

1 MR. BOSLER: And that's in spite of what the
2 judge may instruct you? What the judge instructs you that
3 you are supposed to judge everybody fairly, you will carry
4 to believe police officers more?

5 A PROSPECTIVE JUROR: If there was a question,
6 yes.

7 MR. BOSLER: How about a general concept? If
8 you were Mr. Vanisi and sitting in that chair, would you
9 want someone like you sitting in the chair you occupy right
10 now and judge this case fairly, knowing police officers are
11 going to testify?

12 A PROSPECTIVE JUROR: I don't think I'd have a
13 problem with it.

14 MR. BOSLER: I understand.

15 Your Honor, we'll make a for-cause challenge
16 based upon -- I think the witness has been pretty
17 unequivocal when he talked about credibility, that he is
18 going to hold officers to a lesser standard, and this is in
19 spite of what you said several times during the general
20 panel discussion. If that's his opinion, he is going to
21 carry it with him into the jury room, and that is what he
22 said on the record. I think this is a for-cause challenge.

23 THE COURT: Mr. Stanton.

24 MR. STANTON: Your Honor, I believe the precise
25 review of Mr. Gerbatz' comments regarding the police

1 officer's testimony is not in conflict with the law. What
2 he says is if it comes down to two witnesses that have
3 opposing views and one of them happens to be a police
4 officer, he would tend to believe that police officer. That
5 is not to say that he would believe the police officer in
6 exclusion to evidence that would be presented contrary to
7 his testimony. So I think that that is an incorrect reading
8 of what Mr. Gerbatz is saying.

9 He is saying that all things being equal, two
10 witnesses that are opposing on a particular evidentiary
11 item, he would tend to believe the police officer. I don't
12 think that is a violation of any rule of law or due process.
13 So I don't think the basis for a cause of challenge has been
14 met.

15 THE COURT: Is that what you are saying?

16 A PROSPECTIVE JUROR: Exactly. That is what I
17 was trying to say.

18 MR. BOSLER: Your Honor, I don't believe --
19 maybe there is a new instruction I haven't seen, but all
20 things being equal to decide with the police officer isn't
21 an instruction I have read.

22 MR. SPECCHIO: All things being equal, you have
23 to make a determination.

24 THE COURT: Mr. Specchio, Mr. Bosler is doing
25 the voir dire.

1 Jurors are called upon to decide which witness
2 they are going to believe. If the police officer said
3 something that you found incredible, could you disregard it?

4 A PROSPECTIVE JUROR: Yes, I could.

5 THE COURT: So when you are talking about if
6 you had two people, would you consider the reasons for the
7 police officer's testimony, or is it just because he is a
8 police officer that you'd believe him?

9 A PROSPECTIVE JUROR: No. What I was trying to
10 tell you, if there was a -- if there was a contrary decision
11 to be made between two people, and I could not weigh the
12 thing out, I would go with the police officer's word before
13 I would with anybody else's.

14 THE COURT: Thank you. Go ahead and go back
15 into the jury room. Appreciate all your assistance today.

16 (Whereupon, Prospective Juror Gerbatz was
17 excused from the courtroom.)

18 THE COURT: Motion denied.

19 MR. BOSLER: Thank you, Your Honor.

20 THE COURT: We should have Cadena next.

21 (Whereupon, Prospective Juror Cadena entered
22 the courtroom.)

23 THE COURT: Come in, Mrs. Cadena. Find a seat
24 anywhere just so the court reporter can hear you.

25 I asked that you come in by yourself not to

1 embarrass you, and I hope you don't find it too
2 uncomfortable. The reason I asked you to come in is because
3 you indicated you had a strongly held opinion based upon
4 news media accounts.

5 I wanted to find out what it was in the news
6 media that you had heard or read that caused you to form
7 this opinion, and I didn't want everybody else to hear what
8 you had seen in case they hadn't.

9 So could you tell us what the basis of this
10 opinion is?

11 A PROSPECTIVE JUROR: Well, I remember reading
12 a lot about this case when the murder happened last year.
13 And I guess I'd have to say we talked about it a lot at work
14 because one of the girls I work with is -- was in a
15 relationship with a policeman, so it was kind of close to
16 home for her.

17 It was like, even allowing for the fact that
18 everything you read is probably not true, there was so much
19 there that seemed to point toward that this person, the
20 defendant, was the person who had done the murder and that
21 he was guilty of this crime. Especially since the police
22 seemed to stop looking after that -- this, and they seemed
23 to feel like they had their man as well. That is what led
24 me to my opinions.

25 THE COURT: One of the things that I hadn't had

1 a chance to instruct you on is called the presumption of
2 innocence. And that is that every criminal defendant is
3 presumed to be innocent in a courtroom until the State
4 proves the contrary beyond a reasonable doubt. And that
5 means the State has to prove the case beyond a reasonable
6 doubt before a criminal defendant can be found guilty by a
7 jury.

8 Because we have this concept called the
9 presumption of innocence, a person's mere arrest does not
10 make them guilty. Do you understand that concept?

11 A PROSPECTIVE JUROR: I am familiar with it now
12 that you mention it, yes. I had heard of it before
13 certainly.

14 THE COURT: Now, if I were to instruct you that
15 that was the law and told you that you had to presume the
16 defendant innocent in this case until the State had proven
17 the contrary beyond a reasonable doubt, could you follow
18 that instruction?

19 A PROSPECTIVE JUROR: I would try. I think I
20 would have great difficulty with it. I mean, I would have
21 to try because you are telling me I have to, and I would be
22 swearing that I would try. But I have to be honest with you
23 and say I just don't know how far I would get with that.

24 THE COURT: Mr. Stanton.

25 MR. STANTON: Thank you.

1 Miss Cadena, there is nothing wrong with people
2 having strong opinions about any number of things. People
3 may have it about the President of the United States or
4 other things.

5 The question that we'd like to focus in on, I
6 know it is a difficult thing because it is asking you to
7 some extent tell us about something that hasn't occurred
8 yet, but you're the best person that knows about who Susan
9 Cadena is and how you will react under certain
10 circumstances.

11 Maybe what you have heard is the facts that are
12 proven before you and that your strong opinions now are the
13 same when you vote in this case.

14 MR. BOSLER: Question of him arguing his case,
15 Your Honor.

16 THE COURT: I'm sorry. I didn't think he was
17 really doing that. But what is the question?

18 MR. SPECCHIO: It is a long question, Judge.
19 It went on a for a long time.

20 MR. STANTON: Can you put what your opinions
21 are aside and to follow the oath requiring the State to
22 prove whatever evidence it is in this case before you in
23 this courtroom as opposed to what you hear in the media?

24 A PROSPECTIVE JUROR: As I said, I would have
25 to try.

1 MR. STANTON: What do you think that -- you
2 know yourself as a person and your character better than
3 anybody, obviously.

4 A PROSPECTIVE JUROR: I don't think I'd do a
5 very good job at it, if that is what you are asking.

6 MR. STANTON: That is what I'm asking. Whether
7 you can put that aside and listen to the evidence and make
8 your decision only on what you hear in this courtroom, not
9 what you hear in the newspapers, not what you have discussed
10 before, but to put all that aside and say, Look, I have a
11 different role now as a juror, and I need to listen to what
12 I hear in the courtroom and make my decision just from that,
13 not from public opinion or the newspapers.

14 Can you do that?

15 A PROSPECTIVE JUROR: I would try. I just
16 don't think I would do very well.

17 MR. STANTON: What makes you think that you
18 couldn't do it very well?

19 A PROSPECTIVE JUROR: I know myself too well.
20 I tend to be rather rigid in my opinions, and I guess I
21 would say we substantiate this by asking the people I live
22 with, and I don't tend to change.

23 MR. STANTON: How about consideration of oath;
24 do you take that seriously?

25 A PROSPECTIVE JUROR: Yes, I do, and that is

1 why I say yes, I would try.

2 MR. STANTON: You take that seriously, so that
3 if the judge did instruct you that you could not render an
4 opinion in this case until you had listened to all the facts
5 and only at that time when you had heard the facts render a
6 decision, do you think you could do that, whatever that
7 decision might be?

8 A PROSPECTIVE JUROR. And live with myself
9 afterwards?

10 MR. STANTON: Based upon what the evidence is
11 presented. First question is, do you think that you can
12 hold off on your opinion, if you are selected to sit in this
13 jury, that you could hold off on what your opinion is based
14 upon the instructions that the Court gives you; that is, do
15 not decide this case until all the evidence comes in? Do
16 you think you can do that?

17 A PROSPECTIVE JUROR: If I'm selected I will
18 try. That's all I can tell you. I don't know.

19 MR. STANTON: Well --

20 A PROSPECTIVE JUROR: Like you said, you are
21 asking for something that hasn't happened yet.

22 MR. STANTON: Are you the type of person that
23 you take an oath to follow the law, the law is --

24 A PROSPECTIVE JUROR: I would take it
25 seriously, yes.

1 MR. STANTON: If the law tells you you cannot
2 form or express an opinion about this case, Mr. Vanisi's
3 guilt or innocence, until the evidence, the matter is
4 submitted to you, could you do that?

5 A PROSPECTIVE JUROR: I guess I would have to,
6 yes.

7 MR. STANTON: Thank you.

8 THE COURT: Mr. Bosler.

9 MR. BOSLER: So your last answer is, I guess
10 I'd have to?

11 A PROSPECTIVE JUROR: Yes. I feel like I'm
12 backed into a corner. Yes.

13 MR. BOSLER: Do you feel like you are backed
14 into a corner right now?

15 A PROSPECTIVE JUROR: No, just that question.
16 I mean, I feel like I'd be going against myself. If that's
17 what the law requires, then that's what I have to do, then I
18 would do it.

19 MR. BOSLER: You said that when asked repeated
20 times if you could follow the oath, you said, I think I can;
21 is that correct?

22 A PROSPECTIVE JUROR: Yes.

23 MR. BOSLER: So even after being asked several
24 times if you could follow the oath, it is still something
25 you are reluctant to do?

1 A PROSPECTIVE JUROR: I guess I see it as
2 separate things. Following the oath, yes, I would take that
3 seriously. I would try to do what was asked of me.

4 But I can't promise you that I can put myself
5 aside and just listen to what's here. I'm just not sure I
6 can do that.

7 MR. BOSLER: I don't want you to think that you
8 have to. There is no right answer or wrong answer. If you
9 can't be fair, you need to admit that you can't be fair.

10 A PROSPECTIVE JUROR: That is what I'm saying
11 is I can't promise you I would be fair. That's all I can
12 say. I would try.

13 MR. BOSLER: You indicated -- do you remember
14 signing the questionnaire earlier in the week? You were
15 given the questionnaire and I guess put in a room to fill it
16 out.

17 A PROSPECTIVE JUROR: Uh-huh.

18 MR. BOSLER: Was there anybody asking you
19 questions about your answers at that time?

20 A PROSPECTIVE JUROR: No.

21 MR. BOSLER: Did you feel like you were kind of
22 free to state your opinions?

23 A PROSPECTIVE JUROR: And I did.

24 MR. BOSLER: You were being truthful when you
25 filled out the questionnaire?

1 A PROSPECTIVE JUROR: Yes.

2 MR. BOSLER: Your questionnaire indicated:
3 "From what I have heard, the guy is guilty, I would have
4 trouble if any evidence to the contrary. This case cries
5 out for penalty."

6 A PROSPECTIVE JUROR: That's me.

7 MR. BOSLER: You were being honest when you
8 said that; right?

9 A PROSPECTIVE JUROR: Yes.

10 MR. BOSLER: Despite what the judge has said
11 and prosecutor has said, is that the way you feel about this
12 case? There is no right or wrong answer.

13 A PROSPECTIVE JUROR: I feel like I have
14 already answered this. I would try to do my best. If I
15 have to be on this jury, I would try to do my best to be
16 fair. I just don't know that I can do that.

17 MR. STANTON: The basis has been established by
18 the defense. What I think you have is a juror that has a
19 strong opinion about the case. She says that she can listen
20 to the Court's instructions, and she's fairly confident that
21 she can abide by the Court's instructions.

22 I think one of the things that's critical here
23 is the two questions that Mr. Bosler said, and that is that
24 would you feel comfortable if the roles were switched. I
25 don't think that is a proper question, number one.

1 Number two, I don't think the answer to the
2 question is dispositive of anything in this case. The
3 question that's critical is, can she put her opinions aside
4 and follow the instructions of the Court, which I think she
5 said she could do.

6 It is a difficult task as it would be for
7 anybody that had a strongly held opinion and knows something
8 about the facts of this case. But I don't think there is a
9 basis that there is -- that they have established for cause
10 she should be excused.

11 MR. BOSLER: She said she couldn't be fair,
12 Your Honor. If the roles were switched, she wouldn't want
13 to be in that seat. That is a question you asked, as I
14 recall.

15 THE COURT: Not exactly that way, Mr. Bosler,
16 but close.

17 MR. BOSLER: It is the same subject matter, and
18 she said no.

19 THE COURT: Okay. We're talking about two
20 different things. She wouldn't want to be -- sure, I know
21 you don't want to be a juror, so we'll just be honest there.
22 I understand you don't want to be here. And she didn't
23 think that she would want someone like her on the jury.

24 But then the last part is, Could you be fair,
25 and I guess what I need to be sure is that you couldn't set

1 aside the strongly held opinion and require the State to
2 prove the case beyond a reasonable doubt.

3 And the way I would phrase the question is:
4 Would you vote for a finding of guilt no matter what
5 happened? Or would you follow the instructions which are
6 going to say that you can't do that?

7 A PROSPECTIVE JUROR: Would you repeat that
8 again?

9 THE COURT: The instructions are going to tell
10 you that you have to find beyond a reasonable doubt each and
11 every element regarding the guilt of the defendant before
12 you may vote as a juror as to guilt. If the State doesn't
13 meet that burden, if they don't put on that evidence, will
14 you be able to return a not-guilty verdict?

15 A PROSPECTIVE JUROR: I guess I would have to.
16 I don't know.

17 THE COURT: Could you do that? Not happily, I
18 understand, or not because you want to be on the jury.
19 That's very clear. But could you do it? Would you follow
20 my instructions?

21 A PROSPECTIVE JUROR: I would try to follow
22 your instructions.

23 THE COURT: Well, not to say that -- we have
24 got a long ways to go before we have this jury qualified for
25 cause, but for right now I deny your motion.

1 MR. BOSLER: Thank you, Your Honor.

2 THE COURT: Miss Cadena, you go ahead and go
3 with the rest of the group, and we'll have our next juror.

4 (Whereupon, Prospective Juror Cadena was
5 excused from the courtroom.)

6 MR. BOSLER: Your Honor, at this point I
7 interpose another objection. I think what we have going on
8 is people come in who have expressed opinions, the Court
9 tries to rehabilitate them, the District Attorney gets first
10 shot at them. By the time I get them, you guys have boxed
11 them in, as her words, I feel boxed in there.

12 And I would have to add she had paused about
13 ten seconds, "If they hadn't proved their case, I would vote
14 for acquittal." Maybe I'm not getting the chance to get to
15 the jurors on what their true opinions are, the way it's
16 being done right now.

17 THE COURT: Okay. I don't know exactly what
18 the motion was, but if it is to change the process, it's
19 denied. The Court is not acting as a rehabilitator. The
20 Court is simply asking the jurors legitimate questions. As
21 my role as the judge is, I'm the one who has to make the
22 decision as to whether or not they are qualified.

23 So I don't see any problem with what we're
24 doing. I don't know if you wanted to go first. That was
25 your motion?

1 MR. BOSLER: That would be one way to remedy
2 it, Your Honor.

3 THE COURT: I'm not recommending it. If you
4 have a specific motion, make it.

5 MR. BOSLER: Your Honor, may the Court at least
6 maybe trade off?

7 THE COURT: Sure, be glad to.

8 MR. BOSLER: Thank you, Your Honor.

9 THE COURT: Call the next person.

10 (Whereupon, Prospective Juror Battaglia entered
11 the courtroom.)

12 THE COURT: Anywhere. Make yourself
13 comfortable.

14 I asked that you come back in by yourself
15 because you indicated that you had learned some information
16 outside the presence of the courtroom through the media, and
17 based on that information, you sort of formed an opinion.
18 Rather than have the other jurors hear what you heard in the
19 media, I wanted to hear what you had learned about outside
20 so the attorneys could hear what that was.

21 A PROSPECTIVE JUROR: All I learned was
22 basically from last year was on my memory. I put a lot of
23 it down in the sheet that we filled out last week.

24 THE COURT: Is there anything other than what
25 you put on your sheet?

1 A PROSPECTIVE JUROR: Well, what I put there
2 was I put down two things or one thing on the sheet, and it
3 was like a choice between that or something else. There was
4 something about a gun being found and how the actual crime
5 was committed, was between that and something else that I
6 heard or read. But it was so long ago that I couldn't
7 really quite remember about that.

8 I did indicate I remember hearing or reading
9 something about the defendant having said that he was going
10 to do something like that earlier in the day. And let's
11 see. I do remember reading that he was caught in Salt Lake
12 with the gun of the officer.

13 THE COURT: Anything else?

14 A PROSPECTIVE JUROR: Nothing that comes to
15 mind.

16 THE COURT: Prior to our lunch break I was
17 unable to ask the jury panel a question. I want to ask you
18 this question now.

19 That is that at the conclusion of the trial, if
20 the Court were to instruct you that a defendant in a
21 criminal action is presumed to be innocent until the
22 contrary is proven beyond a reasonable doubt, and in the
23 case of a reasonable doubt as to whether the defendant's
24 guilt is satisfactorily shown, then the defendant is
25 entitled to an acquittal, would you be able to accept and

1 follow that instruction?

2 A PROSPECTIVE JUROR: It is hard for me to say
3 that right now. It's almost like predicting the future of
4 what I would hear if I was on the jury. And I'm really not
5 sure.

6 THE COURT: What I'm asking you is if you can
7 follow the Court's instruction which will be that you must
8 afford the defendant the presumption of innocence. And the
9 State has to -- I'm not telling you what the result would
10 be.

11 A PROSPECTIVE JUROR: I think I see what you're
12 saying now.

13 THE COURT: But the process is what I'm asking
14 you about. Can you afford the defendant the presumption of
15 innocence and require that the State prove their case in the
16 courtroom beyond a reasonable doubt and follow the other
17 instructions I give you in that regard?

18 A PROSPECTIVE JUROR: I would have to go with
19 my conscience on that, and I think there is a higher moral
20 law that I would have to go by which is how I would believe
21 at that time.

22 THE COURT: That you wouldn't necessarily
23 follow the Court's instruction?

24 A PROSPECTIVE JUROR: If the higher moral law
25 was different, I think I would go with that.

1 THE COURT: Where would you get the higher
2 moral law?

3 A PROSPECTIVE JUROR: My belief.

4 THE COURT: It would come from internal -- your
5 internal support system or belief system?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: Mr. Bosler.

8 MR. BOSLER: Thank you, Your Honor. Is it
9 Battaglia?

10 A PROSPECTIVE JUROR: Silent G, Battaglia.

11 MR. BOSLER: Mr. Battaglia, you indicated
12 earlier that you also would weigh police officers' testimony
13 a little bit more heavily than, say, the normal person off
14 the street --

15 A PROSPECTIVE JUROR: Yes.

16 MR. BOSLER: -- who gives testimony? Why is
17 that?

18 A PROSPECTIVE JUROR: I guess it's just a basic
19 trust in someone. An officer of the law is sworn to uphold
20 the law, and I would believe him over another person, I
21 would think.

22 MR. BOSLER: That's completely fair. So it is
23 your opinion that it is because they have taken a special
24 oath that they should be given a little extra credit.

25 A PROSPECTIVE JUROR: Not just the oath but

1 their life is dedicated to it.

2 MR. BOSLER: If you had two people in court and
3 no one else was a witness to this event and the officer
4 testified one way and the person off the street testified a
5 different way, and there was no other way to separate those
6 two, you would side with the officer?

7 A PROSPECTIVE JUROR: Correct.

8 MR. BOSLER: You indicated that you feel that
9 even though you may be instructed by the Court, there is a
10 higher moral code that you think you need to follow in spite
11 of the Court's instructions?

12 A PROSPECTIVE JUROR: Correct.

13 MR. BOSLER: Anything I can do to change your
14 opinion about that? Is there anything I could say that
15 would change your opinion about that?

16 A PROSPECTIVE JUROR: No, I don't think so.

17 MR. BOSLER: Is there anything the Court can
18 say that is going to change your opinion?

19 A PROSPECTIVE JUROR: I don't believe so.

20 MR. BOSLER: If the Court gave you a list of
21 instructions and said, This is the law, Mr. Battaglia, you
22 have to follow this law, my understanding is even though
23 that may be given to you, you are not going to follow that
24 because you think there is a higher moral code that
25 controls?

1 A PROSPECTIVE JUROR: Correct.

2 MR. SPECCHIO: That is the way you feel today?

3 A PROSPECTIVE JUROR: Yes.

4 MR. BOSLER: Despite whatever the Court may
5 say, you would have a higher moral code you are going to
6 follow?

7 A PROSPECTIVE JUROR: Courts have made mistakes
8 in the past.

9 MR. BOSLER: Is that one of the reasons that
10 you are going to follow your own code?

11 A PROSPECTIVE JUROR: Not my own code. I would
12 go with my -- well, let me put it this way. If I believed
13 strongly, I would go against the instructions of the Court.
14 That moral belief that I have.

15 MR. BOSLER: Do you also say you intend to
16 believe the stuff you heard in the news? Is that about this
17 event or just in general?

18 A PROSPECTIVE JUROR: As the judge said
19 earlier, not everything in the news is a hundred percent
20 correct. I agree. I don't think the news is perfect.

21 MR. BOSLER: If you were to look at these two
22 tables, who do you think has the most to prove at this
23 trial?

24 THE COURT: What is that question?

25 MR. BOSLER: The most to prove? Who do you

1 think has the burden of proof?

2 A PROSPECTIVE JUROR: You do.

3 MR. BOSLER: The defense has the burden of
4 proof, to prove that Mr. Vanisi isn't the guilty party?

5 A PROSPECTIVE JUROR: That is what I believe it
6 is.

7 MR. BOSLER: And that is the way you feel
8 despite what the judge has said about this presumption of
9 innocence and the State having the burden of proof?

10 A PROSPECTIVE JUROR: Well, yeah.

11 MR. BOSLER: That is the way you feel? Nothing
12 the judge can say is going to change that idea inside you?

13 A PROSPECTIVE JUROR: No. My feeling of the
14 truth is my feeling of the truth. It's not something
15 that -- is that people change really. What else do you
16 have?

17 MR. BOSLER: I guess you have to have some type
18 of inner truth. But just to confirm, inner truth is that
19 despite what the Court says, your opinion is that the
20 defense has to prove that Mr. Vanisi is guilty?

21 A PROSPECTIVE JUROR: The things that I have
22 heard in the press from before that I still remember.

23 MR. BOSLER: Those things form your opinion
24 that Mr. Vanisi is guilty?

25 A PROSPECTIVE JUROR: They tend to look that

1 Miss Aguirre, don't go anywhere.

2 (Prospective jury panel seated in the box was
3 temporarily excused.)

4 THE COURT: Miss Aguirre, go into the jury room
5 also.

6 Mr. Bosler.

7 MR. BOSLER: Thank you, Your Honor. I'm sure
8 everybody here is aware of the heightened scrutiny that is
9 involved in every capital case. I think if the Court -- we
10 have a supplemental affidavit from a psychologist who talks
11 about voir dire and voir dire behaviors.

12 I think what is happening here -- and I
13 basically make the general objection -- is that people when
14 they sit in the jury box, they look to you as a person in
15 authority. They don't want to say things that seem to
16 disagree with your viewpoint.

17 What we have is a lot of people be very candid
18 at the beginning of this process to say, I can't sit fairly,
19 I formed an opinion, I think he's guilty, I have talked to
20 my friends too much, I can't put that aside.

21 I know the Court has rehabilitated, quote,
22 unquote, or tried to rehabilitate some of those people; but
23 I think what's happening is that the Court, by the very
24 nature of being the person in the black robe who sits a
25 little bit higher in this courtroom than anybody else, who

1 obviously is an elected official, you by the process of
2 trying to rehabilitate these people, instead of letting the
3 State do it, you are essentially keeping these people from
4 expressing their true feelings.

5 And really it is the true feelings we need to
6 worry about because a lot of them already said, I formed an
7 opinion, I have expressed it, I have done this, I can't be
8 fair. Now is the time to tell those people, Well, you can
9 put that behind you and sit fairly, because they have
10 already made that decision. Now is the time to decide why
11 have they done that. If they can't sit fairly on this case,
12 maybe there is another trial they can sit fairly on.

13 I just have to raise a general objection to the
14 Court's attempts to rehabilitate these people because I
15 think you are doing the exact opposite. You are not
16 rehabilitating them. You are just kind of teaching
17 everybody else they can't express opinions or disagree with
18 the Court because that's -- the Court obviously is going to
19 show disapproval for that in the tone of your voice or the
20 questions that you ask.

21 I mean, when you say something like, You are
22 not going to let officers just because they are officers
23 control your opinion. You are going to require them to
24 provide the same amount of proof as any other witness. The
25 tone of your voice in fact can be the thing that tells these

1 people that, Well, if I say yes, she's already indicated by
2 the tone of her voice that that's not proper response to
3 give, so I'm going to say no. I'll give them the same
4 weight I'll give any other witness.

5 I think we're kind of indoctrinating the jury
6 at this point not to be candid, not to be honest about how
7 they feel about this case or about the death penalty. And
8 to that extent I think it is going to impair Mr. Vanisi's
9 right to a fair trial and fair cross-section of the
10 community. I think at that point we want to make an
11 objection.

12 We have -- I don't want to spring anything on
13 the prosecution, but if the Court wants to consider this, we
14 have a nice well-written affidavit from a professor in Chico
15 who has been a jury consultant for both the prosecution --

16 THE COURT: Wait, wait. I'm considering your
17 motion at this time. You are objecting to the jury
18 selection process. You have stated it. Now if you want to
19 go to something else, we're going to deal with it later.
20 Deal with your motion.

21 MR. BOSLER: This is actually related, if the
22 court is willing to entertain this. We have an affidavit --

23 THE COURT: Wait. You made a specific
24 objection to the way I'm conducting the voir dire. Some
25 affidavit from somebody who is not present in the courtroom

1 has no relation to that, Mr. Bosler. If you want to make
2 another motion how -- about how voir dire should be
3 conducted, we'll deal with that later. But right now let's
4 deal with one motion at a time.

