT: Okay. Do you have any interviews set  
5 up? I know a lot of times people also do telephonic  
6 interviews.

7 PROSPECTIVE JUROR NO. 374: Not yet.

8 THE COURT: Okay. What type of work are you looking  
9 for?

10 PROSPECTIVE JUROR NO. 374: Contractor work for the  
11 government.

12 THE COURT: Okay. Based on what you did in the air  
13 force?

14 PROSPECTIVE JUROR NO. 374: Yes.

15 THE COURT: Okay. You're not the one that said if  
16 you told me what you did in the air force you'd have to kill  
17 me, are you?

18 PROSPECTIVE JUROR NO. 374: I hope I didn't say  
19 that.

20 THE COURT: It's a different one. What kind of  
21 contractor work are you doing?

22 PROSPECTIVE JUROR NO. 374: I'm in aircraft.

23 THE COURT: Okay. Is that like drones and things  
24 like that?

25 PROSPECTIVE JUROR NO. 374: If you want to call them

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1 drones.

2 THE COURT: I watch TV; what do I know. Is that  
3 what you did in the air force?

4 PROSPECTIVE JUROR NO. 374: Yes.

5 THE COURT: Okay. And they, I guess, hire  
6 independent contractors to do that type of work?

7 PROSPECTIVE JUROR NO. 374: Yes, exactly.

8 THE COURT: All right. And you're thinking, where  
9 is that, Clovis, New Mexico where they have a base or?

10 PROSPECTIVE JUROR NO. 374: More than likely  
11 Holliman. It's about by Las Cruces.

12 THE COURT: But you're looking for air force bases  
13 wherever they might be?

14 PROSPECTIVE JUROR NO. 374: Yes, I am.

15 THE COURT: Now, let me ask you this. So far you  
16 don't have anything set up. Have you had any past interviews?

17 PROSPECTIVE JUROR NO. 374: Just one or two.

18 THE COURT: Okay. And how did those interviews --  
19 first of all, where did you interview, and how did they  
20 conduct the interview, meaning did they fly you there? Did  
21 they talk to you on the telephone? How does that work?

22 PROSPECTIVE JUROR NO. 374: It was just over the  
23 phone and one was in New Mexico. It's just waiting for  
24 someone to either quit or get fired.

25 THE COURT: Okay. All right. I guess you can keep  
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1 your fingers crossed. Kind of bad to hope for that. So as  
2 long as you don't have an interview, as I understand it,  
3 you're fine to serve; it's just you don't want to be  
4 unavailable if something should come up?

5 PROSPECTIVE JUROR NO. 374: Yes, exactly. Some of  
6 the employers have said, you know, if I get a, you know, if  
7 they want to hire me it's going to happen quick. So with this  
8 court being six to eight week, you know, it could be next week  
9 or it could be who knows when.

10 THE COURT: Let me ask you this. Are you applying  
11 anywhere other than with the US Government?

12 PROSPECTIVE JUROR NO. 374: I did apply to a  
13 contractor job in Saudi Arabia.

14 THE COURT: Okay. But other than that it's  
15 primarily government type?

16 PROSPECTIVE JUROR NO. 374: Yes, ma'am.

17 THE COURT: May I see counsel at the bench.

18 (Conference at the bench not recorded.)

19 THE COURT: Sir, on the couple of interviews you've  
20 done already, were you rejected for those jobs, or are you  
21 waiting to hear back, or what's going on with that?

22 PROSPECTIVE JUROR NO. 374: I'm waiting to hear  
23 back. A lot of what's going on is with the sequestration.

24 THE COURT: Right, there's no money.

25 PROSPECTIVE JUROR NO. 374: No contractor is really

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1 hiring because they might be losing their job.

2 THE COURT: Okay. And so on the ones you've  
3 interviewed for, the New Mexico, and you said one was Saudi  
4 Arabia?

5 PROSPECTIVE JUROR NO. 374: Yes. I haven't  
6 interviewed with the one in Saudia, just applied to it.

7 THE COURT: Okay. If you get the job in New Mexico,  
8 did they tell you you'd have to report right away, or what's  
9 the situation?

10 PROSPECTIVE JUROR NO. 374: Yeah, pretty much like  
11 once someone gives two weeks' notice, they would want me in  
12 place by then.

13 THE COURT: Okay. But they don't actually have an  
14 opening right now; it's kind of waiting to see?

15 PROSPECTIVE JUROR NO. 374: Yes, just wait and see.

16 THE COURT: All right. So if somebody were to quit  
17 or retire or whatever, or get fired, get hit by a bus,  
18 whatever, then they would call you and then you would have to  
19 report in two weeks; is that the situation?

20 PROSPECTIVE JUROR NO. 374: Yes, exactly.

21 THE COURT: Okay. So right now it sounds like  
22 everything is pretty tentative?

23 PROSPECTIVE JUROR NO. 374: Yeah, exactly.

24 THE COURT: Okay. All right. Had you heard  
25 anything about this case? You said you watch the local news.

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1 Did you see anything on the local news about this case or the  
2 endoscopy clinic?

3 PROSPECTIVE JUROR NO. 374: Not recently, back  
4 probably in '08, '09, when it was really in the news, that's  
5 kind of when I was watching it.

6 THE COURT: Okay. And do you recall what you saw on  
7 the news?

8 PROSPECTIVE JUROR NO. 374: No, I don't.

9 THE COURT: Okay. Now, do you think it's a fair  
10 statement that sometimes the news media gets things -- reports  
11 things inaccurately or incompletely?

12 PROSPECTIVE JUROR NO. 374: I would agree.

13 THE COURT: Okay. If you're selected to serve as a  
14 juror and you remember hearing or seeing something in the  
15 news, would you be able to set that aside and base your  
16 verdict solely upon the evidence in the case, meaning the  
17 testimony of the witnesses from that stand and the exhibits?

18 PROSPECTIVE JUROR NO. 374: I think I would be able  
19 to.

20 THE COURT: All right. Thank you, sir. I'm going  
21 to let the State, Ms. Weckerly follow up.

22 MS. WECKERLY: How are you?

23 PROSPECTIVE JUROR NO. 374: Good. And yourself?

24 MS. WECKERLY: Good, thank you.

25 The fact that you're kind of in the midst of the job

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1 search, would that make it difficult for you to concentrate on  
2 this case, or do you think you'd be able to give us your full  
3 attention?

4 PROSPECTIVE JUROR NO. 374: I think it would be  
5 distracting, like if someone did halfway through, they said,  
6 hey, you know, do you want to come work for us, then I would  
7 have to disclose that I'm working, or, you know, during the  
8 jury trial. I don't know how an employer would view that,  
9 especially out-of-state employment. That would be kind of the  
10 hard part to determine.

11 THE COURT: Now, if --

12 I'm sorry, Ms. Weckerly.

13 MS. WECKERLY: That's okay.

14 THE COURT: If you had a telephonic interview if you  
15 tell us ahead of time, we would work to accommodate the  
16 telephonic interview meaning if you tell us I have a  
17 telephonic interview at 1 o'clock or something like that, we  
18 would take our lunch break, maybe take a little bit longer so  
19 that you could do that. Or if you needed -- you know,  
20 obviously we don't want to take off a full day for you, but,  
21 you know, if we could take an earlier recess or a longer lunch  
22 or start a little bit later in the morning, as long as you let  
23 me know, we'll work to do that for you.

24 PROSPECTIVE JUROR NO. 374: All right. And that  
25 would be ideal. It's just if they want me down there in a

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1 week or two, that's --

2 THE COURT: All right. Well, and if that were to  
3 happen, then you would need to bring that to my attention  
4 through the bailiff.

5 PROSPECTIVE JUROR NO. 374: Okay.

6 MS. WECKERLY: And with that type of accommodation,  
7 would that make it a little bit easier for you?

8 PROSPECTIVE JUROR NO. 374: I think so.

9 MS. WECKERLY: Okay. Your background seems to be  
10 very technical or scientific; is that fair?

11 PROSPECTIVE JUROR NO. 374: I guess technical.

12 MS. WECKERLY: Okay. And when you were working for  
13 the air force, you said it was as a sensor or --

14 PROSPECTIVE JUROR NO. 374: I sensor operator, like  
15 the -- controlled the cameras for the unmanned airplanes.

16 MS. WECKERLY: Okay. You're going to have to  
17 educate me. Unfortunately I don't know what all that is. And  
18 so was it like mechanical work you were doing or computerized  
19 work?

20 PROSPECTIVE JUROR NO. 374: A little bit of both.

21 MS. WECKERLY: And you still have that interest  
22 because that seems to be the type of work you're going to  
23 pursue in New Mexico or wherever?

24 PROSPECTIVE JUROR NO. 374: Yes.

25 MS. WECKERLY: And your questionnaire also indicates

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1 that you've lived sort of a number of places including  
2 overseas?

3 PROSPECTIVE JUROR NO. 374: Yes, that's true.

4 MS. WECKERLY: Do you like all that, the moving  
5 around and new places?

6 PROSPECTIVE JUROR NO. 374: Yeah, it's not bad.

7 MS. WECKERLY: Okay. And you're, I assume, willing  
8 to go to Saudi Arabia if you're going to --

9 PROSPECTIVE JUROR NO. 374: Yeah, if the, you know,  
10 if the contract is right.

11 MS. WECKERLY: And is it work driven or just you  
12 like the travel and the different places?

13 PROSPECTIVE JUROR NO. 374: Pretty much that's kind  
14 of both.

15 MS. WECKERLY: Kind of both, okay. You discussed  
16 with the Judge you -- sounds like you heard a little bit about  
17 this case, but it's not in the forefront of your mind?

18 PROSPECTIVE JUROR NO. 374: Yeah, exactly.

19 MS. WECKERLY: And so I would assume that you'd be  
20 able to decide this case based on what you hear in the  
21 courtroom versus what you might have heard a few years ago?

22 PROSPECTIVE JUROR NO. 374: Yes.

23 MS. WECKERLY: If you hear all the evidence in this  
24 case and believe in your mind that we have proven this case  
25 beyond a reasonable doubt as to both defendants, would it be

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1 difficult at all for you to come in and say that they are  
2 guilty?

3 PROSPECTIVE JUROR NO. 374: No, I don't.

4 MS. WECKERLY: No problems or religious,  
5 philosophical issues with judging?

6 PROSPECTIVE JUROR NO. 374: No.

7 MS. WECKERLY: Okay. And the flip side of that  
8 being if you go back in the deliberation room and say, you  
9 know what, they really -- they just didn't do it. They didn't  
10 prove it. Would you have any trouble coming back and saying  
11 they're not guilty?

12 PROSPECTIVE JUROR NO. 374: I wouldn't have a  
13 problem with that either.

14 MS. WECKERLY: Do you consider yourself a fair  
15 person?

16 PROSPECTIVE JUROR NO. 374: Yes, I do.

17 MS. WECKERLY: And it sounds like you're probably  
18 pretty analytical, detail oriented?

19 PROSPECTIVE JUROR NO. 374: I don't know --

20 MS. WECKERLY: You don't know about that, okay.  
21 Well tell me how you'd describe yourself.

22 PROSPECTIVE JUROR NO. 374: Put me on the spot.

23 THE COURT: I don't know if we want an unmanned  
24 aircraft operator who's not detail oriented.

25 MS. WECKERLY: What do you say in the job

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1 interviews?

2 THE COURT: Really, I'm not detail oriented, kind  
3 of, you know, wherever it goes.

4 PROSPECTIVE JUROR NO. 374: Okay. Okay.

5 MS. WECKERLY: Well, you checked on our boxes here  
6 that your are technical. So that's true. I guess maybe I'm  
7 blurring the distinction between the two. And are you pretty  
8 detail oriented?

9 PROSPECTIVE JUROR NO. 374: Yeah, I guess so.

10 MS. WECKERLY: Okay. And are you someone who, you  
11 know, likes to hear a whole bunch of information before making  
12 a decision?

13 PROSPECTIVE JUROR NO. 374: Yeah, I guess a little  
14 bit, or yeah, get more information.

15 MS. WECKERLY: Do you think you'd make a good juror?

16 PROSPECTIVE JUROR NO. 374: I think I would be okay  
17 at it.

18 MS. WECKERLY: Okay. Well, what do you think is  
19 good about you that would make you a good juror?

20 PROSPECTIVE JUROR NO. 374: I think I would listen  
21 to the facts and not be skewed by, you know, personal feelings  
22 about, you know, what I have heard in the past. I don't  
23 remember it all. Granted, it might come back, you know, like,  
24 oh, like, you know, just sitting in the courtroom earlier when  
25 they started talking about the case, that's when it kind of

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1 goes, oh, yeah, this was -- that was that long ago, you know,  
2 because you hear about it on the news and then six months  
3 later you hear it again or something.

4 MS. WECKERLY: But you -- you can make that  
5 distinction that, yeah, that was the news and that's what I  
6 heard, but I need to focus on what I hear now?

7 PROSPECTIVE JUROR NO. 374: Yeah, I think so.

8 MS. WECKERLY: Thank you very much, sir.

9 Your Honor, the State will pass for cause.

10 THE COURT: All right. Thank you.

11 Who would like to go first for the defense? Mr.  
12 Santacroce.

13 MR. SANTACROCE: Thank you, Your Honor.

14 Good afternoon.

15 PROSPECTIVE JUROR NO. 374: How you doing?

16 MR. SANTACROCE: Good. Thanks.

17 You were born in State College, PA?

18 PROSPECTIVE JUROR NO. 374: Yes, that's true.

19 MR. SANTACROCE: Did you go to Penn State?

20 PROSPECTIVE JUROR NO. 374: I wish I did.

21 MR. SANTACROCE: Okay.

22 PROSPECTIVE JUROR NO. 374: No, my parents move to  
23 south Arizona when I was a kid.

24 MR. SANTACROCE: Okay. So you -- how old were you  
25 when you left State College?

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1 PROSPECTIVE JUROR NO. 374: About 9.

2 MR. SANTACROCE: About 9. Do you follow State -- I  
3 mean, Penn State football?

4 PROSPECTIVE JUROR NO. 374: Yeah, I do.

5 MR. SANTACROCE: Are you a fan?

6 PROSPECTIVE JUROR NO. 374: Yes.

7 MR. SANTACROCE: Tell me how you felt about how Joe  
8 Paterno was treated after the scandal.

9 PROSPECTIVE JUROR NO. 374: I do think he got a raw  
10 deal.

11 MR. SANTACROCE: So you're opposed to them pulling  
12 down his statue and all that?

13 PROSPECTIVE JUROR NO. 374: Yes. He did so much for  
14 the school, and then just to turn it off like that, like, you  
15 know, erase his memory.

16 MR. SANTACROCE: In the air force you retired as an  
17 E7, master sergeant?

18 PROSPECTIVE JUROR NO. 374: Yes, that's true.

19 MR. SANTACROCE: And in the air force you had some,  
20 I guess, supervisor skills, right, or you were in charge of a  
21 lot of men?

22 PROSPECTIVE JUROR NO. 374: Yes.

23 MR. SANTACROCE: You're obviously familiar with the  
24 USM J?

25 PROSPECTIVE JUROR NO. 374: Yes.

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1 MR. SANTACROCE: Did you ever have occasion to sit  
2 on any of those panels and --

3 PROSPECTIVE JUROR NO. 374: No, I didn't.

4 MR. SANTACROCE: Any of the men that you were under,  
5 were they ever disciplined?

6 PROSPECTIVE JUROR NO. 374: Not severely.

7 MR. SANTACROCE: Not to the extent that it would  
8 require a full court martial, right?

9 PROSPECTIVE JUROR NO. 374: Yes, that's true.

10 MR. SANTACROCE: So did you ever participate in any  
11 of the judicial processes of the military?

12 PROSPECTIVE JUROR NO. 374: Not to the -- to that  
13 level, like, court-martial type levels.

14 MR. SANTACROCE: Do you understand that our system  
15 of justice in here today is a bit different than that,  
16 correct?

17 PROSPECTIVE JUROR NO. 374: Yes, I do.

18 MR. SANTACROCE: And you understand that as the  
19 defense we don't have to do or say or prove anything?

20 PROSPECTIVE JUROR NO. 374: Yes.

21 MR. SANTACROCE: And proof is all on the burden of  
22 the State, correct?

23 PROSPECTIVE JUROR NO. 374: Yes.

24 MR. SANTACROCE: And that burden never changes  
25 during the trial; do you understand that?

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1 PROSPECTIVE JUROR NO. 374: Yes.  
2 MR. SANTACROCE: And you're willing to hold the  
3 State to that burden?  
4 PROSPECTIVE JUROR NO. 374: Yes.  
5 MR. SANTACROCE: I don't think I have any further  
6 questions.  
7 THE COURT: Pass for cause?  
8 MR. SANTACROCE: Can I -- I will, I mean --  
9 THE COURT: That's fine.  
10 Ms. Stanish, will it be you questioning or --  
11 MS. STANISH: Court's indulgence.  
12 Mr. Billotte?  
13 PROSPECTIVE JUROR NO. 374: Billotte.  
14 MS. STANISH: Billotte?  
15 PROSPECTIVE JUROR NO. 374: Yes.  
16 MS. STANISH: Just tagging on what was asked of you.  
17 Were you a first sergeant at --  
18 PROSPECTIVE JUROR NO. 374: No, I wasn't.  
19 MS. STANISH: And were you involved in any  
20 administrative actions against members?  
21 PROSPECTIVE JUROR NO. 374: Yes, I have been  
22 involved in administrative actions.  
23 MS. STANISH: Any involving dereliction of duty?  
24 PROSPECTIVE JUROR NO. 374: No.  
25 MS. STANISH: And general speaking can you tell us

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1 what kind of actions you were involved in.

2 PROSPECTIVE JUROR NO. 374: More for just PT  
3 failures, having to discharge people for not maintaining the  
4 standards.

5 MS. STANISH: They don't have that in the civilian  
6 world.

7 PROSPECTIVE JUROR NO. 374: I know.

8 MS. STANISH: I assume you're entitled to VA  
9 benefits?

10 PROSPECTIVE JUROR NO. 374: Yes, I am.

11 MS. STANISH: And you read about this case in the  
12 press, I understand, or watched it on TV?

13 PROSPECTIVE JUROR NO. 374: Yes.

14 MS. STANISH: By the way, have you heard anything  
15 recently about this case?

16 PROSPECTIVE JUROR NO. 374: No, I haven't.

17 MS. STANISH: As someone who's entitled to VA  
18 benefits, had you read any stories about the various outbreaks  
19 at VA facilities?

20 PROSPECTIVE JUROR NO. 374: I don't recall.

21 MS. STANISH: Have you had any negative experiences  
22 or anybody close to you has had any negative experiences with  
23 people who are in the medical profession?

24 PROSPECTIVE JUROR NO. 374: No.

25 MS. STANISH: Pass for cause, Your Honor.

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1 THE COURT: All right.

2 MR. SANTACROCE: I will likewise.

3 THE COURT: All right. Thank you.

4 Mr. -- how do you say it, Billotte?

5 PROSPECTIVE JUROR NO. 374: Billotte.

6 THE COURT: Billotte. We're trying to make it fancy  
7 here. I'm going to go ahead and excuse you for the day. You  
8 may be selected as a juror. So leave a phone number with  
9 Kenny if you haven't already done so where you can be reached.  
10 You are still under the admonition not to discuss the case,  
11 read, watch, listen to any reports of or commentaries on the  
12 case, anything relating to the case, not to form or express an  
13 opinion on the case.

14 Additionally, you are not to discuss what has  
15 transpired in the courtroom with anyone else, meaning my  
16 questions, the questions from the lawyers, your answers and so  
17 forth. Do you understand?

18 PROSPECTIVE JUROR NO. 374: Yes, I do.

19 THE COURT: Additionally, because of your somewhat  
20 unique situation, if you do receive an offer of employment, my  
21 bailiff will give you his card, you're to contact us and  
22 disclose that, and then of course we would require some kind  
23 of proof of that. Okay?

24 PROSPECTIVE JUROR NO. 374: Okay. All right.

25 THE COURT: Thank you, sir. You are excused.

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1 PROSPECTIVE JUROR NO. 374: You're welcome. Have a  
2 good day.

3 THE COURT: And next up is Mr. Hargett, Badge 378.

4 For right now this one is in the pile of people that  
5 will go on the list. If he calls like within the next two  
6 days and he got a job, then that means we'll have to qualify  
7 one more. But for right now, I don't anticipate that, but why  
8 pick him and then have him say, oh, I got this job. It  
9 doesn't sound like anybody's really hiring right now.

10 MR. STAUDAHER: I think the sequester has really  
11 shut that down.

12 THE COURT: Mr. Hargett, go ahead and have a seat  
13 there, please, in the jury box. Good afternoon, sir. And it  
14 says here you haven't heard anything about this case at all?

15 PROSPECTIVE JUROR NO. 378: No.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 378: Unfortunately. I work  
18 at 4 in the morning; the paper hasn't been printed yet, and  
19 I'm living in Maryland. So I really have no idea.

20 THE COURT: So no idea. Do you watch the local  
21 news, or do you like to watch, like, CNN --

22 PROSPECTIVE JUROR NO. 378: I don't have cable, Red  
23 Box. I really have no idea.

24 THE COURT: All right. When you say unfortunately,  
25 why is that?

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1 PROSPECTIVE JUROR NO. 378: I've got a two-year old  
2 kid I'd rather be playing with.

3 THE COURT: Okay. Well, some people who've seen --  
4 all these people you've seen streaming out all day, we're just  
5 excusing people when they're done -- when we're done  
6 questioning them. They're not being excused from possible  
7 jury service. So they're in the pool of people who may be  
8 chosen.

9 I don't have any questions for you, but the State  
10 may have some questions they'd like to ask.

11 MR. STAUDAHER: Just a few. You noted on your jury  
12 questionnaire that your occupation was an on-time performance  
13 safety security person.

14 PROSPECTIVE JUROR NO. 378: I work for the bus  
15 station right behind this -- one block behind this.

16 MR. STAUDAHER: So what do you do for them?

17 PROSPECTIVE JUROR NO. 378: Customer service, make  
18 sure the drivers are on time.

19 MR. STAUDAHER: So do you have people that work  
20 underneath you, or do you have --

21 PROSPECTIVE JUROR NO. 378: We've got a thousand  
22 employees. There's 40 of us to try keep an eye on them.

23 MR. STAUDAHER: So you're a supervisor then?

24 PROSPECTIVE JUROR NO. 378: Yes.

25 MR. STAUDAHER: I assume you have somebody that is  
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1 your immediate supervisor as well?

2 PROSPECTIVE JUROR NO. 378: Yes, sir.

3 MR. STAUDAHER: How hands on are they with you?

4 PROSPECTIVE JUROR NO. 378: Not very.

5 MR. STAUDAHER: So you can operate pretty much  
6 independently then?

7 PROSPECTIVE JUROR NO. 378: Yeah, correct.

8 MR. STAUDAHER: What about the people below you, are  
9 you pretty much in direct contact with them, or do they  
10 independently do their thing too?

11 PROSPECTIVE JUROR NO. 378: They, I mean, we're in  
12 direct contact. They come through several times a day and  
13 check in to make sure they're doing what they're supposed to  
14 be doing.

15 MR. STAUDAHER: Is it a fairly relaxed atmosphere at  
16 work or how does that --

17 PROSPECTIVE JUROR NO. 378: In my case, yes, some of  
18 them need to relax a little more.

19 MR. STAUDAHER: You had said that you, at least on  
20 your questionnaire, that you had a degree, and Associate's  
21 Degree or just --

22 PROSPECTIVE JUROR NO. 378: Associate's degree.

23 MR. STAUDAHER: And that was in liberal studies?

24 PROSPECTIVE JUROR NO. 378: Correct.

25 MR. STAUDAHER: What was the area of liberal

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1 studies, just general?

2 PROSPECTIVE JUROR NO. 378: Business, business  
3 electives mostly.

4 MR. STAUDAHER: And as far as your work history,  
5 besides working at the transportation place, where have you  
6 worked before?