5 MR. BOSLER: Will the Court allow me to file an
6 affidavit in support of my objection at this moment?

7 THE COURT: I won't let you file anything
8 outside of what you file currently with each motion, but you
9 may file anything you want if you have a new motion to make.
10 At any time, you may file anything. But you need to tell me
11 what your basis of your motion is when you make your motion
12 and argue it, and I decide it based on the status of the
13 case at that time. You can't retroactively give me more
14 evidence, because I have to rule on what you give me.

15 MR. BOSLER: I'll advise the Court we'll file
16 an affidavit in support of our motion. But we have to get
17 it from the office to file it.

18 THE COURT: Well, then I can't rule on your
19 motion; right?

20 MR. BOSLER: If the Court will give me five
21 minutes, I'll walk over to the public defender's office and
22 get the affidavit and make that part of the record.

23 THE COURT: Mr. Stanton.

24 MR. STANTON: I'd have no objection to
25 Mr. Bosler filing the document in open court now. I don't

1 know why we need to wait five minutes to have him go to some
2 other location. Your court clerk is here. You can file
3 documents with the court clerk.

4 THE COURT: Do you have the documents,
5 Mr. Bosler?

6 MR. BOSLER: That is what is in the public
7 defender's --

8 MR. STANTON: Well, we have never seen it. I'm
9 somewhat at a loss on how the State is going to respond to
10 something that's now going to be added to the record in five
11 minutes. I'll address the issues that Mr. Bosler has raised
12 directly to the Court based upon the evidence to date.

13 There is no authority that I'm aware of in
14 their initial motion for a change of venue or argued by
15 Mr. Bosler this morning that stands for the proposition if a
16 juror has heard about a case or expressed an opinion about a
17 case, prior to being selected in the voir dire process, that
18 that in and of itself renders them ineffective or unable to
19 be a juror in this case.

20 The critical inquiry, especially in the post
21 1970s in the litigation where media has covered a high
22 profile case, the courts have recognized that indeed jurors,
23 prospective jurors are going to have heard details through
24 the media about the particular case and even expressed an
25 opinion. That's not the critical inquiry.

1 The critical inquiry is whether or not, if they
2 have those opinions and if they have heard evidence, whether
3 or not they could put those aside, as the role of a juror is
4 and be fair and impartial in this case and hear the evidence
5 anew.

6 There is nothing that the State has heard from
7 the Court this morning that would violate that.

8 In addition, Your Honor, I guess what is being
9 argued, but once again I have difficulty addressing it, is
10 that there is some sort of implicit psychological coercion
11 that's occurring because of counsel's reference to
12 rehabilitating, the Court rehabilitating jurors. I don't
13 think the Court is rehabilitating jurors at all. It's
14 following the law of Nevada and the statutes that have
15 addressed pretrial publicity and expressions of opinions and
16 that is, as I stated before, whether or not they can put
17 those aside.

18 If there is some -- I'm presuming by the
19 representation by Mr. Bosler that there's some person who is
20 going to sign an affidavit saying that in their experience,
21 people will be less likely to be forthcoming in their
22 expressions because of the way certain words or questions
23 are posed to them. I'm sure you can get an affidavit from
24 any psychologist to say anything you want, in my past
25 experience.

1 The question is whether or not there is a legal
2 basis because of that dynamic that courts have recognized to
3 then change the method in which jurors are selected. And
4 unless counsel can cite to that evidence or he's arguing
5 that this is a case of first impression and that the
6 evidence that he has to support it is an affidavit that we
7 haven't even seen yet, then I just ask the Court to take it
8 under submission until the evidence has been presented.

9 THE COURT: At this time I'm going to deny your
10 motion. You have leave to renew your motion to modify the
11 jury selection process at any time. You have a right to
12 file any evidence or information you want to file with your
13 motion whenever you renew it.

14 At this time I find that your motion is not
15 timely, that we have had pretrial motions, discussions about
16 jury selection and determinations of how we were going to
17 select a jury many, many times throughout the course of this
18 trial before we get here. To argue now while we have jurors
19 waiting to proceed with the jury selection that we need to
20 change the method I think is not timely. But I'm not going
21 to preclude you from filing additional motions if you so
22 desire.

23 In addition, specifically the Court does not
24 agree with your analysis that the Court at any time is
25 rehabilitating anyone. In fact, I have written down names,

1 haven't inquired any further, and as discussed at the bar,
2 determined that we would call them in individually and let
3 them discuss their positions completely.

4 The general question of the entire panel,
5 whether or not they will afford any particular witness
6 including law enforcement some special credibility issues,
7 that is the general voir dire this Court participates in and
8 the law of Nevada and has been upheld on numerous occasions.

9 If there is any problem with the voir dire thus
10 far, we'll deal with it in appeal. I don't think there is.

11 I don't think I have expressed any opinion with
12 regard to what they should answer or not answer, except I
13 have expressed some reaction, albeit mostly neutral, to
14 their reading or viewing news media accounts after I
15 admonished them on the record a week ago not to. And the
16 purpose for that is to be sure that those people who are
17 selected for jurors understand that there is a reality with
18 regard to the Court's admonition.

19 I do not want to admonish them on a regular
20 basis not to view any news media accounts and act like it's
21 no big deal if they violate that rule. And that is the
22 Court's -- why the Court felt it essential that I react to
23 those people who violated the admonition that they got on
24 the record last week, so that we don't have a problem with
25 the jury not abiding by the rules and regulations of the

1 Court.

2 But the fact that they -- the other facts that
3 we have written down, the separate issues that must be
4 inquired were in fact not rehabilitated by the Court or
5 inquired any further with a view towards allowing counsel to
6 inquire further.

7 We'll bring Miss Aguirre in. First, did you
8 need a break, Mr. Gregory?

9 MR. GREGORY: I do indeed.

10 THE COURT: Do you need a restroom break? Is
11 that what you need?

12 MR. GREGORY: Your Honor, I'm a little
13 concerned. Last week we told this panel that we're going to
14 start at 10:00 and we're going to break at noon for lunch.

15 THE COURT: They were told this morning by the
16 Jury Commissioner they'd be held back a little bit longer.
17 If you need a restroom break, you can take it; otherwise I
18 would like to get a few of these individual inquiries done
19 so I can find out how many of these people we're going to
20 lose.

21 MR. GREGORY: May I inquire as to when we --

22 THE COURT: I told the jury panel a half hour,
23 which would be a quarter to 1:00, which is approximately 18
24 minutes from now.

25 MR. GREGORY: I will wait, Your Honor.

1 THE COURT: Thank you. Bring Miss Aguirre in.

2 MR. GREGORY: Or I will move very fast.

3 THE COURT: That's fine if you need to.

4 MR. SPECCHIO: Judge, do you have to bring them
5 all back in to admonish them before you cut them loose or
6 not?

7 THE COURT: I might go to them. But we'll talk
8 about it.

9 (Whereupon, Prospective Juror Aguirre entered
10 the courtroom.)

11 A PROSPECTIVE JUROR: I'm kind of nervous all
12 of a sudden.

13 THE COURT: Don't be. The reason I asked you
14 to come in by yourself is because you said some things that
15 made me just feel that they were things that you would feel
16 more comfortable saying without everybody else listening.

17 A PROSPECTIVE JUROR: Yes.

18 THE COURT: That is the only reason I asked you
19 to come in by yourself. And please feel comfortable telling
20 us whatever you want to tell us.

21 The first thing you mentioned was something
22 about Mr. Gammick and something about forming or expressing
23 an opinion. So why don't you go ahead and tell me what you
24 would have told me in front of everybody if I hadn't stopped
25 you.

1 A PROSPECTIVE JUROR: Well, Mr. Gammick was the
2 lead prosecutor for the Conner Harris matter, and I knew Ali
3 Shaw from the time she was nine. I know Linda. And I don't
4 know if everybody needs to know, but Mr. Beko that I work
5 with was married to Linda for a time, and I knew the girls.
6 And after that criminal matter there was an underlying civil
7 action. I don't quite understand it, but George Swainston
8 handled it.

9 I read some of the criminal transcripts for
10 Conner Harris, and where I think my bias might come in, with
11 all due respect, is that I think Mr. Gammick is an
12 exceptional lawyer, and I know it's not proper. I don't
13 want to upset the Court, but I'm trying to be honest.

14 THE COURT: You are not upsetting me.

15 A PROSPECTIVE JUROR: I think I would probably
16 weigh the defense's case maybe a little bit more than I
17 should. I think I would have bias for the prosecution. I'm
18 sorry.

19 THE COURT: Just because Mr. Gammick is here?

20 A PROSPECTIVE JUROR: Yeah. I mean, I took Ali
21 Shaw's case personally. He handled it magnificently. I
22 think, yeah.

23 THE COURT: And now what was your feeling with
24 regard to forming or expressing any opinion about the case?

25 A PROSPECTIVE JUROR: I think I have already --

1 I think -- do you want me to come right on out and say it?

2 THE COURT: Sure.

3 A PROSPECTIVE JUROR: I think the gentleman is
4 guilty.

5 THE COURT: The basis of that?

6 A PROSPECTIVE JUROR: The first -- when the
7 incident first started at UNR, I watched it in the morning
8 when they had it cordoned off. I believe I saw testimony --
9 not testimony -- a news report when they apprehended him. I
10 remember Phoenix. But that might be wrong. I know I'm not
11 supposed to do that, but --

12 THE COURT: No.

13 A PROSPECTIVE JUROR: I think he's guilty. I
14 think the burden is going to be shifted. I think
15 Mr. Specchio will have to convince me.

16 THE COURT: You understand that criminal
17 defendants are presumed innocent until the contrary is
18 proven?

19 A PROSPECTIVE JUROR: Yes, I know.

20 THE COURT: And you don't think you could
21 afford the defendant --

22 A PROSPECTIVE JUROR: Honestly, Your Honor, I
23 can't. I know I'm supposed to know the system because of
24 where I work, but honestly I don't think I could. I'm
25 coming in with a reverse presumption.

1 THE COURT: Mr. Stanton, do you have any
2 questions?

3 MR. STANTON: I do.

4 Miss Aguirre, relative to your experience in
5 the legal system, you would understand that if you sat in
6 this case, and the State came in there and you said, Wait a
7 second, unlike the Conner Harris case, I was expecting to
8 hear all this evidence that proved that he was guilty and
9 I'm not hearing it, could you still require the State to do
10 its job in this case and that is present evidence to you
11 that proves beyond a reasonable doubt that he committed
12 criminal acts?

13 A PROSPECTIVE JUROR: Would I still expect you
14 to prove it?

15 MR. STANTON: Yes.

16 A PROSPECTIVE JUROR: Oh, yeah.

17 MR. STANTON: In fact, if you came in here and
18 you didn't see it, contrary to what you may know of
19 Mr. Gammick in the past, you'd say, Well, maybe he fell down
20 on this one or they just don't have the evidence?

21 In other words, because of your feeling, would
22 you put it aside that the State had its burden in this case
23 as it does in every criminal case?

24 A PROSPECTIVE JUROR: No, I don't think I'd put
25 it aside. I mean, they came up with something that

1 convinced me he was innocent, I'd give it to him.

2 MR. STANTON: So you'd listen to the evidence
3 in this case?

4 A PROSPECTIVE JUROR: Yes.

5 MR. STANTON: Just like in the Conner Harris
6 case or in any criminal case, you would expect, and in fact
7 in a serious case like this, would require that indeed the
8 person that did it be convicted and not the wrong person?

9 A PROSPECTIVE JUROR: Yes.

10 MR. STANTON: And you would -- that would
11 concern you greatly if you sat on a jury to convict the
12 wrong person?

13 A PROSPECTIVE JUROR: Yes.

14 MR. STANTON: So what we're trying to do, what
15 I'm trying to develop with you, Miss Aguirre, is an
16 understanding that a lot of people may have opinions that --
17 strongly held opinions because of how they work or what they
18 know about other cases. The question is, can you perform
19 the unique function of being a juror and that is put that
20 aside and listen to the facts as presented to you here in
21 this courtroom and then decide from those facts?

22 You may have a preexisting opinion, strong or
23 weak or otherwise. But can you put that aside and say, They
24 have got to put their case on in front of me?

25 A PROSPECTIVE JUROR: I don't know. That's a

1 hard question. I don't know.

2 There was one question the Court asked about
3 the things that we heard during the media. And just so you
4 know something about me, if I remembered something from
5 those previous media blurbs that doesn't come across, I'm
6 going to want to know why. I'll be sending you notes.

7 So you need to understand that. I can't -- I
8 remember things that happened in third grade. I'm going to
9 want to know why I didn't hear that here when I heard it a
10 year ago. I don't know if that's important.

11 MR. STANTON: You know working in a law firm
12 that there are rules of evidence that wouldn't permit in
13 certain cases certain things from coming in.

14 A PROSPECTIVE JUROR: I understand that, but it
15 would bother me.

16 MR. STANTON: Would it bother you to the point
17 that where you couldn't put it aside?

18 A PROSPECTIVE JUROR: No, I would probably just
19 ask the Court why.

20 MR. STANTON: If the Court told you that you
21 must decide it on the facts before you, could you follow
22 that instruction?

23 A PROSPECTIVE JUROR: I would try very hard. I
24 can't tell you yes or no. I would try. That's all I can
25 tell you.

1 MR. STANTON: Thank you.

2 THE COURT: Mr. Bosler.

3 MR. BOSLER: Miss Aguirre, how long have you
4 worked at that law office?

5 A PROSPECTIVE JUROR: I have worked for
6 Erickson, Thorpe, it was ten years in November.

7 MR. BOSLER: Had you worked in other law
8 offices prior to that?

9 A PROSPECTIVE JUROR: Prior to that I worked
10 for -- it was a bankruptcy firm, Wiener, Haldeman & Goldman
11 for about eight months. I don't have a clue what I did for
12 eight months.

13 Prior to that I worked nine years for Bob
14 Heaney, personal injury, seven years for Bob Heaney,
15 personal injury. That was before he went to -- I forget
16 that guy.

17 THE COURT: David Allen.

18 A PROSPECTIVE JUROR: There you go.

19 MR. BOSLER: So there is what, 15 some odd
20 years?

21 A PROSPECTIVE JUROR: Longer than that. About
22 17, 18, a long time.

23 MR. BOSLER: And during that 18 years, have you
24 also had contact with criminal cases?

25 A PROSPECTIVE JUROR: No. Other than Conner

1 Harris, and that wasn't really my contact.

2 MR. BOSLER: In your experience in the legal
3 profession, you knew before you came in today that the State
4 has to prove the case beyond a reasonable doubt?

5 A PROSPECTIVE JUROR: Yes, I understand that.

6 MR. BOSLER: And you are familiar with that
7 concept obviously working in the law office. And even
8 though you are familiar with that concept, when you answered
9 the questions a few moments ago from the Court, you said,
10 I'm not going to follow the presumption of innocence because
11 for me it is a presumption of guilt.

12 A PROSPECTIVE JUROR: Yes.

13 MR. BOSLER: And you are fairly educated. Look
14 like a pretty bright person. Is there anything I can do or
15 the judge can do to change that presumption of guilt?

16 A PROSPECTIVE JUROR: I don't know. I can't
17 answer that. I mean, it's -- I haven't heard all the
18 evidence. I go a lot on my instinct, and my instinct tells
19 me that I think the gentleman is guilty, and I apologize to
20 the Court.

21 MR. BOSLER: Challenge for cause, Your Honor.

22 THE COURT: Counsel.

23 MR. STANTON: I don't believe it exists, Your
24 Honor. I think it is something that we may face with
25 several jurors here relative to the individual voir dire

1 that's going to occur with strongly held beliefs and
2 presumptions is different from the requirement that they
3 cannot put it aside.

4 A lot of jurors can't say for certain because
5 it hasn't happened to them. But I think the ultimate
6 question is, can they abide by their oath, and I think this
7 juror understands indeed what the legal requirements are as
8 a juror.

9 THE COURT: Mr. Bosler.

10 MR. BOSLER: And she hasn't said unequivocally
11 she can abide by the oath. She said, I don't know whether I
12 can. She's already made the expression that she won't be
13 fair. I think that meets the challenge.

14 THE COURT: Miss Aguirre, can you abide by the
15 oath?

16 You see, the issue for me to decide now is in
17 spite of the fact that you saw the news media accounts and
18 in spite of the fact that you feel pretty strongly about
19 what you saw in the news media, and in spite of the fact
20 that you think you have a great respect for the District
21 Attorney of this county, can you set all that aside and
22 follow the law as I instruct you it is, which is that you
23 must decide the case based on the evidence as it's presented
24 here? And if the State fails in their burden of proof, and
25 they have to prove it to you, could you return a verdict of

1 not guilty?

2 A PROSPECTIVE JUROR: Could I return a verdict?
3 I don't think I could, Your Honor. I'm sorry.

4 THE COURT: You wouldn't be able to do that?

5 A PROSPECTIVE JUROR: I don't think so. I
6 don't think so.

7 THE COURT: I'm going to excuse you for cause.

8 A PROSPECTIVE JUROR: I apologize to the Court.

9 THE COURT: That's fine. Thank you for being
10 so frank. Go ahead and go out the main doors and report to
11 the Jury Commissioner.

12 (Whereupon, Prospective Juror Aguirre was
13 excused from the courtroom.)

14 THE COURT: Would you bring Mr. Geach in?

15 While the bailiff is getting Mr. Geach, which
16 will probably be the only other person we can talk to before
17 I have to send the rest of the jury out, does Mr. Vanisi
18 waive his right to be present when I excuse the jury panel
19 that is currently in the audience, because I can go down to
20 the other courtroom and that way you all don't have to move?

21 MR. SPECCHIO: Just for the lunch hour, Judge,
22 you are going to admonish them?

23 THE COURT: Bring them back about a quarter to
24 2:00.

25 MR. SPECCHIO: We'll waive, Your Honor.

1 (Whereupon, Prospective Juror Geach entered
2 the courtroom.)

3 THE COURT: Go ahead and have a seat,
4 Mr. Geach. First I want to let you know that I don't want
5 you to feel uncomfortable being here by yourself. The
6 reason I had you come back by yourself is I got the
7 impression that there were some things that you wanted to
8 talk about or some feelings you had about your grandfather
9 and the circumstances of his death that would be better --
10 you'd feel more comfortable talking about it without
11 everybody else on the jury panel.

12 A PROSPECTIVE JUROR: Yes, exactly.

13 THE COURT: That is why I asked you to come
14 back by yourself. You feel more comfortable talking now?

15 A PROSPECTIVE JUROR: Right, yes, I do.

16 THE COURT: Can you tell us a little bit about
17 the nature -- you said you felt like you would be biased?

18 A PROSPECTIVE JUROR: Yes. My grandfather was
19 a captain on the Reno Police Department in the 1940s. And
20 he was murdered by a couple kids that came down from
21 Seattle, Washington, and went on a burglary run -- didn't
22 say that right, but anyway, they are burglars and robbing
23 stores.

24 They are holed up in a motel downtown Reno, and
25 he and a number of the policemen found out where they were,

1 and they went into the motel room. And one of the people,
2 one of the burglars was underneath the sheets in the room
3 with an automatic rifle right by his side, and my
4 grandfather went in first, and he took the covers off this
5 man, and this man opened up on him and killed him.

6 We in our family feel that we were robbed of
7 having a relationship with our grandfather. It's been a
8 very sore spot in the family for many, many years.

9 And I just don't think that I could sit on this
10 jury and not think about that while that was -- while this
11 trial was going on. I think I could serve jury duty in many
12 other capacities but not somebody that was a peace officer
13 killed in the line of duty.

14 THE COURT: Mr. Stanton.

15 MR. STANTON: I would have no objection if
16 defense counsel makes the motion for cause.

17 MR. BOSLER: Thank you, Mr. Geach.

18 THE COURT: Are you going to make the motion?

19 MR. BOSLER: Yes, no objection. Make the
20 motion.

21 THE COURT: It's not an objection.

22 MR. BOSLER: We'll make the motion for cause
23 challenge, Your Honor.

24 THE COURT: Mr. Geach, we all want to express
25 to you how sorry we are, both the defense and prosecution.

1 Appreciate your candor and appreciate your service thus far,
2 but you are going to be excused. You need to leave now and
3 go down and report to the Jury Commissioner.

4 A PROSPECTIVE JUROR: Thank you, Your Honor.

5 (Whereupon, Prospective Juror Geach was excused
6 from the courtroom.)

7 THE COURT: Counsel, at this time I will give
8 you a 15-minute break while we go down the hall and let the
9 other jurors go, the other big panel, and then we'll inquire
10 of some other of these individuals that we have, this small
11 group of people that we're holding.

12 Does anyone have any objection to that
13 procedure?

14 MR. GREGORY: Your Honor, how long do we intend
15 to do that?

16 THE COURT: Well, I'd like to let them go. My
17 concern is if we are going to have somebody who can be let
18 go in 30 seconds or a minute, I don't want to have them
19 waiting around and wasting two hours of their life waiting
20 on us. So I'm going to try to get through all of those
21 individuals who have a problem.

22 MR. SPECCHIO: And then are you going to take a
23 lunch hour?

24 THE COURT: Right. Well, we probably won't get
25 a whole lunch hour. Maybe half an hour, 45-minute break.

1 Is that all right?

2 MR. SPECCHIO: Yes.

3 THE COURT: The people we have is we had
4 Aguirre, Adamson, Hill. We have about 10 people here.

5 MR. SPECCHIO: My problem, Judge, is I'm a
6 diabetic, and I'm supposed to get something every 15
7 minutes. If we are going to break --

8 THE COURT: I can break now.

9 MR. SPECCHIO: I'm okay.

10 THE COURT: How much longer? Are you okay?

11 MR. SPECCHIO: 2:00, 2:30. That would be the
12 limits, though, probably. I have to get something in, and
13 then I'm all right again.

14 MR. GREGORY: And actually he's being generous.
15 That is his limit, Your Honor.

16 MR. SPECCHIO: What he is saying, Judge, if I'm
17 laying on the floor and my arms are going like this, it is
18 probably time.

19 THE COURT: Well, I don't want to cause you any
20 health problems. We better take a break. I'm going to go
21 ahead and go down to the two courtrooms and excuse all the
22 jurors for the lunch hour. I'll have them come back at
23 1:30.

24 No, I'll have them come back at a quarter til.
25 I think we better take an hour. We'll keep going with this

1 when they come back. I'll have them go to the other
2 courtrooms.

3 Will you waive Mr. Vanisi's presence when they
4 call the roll?

5 MR. GREGORY: Yes, Your Honor.

6 THE COURT: Any objection to that, Mr. Stanton?

7 MR. STANTON: No, Your Honor.

8 THE COURT: Then we'll have them go back to
9 their other separate courtrooms and call the roll and keep
10 proceeding. Court is in recess.

11 (Recess taken at 12:47 p.m.)

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RENO, NEVADA, MONDAY, JANUARY 11, 1998, 12:50 P.M.

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(The following proceedings were conducted in Department 3's courtroom in open court in the presence of the jury panel.)

THE COURT: Ladies and gentlemen of the jury panel, we are still participating in the rest of the jury selection. Rather than have you wait here for us, I'm going to let you go to lunch and then require that you return.

When you return, the roll will be taken, and I'm going to have you return to Department 9's courtroom. You are in this courtroom now, which is in the middle of this floor. They have hearings this afternoon, so I'm going to have to move you to the courtroom at the far end of the floor.

So just come back from lunch and find a home in the courtroom, have a seat, and as soon as you are all here or a quarter to 2:00, whichever comes first, which is a little less than an hour from now, I'll come in with my staff and we'll call the roll, and then you all can relax for a few more minutes while we finish up with the rest of the panel.

During this break, don't read the newspaper, don't listen to any news media accounts regarding this case.

1 Do not discuss this case among yourselves or with anyone
2 else. Do not form or express any opinion about the ultimate
3 outcome of this matter, and do not allow anyone to attempt
4 to influence you with regard to it.

5 I want to thank you for your patience. We are
6 going to get through this hopefully today. So please feel
7 free to leave now, go directly out of the building, and
8 remember to wear those juror badges so you don't run into
9 anybody.

10 And please remember to come directly to
11 Department 9's courtroom. I don't want to find you
12 wandering around. Remember, until I have all of you back,
13 we'll not be able to start. If you fail to come back on
14 time, everybody else will be waiting around for you.

15 Thank you. You may leave at this time. Court
16 is in recess.

17 (Recess taken at 12:54 p.m.)
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1 RENO, NEVADA, MONDAY, JANUARY 11, 1998, 12:57 P.M.

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4 (The following proceedings were conducted in
5 Department 9's courtroom in open court in the
6 presence of some of the jury panel.)

7 THE COURT: Ladies and gentlemen of the jury
8 panel, we are going to let you go ahead and go to lunch now.
9 It's getting kind of late, and I'm sure you all are getting
10 hungry.

11 I'm going to have you come back this afternoon.
12 It's going to be a little shorter lunch hour. I'm going to
13 have you back here by a quarter to 2:00. That is 45 minutes
14 from now.

15 And when you come back, you won't be coming
16 into this courtroom because I'm having to move that whole
17 group of people into this courtroom. But there is a small
18 jury room in the middle of this floor in the middle area.
19 It is called the Department 3 jury room. There will be
20 someone from the Jury Commissioner's staff who will let you
21 into that jury room, and you are going to have to stay in
22 that.

23 It is much smaller, but the other courtroom is
24 being used at 1:30. We can use the jury room, but we can't
25 use the courtroom. It will be a little crowded, but I don't

1 think you will be there very long.

2 During this break, do not discuss this case
3 among yourselves or with anyone else. Do not form or
4 express any opinion about the ultimate outcome of this
5 matter and do not allow anyone to attempt to influence you
6 with regard to it. Don't read the newspaper, don't listen
7 to any news media accounts regarding this case.

8 Go ahead and have your lunch, come back to
9 Department 3 jury room, which is on this floor, fourth
10 floor. There will be someone standing outside the door to
11 assist you in finding the right door. Just walk on down the
12 hall as though you were coming here and you won't miss it.
13 We cannot start until you are all back.

14 We will call the roll. If you are all back
15 before a quarter to 2:00, we will be able to start right on
16 time. I appreciate your assistance. Thank you. Court is
17 in recess.

18 (Recess taken at 12:58 p.m.)
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RENO, NEVADA, MONDAY, JANUARY 11, 1998, 1:47 P.M.

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(The following proceedings were conducted in Department 3's jury room in open court in the presence of some of the jury panel.)

THE COURT: Let the record reflect that we're convened in chambers in Department 3. Counsel has waived their appearance. The clerk will call the roll now.

(Roll call conducted of prospective jurors in the jury box and all were present.)