7 PROSPECTIVE JUROR NO. 378: 16 years at UPS in  
8 transportation.

9 MR. STAUDAHER: So the same general kinds of things?

10 PROSPECTIVE JUROR NO. 378: Pretty much, yes.

11 MR. STAUDAHER: Now, when you were at UPS before and  
12 you worked there for all that time, the same questions about  
13 supervisor or being supervised?

14 PROSPECTIVE JUROR NO. 378: I was a supervisor for a  
15 couple of years, and then I went back to the driver side. I  
16 ended up leading the safety committee, shop steward for ten  
17 years, stuff like that.

18 MR. STAUDAHER: When you say safety committee, are  
19 we talking about proper ways to lift boxes and handle things  
20 or what is that?

21 PROSPECTIVE JUROR NO. 378: Investigate accidents,  
22 injuries, making sure everything is up to compliance, stuff  
23 like that.

24 MR. STAUDAHER: So you followed the regulations and  
25 applied those rules and so forth?

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1 PROSPECTIVE JUROR NO. 378: Sure.

2 MR. STAUDAHER: When you did your investigations,  
3 were you pretty, I mean, detailed in what you were doing when  
4 you went there and really tried to find out what was going on?

5 PROSPECTIVE JUROR NO. 378: It was their guidelines,  
6 you know, you go by what they want.

7 MR. STAUDAHER: Is this -- we're talking about like  
8 the OSHA guidelines?

9 PROSPECTIVE JUROR NO. 378: Correct, and UPS had  
10 their own, some were stronger.

11 MR. STAUDAHER: There was an answer to one of your  
12 questions and I just want to task you about it 'cause it was,  
13 and it's not meant to a down thing to you, but on question 41  
14 it was asked about, you know, do you think that sometimes  
15 mistakes are made that it's nobody's fault, something to that.  
16 Do you recall that question?

17 PROSPECTIVE JUROR NO. 378: No.

18 MR. STAUDAHER: Your answer was, Shit happens.

19 PROSPECTIVE JUROR NO. 378: It does.

20 MR. STAUDAHER: And I know that it happens, but why  
21 did you answer in that particular way?

22 PROSPECTIVE JUROR NO. 378: I mean, it's a question  
23 and an answer, it just does, yeah. Sometimes things happen  
24 that are in your control.

25 MR. STAUDAHER: You said you have a child or

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1 children?

2 PROSPECTIVE JUROR NO. 378: Correct.

3 MR. STAUDAHER: And how many children do you have?

4 PROSPECTIVE JUROR NO. 378: Two.

5 MR. STAUDAHER: What are their ages?

6 PROSPECTIVE JUROR NO. 378: 17 and 2.

7 MR. STAUDAHER: So the 17 year old, do you play with  
8 the 17 year old still?

9 PROSPECTIVE JUROR NO. 378: Not as much. The 2 year  
10 old needs more guidance, and the age disparity answer to  
11 question 41.

12 THE COURT: Okay. My question I'm sitting here,  
13 same mother or different mothers?

14 PROSPECTIVE JUROR NO. 378: Two different mothers.

15 THE COURT: Two different mothers?

16 PROSPECTIVE JUROR NO. 378: Yeah, and they're not  
17 the same ex-wives.

18 MR. STAUDAHER: At the end of this case, obviously,  
19 you know, we're just looking for people that can come in and  
20 be fair and impartial. Would you consider yourself to be one  
21 of those people?

22 PROSPECTIVE JUROR NO. 378: Yeah.

23 MR. STAUDAHER: You know, regardless of whatever  
24 there's -- I know you have no connection to the news or I  
25 don't know, have you ever talked to anybody about this case at

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1 all? Has it ever come up?

2 PROSPECTIVE JUROR NO. 378: Not really. It doesn't  
3 mean anything.

4 MR. STAUDAHER: At the end of the day, you know that  
5 there's going to be evidence presented in this case, and if  
6 you were a prospective juror or a juror rather than on the  
7 panel that you'd be evaluating evidence, evidence that factual  
8 information that came in in the form of exhibits or testimony  
9 or whatever it was, the Judge at the end is going to give the  
10 law to the jury, and then the jury's job is to apply the facts  
11 to the law to see if the State's met its burden. Do you  
12 understand that?

13 PROSPECTIVE JUROR NO. 378: Uh-huh.

14 MR. STAUDAHER: The State in this case has the  
15 entire burden, meaning that we have to prove each crime, the  
16 essential elements, the parts of each crime beyond a  
17 reasonable doubt in your mind. At the end of the trial if we  
18 were able to do that in your mind, could you come back with a  
19 guilty verdict to those charges?

20 PROSPECTIVE JUROR NO. 378: Yeah, it is what it is.  
21 Whatever it turns out to be is what it is.

22 MR. STAUDAHER: My point is can you -- if we -- if  
23 in your mind at the end of the trial after hearing all the  
24 evidence and getting the law and so forth, you believe the  
25 State had met its burden beyond a reasonable doubt to those

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1 charges and those elements of those charges, could you come  
2 back with a guilty verdict?

3 PROSPECTIVE JUROR NO. 378: Yeah.

4 MR. STAUDAHER: Adversely, if we didn't -- if you  
5 felt that we hadn't done that, could you come back with a not  
6 guilty?

7 PROSPECTIVE JUROR NO. 378: Sure.

8 MR. STAUDAHER: Do you have any philosophical,  
9 religious or other issue or reason why that might be difficult  
10 for you to do?

11 PROSPECTIVE JUROR NO. 378: None whatsoever.

12 MR. STAUDAHER: Do you feel like you could give us  
13 your attention and just listen to the evidence and make your  
14 decision based on only what you hear in this courtroom?

15 PROSPECTIVE JUROR NO. 378: Yeah.

16 MR. STAUDAHER: Pass for cause, Your Honor.

17 THE COURT: Thank you.

18 Who would like to go first for the defense. Ms.  
19 Stanish.

20 MS. STANISH: Thank you, Your Honor.

21 Mr. Hargett, can you give me a little bit more  
22 detail, please on what your job currently entails.

23 PROSPECTIVE JUROR NO. 378: It's a transit  
24 supervisor for the bus company.

25 MS. STANISH: What is that? What do you do day by

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1 day?

2 PROSPECTIVE JUROR NO. 378: Buses coming in, buses  
3 coming out, 164 buses an hour, making sure people get off  
4 happy, get on happy, anything that happens in the middle you  
5 deal with it as fast as you can.

6 MS. STANISH: All right. I wasn't clear on this  
7 comment on your or description in your questionnaire you say  
8 that your duties are Enforce policies and procedures. Can --

9 PROSPECTIVE JUROR NO. 378: CBI for the union, I  
10 mean, there's a hundred pages of what you can do and can't do,  
11 and how you chalk your wheel, I mean, you name it.

12 MS. STANISH: So in addition to dealing with the  
13 passengers, getting them in and out, you also are involved in  
14 some kind of inspection capacity like bus safety?

15 PROSPECTIVE JUROR NO. 378: Correct. I mean, you're  
16 not supposed to be parked too far away from the curb because  
17 you don't want somebody to step in the hole, and there's a lot  
18 of it.

19 MS. STANISH: All right. Have you had any negative  
20 experience with any medical providers?

21 PROSPECTIVE JUROR NO. 378: No. The bills are too  
22 high.

23 MS. STANISH: Shit happens.

24 PROSPECTIVE JUROR NO. 378: Exactly. I got a  
25 helicopter ride; they took me to the wrong place and charged

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1 me 36 grand. Chalk that up. That was negative.

2 MS. STANISH: When did that happen?

3 PROSPECTIVE JUROR NO. 378: March of last year.

4 MS. STANISH: In connection with a medical?

5 PROSPECTIVE JUROR NO. 378: It was a car accident.

6 MS. STANISH: Oh, wow. Do you have any -- is there  
7 any issues that are going to come up for you in the next oh,  
8 six to eight weeks of while you're serving on this jury that  
9 we haven't already discussed?

10 PROSPECTIVE JUROR NO. 378: No.

11 MS. STANISH: Okay. You are relaxed. All right.

12 PROSPECTIVE JUROR NO. 378: It's past my bedtime.

13 THE COURT: So you're just tired.

14 PROSPECTIVE JUROR NO. 378: I get up at 3 a.m.

15 MS. STANISH: All right. Pass for cause, Your  
16 Honor.

17 THE COURT: All right. Thank you.

18 Mr. Santacroce.

19 MR. SANTACROCE: Thank you, Your Honor.

20 Good afternoon, Mr. Hargett. Sounds like they've  
21 asked you everything that needs to be asked.

22 PROSPECTIVE JUROR NO. 378: I'm sure you've got  
23 something.

24 MR. SANTACROCE: I'm just going to take a couple  
25 minutes to try to get know you a little bit better, that's

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1 all. When did you come to Las Vegas?

2 PROSPECTIVE JUROR NO. 378: 2009, fall.

3 MR. SANTACROCE: Do you like it?

4 PROSPECTIVE JUROR NO. 378: It's all right.

5 MR. SANTACROCE: You're from Maryland, right?

6 PROSPECTIVE JUROR NO. 378: Very.

7 MR. SANTACROCE: Do you miss the seasons?

8 PROSPECTIVE JUROR NO. 378: Yeah, a little bit.

9 MR. SANTACROCE: What do you like to do for fun?

10 PROSPECTIVE JUROR NO. 378: I don't really have any

11 fun anymore. I work five days a week and take care of my kid,

12 that overlaps a couple days, and my days off are with him. So

13 that's fun, but that's about it.

14 MR. SANTACROCE: You said you have no hobbies, don't

15 play golf or --

16 PROSPECTIVE JUROR NO. 378: Playground, stuff like

17 that, swing sets.

18 MR. SANTACROCE: On your questionnaire you

19 mentioned, it asked if you've ever been hurt in such a way

20 that kept you from working at your job for a long period of

21 time. You said, yes, for two years.

22 PROSPECTIVE JUROR NO. 378: Yeah.

23 MR. SANTACROCE: What happened there?

24 PROSPECTIVE JUROR NO. 378: I have a overhead door

25 fall down on me at UPS. I've had four back surgeries, 32

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1 pieces of titanium. I was not released from the doctor to go  
2 back to work so now I work for the bus station.

3 MR. SANTACROCE: So were you on worker's comp during  
4 that time period?

5 PROSPECTIVE JUROR NO. 378: I was.

6 MR. SANTACROCE: Was that in Maryland or --

7 PROSPECTIVE JUROR NO. 378: It was in Maryland.

8 MR. SANTACROCE: So that back -- tell me about your  
9 back condition now. Are you --

10 PROSPECTIVE JUROR NO. 378: Fine, couple of aspirin  
11 here and there.

12 MR. SANTACROCE: Are you able to sit here for eight  
13 hours a day for the next two months?

14 PROSPECTIVE JUROR NO. 378: Easier than standing on  
15 concrete for 12 hours a day.

16 MR. SANTACROCE: And the job you have with the bus  
17 company, you said you make sure everybody's happy when they  
18 get off. So what do you do, greet people as they come off the  
19 bus, ask them how their experience was, things like that?

20 PROSPECTIVE JUROR NO. 378: Not necessarily. I  
21 mean, there's so much happening at one time and you're just  
22 trying to keep your eyes on maybe who's unhappy, what's late,  
23 what's not late. If something's 12 minutes late, odds are the  
24 people are going to be unhappy on that bus. The one that's on  
25 time, we let it go because obviously we're going to have a

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1 problem with the one that's 12 minutes late.

2 MR. SANTACROCE: So you're actually on the road in a  
3 vehicle and --

4 PROSPECTIVE JUROR NO. 378: No, I'm in the  
5 terminals.

6 MR. SANTACROCE: Oh, you're in the terminals. So  
7 are you the one down here?

8 PROSPECTIVE JUROR NO. 378: Yes.

9 MR. SANTACROCE: On Bonneville.

10 PROSPECTIVE JUROR NO. 378: And I've been watching  
11 them out the window.

12 MR. SANTACROCE: So you've got to keep an eye on  
13 things while you're here. I wonder if you get paid for that.  
14 Do you get paid?

15 PROSPECTIVE JUROR NO. 378: Yeah, I'm paid. That's  
16 not a problem.

17 MR. SANTACROCE: So if you serve on jury duty you  
18 get compensated?

19 PROSPECTIVE JUROR NO. 378: Correct.

20 MR. SANTACROCE: Okay. Have you ever served on a  
21 jury before?

22 PROSPECTIVE JUROR NO. 378: Nope.

23 MR. SANTACROCE: Do you want to serve on the jury?

24 PROSPECTIVE JUROR NO. 378: It doesn't matter either  
25 way.

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1 MR. SANTACROCE: Do you have any feelings about the  
2 fact that Dr. Desai and Mr. Lakeman are sitting in court  
3 today? Do you feel like possibly they wouldn't be here if  
4 they didn't do anything wrong?

5 PROSPECTIVE JUROR NO. 378: I didn't even expect to  
6 see two people. I thought it was one. It really doesn't make  
7 any difference.

8 MR. SANTACROCE: So you adhere to the principle that  
9 you presume innocent until proven guilty?

10 PROSPECTIVE JUROR NO. 378: Absolutely.

11 MR. SANTACROCE: I don't think I have any other  
12 questions, Your Honor.

13 THE COURT: All right.

14 MR. SANTACROCE: Pass for cause.

15 THE COURT: All right. Thank you.

16 Mr. Hargett, in a moment I'm going to excuse you,  
17 but you may be selected as a juror in this case. For that  
18 reason you must make sure that our bailiff, Kenny, has a good  
19 phone number for you where you can be reached. You must be  
20 available, you know, when we're done with the process, if  
21 you're called and told to report, you must report at that  
22 time. For this reason, the admonition about discussing the  
23 case, reading, watching, listening to any reports of or  
24 commentaries on the case, person or subject matter relating to  
25 the case and forming or expressing an opinion on the trial is

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1 still in effect.

2           Additionally, you are admonished that you are not to  
3 discuss anything that has transpired in the courtroom with  
4 anyone else. By that I mean my questions, the lawyers'  
5 questions, your answers and our discussion. Do you understand  
6 that?

7           PROSPECTIVE JUROR NO. 378: Absolutely.

8           THE COURT: All right, sir. Thank you. Place the  
9 microphone in the chair and you are excused until you hear  
10 back from us.

11           Next up is Benedict Blige, No. 384.

12           Sir, if you'd have a seat, please, in the jury box.  
13 Good afternoon, sir. Where are you from originally?

14           PROSPECTIVE JUROR NO. 384: From Poland.

15           THE COURT: From Poland, okay. And how long have  
16 you been in the United States?

17           PROSPECTIVE JUROR NO. 384: Around 20 years, I don't  
18 remember exactly.

19           THE COURT: You don't. Did you come here to Las  
20 Vegas originally or someplace else?

21           PROSPECTIVE JUROR NO. 384: One month in Chicago,  
22 but I hated it so I come here.

23           THE COURT: Oh, was it the weather?

24           PROSPECTIVE JUROR NO. 384: Town.

25           THE COURT: The town?

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1 PROSPECTIVE JUROR NO. 384: Yes.

2 THE COURT: Did you take English in Poland, or did  
3 you learn to speak English here in the United States?

4 PROSPECTIVE JUROR NO. 384: Believe it or not, I was  
5 coming I didn't speak. I didn't understand. I was scared to  
6 pick up the phone.

7 THE COURT: Okay. Did you take classes to learn  
8 English, or was it kind of just something you picked up along  
9 the way?

10 PROSPECTIVE JUROR NO. 384: Not because I'm not  
11 lazy, but I didn't took classes because I have a family I have  
12 to support. I was working, working, working.

13 THE COURT: Are you retired now, or are you still  
14 working?

15 PROSPECTIVE JUROR NO. 384: Yes, I'm retired right  
16 now and working part time.

17 THE COURT: You're an electrician?

18 PROSPECTIVE JUROR NO. 384: Yes, I am.

19 THE COURT: Okay. And it says here you haven't  
20 heard or seen anything about this case; is that true?

21 PROSPECTIVE JUROR NO. 384: I heard this morning a  
22 little bit, but I didn't pay any attention.

23 THE COURT: On the radio you heard or on the TV?

24 PROSPECTIVE JUROR NO. 384: Never listen to radio  
25 just the music.

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1 THE COURT: Okay. So where did you hear about this  
2 case?

3 PROSPECTIVE JUROR NO. 384: Like I say, I was not  
4 paying any attention, probably there would be some time, I  
5 don't know.

6 THE COURT: Was it on TV or was it --

7 PROSPECTIVE JUROR NO. 384: TV, ABC.

8 THE COURT: Okay. Do you remember what you heard?

9 PROSPECTIVE JUROR NO. 384: Not really, I'm sorry.

10 THE COURT: Okay. Now, if you're selected as a  
11 juror and you remember something you may have heard, can you  
12 set that aside and just base your verdict on the evidence in  
13 the case? Do you understand what I mean?

14 PROSPECTIVE JUROR NO. 384: Not hundred percent, I'm  
15 sorry.

16 THE COURT: Okay. You understand that a verdict in  
17 a case has to be based on evidence, and that's the testimony  
18 coming from the witness stand and the exhibits. Do you  
19 understand that?

20 PROSPECTIVE JUROR NO. 384: Sure. I understand. Of  
21 course.

22 THE COURT: So if you hear something in the media or  
23 you remember in the past you heard something in the media, can  
24 you put that out of your head and only base your verdict on  
25 the evidence that's presented during the trial?

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1           PROSPECTIVE JUROR NO. 384: My experience and my  
2 age, whatever they say in the media I don't trust.

3           THE COURT: All right. So is the answer yes that  
4 you would base it just on the evidence in the case?

5           PROSPECTIVE JUROR NO. 384: Yes.

6           THE COURT: Okay. Do you think you would be a good  
7 juror?

8           PROSPECTIVE JUROR NO. 384: That's a tough question  
9 because, you know, I was born in west side in Poland which is  
10 very close to Germany, and my father was military base and so  
11 like this. So everything is black or white, good and bad. So  
12 I am not so sure I would be a good juror. I'm shamed to say  
13 something, I understand everything, but my language is not  
14 fluently.

15          THE COURT: Okay. I mean, let's talk about the  
16 language. Have you -- do you understand everything I'm saying  
17 to you, or are you hearing words that maybe you're not that  
18 familiar with?

19          PROSPECTIVE JUROR NO. 384: I understand them, I  
20 think.

21          THE COURT: Okay. And you communicate well. Would  
22 you, if you're a juror, you know, we want people who'll go in  
23 the back and express their viewpoints and discuss it with the  
24 other jurors, will you do that? Or will you feel like my  
25 English isn't as strong as the English of these other people,

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1 I mean, I don't want you to let that hold you back if you're a  
2 juror. Do you understand?

3 PROSPECTIVE JUROR NO. 384: Yes, I understand.

4 THE COURT: Would you be the kind of person who'll  
5 go back there and argue your points and engage in the  
6 discussion of the evidence?

7 PROSPECTIVE JUROR NO. 384: Discussion is very hard  
8 because, you know, if you want to argue with somebody, then  
9 you have to feel strong in your language. I cannot -- hard to  
10 say it. You know, sometimes like in the job site I was very  
11 good to company, absolutely, but sometimes because my language  
12 the people is thinking I'm not -- my brain is simple.

13 THE COURT: Like you're not as smart as you are  
14 because --

15 PROSPECTIVE JUROR NO. 384: Exactly. Exactly.

16 THE COURT: -- this isn't your native language.

17 PROSPECTIVE JUROR NO. 384: Exactly.

18 THE COURT: And it's obviously a very different  
19 language from Polish.

20 I'll see counsel up here.

21 (Conference at the bench not recorded.)

22 THE COURT: Sir, since you're concerned about your  
23 language, we're going to go ahead and excuse you. But before  
24 I do, I have to admonish you. You're not to discuss anything  
25 that's transpired with anybody else, meaning my questions and

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1 your answers and our discussion. Do you understand, sir?

2 PROSPECTIVE JUROR NO. 384: I understand.

3 THE COURT: Thank you. The bailiff will show you  
4 from the courtroom.

5 Next up is 386, Xavier Figueroa.

6 Good afternoon.

7 PROSPECTIVE JUROR NO. 386: Good afternoon.

8 THE COURT: It says here you haven't heard anything  
9 about this case at all in the media?

10 PROSPECTIVE JUROR NO. 386: Not really.

11 THE COURT: Do you watch the news at all on TV?

12 PROSPECTIVE JUROR NO. 386: Not really. I have --  
13 I've been doing other things.

14 THE COURT: You have better things to do?

15 PROSPECTIVE JUROR NO. 386: Yeah, kinda.

16 THE COURT: And it says you're a cashier at Wal-  
17 Mart?

18 PROSPECTIVE JUROR NO. 386: Correct.

19 THE COURT: What shift do you work?

20 PROSPECTIVE JUROR NO. 386: I work from 3:30 to  
21 12:30.

22 THE COURT: At night?

23 PROSPECTIVE JUROR NO. 386: Yeah, or I work from  
24 8:30 to 5:30 p.m. in the morning.

25 THE COURT: And you've been doing that for two

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1 years?

2 PROSPECTIVE JUROR NO. 386: Uh-hum.

3 THE COURT: Is that yes for the record?

4 PROSPECTIVE JUROR NO. 386: Correct, it's yes.

5 THE COURT: And what did you do before becoming a  
6 cashier at Wal-Mart?

7 PROSPECTIVE JUROR NO. 386: Well, I worked at  
8 Smoothie King. I was making smoothies.

9 THE COURT: A smoothie maker?

10 PROSPECTIVE JUROR NO. 386: Yeah.

11 THE COURT: All right. And will Wal-Mart pay you if  
12 you're here as a juror?

13 PROSPECTIVE JUROR NO. 386: I believe so.

14 THE COURT: Okay. That's a good corporate citizen.

15 Ms. Weckerly for the State may ask you some  
16 questions now.

17 MS. WECKERLY: How are you?

18 PROSPECTIVE JUROR NO. 386: Good. How are you?

19 MS. WECKERLY: Good. You have a new baby daughter,  
20 right, 15 months old?

21 PROSPECTIVE JUROR NO. 386: Correct.

22 MS. WECKERLY: And you're not -- I mean, are you  
23 involved in her child care when you're working, or how do you  
24 guys work that out?

25 PROSPECTIVE JUROR NO. 386: Well, when I'm at work

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1 and she's at work, my mom watches her.

2 MS. WECKERLY: Okay. So you have help from parents?

3 PROSPECTIVE JUROR NO. 386: Correct.

4 MS. WECKERLY: When you started working at Wal-Mart,  
5 did you go through any kind of training before you --

6 PROSPECTIVE JUROR NO. 386: Well, we had a it's  
7 called a global management learning system, and you have to do  
8 like CVLs on the computer. It's like a little training a  
9 little bit.

10 MS. WECKERLY: CVL?

11 PROSPECTIVE JUROR NO. 386: It's Global Management  
12 Learning.

13 MS. WECKERLY: Okay. So how to learn their system?

14 PROSPECTIVE JUROR NO. 386: Yeah, how to run the  
15 registers and stuff like that.

16 MS. WECKERLY: Okay. And how about as a cashier, do  
17 you ever deal with annoyed customers?

18 PROSPECTIVE JUROR NO. 386: Oh, all the time. All  
19 the time.

20 MS. WECKERLY: Okay. Now, you seem pretty  
21 easygoing. Are you pretty good at dealing with them?

22 PROSPECTIVE JUROR NO. 386: Yeah, you just have to  
23 deal with the, you know, they pay your paycheck. So you just  
24 got to go with it.

25 MS. WECKERLY: Okay. So you're able to stay calm

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1 when they're not?

2 PROSPECTIVE JUROR NO. 386: Uh-hum.

3 MS. WECKERLY: Is that yes?

4 PROSPECTIVE JUROR NO. 386: Correct.

5 MS. WECKERLY: And I maybe misunderstood what shift  
6 you normally work. Is it like in the afternoon at 3:30?

7 PROSPECTIVE JUROR NO. 386: Well, it varies  
8 depending on when they need me.

9 MS. WECKERLY: Okay. And what's average or what's  
10 typical?

11 PROSPECTIVE JUROR NO. 386: Well, for the past,  
12 like, couple of months I've been working in the morning,  
13 morning shift.

14 MS. WECKERLY: Okay. Like morning to me means 8  
15 o'clock.

16 PROSPECTIVE JUROR NO. 386: Like 7 a.m. to 4 p.m.

17 MS. WECKERLY: Okay. So I mean, you could maybe  
18 even pick up -- do you work Monday through Friday or you could  
19 pick up different shifts?

20 PROSPECTIVE JUROR NO. 386: It varies. It just  
21 depends when they need me.

22 MS. WECKERLY: Okay. But it sounds like they're  
23 pretty flexible if you're called to be a juror?

24 PROSPECTIVE JUROR NO. 386: Correct.

25 MS. WECKERLY: Okay. If -- this case is a criminal

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1 case; you understand that I'm sure?

2 PROSPECTIVE JUROR NO. 386: (No audible response.)

3 MS. WECKERLY: Is that correct?

4 PROSPECTIVE JUROR NO. 386: Correct.

5 MS. WECKERLY: I keep saying that because we're  
6 making a record.

7 PROSPECTIVE JUROR NO. 386: Yeah.

8 MS. WECKERLY: So sorry about that.

9 THE COURT: Yeah, we can't take down if somebody  
10 nods their head or says uh-huh --

11 PROSPECTIVE JUROR NO. 386: Sorry about that.

12 THE COURT: Everybody does it, but that's why we  
13 make you say yes or no because it's on the record.

14 MS. WECKERLY: Yeah, we're making a recording.

15 Anyway, this is a criminal case, and we want jurors  
16 who are able to make a decision based on the evidence that  
17 they hear presented during this trial. Would you be able to  
18 do that?

19 PROSPECTIVE JUROR NO. 386: Certainly.

20 MS. WECKERLY: And if you hear all the evidence and  
21 listen to the Judge's instructions that she's going to give  
22 you at the end of the case, if you hear all that listen to all  
23 that, and believe that we have proven these two defendants  
24 guilty beyond a reasonable doubt, would you be able to come in  
25 and say they're guilty?

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1 PROSPECTIVE JUROR NO. 386: I would be able to make  
2 a firm judgment.

3 MS. WECKERLY: And some people have either religious  
4 or almost kind of philosophical hesitations, or they're just  
5 uncomfortable judging other people for all sorts of reasons,  
6 are you in that category, or are you someone that's able to  
7 make that type of decision?

8 PROSPECTIVE JUROR NO. 386: I'm able to make that  
9 type of decision based on the evidence.

10 MS. WECKERLY: Okay. And it's, I mean, I'm sure,  
11 you know, it's not everybody's favorite thing to do, but it's  
12 something that if called upon you could do?

13 PROSPECTIVE JUROR NO. 386: Correct.

14 MS. WECKERLY: The other thing I observed about you  
15 is you look very young to me, and if you were on the panel,  
16 you may be one of the younger members sitting with your fellow  
17 jurors. If you in the deliberation room, would that cause you  
18 either, you know, to be more concerned or maybe not articulate  
19 your opinion because you're quite a bit younger?

20 PROSPECTIVE JUROR NO. 386: I don't think I would  
21 base my judgment off of my age.

22 MS. WECKERLY: But would you be able to speak up and  
23 share your opinion?

24 PROSPECTIVE JUROR NO. 386: Correct.

25 MS. WECKERLY: Okay. The flip side of a criminal

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1 case is if you go back in the deliberation room and you think,  
2 you know what, they just -- they didn't prove the case. Would  
3 you be able to come back and say they're not guilty?

4 PROSPECTIVE JUROR NO. 386: Sure. Correct.

5 MS. WECKERLY: Okay. Can you be fair to both sides?

6 PROSPECTIVE JUROR NO. 386: Correct.

7 MS. WECKERLY: And you can give us your full  
8 attention?

9 PROSPECTIVE JUROR NO. 386: Uh-huh. Yes, I can.

10 MS. WECKERLY: Okay. Great. Thank you, sir.

11 We'll pass for cause, Your Honor.

12 THE COURT: All right. No. No. We're not done.  
13 The other side also has the opportunity to ask you some  
14 questions.

15 And, Ms. Stanish, would you like to go first?

16 MS. STANISH: Thank you, Your Honor.

17 Mr. Figueroa, is that how you --

18 PROSPECTIVE JUROR NO. 386: Yes, ma'am, Figueroa.

19 MS. STANISH: Figueroa. You've heard the concept  
20 that everyone is presumed to be innocent until proven --

21 PROSPECTIVE JUROR NO. 386: Until proven guilty.

22 MS. STANISH: What are your thoughts on that?

23 PROSPECTIVE JUROR NO. 386: I think everybody should  
24 have the right to a fair trial, and I feel that you shouldn't  
25 make the judgment until you have all the evidence together.

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1 MS. STANISH: And in your -- you or anybody that's  
2 close to you had any negative experience with anyone in the  
3 medical profession?  
4 PROSPECTIVE JUROR NO. 386: No, ma'am.  
5 MS. STANISH: Pass for cause, Your Honor.  
6 THE COURT: Thank you. Mr. Santacroce.  
7 MR. SANTACROCE: Thank you.  
8 Good afternoon, Mr. Figueroa.  
9 PROSPECTIVE JUROR NO. 386: Yes, sir.  
10 MR. SANTACROCE: How you feeling?  
11 PROSPECTIVE JUROR NO. 386: Fine, how are you?  
12 MR. SANTACROCE: Good, thanks. I just have a couple  
13 questions for you. You were born in Ft. Smith, Virginia, is  
14 that correct?  
15 PROSPECTIVE JUROR NO. 386: Correct, sir.  
16 MR. SANTACROCE: When did you come out here to Las  
17 Vegas?  
18 PROSPECTIVE JUROR NO. 386: I've been out here since  
19 about 9 years old, 8 or 9.  
20 MR. SANTACROCE: So you went to school here?  
21 PROSPECTIVE JUROR NO. 386: Uh-hum.  
22 MR. SANTACROCE: What high school did you go to?  
23 PROSPECTIVE JUROR NO. 386: Shadow Ridge.  
24 MR. SANTACROCE: And did you play any sports or do  
25 anything in sports?

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1 PROSPECTIVE JUROR NO. 386: I played baseball.  
2 MR. SANTACROCE: What position did you play?  
3 PROSPECTIVE JUROR NO. 386: First base.  
4 MR. SANTACROCE: And you're employed by Wal-Mart?  
5 PROSPECTIVE JUROR NO. 386: Correct.  
6 MR. SANTACROCE: How long you been there?  
7 PROSPECTIVE JUROR NO. 386: About two years, May  
8 27<sup>th</sup>.  
9 MR. SANTACROCE: You're currently residing with your  
10 parents or relatives?  
11 PROSPECTIVE JUROR NO. 386: Correct, sir.  
12 MR. SANTACROCE: And you have a 15-month-old  
13 daughter?  
14 PROSPECTIVE JUROR NO. 386: Yes, sir.  
15 MR. SANTACROCE: Have you been exposed or had any  
16 experience with the criminal justice system before?  
17 PROSPECTIVE JUROR NO. 386: No, sir.  
18 MR. SANTACROCE: But you understand our system of  
19 justice, correct?  
20 PROSPECTIVE JUROR NO. 386: Yes, sir.  
21 MR. SANTACROCE: And both Ms. Weckerly and Ms.  
22 Stanish asked you some questions about the presumption of  
23 innocence, and you understand that?  
24 PROSPECTIVE JUROR NO. 386: Yes, sir.  
25 MR. SANTACROCE: You understand that the defense is

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1 not obligated to do anything in this trial? We can sit on our  
2 hands and drink water and not have to do anything. We're not  
3 required to prove anything; do you understand that?

4 PROSPECTIVE JUROR NO. 386: Yes, sir.

5 MR. SANTACROCE: And you understand that the burden  
6 of proving each man guilty beyond a reasonable doubt of each  
7 count charged rests on the State; do you understand that?

8 PROSPECTIVE JUROR NO. 386: Yes, sir.

9 MR. SANTACROCE: And that burden never changes  
10 during the trial. We're not required to prove anything.

11 PROSPECTIVE JUROR NO. 386: Correct, sir.

12 MR. SANTACROCE: Do you agree with that system?

13 PROSPECTIVE JUROR NO. 386: I think the system  
14 works, sir.

15 MR. SANTACROCE: And as you sit here today and you  
16 look at these two individuals, do you think because they're  
17 here being charged that they must have done something wrong?

18 PROSPECTIVE JUROR NO. 386: No, sir.

19 MR. SANTACROCE: And you'll be fair and impartial to  
20 them?

21 PROSPECTIVE JUROR NO. 386: Correct, sir.

22 MR. SANTACROCE: Okay. If you were sitting in that  
23 chair, you would want someone like you being in the jury?

24 PROSPECTIVE JUROR NO. 386: Yes, sir.

25 MR. SANTACROCE: Very good. Thank you, sir.

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1 I'll pass him for cause.

2 THE COURT: All right. Thank you.

3 Mr. Figueroa, in a moment I'm about to excuse you  
4 for today. You don't have to sit around while we question all  
5 of the other prospective jurors. However, you may be selected  
6 as a juror in this case.

7 PROSPECTIVE JUROR NO. 386: Okay.

8 THE COURT: So we need to make sure that Officer  
9 Hawkes here has a good phone number for you where you can be  
10 reached, and we'll contact you probably sometime next week.  
11 And if you are selected as a juror, then you must report when  
12 we tell you to to begin your service. Do you understand?

13 PROSPECTIVE JUROR NO. 386: Yes, ma'am.

14 THE COURT: Okay. Because you may be selected as a  
15 juror, the admonition about discussing the case, reading,  
16 watching, listening to any reports of or commentaries on the  
17 case, person or subject matter relating to the case, and  
18 forming or expressing an opinion is still in effect. Do you  
19 understand?

20 PROSPECTIVE JUROR NO. 386: Yes, ma'am.

21 THE COURT: Okay. Also, you are advised that you  
22 are not to discuss anything that's transpired in the courtroom  
23 with anyone else. What that means is my questions, the  
24 lawyers questions, your answers and our discussion in here  
25 today. Do you understand?

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1 PROSPECTIVE JUROR NO. 386: Yes, ma'am.

2 THE COURT: All right, sir, thank you. You're free  
3 to leave for the afternoon.

4 PROSPECTIVE JUROR NO. 386: All right. Thank you.  
5 Have a great day.

6 THE COURT: And we'll be contacting you. Thank you.

7 Next up, Badge 397, McIntosh.

8 Now, this next guy says he has vacation plans from  
9 July 4<sup>th</sup> through the 13<sup>th</sup>. There's no way this is going to go  
10 till July 4<sup>th</sup>, is it?

11 MR. STAUDAHER: I don't anticipate that being the  
12 case.

13 THE COURT: Sir, come on in and have a seat there in  
14 the jury box, please. I just wanted to follow up on some of  
15 your answers. You indicated that you're concerned about  
16 serving because you work in finance for the Clark County  
17 School District, and you're busy with the legislative session.  
18 Is that correct?

19 PROSPECTIVE JUROR NO. 397: Yes.

20 THE COURT: Okay. And are you in charge of finance,  
21 or are you not, I guess, not in charge?

22 PROSPECTIVE JUROR NO. 397: The CFO is in charge of  
23 finance. I am the deputy chief financial officer.

24 THE COURT: So you're one under the top guy?

25 PROSPECTIVE JUROR NO. 397: That's correct.

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1           THE COURT: Okay. And what is it about this time of  
2 year that makes it more difficult for you to serve as opposed  
3 to, you know, a different time of the year? What is it about  
4 the fact that the legislature is in session, I guess, for the  
5 next couple of weeks till June 3<sup>rd</sup>?

6           PROSPECTIVE JUROR NO. 397: Well, I -- the  
7 legislature determines the amount of money that the district  
8 is going to receive. Our job is to provide fiscal notes or  
9 information on any bills that are presented.

10          THE COURT: That could impact the school district?

11          PROSPECTIVE JUROR NO. 397: That's correct, yes.

12          THE COURT: Okay. And I'm assuming for a lot of the  
13 bill proposals that was already done?

14          PROSPECTIVE JUROR NO. 397: Actually, yes. Yes.

15          THE COURT: Okay. So that's been done. And then do  
16 you provide testimony in front of the legislature, or is that  
17 something that's maybe more often handled by your boss, or is  
18 it more just disclosing the fiscal impact to the school  
19 district of a particular legislation?

20          PROSPECTIVE JUROR NO. 397: I have provided  
21 testimony in front of the legislature before; normally, it  
22 would be the chief financial officer that they will ask to  
23 provide any sort of testimony.

24          THE COURT: Okay. And then as I said, I believe the  
25 legislature ends June 3<sup>rd</sup>?

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1 PROSPECTIVE JUROR NO. 397: Yes.

2 THE COURT: So by June 3<sup>rd</sup>, all of your obligations  
3 should pretty much be concluded; is that correct? Obligations  
4 relating to fiscal impact and other things --

5 PROSPECTIVE JUROR NO. 397: Yeah, the issue at that  
6 point becomes what amount of money did the Clark County School  
7 District receive, and then we will probably have to prepare an  
8 augmented budget to account for the new funding.

9 THE COURT: Right, because if you didn't get enough  
10 money you have to figure out where you're going to cut, that  
11 kind of thing?

12 PROSPECTIVE JUROR NO. 397: Right. We're hoping it  
13 goes the other way, yes.

14 THE COURT: Oh, normally you get too much money?

15 PROSPECTIVE JUROR NO. 397: No. No. Well, we've  
16 had to cut it in the past. We're hoping this time -- it's not  
17 about having to cut, it's about how much extra the legislature  
18 will provide the district.

19 THE COURT: You know, it's interesting because the  
20 media just left, and I'm sure they would have loved to hear  
21 that. They can't comment though on anybody's answers as I'm  
22 sure you know.

23 Now, it says also here that your wife is an  
24 attorney?

25 PROSPECTIVE JUROR NO. 397: She is.

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1 THE COURT: And her name is?  
2 PROSPECTIVE JUROR NO. 397: Carrie Bourdeau.  
3 THE COURT: And she works where?  
4 PROSPECTIVE JUROR NO. 397: She works for the school  
5 district also.  
6 THE COURT: Okay. And does she, I mean, does she do  
7 contracts for the school district or civil litigation; what  
8 does she do?  
9 PROSPECTIVE JUROR NO. 397: She does all sorts of  
10 things for the school district. I think she's mainly working  
11 in employment law though, I mean, handling cases involving  
12 district employees.  
13 THE COURT: All right. How long has she been a  
14 lawyer?  
15 PROSPECTIVE JUROR NO. 397: She's been a lawyer  
16 probably for about 16 years.  
17 THE COURT: Okay. Has she ever worked as a criminal  
18 defense attorney?  
19 PROSPECTIVE JUROR NO. 397: No.  
20 THE COURT: What about as a prosecutor or city  
21 attorney, AG, DA, anything like that?  
22 PROSPECTIVE JUROR NO. 397: No.  
23 THE COURT: Never?  
24 PROSPECTIVE JUROR NO. 397: No.  
25 THE COURT: Okay. And then I also want to follow

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1 up. It says here that you have been exposed to information  
2 through local television and the newspaper, and let's start  
3 with the newspaper. Are you a regular reader of the Review  
4 Journal?

5 PROSPECTIVE JUROR NO. 397: I am online. I don't  
6 receive the newspaper in hard copy.

7 THE COURT: Okay. And have you been following this  
8 story or reading articles sort of here and there or can you  
9 tell me --

10 PROSPECTIVE JUROR NO. 397: I have not been  
11 following the story, but I have read articles here and there.

12 THE COURT: Okay. And what about the local  
13 television; is there a particular news station that you like  
14 to watch?

15 PROSPECTIVE JUROR NO. 397: I don't have one in  
16 particular that I watch. I catch the local news as I can.

17 THE COURT: Okay. And then have you heard something  
18 recently about the case, or in the past, or have you continued  
19 to heard things over time, or tell me about that?

20 PROSPECTIVE JUROR NO. 397: The most recent thing I  
21 had heard about the case was the suit against Health Plan of  
22 Nevada, the award for \$500 million.

23 THE COURT: Okay. What else do you recall hearing  
24 in the news, the local news about this matter or the whole  
25 situation?

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1 PROSPECTIVE JUROR NO. 397: Just in general?

2 THE COURT: Right.

3 PROSPECTIVE JUROR NO. 397: What do I know about it  
4 or?

5 THE COURT: Yeah, what have you learned or heard?

6 PROSPECTIVE JUROR NO. 397: I guess what I have  
7 heard is that Dr. Desai's clinics was -- my understanding is  
8 they were re-using medical devices or medicine in some way,  
9 and the medicine that was meant to have one-time use. That's  
10 my understanding of it.

11 THE COURT: Okay. And that's based on news  
12 accounts?

13 PROSPECTIVE JUROR NO. 397: Yes.

14 THE COURT: Okay. And then it says here I have a  
15 negative opinion of Dipak Desai. I am aware that he is not  
16 denying that he re-used medical devices that have one-time  
17 use. Where did you get that idea?

18 PROSPECTIVE JUROR NO. 397: I -- you know what, I  
19 don't know.

20 THE COURT: Okay. That's just the impression you  
21 have?

22 PROSPECTIVE JUROR NO. 397: I suppose that is just  
23 an impression I have. I have not heard any sort of -- I guess  
24 I have not read any sort of defense from Dr. Desai or read an  
25 account of his defense that he's denying that that happened.

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1 THE COURT: Okay. So based on that you just -- you  
2 concluded he wasn't denying it?

3 PROSPECTIVE JUROR NO. 397: Well, my -- I do have an  
4 understanding that there was a lawsuit against the medical  
5 companies regarding the size or the amount of the device and  
6 that there was a sense because of its size or amount that it  
7 could be re-used.

8 THE COURT: Okay. Now, you understand, and it seems  
9 that you do, that the only cases that have gone to trial are  
10 both civil cases, not against Dr. Desai or Mr. Lakeman, civil  
11 trials as you said against the pharmaceutical company, and  
12 then you also mentioned the HMO?

13 PROSPECTIVE JUROR NO. 397: Yes.

14 THE COURT: So you understand those are totally  
15 different and unrelated events to this?

16 PROSPECTIVE JUROR NO. 397: Yes. Yes.

17 THE COURT: Okay. Now, do you think that it's a  
18 fair statement that often the media reports things either  
19 incompletely or inaccurately altogether?

20 PROSPECTIVE JUROR NO. 397: Working for the Clark  
21 County School District, I would give you an emphatic yes on  
22 that.

23 THE COURT: Okay. If you're selected to serve as a  
24 juror, can you set aside anything you may remember hearing or  
25 seeing in the media and base your verdict solely upon the

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1 evidence in the trial; that means the testimony under oath  
2 from the witness stand and the exhibits that are admitted into  
3 evidence?

4 PROSPECTIVE JUROR NO. 397: I think I could.

5 THE COURT: Okay. Let me ask you this. Your wife  
6 being a lawyer this case, you know, or related cases being in  
7 the news, have you discussed any of this with your wife?

8 PROSPECTIVE JUROR NO. 397: I have not.

9 THE COURT: Okay. How about when you filled out  
10 your questionnaire, did you go home and tell her, hey, I  
11 filled out this questionnaire and --

12 PROSPECTIVE JUROR NO. 397: I told her that I  
13 thought it was a big case is what I told her. She told me not  
14 to tell her anything else.

15 THE COURT: Okay. Good. And what about with any of  
16 her or your social friends who may be attorneys you haven't  
17 talked about this at all?

18 PROSPECTIVE JUROR NO. 397: No.

19 THE COURT: And now with respect to preparing  
20 financial information for the legislature, it sounds like the  
21 bulk of that has already been done; is that fair?

22 PROSPECTIVE JUROR NO. 397: I think that's fair,  
23 yes.

24 THE COURT: Okay. If there is additional work to be  
25 done, is it the kind of thing you could work on the weekends

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1 or maybe in the morning before we start?

2 PROSPECTIVE JUROR NO. 397: I suppose -- you know,  
3 it's a lot. So I don't know if that's possible or not.

4 THE COURT: Okay. Are there any bills right now  
5 that have made it through committee that you know are still  
6 pending, that you think, well, this is something we still have  
7 to work on?

8 PROSPECTIVE JUROR NO. 397: There are several,  
9 especially regarding school district funding. So there's a  
10 full-day kindergarten bill, there's social promotion bills.  
11 There's class-size reduction bills. The distributor school  
12 account budget which is the mechanism for funding school  
13 districts has not been determined yet. They are still  
14 hearings scheduled for those items.

15 THE COURT: Okay. And just one final thing on that.  
16 You've seen everybody who's come in already and been  
17 questioned; they're all excused. We're not making the  
18 potential jurors sit around and wait while we question other  
19 potential jurors. So if you're kept in the panel, you would  
20 be excused, allowed to go back to work until the trial  
21 actually starts. I don't know that might help you with  
22 getting some of that work done.

23 PROSPECTIVE JUROR NO. 397: Okay.

24 THE COURT: Of course once the trial starts, then  
25 you would have to be here Monday through Friday, you know,

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1 typically between 9 and 5, 10 and 5, something like that.

2 PROSPECTIVE JUROR NO. 397: Okay.

3 THE COURT: All right. State, you may follow up  
4 with any questions you may have for Mr. McIntosh.

5 MS. WECKERLY: How are you, sir?

6 PROSPECTIVE JUROR NO. 397: I'm good, thank you.

7 MS. WECKERLY: Your work prior to working for the  
8 school district, it looks like it was in accounting?

9 PROSPECTIVE JUROR NO. 397: Yes.

10 MS. WECKERLY: And obviously you're good with  
11 numbers then and details, that sort of thing, right?

12 PROSPECTIVE JUROR NO. 397: Sure.

13 MS. WECKERLY: When you go up to the legislature and  
14 maybe give information for the school district, is -- is it  
15 based on reports that you yourself compiled or statistics that  
16 you would have reviewed and present to the legislators to make  
17 a decision?

18 PROSPECTIVE JUROR NO. 397: Yes. In the times I've  
19 had to testify generally, it's been regarding cuts that have  
20 been made to the school district, and so, yes, the information  
21 I put together sure.

22 MS. WECKERLY: And when you gather that information,  
23 is it all the schools in Clark County sort of are reporting  
24 data to you or to the district?

25 PROSPECTIVE JUROR NO. 397: Yes. We have an

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1 accounting system where we gather all the financial  
2 information for the schools.

3 MS. WECKERLY: And your wife you said is working  
4 primarily in employment law for the school?

5 PROSPECTIVE JUROR NO. 397: She handles all sorts of  
6 cases for the school district, yes.

7 MS. WECKERLY: Your brother-in-law you said works in  
8 the pharmaceutical industry?

9 PROSPECTIVE JUROR NO. 397: Correct.

10 MS. WECKERLY: What does -- what does he do there?

11 PROSPECTIVE JUROR NO. 397: He is a pharmaceutical  
12 salesman for Johnson and Johnson.

13 MS. WECKERLY: Because you have sort of that  
14 connection with someone in the pharmaceutical industry, do you  
15 think that would affect your ability to be fair sort of  
16 knowing generally about the lawsuits that have occurred in  
17 this case?

18 PROSPECTIVE JUROR NO. 397: It could, yes. I've  
19 talked to him about this case before, and I understand his  
20 opinion of it.

21 MS. WECKERLY: So he shared his opinion from, I  
22 guess, from the perspective of someone who's employed in  
23 pharmaceutical?

24 PROSPECTIVE JUROR NO. 397: Yes.

25 THE COURT: Are you talking about the -- just sort  
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1 of the situation generally or more specifically the case  
2 involving the lawsuit against the drug companies?

3 PROSPECTIVE JUROR NO. 397: I don't know any  
4 specifics and so just in general.

5 MS. WECKERLY: And, I mean, your brother-in-law, you  
6 know, certainly he would have his perspective. You'll be  
7 instructed by the Judge in this case that you're to make a  
8 decision obviously on what you hear in this courtroom and the  
9 evidence and the witnesses. Would you be able to disregard  
10 that and follow the Judge's instruction?