THE COURT: Thank you. Ladies and gentlemen, just make yourself as comfortable as you can. I know this is small quarters. As soon as we can open up another area for you, we will. You will be called down -- a few of you will be called down individually in just a few minutes. Thank you.

(Recess taken at 1:50 p.m.)

RENO, NEVADA, MONDAY, JANUARY 11, 1998, 1:51 P.M.

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(The following proceedings were conducted in Department 9's courtroom in open court in the presence of some of the jury panel.)

THE COURT: Those of you who thought you didn't have enough chairs in the courtroom that I serve in, you should look around and see how many more chairs we had at least in our courtroom.

As soon as I'm off the bench, you will be able to walk around in this courtroom as well as the jury room, and there will be enough seating for you as you wait for the remainder of the case to take place. So you won't have to be standing.

The clerk will now call the roll.

(Roll call conducted of prospective jury panel, and all were present except Patricia F. Meidell.)

THE CLERK: Patricia F. Meidell?

THE COURT: Does anyone know Patricia F. Meidell? Yes.

A PROSPECTIVE JUROR: I know her.

THE COURT: Did you see her this morning?

A PROSPECTIVE JUROR: Yes.

THE COURT: And you don't see her in the

1 courtroom now?

2 A PROSPECTIVE JUROR: I do not.

3 THE COURT: Thank you.

4 Let the record reflect that the roll has been
5 called. We are missing one juror. Counsel has stipulated
6 to waive their appearance at these proceedings for purpose
7 of roll call.

8 Ladies and gentlemen, we will not be able to
9 proceed with your panel until we make a determination of
10 where the other juror is. But during this break you have to
11 remain here or in the jury room.

12 Be sure not to discuss the case among
13 yourselves or with anyone else. Do not form or express any
14 opinions about the ultimate outcome of this matter. And do
15 not allow anyone to attempt to influence you with regard to
16 this case.

17 Go ahead and make yourselves comfortable in
18 this courtroom but do not leave this courtroom or jury room.
19 You may use the facilities in the jury room attached to this
20 courtroom. We'll see what we can do, where this person has
21 gone.

22 Thank you. Court is in recess.

23 (Recess taken at 1:58 p.m.)

24

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RENO, NEVADA, MONDAY, JANUARY 11, 1998, 2:02 P.M.

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(Whereupon, the following proceedings were held in open court, outside the presence of the jury panel.)

THE COURT: Counsel, upon stipulation, we have called the roll of all the other jurors. All the jurors have returned. They are segregated on this floor except one which we are still trying to find. And she is in the main body. So before we bring that main body of jurors in, we'll decide what you want to do about it. Let's proceed with questioning.

MR. SPECCHIO: That is Miss Meidell, Your Honor?

THE COURT: Yes. Shall we proceed with the next person, Juror Thomas?

MR. BOSLER: We would inquire. Are you calling them in any particular order or the order you have them?

THE COURT: I'm calling them in the order that they said something that made me think we had to talk to them privately.

MR. BOSLER: Thank you, Your Honor.

MS. LOPSHIRE: Mrs. Meidell is now here.

THE COURT: Why don't you bring her in.

(Whereupon, Prospective Juror Thomas entered the courtroom.)

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1 THE COURT: Miss Thomas, go ahead and find a
2 seat. Anywhere is fine.

3 Miss Thomas, I asked that you come in by
4 yourself because you said something while we were asking
5 everyone questions that made me think that perhaps you would
6 be more comfortable expressing your concerns without
7 everyone else being around. Specifically you talked about
8 some biases that you might have regarding the defendant in
9 this case.

10 Is there anything further you'd like to say
11 about that?

12 A PROSPECTIVE JUROR: Just that if I was him, I
13 wouldn't want me on the jury because I feel like I'm
14 prejudiced.

15 THE COURT: And I don't mean to be overly
16 personal. It is just that I have to inquire. The basis of
17 your sense of prejudice?

18 A PROSPECTIVE JUROR: Well, being as I live
19 with an ex-cop, Salt Lake City cop, I have some friends that
20 are cops, I feel like I have already formed my opinion.

21 THE COURT: Okay. Counsel?

22 MR. STANTON: Ma'am, as an oath that you would
23 take if you were to sit on this jury to listen to the
24 evidence and then make a decision from the evidence, do you
25 think you can follow that oath in this case?

1 A PROSPECTIVE JUROR: I can make a decision,
2 but I can't say that it would be any different than what I
3 feel right now.

4 MR. STANTON: Well, it may be the same as you
5 feel now. That's not necessarily a bad thing.

6 The question really boils down to is can you
7 put aside your preexisting opinion; the facts that you may
8 know about it and any bias that you might have towards
9 police officers, put those aside and say, Look, I have got a
10 different role here. My role here is once I take that oath,
11 I have to sit down and listen to the witness very carefully,
12 look at all the evidence that is admitted and then make my
13 decision based upon the law that Judge Steinheimer gives?
14 Do you think you can abide by that oath.

15 A PROSPECTIVE JUROR: No, I don't.

16 MR. STANTON: Do you think your feelings are so
17 strong that you can't put them aside?

18 A PROSPECTIVE JUROR: Right.

19 MR. STANTON: I'm assuming that your feelings
20 are because of the connection with law enforcement?

21 A PROSPECTIVE JUROR: (Positive nod.)

22 THE COURT: You have to answer outloud.

23 A PROSPECTIVE JUROR: I'm sorry. Yes.

24 MR. STANTON: I have no further questions.

25 MR. BOSLER: I don't have any questions. We'll

1 make a for-cause challenge.

2 THE COURT: Mr. Stanton?

3 MR. STANTON: No objection, Your Honor.

4 THE COURT: Miss Thomas, you are excused from
5 further service at this particular case. Go ahead and
6 report downstairs to the Jury Commissioner's office.

7 A PROSPECTIVE JUROR: Is that where I was at
8 first?

9 THE COURT: The very first time down on the
10 first floor.

11 (Whereupon, Prospective Juror Thomas was
12 excused from the courtroom.)

13 THE COURT: Go ahead and have Miss Lopshire
14 bring in the other juror.
15 (Whereupon, prospective juror Meidell entered
the courtroom.)

16 THE COURT: The clerk will call the roll.

17 THE CLERK: Patricia Meidell.

18 THE COURT: Miss Meidell, I would ask that you
19 continue to wait the jury process in Department 9's
20 courtroom. You will remain in that courtroom. Do not leave
21 the courtroom.

22 Do not discuss the case with your other
23 prospective jurors. Do not form or express any opinion
24 about the ultimate outcome of this matter, and do not allow
25 anyone to attempt to influence you with regard to it.

1 Go ahead and go with Miss Lopshire, and she
2 will have you attend with the other jurors.

3 (Whereupon, Prospective Juror Meidell was
4 excused from the courtroom.)

5 THE COURT: That completes our jurors who
6 were -- that was the absent juror.

7 Would you bring Miss Burke? Miss Burke is the
8 one who had the personal knowledge regarding the facts and
9 circumstances of the offense.

10 (Whereupon, Prospective Juror Burke entered the
11 courtroom.)

12 THE COURT: Miss Burke, you can find a seat
13 anywhere. Appreciate you coming back in.

14 The reason I had you come in by yourself is you
15 indicated that you had some personal knowledge regarding the
16 offense or the circumstances, something to do with this
17 case. And rather than have you tell the attorneys what that
18 personal knowledge was in front of all the other jurors, I
19 wanted you to have an opportunity to tell the attorneys what
20 you learned outside the courtroom about the case.

21 A PROSPECTIVE JUROR: I was working with --
22 working a convention with some security gentlemen from UNR
23 and -- at the time that this happened, and we discussed some
24 details of finding the body and that sort of thing. I mean,
25 I don't know that -- anything specific.

1 THE COURT: Mr. Stanton, any questions?

2 MR. STANTON: None, Your Honor.

3 THE COURT: Mr. Bosler?

4 MR. BOSLER: Miss Burke, you indicated you had
5 formed an opinion about the case?

6 A PROSPECTIVE JUROR: Yes.

7 MR. BOSLER: What opinion is that?

8 THE COURT: Go ahead.

9 MR. BOSLER: You can talk freely.

10 A PROSPECTIVE JUROR: Guilty.

11 MR. BOSLER: And you have heard the judge
12 explain how the legal process works?

13 A PROSPECTIVE JUROR: Yes.

14 MR. BOSLER: People enjoy a presumption of
15 innocence, and the State has to prove the case beyond a
16 reasonable doubt? Do you remember those things?

17 What I understand from you today is even in
18 spite of those things, you have already formed that opinion
19 of guilt and no matter what the judge says, her
20 instructions --

21 A PROSPECTIVE JUROR: At this point in time
22 that is the way I feel. Something could change that, but
23 that's how I feel now.

24 MR. BOSLER: Well, would there be something
25 that could change your idea that Mr. Vanisi, as he sits

1 here, is guilty? Do we have to essentially prove his
2 innocence in order to convince you of that? Instead of
3 having the State prove guilt, you would require us to prove
4 his innocence?

5 A PROSPECTIVE JUROR: Yes, because of the
6 feeling that I have. That doesn't mean that I think that
7 there is anything wrong with the system. I just feel that
8 way from many discussions and many people I have talked to.
9 And it goes further than here, as far as I'm concerned.

10 MR. BOSLER: I don't think what you are saying
11 is wrong because you just have to be honest about your
12 feelings. So again, after having talked to you, it is my
13 understanding that despite what the Court would give you as
14 instructions, you -- this feeling in your mind, it doesn't
15 matter what the Court says, you think he is guilty?

16 A PROSPECTIVE JUROR: Yes.

17 MR. BOSLER: We make a for-cause challenge,
18 Your Honor.

19 THE COURT: Mr. Stanton?

20 MR. STANTON: May I traverse?

21 THE COURT: Yes, you may.

22 MR. STANTON: Miss Burke, you wrote some
23 comments in your second questionnaire that you came in and
24 wrote out about the judicial system. And you obviously have
25 some strong feelings about that and if the system were

1 changed, it would work better.

2 A PROSPECTIVE JUROR: I wouldn't mind serving
3 on a jury.

4 MR. STANTON: It is kind of that type of
5 framework that my next question is for you.

6 You understand that you can have an opinion,
7 especially in a case that has pretrial publicity as this one
8 has. The question boils down to is, can you put that
9 opinion aside and abide by what your oath would be as a
10 juror in this case?

11 In other words, I have a particular role as a
12 juror in this case, and that is to listen to the facts,
13 require the State to prove its case beyond a reasonable
14 doubt. It's our burden. You have to hold us to that
15 burden, listen to the facts and the evidence.

16 If we meet the burden, then you'd render your
17 verdict consistent with that. If we didn't, you'd render
18 your verdict consistent with that.

19 There are a lot of people that have opinions
20 about this case just like you are or the other side of the
21 fence. The question is, can you put that aside and take to
22 heart the oath you'd be given to be fair and impartial and
23 wait until you hear the evidence?

24 Now, once you hear the evidence, the evidence
25 may lead you to the same conclusion of the opinion that you

1 had before the trial. That's okay. The question is, can
2 you do your job as a juror? Do you think you can?

3 A PROSPECTIVE JUROR: It's hard for me to
4 answer that question. I don't know what I'm going to think
5 next week if I sit here.

6 MR. STANTON: You don't know because you don't
7 know the evidence.

8 A PROSPECTIVE JUROR: Right now I feel very
9 strongly.

10 MR. STANTON: That's okay. The question is --
11 and you may not know what you are thinking a week from now.
12 In fact, I hope you don't because you haven't heard any of
13 the evidence. But can you keep an open mind, listen to the
14 evidence, and then make your decision solely based on the
15 evidence?

16 A PROSPECTIVE JUROR: I suppose that's
17 something that I really can't honestly answer because I
18 don't know.

19 MR. STANTON: Well, if you had -- are you the
20 type of person if you were to take an oath such as you did
21 today to tell the truth, which I'm assuming you are doing
22 now, that if you took the oath as a juror, that is what you
23 would be doing, agreeing to listen to the evidence? Are you
24 the type of person that can abide by that?

25 A PROSPECTIVE JUROR: Probably have throughout

1 my life.

2 MR. STANTON: In this case the question more is
3 as I stated before, is that you may have very strong beliefs
4 about a number of things, to include the defendant's guilt
5 or innocence in this case. Can you listen to the evidence
6 and decide solely on the evidence?

7 A PROSPECTIVE JUROR: I suppose.

8 MR. STANTON: Your Honor, I believe you are
9 going to reach a ground here where people have strongly held
10 beliefs and you are asking them to make a decision that they
11 don't know. And I think this witness has stated, I don't
12 know what my decision is going to be a week down the road,
13 but that should be expected.

14 THE COURT: Mrs. Burke, would you follow the
15 law as I instruct you it is?

16 A PROSPECTIVE JUROR: I have to do that, don't
17 I?

18 THE COURT: You are required to do that as a
19 juror.

20 A PROSPECTIVE JUROR: I mean, if I'm telling
21 the truth, I have to follow the law?

22 THE COURT: Some people, however, are unable to
23 follow their oaths or unable to follow the law. You told
24 us, Mr. Stanton, you are one of those people. You believe
25 you can. I just want to make sure that is what you're

1 saying.

2 A PROSPECTIVE JUROR: I feel that everyone here
3 is putting me in an awkward position.

4 THE COURT: It is very awkward, and I
5 understand that. It is very hard to be a juror anyway.

6 A PROSPECTIVE JUROR: And I really don't have a
7 problem in most cases. I mean, I feel it's everyone's duty
8 to do this at one time in their life. This is just probably
9 not the time for me. That's how I feel.

10 THE COURT: Unfortunately --

11 A PROSPECTIVE JUROR: We don't have that
12 choice.

13 THE COURT: Right. I don't get to pick out
14 jurors who want to be fair. That wouldn't be fair to either
15 side. But I need to exclude those people who cannot abide
16 by the oath and keep those people who can abide by the oath.
17 And that's just -- it is awkward, and you are in the hot
18 seat, but you have to tell me, yes or no.

19 A PROSPECTIVE JUROR: I'm going to be perfectly
20 honest and tell you that I have -- I'm not a dishonest
21 person, so I'm going to do what I think is right. And I'm
22 going to, if I take an oath, contrary to the top person in
23 this country, if I'm going to take an oath, I'll uphold it.

24 THE COURT: You just won't enjoy doing it.

25 A PROSPECTIVE JUROR: No.

1 THE COURT: I appreciate your candor.

2 MR. BOSLER: Your Honor, I don't know if this
3 is the proper time to broach the subject, but we're also
4 going to have to deal with the issue of death and life
5 qualifications.

6 THE COURT: I know.

7 MR. BOSLER: I don't know if the Court wants to
8 do this in a timely manner.

9 THE COURT: We'll do it with the whole panel.

10 MR. BOSLER: Can I ask her one more question,
11 Your Honor?

12 THE COURT: Yes.

13 MR. BOSLER: Do you think you can be fair? I
14 don't want to put you on the hot seat. There is no right or
15 wrong answer.

16 Do you think you can be fair to Mr. Vanisi as
17 you sit here today?

18 A PROSPECTIVE JUROR: Today?

19 MR. BOSLER: Yes.

20 A PROSPECTIVE JUROR: Today, no.

21 MR. BOSLER: No further questions, Your Honor.

22 THE COURT: Thank you. You may go back into
23 the jury room with everybody else.

24 (Whereupon, Prospective Juror Burke was excused
25 from the courtroom.)

1 THE COURT: Miss Getz. Miss Getz is the one
2 that said she received specific information from court
3 personnel, and I want to inquire as to what she, they, she
4 might know.

5 MR. BOSLER: I did make a motion for challenge
6 for cause; and I assume since she is back in the jury pool,
7 it's denied?

8 THE COURT: It is denied at this time. We'll
9 see how she responds to the rest of the questions.

10 (Whereupon, Prospective Juror Getz entered the
11 courtroom.)

12 THE COURT: Hello, Miss Getz.

13 A PROSPECTIVE JUROR: Hello.

14 THE COURT: Thanks for coming back in. I asked
15 that you come back in by yourself because in response to one
16 of my questions, you indicated that you had some information
17 regarding this case that you received from not the news
18 media but from court staff.

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: I wanted to give you an opportunity
21 to tell the attorneys what you learned about this case
22 outside the courtroom so they could determine your
23 qualifications better. So can you tell us what you learned?

24 A PROSPECTIVE JUROR: Sure. I learned that
25 Mr. Vanisi used a hatchet to cut up Mr. Sullivan's face so

1 badly it looked like he had been shot in the face and cut
2 his fingers off.

3 THE COURT: Anything further?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: You indicated that you had already
6 formed an opinion?

7 A PROSPECTIVE JUROR: Yes. I feel he's guilty.

8 THE COURT: Just -- I think I have done this
9 with some of the jurors if not the whole panel, but you
10 understand that a criminal defendant is afforded the
11 presumption of innocence --

12 A PROSPECTIVE JUROR: Yes.

13 THE COURT: -- until the contrary is proven?

14 A PROSPECTIVE JUROR: Yes, I do, but I don't
15 believe that.

16 THE COURT: You don't believe in that concept?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Okay. You understand that in this,
19 normally in the -- the process is that they are presumed
20 innocent until the State proves beyond a reasonable doubt
21 that they are in fact guilty of the offense? Is that the
22 process you don't believe in?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Is this a long-held opinion?

25 A PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: And the basis of that opinion?

2 A PROSPECTIVE JUROR: Is I feel the court
3 system is messed up.

4 THE COURT: You would at least agree with the
5 process that that is the best one we have at least to
6 determine guilt or innocence? Would you agree with that?

7 A PROSPECTIVE JUROR: Yes.

8 MR. STANTON: Are you the type of person if you
9 took an oath, just like you did earlier this morning, to
10 tell the truth as you are doing now, if you take the oath to
11 sit as a juror in this case, that you will decide this case
12 not upon about what opinion you have before you came in here
13 this week, based upon what you hear in this courtroom as far
14 as evidence?

15 Now, it may be the same verdict as the opinion
16 that you have now. But the question more I guess where the
17 rubber meets the road for you here is, can you put aside
18 what you know and listen and follow your oath that you take
19 if you sit as a juror in this case to listen to the evidence
20 and require the State to meet its burden?

21 A PROSPECTIVE JUROR: No.

22 MR. STANTON: You don't think you can do that?

23 A PROSPECTIVE JUROR: No. I already formulated
24 an opinion about the murder.

25 MR. STANTON: There is nothing that can change

1 that about being able to listen to the facts before you
2 render your opinion as a juror?

3 A PROSPECTIVE JUROR: No.

4 MR. STANTON: No further questions, Your Honor.

5 MR. BOSLER: Thank you. Nothing further. We
6 make a for-cause challenge, Your Honor.

7 MR. STANTON: No objection, Your Honor.

8 THE COURT: You are going to be excused as a
9 potential juror in this case. Please report down to the
10 Jury Commissioner's office. Thank you.

11 (Whereupon, Prospective Juror Getz was excused
12 from the courtroom.)

13 THE COURT: Counsel, I propose bringing in the
14 rest of the panel who has not been excused.

15 MR. BOSLER: Your Honor, I have several other
16 people that indicated they had formed opinions.

17 THE COURT: Right. We do have. We have about
18 ten other people who formed opinions, but it wasn't based on
19 something that would contaminate the whole pool if they were
20 inquired of as a group.

21 MR. BOSLER: I just think we run a risk then if
22 you bring the whole pool in. I think for timeliness and
23 just to exercise a little bit of judicial economy, we should
24 bring these people in separately. That would be our
25 suggestion, Your Honor.

1 THE COURT: Mr. Stanton. It is Adamson, Hill,
2 Sepahpour, Gerbatz, Cadena, Bataglia, Kizis, Turnage, and
3 Kenny. Do you want to do those individually, or do you want
4 to bring them in as a group or with the rest of the panel?

5 MR. STANTON: Your Honor, I leave it to the
6 discretion of the Court. The State has no preference
7 because I believe those questions can be asked on an
8 individual basis down the road.

9 MR. SPECCHIO: The answer -- it is the answers
10 we're concerned with, Judge, not the questions.

11 THE COURT: I was concerned with that, too.
12 That is why I wanted to get those people who had an outside
13 basis for their opinion. These people are all media people.

14 MR. BOSLER: If we are going to do it sometime
15 outside the regular panel, we might as well do it now since
16 we have this system working.

17 MR. STANTON: That is fine, Your Honor.

18 THE COURT: Adamson.

19 (Whereupon, Prospective Juror Adamson entered
20 the courtroom.)

21 MR. BOSLER: Your Honor, you mentioned
22 Mr. Sepahpour, right, is one of the group?

23 THE COURT: Yes.

24 Come on in. Go ahead and have a seat pretty
25 close to the court reporter so he can hear what you have to

1 say. Thank you, Mr. Adamson.

2 A PROSPECTIVE JUROR: Son of Adam.

3 THE COURT: We asked that you come in because
4 you indicated that you had formed an opinion based upon the
5 media coverage that you had seen; is that correct?

6 A PROSPECTIVE JUROR: The media and discussion
7 with my wife's former husband who was in charge of the
8 parole board in Carson City.

9 THE COURT: Mr. Stanton, do you have any
10 questions?

11 MR. STANTON: Yes. Mr. Adamson, if you -- the
12 opinion that you have coming into this case, could you put
13 that aside if you were to understand that your role as a
14 juror, that you would take a separate and distinct oath
15 beyond what you have already sworn to, that you will fairly
16 and truthfully try this case based upon the evidence you
17 hear and the law that is given to you? Do you think you
18 could follow that oath?

19 A PROSPECTIVE JUROR: I think I could. Like I
20 said, I think I would have to have him proven innocent
21 rather than proven guilty. At this point I feel he is
22 guilty.

23 MR. STANTON: So your preexisting opinion is
24 one for guilt?

25 A PROSPECTIVE JUROR: Yes.

1 MR. STANTON: But if the judge tells you the
2 law is that the man is presumed innocent and that it is the
3 State's burden to prove beyond a reasonable doubt that he is
4 guilty, may be the same opinion that you have now as far as
5 what your verdict is, the question is, can you put aside
6 that strong opinion that you have and do your role as a
7 juror saying, I'll put that aside but listen to the facts
8 and evidence; and if the State doesn't prove its case, then
9 that's the verdict that I'd have to give in that case, too?
10 Do you think you could do that?

11 A PROSPECTIVE JUROR: Yes, I think I can do
12 that.

13 MR. STANTON: Thank you.

14 MR. BOSLER: Mr. Adamson, do you feel
15 uncomfortable? You are kind of being put on the spot right
16 now.

17 A PROSPECTIVE JUROR: I think anyone would be
18 uncomfortable.

19 MR. BOSLER: You had an opportunity to fill out
20 a questionnaire before last week; right?

21 A PROSPECTIVE JUROR: Uh-huh.

22 MR. BOSLER: And is it true that you wrote down
23 any responses, on the questionnaire you got to write down
24 how you truly felt about the case?

25 A PROSPECTIVE JUROR: Yes.

1 MR. BOSLER: Your answer to the questionnaire
2 is that you were not sure whether you could be fair.

3 A PROSPECTIVE JUROR: Pardon?

4 MR. BOSLER: You were not sure whether you
5 could be fair in this case.

6 A PROSPECTIVE JUROR: That is based upon the
7 bias in favor of guilt.

8 MR. BOSLER: You said you have had some
9 discussions about this opinion you have with your wife's
10 friend.

11 A PROSPECTIVE JUROR: Her ex-husband. He was
12 head of the parole board in Carson City.

13 MR. BOSLER: What kind of things have you
14 discussed about the case?

15 A PROSPECTIVE JUROR: Just what's in the media.
16 He doesn't know any more than I did really.

17 MR. BOSLER: You talk about things like crimes
18 and consequences and court procedures? Are those the types
19 of procedures you talked with this person, you discussed
20 with this person?

21 A PROSPECTIVE JUROR: Not in great deal, no.
22 Just in this particular thing we talked about a little bit
23 is all.

24 MR. BOSLER: Is he a person you look to for
25 maybe a little bit of expert inside knowledge as to how

1 things work?

2 A PROSPECTIVE JUROR: He is inside the law
3 system; so yes, I look to him as having a little expertise
4 in that field.

5 MR. BOSLER: You relied upon him and his
6 expertise that you kind of formed this opinion that
7 Mr. Vanisi is guilty as he sits here today?

8 A PROSPECTIVE JUROR: No. I based my opinion
9 on the media and then also talking with him and his opinions
10 back and forth.

11 MR. BOSLER: So based upon the media and your
12 discussions, your opinion today is that Mr. Vanisi is guilty
13 as he sits there?

14 A PROSPECTIVE JUROR: Yes.

15 MR. BOSLER: Even though you have already been
16 explained what the instructions of law are and things like
17 that?

18 A PROSPECTIVE JUROR: Yes, sir.

19 MR. BOSLER: And you have this opinion that
20 Mr. Vanisi is guilty even though the judge has told you
21 several times that people enjoy a presumption of innocence?

22 A PROSPECTIVE JUROR: Well, I would be willing
23 to listen to everything that came about in the trial. But I
24 just have a preconceived idea, like I said. And I think I'm
25 just biased in the case. So I didn't think I would qualify

1 to be a good juror in his behalf.

2 MR. BOSLER: I don't want you to think there is
3 any wrong answers. If that is the way you feel, that is the
4 way you feel. I just need to kind of conceptualize it for
5 me and for the Court.

6 So you formed these biases and these opinions;
7 and even though we have told you what the law is and the
8 instructions, presumption of innocence, burden of proof,
9 your opinion today is that Mr. Vanisi would have to prove
10 his innocence rather than have the State prove his guilt?

11 A PROSPECTIVE JUROR: Well, yes, I do feel that
12 way. And I would be willing to listen to any testimony or,
13 like I said, if I was picked as a juror, but that's my
14 opinion at this point. And that's why I think I didn't make
15 a good juror.

16 MR. BOSLER: We make a for-cause challenge,
17 Your Honor.

18 MR. STANTON: Your Honor, I think there is a
19 distinction. First of all, Mr. Bosler has asked the
20 question about the instructions of law. Mr. Adamson has not
21 been instructed. Specifically the panel individually has
22 not been asked the question of what the presumption of
23 innocence is. So I think it is somewhat unfair to be coming
24 in and asking questions of a juror saying, Can you put this
25 aside, and they don't even know what that is.

1 So I think the question Mr. Bosler -- at least
2 towards the tail end of his inquiry with Mr. Adamson is not
3 an accurate one, and the core questions or answers to the
4 questions Mr. Adamson gave is he has an opinion but can put
5 it aside and abide by his oath, which is what I think the
6 law requires.

7 THE COURT: Mr. Adamson, if I instruct you at
8 the conclusion of the case that a defendant in a criminal
9 action is presumed to be innocent until the contrary is
10 proven beyond a reasonable doubt, and in case of a
11 reasonable doubt as to whether the defendant's guilt is
12 satisfactorily shown, they are entitled to be acquitted,
13 would you accept and follow that instruction?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: And if I were to instruct you as to
16 what reasonable doubt is, will you follow the instruction as
17 I give it to you?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: You have a preconceived idea at
20 this time, but you will hold the State to their burden of
21 proving to you the case?

22 A PROSPECTIVE JUROR: Of course.

23 THE COURT: Thank you.

24 We'll see Miss Hill next.

25 Thank you, Mr. Adamson. Appreciate your

1 candor.

2 (Whereupon, Prospective Juror Adamson was
3 excused from the courtroom.)

4 (Whereupon, Prospective Juror Hill entered the
5 courtroom.)

6 MR. GAMMICK: Your Honor, while we're waiting
7 for the next juror, we had a real short matter to bring up
8 with the Court. Maybe this would be as good as time as any.

9 THE COURT: They are right there.

10 MR. GAMMICK: I'll bring it up next time.

11 THE COURT: Miss Hill, come on in. Just
12 anywhere really. Just so the court reporter can hear you.

13 I'm having you come in individually because you
14 indicated that you had formed an opinion based on news media
15 coverage.

16 A PROSPECTIVE JUROR: Not entirely, no.

17 THE COURT: I don't want to hear -- I don't
18 want everybody else on the jury panel to hear what you might
19 have heard in the case. They didn't hear what you heard.
20 So that is why I'm bringing you in individually.

21 A PROSPECTIVE JUROR: I didn't base it entirely
22 on news media. I just -- I had just felt that if they had
23 enough evidence to make an arrest and go this far, that he
24 was guilty.

25 THE COURT: Okay. I'm going to give you an
instruction that I didn't give you before, and ask you a

1 question about it. Okay? Do you feel comfortable?

2 A PROSPECTIVE JUROR: I'm really nervous.

3 THE COURT: All right.

4 A PROSPECTIVE JUROR: But yeah, fine.

5 THE COURT: If I were to instruct you at the
6 conclusion of this case that a defendant in a criminal
7 action is presumed to be innocent until the contrary is
8 proven beyond a reasonable doubt, and in a case where the
9 reasonable doubt as to -- there is a reasonable doubt as to
10 whether the defendant's guilt is satisfactorily shown, then
11 they are entitled to an acquittal, would you accept and
12 follow that instruction?

13 A PROSPECTIVE JUROR: Yeah. I would have to.

14 THE COURT: And if I were to instruct you that
15 a reasonable doubt is one based on reason, not mere possible
16 doubt but is such a doubt as would govern or control a
17 person in the more weighty affairs of life, if in the minds
18 of the jurors after the entire comparison and consideration
19 of all the evidence are in such condition that they can say
20 they feel an abiding conviction of the truth of the charge,
21 there is not a reasonable doubt; doubt to be reasonable must
22 be actual not mere possibility or speculation, would you
23 follow that? In other words, follow the instruction as to
24 what reasonable doubt is?

25 A PROSPECTIVE JUROR: Yeah.

1 THE COURT: Now, you have got an opinion
2 because -- and you told me because Mr. Vanisi was arrested.
3 But now I have told you what the law is with regard to the
4 presumption of innocence. You said you'd have to follow
5 that. Would you follow that?

6 A PROSPECTIVE JUROR: Yeah.

7 THE COURT: And not require him to make -- to
8 put on any proof of any kind, the burden is on the State to
9 prove their case?

10 A PROSPECTIVE JUROR: Yeah. It would have to
11 be proved, yeah.

12 THE COURT: You understand it has to be proof
13 from evidence here in the courtroom, not from any other
14 source?

15 A PROSPECTIVE JUROR: Yeah.

16 THE COURT: Counsel, Mr. Stanton?

17 MR. STANTON: Miss Hill, the one question I
18 have for you is that in this case, regardless of what you
19 have heard either from media or other sources, the judge has
20 asked you whether or not you would follow her instructions
21 of law. You are pretty comfortable you can do that;
22 correct?

23 A PROSPECTIVE JUROR: Yeah.

24 MR. STANTON: In a criminal case the burden of
25 proof is on the State, me and Mr. Gammick. Would you

1 require us to prove this case to you beyond a reasonable
2 doubt, if that is what you are instructed?

3 A PROSPECTIVE JUROR: If that is what I'm
4 instructed to do.

5 MR. STANTON: Thank you. No further questions.

6 THE COURT: Mr. Bosler.

7 MR. BOSLER: Miss Hill, you are obviously
8 nervous.

9 A PROSPECTIVE JUROR: Very. Can you tell?

10 MR. BOSLER: Is it okay if I sit down?

11 A PROSPECTIVE JUROR: That is fine.

12 MR. BOSLER: You stated you formed an opinion
13 about the case. What was that opinion, if you would share
14 that with us?

15 A PROSPECTIVE JUROR: I mean, myself, a little
16 bit in the news media, but I just have this feeling if they
17 had enough evidence to make an arrest, that he was guilty.

18 MR. BOSLER: Go ahead.

19 A PROSPECTIVE JUROR: My own opinion.

20 MR. BOSLER: So when you look at two parties
21 here as they sit, even considering what the judge has said,
22 as far as legal instruction, do you consider this a level
23 playing field for us, or do you want us to prove that
24 Mr. Vanisi is innocent?

25 A PROSPECTIVE JUROR: You would have to prove

1 that he was innocent.

2 MR. BOSLER: In light of the Court's earlier
3 explanation of the burden of proof and your still continuing
4 opinion that we'd have to prove Mr. Vanisi's innocence, we
5 make a for-cause challenge.

6 THE COURT: Mr. Stanton?

7 MR. STANTON: Well, my impression of Miss
8 Hill's answers to the questions are not that she won't abide
9 by the Court's instructions, as Mr. Bosler characterizes it,
10 but merely she has a strongly held opinion or at least an
11 opinion in this case but that she would follow the
12 instructions of the Court.

13 I think at this juncture we're asking a lot of
14 questions of jurors without the benefit of them being fully
15 instructed on the law. I think that's the gamble, that they
16 are not being able to answer knowing what we as lawyers know
17 what the law is.

18 Now, she indicated she would be willing to
19 follow the Court's instructions and hold the State to its
20 burden of proof. The Court may want to follow up if there
21 is any confusion in the Court's mind. I think she is pretty
22 confident about that, if there is any inconsistency with
23 Mr. Bosler's questions. It was fairly clear from the
24 State's that she would abide by it.

25 THE COURT: Who do you think has to prove the

1 case to you, Miss Hill? I'm a little confused.

2 You don't have to say prosecution or defense.
3 Just tell me which side of the room has to prove the case.
4 Do you know what I mean by proof?

5 A PROSPECTIVE JUROR: I would say the defense
6 would have to prove that he was innocent. Maybe I
7 misunderstood earlier.

8 THE COURT: That isn't the case. He does not
9 have to prove anything. He sits there cloaked with what
10 they call a presumption of innocence. And it's only after
11 the State proves every element of the offense beyond a
12 reasonable doubt can a jury even consider a decision of
13 guilt.

14 But I know these are all new words for everyone
15 on the jury. We use these words all the time, and I want to
16 make sure that you understand what we're asking you.

17 Do you have any questions about what all this
18 means?

19 A PROSPECTIVE JUROR: I don't know. I
20 wouldn't.

21 THE COURT: Would you follow the Court's
22 instructions as to who had to prove the case?

23 A PROSPECTIVE JUROR: Yeah. If I was told by
24 the Court to follow these instructions, I would.

25 THE COURT: Could you set aside this feeling

1 that you have going in that Mr. Vanisi is guilty and
2 actually -- and decide the case contrary to that feeling?

3 A PROSPECTIVE JUROR: I probably could, yeah.

4 THE COURT: Do you understand that it's a real
5 serious responsibility that the State has to do, they
6 actually have to prove every element? And I'll tell you
7 what those are.

8 A PROSPECTIVE JUROR: Yeah.

9 THE COURT: So let's say that when you were all
10 done and you went into the jury room and you were going
11 through the checklist that I give you about the elements and
12 everything was proved but one little thing and it was
13 something really, really small, but it was an element, would
14 you be able to vote not guilty because the State didn't
15 fulfill their obligation to meet the burden?

16 A PROSPECTIVE JUROR: Just one little thing?

17 THE COURT: If I say they have to meet every
18 one of these five elements, and one of them in your mind is
19 real little but that one they don't meet.

20 A PROSPECTIVE JUROR: I don't know. If we had
21 to have all of them, we couldn't. But I mean, I guess
22 depending on what all those other things were, that would
23 make a difference.

24 THE COURT: Okay.

25 MR. SPECCHIO: We would renew the challenge for

1 cause, Your Honor.

2 THE COURT: Miss Hill, I'm going to go ahead
3 and excuse you. Thank you.

4 A PROSPECTIVE JUROR: Thanks.

5 THE COURT: You go down to the first floor and
6 report to the Jury Commissioner.

7 (Whereupon, Prospective Juror Hill was excused
8 from the courtroom.)

9 (Whereupon, Prospective Juror Sepahpour entered
10 the courtroom.)

11 THE COURT: Thanks for coming in,
12 Mr. Sepahpour. Have a seat. Make sure you speak up so the
13 court reporter can hear you.

14 I asked that you come in separately because you
15 indicated that you had a strongly held opinion with regard
16 to the guilt or innocence of the defendant, and at least
17 part of it was based on news media accounts that you had
18 heard or read. And I don't want everybody else to know what
19 you read in case they didn't read that same thing. So I
20 want you to tell us what the basis of your opinion is.

21 A PROSPECTIVE JUROR: As far as in the media?

22 THE COURT: Right. What you have heard.

23 A PROSPECTIVE JUROR: I think he is the chief
24 of police of UNR, Kirk Shoner, knows my wife, and he had
25 conversation with my wife and just told me some of the
details about what happened in the case.

1 THE COURT: Why don't you tell us what you
2 remember.

3 A PROSPECTIVE JUROR: Just remember about the
4 defendant allegedly going to a store and getting a hatchet
5 and sneaking up on a car and striking the officer, Sullivan,
6 and basically beat him til he was dead. And then there was
7 an all out search for him, and I know he fled to Salt Lake,
8 and they found him in an apartment there; and that the Salt
9 Lake police had opportunity to take him into custody I guess
10 with a standoff for a while, and then they eventually got
11 him and brought him back here.

12 THE COURT: That's what you base your opinion
13 on?

14 A PROSPECTIVE JUROR: Yeah, plus what I had
15 read in the media.

16 THE COURT: Do you understand that a criminal
17 defendant is presumed innocent until the State proves him
18 guilty beyond a reasonable doubt?

19 A PROSPECTIVE JUROR: Yeah.

20 THE COURT: Are you able to afford him that
21 presumption?

22 A PROSPECTIVE JUROR: No. I just have this
23 feeling in my heart that he did it based upon what was told
24 to my wife and just my gut instinct feeling.

25 THE COURT: I understand that is your feeling

1 now. But will you hold the State to their burden of proving
2 it to you?

3 A PROSPECTIVE JUROR: Yeah, unless some
4 evidence, some great evidence is brought forth that would
5 just totally change my mind, but right now it's pretty well
6 standing on what I said.

7 THE COURT: So if you went in the jury room and
8 I asked to you vote on his guilt right now you'd vote him
9 guilty?

10 A PROSPECTIVE JUROR: Yeah.

11 THE COURT: Without ever hearing any evidence?

12 A PROSPECTIVE JUROR: Yeah.

13 THE COURT: And you understand that you'd be
14 violating the instructions I'm going to give you if you did
15 that? But you would have to do it anyway?

16 A PROSPECTIVE JUROR: Yeah.

17 THE COURT: Mr. Stanton.

18 MR. STANTON: Mr. Sepahpour; is that correctly
19 pronounced?

20 A PROSPECTIVE JUROR: Yes.

21 MR. STANTON: The question I'd like to ask you
22 is, coming in with the feelings and opinions -- because you
23 heard some facts as everybody has different amounts of
24 knowledge about this case, and that's okay. The question is
25 is that if you were to take the next step in this process,

1 that is sitting as a juror in this case, you'd take another
2 oath beyond what you have taken and that is you fairly try
3 the case, not by the opinions you had when you came in here,
4 but what you hear in this courtroom. Because we don't have
5 people convicted by what the newspaper thinks or writes
6 about but what happens in a court of law.

7 You would agree with that, that that is how
8 people should be convicted and not by what is in the
9 newspaper?

10 A PROSPECTIVE JUROR: Yeah.

11 MR. STANTON: Can you put that aside and take
12 the oath as a juror and listen to what happens in this
13 courtroom and make your verdict based upon that, not your
14 strong beliefs?

15 Having beliefs is okay. The question is, can
16 you put those strong beliefs aside?

17 For example, you might have very strong
18 opinions about the President of the United States. Until
19 you sit as a juror in that case, it may not be fair for you
20 to make the decision as to whether or not he is guilty or
21 not guilty. Same thing in this case.

22 You may have strong opinions about whether or
23 not Mr. Vanisi is guilty or innocent. The question is, can
24 you put those feelings aside and follow your oath that the
25 judge would give you to listen and make the decision solely

1 by what happens in this court of law?

2 A PROSPECTIVE JUROR: I don't know if I can do
3 that or not.

4 MR. STANTON: What do you think?

5 A PROSPECTIVE JUROR: I think my mind is made
6 up.

7 MR. STANTON: And there is no way that your
8 mind could --

9 A PROSPECTIVE JUROR: It is kind of like that
10 O.J. case. You bring me the killer and I'll look at the
11 evidence.

12 MR. STANTON: But in this case, since you
13 haven't heard any evidence, don't you think that that should
14 happen first, not what you hear in the media but what
15 happens here?

16 A PROSPECTIVE JUROR: But I haven't heard any
17 evidence ever brought forth that it was someone else.

18 MR. STANTON: So what's the answer about how
19 Mr. Sepahpour feels about this? Can you put that aside and
20 follow the oath, or do you think it's not going to happen
21 with you in this case?

22 A PROSPECTIVE JUROR: I don't think it is going
23 to happen with me in this case.

24 MR. STANTON: Thank you.

25 THE COURT: Mr. Bosler.

1 MR. BOSLER: Your Honor, I'll make a for-cause
2 challenge unless the Court wants me to bring out any more
3 information.

4 THE COURT: No. That's okay.

5 Mr. Sepahpour, I'm going to ask that you go
6 ahead down to the Jury Commissioner's office. I'm going to
7 excuse you for cause at this time. Thank you for your
8 candor.

9 A PROSPECTIVE JUROR: Okay. Thank you.

10 (Whereupon, Prospective Juror Sepahpour was
11 excused from the courtroom.)

12 (Whereupon, Prospective Juror Gerbatz entered
13 the courtroom.)

14 THE COURT: Come on in, Mr. Gerbatz. Go ahead
15 and have a seat anywhere, just so the court reporter can
16 hear you. You get your choice.

17 I asked that you come in by yourself because
18 you had indicated that you had a strongly held opinion based
19 at least mostly I think on the news media reports; and
20 rather than have you tell us what you know from the news
21 media and have everybody else hear, they may not have all
22 heard and seen what you did. I would like you to tell us in
23 this setting a little bit more private what it is that you
24 heard in the news media accounts that made you form an
25 opinion.

A PROSPECTIVE JUROR: Well, mainly the fact

1 that it was a brutal murder and that there was an arrest
2 made shortly after, and that's pretty much all I really
3 know. I know a few details that was out in the press
4 earlier in the year.

5 Basically that's how I formed my opinion was
6 the fact that there was an arrest made shortly after and
7 that talking with other people, and you know, passing in
8 conversation, there was no persuasion from anybody I ever
9 talked to or anything and the media that would suggest
10 contrary to my opinion.

11 THE COURT: I didn't get to the point of
12 instructing the jury on something called the presumption of
13 innocence when we broke at lunch. So I want to give you
14 that instruction to see if you can follow that instruction.

15 That is that a criminal -- a defendant in a
16 criminal action is presumed to be innocent until the
17 contrary is proven beyond a reasonable doubt by the State.
18 And if the State doesn't prove beyond a reasonable doubt
19 every element of the offense a defendant is charged with,
20 then they are entitled to acquittal.

21 Now, would you be able to follow that
22 instruction?

23 A PROSPECTIVE JUROR: Yes, I think -- you know,
24 in all honesty, I don't really want to do this, but I think
25 in all honesty, I could look at it open-mindedly. I just

1 had to get it off my chest and let you people know that I do
2 have a strong opinion about this case, and that's basically
3 all I wanted to do.

4 THE COURT: Now, in spite of your strong
5 opinion, if the State didn't prove the case beyond a
6 reasonable doubt to you as I instruct you, then you could
7 acquit?

8 A PROSPECTIVE JUROR: Yes, without reasonable
9 doubt, I think I could.

10 MR. BOSLER: Let the record reflect he paused
11 for about five seconds or so to answer.

12 THE COURT: Yes, as all jurors should think
13 about these answers. I appreciate the contemplation.

14 Mr. Stanton?

15 MR. STANTON: Thank you. What is the correct
16 pronunciation of your last name?

17 A PROSPECTIVE JUROR: Gerbatz.

18 MR. STANTON: Mr. Gerbatz, would you agree with
19 me that your feelings, strong feelings towards law
20 enforcement are positive feelings? Am I correct that you
21 have positive feelings about the police officers?

22 A PROSPECTIVE JUROR: Yes, I do.

23 MR. STANTON: And it would be important to you
24 in a case that, at least at this juncture, it is alleged the
25 defendant had killed a police officer, that the right person

1 be convicted of that crime and not the wrong person?

2 A PROSPECTIVE JUROR: Exactly.

3 MR. STANTON: And that's also a part of your
4 concern as a juror in this case, that you would hold the
5 State to this burden because of that reason as well as
6 others?

7 A PROSPECTIVE JUROR: You lost me there on the
8 last statement.

9 MR. STANTON: Is that part of the reason of
10 when you make your deliberations in this case, you said that
11 you could abide by the instructions of holding the State,
12 that's me and Mr. Gammick, in this case of proving this case
13 beyond a reasonable doubt, to make sure that the right
14 person is held accountable for the crime? Would you agree
15 with that proposition?

16 A PROSPECTIVE JUROR: Yes.

17 MR. STANTON: Even though your strong feelings
18 towards law enforcement, you think you could be fair to
19 Mr. Vanisi in this case?

20 A PROSPECTIVE JUROR: Yes, I could. I could be
21 open-minded.

22 MR. STANTON: Thank you, sir.

23 THE COURT: Mr. Bosler.

24 MR. BOSLER: Mr. Gerbatz, could you describe
25 for the record how many people you know in law enforcement?

1 I think you said you had some friends in law enforcement?

2 A PROSPECTIVE JUROR: Yes, I have a second
3 cousin. Do you need me to list them for you?

4 MR. BOSLER: Please.

5 A PROSPECTIVE JUROR: Kevin Cassanelli. His
6 sister's husbands are also police officers. Bunker,
7 Wiskerchen. And my acquaintances. Do you need to know them
8 too?

9 MR. BOSLER: Please.

10 A PROSPECTIVE JUROR: Jerry Tone, Dave
11 Zeissner, and Mark Caldwell; and Dennis Bradshaw who I
12 haven't been in contact with for years, but I did go to
13 school with him.

14 MR. BOSLER: And are these members of local law
15 enforcement mostly?

16 A PROSPECTIVE JUROR: Everybody except for Mark
17 Caldwell is Reno PD, and Mark is with Washoe County
18 Sheriff's office.

19 MR. BOSLER: And I get the impression that
20 these are people you talk to, they are either relatives by
21 blood or by legal ties or just friends?

22 A PROSPECTIVE JUROR: Good friends. Everybody
23 except for Dennis Bradshaw, I see them very occasionally.
24 Kevin Cassanelli is a cousin and a good friend of mine.

25 MR. BOSLER: These are people you talk with

1 generally then? I mean, you have social relationships with
2 them?

3 A PROSPECTIVE JUROR: Yes.

4 MR. BOSLER: Have you talked about this case
5 with them?

6 A PROSPECTIVE JUROR: No, I haven't.

7 MR. BOSLER: Has the topic of Sergeant
8 Sullivan's death ever come up in conversation?

9 A PROSPECTIVE JUROR: Not that I can remember.

10 MR. BOSLER: You wrote a -- your -- do you
11 remember writing out a questionnaire?

12 A PROSPECTIVE JUROR: Uh-huh.

13 MR. BOSLER: In the questionnaire you said, "I
14 don't want to be a juror because I have too many friends in
15 law enforcement."

16 And I don't want to put words in your mouth. I
17 get the impression that means that because you have these
18 friends in law enforcement, it kind of exerts an influence
19 on you that you are not comfortable with?

20 A PROSPECTIVE JUROR: I know that was probably
21 contrary to what I filled out up above, but that was my
22 honest feelings to that question at that point of that
23 questionnaire, is that I didn't want to serve on this jury
24 because of it. I was afraid that -- at this point I think
25 I'm open-minded. The thing that I'm worried about is if I

1 have a -- and I'm being honest with you here. This is my
2 honest feelings.

3 If I have a police officer, or another person
4 and -- giving me the facts, I am going to be -- I am going
5 to believe a police officer hands down, no question
6 whatsoever on what the facts are.

7 MR. BOSLER: I appreciate your candor. You
8 have had the judge explain several times when the whole
9 panel was here that you are supposed to hold officers and
10 general citizens to the same credibility benchmark, water
11 mark. That is not something you can do because of your
12 relationship with law enforcement?

13 A PROSPECTIVE JUROR: That is probably the only
14 prejudicial feelings that I really have in this matter.

15 MR. BOSLER: And even though the Court may
16 instruct you otherwise, those are feelings you are going to
17 carry with you from today on into the jury room?

18 A PROSPECTIVE JUROR: That is how I feel.

19 MR. BOSLER: Nothing I can do can change your
20 opinion about that?

21 A PROSPECTIVE JUROR: I think I have an open
22 mind about this matter. But if it came down to a
23 circumstance where I wasn't really too sure, I think I
24 might -- my feelings would go with the police officer hands
25 down.

7. Siaosi acted and appeared differently each time that he came to my office, and it almost seemed like he was different people. One time he came into my office wearing glasses with his hair slicked back and he acted calm and reserved. Another time he came into the office with a puffed-out Samoan type Afro hairdo and he was very outspoken and excited. I can't recall all of the various changes in Siaosi's personality during all of his visits to my office, but it seemed like he was a different person each time. None of Siaosi's various personalities where ever a part of a role that he was studying for. The personalities also were not a method to obtain work in the industry.
8. In 1997 when I was still working for Shirley Wilson, I recall getting a phone call from Siaosi. It was a direct call, it wasn't collect and I had no reason to believe that he was incarcerated. Siaosi told me that he wanted to harm a police officer because he thought that it would make a good storyline for a movie that he wanted to write. I thought that Siaosi was making up the story as some kind of joke because the scenario didn't make any sense. Siaosi's storyline was incoherent, not interesting and just sounded crazy. I recall brushing him off by saying, "Yeah right . . . Sure you're going to kill a cop . . . that ain't happening." Siaosi seemed serious during conversation and he wasn't laughing, but I thought that was all part of his joke. I had no idea that Siaosi really intended to go through with his plans.
9. After Siaosi was arrested on the instant case, he wrote me a few letters in an effort to convince me to represent his rights to his story. Siaosi was under the delusion that he was going to sell his rights to the story about his crime and that it would be made into a full featured movie. I never bothered to respond to his letters.
10. I was working at JEOW Entertainment during the time of Siaosi's two trials, but I have no recollection of ever being contacted, in person or via telephone, by anyone on Siaosi's trial attorneys. I was also never contacted by Siaosi's state post-conviction attorney. Herbert Duzant of the Federal Public Defender office was the first person to ever discuss Siaosi's case with me. I would have told his previous attorneys everything that is contained in this declaration had I been contacted.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 11th 2011 in Los Angeles county, Calif


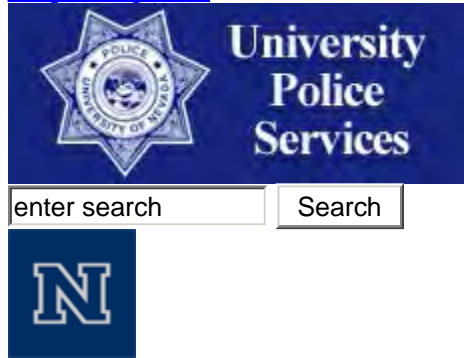

Nancy Chaidez

EXHIBIT 157

EXHIBIT 157

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George D. Sullivan Memorial Page

Sergeant George D. Sullivan 1954-1998

University of Nevada , Reno Police Sergeant George D. Sullivan was killed in the line of duty in the early morning hours of January 13, 1998. He had been with the University Police Department for 19 years. He was survived by his wife and five children. Memorial Services were held at Lawlor Events Center on January 17, 1998.

George was born in Reno , attended Reno High School and Truckee Meadows Community College, where he earned his Criminal Justice degree. He was well known and well liked by the campus community; known for his care and concern for his fellow officers, friendliness and sense of humor. He has been honored by the university with a granite memorial bench placed at the east side of Manzanita Lake. The bench was dedicated in October of 1998. The Police Services area in the Student Services Building was named the “George D. Sullivan University Police Complex” in January of 2002.



Sgt. Sullivan was killed by Siasosi Vanisi, who attacked Sullivan with a hatchet as he worked near the Clark Administration Building. Vanisi was captured in Salt Lake City, in possession of Sullivan's duty

weapon and other personal effects. He was returned to Reno to stand trial. Vanisi was found guilty of first degree murder on September 29, 1999. He is currently on death row in the Nevada State Prison system.



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EXHIBIT 158

EXHIBIT 158

FILED

NO. CR98-0516

DEPT. 4

98 MAY 29 10:20

JUD. BAILEY, CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

Vs.

MOTION IN LIMINE RE:
GRUESOME PHOTOGRAPHSSIAOSI VANISI, aka
"PE", aka "GEORGE,

Defendant.

COMES NOW SIAOSI VANISI, Defendant herein, by and through
counsel, The Washoe County Public Defender's Office, and
respectfully moves this Honorable Court for an Order excluding
the introduction of gruesome photographs from evidence in the
within matter in the State's case-in-chief.