11 PROSPECTIVE JUROR NO. 397: Yes.

12 MS. WECKERLY: Okay. If you feel at the end of this  
13 case that we have proven their guilt as to the charges beyond  
14 a reasonable doubt, would you have any trouble coming back  
15 with a guilty verdict?

16 PROSPECTIVE JUROR NO. 397: No.

17 MS. WECKERLY: Any religious or philosophical  
18 hesitation about judging someone or participating in a  
19 criminal case?

20 PROSPECTIVE JUROR NO. 397: No.

21 MS. WECKERLY: The flip side of that being if we  
22 don't prove it, would you be able to come in and say not  
23 guilty?

24 PROSPECTIVE JUROR NO. 397: Yes.

25 MS. WECKERLY: Thank you, sir.

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1           We'll pass for cause, Your Honor.

2           THE COURT: All right. Thank you.

3           Ms. Stanish, would you like to go first?

4           MS. STANISH: Good afternoon, Mr. McIntosh.

5           PROSPECTIVE JUROR NO. 397: Good afternoon.

6           MS. STANISH: I appreciate your candor disclosing

7 the fact that you have a negative opinion of Dr. Desai. Of

8 course I want to explore that with you in some detail. I

9 understand that you pretty much rely on the Internet news to

10 get your stories?

11          PROSPECTIVE JUROR NO. 397: Yes.

12          MS. STANISH: In this particular matter, did you get

13 your information from the Internet news?

14          PROSPECTIVE JUROR NO. 397: Yes, probably.

15          MS. STANISH: And you know how sometimes the news

16 has all kinds of little fancy links that will put you into,

17 oh, you could see a prosecutor on TV, or you could download a

18 report. Did you use any of those extra features on the

19 Internet, if you recall, in connection with this case?

20          PROSPECTIVE JUROR NO. 397: No.

21          MS. STANISH: And the conversation you had with your

22 brother-in-law who's a pharmacist, could you tell us what you

23 learned from him about this case.

24          PROSPECTIVE JUROR NO. 397: One, he's a

25 pharmaceutical salesman; he's not a pharmacist. Two, he just

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1 has a general, I would say, negative opinion of Dr. Desai as  
2 well.

3 THE COURT: Is that based on any personal contact  
4 that he's told you about, or is that just based on him reading  
5 the news accounts the same as you, if you know?

6 PROSPECTIVE JUROR NO. 397: I think it's very much  
7 that we will watch the news sometimes, and he'll just say, you  
8 know, make a comment about the case.

9 THE COURT: Now, a pharmaceutical sales rep, he is  
10 one of those guys that goes around with the briefcase to  
11 doctors' offices --

12 PROSPECTIVE JUROR NO. 397: Yes.

13 THE COURT: -- giving out samples and delaying all  
14 of our appointments?

15 PROSPECTIVE JUROR NO. 397: Right. Yes.

16 MS. STANISH: Get free pads. Did your brother-in-  
17 law work for any of the companies that were involved in the  
18 litigation that you know of?

19 PROSPECTIVE JUROR NO. 397: I don't think he did,  
20 but I don't know what companies were involved.

21 MS. STANISH: Why is it that you wrote that you have  
22 a negative opinion of Dr. Desai?

23 PROSPECTIVE JUROR NO. 397: I guess my sense of it,  
24 I guess I can't tell you something I can put my finger on  
25 exactly. This is not a case I have followed. This is not

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1 something I look for in the news. My general sense of what I  
2 have read and seen on the Internet, my just general common  
3 sense is that what I understand of the case -- and I have to  
4 tell you it's very limited -- I do not have specifics about  
5 the case, it appears to me that someone in Dr. Desai's  
6 position would have understood many of the things that he  
7 would have been expected to understand or know about the  
8 medicine he was delivering.

9 And so what it seems clear to me of the, I guess the  
10 piece I really understand which is about re-using these  
11 devices with the medicine it seems to me that's something a  
12 doctor would know better.

13 MS. STANISH: Is there -- as you -- you heard this  
14 morning a description of the charges that are lodged against  
15 Dr. Desai as well as Mr. Lakeman here, does the fact that  
16 these two men are under indictment, do you have any thoughts  
17 about that?

18 PROSPECTIVE JUROR NO. 397: Does it change the way I  
19 think about them?

20 MS. STANISH: Yes.

21 PROSPECTIVE JUROR NO. 397: Well, yes, I think it  
22 would the fact that they're under indictment would make me  
23 think that they're -- what's the saying, where there's smoke  
24 there's fire. I don't know what --

25 MS. STANISH: Well, I -- that's what I wanted to

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1 know if the mere fact that they're under indictment has any  
2 significance to you?

3 PROSPECTIVE JUROR NO. 397: It would for me simply  
4 because, like I said, I don't have a lot of details about the  
5 case. I know it takes some fact finding in order to be  
6 indicted and so.

7 MS. STANISH: And does the fact that they're under  
8 indictment contribute to your opinion of Dr. Desai and Mr.  
9 Lakeman as you sit here now?

10 PROSPECTIVE JUROR NO. 397: It may. I don't know  
11 Mr. Lakeman, and I'm not familiar with Mr. Lakeman, and I  
12 wasn't familiar with the name before I filled out the  
13 questionnaire.

14 MS. STANISH: Aside from your brother-in-law, did  
15 you discuss this case with anybody else?

16 PROSPECTIVE JUROR NO. 397: Just general family  
17 members I think when it first came out.

18 MS. STANISH: And can you explain to us what you  
19 recall about those conversations.

20 PROSPECTIVE JUROR NO. 397: I vaguely remember  
21 having a conversation with my father about it. He's older;  
22 he's had similar tests to this one but did not go to that  
23 clinic. I know my wife's family they were talking about it as  
24 well, talking about people they knew who had gone to this  
25 clinic.

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1 MS. STANISH: So your wife knew people that had gone  
2 to the clinic?

3 PROSPECTIVE JUROR NO. 397: My wife's parents, and I  
4 just remember a general discussion. Everybody was sort of  
5 having this discussion as to whether they knew somebody  
6 associated with having gone to this clinic and whether they  
7 had to go be tested.

8 MS. STANISH: So just so I'm clear, you're in-laws  
9 went to the clinic?

10 PROSPECTIVE JUROR NO. My in-laws I believe knew  
11 somebody at the time that had gone to the clinic. All I  
12 remember is when this story broke everybody was very -- a lot  
13 of discussion when this case came up and just conversation was  
14 about whether you knew somebody who had gone to this clinic in  
15 particular and the issue of going back and getting tested for  
16 hepatitis.

17 MS. STANISH: And your wife is a lawyer. Did you  
18 have any discussions with her about the case?

19 PROSPECTIVE JUROR NO. 397: No.

20 MS. STANISH: And do you have any dealings with the  
21 Clark County District Attorney's office from the civil side?

22 PROSPECTIVE JUROR NO. 397: Any dealings with them?

23 MS. STANISH: Yeah, in your professional capacity,  
24 do you have --

25 PROSPECTIVE JUROR NO. 397: Only when we had

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1 employee issues in our office.

2 MS. STANISH: And do you know who you would work  
3 with in the office?

4 PROSPECTIVE JUROR NO. 397: I don't. I've had to  
5 testify in a case before, a civil case, regarding a teacher  
6 about an issue with an employer in our office; I've worked  
7 with two assistant Das in Clark County to do that.

8 MS. STANISH: Have you or anybody close to you have  
9 any -- experienced anything negative with the medical  
10 profession?

11 PROSPECTIVE JUROR NO. 397: No.

12 MS. STANISH: What kind of law does your wife  
13 practice?

14 PROSPECTIVE JUROR NO. 397: Mainly employment law.  
15 She works for the school district so she handles all sorts of  
16 cases, contracts, employment law.

17 MS. STANISH: I have no further questions, Your  
18 Honor.

19 MR. WRIGHT: Can I ask one, please?

20 THE COURT: Sure.

21 MR. WRIGHT: We all feel we're indispensable at our  
22 jobs; you could do this for the next six weeks -- I mean, I  
23 saw that same look like, I can't believe this is happening. I  
24 mean, tell me, what is it going to do, like, to the school  
25 district or what you really have on your plate?

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1           PROSPECTIVE JUROR NO. 397: One of my jobs is  
2 preparing the budget for the district. I'm responsible for  
3 the budget department. We will probably end up preparing an  
4 augmented budget once the legislative session ends. Can that  
5 be done without me? Yes, I have a very dedicated staff. We  
6 have a chief financial officer that's still there at the  
7 school district. I do have two professional developments.  
8 I'm supposed to be traveling next month and in June, and I do  
9 have a vacation I had scheduled on July 4<sup>th</sup>.

10           THE COURT: We saw that. We anticipate being done  
11 before that.

12           PROSPECTIVE JUROR NO. 397: Okay.

13           THE COURT: I mean, the question is, you know,  
14 obviously we don't want September whatever to roll around and,  
15 you know, there be no budget in place. Realistically, you  
16 know, the legislature is over June 3<sup>rd</sup>. You're going to know  
17 what funds are available. You know, when is this budget due,  
18 and, you know, it sounds like it's a bit of a group effort.  
19 Is that fair?

20           PROSPECTIVE JUROR NO. 397: Correct. I mean, we  
21 have 30 days after the end of the legislature in order to  
22 prepare an augmented budget.

23           THE COURT: So you only have 30 days to do it?

24           PROSPECTIVE JUROR NO. 397: Right.

25           THE COURT: And then, I guess, where does the budget

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1 go from there? Once you prepare the augmented budget -- I'm  
2 not familiar with that -- then what happens?

3 PROSPECTIVE JUROR NO. 397: Oh, well then we're done  
4 with the budget, but that's the process.

5 THE COURT: I mean, what if it's 31 days or 32 days;  
6 is that by statute that you have to do it in 30 days, or is  
7 that just sort of a --

8 PROSPECTIVE JUROR NO. 397: Only in a legislative  
9 year if your funds are augmented will you prepare an augmented  
10 budget. The legislative session will end on the 3<sup>rd</sup>; we  
11 should have an idea up to that point; although they're very  
12 good about waiting till the very last minute to fund  
13 education. And so we try to get things prepared as much as  
14 possible prior to that, and we have about 30 days after that  
15 to finalize the budget for the next fiscal year.

16 THE COURT: Okay. I just -- and I'm --

17 And, Mr. Wright, you'll have another opportunity.

18 I just wanted to follow up. You know, Ms. Stanish  
19 asked you, well, the fact that my client is under indictment,  
20 you know, does that tell you anything. You understand that  
21 anytime a case proceeds to trial there's either been an  
22 indictment or an information lodged against a person and some  
23 kind of preliminary determination. That's every case, and you  
24 understand that?

25 PROSPECTIVE JUROR NO. 397: I understand that.

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1 THE COURT: Okay. Now, I mean, basically the issue  
2 is you're going to hold the State to its burden of proving the  
3 defendant's guilt beyond a reasonable doubt, and as we sit  
4 here right now, you know, there should be no presumption in  
5 your mind against either Dr. Desai or Mr. Lakeman. How do you  
6 respond to that?

7 PROSPECTIVE JUROR NO. 397: First I would say I  
8 don't know Mr. Lakeman. I'm not familiar with the case  
9 against Mr. Lakeman. I am familiar with Dr. Desai only from  
10 newspaper and TV articles and shows. I guess just -- again, I  
11 don't have specifics. I'd be more than willing to listen to  
12 specifics before I drew any sort of conclusion; however, with  
13 the question that I believe was in the questionnaire was just  
14 that whether or not what my opinion was, and my sense was is  
15 that I had a negative opinion of Dr. Desai.

16 THE COURT: Okay. What we're going to do now is  
17 we're going to -- we've been in session, obviously, a little  
18 bit. Sir, we're going to have a break. I'm going to ask you  
19 to -- just to have a seat in the vestibule. The bailiff will  
20 take you, and then we'll resume our questioning.

21 Are you okay without a break?

22 PROSPECTIVE JUROR NO. 397: Yeah, I'm fine.

23 THE COURT: Okay. Just follow the bailiff from the  
24 courtroom.

25 I needed a break. So if you folks need a rest room

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1 break take it now and then we'll come back.

2 (Recess taken 3:00 p.m. to 3:04 p.m.)

3 THE COURT: Sir, come on back in and just have a  
4 seat back up there.

5 And, Mr. Wright, I believe you had some additional  
6 questions.

7 MR. WRIGHT: Yes. Sir, your opinion that you hold  
8 from the media already of Dr. Desai, I want to ask you a  
9 couple of questions so that I can get your opinion about  
10 yourself. Normally, we don't have so much publicity or high-  
11 profile situation we're dealing with. So normally we have  
12 jurors who don't come in with any opinion whatsoever already  
13 about it. And of course our goal in a criminal case is to  
14 start with the juror who presumes the person innocent as he  
15 sits there. And understanding is you've already formed some  
16 tentative opinion from your reading because you keep up on  
17 current events.

18 Are you able to totally set all of that aside and  
19 just say I believe he's innocent as we sit here? I know it's  
20 mental gymnastics to do that, but people can do it or they  
21 can't. And so knowing that that's what we're fudging around  
22 and trying to get at, can you accomplish that when you've  
23 already reached a tentative opinion about him?

24 PROSPECTIVE JUROR NO. 397: I guess I would answer  
25 that by saying I think I could. I don't have a lot of facts

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1 about the case; I think I've made that clear, and so I think I  
2 could come into this without trying to form an opinion in  
3 advance if that's what you're asking.

4 MR. WRIGHT: Thank you.

5 THE COURT: All right. Thank you.

6 Mr. Santacroce, you had some questions.

7 MR. SANTACROCE: Yes, thank you, Your Honor.

8 Mr. McIntosh, I wanted to follow up on Mr. Wright's  
9 question, and please don't mistake this as being -- that I'm  
10 badgering you or anything, but I just need some clarification.

11 PROSPECTIVE JUROR NO. 397: Sure.

12 MR. SANTACROCE: You made a comment that you said  
13 you'd be willing to sit here and listen to the evidence, and I  
14 may have misquoted you here so correct me if I'm wrong, but  
15 you said something to the effect that you'd be willing to  
16 change your mind; is that accurate and what you said?

17 PROSPECTIVE JUROR NO. 397: I don't know that I said  
18 change my mind. I don't remember saying that, maybe I did.

19 THE COURT: I don't recall you saying that either,  
20 but my recollection is imperfect --

21 MR. SANTACROCE: I may have misheard that.

22 THE COURT: -- so that doesn't mean anything either.

23 MR. SANTACROCE: So it isn't that you have a  
24 predisposition as to the guilt or innocence of these two men  
25 right now, correct?

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1 PROSPECTIVE JUROR NO. 397: Right.

2 MR. SANTACROCE: And you realize that the defense  
3 doesn't have to change your mind if that was the case? We  
4 don't have to do anything. It's the State's burden to prove  
5 beyond a reasonable doubt that the two men sitting here are  
6 guilty?

7 PROSPECTIVE JUROR NO. 397: Yes.

8 MR. SANTACROCE: You understand that?

9 PROSPECTIVE JUROR NO. 397: I do, yes.

10 MR. SANTACROCE: So you're not going to put any  
11 burden on the defense to change any preconceived ideas that  
12 you have coming into this, correct?

13 PROSPECTIVE JUROR NO. 397: I understand.

14 MR. SANTACROCE: Okay. The issue with your brother-  
15 in-law being with the pharmaceutical company, I think you said  
16 you had a conversation with him about this case?

17 PROSPECTIVE JUROR NO. 397: Yes.

18 MR. SANTACROCE: And he didn't have a good opinion  
19 of Dr. Desai?

20 PROSPECTIVE JUROR NO. 397: No.

21 MR. SANTACROCE: Was that because -- and I'm not  
22 asking you to speculate, but if you know -- does he place some  
23 blame on Dr. Desai for the civil actions against the  
24 pharmaceutical companies?

25 PROSPECTIVE JUROR NO. 397: No, I don't think so.

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1 MR. SANTACROCE: And you mentioned earlier that you  
2 had heard about the civil lawsuit against HPN, correct?

3 PROSPECTIVE JUROR NO. 397: Yes.

4 MR. SANTACROCE: And how did you feel personally  
5 about that?

6 PROSPECTIVE JUROR NO. 397: HPN is a provider for  
7 the Clark County School District, you know, they cover cur  
8 support staff employees. I was just wondering what the effect  
9 was going to be. The \$500 million verdict award is fairly  
10 large.

11 MR. SANTACROCE: Right, and what do you feel about  
12 that? How do you feel about that?

13 PROSPECTIVE JUROR NO. 397: I thought it was very  
14 large. And I understand that a company like HPN will have to  
15 pass costs like that along, and so I was just wondering -- in  
16 my mind my first thought was just what would be the effect  
17 that will have on premiums.

18 THE COURT: So are you worried the school district  
19 may have to shell out more money to cover its employees with  
20 the HMO?

21 PROSPECTIVE JUROR NO. 397: Absolutely. Yes.

22 MR. SANTACROCE: And because of that do you harbor  
23 any resentment, or do you feel Dr. Desai is somehow  
24 responsible for that?

25 PROSPECTIVE JUROR NO. 397: No, I don't feel Dr.

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1 Desai's personally responsible for that, no.

2 MR. SANTACROCE: I think your questionnaire said  
3 that your mother worked for or was in the mental health field?

4 PROSPECTIVE JUROR NO. 397: Yes.

5 MR. SANTACROCE: What does she do?

6 PROSPECTIVE JUROR NO. 397: She was clerical staff;  
7 she's a secretary.

8 MR. SANTACROCE: So she wasn't on as doctor saying  
9 anything -- (unintelligible.)

10 PROSPECTIVE JUROR NO. 397: No.

11 MR. SANTACROCE: You expressed an opinion, a thought  
12 that Dr. Desai was no better. Can you expound on that a  
13 little bit.

14 PROSPECTIVE JUROR NO. 397: Again I will just say,  
15 based on my limited knowledge of the case, my understanding  
16 was is that there was some use of a medical device that was  
17 meant for one-time use. And so my thinking is being a  
18 professional in the medical field that Dr. Desai would have  
19 understood that those devices were only one-time use.

20 MR. SANTACROCE: Is that going to affect the  
21 evidence that you might hear in court regarding this? I mean,  
22 are you going to hold on to that belief that that was in fact  
23 the case?

24 PROSPECTIVE JUROR NO. 397: Well, no. I would  
25 listen to what you're going to say or what's going to be said

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1 here. I don't think in my mind that I have all the facts in  
2 this case or believe that I know what has gone on here, no.  
3 So, no, I don't think that's something that I would hold on to  
4 if I heard otherwise here in testimony.

5 MR. SANTACROCE: And you understand the concern I  
6 have because when people come in with preconceived ideas, it  
7 kind of seems to shift the burden to the defendant to have to  
8 disprove those ideas that they come into court with?

9 PROSPECTIVE JUROR NO. 397: I would completely  
10 understand. I imagine this is very difficult.

11 MR. SANTACROCE: You mentioned that you had worked  
12 with two assistant district attorneys in the past, and I guess  
13 it was a teacher discipline case or something like that?

14 PROSPECTIVE JUROR NO. 397: Yes.

15 MR. SANTACROCE: And you testified in that case?

16 PROSPECTIVE JUROR NO. 397: Yes.

17 MR. SANTACROCE: And you testified on behalf of the  
18 school district?

19 PROSPECTIVE JUROR NO. 397: Yes.

20 MR. SANTACROCE: And the school district was  
21 represented by the District Attorney's office?

22 PROSPECTIVE JUROR NO. 397: It was a while ago. It  
23 was a case involving a teacher who had misused some funds, and  
24 so there were criminal charges, I believe, against the  
25 teacher, and so I was just asked to testify regarding the

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1 finances.

2 MR. SANTACROCE: So you testified for the  
3 prosecution?

4 PROSPECTIVE JUROR NO. 397: I was asked to meet with  
5 the district attorney, an assistant district attorney and go  
6 over, yes, what would be discussed.

7 MR. SANTACROCE: And based upon that -- was that a  
8 good -- I mean, it wasn't good to testify against somebody, I  
9 can understand that, but your relationship with the District  
10 Attorney's office was a good one?

11 PROSPECTIVE JUROR NO. 397: It was fine, yes.

12 MR. SANTACROCE: And do you give them any advantage  
13 in this case because you had worked with them in the past?

14 PROSPECTIVE JUROR NO. 397: No.

15 MR. SANTACROCE: Thank you. I appreciate your  
16 honesty, sir.

17 I'll pass for cause.

18 THE COURT: All right. Thank you.

19 Mr. McIntosh, we're going to go ahead and excuse you  
20 for today. You may be selected as a juror in this case. For  
21 that reason the admonition about discussing the case, reading,  
22 watching, listening to anything relating to the case, any  
23 person or subject matter related to the case, doing  
24 independent research and forming or expressing an opinion on  
25 the trial is still in effect until you hear that you have not

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1 been selected.

2           Make sure that Officer Hawkes has a good number  
3 where you can be reached, and finally, you are advised that  
4 you're not to discuss anything that's transpired in the  
5 courtroom with anyone else. By that I mean the questions that  
6 we've all asked you, your answers and our discussions.

7           All right. Thank you, sir. You're excused at this  
8 time for today and you're free obviously to leave.

9           Next up is --

10          MR. WRIGHT: Can I take a moment, please.

11          THE COURT: Oh, I'm sorry.

12                   (Pause in the proceedings.)

13          THE COURT: All right. Good afternoon, ma'am.

14          PROSPECTIVE JUROR NO. 421: Hello.

15          THE COURT: I wanted to follow up on a couple of  
16 things. You said this would be a hardship for you because you  
17 have a court appearance on April 26, correct?

18          PROSPECTIVE JUROR NO. 421: Yeah, but I already had  
19 it.

20          THE COURT: Okay. So that's good; you're fine  
21 there. And then your doctor is Stephanie Castleman?

22          PROSPECTIVE JUROR NO. 421: Yes.

23          THE COURT: And she is your doctor for what?

24          PROSPECTIVE JUROR NO. 421: She's just my family  
25 doctor, my doctor.

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1 THE COURT: Okay. And have you gone to her for a  
2 long time or?

3 PROSPECTIVE JUROR NO. 421: A couple years.

4 THE COURT: And you say that you were a patient at  
5 the Shadow Lane office?

6 PROSPECTIVE JUROR NO. 421: Yes, I had a procedure  
7 done there.

8 THE COURT: Okay. How long ago was that?

9 PROSPECTIVE JUROR NO. 421: It was during the time  
10 span because they sent me the letter having me get tested for  
11 hepatitis.

12 THE COURT: Okay. Was Dr. Desai your doctor or was  
13 it -- do you remember who your doctor was?

14 PROSPECTIVE JUROR NO. 421: My doctor sent me there.

15 THE COURT: Right, but do you remember what --

16 PROSPECTIVE JUROR NO. 421: No, I just remember the  
17 one that did the anesthetic was, his last name was the same as  
18 mine because we talked about our names being the same.

19 THE COURT: So that would have been Carroll?

20 PROSPECTIVE JUROR NO. 421: Carroll. I remember  
21 him, but I do not remember the other physicians there.

22 THE COURT: Okay. So you could -- it could have  
23 been Dr. Desai, but you're not sure?

24 PROSPECTIVE JUROR NO. 421: Right. I just remember  
25 that name because we had the same name.

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1 THE COURT: Okay. And then you say you were very  
2 upset about the hepatitis C scare. Was that because you got  
3 the letter and had to be tested?

4 PROSPECTIVE JUROR NO. 421: Right.

5 THE COURT: And then I'm assuming you tested -- you  
6 got the test and you're fine?

7 PROSPECTIVE JUROR NO. 421: Yeah, I was negative.

8 THE COURT: Did you just have the one blood test, or  
9 have you had more than one?

10 PROSPECTIVE JUROR NO. 421: I just had the one; they  
11 didn't say to go again. I wasn't sure.

12 THE COURT: Okay. You never met the doctor who did  
13 your procedure? They didn't come in ahead of time, or is it  
14 just that you don't remember?