POINTS AND AUTHORITIES

The Court must weigh the probative value of the
photographs against the prejudicial effect that such
photographs have on the jury. A court "has the discretion to
admit photographs into evidence, as long as their probative
value is not substantially outweighed by their prejudicial
effect." Libby v. State, 109 Nev. 905, 910, 859 P.2d 1050
(1993), citing Dearman v. State, 93 Nev. 364, 566 P.2d 410

(1977). It is understood that some photographs are necessary to allow the jury to understand the evidence and testimony of certain witnesses. See Libby, 109 Nev. at 911 (photographs properly admitted as they depicted what an expert described and were helpful in assisting the jury in understanding the nature and circumstances of the crime). However, it is submitted that enlarged, color, gruesome photographs are designed and intended to inflame the hearts and minds of the jury. See Ybarra v. State, 100 Nev. 167, 172, 679 P.2d 797 (1984), cert. denied, 470 U.S. 1019 (1985) ("[r]ealizing the inflammatory potential of the photograph, the district court admitted a reduction which was one-third the size of the original photograph the state sought to introduce.").

NRS 50.115 states in part that "[t]he judge shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence[.]." NRS 47.060 provides: "[p]reliminary questions concerning the qualifications of a person to be a witness [or] the admissibility of evidence shall be determined by the judge[.]." Finally, NRS 47.080 mandates that "[I]n jury cases, hearings on preliminary questions of admissibility ... shall to the extent practicable ... be conducted out of the hearing of the jury, to prevent the suggestion of inadmissible evidence."

NRS 48.015 defines "relevant evidence" as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the more or less

1 probable than it would be without the evidence. Although
2 evidence may be relevant, it may not be admissible. NRS
3 48.025; CF Bourjaily v. United States, 483 U.S. 171, 175, 107
4 S.Ct. 2778 (1987) ("Evidence is placed before the jury when it
5 satisfies the technical requirements of the evidentiary Rules,
6 which embody certain legal and policy determinations. The
7 inquiry made by a court concerned with these matters is not
8 whether the proponent of the evidence wins or loses his case on
9 the merits, but whether the evidentiary Rules have been
10 satisfied. Thus, the evidentiary standard is unrelated to the
11 burden of proof on the substantive issues, be it a criminal
12 case or a civil case." [internal citations omitted]).

13 NRS 48.035 provides in pertinent part:

14 (1) Although relevant, evidence is not
15 admissible if its probative value is
16 substantially outweighed by the danger of
17 unfair prejudice, of confusion of the issues
18 or misleading the jury.

19 In rare instances will an accused be more unfairly
20 prejudiced than through the introduction of large, color,
21 grotesque photographs depicting a deceased body ravaged with an
22 instrument of death such as alleged herein, an axe or a
23 hatchet.

24 Enlarged autopsy photographs have significant inflammatory
25 potential. Ybarra v. State, supra.

26 As noted above, this Court has broad discretion, with a
corresponding duty, in weighing the admissibility of gruesome
and potentially inflammatory photographs of the decedent, the

SVan1s12JDC03413
1 crime scene and the autopsy. Aguilar v. State, 98 Nev. 18, 639
2 P.2d 533 (1982); Turpen v. State, 94 Nev. 576, 583 P.2d 1083
3 (1978), cert. denied, 439 U.S. 988 (1978). There are rarely,
4 if any, photographs of a dead body that are flattering. In this
5 case the decedent sustained a brutal death that is portrayed in
6 numerous photographs that are troubling to human sensibilities.

7 The Court must consider the circumstances surrounding the
8 death of the decedent and the Defendant's right to a fair trial
9 in considering admission of gruesome photographs that are
10 calculated to bias the jury. Libby v. State, 109 Nev. 905
11 (1993); Cf Greene v. State, 113 Nev. ___, 931 P.2d 54, 60
12 (1997) (two photos depicting an aerial view of the crime scene,
13 one photo of two dead bodies taken from "a considerable
14 distance" and one photo of a victim when she was alive were
15 more probative than prejudicial and thus properly admitted into
16 evidence.

17 Respectfully Submitted,
18
19


20 
21 _____
22 Washoe County Public Defender
23 Counsel for Defendant
24
25
26

EXHIBIT 159

EXHIBIT 159

Case No. CR98-0516

FILED

Dept. No. 4

JAN 12 1999

AMY HARVEY
By: *M. Stone*
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

SIAOSI VANISI,

Defendant.

TRIAL

VOLUME 1

January 11, 1999

Reno, Nevada

APPEARANCES:

For the Plaintiff:

RICHARD A. GAMMICK
District Attorney
DAVID L. STANTON
and THOMAS BARB
Chief Deputies District Attorney
75 Court Street
Reno, Nevada 89520

For the Defendant:

MICHAEL R. SPECCHIO
Public Defender
STEPHEN GREGORY
and JEREMY BOSLER
Deputies Public Defender
One South Sierra Street
Reno, Nevada

The Defendant:

SIAOSI VANISI

Reported by:

ERIC V. NELSON, CCR No. 57

ORIGINAL

SIERRA NEVADA REPORTERS (702) 329-6560

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2JDC02253

I N D E X

EXHIBITS ON BEHALF OF THE PLAINTIFF:

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7 Blowup of UNR campus 249

SIERRA NEVADA REPORTERS (702) 329-6560

AA04091

RENO, NEVADA, MONDAY, JANUARY 11, 1998, 10:16 A.M.

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(Whereupon, the following proceedings were held in open court, outside the presence of the jury panel.)

THE COURT: This is the time set for jury selection, but before we bring the jury panel in, I would like to handle a couple of things outside the presence of the jury.

First, late Friday we had a couple of other jurors that we had to excuse from being here. We haven't asked Mr. Vanisi if he has any objection to that.

THE DEFENDANT: No objection, Your Honor.

THE COURT: Mr. Vanisi, I think your attorneys told you it was Mrs. Lyle who was going on a trip over the weekend, and there was Mr. Peak who his father was ill.

Did your attorneys go over that with you, Mr. Vanisi?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did you have any problems with your not being there, here for that? Had you actually waived that?

THE DEFENDANT: Yes.

THE COURT: Then we'll proceed with the jury panel as it is currently constituted.

SIERRA NEVADA REPORTERS (702) 329-6560

AA04092

2JDC02255

1 Also an issue has occurred to me that during
2 the course of the jury selection, there may come a time when
3 I ask counsel to approach for a side bar with the
4 prospective juror and counsel and the court reporter and the
5 Court.

6 MR. SPECCHIO: I have advised Mr. Vanisi, Your
7 Honor, and he's willing to waive his appearance at the side
8 bar for the purpose of those conferences.

9 THE COURT: Okay. Now, Mr. Gregory.

10 MR. GREGORY: Yes, Your Honor. We have a
11 problem that I should bring to the Court's attention
12 regarding what is on the back of Mr. Vanisi. When he is
13 sitting down, it is not obvious, but when he stands up --

14 Go ahead and stand up, Mr. Vanisi, and turn.

15 -- you can see this thing. It's pretty
16 obvious. I don't know whether we should allow him to set
17 there and let me set with him so it is not obvious that he's
18 got this thing on him or how we should handle this, Judge.

19 MR. SPECCHIO: Also if he was ever to lean
20 forward to write notes down, it is going to become apparent
21 to the people behind him.

22 THE COURT: The back of the chair, though,
23 would cover it.

24 MR. GREGORY: It does indeed, Your Honor. But
25 when he stands up, it is a very obvious thing. I didn't

1 notice it until he stands up for the Court.

2 THE COURT: Can't he stand to the side?

3 MR. GREGORY: That is even worse.

4 THE COURT: From my angle, from straight on, it
5 looks like a poorly fitting suit.

6 MR. GREGORY: It does when it is straight on.
7 When you are looking at him, you mean?

8 THE COURT: I don't see it straight on.

9 MR. GREGORY: No, ma'am, you wouldn't because
10 the back pack is in the back.

11 MR. SPECCHIO: Can he stay seated?

12 THE COURT: The question is when the Court
13 comes and goes; is that what you are asking?

14 MR. GREGORY: Yes, ma'am. If we can make some
15 accommodation for him.

16 THE COURT: Try putting your arms behind you,
17 Mr. Vanisi. How does that do?

18 MR. GREGORY: That is a little better, although
19 now he looks like he is in cuffs.

20 THE COURT: Well, you know how a lot of people
21 stand with their hands sort of -- I don't mean like you are
22 in cuffs. You don't have to look like that.

23 MR. STANTON: Your Honor, could I just, because
24 we're describing and visually looking at something. If we
25 could verbally describe this for the record.

1 The fact that he may look like he has cuffs if
2 he puts hits hands behind his back would be maybe a fact if
3 he wasn't to bring his hands around in any portion during
4 the hearing, which obviously he is going to be doing,
5 writing on a pad of paper in front of him. I agree with
6 counsel that his hands behind his back, it is virtually
7 indistinguishable that he indeed has a pack.

8 For the record, it is a bulge in the lower part
9 of his small of his back.

10 THE COURT: Why don't you kind of -- my
11 problem, Mr. Gregory, isn't that I'm worried about him
12 standing for me, but I think it's the wrong impression for
13 the jury if they all have to stand. It makes him look like
14 he's being less a part of the process. And I don't really
15 think that is a good idea.

16 Just unbutton the coat and just kind of
17 casual -- you can put your hand behind your back,
18 Mr. Gregory.

19 MR. GREGORY: Like that?

20 THE COURT: No, no, you put your hands behind
21 your back the same way.

22 MR. SPECCHIO: See no, hear no.

23 THE COURT: You guys can all do it in unison.
24 I think that will be okay.

25 Turn around, Mr. Vanisi, so I can see. Now let

1 go of your hands. Now put your hands back for me to see.

2 That's great. If he stands up straight and
3 puts his hands back, they won't see a thing. I think that
4 looks fine. I don't see any indication there at all.

5 It is fine in front? That is Mr. Specchio
6 nodding?

7 MR. SPECCHIO: Yes, Your Honor.

8 THE COURT: Go ahead and be seated, Mr. Vanisi.

9 Now, with regard to the side bars, which is
10 where we were --

11 MR. SPECCHIO: Judge, maybe you ought to come
12 down and take a look at this. When he leans forward, it is
13 really --

14 MR. GREGORY: When he sits down, it is
15 grotesque.

16 THE COURT: Bailiff, approach.

17 MR. GREGORY: For the record, this is a
18 security belt that's on Mr. Vanisi. Apparently the battery
19 pack is sticking out on his back.

20 MR. SPECCHIO: Judge, I don't think we have a
21 problem with this once we have a jury because we will know
22 everybody is there, but now they can see this.

23 THE COURT: Just a minute.

24 MR. STANTON: For purposes of jury selection,
25 counsel has asked that the view from behind when he is

1 sitting down and leaning over is something that they are
2 concerned about. Maybe Mr. Gregory would be kind enough to
3 switch the chairs with Mr. Vanisi so there is a higher back.

4 THE COURT: Well, before we do that, there was
5 a specific -- I'm asking the security details. You can
6 approach.

7 THE SHERIFF: Your Honor, we have two concerns.

8 MR. GREGORY: For the record, in response to
9 Mr. Stanton, the security has already indicated they would
10 not allow Mr. Vanisi to sit in the chair that has wheels on
11 it.

12 THE COURT: Mr. Gregory, would you switch
13 chairs with Mr. Vanisi?

14 MR. GREGORY: Yes, ma'am. Thank you.

15 THE COURT: For purposes of jury selection
16 only.

17 MR. GREGORY: Be sure when you stand up that
18 you stand up straight like this.

19 MR. SPECCHIO: Well, not like that. Kind of
20 put your hands behind you, kind of casually.

21 MR. GREGORY: Although, Your Honor, for the
22 record, I think Mr. Barb should have to set in this chair.

23 THE COURT: You guys can switch back as soon as
24 we have a jury.

25 Thank you, Mr. Vanisi. Be seated.

1 Now, with regard to the side bars --

2 MR. STANTON: Just so we have the record
3 cleared up on that, Your Honor, Mr. Vanisi is now in a chair
4 where the back rises just below his ears and the pack would
5 not be observable from the jury panel, the respective
6 members in the audience.

7 THE COURT: Now, the side bars, Mr. Specchio
8 has said Mr. Vanisi has no objection to waiving his
9 appearance at the side bar, which will still be in the
10 courtroom, but he won't be able to hear what is said at the
11 side bar.

12 Mr. Vanisi, did your attorneys go over that
13 with you?

14 THE DEFENDANT: Yes, they did, Your Honor.

15 THE COURT: Do you waive that right?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you have any problem with that?

18 THE DEFENDANT: No, I don't, Your Honor.

19 THE COURT: As soon as they are through talking
20 to me at the side bar, and it will be on the record, and you
21 will get a transcript of that on a daily basis, they will
22 tell you what was said. Okay?

23 THE DEFENDANT: Yeah.

24 THE COURT: Any other housekeeping issues that
25 we need to resolve prior to bringing in the jury?

1 MR. SPECCHIO: I didn't hear the music and the
2 chairs are changing over here.

3 THE COURT: It looks to me like seniority has
4 its perks, Mr. Specchio. Mr. Gregory has now switched with
5 Mr. Bosler.

6 Anything else, counsel?

7 MR. STANTON: Not from the State, Your Honor.

8 THE COURT: We'll take a short recess while the
9 Jury Commissioner brings in the prospective jury panel.

10 Counsel, I ask that you remain while the jury
11 panel comes in.

12 Be in recess.

13 (Recess taken at 10:26 a.m.)

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1 RENO, NEVADA, MONDAY, JANUARY 11, 1998, 10:52 A.M.

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3
4 THE COURT: Please be seated, those of you who
5 have chairs.

6 I want to welcome all of you. As you know, you
7 came in three different groups. We had some people come
8 early on Thursday morning, a little bit later on Thursday
9 morning -- or Monday morning, and then some people came on
10 Thursday. So now that you look around, you realize why we
11 broke you up and had you come separately.

12 The process that we're going to participate in
13 this morning requires that you all be present for the
14 process in its entirety. As you can see, there are several
15 chairs up here in front. As soon as we fill those 36
16 chairs, I think we'll have the ability to seat just about
17 everyone, and at least nobody will have to be standing in
18 front of other people. That's my hope.

19 We're going to try to go through this process
20 as quickly as we can, but with 130 of you, it just adds to
21 the logistics. So please be patient with us.

22 I want to remind you that we will work as
23 quickly as we can throughout this process and move the case
24 forward. Today is scheduled to select the jury. So we
25 hopefully will have our jury completely selected, perhaps

1 even by midday, but I think it is probably going to take us
2 most of the day, and then we'll actually start hearing
3 evidence tomorrow.

4 For you, so you remember who everyone is -- I
5 know you have been introduced to everyone, but it was some
6 time ago -- I'm going to ask that the parties introduce
7 themselves, the counsel, and then I'll have my staff
8 introduce themselves. So we'll start with the State.

9 MR. GAMMICK: Good morning, ladies and
10 gentlemen. My name is Richard Gammick. I'm the Washoe
11 County District Attorney. With me today are Chief Deputy
12 David Stanton and Chief Deputy Tom Barb.

13 THE COURT: Thank you.

14 MR. SPECCHIO: Thank you, Your Honor. Ladies
15 and gentlemen, my name is Mike Specchio. I'm representing
16 Mr. Vanisi, along with Steven Gregory and Jeremy Bosler.
17 Thank you.

18 THE COURT: Thank you. And I'd like the staff
19 that serve with me here in the department as well as the
20 Jury Commissioner staff to introduce themselves to you.

21 — We can start with you, Susie.

22 MS. CRAWFORD: I'm Susie Crawford. I'm here to
23 assist you today, whatever the Court needs me to do during
24 the process of jury selection.

25 MS. DAVIS: Good morning. I'm Karyn Davis.

1 I'm Judge Steinheimer's law clerk.

2 DEPUTY BROKAW: Good morning. I'm Deputy Max
3 Brokaw, and I'm the bailiff in Department 4.

4 DEPUTY UPTAIN: I'm Deputy Brian Uptain. I am
5 the second bailiff and here to assist Deputy Brokaw.

6 THE CLERK: Good morning. I'm Marci Stone, and
7 I'm the court clerk here in Department 4.

8 THE REPORTER: My name is Eric Nelson, and I'll
9 be the court reporter during this trial.

10 THE COURT: During the course of this event,
11 the Jury Commissioner staff and my bailiffs and my law clerk
12 will all be assisting. There may come a time when we move
13 you, some of you, down to another courtroom like we did when
14 you were filling out your questionnaires. So please be
15 aware that whatever any of those individuals ask you to do,
16 any of the staff ask you to do, please abide by their
17 requests. Then if you have any concerns, please feel free
18 to tell the staff your concerns, and they will repeat them
19 to me. So in that way we can keep moving forward.

20 I also want to let you know that we all
21 appreciate the inconvenience, and I'm not talking about just
22 standing this morning. I'm talking about the inconvenience
23 that jury duty causes.

24 As I told you when you came before, I'm very
25 much aware that for all of you it is an inconvenience, and

1 for some it's a financial hardship. We'll try to deal with
2 those issues; but I wanted to remind you that the
3 Legislature has set who may be excused from jury service,
4 and financial hardship in and of itself is not a reason to
5 excuse you from service.

6 You are an essential component of our judicial
7 system, and I regard you that way. I know the attorneys on
8 both sides of this case regard you that way, and I promise
9 you that if you are selected as a juror in this case, that
10 your time will be well spent, and it will be a productive
11 period of time that you spend with us.

12 This is the time previously set in Case No.
13 CR98-0516, the State of Nevada versus Mr. Vanisi.

14 Counsel for the State, are you ready to
15 proceed?

16 MR. GAMMICK: We are ready, Your Honor.

17 THE COURT: Counsel for the defense, are you
18 ready to proceed?

19 MR. SPECCHIO: Ready, Your Honor.

20 THE COURT: Let the record reflect the
21 defendant is present represented by counsel as previously
22 noted as well as the State represented by counsel.

23 Ladies and gentlemen of the jury panel, the
24 clerk will now call the roll of those summoned to serve in
25 this case. Please answer here or present as your name is

1 called.

2 (Roll call of jury panel taken.)

3 THE COURT: Is there anyone present who thinks
4 they are on this jury panel whose name has not been called?

5 (No response.)

6 THE COURT: The clerk will now swear the jury,
7 except those people who wish to affirm will be first. I
8 know we have Mr. Judson. Anyone else wishing to affirm
9 rather than swear?

10 Stand, please. Mr. Judson, okay.

11 Ma'am, what is your name?

12 A PROSPECTIVE JUROR: Shiela Miller.

13 THE COURT: Please affirm. Raise your right
14 hand.

15 (Two jury panel members affirmed.)

16 THE COURT: You may be seated. Everyone else
17 please stand, raise your right hand and be sworn.

18 (Jury panel sworn.)

19 THE COURT: We're going to move directly before
20 I say -- there are some general comments I wanted to make
21 before we actually begin selecting a jury, but before I make
22 those comments, we'll select our 36 who will be seated in
23 the jury box. That way we can try to get to you a little
24 bit -- a few more seats.

25 Ladies and gentlemen of the jury, the clerk

1 will be calling those name tags that the Jury Commissioner
2 gave her, one for each of you out of this box. As your name
3 is pulled out of the box, that means you are on our initial
4 panel that will be seated in our jury box, which is expanded
5 from its usual size.

6 There are 36 chairs here, and as your names are
7 called, you are going to be seated in order beginning with
8 the very back row. The bailiff will assist you in finding
9 the proper row. You will fill in the rows as you come
10 forward.

11 THE CLERK: Marilyn Y. Mueller.

12 Geneva Y. Guiler.

13 Debbie J. Aguirre.

14 Richard H. Adamson.

15 Kim M. Hill.

16 Carl E. Hinxman.

17 Cheryl L. Kominek.

18 James E. LaFond.

19 Kimberly A. Burkholder.

20 Jafar A. Sepahpour.

21 Lisa A. Saputo.

22 Dean H. Judson.

23 Daniel M. Gerbatz.

24 ~~Janet M. Thomas.~~

25 Dellice M. Getz.

1 James A. Stephenson.
 2 Samuel L. Barger.
 3 Luisa Arlitz.
 4 Victoria A. Lyman.
 5 Benilda G. Viernes.
 6 Irmgard Kenny.
 7 Susan E. Cadena.
 8 Janet T. Frandsen.
 9 Lawrence L. Jones.
 10 Mark J. Battaglia.
 11 Robert P. Furrie.
 12 Nancie J. Timmerman.
 13 Robert J. Estey.
 14 Paula J. Kizis.
 15 Colette N. Imasaki.
 16 April D. Turnage.
 17 Joseph L. Geach.
 18 Susan M. Frankel.
 19 Jennifer A. Booth.
 20 Carole J. Burke.
 21 James H. Dunn.

22 THE COURT: Anyone have a seat next to you,
 23 raise your hand so we can find those extra seats.

24 Any other blanks? Are all of you all right to
 25 stand? Are you okay to stand? Those of you on the back

1 wall, can you stand? Are you doing all right? Thank you.

2 We're close to having a full complement.

3 Counsel need any of the names repeated?

4 MR. STANTON: No, Your Honor.

5 MR. GREGORY: No, Your Honor.

6 THE COURT: The following comments are directed
7 at all prospective jurors, those of you seated here in our
8 jury box as well as those of you still seated or standing
9 behind the rail.

10 It is important that all of you pay close
11 attention to what is about to happen. It is not only
12 possible but probable that at least some of you currently
13 seated in the audience will be called upon to replace jurors
14 who are currently seated in our jury box.

15 If this were to take place, I do not want to
16 have to repeat all of my questions of a general nature or
17 all the general questions that counsel may have already
18 asked to you. It is for that reason that I ask you to keep
19 a mental or written note of those questions that you would
20 respond to - this is the people in the audience - if you
21 were here in our jury box.

22 If you need a piece of paper or a pencil to jot
23 down those questions, please raise your hand. The bailiff
24 and the assistants will get those to you.

25 Those of you seated here in the jury box, you

1 don't have to make any notes because we are going to be
2 having you raise your hands, and you will just tell me the
3 answer to your question -- to my question as we go.

4 Now, when we set these up, we had no idea who
5 was actually going to be in seat number 10, and that's you,
6 Mr. Sepahpour. Would you mind scooting your chair a little
7 to your right? Thank you.

8 Does that make it a little bit better? That
9 way everyone -- it is not to exclude you, just so the person
10 behind you can see me. You all ended up being on the same
11 level.

12 So ladies and gentlemen of the jury box, as we
13 go through the process here, I'm going to be asking some
14 questions, and when I do, if you want to respond to those
15 questions or if it would be appropriate to respond to those
16 questions, raise your hand and either myself will call on
17 you, or if it is during the counsel's questioning of you,
18 they will call upon you to answer the question.

19 The purpose of what follows is to determine
20 whether or not you are qualified under the law to serve as a
21 juror in this particular case. That is, are you so
22 unrelated to the parties, the attorneys and the facts of the
23 case that you would be able to act as a fair and totally
24 impartial juror.

25 To make this determination I will first ask you

1 a number of general questions. Then the attorneys will be
2 allowed to ask you more specific questions. You are
3 obligated by the oath that you just took or the affirmation
4 that you just made to answer these questions fully and
5 truthfully.

6 If any of your answers appear to reveal a legal
7 basis for which you may be excused from service in this
8 case, one of the other of the attorneys will make such a
9 motion. That is, they will ask that you be excused. I may
10 inquire further of you or allow the other side to ask you
11 some more questions before I decide whether or not I will
12 excuse you from service.

13 However, once all 36 of you have been
14 qualified, then the attorneys on each side will be allowed
15 to exercise a different kind of challenge. These challenges
16 they will be allowed to make will be 10 each. They will
17 each get to reduce your number by 10.

18 And they do not have to give me a reason in
19 most circumstances why they are making such a motion and
20 asking that you be excused. Usually, except for in very
21 rare cases, the court has no alternative but to accept their
22 excusing of you.

23 If this happens, please do not feel that
24 anything is wrong with you or any of your questions were
25 answered improperly. It merely means that one of the other

1 of the attorneys believes that someone else currently seated
2 in the jury box would be better suited for this particular
3 case.

4 During this questioning, I ask that you bear in
5 mind that neither myself nor the attorneys wish to embarrass
6 you or match wits with you. We are only seeking relevant
7 information upon which to decide your qualifications as a
8 possible juror.

9 I will now ask those general questions that I
10 mentioned earlier. Remember, those of you in the audience,
11 if you would raise your hand if you were sitting up here,
12 please make a written note or a mental note so that this
13 process won't be made even longer than it's necessary to
14 have.

15 Remember, raise your hand if you have something
16 to say to me with regard to my questions or those of
17 counsel. I encourage you not to hesitate to raise your
18 hand. The integrity of our entire judicial system depends
19 upon jurors who are willing to abide by the affirmation or
20 the oath that you just took and answer our questions
21 truthfully and completely. It is only in this way that we
22 are able to select an appropriate jury panel.

23 Now, while I read the note that's been passed
24 to me, you all are sitting on a piece of paper. You had a
25 piece of paper on your chair. Would you please review the

1 names on that piece of paper?

2 When you are through reading the list, go ahead
3 and look up at me so I know you are finished reading the
4 list.

5 Is anyone acquainted with, related to or know
6 in any way anybody on that list of potential witnesses?

7 Yes, Mr. Hinxman.

8 A PROSPECTIVE JUROR: I know approximately 10,
9 I believe, Your Honor.

10 THE COURT: Which ones?

11 A PROSPECTIVE JUROR: David Jenkins, Ellen
12 Clark I'm familiar with. Jeff Partyka, Jim Duncan, Joe
13 Depczynski, Ron Dreher, and I recognize Sateki Taukieuvea's
14 name. I can't place where.

15 THE COURT: Is there anything about your
16 knowledge of these individuals that would cause you
17 difficulty serving on a jury in this case?

18 A PROSPECTIVE JUROR: None whatsoever.

19 THE COURT: Would you afford any of these
20 individuals special consideration if they testify or would
21 you determine the credibility of their testimony based
22 solely as they presented here in the courtroom?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: No special consideration?

25 A PROSPECTIVE JUROR: No special consideration.

1 THE COURT: Thank you. Now, also in the back
2 row, I think someone else raised their hand? Anyone else in
3 the back row?

4 Okay, Mr. Barger.

5 A PROSPECTIVE JUROR: Dr. Clark.

6 THE COURT: How do you know her?

7 A PROSPECTIVE JUROR: Through my daughter
8 through when she worked in pathology for the hospital.

9 THE COURT: Okay. Is there anything about your
10 association or knowledge of Dr. Clark that would cause you
11 difficulty serving in this case?