15 PROSPECTIVE JUROR NO. 421: I don't remember who it  
16 was.

17 THE COURT: Did you have an endoscopy or  
18 colonoscopy?

19 PROSPECTIVE JUROR NO. 421: A colonoscopy.

20 THE COURT: Okay. Now, you were a patient at the  
21 clinic. You had to get tested. Would you be able to set all  
22 that aside, your own personal experiences and, you know, be  
23 open minded and neutral to both sides and base any verdict you  
24 might have in this case if you're selected to serve only on  
25 the evidence? Or do you feel -- just tell me in your own

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1 words how you feel about that?

2 PROSPECTIVE JUROR NO. 421: I don't -- I mean, yes,  
3 I was very upset at the time. I've, you know, kind of let it  
4 pass now, but, yeah, it came back to me when this came about  
5 again.

6 THE COURT: Came back to you how?

7 PROSPECTIVE JUROR NO. 421: The bad feelings from  
8 before.

9 THE COURT: Okay. Was that when you filled out the  
10 questionnaire or when you --

11 PROSPECTIVE JUROR NO. 421: Yes, when I first --  
12 April 1<sup>st</sup>, when I seen what the case was about -- actually, I  
13 thought it was all over, but I guess it has different stages,  
14 'cause I see it all the time this on the news. So I thought  
15 it was closed.

16 THE COURT: Okay. So you thought it was over, and  
17 then you were surprised when you --

18 PROSPECTIVE JUROR NO. 421: Yeah, another case was  
19 going on.

20 THE COURT: All right. Counsel approach.

21 (Conference at the bench not recorded.)

22 THE COURT: All right, ma'am, we're going to go  
23 ahead and excuse you from this proceeding. Before I do that,  
24 I have to admonish you that you're not to discuss anything  
25 that's transpired with anyone else. By that I mean my

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1 questions and your answers. All right, ma'am?

2 PROSPECTIVE JUROR NO. 421: Okay.

3 THE COURT: Microphone there, just put it in the  
4 chair, and you're free to leave.

5 Next up is 426, Deana Safronov.

6 And for the record, she was challenged for cause by  
7 the defense. It was submitted by the State, and she was  
8 excused for cause.

9 Good afternoon, ma'am.

10 PROSPECTIVE JUROR NO. 426: Hi.

11 THE COURT: Last person for today. You said that  
12 serving would not cause you any hardship, and I believe you  
13 indicated that you have seen something about the case on the  
14 news and that you're a regular news watcher; is that correct?

15 PROSPECTIVE JUROR NO. 426: Yeah.

16 THE COURT: Is there a particular news station that  
17 you like to watch?

18 PROSPECTIVE JUROR NO. 426: I watch Channel 8 at 4  
19 in the morning and 4 in the afternoon.

20 THE COURT: Okay. And then what have you seen on  
21 the news about this case that you can remember?

22 PROSPECTIVE JUROR NO. 426: Just the basics, you  
23 know, about what happened, and I don't know. They get into  
24 it. I don't have no --

25 THE COURT: Just, you know, what you can remember.

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1 PROSPECTIVE JUROR NO. 426: I really don't remember  
2 a whole lot.

3 THE COURT: Okay. Is it something you've seen  
4 recently, or something you saw in the past, or something  
5 you've seen over and over again?

6 PROSPECTIVE JUROR NO. 426: Well, it's like the same  
7 thing, you know, from a few months ago until now even.

8 THE COURT: And then it says have you formed any  
9 opinion, and you write, Sorry, but I think Dipak Desai is  
10 guilty of having unsanitary offices. What do you base that  
11 opinion on?

12 PROSPECTIVE JUROR NO. 426: Well, from like months  
13 ago, I mean, people I work with talked about it before, we  
14 just, you know, voiced our own opinion, and I always thought  
15 he was guilty. You know, he had to have known that they were  
16 unsanitary.

17 THE COURT: Okay. And you said you're a cocktail  
18 waitress for the Jubilee show?

19 PROSPECTIVE JUROR NO. 426: Yeah.

20 THE COURT: And so you've talked about it with your  
21 coworkers?

22 PROSPECTIVE JUROR NO. 426: Yeah, months ago.

23 THE COURT: Just chit chat?

24 PROSPECTIVE JUROR NO. 426: Yeah.

25 THE COURT: And did they kind of share that same

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1 opinion?

2 PROSPECTIVE JUROR NO. 426: Yeah.

3 THE COURT: Okay. Did you know anybody who actually  
4 was a patient or --

5 PROSPECTIVE JUROR NO. 426: Huh-uh.

6 THE COURT: No. You have to answer yes or no.

7 PROSPECTIVE JUROR NO. 426: Oh, no. I'm sorry.

8 THE COURT: Now, do you think it's a fair statement  
9 that often the news media reports things incorrectly or  
10 incompletely?

11 PROSPECTIVE JUROR NO. 426: They often do.

12 THE COURT: Now, if you're selected to serve, you  
13 understand that you would have to base your verdict only upon  
14 the evidence that's presented in the case, meaning the  
15 testimony from the witness stand and actual physical exhibits  
16 that are admitted into evidence; do you understand that?

17 PROSPECTIVE JUROR NO. 426: Yes.

18 THE COURT: Okay. Could you do that? Could you set  
19 aside, you know, whatever talk you heard at work and whatever  
20 you heard on TV?

21 PROSPECTIVE JUROR NO. 426: I could. I mean, just  
22 from hearing, you know, the stuff, you know, about more stuff  
23 about it and stuff, you know, on both sides.

24 THE COURT: Okay. Could you set all that aside and  
25 just listen to the evidence in this case and base your verdict

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1 upon the evidence in this case?

2 PROSPECTIVE JUROR NO. 426: Yes.

3 THE COURT: Okay. Now, do you understand the  
4 constitutional principle that anytime an accused -- anytime  
5 someone is accused of a crime in this country, they are  
6 innocent unless and until proven guilty beyond a reasonable  
7 doubt; do you understand what that means?

8 PROSPECTIVE JUROR NO. 426: Yes.

9 THE COURT: Okay. And as they sit here today, Mr.  
10 Lakeman and Dr. Desai are presumed innocent. Do you  
11 understand that?

12 PROSPECTIVE JUROR NO. 426: Yes.

13 THE COURT: Because there hasn't been any evidence,  
14 nothing, just --

15 PROSPECTIVE JUROR NO. 426: Yeah, I know.

16 THE COURT: Just a lot of chit chat?

17 PROSPECTIVE JUROR NO. 426: Yes. Yeah. That was my  
18 own opinion, but, yeah.

19 THE COURT: Okay. Do you believe that, as they sit  
20 here today that they are innocent?

21 PROSPECTIVE JUROR NO. 426: Yes, right now, yes.

22 THE COURT: Okay. Now, if you were selected to be a  
23 juror in this case, and you listen to all the evidence and you  
24 hear the instructions on the law, which I give at the end, and  
25 you'll be instructed on the elements and what proof beyond a

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1 reasonable doubt means, and you go back in the jury room and  
2 you talk about the case with the other jurors, and after  
3 listening to their opinions and going over all the pictures  
4 and what have you, you say, you know what, I don't think the  
5 State proved it beyond a reasonable doubt, there may have been  
6 something here or not, but they didn't prove the defendants'  
7 guilt of these offenses, would you be able to raise your hand  
8 and vote not guilty?

9 PROSPECTIVE JUROR NO. 426: Yes.

10 THE COURT: Okay. And you hesitated for a minute.  
11 Why did you hesitate?

12 PROSPECTIVE JUROR NO. 426: Well, no, just if there  
13 was something like that, you know, the it struck me that there  
14 was something out there, something, yeah, I would say  
15 something.

16 THE COURT: And what I mean is, you know, if they  
17 didn't prove the elements beyond a reasonable doubt, or, you  
18 know, you didn't find the evidence credible or any other of a  
19 number of reasons that I'm not going to try to come up with  
20 all right now, those are just a couple of examples, but for  
21 whatever reason you felt, you know what they didn't prove this  
22 to me beyond a reasonable doubt, could you go back there and  
23 say, you know what, I'm voting not guilty?

24 PROSPECTIVE JUROR NO. 426: Yes.

25 THE COURT: Conversely the other side, if you feel

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1 that they proved the defendants' guilt beyond a reasonable  
2 doubt, would you be able to raise your hand and vote guilty?

3 PROSPECTIVE JUROR NO. 426: Yes.

4 THE COURT: Okay. Can you set aside any pre-  
5 existing opinion you may have about Dr. Desai if you're  
6 selected to serve in this case?

7 PROSPECTIVE JUROR NO. 426: I can try, yes. Yes.

8 THE COURT: Okay. Well, we need you to do more than  
9 try. We need you to --

10 PROSPECTIVE JUROR NO. 426: Yes. Yes.

11 THE COURT: And the Jubilee show obviously is a  
12 night time show?

13 PROSPECTIVE JUROR NO. 426: Yeah.

14 THE COURT: Okay. So you work nights?

15 PROSPECTIVE JUROR NO. 426: Yes.

16 THE COURT: And do you work -- what days of the week  
17 do you work?

18 PROSPECTIVE JUROR NO. 426: Saturday through  
19 Wednesday.

20 THE COURT: Now, if you're selected, I mean we don't  
21 tell you you can't work, but we obviously want jurors that are  
22 alert and listening and not dozing off and falling asleep. So  
23 if you had to miss a few days of work, is that something that  
24 you could do?

25 PROSPECTIVE JUROR NO. 426: Yeah, but it's just hard

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1 for me as a morning person. I get anxiety, like at night, and  
2 then I'm up all night, you know, because I have to be up in  
3 the morning. So that's just the bad part.

4 THE COURT: Okay. Because you have anxiety now  
5 because you know you have to get up and be to court?

6 PROSPECTIVE JUROR NO. 426: Yeah. Like, you know, I  
7 haven't slept since yesterday because I had to be here today.  
8 So it's like one of those.

9 THE COURT: Okay. Because you're not used to having  
10 to get up in the morning?

11 PROSPECTIVE JUROR NO. 426: Yeah, I sleep all day.

12 THE COURT: Okay. Now, we normally don't start  
13 really early like 8 a.m., but we might start at 9 or 9:30.  
14 Would you be able to get up and get here by 9 or 9:30?

15 PROSPECTIVE JUROR NO. 426: I -- yeah.

16 THE COURT: That would be as early as it will ever  
17 be because I like you don't like to get up in the morning --

18 PROSPECTIVE JUROR NO. 426: I'm just afraid my alarm  
19 clock won't go off or something.

20 THE COURT: -- and neither do some of these lawyers.  
21 So we're not an 8 a.m. department so it would never be before  
22 9.

23 PROSPECTIVE JUROR NO. 426: Okay.

24 THE COURT: All right. That's all I have to ask  
25 you, but the State can follow up if they've got anything.

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1 MR. STAUDAHER: Just a couple, Your Honor. Thank  
2 you.

3 Ma'am, in following up to what the Judge just said  
4 about the -- what you're going to, you know, potentially hear  
5 and may need to put things aside, all that kind of stuff.  
6 You're going to be instructed by the Judge that the State  
7 bears the entire burden in this case. The defense could sit  
8 over there, fall asleep, not present any evidence, not present  
9 any witnesses, not do anything, and it would be the entirety  
10 of the State's burden to present the evidence to you. Do you  
11 accept that?

12 PROSPECTIVE JUROR NO. 426: Yes.

13 MR. STAUDAHER: And what that means is that there  
14 are -- of the charges the Judge gave you, there's certain  
15 parts to those charges; they're called elements, and we're  
16 required to prove each and every element beyond a reasonable  
17 doubt in your mind before you can come back with a guilty  
18 verdict. Do you accept that?

19 PROSPECTIVE JUROR NO. 426: Yes.

20 THE COURT: And just like the Judge said, the  
21 converse and I'm -- I know I'm repeating a little bit, but  
22 it's really important especially with what you said in your  
23 questionnaire. If, you know, and back at the end of the  
24 trial, and you've been a juror, you've listened to all the  
25 evidence, you've heard the testimony, you've seen the exhibits

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1 and so forth, and you go back there and you go, you know what,  
2 they just didn't do it. You know, they didn't make it. They  
3 didn't prove it beyond a reasonable doubt to me, could you  
4 come back with a not guilty verdict?

5 PROSPECTIVE JUROR NO. 426: Yes.

6 MR. STAUDAHER: Is there any reason philosophical,  
7 religious or otherwise why it might be difficult for you to do  
8 either one of those things?

9 PROSPECTIVE JUROR NO. 426: No.

10 MR. STAUDAHER: You could do your job and follow the  
11 law by the Judge?

12 PROSPECTIVE JUROR NO. 426: Uh-hum. Yes.

13 MR. STAUDAHER: Now, the other part of this is, and  
14 I know you haven't had a lot of sleep, but -- and you look a  
15 little bit nervous, which is fine. Everybody, you know, you  
16 probably haven't had this experience before I would assume?

17 PROSPECTIVE JUROR NO. 426: No.

18 MR. STAUDAHER: But, you know, we're going to --  
19 everybody has to start off the trial thinking that, gosh, you  
20 know, who you are we know we can't separate that apart of who  
21 you are, but we certainly want to know that anything that you  
22 may have read, which you've already acknowledged is maybe not  
23 necessarily accurate in the press, that you can at least give  
24 everybody a fair shot and just be fair and impartial and just  
25 base your decision on what you hear in this courtroom, not on

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1 what you heard outside or seen outside or anything else. Is  
2 that something you could do?

3 PROSPECTIVE JUROR NO. 426: Yes. Yes.

4 MR. STAUDAHER: Because you know again, things don't  
5 necessarily come across as being completely accurate, and you  
6 don't know what parts are accurate and not accurate and  
7 whatever, right?

8 PROSPECTIVE JUROR NO. 426: Yeah, they don't say  
9 much a lot of them, in the news anyway.

10 MR. STAUDAHER: So just -- so we're clear on that,  
11 you would feel comfortable doing that?

12 PROSPECTIVE JUROR NO. 426: Yes.

13 MR. STAUDAHER: So a person like yourself, you said  
14 you're fair and impartial, would you want a person like  
15 yourself on a juror -- judging yourself if you were on trial?

16 PROSPECTIVE JUROR NO. 426: Yes.

17 MR. STAUDAHER: So it's somebody you feel you don't  
18 hold any prejudice against Dr. Desai or against Mr. Lakeman or  
19 anything like that?

20 PROSPECTIVE JUROR NO. 426: No.

21 MR. STAUDAHER: The Channel 8, you said that's the  
22 only real news outlet that you've looked at?

23 PROSPECTIVE JUROR NO. 426: Yeah -- oh, yes.

24 MR. STAUDAHER: Not other channels, not the print  
25 media, anything along those lines?

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1 PROSPECTIVE JUROR NO. 426: Yeah, I don't get the  
2 paper, and I just look at the Channel 8 news.

3 MR. STAUDAHER: You said that you didn't have any --  
4 you yourself were not a patient at the clinic, and you didn't  
5 know anybody that was, correct?

6 PROSPECTIVE JUROR NO. 426: Umm-um.

7 MR. STAUDAHER: And you've got to say yes or no.

8 PROSPECTIVE JUROR NO. 426: Oh, yes.

9 MR. STAUDAHER: Some of these friends that you may  
10 have talked to at some point in the past about this who maybe  
11 expressed an opinion to you, did any of them, were they party  
12 to this clinic in any way?

13 PROSPECTIVE JUROR NO. 426: No.

14 MR. STAUDAHER: So it's a general banter that was  
15 going on?

16 PROSPECTIVE JUROR NO. 426: Yes.

17 MR. STAUDAHER: You could set that aside --

18 PROSPECTIVE JUROR NO. 426: Just, you know, opinions  
19 and stuff, yeah.

20 MR. STAUDAHER: And you could set that aside and  
21 just follow the law given you by the Judge?

22 PROSPECTIVE JUROR NO. 426: Yes.

23 MR. STAUDAHER: And apply the facts as you hear them  
24 in this court to the law?

25 PROSPECTIVE JUROR NO. 426: Yes.

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1 MR. STAUDAHER: And render your verdict based on  
2 that alone?

3 PROSPECTIVE JUROR NO. 426: Yes.

4 MR. STAUDAHER: Pass for cause, Your Honor.

5 THE COURT: All right. Thank you. Who would like  
6 to go first for the defense?

7 All right. Mr. Santacroce.

8 MR. SANTACROCE: Hi.

9 PROSPECTIVE JUROR NO. 426: Hi.

10 MR. SANTACROCE: I know it's late in the day so I'm  
11 trying --

12 PROSPECTIVE JUROR NO. 426: That's okay.

13 THE COURT: If we'd known you've been up all night I  
14 would have called you in here first.

15 PROSPECTIVE JUROR NO. 426: I didn't think I was  
16 going to be here this late. So, yeah, I'm good.

17 THE COURT: You're the last one.

18 MR. SANTACROCE: I just want to get some  
19 clarification on the statements you made in your  
20 questionnaire, and I believe you -- this was done on April  
21 1<sup>st</sup>?

22 PROSPECTIVE JUROR NO. 426: Yes.

23 MR. SANTACROCE: You said you watch the news all the  
24 time. You said, sorry, but I think Dipak Desai is guilty of  
25 having unsanitary offices; that was what you put on, right?

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1 PROSPECTIVE JUROR NO. 426: Yes. That was my  
2 opinion, yes.

3 MR. SANTACROCE: That was your feeling when you came  
4 in the door today, I would assume?

5 PROSPECTIVE JUROR NO. 426: Yes.

6 MR. SANTACROCE: And so when the Judge asked you,  
7 can you presume these clients to be innocent, you said you  
8 could. So I'm trying to understand how you reconcile the two  
9 opinions?

10 PROSPECTIVE JUROR NO. 426: Well, it's just hearing  
11 more about them, you know. I didn't even know he was even in  
12 there, you know, until like a week or two ago. So, yeah.  
13 It's just things that come up and the evidence that comes up.

14 MR. SANTACROCE: Okay. And what have you heard that  
15 caused you to change your mind that they're presumed innocent  
16 now when you had the feeling he was guilty, Dr. Desai? Did  
17 you hear anything that made you change that opinion?

18 PROSPECTIVE JUROR NO. 426: No.

19 MR. SANTACROCE: But something caused you to change  
20 your opinion, right?

21 PROSPECTIVE JUROR NO. 426: It's just like what you  
22 said, innocent till proven guilty, but I just kind of voiced  
23 my opinion.

24 MR. SANTACROCE: Now, you had mentioned that you  
25 didn't even know Mr. Lakeman was involved in the trial,

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1 correct?

2 PROSPECTIVE JUROR NO. 426: Yeah, not until like a  
3 couple weeks --

4 MR. SANTACROCE: Does the fact that -- I'm sorry.

5 PROSPECTIVE JUROR NO. 426: -- till like a couple  
6 weeks ago, yeah.

7 MR. SANTACROCE: The fact that he's being tried with  
8 Dr. Desai and you thought Dr. Desai was guilty, do you think  
9 Mr. Lakeman would be guilty because he's being tried together?

10 PROSPECTIVE JUROR NO. 426: I don't know that answer  
11 right now.

12 MR. SANTACROCE: It's not an answer --

13 PROSPECTIVE JUROR NO. 426: I know. I know. I just  
14 don't know.

15 MR. SANTACROCE: -- it's how you feel. It's not  
16 either you're right or wrong.

17 PROSPECTIVE JUROR NO. 426: I don't feel anything  
18 right now.

19 THE COURT: You feel tired, right?

20 MR. SANTACROCE: So you feel that you could be fair  
21 and impartial?

22 PROSPECTIVE JUROR NO. 426: Yes.

23 MR. SANTACROCE: And you will listen to all the  
24 evidence carefully?

25 PROSPECTIVE JUROR NO. 426: Uh-hum. Yes.

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1 MR. SANTACROCE: With regard to that, let's talk  
2 about your work schedule for a little bit. I didn't hear when  
3 you worked?

4 PROSPECTIVE JUROR NO. 426: 6 to 2.

5 MR. SANTACROCE: 6 to 2 a.m.?

6 PROSPECTIVE JUROR NO. 426: Uh-hum. Sometimes I get  
7 off earlier that.

8 MR. SANTACROCE: Would you continue to work during  
9 the trial?

10 PROSPECTIVE JUROR NO. 426: I wouldn't think so. I  
11 hope not. I wouldn't want to is what I'm saying.

12 MR. SANTACROCE: Well, I'm just concerned that if  
13 you do work till 2, I'm sure you don't go to sleep immediately  
14 when you come home so --

15 PROSPECTIVE JUROR NO. 426: No.

16 MR. SANTACROCE: -- you probably get up till 4 or 5,  
17 maybe later?

18 PROSPECTIVE JUROR NO. 426: Yeah.

19 MR. SANTACROCE: Then you have to come here and sit  
20 here all day and then go to work --

21 PROSPECTIVE JUROR NO. 426: Yeah, see, I wouldn't --

22 MR. SANTACROCE: -- so I'm concerned about that.

23 PROSPECTIVE JUROR NO. 426: I wouldn't probably go  
24 to work. Maybe on the weekends if you don't --

25 THE COURT: Yeah, and if you need a letter if you're  
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1 selected, we send a letter to your employer asking them to  
2 excuse you from your shifts for jury service.

3 PROSPECTIVE JUROR NO. 426: Okay. Yeah.

4 THE COURT: And Bally's, is that owned by Caesar's  
5 now?

6 PROSPECTIVE JUROR NO. 426: Yes.

7 THE COURT: It's Caesar's Entertainment?

8 PROSPECTIVE JUROR NO. 426: Yes.

9 THE COURT: Okay. And you said you work Friday,  
10 Saturday, Sunday -- no.

11 PROSPECTIVE JUROR NO. 426: Saturday through  
12 Wednesday. I'm off Thursday and Friday.

13 THE COURT: Okay.

14 MR. SANTACROCE: Another thing that I want to ask  
15 about. You said you had talked to your coworkers about this?

16 PROSPECTIVE JUROR NO. 426: Yeah, months ago.

17 MR. SANTACROCE: Months ago?

18 PROSPECTIVE JUROR NO. 426: Yeah, months.

19 MR. SANTACROCE: And you had some discussion, and  
20 did they feel Dr. Desai was guilty as well?

21 PROSPECTIVE JUROR NO. 426: Uh-hum.

22 MR. SANTACROCE: Is that a yes?

23 PROSPECTIVE JUROR NO. 426: Yes.

24 THE COURT: For the record we have to say yes or no.

25 PROSPECTIVE JUROR NO. 426: Sorry. I'm so sorry.

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1           MR. SANTACROCE: My question is to you, what -- if  
2 you were selected to serve on the jury and you reached a  
3 verdict, and you went back to work and you had a discussion  
4 with your coworkers, how do you think they would feel about  
5 you when you went back to work? Let's say that you gave a  
6 guilty verdict.

7           PROSPECTIVE JUROR NO. 426: I don't think -- I don't  
8 think -- I don't know.

9           MR. SANTACROCE: Would they be pressuring you in any  
10 way?

11          PROSPECTIVE JUROR NO. 426: No.

12          MR. SANTACROCE: How about if you came back with a  
13 not guilty verdict; would your coworkers pressure you in any  
14 way?

15          PROSPECTIVE JUROR NO. 426: No.

16          MR. SANTACROCE: And you have no concern about being  
17 pressured from your coworkers about either verdict?

18          PROSPECTIVE JUROR NO. 426: No, 'cause this is --  
19 this is just, you know, we just sit there and talk. It's not,  
20 you know, it's not like we talk about it all the time, you  
21 know, it just gets brought up. But there's no pressure.  
22 They'll just be happy I'm back if I go back.

23          MR. SANTACROCE: I have no further question. Thank  
24 you.

25          THE COURT: Thank you.

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1 MR. SANTACROCE: I'm going to reserve.

2 THE COURT: Okay.

3 MS. STANISH: How do I say your last name?

4 PROSPECTIVE JUROR NO. 426: Safronov.

5 MS. STANISH: Safronov.

6 PROSPECTIVE JUROR NO. 426: Yeah, Safronov. It's a  
7 Russian name, ex-Russian name.

8 MS. STANISH: The -- did you have any particular  
9 information regarding the practices that were employed at the  
10 office based on your comment that you thought my client's  
11 guilty of having an unsanitary office?

12 PROSPECTIVE JUROR NO. 426: What was the first part?

13 MS. STANISH: Do you have some specific information  
14 that you got from the news or talking to your friends --

15 PROSPECTIVE JUROR NO. 426: It's just -- no, were  
16 just opinions that, you know, we had. I don't know how to  
17 answer that. Sorry.

18 MS. STANISH: You heard the summary of the case this  
19 morning, right, with the lawyers describing it?

20 PROSPECTIVE JUROR NO. 426: Oh, yes. Yes.

21 MS. STANISH: Was there anything about the  
22 description of the case that causes you some concern serving  
23 on a jury that's going to involve a murder charge, criminal  
24 negligence and such?

25 PROSPECTIVE JUROR NO. 426: It's kind of a lot to

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1 take in, you know, like overwhelming, but --

2 MS. STANISH: Well, that's a good point. This trial  
3 is going to probably last into the month of June. So it will  
4 be a long trial. It will, you know, I anticipate that it's  
5 going to involve scientific evidence and just a number of  
6 witnesses. Are you comfortable with serving in a -- as a  
7 juror on a case that's going to be this lengthy and probably  
8 complex?

9 PROSPECTIVE JUROR NO. 426: I wouldn't mind, but it  
10 would be kind of long. I don't know. I mean, I don't know  
11 what to say. My first time this is going to be a long one.

12 MS. STANISH: You know, are you going to be -- our  
13 criminal justice system requires a jury that's a cross-section  
14 of our society, and so you'll be one of, you know, at least  
15 12, at least 12 people. Do you feel like you would be able to  
16 voice your opinion in the jury deliberation room if you  
17 disagree with someone?

18 PROSPECTIVE JUROR NO. 426: I would do my best.

19 MS. STANISH: Do you have any hesitation about your  
20 ability to deliberate?

21 PROSPECTIVE JUROR NO. 426: Well, I am shy  
22 sometimes, but, you know, if there's a strong feeling about  
23 something I'll let somebody know.

24 MS. STANISH: Do you have a strong feeling now as  
25 you sit here about my client Dr. Desai?

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1 PROSPECTIVE JUROR NO. 426: About being guilty or  
2 not or just --

3 MS. STANISH: Yes, do you have any strong opinions  
4 about him?

5 PROSPECTIVE JUROR NO. 426: Right now I don't.

6 MS. STANISH: And you did earlier and it's gone  
7 away?

8 PROSPECTIVE JUROR NO. 426: Yeah, just the -- by  
9 seeing it on TV and stuff, my own opinion, you know, there.  
10 But, I mean, here it's different.

11 MS. STANISH: Have you ever had a negative  
12 experience with anybody in the medical profession?

13 PROSPECTIVE JUROR NO. 426: No.

14 MS. STANISH: Anybody close to you?

15 PROSPECTIVE JUROR NO. 426: No.

16 MS. STANISH: I saw your broke your arm or something  
17 like that --

18 PROSPECTIVE JUROR NO. 426: Oh, yeah. Yeah. I  
19 broke my arm, yeah, and I just had surgery a month ago, I had  
20 lipo done.

21 MS. STANISH: Sorry.

22 PROSPECTIVE JUROR NO. 426: It's still surgery.

23 MS. STANISH: Yeah. Is there anything that we  
24 haven't asked you between the Judge and all us attorneys  
25 sitting here making you nervous?

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1 PROSPECTIVE JUROR NO. 426: Yeah, you are.

2 MS. STANISH: Is there anything we haven't asked you  
3 that you think we should know that would bear on your ability  
4 to sit here for a month and a half or so and fairly consider  
5 the case?

6 PROSPECTIVE JUROR NO. 426: Oh, I can say I do have  
7 restless legs. That's why I can't sit still.

8 MS. STANISH: Oh, okay. All right.

9 PROSPECTIVE JUROR NO. 426: I'm past the nervous  
10 part, but I'm like, yeah.

11 MS. STANISH: Rocking back and forth.

12 PROSPECTIVE JUROR NO. 426: Yeah.

13 THE COURT: And you can, I mean, if you're selected  
14 we can sit you in the back row because if you need to stand up  
15 here and there.

16 PROSPECTIVE JUROR NO. 426: Okay. I just -- my legs  
17 usually can't stop moving, but I mean, like a swivel chair,  
18 this is best. But everything else, no, I can't think of  
19 anything else.

20 MR. WRIGHT: Can I ask one question?

21 THE COURT: Sure.

22 MR. WRIGHT: Ms. Safronov, the -- our goal is to  
23 find jurors who haven't formulated an opinion already about a  
24 person. Of course you indicated that from the notes you know  
25 people died, re-use of needles and that you say your opinion

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1 was he was he was guilty. Now -- and I think you also said  
2 when Mr. Staudaher was questioning you that you'd be happy  
3 with a -- people like yourself sitting in judgment of you,  
4 correct?

5 PROSPECTIVE JUROR NO. 426: Yes.

6 MR. WRIGHT: Okay. And so you'd be happy if you had  
7 the misfortune of sitting next to me and we're picking a jury  
8 and all the jurors came in and said, yeah, I've read all about  
9 Ms. Safronov; she's done this and this, and I am of the  
10 opinion she's guilty; you'd be happy with that, right?

11 PROSPECTIVE JUROR NO. 426: Well, everybody has  
12 their own opinions, you know, right off the bat. So, you  
13 know, whatever they say, you know, about it on the news or  
14 not, you know, that's the first thing that popped into my  
15 head, but, you know, I don't know.

16 MR. WRIGHT: Okay. Do you think you can really,  
17 truly put all of that out of your mind -- I mean, this is  
18 what's required because it's --

19 PROSPECTIVE JUROR NO. 426: Yeah.

20 MR. WRIGHT: -- this is difficult because it is  
21 newsworthy, and this is a case of high publicity, and so  
22 people know about it when they walk in here.

23 PROSPECTIVE JUROR NO. 426: It's just different in  
24 here though, when you come in here. It's just a different  
25 feeling.

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1 MR. WRIGHT: Okay. And the difference is because  
2 the law requires that the jurors presume someone innocent as  
3 we start the case. So it's the presumption has to be he has  
4 done absolutely nothing wrong. Are you able to do that,  
5 absolutely certainly?

6 PROSPECTIVE JUROR NO. 426: I can't say I can try,  
7 but I think I can.

8 MR. WRIGHT: Okay. And you think you can, can you?

9 PROSPECTIVE JUROR NO. 426: Yes.

10 MR. WRIGHT: Okay.

11 THE COURT: All right. Any other questions from the  
12 defense?

13 MR. SANTACROCE: No.

14 THE COURT: I'll take that as a no.

15 Ma'am, we're going to go ahead and excuse you for  
16 today. We're not going to make you sit around while we  
17 question the other prospective jurors; however, you may be  
18 selected as a juror in this case. So for that reason you need  
19 to make sure that our bailiff has a good number for you  
20 because if you are selected, we'll be contacting you. We'll  
21 contact you one way or the other, but if you're selected, then  
22 you need to report back when we tell you to.

23 And because you may be a juror, the prohibition  
24 about speaking about the case, reading, watching, listening to  
25 any reports of or commentaries relating to the case, person or

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1 subject matter relating to the case or forming or expressing  
2 an opinion on the case is still in effect. Additionally, I  
3 must admonish you you're not to discuss anything that  
4 transpired in the courtroom with anyone else. What that means  
5 is my questions, the lawyers' questions, your responses and  
6 all of our discussion. Do you understand?

7 PROSPECTIVE JUROR NO. 426: Yes.

8 THE COURT: All right, ma'am, thank you, and luckily  
9 you don't have to go to work tonight, and you are excused at  
10 this time.

11 PROSPECTIVE JUROR NO. 426: No, I'm going home and  
12 go to bed.

13 THE COURT: All right. Is either side passing for  
14 cause, challenging for cause?

15 MR. SANTACROCE: I'm going to challenge for cause,  
16 Your Honor.

17 THE COURT: Basis?

18 MR. SANTACROCE: Based on her questionnaire. She  
19 comes into this courtroom presuming Dr. Desai is guilty, and  
20 then miraculously she believes when being questioned that  
21 she's going to presume he's innocent. I just thing you need  
22 to look beyond the words. You need to look at what she wrote.  
23 She was very emphatic about what she wrote. She was very  
24 definitive about what she wrote, and I believe that she comes  
25 in here prejudiced against Dr. Desai which translates in

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1 prejudice to Mr. Lakeman.

2 THE COURT: State or Mr. Wright?

3 MR. WRIGHT: I join in it.

4 THE COURT: Okay. Mr. Staudaher?

5 MR. STAUDAHER: The State does not believe that  
6 there was anything articulated by this individual that would  
7 rise to a challenge cause. She clearly was questioned  
8 extensively on those statements that she made. She sounds  
9 like even from what she said about the discussion with the  
10 coworkers and the information from the press that she did  
11 have, it was quite limited. She said over and over again she  
12 could set it aside. She would just rule on -- not rule, but  
13 make a determination based on what she heard in court.

14 She did not indicate that she had any issue with the  
15 presumption of innocence of these two individuals. She was  
16 again questioned on all of these points very carefully, and  
17 she came across, said that she could be fair, impartial, give  
18 everybody a fair shot. She would want somebody like herself  
19 on a jury if she was in a situation like this, which is, I  
20 think one of the questions that's pivotal for a person like  
21 that if she felt that that was an issue for her.

22 She -- there's not reading between the lines. It's  
23 what she said, how she acted. She did not come across as an  
24 individual at least in her -- aside from the fact that she  
25 seemed to fidget a little bit because of her nervousness, lack

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1 of sleep, whatever, but she came across as somebody that  
2 didn't seem to be having a hidden agenda, that she wanted to  
3 do something that she was not projecting to us in her answers.  
4 So I would submit to the Court that I believe it's not a  
5 challenge cause at this point.

6 THE COURT: I would say that, you know, she  
7 explained that that was just based on the news stories, and  
8 she could set it aside and be fair, and she maintained that.  
9 And I would say I don't think she has some agenda that she  
10 really wants to be on this jury or anything like that. You  
11 know, she's going to be missing her tips as a -- which  
12 probably have to be decent as a Jubilee cocktail waitress.

13 I didn't get like any real goal of hers to be on the  
14 jury. So I don't think she's hiding anything or just trying  
15 to answer the right way to be on the jury. I certainly wasn't  
16 picking that up from her, and, you know, she had some  
17 reservations about fatigue and getting up early in the  
18 morning. So this to me was not a person, like I said, with an  
19 agenda to answer yes, yes, yes to all of the questions so that  
20 she could be selected to serve. If anything, I think she may  
21 have had a little reluctance due to the early hours, the fact  
22 that she's going to be missing some of her shifts, et cetera.

23 So, you know, I think she explained the answer in  
24 the questionnaire, and I think she maintained that she would  
25 apply the presumption of innocence, understood the presumption

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1 of innocence, and would be fair in this case and base it on  
2 the evidence in the case. So I think she's okay.

3 MR. SANTACROCE: Can I ask you a question?

4 THE COURT: Sure.

5 MR. SANTACROCE: This has nothing to do with this  
6 juror, but just as -- are these questionnaires part of the  
7 record?

8 THE COURT: Absolutely. They're all court's  
9 exhibits. The original questionnaires that were filled out  
10 are court's exhibits. So if there's appellate review -- first  
11 of all, I think a lot of this is evident in the transcript  
12 because I say this was your answer. You guys say this was  
13 your answer. To the extent it may not be evident in the  
14 record, if this matter were to go up on appeal, the actual  
15 originals are available to the Supreme Court, and they can  
16 request them. The State can ask that they all be sent up, or  
17 you can ask that they be sent up as part of the appellate  
18 process. So, yeah, everything is in the record.

19 MR. SANTACROCE: Thank you.

20 THE COURT: All right. Anything else we need to  
21 place on the record before we take our weekend break?

22 MR. WRIGHT: Yes. I request next week for the --  
23 I'd like -- we've had 47 prospective jurors come in, and I'd  
24 request that we be allowed to go first on the questioning for  
25 the next 47.

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1 THE COURT: That's fine.

2 MR. WRIGHT: Thank you.

3 THE COURT: I would just to the extent this argument  
4 may be raised on appeal, I don't see any prejudice to the fact  
5 the State's been going first because each individual juror is  
6 questioned individual. So they have no idea who went first  
7 the last time.

8 MR. WRIGHT: Right. Not at all.

9 THE COURT: No, I understand but it's --

10 MR. WRIGHT: My concern is I --

11 THE COURT: They can rehabilitate --

12 MR. WRIGHT: -- have the -- yeah, rehabilitation  
13 starts before I've even asked a question. They  
14 mischaracterize what is stated. They don't read it precisely,  
15 and then say, now, you could set -- you said something in here  
16 about this or that, now, you're going to be open and honest,  
17 and you'd like to be a juror like yourself, wouldn't you?  
18 Don't you agree with that? Yes, I do. Well, they're  
19 rehabilitating when they're just off of the questionnaire.

20 THE COURT: Right. And that's fine. You can begin  
21 first. I just want to add another thing for the record that  
22 we did discuss in chambers that jury selection would proceed  
23 with the State asking first followed up by the defense, and I  
24 said we might change that. Everyone agreed that it was fine  
25 to begin with the State asking the jurors the questions first.

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1 So that, and I would just say, you know, I don't know which  
2 particular one, you know, there's only two that have been  
3 challenged for cause today that haven't been excused. And I  
4 would say the first one, Ms. Angela Valente-Libonotis any  
5 potential for cause didn't even occur, I don't think, until --  
6 or the real issue occurred during Mr. Santacroce's  
7 questioning. So that wouldn't have mattered who went first.

8           Secondly, then this last gal, Ms. Safronov, you  
9 know, I don't know what the State may have paraphrased. I do  
10 know that when I read it I was reading pretty much verbatim  
11 from what she wrote in her questionnaire in terms of you said  
12 this, and I may not have read the full sentence, but the part  
13 of the sentence I read I read verbatim to the best of my  
14 ability that is what I recall doing.

15           So anything else? And that's fine. I have no  
16 problem with you guys starting first.

17           MR. STAUDAHER: And for the record, neither does the  
18 State. As a matter of fact when we first started this, we  
19 asked if we were going to be alternating so that that wouldn't  
20 even be an issue, and it was deferred that the State would  
21 start first, and nobody had an objection to that. So it's not  
22 like the State had some agenda that we were trying to proffer  
23 and get before the Court.

24           MR. WRIGHT: I'm not suggesting an agenda.

25           MR. STAUDAHER: You certainly said that we've skewed

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1 the questioning such that we tried to fix the questions before  
2 we even have the witnesses testify.

3 MR. WRIGHT: No, I said you were rehabilitating the  
4 jurors off the questionnaire before they have answered the  
5 question. So I wasn't intending to say there was some -- I  
6 agree on all that you have all said that I didn't raise the  
7 issue previously. All I ask was the next 47 we'd go first.

8 THE COURT: All right. Well, we shall see you back  
9 here at 9 on Monday unless we hear otherwise. I checked the  
10 Supreme Court web page up here --

11 MR. STAUDAHER: We just did too. It's not back.

12 THE COURT: Okay. There's nothing new.

13 (Proceedings recessed 4:03 p.m.)  
14  
15  
16  
17  
18  
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25

ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

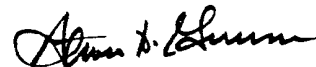
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TRAN



CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
	)	
DIPAK KANTILAL DESAI, RONALD	)	
E. LAKEMAN,	)	
	)	
Defendants.	)	<b>TRANSCRIPT OF</b>
	)	<b>PROCEEDING</b>

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 4**

MONDAY, APRIL 29, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
FOR DEFENDANT LAKEMAN:	MARGARET M. STANISH, ESQ. FREDERICK A. SANTACROCE, ESQ.

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1 LAS VEGAS, NEVADA, MONDAY, APRIL 29, 2013, 9:25 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the prospective jury panel.)

4 THE COURT: Apparently, Mr. Archuletta, Badge No.  
5 370, it looks like will be in this group today, and then other  
6 than him it's just a whole new group of 35.

7 MS. STANISH: Your Honor, is it possible that we can  
8 get a copy of Mr. Archuletta's questionnaire because --

9 MR. WRIGHT: We -- we don't have that.

10 MS. STANISH: -- I don't think we brought it with  
11 us. We didn't --

12 THE COURT: Oh, sure.

13 MS. STANISH: -- know he was going to be a show.

14 MR. SANTACROCE: I didn't --

15 THE COURT: State, do you have the -- you don't need  
16 a copy?

17 MR. STAUDAHER: We don't need a copy.

18 MR. SANTACROCE: I don't have one.

19 THE COURT: All right. We'll make two copies.

20 MS. STANISH: Thank you.

21 THE COURT: You want three copies? Do you and Mr.  
22 Wright share a copy or --

23 MS. STANISH: Yeah, we can share.

24 (Pause in the proceedings.)

25 (Inside the presence of the prospective jury panel.)

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1           THE COURT: All right. Court is now in session.  
2 This is the time for Case No. C265107. Plaintiff, State of  
3 Nevada, versus Dipak Desai and Ronald Lakeman, defendants.

4           Let the record reflect the presence of the State  
5 through the Deputy District Attorneys Michael Staudaher and  
6 Pam Weckerly, the presence of the defendant Dipak Desai, along  
7 with his attorneys Margaret Stanish and Rick Wright, the  
8 presence of the defendant Ronald Lakeman with his attorney  
9 Frederick Santacroce, the officers of the court, and the  
10 ladies and gentlemen of the prospective jury panel.

11           Good morning, ladies and gentlemen. You are in  
12 Department 21 of the Eighth Judicial District Court for the  
13 State of Nevada. My name is Valerie Adair and I am the  
14 presiding judge. As you know, you've already filled out  
15 questionnaires relating to your service or potential service  
16 as a juror in this case. The purpose of today is for the  
17 Court, as well as the attorneys, to follow up on the  
18 questionnaires with you.

19           In a moment, counsel for the State will introduce  
20 themselves to you and they will tell you briefly the nature of  
21 the State's case.

22           Mr. Staudaher, Ms. Weckerly.

23           MR. STAUDAHER: Thank you, Your Honor.

24           Ladies and gentlemen, my name is Michael Staudaher.  
25 This is Pamela Weckerly. We are the Deputy District Attorneys

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1 assigned to prosecute this case. The case is State of Nevada  
2 versus Dipak Kantilal Desai and Ronald Ernest Lakeman.

3 The time period in question primarily focuses on two  
4 particular days in past -- in the past, rather, in 2007, July  
5 25, 2007, and September 21, 2007, when events that you'll hear  
6 about if you're a juror selected in this case took place.  
7 Beyond that, however, there's more of an expansive time range  
8 of things that were going on in the clinic which lend  
9 themselves to the specific charges in this particular matter.  
10 I'm going to read those to you now.

11 The types of charges that you will be hearing about  
12 if you are chosen are insurance fraud, performance of an act  
13 in reckless disregard of persons or property resulting in  
14 substantial bodily harm, criminal neglect of patients  
15 resulting in both substantial bodily harm and death, theft,  
16 obtaining money under false pretenses, and murder.

17 In this particular instance the events in question  
18 took place primarily at a location here in town near UMC and  
19 Valley Hospital at 700 Shadow Lane. It was a location where  
20 there was a combined medical clinic, as well as a procedural  
21 clinic in which -- which was the Gastroenterology Center of  
22 Nevada and the Endoscopy Center of Southern Nevada.

23 There was a large patient notification by the Health  
24 District as a result of a hepatitis C outbreak which took  
25 place at that clinic. Those -- and the actions that took

1 place there and these individuals' involvement with -- with  
2 those events are what you would hear the testimony about and  
3 what the charges are based on.

4 Thank you, Your Honor.

5 THE COURT: All right. Thank you, Mr. Staudaher.

6 In a moment counsel for the defense will introduce  
7 themselves to you, along with their clients. An accused in a  
8 criminal case is never required to present any evidence or to  
9 call any witnesses.

10 Ms. Stanish, Mr. Wright.

11 MR. WRIGHT: Thank you.

12 My name is Richard Wright. I am an attorney here in  
13 Las Vegas. I represent criminal defendants. This is a  
14 criminal case. This is Margaret Stanish. Margaret is my  
15 partner practicing law. And seated here is Dr. Dipak Desai.  
16 He was a physician and he's a defendant in this criminal case  
17 accused of the offenses you heard Mr. Staudaher talk about.

18 Now, we're in the, as you all know, the jury  
19 selection phase of this case, so we're going to be talking to  
20 you all individually to see if you have any knowledge already  
21 about this case. So what this case is, you filled out  
22 questionnaires when you came in, this case involves a  
23 hepatitis C outbreak that occurred -- the notification of it  
24 occurred five years ago like in February 2008. And that  
25 notification was when the Health District and the health

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1 authorities sent out notice to about 60,000 former patients of  
2 this clinic. And the notice said you may have been exposed to  
3 hepatitis C, so go get testing for this.

4 And the criminal case, which isn't to be confused  
5 with simple cases that have been taking place here, lawsuits  
6 against doctors or manufacturers of medication or insurance  
7 companies, this is the criminal case. And this case deals  
8 with generally two types of accusations.

9 Now, one type of accusation is criminal neglect of  
10 patients. That means the figuring out in the case how did  
11 this transmission of hepatitis C occur at the clinic and did  
12 that transmission result in criminal acts being done like by  
13 Dr. Desai or Mr. Lakeman, who is a co-defendant here, who is a  
14 certified registered nurse anesthetist. I can never get that  
15 out, so we call CRNA, that's the person who puts you to sleep  
16 with propofol when you're going to get a colonoscopy.

17 And so the case is going to be about what happened  
18 and did they know what they were doing was dangerous and did  
19 they put lives at risk anyway knowing those dangers. We call  
20 that the criminal neglect of patients components because  
21 you'll hear from about like seven, what we'd call victims in  
22 the criminal case, people who contracted hepatitis C on these  
23 two dates in 2007.

24 And the other part of the case, aside from the  
25 criminal neglect of patients, will be the billings part of the

1 case. Were the billings submitted for those patients false or  
2 correct, and if they were erroneous billings, were they  
3 criminally erroneous, meaning I'm the doctor or the biller and  
4 I cheated on the billing so that the insurance company paid  
5 too much for the procedures. That's what the case is all  
6 about.

7 And because there was this mass notification,  
8 meaning like 6 percent of Clark County's population got  
9 letters to get tested for hep C, we're going to question you  
10 all in depth to see if you've already heard about this or  
11 formed any opinions about it. Thank you.

12 THE COURT: All right. Thank you, Mr. Wright.  
13 Mr. Santacroce.

14 MR. SANTACROCE: Thank you, Your Honor.

15 Good morning, ladies and gentlemen. My name is  
16 Frederick Santacroce. I'm a criminal defense attorney here in  
17 Las Vegas. This is my client, Ronald Lakeman. As Mr. Wright  
18 explained to you, Mr. Lakeman is not a doctor, but he is a  
19 certified registered nurse anesthetist who was employed at the  
20 clinic on these particular dates that the State told you  
21 about.

22 I'm not going to go into the overview of the case  
23 that's already been done for you, but I do want to tell you  
24 that in a few minutes each of you are going to be called here  
25 into this room individually. We're going to be asking you a

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1 series of questions based on the question that you filled out.

2           Some of these questions may seem personal, but you  
3 need to understand that we're not trying to pry into your  
4 lives. Our purpose is merely to find 21 impartial people that  
5 can sit here and give these two gentlemen a fair hearing in  
6 this matter. So please don't take it as an attack on you.  
7 All we're trying to do is get a fair jury. So we thank you  
8 for your patience. Some of you are going to be here for quite  
9 some time. We ask you to bear with us and, once again, we  
10 thank you for being here.

11           THE COURT: All right. Thank you, Mr. Santacroce.

12           Ladies and gentlemen, in a moment the clerk will  
13 call the roll of the panel of prospective jurors. When your  
14 name is called, please answer present or here. Please be  
15 aware that everything that is said during these proceedings is  
16 recorded. The lady in the green or turquoise there at the end  
17 is Ms. Janie Olsen.