12 A PROSPECTIVE JUROR: No.

13 THE COURT: Would you be able to weigh her
14 testimony the same as every other witness who testifies here
15 in the courtroom?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Anyone else in that second row?

18 Ma'am, did you want to raise your hand?

19 A PROSPECTIVE JUROR: I just recognize Ron
20 Dreher.

21 THE COURT: That is Miss Adamson?

22 A PROSPECTIVE JUROR: No. I'm Debbie Aguirre.
23 Ron Dreher, I recognize the name, but I don't know him
24 personally.

25 THE COURT: Anything about your knowledge of

1 him that would cause you difficulty serving as a juror in
2 this case?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Yes, Miss Saputo.

5 A PROSPECTIVE JUROR: I worked by the
6 university, and I waited on a lot of cops. I don't know
7 their names by first names or last names, but Steve Sauter,
8 is he an officer?

9 THE COURT: I don't think he is with university
10 police, is he?

11 MR. STANTON: Yes, he is.

12 THE COURT: Yes, he is.

13 A PROSPECTIVE JUROR: I know a lot of them by
14 first names coming in and seeing them three times a week. I
15 don't know if that is going to make a difference or not.

16 THE COURT: You are still employed at the
17 university?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: This was in the past?

20 A PROSPECTIVE JUROR: Yes.

21 THE COURT: Would you give those, anybody from
22 the university police department, special consideration?

23 A PROSPECTIVE JUROR: Maybe.

24 THE COURT: Did you have any problems with
25 them?

1 A PROSPECTIVE JUROR: No, not at all. I liked
2 them a lot.

3 THE COURT: The question is, if they came in
4 and testified, would you be able to give their testimony the
5 same consideration as any other witness?

6 A PROSPECTIVE JUROR: Yes, I guess so.

7 THE COURT: Would you listen to what they said
8 and determine their credibility based on the way they
9 presented themselves here on the stand?

10 A PROSPECTIVE JUROR: Yeah. Yes.

11 THE COURT: Okay. Anyone else in that row?
12 We'll go to the third row. Anyone in the third row know
13 anyone?

14 And the fourth row, just about the last row
15 here in front?

16 Yes, is that Miss Imasaki?

17 A PROSPECTIVE JUROR: Imasaki. I'm familiar
18 with Dr. Clark. When I formerly worked in Child Protective
19 Services, she did a number of evaluations for me. And Jeff
20 Partyka I don't know very well, but I bought my house from
21 him 10 years ago.

22 THE COURT: Anything about the house that has
23 caused you problems?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: Okay. And anything about your

1 association with Dr. Clark that would cause you to give her
2 testimony some special weight?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: You would be able to weigh her
5 testimony the way it is presented here in this case in this
6 trial without any consideration of her prior association
7 with you?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Anyone else in that row?

10 And the front row, anyone? Yes, sir.

11 A PROSPECTIVE JUROR: I know Jim Duncan. I
12 don't know if it is the same one or not.

13 THE COURT: What does the Jim Duncan that you
14 know do for a living?

15 A PROSPECTIVE JUROR: He worked for a wholesale
16 plumbing company in town.

17 THE COURT: Counsel?

18 MR. STANTON: Jim Duncan is a homicide
19 detective with the Reno Police Department.

20 THE COURT: Not the same person.

21 Anyone else? Is anyone acquainted --

22 Mr. Specchio, have you introduced your client to the jury?

23 MR. SPECCHIO: I will, Your Honor.

24 THE COURT: Just so they know. I'm going to
25 ask if they are acquainted or related to him.

1 Go ahead, Mr. Specchio.

2 MR. SPECCHIO: Thank you, Your Honor.

3 This is Siao Si Vanisi. He is the defendant in
4 this action, my client.

5 THE COURT: Thank you. Is anyone related to or
6 acquainted with Mr. Vanisi?

7 Is anyone acquainted with or related to any of
8 the attorneys in this case?

9 Remember, we had all the attorneys representing
10 the State of Nevada and the attorneys representing
11 Mr. Vanisi. Go ahead and raise your hands.

12 Is it just the two of you?

13 Miss Aguirre.

14 A PROSPECTIVE JUROR: The attorneys aren't
15 acquainted with me, but I work for Erickson, Thorpe &
16 Swainston for Tom Beko. I know both Mr. Gammaick and
17 Mr. Specchio. I don't know how much detail you want.

18 THE COURT: Is there anything about your
19 knowledge -- you don't personally know them, you just know
20 of them?

21 A PROSPECTIVE JUROR: They don't know me.

22 THE COURT: You know them through your
23 professional association with Mr. Beko?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Is there anything you might have

1 learned during that association that would cause you
2 difficulty in this case?

3 A PROSPECTIVE JUROR: The only thing,
4 Mr. Gammick was --

5 THE COURT: You don't have to tell me what it
6 might be.

7 A PROSPECTIVE JUROR: Possibly. Sorry.

8 THE COURT: One of the things that we're going
9 to do here today is if we have something that I think I need
10 to hear about and everybody else does not have to hear about
11 it, then I may ask you to come over here, and we're going to
12 call it a side bar and come over here by the court reporter
13 and at least a couple of the attorneys will come up and
14 we'll hear about it. So it will be on the record, but
15 everybody won't be hearing your particular concerns.

16 A PROSPECTIVE JUROR: I understand.

17 THE COURT: So there may be something that you
18 think we should talk about?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. And Mr. Hinxman.

21 A PROSPECTIVE JUROR: I'm familiar with all the
22 attorneys, both the defense and for the State. I have
23 worked with all of them in a professional level currently.

24 THE COURT: Is there anything about your
25 associations with them that would cause you difficulty

1 sitting on this case?

2 A PROSPECTIVE JUROR: No, ma'am.

3 THE COURT: And Miss Adamson.

4 A PROSPECTIVE JUROR: Miss Kominek. I know
5 Mr. Stanton.

6 THE COURT: Are you social friends?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Acquaintances?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: Is there anything about your
11 association with Mr. Stanton that would cause you difficulty
12 in this case?

13 A PROSPECTIVE JUROR: No.

14 THE COURT: Do you feel you would be biased one
15 way or another?

16 A PROSPECTIVE JUROR: No, I wouldn't.

17 THE COURT: The court reporter takes everything
18 down. So if my question seems a little ambiguous, clear it
19 up for me. I try to ask them clear, but sometimes I'm not.

20 Is there anyone else who is acquainted?

21 Yes, Miss Imasaki.

22 A PROSPECTIVE JUROR: I'm familiar with
23 Mr. Stanton. He recently did a presentation about a month
24 or two ago at our department.

25 THE COURT: Anything about the professional

1 association or familiarity that you have with him that would
2 cause you any problems in this case?

3 A PROSPECTIVE JUROR: No, it would not.

4 THE COURT: Do you feel biased for or against
5 his position?

6 A PROSPECTIVE JUROR: I do not.

7 THE COURT: Okay. Anyone else? Yes, ma'am.

8 A PROSPECTIVE JUROR: I know of Mr. Bosler as a
9 client at the travel agency I work at. I don't have any
10 real acquaintance with him. Never met him.

11 THE COURT: Is there anything about his being a
12 client of your agency that would cause you difficulty
13 serving in this case?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Do you have any bias for or against
16 him in any way?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Would you feel that your
19 professional position or your employment would be
20 jeopardized based upon your service here or a decision you
21 might make?

22 A PROSPECTIVE JUROR: I would hope not. No, I
23 don't think so.

24 THE COURT: I want to make sure it is not a
25 concern for you.

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Anyone else?

3 Is anyone related to or acquainted with anyone
4 in the offices that these attorneys represent?

5 Yes, ma'am.

6 A PROSPECTIVE JUROR: I'm acquainted with one
7 of Mr. Specchio's deputy defenders.

8 THE COURT: Who is that?

9 A PROSPECTIVE JUROR: Joseph Merkin,
10 M-E-R-K-I-N.

11 THE COURT: He is not in this case, but
12 anything about the fact that he works for Mr. Specchio that
13 would cause you a problem in this case?

14 A PROSPECTIVE JUROR: No. I simply wanted the
15 Court to know I'm familiar with him through the office.

16 THE COURT: Anyone else?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Mr. Hinxman.

19 A PROSPECTIVE JUROR: I do know a lot of the
20 deputy district attorneys and public defenders that I do
21 work with and their support staff, but no one on a personal
22 basis.

23 THE COURT: Mr. Hinxman, for the record, let's
24 go ahead and put your employment.

25 A PROSPECTIVE JUROR: I work for Washoe County

1 as the Acting Director of Court Services.

2 THE COURT: And you are supervised by the
3 District Court?

4 A PROSPECTIVE JUROR: By the court
5 administrator.

6 THE COURT: Your position is neither that of
7 the State or the defense; is that correct?

8 A PROSPECTIVE JUROR: That is correct.

9 THE COURT: Do you see yourself as a neutral
10 party?

11 A PROSPECTIVE JUROR: I do.

12 THE COURT: Any biases or prejudice for or
13 against either side in this case that you have developed
14 over the course of time?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Counsel may want to inquire
17 further, but I think that will be fine.

18 Anyone else?

19 Is anyone, any juror related to or acquainted
20 with or have a friendship other than what you have already
21 told me about with any law enforcement personnel, police
22 officers, sheriff, deputy sheriff, highway patrol, someone
23 like that? If you have a neighbor who is a highway
24 patrolman? We would kind of like to get it all out.

25 Miss Burkholder.

1 A PROSPECTIVE JUROR: My father was a police
2 officer. My brother-in-law is a police officer. My
3 husband's uncle is a police officer. I live next to Kevin
4 Crush, who is a canine cop, and I also live across the
5 street from Mark who is one.

6 THE COURT: Now, would you feel that you had to
7 justify any particular verdict if you sat on this jury trial
8 to any of those individuals?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Do you feel that you are biased for
11 or against any of the witnesses that may testify in this
12 case based solely on your relationship or based upon your
13 relationship with your family members?

14 A PROSPECTIVE JUROR: Probably, yes.

15 THE COURT: And the nature of that bias?

16 A PROSPECTIVE JUROR: Meaning that I have
17 family that work for the police department and stuff.

18 THE COURT: Do you feel that you would decide
19 issues based solely on the fact of a police officer's
20 employment, or would you require that proof be presented
21 here in the courtroom?

22 A PROSPECTIVE JUROR: I would require proof to
23 be presented.

24 THE COURT: Would you be able to weigh the
25 testimony of police officers and law enforcement officers

1 who testify in this case based upon their presentation here
2 in the courtroom and the evidence that they present here?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: Anyone else?

5 Yes. I'm going to try to keep track of you
6 all.

7 Yes, Mr. Sepahpour.

8 A PROSPECTIVE JUROR: I know the gentleman that
9 works with the Washoe County Sheriff's Department, John
10 Sabo.

11 THE COURT: Anything about your association
12 with him that would cause you difficulty being fair and
13 impartial in this case?

14 A PROSPECTIVE JUROR: No, other than the facts
15 I already know, no.

16 THE COURT: Okay. You feel you have had some
17 specific discussions with him regarding this case?

18 A PROSPECTIVE JUROR: No. Just what I have
19 read and seen on TV.

20 THE COURT: Okay. I'm going to get into some
21 specific questions about the media and whether or not that
22 is facts that you can rely upon; but in terms of law
23 enforcement, you have had no discussions about this case?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: And have you gotten any information

1 from any other source other than what you are calling the
2 news media? Do you have any personal knowledge with regard
3 to the case?

4 A PROSPECTIVE JUROR: Yeah. My wife knows the
5 head of the police department at UNR and just what he's
6 discussed with her.

7 THE COURT: And then she's discussed it with
8 you?

9 A PROSPECTIVE JUROR: Yeah.

10 THE COURT: We'll come back to you on that.
11 Mr. Judson.

12 A PROSPECTIVE JUROR: Yes, I met a Detective
13 Douglas from the Reno Police Department about a year ago,
14 professionally. He was requesting some information from my
15 office. We met for about an hour at the Reno Police
16 Department. I work on the University of Nevada campus, and
17 I have interacted with campus security on occasions when I
18 locked myself out of my office.

19 THE COURT: Anything about any of these
20 interactions that would cause you difficulty serving in this
21 case?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: Mr. Gerbatz.

24 A PROSPECTIVE JUROR: I am related to three
25 police officers, and good acquaintance, I would classify

1 them, good friends with four others.

2 THE COURT: Here in the Reno area?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: What are their names?

5 A PROSPECTIVE JUROR: The relation is
6 Cassinelli, Bunker and Wiskerchen. And they are all with
7 Reno PD.

8 Acquaintances are Officer Tone, Zeissner,
9 Bradshaw, and Caldwell, who is the only one that is with
10 Washoe County Sheriff's.

11 THE COURT: Now, is there anything about your
12 familial relationship or your acquaintanceship with these
13 police officers that would cause you difficulty serving in
14 this case?

15 A PROSPECTIVE JUROR: I would say no.

16 THE COURT: Would you feel you had to justify
17 any particular result or verdict that the jury reached to
18 them?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: And would you be able to determine
21 the credibility of police officers in general who testified
22 based upon their testimony and the way they present
23 themselves here in the courtroom and not just because they
24 are police officers?

25 A PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: Anyone else in that row?

2 Yes, Mr. Barger.

3 A PROSPECTIVE JUROR: Over the years when I was
4 with Sears in management, I had contact with quite a few
5 various ones that would be in the store when we had a
6 security problem. I also worked with one of the deputies
7 that is in the courtroom now.

8 THE COURT: Okay. Anything about your prior
9 association with these deputies, the deputy sheriffs that
10 are currently here that would cause you a problem serving in
11 this case?

12 A PROSPECTIVE JUROR: No, none.

13 THE COURT: Do you have any problem weighing
14 testimony of individual law enforcement officers as it's
15 presented here in the courtroom in determining the
16 credibility or how you are going to view that evidence based
17 solely as it's presented here in the courtroom?

18 A PROSPECTIVE JUROR: None.

19 THE COURT: Anyone in the third row?

20 Yes.

21 A PROSPECTIVE JUROR: My husband is the chief
22 of police of Washoe County School District, and my son also
23 works for the school as a police officer, and I do believe
24 my husband was acquainted with Mr. Sullivan.

25 THE COURT: Did you ever meet Mr. Sullivan?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Is there anything about your
3 association with your husband and the son that would cause
4 you difficulty serving in this case?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Would you be in the position that
7 you would have to justify any particular verdicts or result
8 to your husband or son?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Would you feel you would have to
11 give any particular consideration, special consideration to
12 any police officers who were to testify based solely on the
13 fact that they are a police officer?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Anyone else in that row?

16 Yes, Miss Kenny.

17 A PROSPECTIVE JUROR: My son-in-law was a
18 sheriff.

19 THE COURT: And is he still a sheriff?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Anything about your son-in-law's
22 association with law enforcement that would cause you
23 difficulty in this case?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: Are you biased for or against

1 either side with regard to law enforcement?

2 A PROSPECTIVE JUROR: No.

3 MR. GREGORY: I'm sorry, I didn't hear what
4 Miss Kenny said.

5 THE COURT: She said no. What her connection
6 was?

7 MR. GREGORY: Yes, ma'am.

8 THE COURT: Her connection is her son-in-law
9 used to be a deputy sheriff with Los Angeles Sheriff's
10 Department.

11 He's not anymore? You have to answer outloud.

12 A PROSPECTIVE JUROR: No.

13 THE COURT: And you don't feel any connection
14 or bias one way or another?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Was this a happy separation, your
17 son-in-law from the sheriff's office? Was it his choice?

18 A PROSPECTIVE JUROR: I really don't know.

19 THE COURT: So you don't have any feelings
20 about it one way or another?

21 A PROSPECTIVE JUROR: Which feelings, to the
22 case here or to his case?

23 THE COURT: To him. What I'm trying to find
24 out is sometimes people, because of their association or
25 their family's association with law enforcement, they

1 develop certain biases or prejudices. Sometimes people
2 don't like working for law enforcement. So it is either
3 way.

4 That is what I'm trying to discover here, if
5 your son-in-law's being a deputy sheriff, that was a problem
6 or if it caused you to have any feelings one way or another
7 about law enforcement in general.

8 A PROSPECTIVE JUROR: I wouldn't be able to
9 judge because I was not there. But I do know -- I really
10 don't know, because a lot of problems created for me because
11 of all that stress.

12 THE COURT: Okay. So you do have some feelings
13 about the stress of police officers.

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you. Would you be able to
16 weigh a police officer's testimony the same as any other
17 person who testified?

18 A PROSPECTIVE JUROR: I think he would be
19 honest, yes.

20 THE COURT: Anyone else in that row, the fourth
21 row?

22 Mr. Arlitz.

23 Mr. Furrie.

24 A PROSPECTIVE JUROR: I have an acquaintance at
25 my work, volunteer who works, who comes in, who -- Sparks

1 police officer.

2 THE COURT: And anything about your association
3 with him that would cause you difficulty in this case?

4 A PROSPECTIVE JUROR: None, Your Honor.

5 THE COURT: Would you feel you had to justify
6 any particular verdict to him?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Anyone else in that row?
9 Yes.

10 A PROSPECTIVE JUROR: During the course of my
11 profession I have had contact with multiple officers in the
12 three different agencies here in this area. But who they
13 are, I couldn't rattle names off to you.

14 THE COURT: Is there anything about this
15 association that would cause you difficulty in this case?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Would you be able to weigh the
18 testimony of a police officer as they testify here in the
19 courtroom and not the fact just because they are a police
20 officer?

21 A PROSPECTIVE JUROR: I would.

22 THE COURT: Would you feel you had to justify
23 any particular verdict to any of the police officers that
24 you have worked with in the past?

25 A PROSPECTIVE JUROR: No.

1 THE COURT: And would you feel any particular
2 professional pressure to reach any particular result in this
3 case?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Ma'am.

6 A PROSPECTIVE JUROR: When I was very young a
7 friend, some family friends of ours, the son was a police
8 officer. I'm not sure what division or whatever he was a
9 police officer for. His name is Mike Smith. But I don't
10 think it would affect my being able to listen to the
11 evidence.

12 THE COURT: Have you stayed close friends with
13 him?

14 A PROSPECTIVE JUROR: No. I haven't seen him
15 in many, many years.

16 THE COURT: Thank you. Anyone in the front
17 row?

18 Yes, Mr. Dunn.

19 A PROSPECTIVE JUROR: I know Mike and Jerry
20 Tone who are Reno police officers and their father who is
21 retired from Sparks Police Department.

22 THE COURT: Anything about that
23 acquaintanceship that would cause you difficulty in this
24 case?

25 A PROSPECTIVE JUROR: No.

1 THE COURT: Would you feel you had to justify
2 any particular verdict to them?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Would you feel that you have any
5 difficulty weighing police officers' testimony in general?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: Could you afford it the same
8 critical analysis that you would any other witness that
9 testifies here?

10 A PROSPECTIVE JUROR: Yes, I would.

11 THE COURT: Mr. Geach.

12 A PROSPECTIVE JUROR: Yes. I have a sister who
13 is on the Las Vegas Metro, and she currently works for the
14 police department there. And then I have a grandfather who
15 was killed in the line of duty on the Reno Police Department
16 in 1947.

17 THE COURT: What was your grandfather's name?

18 A PROSPECTIVE JUROR: Roy Geach, Captain Geach.

19 THE COURT: Is there anything about your
20 sister's employment or your father's prior employment --

21 A PROSPECTIVE JUROR: Grandfather.

22 THE COURT: -- grandfather's that would cause
23 you problems?

24 A PROSPECTIVE JUROR: I think I would have bias
25 in this case, yes.

1 THE COURT: Mr. Geach, I'll come back to you in
2 a little bit.

3 Anyone else?

4 Yes, ma'am. Miss Frankel.

5 A PROSPECTIVE JUROR: My husband is currently a
6 deputy sheriff.

7 A PROSPECTIVE JUROR: Anything about the fact
8 that he is a deputy sheriff that would cause you difficulty
9 in this case?

10 A PROSPECTIVE JUROR: No, ma'am.

11 THE COURT: Would you feel you had to justify
12 any particular verdict to him or anyone else that he works
13 with?

14 A PROSPECTIVE JUROR: No, ma'am.

15 THE COURT: Would you feel that you had to give
16 or that you would give any particular consideration to
17 police officers' testimony over and above anyone else's
18 testimony here in the courtroom?

19 A PROSPECTIVE JUROR: No, ma'am.

20 THE COURT: Would you afford it the same
21 critical analysis as any other witness?

22 A PROSPECTIVE JUROR: Yes, ma'am.

23 THE COURT: Anyone else?

24 Yes, ma'am.

25 A PROSPECTIVE JUROR: My boyfriend is an ex-cop

1 for Salt Lake City PD, and I know a Terry Wilcox. I think
2 he is on search and rescue here.

3 THE COURT: Anything about your boyfriend's
4 prior employment that would cause you difficulty in this
5 case?

6 A PROSPECTIVE JUROR: In this case? He was an
7 ex-cop before all this happened, but I feel prejudiced.

8 THE COURT: I'm sorry. Are you Miss Thomas?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: Miss Thomas, are you saying that if
11 a police officer were to testify, you wouldn't be able to
12 weigh his testimony?

13 A PROSPECTIVE JUROR: I feel that I would be --
14 I also work at the hospital. So a few police officers have
15 been in there. I feel that I'd be against the defendant.

16 THE COURT: Yes. Miss Getz.

17 A PROSPECTIVE JUROR: My cousin is a sheriff.
18 Cousin is a sheriff in Salinas, California. His name is
19 Nelson D. Roy.

20 THE COURT: You also have several friends on
21 the Reno Police Department?

22 A PROSPECTIVE JUROR: Tim Avila.

23 THE COURT: Anything about your association
24 with your cousin or your friend with the Reno Police
25 Department that would cause you difficulty serving on this

1 case?

2 A PROSPECTIVE JUROR: I'm afraid I would be
3 biased.

4 THE COURT: When you say you would be biased,
5 does that mean that you would not be able to weigh the
6 testimony as it's presented here in the courtroom?

7 A PROSPECTIVE JUROR: Yes, ma'am.

8 THE COURT: Mr. LaFond.

9 A PROSPECTIVE JUROR: Yes. I work with
10 security, and I worked with a lot of officers that I don't
11 know their names because we 86 people out of the club there
12 and stuff, and we have one that is retired.

13 THE COURT: Would you be able to require the
14 same of all the witnesses, be they law enforcement or not,
15 of them as witnesses here in this courtroom?

16 A PROSPECTIVE JUROR: I don't think so.

17 THE COURT: You would not require the same
18 information from them? Or you would treat them all the
19 same? Which one?

20 A PROSPECTIVE JUROR: I would treat them all
21 the same.

22 THE COURT: If a police officer were to
23 testify, you would look at his testimony the same as any
24 other witness?

25 A PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: And determine its credibility based
2 solely on the way it's presented here in the courtroom?

3 A PROSPECTIVE JUROR: Yes, ma'am.

4 THE COURT: Anyone else?

5 Now, I wanted to ask all of you even if you are
6 not related to a police officer, would you all be able to
7 judge the credibility of police officers based upon the way
8 their testimony is presented here in the courtroom, not give
9 it any more weight or less weight, mainly just because they
10 are police officers? Can you all do that? If you can't,
11 please answer outloud.

12 A PROSPECTIVE JUROR: What was the question?

13 THE COURT: Will you treat law enforcement
14 officers' testimony here in the courtroom the same as you
15 would any other witnesses' testimony, not give it any more
16 or less weight based solely on the fact that they are police
17 officers? Can you do that?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Anyone who cannot do that? Did
20 everyone answer yes except for Miss Getz and Mr. Battaglia?

21 A PROSPECTIVE JUROR: I would tend to weigh a
22 police officer's testimony a little more heavily.

23 THE COURT: Are you related to any police
24 officers?

25 A PROSPECTIVE JUROR: No.

1 THE COURT: Now, your concern, Mr. Battaglia,
2 is that just solely because they are a police officer, if
3 they testified and it wasn't very credible, you'd still
4 believe them even though they were a police officer.

5 A PROSPECTIVE JUROR: I would just have a
6 tendency to believe them.

7 THE COURT: You wouldn't require them to give
8 good reasons for their testimony?

9 A PROSPECTIVE JUROR: Yes, I would like to hear
10 the whole testimony.

11 THE COURT: Well, let's say they testified and
12 it wasn't very credible and they didn't have good reasons
13 for their testimony and it didn't really make sense to you
14 or you didn't like the way --

15 A PROSPECTIVE JUROR: That would play a part in
16 my thinking.

17 THE COURT: You would be able to weigh all
18 that?

19 A PROSPECTIVE JUROR: Yes. I think I could
20 weigh that if it didn't seem credible to me. But on the
21 whole in general, I'm saying.

22 THE COURT: Well, you are not going to be
23 dealing with in general. If you are a juror in this case,
24 you will hear specific testimony from specific people about
25 specific facts. And that's what I'm asking you about now.

1 Will you be able to look at those facts and the
2 way the person presents themselves in the witness chair and
3 decide what you believe is the truth or not the truth based
4 upon the way they present themselves?

5 A PROSPECTIVE JUROR: Put that way, yes, I
6 think I could.

7 THE COURT: Does anyone have any personal
8 knowledge regarding the facts of this case? I'm not talking
9 about what you might have read in the newspaper. But anyone
10 have any personal knowledge of the facts regarding the case,
11 except for Mr. Sepahpour who you have heard something you
12 think from your wife?

13 Anyone else?

14 Miss Getz. Don't tell me what you have heard,
15 but what's the source of your information?

16 A PROSPECTIVE JUROR: I know Cathy Miller that
17 works here at the courthouse and Barbara Walker.

18 THE COURT: You think you have heard
19 information from them? _____

20 A PROSPECTIVE JUROR: Yes, I have.

21 THE COURT: Cathy Miller is Judge Kosach's
22 secretary. It has never been in Judge Kosach's courtroom,
23 so I don't know what Miss Miller has told you. Barbara
24 Walker is a court clerk here in the fourth floor.

25 Anyone else?

1 Yes, Miss Burke.

2 A PROSPECTIVE JUROR: I was working with
3 security people from UNR last January when this incident
4 occurred, and I had many discussions regarding it.

5 THE COURT: Regarding facts and circumstances
6 relating to the case? Do you know who you were talking
7 with?

8 A PROSPECTIVE JUROR: Mike at Exhibit Services.

9 THE COURT: Anyone else?

10 Yes, Mr. Judson.

11 A PROSPECTIVE JUROR: When these events
12 occurred, my office, as I said before, is on campus and the
13 campus was closed. And so I was aware that the campus was
14 closed, and when I returned to my office, I believe I could
15 tell that it had been searched.