18           Ms. Olsen is our official court recorder. It is Ms.  
19 Olsen's job to make sure that everything that is said is  
20 accurately recorded and a transcript is prepared thereafter.  
21 I tell you this because when you are speaking, please be aware  
22 that you are being recorded, and please make sure that you  
23 speak up so that we can clearly hear you.

24           Our court clerk, Ms. Husted, will now call the roll.

25           THE CLERK: Yes, Your Honor.

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1 Badge 429, David Schlehle.  
2 PROSPECTIVE JUROR NO. 429: Here.  
3 THE CLERK: Badge 441, Lisa Ruiz.  
4 PROSPECTIVE JUROR NO. 441: Here.  
5 THE CLERK: Badge 447, Gerald Lattimer. No show.  
6 Badge 453, Shernet Shady.  
7 PROSPECTIVE JUROR NO. 453: Here.  
8 THE CLERK: 454, Jayson Tomboc.  
9 PROSPECTIVE JUROR NO. 454: Here.  
10 THE CLERK: 458, Joseph Sandifer.  
11 PROSPECTIVE JUROR NO. 458: Here.  
12 THE CLERK: 472, Prasanna --  
13 PROSPECTIVE JUROR NO. 472: Here.  
14 THE CLERK: Would you say your last name?  
15 PROSPECTIVE JUROR NO. 472: Wijekularatne.  
16 THE CLERK: Wijuek --  
17 PROSPECTIVE JUROR NO. 472: Wijekularatne. Long  
18 name, last name.  
19 THE COURT: We'll be calling you sir.  
20 PROSPECTIVE JUROR NO. 472: Prasanna.  
21 THE CLERK: 473, Paul Cracknell. No show.  
22 475, Isabel Zermeno. No Show.  
23 485, Regyna Booker.  
24 PROSPECTIVE JUROR NO. 485: Here. Regyna.  
25 THE CLERK: Regyna. I'm sorry.

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1 502, Cristian Fratut.  
2 PROSPECTIVE JUROR NO. 502: Here.  
3 THE CLERK: 510, Heather Burke. No show.  
4 512, Timothy Bacome.  
5 PROSPECTIVE JUROR NO. 512: Here.  
6 THE CLERK: 517, Joseph Burke.  
7 PROSPECTIVE JUROR NO. 517: Here.  
8 THE CLERK: 518, Scott Hale.  
9 PROSPECTIVE JUROR NO. 518: Here.  
10 THE CLERK: 534, Cherri Epstein.  
11 PROSPECTIVE JUROR NO. 534: Here.  
12 THE CLERK: 536, Norma Medina.  
13 538, Rhonaree Mayo.  
14 PROSPECTIVE JUROR NO. 538: Rhonaree. Here.  
15 THE CLERK: Rhonaree Mayo.  
16 539, Leanne Plourd.  
17 547, Lynne Oliver.  
18 PROSPECTIVE JUROR NO. 547: Here.  
19 THE CLERK: 549, Jason Wilson.  
20 560, Lance Clemons.  
21 PROSPECTIVE JUROR NO. 560: Present.  
22 THE CLERK: 573, Philip Chavis.  
23 PROSPECTIVE JUROR NO. 573: Here.  
24 THE CLERK: 578, Teresa Doan.  
25 583, Cheryl Ashe.

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1 PROSPECTIVE JUROR NO. 583: Here.  
2 THE CLERK: 602, Frank Allen.  
3 PROSPECTIVE JUROR NO. 602: Here.  
4 THE CLERK: 603, Margaret Rock.  
5 604, Lora Hendrickson.  
6 PROSPECTIVE JUROR NO. 604: Present.  
7 THE CLERK: 608, Khoa Do.  
8 620, Karen Malone.  
9 627, Jordan Espinosa.  
10 PROSPECTIVE JUROR NO. 627: Here.  
11 THE CLERK: 633, Shirley Young.  
12 PROSPECTIVE JUROR NO. 633: Here.  
13 THE CLERK: 641, Rhyan Parbo.  
14 PROSPECTIVE JUROR NO. 641: Here.  
15 THE CLERK: 647, Teri Walsh.  
16 PROSPECTIVE JUROR NO. 647: Here.  
17 THE COURT: All right. Is there anyone whose  
18 name --  
19 THE CLERK: I have one more.  
20 THE COURT: Oh, sorry.  
21 THE CLERK: 648, Serena Headden.  
22 THE COURT: All right. Is there anyone whose name  
23 was not called?  
24 Just so you know, ladies and gentlemen, on the  
25 people who didn't show up, if you're sitting here thinking,

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1 well, heck, why the heck did I show up, it's not an invitation  
2 for jury service. What we do with those people, just so you  
3 know, is we give them an opportunity to show up the next time  
4 we're bringing in a group.

5 Basically, there are, you know, several hundred  
6 prospective jurors in this case and we'll be questioning each  
7 of you individually. Instead of making all several hundred  
8 show up on the first day of jury selection, which began last  
9 week, and sitting around downstairs and taking off from work,  
10 we tried to divide this up into groups so that we can  
11 inconvenience prospective jurors as little as possible and you  
12 wouldn't have to sit down for a week before you even came  
13 upstairs.

14 For those jurors, just so you know, who don't show  
15 up, they get an opportunity to come in the next time. If they  
16 don't, we issue what's called an order to show cause, and then  
17 they either come before me or the chief judge to explain their  
18 failure to appear for jury duty. Depending on what their  
19 excuse is, obviously, if they, you know, come in and they show  
20 they were in the intensive care unit or under the wheel of a  
21 bus or something like that, we don't sanction them. However,  
22 there can be a monetary sanction up to \$500 or more severe  
23 than that for their failure to come in for jury service.

24 If they fail to show up on the order to show cause,  
25 a bench warrant is issued for their arrest. So I don't want

1 any of you to think, well, gosh, why am I here when these  
2 other people didn't bother to show up. Because, you know,  
3 District Court takes this very seriously and there are  
4 consequences for jurors' failure to show up.

5 That being said, in a moment I'm going to have the  
6 clerk administer the oath to the panel of prospective jurors.  
7 The questioning of the jury at the beginning of the case is  
8 done under oath. If you would all please rise, the court  
9 clerk is going to administer the oath to you.

10 (Prospective jury panel sworn.)

11 THE COURT: Ladies and gentlemen, we are about to  
12 commence examination of prospective jurors in this case.  
13 During this process you will be asked questions bearing on  
14 your ability to sit as fair and impartial jurors. The Court,  
15 the lawyers, the defendants, and everyone involved in this  
16 case are all deeply interested in having this matter tried by  
17 a jury composed of open-minded people who are completely  
18 neutral and who have no bias or prejudice toward or against  
19 either side.

20 In order for us to accomplish this, it is necessary  
21 for me to ask you some questions. The attorneys will also be  
22 given the opportunity to ask you some questions. Please  
23 understand that it is not our desire to pry unnecessarily into  
24 your personal lives, although the questioning can at times  
25 become quite personal. Our only objective is to ascertain

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1 whether there is any reason why you cannot sit as a fair and  
2 impartial juror in this case.

3           It is important that you know the significance of  
4 full, complete, and honest answers to all of the questions we  
5 are about to ask you. I caution you not to try to hide or  
6 withhold anything touching upon your qualifications to serve  
7 as a juror. Should you be selected to serve in this case,  
8 your decision, meaning your verdict, should be based upon all  
9 of the evidence presented during the trial and not upon any  
10 preconceived prejudice or bias.

11           In a moment I'm going to have all of you exit the  
12 courtroom, but before I do I have a couple of general  
13 questions I'm going to ask all of you. If you wish to respond  
14 to any of the questions I'm about to ask, please raise your  
15 hand, and when I call on you please state your name and your  
16 badge number for the record.

17           You've seen today Mr. Michael Staudaher and Ms. Pam  
18 Weckerly, the prosecutors. Does anyone believe they may be  
19 acquainted or does anyone recognize either of the prosecutors  
20 from their personal lives or their professional lives? Does  
21 anyone know either one of them? All right.

22           Does anyone believe they may know or may recognize  
23 from their personal or business lives the defense attorneys in  
24 this case, either Ms. Margaret Stanish, Mr. Rick Wright, or  
25 Mr. Frederick Santacroce?

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1 Yes, sir, your name and badge number, please.  
2 PROSPECTIVE JUROR NO. 517: Joseph Burke, 517.  
3 THE COURT: Yes. And who do you think you  
4 recognize?  
5 PROSPECTIVE JUROR NO. 517: Margaret Stanish.  
6 THE COURT: Okay. All right. Thank you, sir.  
7 We'll follow up with that in a little bit.  
8 Anyone else think they recognize any of the defense  
9 attorneys? All right.  
10 Now, you've seen here in court the defendants, Dr.  
11 Dipak Desai and Mr. Ronald Lakeman. Does anyone believe they  
12 may be personally acquainted with them or they may recognize  
13 them from their personal or professional lives?  
14 Yes, ma'am, your name and badge number?  
15 PROSPECTIVE JUROR NO. 583: Cheryl Ashe, 583.  
16 THE COURT: Okay.  
17 PROSPECTIVE JUROR NO. 583: I work at UMC Hospital.  
18 I've worked with Dr. Desai.  
19 THE COURT: All right. And we'll follow up on that  
20 in a moment.  
21 Yes, ma'am?  
22 PROSPECTIVE JUROR NO. 647: My name is Teri Walsh.  
23 My badge number is 647. My husband saw Dr. Desai as a  
24 patient.  
25 THE COURT: Okay. And then did you accompany him?

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1 PROSPECTIVE JUROR NO. 647: Yes, ma'am.

2 THE COURT: Okay. So you actually saw the doctor as  
3 well? All right. Thank you. We'll follow up with that in a  
4 moment.

5 Yes, ma'am?

6 PROSPECTIVE JUROR NO. 534: My name is Cherri  
7 Epstein, Badge 534. I'm a pharmaceutical representative and I  
8 did call on Dr. Desai.

9 THE COURT: Okay. I think you put that in your --

10 PROSPECTIVE JUROR NO. 534: Yes.

11 THE COURT: Some of this was in the questionnaire.

12 PROSPECTIVE JUROR NO. 534: Yes.

13 THE COURT: All right. Is there anyone else who  
14 maybe thinks they recognize, you know, from the barber shop or  
15 anything like that? All right. Thank you. That concludes my  
16 initial questions. I'm going to in a moment have all of you  
17 follow the uniform bailiffs through the double doors and then  
18 we'll be conducting individual questioning or voir dire here  
19 in court.

20 Before I excuse you, I must admonish you.  
21 Obviously, you haven't heard any evidence. You've just heard  
22 some talk about what the case is about. You're not to discuss  
23 anything that's transpired in the courtroom, anything relating  
24 to the case with each other or with anyone else. Anyone else  
25 may include your family and your friends. You may, of course,

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1 tell them that you are participating in jury selection in a  
2 criminal jury trial, but please do not discuss anything else  
3 relating to this matter.

4           Additionally, you are not to read, watch, or listen  
5 to any reports of or commentaries on this case, any person or  
6 subject matter relating to this case by any medium of  
7 information. You are not to do any independent research on  
8 any subject relating to the trial by way of the Internet or  
9 any other medium. You are not to engage in any social media,  
10 like Facebooking or Twittering, on any subject connected with  
11 the trial or the jury selection process until you've been  
12 excused. Additionally, you're not to form or express an  
13 opinion on the trial.

14           One final admonition, court personnel other than the  
15 uniformed bailiff, the defendants, and the attorneys are  
16 prohibited by the rules of ethics from speaking directly with  
17 members of the jury and the prospective jurors. To do so  
18 might contaminate your verdict. So should you see these  
19 individuals in the hallway or in the elevator or something  
20 like that at a recess, please do not think they are being  
21 unfriendly or anti-social. They are simply precluded from  
22 speaking directly with members of the jury and the prospective  
23 jurors.

24           Having said that, I'd ask all of you to please rise  
25 and follow the bailiff through the double doors.

1 (Outside the presence of the prospective jury panel.)  
2 THE COURT: Ms. Stanish, on the guy that knew you,  
3 do you know who he is or where he knows you from?  
4 MS. STANISH: I don't know. He could be one of my  
5 neighbors.  
6 THE COURT: Okay. Well, we'll follow up --  
7 MS. STANISH: You know, someone in the neighborhood.  
8 THE COURT: -- you know, in case --  
9 MS. STANISH: I don't know.  
10 THE COURT: -- you have loud barking dogs or you  
11 don't keep your lawn up or whatever.  
12 MS. STANISH: I have cats.  
13 THE COURT: I didn't want to ask him in front of the  
14 other -- the other jurors. You don't bring your trash in.  
15 All right.  
16 MS. STANISH: Uh-huh.  
17 THE COURT: In our thing, you know, we have an HOA,  
18 if you leave the trashcan, I swear, like five minutes out you  
19 get a ding.  
20 All right. Kenny, first up is Badge 370, Mr.  
21 Archuletta.  
22 THE MARSHAL: Judge, he was a no-show.  
23 THE COURT: Oh, he no-showed again? He did?  
24 THE CLERK: Yeah.  
25 THE COURT: All right. Badge 429, David Schlehle.

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1 (Inside the presence of Prospective Juror No. 429.)

2 THE COURT: Sir, come on in and have a seat there in  
3 the jury box, just wherever you'd feel comfortable. And you  
4 indicated you felt that you'd have some difficulty serving as  
5 a juror in this case, both a financial difficulty. You have  
6 your own business?

7 PROSPECTIVE JUROR NO. 429: Yes.

8 THE COURT: And you don't have any employees or --

9 PROSPECTIVE JUROR NO. 429: Correct.

10 THE COURT: Okay. So you're actually out there  
11 doing the work yourself?

12 PROSPECTIVE JUROR NO. 429: Correct. Yes.

13 THE COURT: Okay. And would that -- what time  
14 period -- I mean, is that during the day, during the week, or  
15 on the weekends, or how does that --

16 PROSPECTIVE JUROR NO. 429: All of the above.

17 THE COURT: Okay. And then you also indicated that  
18 you're a practicing Jehovah's Witness; is that right?

19 PROSPECTIVE JUROR NO. 429: Yes.

20 THE COURT: Okay. And in your religion is it that  
21 -- because let me just explain this. We -- as a juror your  
22 function is limited to listening to the evidence, going in the  
23 jury deliberation room and discussing the evidence that's been  
24 presented during the trial with your fellow jurors, and then  
25 making a determination as to whether the State has proven the



1 defendants' guilt beyond a reasonable doubt. And then based  
2 on that, you know, you vote, yes, they've proven it or guilty  
3 or, no, they haven't proven it, not guilty.

4 The jury in a case like this is not asked to render  
5 a punishment. And, in fact, there's a jury instruction that  
6 says, you know, you are not to consider or discuss the subject  
7 of punishment. I'm paraphrasing, but that's essentially what  
8 it is. Knowing that you're not involved in a punitive aspect,  
9 meaning determining what punishment, if any, even, you know,  
10 if there's a finding of guilt would be involved in this case,  
11 would that -- would you be able to serve as a juror, or does  
12 your religious belief preclude you from that? And just in  
13 your own words respond to me.

14 PROSPECTIVE JUROR NO. 429: As a Jehovah's Witness I  
15 would be able to serve based upon my bible-based conscience.

16 THE COURT: Okay. So it's more a sentencing issue?

17 PROSPECTIVE JUROR NO. 429: I don't think one has  
18 any weight over the other.

19 THE COURT: And I'm sorry, you said you would be  
20 able to serve or you wouldn't be able to serve?

21 PROSPECTIVE JUROR NO. 429: I would be able to  
22 serve.

23 THE COURT: Okay. Let's get back, then, to your  
24 financial issue. It's your own -- now, if you serve for six  
25 weeks then you would just not be able to do that kind of lawn

1 work or what would happen?

2 PROSPECTIVE JUROR NO. 429: Yes. Even today I have  
3 regular days that I'm scheduled to -- I physically mow the  
4 lawns myself.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 429: I'm behind today.

7 THE COURT: Okay. And you said you -- I'm assuming  
8 it's daytime because you're out doing yard work?

9 PROSPECTIVE JUROR NO. 429: Yes.

10 THE COURT: And you said you work, you know, Monday  
11 through Friday?

12 PROSPECTIVE JUROR NO. 429: Yes.

13 THE COURT: Counsel approach.

14 (Off-record bench conference.)

15 THE COURT: Sir, thank you for coming in. It was an  
16 easy day for you. We're going to go ahead and excuse you  
17 because this does look like a financial hardship. We do need  
18 to follow up on the questionnaires because sometimes people  
19 come in and they say, oh, it's not a hardship anymore or I  
20 made arrangements or what have you. So, sir, before I excuse  
21 you, though, I must advise you that you're not to discuss  
22 anything that's transpired in the courtroom, meaning my  
23 questions to you and your answers and our discussion with  
24 anyone else.

25 PROSPECTIVE JUROR NO. 429: Thank you.

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1 THE COURT: All right. Thank you, sir, and you are  
2 excused.

3 PROSPECTIVE JUROR NO. 429: Do I still report back  
4 to the jury service?

5 THE COURT: Yes, go back and check out through jury  
6 services. Thank you, sir.

7 (Outside the presence of Prospective Juror No. 429.)

8 THE COURT: 441, Lisa Ruiz.

9 THE CLERK: She's here.

10 THE MARSHAL: Ruiz, Your Honor?

11 THE COURT: Yes.

12 (Inside the presence of Prospective Juror No. 441.)

13 THE COURT: Just in the jury box there, please. All  
14 right. Good morning.

15 PROSPECTIVE JUROR NO. 441: Good morning.

16 THE COURT: You indicated that you wouldn't have any  
17 difficulty serving on this jury, and I believe you said you  
18 had been exposed to something, just general information  
19 provided on the news. Was that on the TV news or --

20 PROSPECTIVE JUROR NO. 441: Right.

21 THE COURT: -- did you read the paper or what?

22 PROSPECTIVE JUROR NO. 441: No, news.

23 THE COURT: And is there a particular station that  
24 you watch?

25 PROSPECTIVE JUROR NO. 441: Channel 13 normally.

1 THE COURT: Okay. Do you recall when you heard  
2 something about this case or have you heard something over a  
3 period of time or --

4 PROSPECTIVE JUROR NO. 441: Just over time since it  
5 started and then --

6 THE COURT: Okay. And this is maybe difficult for  
7 you to answer, but what can you remember hearing on the news  
8 about this case?

9 PROSPECTIVE JUROR NO. 441: I guess just the general  
10 details of what was -- what was happening as far as people  
11 being exposed and then, you know, people getting tested and  
12 the notices that went out. Like I said, general information  
13 about the case.

14 THE COURT: Okay. And then do you -- you didn't  
15 indicate that you formed an opinion based on that; is that  
16 correct?

17 PROSPECTIVE JUROR NO. 441: No.

18 THE COURT: Okay. Do you accept that sometimes the  
19 news media reports things either inaccurately or incompletely?

20 PROSPECTIVE JUROR NO. 441: Yes.

21 THE COURT: Okay. Now, if you're selected to serve  
22 as a juror in this case, do you understand that you would have  
23 to base your verdict solely upon the evidence presented during  
24 this trial, and by that I mean the testimony under oath from  
25 the witness stand and any exhibits that are admitted into

1 evidence like --

2 PROSPECTIVE JUROR NO. 441: Yes.

3 THE COURT: -- photographs and other things? Would  
4 you be able to do that, and if you remember something, oh, I  
5 think I heard this in the news, set that aside and not  
6 consider that?

7 PROSPECTIVE JUROR NO. 441: Yes.

8 THE COURT: Okay. Thank you.

9 State, you may follow up with Ms. Ruiz.

10 MR. STAUDAHER: Your Honor, I believe we had  
11 arranged to go in another order.

12 THE COURT: Oh, I'm sorry. Thank you, Mr.  
13 Staudaher.

14 Ms. Stanish, would you like to go first?

15 MS. STANISH: Yes. Thank you, Your Honor.

16 THE COURT: All right. Thank you.

17 MS. STANISH: Good morning, Ms. Ruiz.

18 PROSPECTIVE JUROR NO. 441: Good morning.

19 MS. STANISH: How are you?

20 PROSPECTIVE JUROR NO. 441: Good.

21 MS. STANISH: Good. Let me just tag along with what  
22 the Judge asked you regarding your exposure to this case in  
23 the news. As I understand it, you've seen information about  
24 this case on television. Did you see it in -- did you have  
25 access to other sources of information like the newspaper

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1 or --

2 PROSPECTIVE JUROR NO. 441: No. Typically -- I  
3 don't receive the newspaper anymore, so it would have just  
4 been by news. And typically I watch the news first thing in  
5 the morning and then I'm done. I don't --

6 MS. STANISH: And did you have any conversations  
7 with people regarding this case?

8 PROSPECTIVE JUROR NO. 441: No.

9 MS. STANISH: Did you know anybody who received one  
10 of those notices that Mr. Wright referred to earlier from the  
11 Health Department telling --

12 PROSPECTIVE JUROR NO. 441: Not off the top of my  
13 head. I don't remember anybody.

14 MS. STANISH: You don't remember. Okay. I see that  
15 you served on a -- well, let me see. Maybe I got that wrong.  
16 You served on a jury several years ago.

17 PROSPECTIVE JUROR NO. 441: I did.

18 MS. STANISH: A criminal case; right?

19 PROSPECTIVE JUROR NO. 441: Yes.

20 MS. STANISH: And I just wanted to have a clear --  
21 you know, you don't have to give me the results, but what -- I  
22 thought you checked off that you were not pleased with the  
23 outcome of that case. Can you elaborate on that?

24 PROSPECTIVE JUROR NO. 441: It was a hung jury, so  
25 it was just -- you know, we spent a lot of time listening and

1 deliberating and all of that, and we came -- got nowhere with  
2 it, so --

3 MS. STANISH: Well, was it that you wanted to reach  
4 a decision?

5 PROSPECTIVE JUROR NO. 441: Well, I would think that  
6 that's the end result, that we come to a decision one way or  
7 another with the group of people, but --

8 MS. STANISH: A hung jury is sometimes a decision.

9 PROSPECTIVE JUROR NO. 441: That was the decision,  
10 yeah.

11 MS. STANISH: Right. Do you -- you understand in  
12 the criminal system, since you had some dealings with it  
13 sometime ago, that a person is presumed innocent?

14 PROSPECTIVE JUROR NO. 441: Correct.

15 MS. STANISH: What are your feelings about that  
16 little golden rule?

17 PROSPECTIVE JUROR NO. 441: Well, I mean, it's one  
18 of those things really -- I mean, obviously, we only get bits  
19 and pieces from the news and the media about what happens.  
20 There's always going to be other things that come up as far  
21 as, you know, paperwork and/or testimony as in the case of a  
22 jury -- or, I mean, not in the case of a jury, but in a case  
23 of a defendant and case like --

24 MS. STANISH: I'm sorry?

25 PROSPECTIVE JUROR NO. 441: In -- in general of the

1 case, I mean, there's always going to be presentation of  
2 information that we wouldn't be privy to.

3 MS. STANISH: And the fact that these two gentlemen  
4 are charged by a criminal indictment, does that have any  
5 significance for you?

6 PROSPECTIVE JUROR NO. 441: No.

7 MS. STANISH: And the -- have you had any experience  
8 with anyone in the medical profession or has someone close to  
9 you had any experience with anyone in the medical profession  
10 that left you with negative feelings about that profession?

11 PROSPECTIVE JUROR NO. 441: Not that I can think of.

12 MS. STANISH: If you were on trial, would you want  
13 somebody like yourself on the jury?

14 PROSPECTIVE JUROR NO. 441: Yes.

15 MS. STANISH: Why is that?

16 PROSPECTIVE JUROR NO. 441: I mean, that's kind of  
17 hard to say. Just because you've got to -- I think that I am  
18 pretty even-keeled overall and take in what I get and try to  
19 decipher an outcome.

20 MS. STANISH: And, you know, the jury questionnaire  
21 said that this trial would last six weeks beginning on April  
22 22nd. If this trial lasts longer than six weeks, you know,  
23 goes through the month of May, goes into the month of June,  
24 does that present any hardship for you?