16 THE COURT: Now, we asked you when you came and
17 filled out the personal questionnaire about any news media
18 accounts that you may have viewed regarding this case. You
19 all filled out the questionnaire.

20 Have any of you viewed, read, listened to in
21 any way any news media accounts since you filled out the
22 questionnaire?

23 Okay. So we have Miss Kenny. You raised your
24 hand?

25 A PROSPECTIVE JUROR: Yes. I can't help it.

1 I'm in the kitchen with my husband, and this gentleman was
2 on the television talking.

3 THE COURT: Mr. Stanton?

4 A PROSPECTIVE JUROR: Yeah.

5 THE COURT: Last night?

6 A PROSPECTIVE JUROR: Uh-huh.

7 THE COURT: He looks better in a suit. I saw
8 that, too.

9 A PROSPECTIVE JUROR: He got a tan.

10 MR. BOSLER: Objection, Your Honor.

11 THE COURT: Okay. Who else raised their hand?

12 Yes, Miss Getz. Don't tell me what you heard,
13 but when did you see news media accounts?

14 A PROSPECTIVE JUROR: Sunday.

15 THE COURT: Yesterday?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Was that on the TV?

18 A PROSPECTIVE JUROR: Newspaper. I was looking
19 through the sale ads.

20 THE COURT: Felt like that article was hidden.
21 It was buried within another article.

22 Yes, Miss Guiler. I'm sorry, Aguirre.

23 A PROSPECTIVE JUROR: The same article she is
24 talking about. I did not read. I just saw the headline and
25 picture and kept going, but I did not read it. But the

1 headline kind of stood out.

2 THE COURT: I understand that. I know.

3 Now, we have a lot of people. If you all saw
4 that same headline but didn't read the article, raise your
5 hand. Leave them up because we have to make a record of
6 this.

7 Would you state your name in the back, ma'am?

8 A PROSPECTIVE JUROR: Kim Hill.

9 THE COURT: Sir?

10 A PROSPECTIVE JUROR: Mr. Sepahpour.

11 THE COURT: Your name?

12 A PROSPECTIVE JUROR: Gerbatz.

13 THE COURT: We'll go to the third row. Ma'am?

14 A PROSPECTIVE JUROR: Arlitz, Luisa.

15 THE COURT: Just state your name quickly.

16 A PROSPECTIVE JUROR: Susan Cadena.

17 A PROSPECTIVE JUROR: Helen Frandsen.

18 A PROSPECTIVE JUROR: Lawrence Jones.

19 A PROSPECTIVE JUROR: Mark Battaglia.

20 A PROSPECTIVE JUROR: Robert Furrie.

21 A PROSPECTIVE JUROR: Robert Estey.

22 A PROSPECTIVE JUROR: April Turnage.

23 A PROSPECTIVE JUROR: Jennifer Booth.

24 A PROSPECTIVE JUROR: Carole Burke.

25 A PROSPECTIVE JUROR: James Dunn.

1 THE COURT: Did any of you other than Miss Getz
2 actually read the article? I'll have an affirmative yes or
3 a negative no.

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Anyone other than Miss Kenny who
6 actually watched the news, the television, who actually
7 listened to the whole thing or watched the whole thing or
8 even part of it really? Let me know what you saw.

9 Did you leave the TV on, Miss Burke, while the
10 article was going on?

11 A PROSPECTIVE JUROR: I couldn't get there to
12 turn it off.

13 A PROSPECTIVE JUROR: You go into the next room
14 and it is still on.

15 THE COURT: I know it is hard. So you did see
16 what was on the TV last night?

17 A PROSPECTIVE JUROR: And this morning.

18 THE COURT: And we'll go ahead and have
19 Mr. Adamson. What did you see?

20 A PROSPECTIVE JUROR: I just saw part of it
21 before I could change the channel.

22 THE COURT: When was that?

23 A PROSPECTIVE JUROR: Last night.

24 THE COURT: What channel?

25 A PROSPECTIVE JUROR: I think it was 4.

1 THE COURT: Anyone else in that row? Second
2 row? Who has not told me? Third row?

3 Yes, Mr. Battaglia.

4 A PROSPECTIVE JUROR: Over the week there was
5 about three times during the week when something came up. I
6 did turn it off. I heard something in the car, but I turned
7 it off.

8 THE COURT: Anyone in the fourth row?

9 Yes, ma'am.

10 A PROSPECTIVE JUROR: This morning the alarm
11 clock radio woke me up to a short blurb about it.

12 THE COURT: I know you turned that off quickly,
13 though.

14 A PROSPECTIVE JUROR: Oh, yeah, went back to
15 sleep.

16 THE COURT: Ma'am.

17 A PROSPECTIVE JUROR: Over the past week I have
18 heard three different radio accounts, and one was this
19 morning when the alarm went off.

20 THE COURT: You all listen to the same station?
21 Can you tell me what channel that was?

22 A PROSPECTIVE JUROR: Simulcast I think of
23 Channel 4.

24 THE COURT: And Miss Burke, was that what you
25 were listening to also?

1 A PROSPECTIVE JUROR: Turnage. And no. I
2 don't know what station it was.

3 THE COURT: Miss Burke?

4 A PROSPECTIVE JUROR: Channel 8.

5 THE COURT: Now, those of you who heard
6 something, either this week or what you told me about on
7 your questionnaires, do you all agree with me that what you
8 see and hear through the news media is not a hundred percent
9 accurate?

10 THE PROSPECTIVE JURORS: Yes.

11 THE COURT: Does anybody disagree with that?
12 Do you all understand that your responsibilities in this
13 case are to reach a verdict consistent with the evidence as
14 it's presented here in the courtroom and not from any other
15 source? Do you all understand that?

16 THE PROSPECTIVE JURORS: Yes.

17 THE COURT: Now, obviously you have heard bits
18 and pieces from the news media. But would you disregard
19 what you might have heard and base your decision based on
20 the evidence as it's presented here in the courtroom,
21 knowing full well that the reporter may not have been
22 talking firsthand with someone, may not know for themselves,
23 and also considering the problems with news media in
24 general? Can you all agree to do that?

25 A PROSPECTIVE JUROR: Yes.

1 THE COURT: Some people have problems with
2 that. Anybody in the 36 here seated? Anyone have a problem
3 with that?

4 Now, do you all understand that if you actually
5 sit on this jury, you will not be able to listen to the news
6 at all because I don't want to run the risk of this, so we
7 won't be using anything but music-only station, TV station,
8 radio stations; you won't be looking at the local news and
9 you won't be able to view the newspaper unless someone else
10 reads it ahead of time and cuts out what may be in it about
11 this case? Do you all understand that would be your
12 obligation?

13 THE PROSPECTIVE JURORS: Yes.

14 THE COURT: Anyone have a problem fulfilling
15 that obligation?

16 Has anyone currently seated in the jury box
17 formed or expressed any opinion thus far about the guilt or
18 innocence of the defendant?

19 A PROSPECTIVE JUROR: Could you repeat that
20 question?

21 THE COURT: Have you formed or expressed an
22 actual opinion regarding the guilt or innocence of the
23 defendant?

24 Miss Aguirre, have you expressed the opinion or
25 only formed it?

1 A PROSPECTIVE JUROR: I kind of already formed
2 it.

3 THE COURT: You kind of?

4 A PROSPECTIVE JUROR: Well, yes. I think -- do
5 you want me to continue with this?

6 THE COURT: No.

7 MR. BOSLER: Your Honor, may we approach?

8 THE COURT: Yes.

9 (Whereupon, a bench conference was held among
10 Court and counsel as follows:)

11 MR. BOSLER: Your Honor, what I'm going to
12 suggest is have her identify it at the side-bar.

13 THE COURT: This is what I'm going to do. I'm
14 going to keep track of who they are, as I have been. When
15 we recess for lunch, I'm going to not let them go. I have
16 got a list of about five people that we have individual
17 questions already to ask of. So we'll deal with it at
18 side-bar, but we won't have the courtroom full of people
19 waiting around. Is that all right?

20 MR. BOSLER: Yes.

21 (Whereupon, the following proceedings were held
22 in open court.)

23 THE COURT: We'll go forward now. Miss
24 Aguirre, I don't want you to tell me what your opinion is
25 one way or the other, but I want to get a record of who has

1 formed an opinion or they think they have. You sort of
2 formed an opinion?

3 A PROSPECTIVE JUROR: I think I formed it last
4 year with the media, yes, ma'am.

5 THE COURT: Because of the media?

6 A PROSPECTIVE JUROR: Yes, Your Honor.

7 THE COURT: And, Mr. Adamson, did you raise
8 your hand?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: What is your circumstance?

11 A PROSPECTIVE JUROR: Well, based on the media
12 and the people I talked to at the time. My wife's
13 ex-husband was in charge of parole board down in Carson
14 City, and we had conversations.

15 THE COURT: There wasn't anything -- he didn't
16 have anything to do with this case, though?

17 A PROSPECTIVE JUROR: No, just opinions.

18 THE COURT: Anyone else in that back row? I
19 try to do it in rows so I can keep track of everyone.

20 Yes, Miss Hill?

21 A PROSPECTIVE JUROR: I believe I have formed
22 my opinion.

23 THE COURT: And, Mr. Sepahpour.

24 A PROSPECTIVE JUROR: Yeah, I formed my
25 opinion.

1 THE COURT: Mr. Gerbatz.

2 A PROSPECTIVE JUROR: Yes. Without hearing any
3 evidence or facts, I do have a biased opinion.

4 THE COURT: Miss Getz, you raised your hand.
5 Miss Thomas.

6 A PROSPECTIVE JUROR: I have definitely formed
7 an opinion.

8 THE COURT: Anyone else in that row? Yes, I
9 have you, Miss Gertz. Thank you. Getz. I'm sorry.

10 Anyone in the third row? That is your row.
11 Miss Kenny.

12 A PROSPECTIVE JUROR: Yeah, I'm not able to
13 judge anybody. I can't. It is not in my nature. I just
14 can't judge.

15 THE COURT: You haven't formed an opinion one
16 way or the other?

17 A PROSPECTIVE JUROR: I haven't formed an
18 opinion, but I won't be able to live with myself if I form
19 an opinion. I just can't do it.

20 THE COURT: Okay. Miss Cadena.

21 A PROSPECTIVE JUROR: I definitely formed an
22 opinion.

23 THE COURT: Miss Frandsen?

24 A PROSPECTIVE JUROR: I taught in the
25 university system, and my husband taught in the university

1 system, and I think I'm biased.

2 THE COURT: But the question was --

3 A PROSPECTIVE JUROR: I understand.

4 THE COURT: -- if you formed an opinion about
5 the guilt or innocence.

6 A PROSPECTIVE JUROR: I don't have any facts.
7 So I'm -- in my heart I feel biased.

8 THE COURT: Okay, but you don't really have an
9 opinion yet about guilt or innocence?

10 A PROSPECTIVE JUROR: No.

11 THE COURT: And Mr. Jones?

12 A PROSPECTIVE JUROR: Based on the news
13 reports, I haven't formed an opinion on the guilt or
14 innocence, but I tend to believe that the police --

15 THE COURT: Don't tell me what you believe.

16 A PROSPECTIVE JUROR: Well, it is an important
17 part of it.

18 THE COURT: You have a feeling based on the
19 news media?

20 A PROSPECTIVE JUROR: Yes.

21 THE COURT: But you really haven't formed an
22 opinion about the guilt or innocence of this defendant?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Yes, Mr. Battaglia.

25 A PROSPECTIVE JUROR: From the media reports of

1 a year ago, I think I formed an opinion. I think I would
2 listen to the evidence, but I would tend to heed the things
3 I believe were proved or the things that I heard in the
4 media.

5 THE COURT: You mean if you heard it again,
6 then you think you'd believe it? If you heard it once from
7 the media and you heard it again here?

8 A PROSPECTIVE JUROR: Yeah.

9 THE COURT: Fourth row. Yes, ma'am.

10 A PROSPECTIVE JUROR: Yes, I formed an opinion.

11 THE COURT: Miss Kizis? Yes, Miss Turnage.

12 A PROSPECTIVE JUROR: I have also formed -- I
13 wouldn't be completely honest if I said I hadn't formed an
14 opinion. I would hope that I could somehow put that opinion
15 aside and listen to the evidence. I don't know if I could
16 do that.

17 THE COURT: Anyone else? And Mr. Geach?

18 A PROSPECTIVE JUROR: Yes, I formed an opinion
19 from the media over a year ago.

20 THE COURT: And the front row, Miss Burke?

21 A PROSPECTIVE JUROR: Well, based on knowledge
22 that I have that goes beyond the media, yes, I have formed
23 an opinion.

24 MR. GREGORY: I am sorry, I didn't hear the
25 last of what she said.

1 A PROSPECTIVE JUROR: I said I have formed an
2 opinion.

3 MR. GREGORY: Thank you, ma'am.

4 THE COURT: Now, those of you who said you
5 formed it based upon the media, we just got through talking
6 about the media and how you are not supposed to believe
7 everything you read.

8 Do you feel that you hold an opinion so
9 strongly based upon the media that you would vote today one
10 way or another if you heard no evidence? Any of you feel
11 that way, that strongly? Please raise your hand.

12 A PROSPECTIVE JUROR: It is not true for the
13 media. It is just kind of gut belief. I don't know how to
14 explain it to the Court.

15 THE COURT: Okay.

16 A PROSPECTIVE JUROR: Have any of you who have
17 indicated that you formed an opinion communicated this
18 opinion to anyone prior to today? And that's Mr. Adamson,
19 Miss Hill, Mr. Sepahpour, Mr. Gerbatz, Miss Getz, Miss
20 Cadena, you expressed it, and Miss Burke. Anyone else?

21 You have expressed the opinion, Miss Kizis?
22 Miss Turnage, you have expressed the opinion.

23 A PROSPECTIVE JUROR: I have.

24 THE COURT: And, Mr. Geach, you have expressed
25 the opinion?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: Miss Thomas, you have also?

3 Yes, Miss Kenny, you have. You are kind of in
4 a different category.

5 A PROSPECTIVE JUROR: That's me.

6 THE COURT: Now, do any of you have anything
7 other than a passing interest in the outcome of this case?
8 Anybody feel personally connected to the case, you want to
9 see a certain result or you have any particular feeling?

10 Does any juror entertain any bias or prejudice
11 for or against the State of Nevada just because it is the
12 State of Nevada? Is that a no?

13 THE PROSPECTIVE JURORS: No.

14 THE COURT: Does anyone harbor any bias for or
15 against the defendant just because he is Mr. Vanisi?

16 THE PROSPECTIVE JURORS: No.

17 THE COURT: At the conclusion of the evidence I
18 will state to you the law which applies to this case. I
19 will instruct you it is your duty to apply the law to the
20 facts that you find them to be.

21 Would any juror be reluctant to apply the
22 general principles of law which I instruct you regarding?
23 In other words, are you going to make up your own version of
24 the law, or will you follow the law as I give it to you? Is
25 anyone reluctant to follow the law?

1 THE PROSPECTIVE JURORS: No.

2 THE COURT: Some of you are kind of looking at
3 me puzzled. The role, if you are selected as a juror, is
4 that the jury determines the facts. You decide guilt or
5 innocence in this particular case. You decide the facts
6 that you are going to rely upon.

7 Then you apply the general principles of law
8 that I give you in instructions; and based upon the general
9 principles of law and the facts as you find them to be, you
10 reach a verdict consistent with both the facts and the law.

11 Now, the problem is I want to make sure nobody
12 sitting on this jury would decide that they could make up
13 their own version of the law. You are the exclusive
14 province for the jury to determine the facts, and it is my
15 exclusive province to determine the law.

16 Do you all agree with that premise?

17 THE PROSPECTIVE JURORS: Yes.

18 THE COURT: Anyone have a problem?

19 THE PROSPECTIVE JURORS: No.

20 THE COURT: Okay. Counsel, do you want to ask
21 your general questions before we begin to inquire separately
22 of some of these jurors?

23 MR. STANTON: No preference on behalf of the
24 State, Your Honor.

25 MR. BOSLER: Your Honor, could I suggest a

1 lunch break at this point?

2 THE COURT: Yes. I think we may.

3 MR. GREGORY: I'm sorry. I'm fairly old. I
4 have been at it since 9:00.

5 THE COURT: But the jury hasn't, Mr. Gregory.
6 I'm not giving you a break anyway. We worry about the jury.

7 Okay. This is what we're going to do. Ladies
8 and gentlemen here in the jury box, you are not going to go
9 anywhere. I'm going to go ahead and have you just sit for a
10 minute.

11 Ladies and gentlemen of the jury panel whose
12 names have not been called yet, at this time you are going
13 to go with the Jury Commissioner and the bailiff down to
14 another courtroom where there is a jury room and coffee I
15 think is made and some restrooms. I don't want you to go
16 outside that courtroom. We're going to get a lunch break,
17 but it will probably be -- I'm not going to let you go to
18 lunch probably for about 15 or 20 more minutes at least,
19 just because I'd like to see how many people we lose if we
20 lose any right now.

21 So I'm going to hold on to you for another half
22 hour or so. You cannot leave where I'm going to take you
23 now until you come back into this courtroom and are told to
24 come back at this particular time.

25 Now, while you are down the hall, you may not

1 form or express any opinion about the ultimate outcome of
2 this case. I don't want you discussing the case among
3 yourselves or with anyone else. I don't want you to talk
4 about the process, any of my questions. Don't talk about
5 what you might have answered to my questions.

6 Do not allow anyone to attempt to influence you
7 with regard to this case. And please be patient with me. I
8 want to be sure that I get this process finished today. So
9 I don't want to lose some of you for periods of time
10 because, we cannot do any business unless I have all of you
11 back here. So I will be calling roll. Make sure you stay
12 together; otherwise, your fellow jurors are going to be very
13 unhappy. Please go with the bailiff and the Jury
14 Commissioner staff now.

15 (Prospective jury panel not in jury box left
16 the courtroom.)

17 THE COURT: Ladies and gentlemen of the jury
18 panel, we have other -- we're using the whole courthouse
19 today. So we're going to move all of you down to a jury
20 room also down the hall but a different jury room. And
21 while you are in this jury room, you can use the facilities,
22 make yourself comfortable. There should be some coffee
23 around there, too.

24 And remain in that area at all times. Do not
25 leave that area. We're going to have someone stay with this

1 group of the panel.

2 And you may not form or express any opinion
3 about the ultimate outcome of this case. You may not
4 discuss the case among yourselves or with anyone else. You
5 may not allow anyone to attempt to influence you with regard
6 to it.

7 We are going to wait for these people to get
8 down there so that we don't lose or get you mixed up. We
9 want to make sure we keep you separate. And I think we'll
10 just start with Miss Aguirre.

11 Counsel have any problem with that?

12 MR. STANTON: Not that procedure, Your Honor.

13 MR. BOSLER: No, Your Honor.

14 THE COURT: The logistics of moving 130 of you
15 all around is causing us a little bit of delay, but we are
16 going to try to move this as quickly as possible. I still
17 see people in the hall. Is it safe to take the next group
18 down?

19 MS. LOPSHIRE: No.

20 THE COURT: Deputy Uptain, I'm going to have
21 you take them into the jury room for the short term; and as
22 soon as the hall is cleared, take them down to Department 9
23 jury room.

24 Go with the bailiff, please through that small
25 side door. Remain in that room.

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

SIAOSI VANISI,

Appellant,

vs.

RENEE BAKER, WARDEN, and
CATHERINE CORTEZ MASTO,
ATTORNEY GENERAL FOR
THE STATE OF NEVADA,

Respondents.

No. 65774

Volume 17 of 26

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APPELLANT'S APPENDIX

Appeal from Order Denying Petition
for Writ of Habeas Corpus (Post-Conviction)

Second Judicial District Court, Washoe County

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EXHIBIT

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| 2 | 1. <u>State of Nevada v. Siasos Vanisi, et al.</u> , Justice Court of Reno Township No. 89.820, Criminal Complaint January 14, 1998..... | AA00251-AA00255 |
| 2 | 2. <u>State of Nevada v. Siasos Vanisi, et al.</u> , Justice Court of Reno Township No. 89.820, Amended Complaint February 3, 1998 | AA00256-AA00260 |
| 2 | 3. <u>State of Nevada v. Siasos Vanisi, et al.</u> , Second Judicial Court of the State of Nevada, Washoe County, No. CR98-0516, Information February 26, 1998 | AA00261-AA00269 |
| 2 | 4. ABA Section of Individual Rights and Responsibilities, Recommendation February 3, 1997 | AA00270-AA00294 |
| 2 | 5. Declaration of Mark J.S. Heath, M.D., dated May 16, 2006, including attached Exhibits | AA00295-AA00420 |

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| 2 | 6. Birth Certificate of Siaosi Vanisi, District of Tongatapu June 26, 1970 | AA00421-AA00422 |
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| 2 | 8. <u>Siaosi Vanisi vs. The State of Nevada</u> , Nevada Supreme Court Case No. 35249, Appeal from a Judgment of Conviction, Appellant's Opening Brief April 19, 2000 | AA00425-AA00462 |
| 2 | 9. <u>Siaosi Vanisi v. The State of Nevada</u> , Nevada Supreme Court Case No. 35249, Appeal from a Judgment of Conviction, Appellant's Reply Brief November 6, 2000..... | AA00463-AA00475 |
| 2 | 10. <u>State of Nevada v. Siaosi Vanisi, et al.</u> , Justice Court of Reno Township No. 89.820 Amended Criminal Complaint February 3, 1998 | AA00476-AA00480 |
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 7th day of January, 2015. Electronic Service of the foregoing Appellant's Appendix shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy
Washoe County District Attorney
tmccarth@da.washoecounty.us

Felicia Darensbourg
An employee of the Federal Public Defender's Office

Scharlette Holdman
Re: State of Nevada v. Vanisi
March 6, 1998
Page Four

As you can readily see, we have some difficult hurdles to negotiate and any help you may render will be greatly appreciated.

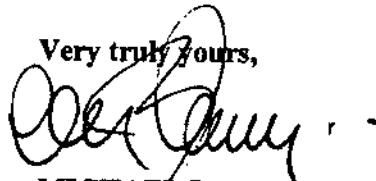
There is much work to do in this case.

I will soon be going to Southern California to meet with Pe's estranged wife, family, friends, former roommates, church members, etc. in an effort to compile some beneficial information on this young man.

If you think you could be of assistance in this matter and are willing to lend a hand, I will be more than willing to come to San Francisco to meet with you to discuss this matter further.

Thank you for any advice and consideration you may offer in this difficult matter.

Very truly yours,



MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: Vanisi team
file

25

AA04001

WCPD03835

M E M O R A N D U M

To: Vanisi file
From: MRS
Re: Tongan community
Date: 2/5/98

I spoke with Tom Lautaha who is active in the Tongan community here and in California. He knows Vanisi's mother. He says she is doing fine.

I also spoke with Tui Finau, whom I have known for a number of years. He is also available as a Tongan Interpreter -333-9359 (home) and 333-9320 (business).

They are going to speak with Vanisi tonite...I told them I just did not want them to speak with the police about their discussion and to advise what they discuss. I indicated they were like priests and advisors and did not have to speak with the cops about their conversation with him.

They indicated there was some talk in the community about Vanisi being innocent...that this is a "cover-up"...but they were not sure.

I believe their position is they want to support him if he is innocent and they do not want to support him if he is guilty...they indicate that if he IS guilty, he has done a great dis-service to the local Tongan community.

We'll just have to see how Vanisi handles this and how this plays out.

25a

AA04002

WCPD04577

Law Offices of the Federal Public Defender

330 S. Third Street, Suite 700

Las Vegas, Nevada 89101

Tel: 702-388-6577

Fax: 702-388-6261

*Franny A. Forsman
Federal Public Defender
District of Nevada*

*John C. Lambrose
Chief, Appellate/Habeas Division
Rene L. Valladares
Chief, Trial Division
Michael Pescetta
Chief, Capital Habeas Division*

March 10, 1998

Mr. Michael R. Specchio
Washoe County Public Defender
One South Sierra Street
P.O. Box 11130
Reno, Nevada 89520

Re: Vanisi

Dear Mr. Specchio:

I enclose the original of a declaration that has been forwarded to me, relating to Mr. Vanisi's case.

Yours truly,



Michael Pescetta
Assistant Fed:

MP/11

Attachments: as noted

RECEIVED

MAR 09 1998

Federal Public Defender
Las Vegas, Nevada

DECLARATION OF PHILLIP T. S. TUKIA

I, PHILLIP T. S. TUKIA, declare as follows,

1. I am an attorney licensed to practice law in the State of California. I have personal knowledge of the following facts and opinions, and if called upon as a witness, I could and would competently testify thereto.

2. I am marginally acquainted to Siaosi Vanisi (hereinafter "George"). My mother's first cousin was married to George's late paternal uncle.

3. I first met George on or around 1989. I believe he was approximately seventeen (17) or eighteen (18) years old at that time. He struck me as a conservative and respectable young man who dressed well. Since 1989, I have only seen George on rare occasions and have not maintained close contact with him.

4. It is my understanding and belief that George has been charged with a capital offense in the State of Nevada. I convey my compassion and sorrow to the family of the victim, as well as to George's family. My thoughts and prayers go out to them.

5. The Tongan community in the United States is very small and close-knit. As a member therein, I would feel deeply shamed if the criminal charges levied against George were proven to be true. However, as a person who believes in justice and fairness, I know that George is unequivocally entitled to a competent defense and certainly a presumption of innocence.

6. Tongan culture is different from U.S. culture. Tongan children are raised to respect the hierarchy and structure of family and community. This reflects the extended clan as the basic family unit in the Tongan culture, rather than the smaller

///

nuclear model of the American culture. Few Tongan children or adults deviate from such a basic tenet of their upbringing.

7. Displaying and feeling a high degree of respect for authority is central to Tongan culture. Thus, if a Tongan does not show the required respect, it can bring shame upon the individual, his or her family and the Tongan community at large. Bringing disgrace to one's family and community is to be avoided at all costs, especially since the Tongan community is small and everyone knows each other.

8. Therefore, I was stunned to hear of George's arrest for the alleged murder of a law enforcement officer. I believe such an alleged act may be inconsistent with George's Tongan values and upbringing. As such, further investigation should be conducted to determine his state of mind.

9. I was surprised to hear of George's arrest because it seemed incredible that the upstanding young man I remember could be the same one responsible for such a heinous act. If George did in fact commit the crime he is accused of, then he has certainly undergone a dramatic character change, at least from my perspective. I have heard talk in the Tongan community that George's mental state has deteriorated considerably over the years, based on people's observations of him. Perhaps it is true.