25 PROSPECTIVE JUROR NO. 441: I would like to say yes



1 because I'm -- I have obligations, obviously, and I have in  
2 the meantime my son has been in Japan for a couple years and  
3 he's due to come home next month, we just haven't gotten  
4 confirmation on it. So it's just one of those things that  
5 you've got things coming up and expenses and things that I am  
6 concerned about as far as obligations. So without having a  
7 regular paycheck, that could be, you know, a concern.

8 THE COURT: Is your son in the military?

9 PROSPECTIVE JUROR NO. 441: He is.

10 THE COURT: So he's stationed in Japan?

11 PROSPECTIVE JUROR NO. 441: He is.

12 THE COURT: Okay. Air Force?

13 PROSPECTIVE JUROR NO. 441: Navy.

14 THE COURT: Navy.

15 MS. STANISH: Are you -- could you tell us about  
16 your financial situation? I just want to make sure you don't  
17 have any pressing --

18 PROSPECTIVE JUROR NO. 441: Just the normal. I  
19 mean, I pay rent and I have a car payment and obligations. My  
20 other younger son is in college, so I'm helping him as far as  
21 schooling is concerned.

22 MS. STANISH: And if you're off from work for the  
23 next six to eight weeks, will that present a hardship for you?  
24 Will you be able to meet those obligations?

25 PROSPECTIVE JUROR NO. 441: I don't know that. I

1 mean, I don't even know for sure like how many days the  
2 company pays. It used to be that they paid like seven to ten  
3 days. They can excuse you from work if you're off more than  
4 that, but they don't pay you for that time.

5 MS. STANISH: I see.

6 PROSPECTIVE JUROR NO. 441: So that would be the  
7 only --

8 MS. STANISH: Is your son coming home permanently or  
9 is he just on leave?

10 PROSPECTIVE JUROR NO. 441: No, he'll only be home  
11 for about 10 or 15 days.

12 THE COURT: And when is your son coming home?

13 PROSPECTIVE JUROR NO. 441: We haven't confirmed  
14 that yet. Right now he's out to sea, so as soon as he gets  
15 back. He's due -- I got an email saying that he was going to  
16 put in for his leave. He hasn't been home for a couple years,  
17 so this will be about 10 to 15, 20 days maybe, is his time  
18 frame.

19 THE COURT: Okay. And I'm sorry. Did you say when  
20 you expected that he is likely to --

21 PROSPECTIVE JUROR NO. 441: He said mid-May to  
22 mid-June is what he's hoping for.

23 THE COURT: Okay. Meaning he'll be here from  
24 mid-May to mid-June --

25 PROSPECTIVE JUROR NO. 441: Correct.

1 THE COURT: -- or he's either going to leave Japan  
2 in mid-May or he may leave Japan in mid-June meaning --

3 PROSPECTIVE JUROR NO. 441: No, he would leave Japan  
4 in mid-May and be home until mid-June is --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 441: -- the plan.

7 MS. STANISH: What is the nature of your employment?  
8 What do you do?

9 PROSPECTIVE JUROR NO. 441: Mortgage processing.

10 MS. STANISH: So you're not a loan officer, you're  
11 the person that assists in processing the loan?

12 PROSPECTIVE JUROR NO. 441: Correct. I collect  
13 income assets, appraisal, title, and submit. I have a certain  
14 level of authority for underwriting, but the rest of it gets  
15 submitted.

16 MS. STANISH: That job has changed over the years.

17 PROSPECTIVE JUROR NO. 441: Oh, yeah.

18 MS. STANISH: Pass for cause, Your Honor.

19 THE COURT: All right. Thank you.

20 MS. STANISH: Thank you, Ms. Ruiz.

21 THE COURT: Mr. Santacroce.

22 MR. SANTACROCE: Thank you, Your Honor.

23 Good morning, Ms. Ruiz.

24 PROSPECTIVE JUROR NO. 441: Good morning.

25 MR. SANTACROCE: You're employed by Bank of America;

1 is that correct?

2 PROSPECTIVE JUROR NO. 441: Correct.

3 MR. SANTACROCE: And prior to that I believe your  
4 questionnaire said you were employed by Countrywide?

5 PROSPECTIVE JUROR NO. 441: Yes.

6 MR. SANTACROCE: Did you ever work in any kind of  
7 loan foreclosure activity, do any of that?

8 PROSPECTIVE JUROR NO. 441: No, it was always  
9 mortgage processing.

10 MR. SANTACROCE: And how long have you been with  
11 Bank of America?

12 PROSPECTIVE JUROR NO. 441: Just over two years.

13 MR. SANTACROCE: And I think your questionnaire said  
14 prior to that you were a massage therapist?

15 PROSPECTIVE JUROR NO. 441: Correct.

16 MR. SANTACROCE: And what caused you to change from  
17 that into mortgage loan processing?

18 PROSPECTIVE JUROR NO. 441: Mortgage processing I've  
19 done for more than 15 years, but with the downfall of the  
20 economy and Countrywide, all the things that happened with the  
21 banks, I was laid off. And so when I was laid off I went to  
22 school to be a massage therapist and then I worked in that  
23 field for a couple years. And when the banking starting  
24 coming around, I had an opportunity to go back and so I did.

25 MR. SANTACROCE: And are you currently married?

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1 PROSPECTIVE JUROR NO. 441: No.

2 MR. SANTACROCE: You are the sole source of finances  
3 for your household?

4 PROSPECTIVE JUROR NO. 441: Yes.

5 MR. SANTACROCE: And are you responsible for anybody  
6 else?

7 PROSPECTIVE JUROR NO. 441: No. My son is in  
8 college, but he doesn't live with me.

9 MR. SANTACROCE: And where does he go to school?

10 PROSPECTIVE JUROR NO. 441: CSN.

11 MR. SANTACROCE: Your previous jury experience, how  
12 long was that trial?

13 PROSPECTIVE JUROR NO. 441: I believe it was 10 to  
14 14 days. I don't think it was more than that.

15 MR. SANTACROCE: And you were not -- I got the  
16 impression you were not pleased with the outcome.

17 PROSPECTIVE JUROR NO. 441: Just in the fact that we  
18 spent all that time in listening to the defendants and the --  
19 or the information that's -- that's given at the time and then  
20 not to be able to come to a -- to a decision.

21 MR. SANTACROCE: That frustrated you?

22 PROSPECTIVE JUROR NO. 441: Well, not to any great  
23 extent. But like I said, when you spend that much time trying  
24 to come to a decision and then for it to be a hung jury, I  
25 don't know. I guess I expected to come one way or the other,

1 not -- not in the middle.

2 MR. SANTACROCE: Kind of like your business?

3 PROSPECTIVE JUROR NO. 441: Correct.

4 MR. SANTACROCE: It's kind of either or.

5 PROSPECTIVE JUROR NO. 441: Right.

6 MR. SANTACROCE: You get it or you don't get it.

7 PROSPECTIVE JUROR NO. 441: Well, and exactly.

8 Everything work-related it's like anything else, you get  
9 something, it opens up another door and you open the other  
10 door. You either make the loan or you don't.

11 MR. SANTACROCE: And you work with a lot of numbers;  
12 correct?

13 PROSPECTIVE JUROR NO. 441: Yes.

14 MR. SANTACROCE: And do you consider yourself a very  
15 analytical person?

16 PROSPECTIVE JUROR NO. 441: To an extent. I have to  
17 be in that position.

18 MR. SANTACROCE: What do you like to do for fun in  
19 your spare time?

20 PROSPECTIVE JUROR NO. 441: We work on the house,  
21 work in the yard, I like being at the lake, I go to California  
22 quite a bit, so it's family.

23 MR. SANTACROCE: Great. And where is Harbor City,  
24 California?

25 PROSPECTIVE JUROR NO. 441: It's inland, but along

1 the coastline there's -- up there near Long Beach, San Pedro,  
2 Palos Verdes. It's inland from there.

3 MR. SANTACROCE: So towards Southern California.

4 PROSPECTIVE JUROR NO. 441: It is Southern  
5 California, yes.

6 MR. SANTACROCE: And how long were you there?

7 PROSPECTIVE JUROR NO. 441: I grew up in San Pedro,  
8 which is neighboring to Harbor City.

9 MR. SANTACROCE: And how long were you there?

10 PROSPECTIVE JUROR NO. 441: Until early 20s.

11 MR. SANTACROCE: Okay. So you went all your  
12 schooling --

13 PROSPECTIVE JUROR NO. 441: Oh, yes.

14 MR. SANTACROCE: --- in Southern California?

15 PROSPECTIVE JUROR NO. 441: Uh-huh.

16 MR. SANTACROCE: And you feel you could be fair and  
17 impartial in this case despite all the publicity that's gone  
18 -- surrounds it?

19 PROSPECTIVE JUROR NO. 441: Yes, I still think  
20 there's so much that, you know, just like anything else, you  
21 hear bits and pieces from the news, and I don't watch it  
22 consistently, but, again, there's always things that go on  
23 behind the scenes that you wouldn't normally know.

24 MR. SANTACROCE: And you would be fair and open to  
25 that; correct?

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1 PROSPECTIVE JUROR NO. 441: Yes.

2 MR. SANTACROCE: And you would give Dr. Desai and  
3 Mr. Lakeman a fair and impartial hearing?

4 PROSPECTIVE JUROR NO. 441: Yes.

5 MR. SANTACROCE: You would hold the State to their  
6 burden of proving each and every element beyond a reasonable  
7 doubt?

8 PROSPECTIVE JUROR NO. 441: Yes.

9 MR. SANTACROCE: As Mr. Lakeman sits here, do you  
10 think the fact that he's being tried with Dr. Desai has any  
11 kind of negative impression to you?

12 PROSPECTIVE JUROR NO. 441: No, I don't know  
13 anything about -- I don't even remember recalling his name. I  
14 just know Dr. Desai because of the -- the publicity that came  
15 with the endoscopy center.

16 MR. SANTACROCE: Great. Thank you.

17 PROSPECTIVE JUROR NO. 441: Sure.

18 MR. SANTACROCE: Pass for cause.

19 THE COURT: All right. State.

20 MR. STAUDAHER: I know you've been involved in a  
21 criminal jury trial before.

22 PROSPECTIVE JUROR NO. 441: Right.

23 MR. STAUDAHER: Where was that at?

24 PROSPECTIVE JUROR NO. 441: Here in Clark County.

25 MR. STAUDAHER: How long ago was it?



1 PROSPECTIVE JUROR NO. 441: I want to say it was  
2 about 15 to 18 years ago.

3 MR. STAUDAHER: Oh, so quite awhile ago.

4 PROSPECTIVE JUROR NO. 441: It's been -- yeah, it's  
5 been a long time.

6 MR. STAUDAHER: At the -- do you remember the time  
7 going through that, you know, you got law read to you by the  
8 judge at the end, you got some jury instructions and so forth,  
9 and you had to go back to that room and then work through the  
10 process that you did with the law given to you by the judge?

11 PROSPECTIVE JUROR NO. 441: Yes.

12 MR. STAUDAHER: And you know that since that was a  
13 criminal case, just like this is a criminal case, that the  
14 State has an obligation to prove the essential elements of the  
15 crimes charged beyond a reasonable doubt?

16 PROSPECTIVE JUROR NO. 441: Yes.

17 MR. STAUDAHER: For you personally, and I know you  
18 were involved in a hung jury, but you personally, if the State  
19 is able to do that at the end of the case, you've heard all  
20 the facts and evidence presented, you get the law given to you  
21 by the judge and you go back there regardless of whether --  
22 what the other jury members do, if the State has proven each  
23 element of the crimes charged beyond a reasonable doubt in  
24 your mind, can you come back with a guilty verdict?

25 PROSPECTIVE JUROR NO. 441: Yes.

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1           MR. STAUDAHER: Is there any reason, philosophical,  
2 religious, or a personal philosophy, anything where that might  
3 be difficult for you to do?

4           PROSPECTIVE JUROR NO. 441: I don't believe so.

5           MR. STAUDAHER: And I'm not going to -- I'm just  
6 going to ask you a couple more questions along that because it  
7 did concern me about the hung jury issue. Back in -- we can't  
8 get into the -- nobody knows really what takes place back in  
9 the jury room except for, obviously, the jury members that are  
10 there. But if you were back in the jury room and there was a  
11 juror that was not participating, just refused to participate,  
12 would that be something you would feel comfortable enough  
13 about to send a note out to the judge so the judge could  
14 become aware of that?

15          PROSPECTIVE JUROR NO. 441: Having been through that  
16 process before, I think so.

17          MR. STAUDAHER: Okay. And, again, it's something,  
18 you know, obviously nobody is back there seeing what's going  
19 on when it -- when it takes place. It's kind of like sausage  
20 making to some degree because nobody -- it's a black box for  
21 us. But you would feel comfortable if there was something  
22 that was stopping the process from going forward, meaning you  
23 had jurors that just came into the room, got in a chair,  
24 turned their backs on the jury and refused to do anything or  
25 got belligerent and mad and started to threaten jurors,

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1 anything like that, you could bring that to the attention of  
2 the Court? PROSPECTIVE JUROR NO. 441: Yes.

3 MR. STAUDAHER: Okay. And beside the fact that you  
4 thought it should go one way or the other, at the end of the  
5 day did you feel that the State had either proved or not  
6 proven its case?

7 PROSPECTIVE JUROR NO. 441: Yes.

8 MR. STAUDAHER: Not what your decision was, but that  
9 they had done it or not done it?

10 PROSPECTIVE JUROR NO. 441: Yes.

11 MR. STAUDAHER: And did you hold your views during  
12 that time?

13 PROSPECTIVE JUROR NO. 441: Yes.

14 MR. STAUDAHER: I have nothing further. Pass for  
15 cause, Your Honor.

16 THE COURT: All right. Thank you.

17 Ma'am, thank you. I'm going to excuse you for today  
18 and while we continue through jury selection. You may be  
19 selected as a juror. We are mindful of your hardship in this  
20 situation with your son, however, I can't excuse you at this  
21 point.

22 Because you may be still selected as a juror, the  
23 admonition about discussing the case, reading, watching,  
24 listening to anything, everything I said before I excused the  
25 rest of the jurors is still in effect. Also, I must advise

1 you that you're not to discuss anything that's transpired in  
2 the courtroom with anyone, meaning my questions, the lawyers'  
3 questions, your answers, and our discussions. Do you  
4 understand that?

5 PROSPECTIVE JUROR NO. 441: Yes, I do.

6 THE COURT: Okay. Did you have a question for me?  
7 I kind of saw your hand go up a little bit.

8 PROSPECTIVE JUROR NO. 441: Oh, no.

9 THE COURT: Okay. Thank you, ma'am. Put the  
10 microphone in the chair, check out through jury services, and  
11 make sure Kenny, our bailiff, has a phone number where you can  
12 be reached.

13 PROSPECTIVE JUROR NO. 441: Okay. Great.

14 THE COURT: All right. Thank you, ma'am. And  
15 you're free to leave today.

16 (Outside the presence of Prospective Juror No. 441.)

17 THE COURT: Next up is Badge 453, Shernet Shady.

18 MR. WRIGHT: Court's indulgence for just a moment.

19 THE COURT: Sure.

20 (Pause in the proceedings.)

21 THE COURT: All right. Next up is 453, Shernet  
22 Shady.

23 (Inside the presence of Prospective Juror No. 453.)

24 THE COURT: Ma'am, come on in and have a seat there  
25 in the jury box, just wherever you'd like, right -- right over

1 there where you were before. Good morning.

2 PROSPECTIVE JUROR NO. 453: Good morning.

3 THE COURT: I wanted to follow up on some of your  
4 answers in your questionnaire. And it said that your  
5 concerned about serving because you're the only provider and  
6 you just went back to work, and it looks like you were off for  
7 a couple of months.

8 PROSPECTIVE JUROR NO. 453: Yes.

9 THE COURT: Why were you off work?

10 PROSPECTIVE JUROR NO. 453: I had surgery.

11 THE COURT: Okay. You weren't paid by your boss for  
12 the time you were off for surgery?

13 PROSPECTIVE JUROR NO. 453: No. No.

14 THE COURT: Okay. And what do you do again?

15 PROSPECTIVE JUROR NO. 453: I'm a cocktail server.

16 THE COURT: Okay. And you're at the Palace Station.  
17 What shift do you work?

18 PROSPECTIVE JUROR NO. 453: Right now swing.

19 THE COURT: Okay. And what hours are the swing  
20 shift?

21 PROSPECTIVE JUROR NO. 453: 5:00 to 1:00.

22 THE COURT: 5:00 to 1:00 in the morning. And what  
23 -- what days do you work?

24 PROSPECTIVE JUROR NO. 453: I work from Sunday to  
25 Thursday.

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1 THE COURT: Okay. So Sunday you go in at 5:00 in  
2 the afternoon and then you're off Friday and Saturday?

3 PROSPECTIVE JUROR NO. 453: Yes.

4 THE COURT: Okay. And who is in your house -- how  
5 many people are in your household?

6 PROSPECTIVE JUROR NO. 453: It's just me --

7 THE COURT: Just you?

8 PROSPECTIVE JUROR NO. 453: -- right now.

9 THE COURT: You don't have -- you live by yourself?

10 PROSPECTIVE JUROR NO. 453: Yes.

11 THE COURT: Okay. And do you think -- I mean, if  
12 you were selected to serve, do you think that there is any way  
13 you could get, you know, maybe pick up Friday night and  
14 Saturday night in lieu of, say, you know, Monday and Tuesday  
15 so that maybe you wouldn't be missing as much work, do you  
16 know?

17 PROSPECTIVE JUROR NO. 453: No, I don't -- no, they  
18 won't.

19 THE COURT: Okay. Why do you think that they won't?  
20 I mean, is that --

21 PROSPECTIVE JUROR NO. 453: Because they have --

22 THE COURT: -- just something like certain people  
23 are already assigned those days and --

24 PROSPECTIVE JUROR NO. 453: Yes.

25 THE COURT: I'm imagining Friday and Saturday are

1 kind of the big nights if you're --

2 PROSPECTIVE JUROR NO. 453: Yes.

3 THE COURT: -- a cocktail server?

4 PROSPECTIVE JUROR NO. 453: Yeah.

5 THE COURT: Okay. Is that more the people with  
6 seniority get those nights?

7 PROSPECTIVE JUROR NO. 453: It -- yes. It's because  
8 we had a rebid and that was the only thing left. They rebid  
9 the floor.

10 THE COURT: Oh, I see. Okay. So you kind of got  
11 what nobody else wanted --

12 PROSPECTIVE JUROR NO. 453: Yes.

13 THE COURT: -- because you were out.

14 PROSPECTIVE JUROR NO. 453: Yeah.

15 THE COURT: Okay. I get it. All right. Counsel  
16 approach.

17 (Off-record bench conference.)

18 THE COURT: Ma'am, we're going to go ahead and  
19 excuse you because it sounds like you being out of work for a  
20 couple months and everything this would be a bit of a hardship  
21 for you. Before I excuse you, I must admonish you, though,  
22 that you're not to discuss what's transpired in the courtroom  
23 with anyone else. That means my questions, your answers, why  
24 you were excused, and all of that. Do you understand?

25 PROSPECTIVE JUROR NO. 453: Yes.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Put the microphone in the chair and go  
2 check out back through jury services.

3 Next up is 475, Isabel Zermeno.

4 (Outside the presence of Prospective Juror No. 453.)

5 MS. WECKERLY: 475, Your Honor?

6 THE MARSHAL: That's a no-show, Judge.

7 MS. WECKERLY: I think that's a no-show.

8 THE COURT: Okay. Sorry.

9 THE CLERK: 454.

10 THE COURT: All right. How about 502, Cristian  
11 Fratut. He's a bartender. And there is other reasons he  
12 might not be good. They're horrible, money-hungry, dangerous  
13 men.

14 (Inside the presence of Prospective Juror No. 502.)

15 THE COURT: Sir, come on in and just have a seat  
16 anywhere there where you're comfortable in the jury box. I  
17 want to follow up on some of your answers. Good morning to  
18 you. You're concerned about serving in this case because  
19 you'd be missing work as a bartender; is that correct?

20 PROSPECTIVE JUROR NO. 502: Yes.

21 THE COURT: Okay. And how are you compensated?  
22 They -- they give you a salary and then the rest of it is  
23 tips?

24 PROSPECTIVE JUROR NO. 502: The rest is tips.

25 THE COURT: Okay. And you -- it says here you work



1 at the Mandalay Bay?

2 PROSPECTIVE JUROR NO. 502: Yes.

3 THE COURT: How long have you been working there,  
4 seven years?

5 PROSPECTIVE JUROR NO. 502: Since 2006.

6 THE COURT: Okay. Are you in a bar just kind of in  
7 one of the lounge areas or --

8 PROSPECTIVE JUROR NO. 502: Yeah, I'm in the lounge.

9 THE COURT: Okay. What shift do you normally work  
10 and what days?

11 PROSPECTIVE JUROR NO. 502: I work Sunday and Monday  
12 7:00 p.m. to 3:00 a.m., and Tuesday and Wednesday 6:00 p.m. to  
13 2:00 a.m.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 502: And then Thursday I'm on  
16 extra board.

17 THE COURT: Okay. So just when somebody doesn't  
18 show up or is on vacation, then --

19 PROSPECTIVE JUROR NO. 502: I have first choice on  
20 Thursday, so I pick whatever shift I like.

21 THE COURT: Okay. Do you always work Thursdays  
22 typically?

23 PROSPECTIVE JUROR NO. 502: Currently I'm on  
24 vacation for the next three Wednesdays and Thursdays, but then  
25 starting May 18th I'll be back on Wednesdays and Thursdays.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Okay. And your employer pays you your  
2 base salary if you serve --

3 PROSPECTIVE JUROR NO. 502: Yes.

4 THE COURT: -- but not your tip income?

5 PROSPECTIVE JUROR NO. 502: Yes.

6 THE COURT: Okay. And who is in your household?

7 PROSPECTIVE JUROR NO. 502: I live with my  
8 girlfriend.

9 THE COURT: Okay. And does she contribute to the  
10 household expenses?

11 PROSPECTIVE JUROR NO. 502: Yes.

12 THE COURT: What does she do?

13 PROSPECTIVE JUROR NO. 502: She works for Camp Bow  
14 Wow, it's a doggie daycare boarding facility.

15 THE COURT: Okay. What does she do for them?

16 PROSPECTIVE JUROR NO. 502: She's a manager there  
17 and she also does in home pet care, so she visits people's  
18 dogs when they're out of town or at work.

19 THE COURT: Okay. It says here that you've heard  
20 about this case through newspapers, radio, TV, and you think  
21 your father had a colonoscopy at the clinic. Why do you think  
22 that, that your father was a patient there?

23 PROSPECTIVE JUROR NO. 502: Oh, because he had -- he  
24 had -- he was one of those 60,000 people that got a letter  
25 that says you may have been, go check yourself kind of thing.

UNCERTIFIED ROUGH DRAFT

1 THE COURT: Okay. And did he do that?  
2 PROSPECTIVE JUROR NO. 502: Yes.  
3 THE COURT: Did you talk to him about that?  
4 PROSPECTIVE JUROR NO. 502: Not since I filled that  
5 out.  
6 THE COURT: Okay. But before that did you talk to  
7 your dad?  
8 PROSPECTIVE JUROR NO. 502: Yeah, but it was awhile  
9 ago.  
10 THE COURT: Okay. As far as you know he didn't test  
11 positive or anything like that?  
12 PROSPECTIVE JUROR NO. 502: No, I'm pretty sure he  
13 didn't.  
14 THE COURT: Okay. Did he talk to you, you know,  
15 about how he felt when he got the letter or anything like  
16 that?  
17 PROSPECTIVE JUROR NO. 502: No, he just said, hey, I  
18 got -- I got one of these.  
19 THE COURT: Okay. Did he talk to you at all about  
20 his experiences at the clinic?  
21 PROSPECTIVE JUROR NO. 502: No.  
22 THE COURT: Okay. So you don't know who -- what  
23 physician he had or what nurse anesthetist or anything like  
24 that?  
25 PROSPECTIVE JUROR NO. 502: No, just besides, well,

UNCERTIFIED ROUGH DRAFT