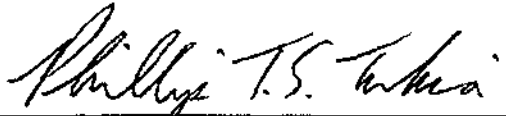
10. Morally and emotionally, I am profoundly conflicted in playing a part that appears to be supportive of George, assuming he did indeed kill a campus police officer. As a human being, I abhor the killing of another human being. But as a Tongan, I am even more repulsed when the killing is alleged to have been accomplished by a fellow Tongan.

///

11. Nonetheless, I recognize that George has a fundamental right to competent counsel and defense. Therefore, I feel I have a moral and ethical duty to assist George's attorneys in understanding the degree to which George's behavior is inconsistent with the values ingratiated in him when growing up as a Tongan individual in the United States.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my recollection.

Executed this 6th day of March, 1998 in Glendale, California.



Phillip T.S. Tuzia



Washoe County Public Defender

Michael R. Specchio / Public Defender

Standard of Excellence Since 1969

April 14, 1998

Scharlette Holdman
Center for Capital Assistance
529 Castro Street
San Francisco, California 94114

Re: State of Nevada v. Siasosi Vanisi

Dear Ms. Holdman:

I have not received a response to my March 6th letter.

If you are unable to assist in this matter or direct me to other available resources, please advise.

Needless to say, time is of the essence.

Very truly yours,


MICHAEL R. SPECCHIO
Washoe County Public Defender

cc: file

30

M E M O R A N D U M

To: Vanisi file
From: MRS
Re: Leanne Morris
Date: 4/14/98

I spoke with Leeanne Morris on the telephone. Her address and phone number are:

**812 West El Prado Road
Chandler, Arizona 85224**

(602) 857-0615

She knew and dated Perrin in about 1992/3/4. They dated for about one (1) year. She became pregnant with Kylie (4 ½). She is now re-married and wants to have her husband adopt Kylie and will need Perrin's signature to do so. I told her to send whatever papers she has and I will take them to him to sign...if he will.

Apparently, he left Leeane and moved back to California and got Deeanne pregnant. He married Deeanne.

Perrin is not on the birth certificate. He has seen the child from time-to-time and provided some support until the birth of his kids. She has never pursued and has no intentions of doing so.

Besides the irony of going from Leeanne to Deeanne...Deeanne's father is a police officer...AND her father's name is William Holden...he lives on Buckskin Canyon Road.

I asked about Vanisi...she also knows him as Vanacey and she advised as follows:

- 1. He is not a bigot.**
- 2. She does not believe this was racially motivated.**
- 3. He is not prejudiced, he liked people and liked being around people.**
- 4. He loved her father and really respected him.**
- 5. She has no information about his having any "hate" for any group.**
- 6. She is Caucasian...her daughter is dark skinned.**
- 7. She got my name and number from Deeanne.**
- 8. She and Deanne have become long-distance friends.**
- 9. I doubt that she would be willing to come to Reno to testify for him at the sentencing or penalty hearing...but I could pursue that.**
- 10. She seems like a very nice person...like Deeanne.**
- 11. She has no ill feelings against Perrin.**

F A C S I M I L E

TO: DEBRA SABAH

*FROM: LAURA BIELSER
WASHOE COUNTY PUBLIC DEFENDER*

RE: SIAOSI VANISI

DATE: 4/17/98

FAX: 415-621-8830

.....
*THE FOLLOWING IS A LIST OF PERSONAL DOCUMENTS RETRIEVED ON SIAOSI
VANISI:*

*PASSPORT PHOTOS
W-2 FROM ENTERTAINMENT INDUSTRY
BIRTH CERTIFICATE
HAND DRAWINGS BY MR. VANISI
TEMPORARY DRIVER'S LICENSE
CALIFORNIA DRIVER'S LICENSE
ARIZONA DRIVER'S LICENSE
BANK RECORDS
POLICE REPORTS FROM SO. CALIFORNIA ON MISDO. (CHARGES AND ARRESTS)
NEVADA SPEEDING TICKET
POLICE BULLETIN
APB
MUG SHOTS (CALIFORNIA)
SOCIAL SECURITY CARD
SLIP FROM TONGAN CONSULATE REVENUE CERTIFICATE*

*We arranged for Mr. Vanisi to be seen by two psychologists and should have those
reports within 30 days.*

Michael Specchio will call you at 1:15 p.m.

Specchio, Mike

From: Debra Sabah [dsabah@worldnet.att.net]
Sent: Saturday, April 18, 1998 5:56 PM
To: Specchio, Mike
Subject: Tonga Expert



ADELAIDE.rtf (Rich Text Format...)



Ibliohm.rtf (Rich Text Format...)



tongonline.rtf (Rich Text Format...)

Dear Michael:

Helen Morton, an Australian anthropologist, has written the first comprehensive work about what it means to be raised in Tongan culture. I am putting a photocopy of her book "Becoming Tongan" in the mail. It is yours to keep.

You will want to contact Helen and it is easiest to do so via e-mail given the time differences. Her scholarship is outstanding – I have also found her to be helpful, warm and enthusiastic. Do mention me when you e-mail her. Her address is:

Helen_M@sociology.resfss.latrobe.edu.au

I am attaching her two other works (each is to be published this year) plus her excellent bibliography to this e-mail.

There was quite a bit of discussion of this case on the Tongan chat room. I recommend checking it out because reactions within the Tongan community were very interesting. I believe you can access January discussions through the site's archives.

<http://www.pacificforum.com/kavabowl>

You may also want to contact:

Dr. Adrienne Kaeppler: kaeppler.adrienne@nmnh.si.edu (Smithsonian expert on Tongan culture)

Dr. Barbara McGrath: bbmcgrat@u.washington.edu (Works with Tongan youth in the U.S. on health issues, including HIV)

Prof. Susan Philips: sphilips@U.Arizona.edu (doing work comparing Tongan & U.S. legal systems – very useful in terms of Vanisi's/family's/community's understanding & expectations about justice, etc.)

Phil Tukia: ptukia@earthlink.net (distant relative of Vanisi & attorney practicing in California – is willing to help, testify)

It's easiest to reach me by e-mail. Let me know when you receive this.

debra sabah

To: sphilips@U.Arizona.edu

U. of Arizona – works on comparisons of Tongan and U.S. justice systems

Dear Professor Susan Philips:

I represent a young Tongan male, Siaosi Vanisi, who is charged in Reno, Nevada with the murder of a police officer.

I have been in contact with Debra Sabah and Scharlette Holdman of the Center for Capital Assistance in San Francisco who have been very helpful. Debra suggested that I contact you.

In the instant case, the State of Nevada has indicated a desire to execute Mr. Vanisi if convicted. The circumstances of this murder are particularly gruesome...the officer was slain with an axe...with over twenty (2) blows to the head.

I would like to save Mr. Vanisi from being executed if at all possible. I would like to explore the possibility of cultural differences contributing to this crime. I know I will not be able to justify the killing...but if I can "explain" it, I might have a chance to save Mr. Vanisi's life.

I understand your focus is on comparing Tongan and U.S legal systems and you may have in-put that may be of assistance in this matter.

If you are able and would be willing to render any assistance in this matter in the form of direction, suggestion, testimony, etc., please advise.

Sincerely,

Michael Specchio, Washoe County Public Defender (Reno), Nevada USA
mspecchi@mail.co.washoe.nv.us.

To: bbmcgrat@u.washington.edu

U. of Washington – works with Tongan youth on health issues

Dear Dr. Barbara McGrath:

I represent a young Tongan male, Siaosi Vanisi, who is charged in Reno, Nevada with the murder of a police officer.

I have been in contact with Debra Sabah and Scharlette Holdman of the Center for Capital Assistance in San Francisco who have been very helpful. Debra suggested that I contact you.

In the instant case, the State of Nevada has indicated a desire to execute Mr. Vanisi if convicted. The circumstances of this murder are particularly gruesome...the officer was slain with an axe...with over twenty (2) blows to the head.

I would like to save Mr. Vanisi from being executed if at all possible. I would like to explore the possibility of cultural differences contributing to this crime. I know I will not be able to justify the killing...but if I can "explain" it, I might have a chance to save Mr. Vanisi's life.

I understand your focus is on Tongan's (living in USA) health issues. Possibly you have some information regarding mental health issues that may be applicable.

If you are able and would be willing to render any assistance in this matter in the form of direction, suggestion, testimony, etc., please advise.

Sincerely,

Michael Specchio, Washoe County Public Defender (Reno), Nevada USA
mspecchi@mail.co.washoe.nv.us

WCPD04115

AA04013

M E M O R A N D U M

To: Vanisi file
From: Mike Specchio
Re: Dr. Lynn
Date: 5/12/98

I spoke with Dr. Lynn and he has the MMPI results...his evaluation is unchanged. Vanisi is sane and competent.

There is little in these test results that would assist in a defense for Vanisi.

He did get a letter from the client and sent him a kind of self-help book.

He indicated to me we could have lunch and would further detail his evaluation and the test results..I told him I may after speaking with the California people.

He invited me to his office to have his secretary allow me to review the file but he did not think I would gain much from that but I was welcome.

He indicated the following:

He tries to look good...as all inmates do

He has eccentric way of life and eccentric beliefs

He believes in unconventional living and life styles...he should never be married nor would he ever stay married

He admits to rules violations...he enjoys this approach to life

He is likable but not necessarily predictable

He scored about 11% on the Megregee (sp) profile test...indicative of scores of lower class and minority participants

The scores are fairly accurate, the fail-safe test indicates he tended to try to make himself look better...but the raw scores show a significant degree of accuracy in his testing

Doc thinks that re-testing would not vary the score significantly

He is aloof without being withdrawn

He is stable personality wise

He is cynical about life

(Life is inconsequential with varied response to varied people meaning that he is knowledgeable and able to distinguish classes and profiles and sees himself at the lower rung of the ladder...he is not happy with his lot in life and deals with it by striking out...most noticeably by wanting to be notice to compensate for realized inadequacies)

He has admitted and long term problems with alcohol and drugs...not problems that do interfere with his everyday life but could...he would prefer to be out-of-work, smoking pot and being idolized by people

(He could easily have fallen into the position of worshipping grass)

If he were ever to be released (unlikely...impossible) he would have to address his abuse of alcohol and devotion to marihuana

Bottom line...he is not crazy.

He did a CRAZY thing, but he had a motive, a goal and an ambition...

(To kill a cop to take his weapon to use to rob convenience stores and get money and possihly, just possibly, he would get killed during one of these robberies)

(If he wasn't stopped with this incident it is not without the realm of possibility that he would have killed again)

He shows little or no remorse

He apparently enjoys the recognition that he now receives

I specifically asked about the "Superhero" stuff...that is a manifestation of his desire to be noticed...possibly looked up to

There is nothing sinister about this activity...quite some time was spent discussing this activity

There is not that much that is bizarre about this, especially by one who is so entrenched with the eccentric view of life possessed by this man

He is not crazy

This is not crazy activity

He would frequently go to the beach dressed in such attire...the bottom line is that that is consistent with someone who wants to be noticed, someone who is bizarre in life thoughts and someone that may crave attention.

{No rational basis upon which to pursue any mental angle in the defense of the client}...

State of Nevada v. Siasosi Vanisi

Case Number: CR98-0516 **Date:** May 15, 1998

Attorney(s): MRS (solo)

Investigator: Calderon - (Ford)

D.A.: Gammick - Stanton

Charges:

- I. Murder (Death Penalty - sought)
- II. Robbery - 7/11
- III. Robbery - Jackson Market
- IV. Robbery - Officer's gun, radio, etc.
- V. Grand Larceny - automobile

Trial: January 11, 1999

Next Hearing: July 23, 1998 4:00 p.m. - Status Hearing

Status: I have made a rough draft of fifty (50) Motions to be filed in the case. John petty is going to review these Motions and put them in final form. We will file them in about ten (10) days.

The difficulties in the case are two-fold: (1) the facts of the crime and the client's admission of the details to a dozen people (friends and family) insure the imposition of the death penalty and (2) I am having a difficult, if not impossible time keeping the client away from the media. He thinks he will be able to explain this crime to the public. He has agreed to do nothing until July 4th ...so far, so good.

He has been tested and shrunk.

I am going to California next week to interview some of his family and many of his friends to see what help, if any, I can get from them.

Next: I will re-evaluate the case after talking with the family members, friends and possible witnesses.

MEMORANDUM

To: File

From: Mike Specchio

Re: Siaosi Vanisi Witnesses

Date: June 1, 1998

This memo memorializes my trip to California to interview witnesses.

Pismo Beach, California

I attempted to locate Tui Tafuna, Lopes Lake Road, Arroyo Grande, California.

Tafuna was to have knowledge of some of Vanisi's prior criminal acts.

Tui no longer in Arroyo Grande (Pismo Beach), I was given an address in Twenty Nine Palms, California.

Simi Valley, California

First met with David Goodman. I was disappointed that he came alone.

He is white and a lay-clergy member of the LDS church.

Everything he told me is consistent with my memo of March 4, 1998, in file.

His address and phone numbers are the same. He works for Oce Office Systems. 725 South Figueroa, # 150, Los Angeles, CA 90017...213-630-3588.

He indicated the following information regarding Vanisi:

- 1. Used the diet drug fen-fen heavily.*
- 2. He was not a practicing member of the church*
- 3. He wanted to be a model*
- 4. He did not smoke pot (to his knowledge)*
- 5. He did drink occasionally*
- 6. He never saw him act in a violent manner*
- 7. Robert Kurtz may have some knowledge of some violent act of Vanisi (Kurtz never appeared at the meeting)*
- 8. Kurtz (218) 540-7324, lives at 1919 Rockefeller, Redondo Beach, CA*

9. Kurtz may have some information involving Vanisi in fights with cops, and other acts of aggression while drinking
10. Goodman has known Vanisi since 1993...was once his roommate with Kurtz
11. Was with Vanisi when he met DeAnne at Lake Havasu
12. Kurtz told Goodman that Vanisi would hang out with young guys and young gang members...he would ask them if they would kill their mother and if not, "what kind of gang member are you?"
13. Heard about them buying a police scanner to help them commit robberies (cops radios)
14. He met Vanisi's mother one time
15. He would welcome opportunity to testify. I indicated we may let him know, send him a plane ticket and get a room for him.
16. He intends to visit Vanisi in jail

I don't know if he has enough information to assist us but he can testify he never witnessed any acts of aggression or violence from Vanisi.

I then met with DeAnne Vanacey.... Vanisi's wife.

She indicated that Greg Garner knows of some incidents of criminal activity with Vanisi. Since he was a participant, he may not want to talk about it.

She indicated she was aware of one incident when they rolled car to collect insurance. She says they both did drugs together.

I asked about the incident with the police when Vanisi refused to get out of the car and had to be maced. She said that was with a guy named "Joel"...she doesn't know the last name, but he now lives in Boston.

She describes Perrin as lazy, conceited, egotistical and abusive.

She told me of one incident when she was eight (8) months pregnant when he would drive her around looking for a second job for her...and he was unemployed.

She said that he was bizarre at times...he had a swastika on his bedroom wall.

He would pick up other women in her presence.

He believes, as is Polynesian custom, that women are second class citizens...it's a cultural thing.

I asked her what she liked and disliked most about him...his good looks and his disrespect for her.

I asked her about the name differences (Vanacey -- Vanisi) ...she said when the 1st child was born, he wanted to distance himself from his family...he hates his father (probably for abandoning his family...the same thing he has done) and wanted to change the name.

They changed it (not legally) to Vanacey and she has used it ever since.

We discussed the two (2) mothers.

Luisa is the biological mother ...she is in poor health (diabetes, heart problems). She lives with Vanisi's sister (Mofi) and ½ brother Beau. She will need an interpreter ...Mofi will interpret.

Umu is the mother that raised him...

The both live in San Bruno, Ca., and we will have to talk to both...Mofi will interpret. DeAnne was supposed to get me the phone numbers and addresses, but never returned my phone calls after the interview.

She was obviously distraught after our meeting. I provided all of the newspaper articles to her.

When they married he didn't invite any of his family. She thinks they would not have approved of his marrying a white woman.

Her parents live in Simi Valley and have no use for Vanisi...

She thinks he married her because of pressure from the church.

She said he was abusive -- verbally and physically -- whether drunk or sober.

We discussed this "Superhero" thing. He would wear tights, wigs, etc., and try to be a Superhero...the Doctor attributes this to the eccentric nature of Vanisi.

She says he constantly told stories...he was a compulsive liar.

He told her he didn't love her...he is now changing that story because he is alone.

She said to be careful of Robert Kurtz...he wants gossip and won't tell much.

She said that Perrin said he was sexually abused as a child...only after she told him she was...de doesn't believe it.

She said the death of his older brother Seau (see you), 10 years, affected him. He never got over his death. It was drug overdose but the family claims it was a heart problem.

She will testify if we want her to.

She says she wants a divorce or maybe she'll just be a widow.

Redondo Beach, California

I attempted to reach Giorgio (310) 675-9950.

Left a message to call the office.

I attempted to contact Terry Williams (310) 318-2342.

Left message to call the office.

I contacted Greg Garner (310) 376-4052.

He told me the following:

- 1. Known Perrin for 5 years.*
- 2. Nice guy, personable, big, not threatening*
- 3. Wanted to be left alone by police*
- 4. Eccentric guy*
- 5. Not like authority*
- 6. Dressed strangely*
- 7. Cops would come to his home in force because of his size*

Michael Finau, Vanisi's cousin, works at the Olive Garden Restaurant in Redondo Beach.

Greg Garner just moved in with him at 1913 DuFour, Manhatten Beach, Ca. (310) 376-4052.

This guy is very closed-mouthed. He didn't want to talk at all. He also hates cops.

He was supposed to have come to Simi Valley to meet with me and said he knew nothing about it. I know this was untrue because DeAnne set it up and I sent him a letter.

In any event, he obviously wants to help his cousin and does not want to get involved.

I finally got him on the phone and this is what I got out of him:

1. *Vanisi is insane*
2. *Known Vanisi all his life*
3. *Vanisi changed when he started using fen-fen.*
4. *Planning on building a spaceship*
5. *Would suffer bizarre moods*
6. *Started believing in "Lester" imaginary prophet*
7. *The bedroom door had hatchet marks and when asked what he was doing, Vanisi would say "practicing".*
8. *He would save plastic bottles for re-entry into orbit (spaceship)*
9. *Needed the spaceship to escape*
10. *He was building a laser gun*
11. *He had a lot of chemistry books*
12. *Stole (not purchased) a scanner – so they would monitor police calls so they would rob banks, (and a restaurant that Vanisi was fired from)*
13. *Vanisi was a bodyguard for escorting prostitutes to and from jobs*

He obviously has more information (probably all unfavorable).

He would say no more.

He is a strange dude.

He hates cops (they handcuffed him when they raided his apartment when they were first looking for Vanisi...)

I told him I would not tell him not to talk to the cops...but this information is not going to put Vanisi in a favorable light.

He said he wouldn't talk to the cops in any case.

He is willing to testify...but I would be afraid of him on cross-examination.

Twenty-Nine Palms

Located Tui Tafuna, no address, was working for exterminator, last day on the job. He has no information. Picked up tidbits about Vanisi case on Internet and passed them on.

Confirms Vanisi statement that he didn't know him.

Cc: Calderon

M E M O R A N D U M

To: Crystal and Laura

From: Mike Specchio

Re: Vanisi

Date: 6/19/98

I again visited with Vanisi at the jail.

Apparently my letter to him about pleading guilty and going before the 3-judge panel got to him. He now realizes that would be suicide...he is now not so inclined to die and get it over with.

He advised that he IS going to go to trial, that he will listen to what we have to say and that he won't be giving any more television interviews.

We discussed that he did NOT help his case any with those interviews...I explained to him that he also looked like a nut case and that can't help him.

He keeps relying on the statement from Dr. Lynn that he has "above-average intelligence" to remind me how bright he is...I explained that a bright guy would not go on television and would not lie to his attorney and would LISTEN to what his attorney said.

In any event, this thing will probably go to trial in January, unless he, again, changes his mind...but I don't think so.

Page Two

He wanted to know what his defense would be...I asked him to tell me...he wanted to come up with "story" about Sonny Brown doing this...I explained that this would be an impossible defense since this guy doesn't exist. I indicated that I could possibly infer someone else was with him and the mysterious person actually killed Sullivan...just inferences.

In any event he understands there is NO defense...all we can do is to TRY to plant some seed of doubt and possibly the jury might not kill him...they are definitely going to convict him...but maybe if we can raise some inferences they might not kill him.

I explained to him, again, that I thought his chances of any success, in light of the evidence {which primarily consists of his statements} were minimal.

I explained that historically juries are inclined to deal with cop killers in only one fashion...the maximum penalty.

He now understands that the death penalty IS A VERY REAL POSSIBILITY, in fact that is where the smart money would be.

I believe I have finally convinced him:

1. The State is not going back away from the death penalty;
2. The State is not going to offer him any plea negotiations;
3. The State will not let him plead guilty and return to Tonga;
4. The State (and a majority of this community) want to kill him;
5. That a sentence of 20 years is not even a possibility;
6. That we will do whatever we can for him;
7. That he will probably get the death penalty despite our best efforts;

We had a long and detailed discussion about whether he would testify at trial. I explained this decision would be crucial. I POUNDED into his head the fact that he has to make a FINAL decision about this...he cannot change his mind without dire consequences.

I believe he finally understood how important this decision is. I explained that I can live with him testifying AND I can live with him not testifying...we will tailor the case, cross examination and statements whichever way he decides to go...I CANNOT live with him changing his mind.

We AGREED he would have until Labor Day to make this decision and then he would not change.

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I advised that I did not think he could answer all of the questions regarding the evidence at the trial stage...I suggested he probably should not testify...that he can say whatever he wants (police harassed him all of his life, etc.) at the penalty hearing. I told him if he wanted to testify, I would work with him on his testimony and cross-examination...that he call was going to his...we'll see!!!

From a realistic standpoint most of the work on this case is done, but we now have to dot all of the P's and cross the T's.

My perspective on this is as follows:

1. John Petty will have to complete the remaining 22 Pre-trial motions that I rough drafted...I anticipate this will be done by the first 10 days of July;
2. Crystal is in the process of rounding up Renee Peaua and Maria "Losa" Louis, she will get them in here and I will interview them with Crystal...probably the second week of July;
3. I have written Vanisi's wife, DeAnne, twice to get the names and addresses of Vanisi's mother(s) in San Bruno...Crystal can go to California and interview them...Vanisi's sister, Sela, will be available to interpret...we are probably looking at the end of July;
4. I will also want to speak with Shomari Roberts...he is close friends with Losa and may willingly accompany Losa to the office;
5. The only other person we may have to interview would be "Teki", Sateki Taukuivea;
6. I believe the next thing we will have to do is to confirm our witness list and get the people subpoenaed. It does not appear that we will have trial witnesses and that our witnesses will be for the penalty hearing. We discussed this and he agreed...but we will see maybe we may have to call someone at the guilt phase (possibly Shomari Roberts), again, we will see!!!

7. At this point I have suggested the following witnesses for the penalty hearing:

Vanisi;

David Kinkini his cousin from Salt Lake City where he was arrested...he is deeply involved in the Church;

DeAnne Vanacey, his wife;

(possibly) Maria "Losa" Louis;

(possibly) Renee Peaua;

David Goodman, his friend from Redondo Beach;

(possibly) his sister, Sela;

(possibly) Michael Finau, his cousin and roommate;

(possibly his mother/mothers/sister) depending how Crystal's interviews go in California;

8. I discussed my reluctance to call Roberts Kurtz, Gary Gardner and his cousin, Michael Finau...they can definitely hurt him. We may have to speak with Finau one more time to make the final decision;
9. The only other thing we will probably need will be the service records of the decedent, George Sullivan, to see what type of UNR cop he was, whether he had any aggressive tendencies, write-ups, complaints, etc. I will write a letter to Stanton for this information and if we don't get I, I'll file a formal Discovery Motion;

I don't know of anything else we have to do in this case. If you see anything I missed, let me know. I have a complete list of the State's witnesses from the Information and I have the summarized each of those witnesses' statements (Yellow Book, section 6).

I see no point in contesting the DNA results. We obviously can't proceed with any type of insanity or diminished capacity defense.

Page Five

The next hearing in this matter is JULY 22nd...a Status Hearing.

The Motions should all be filed then and I will re-confirm the Court's scheduling of the remaining hearings and Trial Date. I believe she has set three (3) days for arguing the Motions (for some reason, I lost the dates but believe they start on November 23rd...Thanksgiving week).

Again, if either of you have any ideas or see anything I missed...YELL!!

M E M O R A N D U M

To: CRYSTAL

From: MIKE SPECCHIO
Public Defender

Re: VANISI

Date: AUGUST 1, 1998

First, let me bring you up-to-date:

I have asked Vanisi's wife, Deanne, for the address/phone numbers of the relatives (mother(s) and sister) in San Bruno many times.

I interviewed her in May and she was supposed to call me at the hotel after the interview to give me the information she failed to do. I also asked Vanisi to tell his wife to get me this information...she never did.

I called her three (3) times and asked tfor the information and I sent her two (2) letters with a questionnaire...I think you received copies.

Initially, she said she mailed the questionnaire three (3) weeks ago.

I received a voice-mail indicating she was not pleased with the "tone" of my letter...I have only asked for this meager information for over two (2) months.

That is where I stand with her. If you need to contact her... her address is 2662 Tapo Street, Simi Valley, California 93063...her phone numbers are: (805) 527-6925 {home} and (800) 669-2443 ext.4130 {work}.

In any event, Vanisi's sister, Mofi De Bruce (?), will interpret for the mother(s) if need be.

I don't have an address but her phone number is: 650-875-6829.

His natural mother, Lu'isa Tafuna Vanisi, is in poor health and will probably need an interpreter...Mofi.

His "other" mother is Uma Tafuna, Vanisi's aunt and sister of the natural mother, who actually raised Vanisi...I believe she speaks English. Her phone number is 415-855-9657.

*** * * * ***

How are we doing with Losa, Renee and Shomari?

*** * * * ***

I think this is what we have to do to complete the interviews and investigation work in this case.

- 1. There is a Status Hearing on Tuesday, August 4th, at 10:00 a.m. in Department 4. I will ask that Vanisi be moved back from the prison to the County jail...the distance is impeding our ability to have access to our client;**
- 2. I will have to follow-up with our discovery requests;**
- 3. I think we should look at Sullivan's personnel file;**
- 4. We should meet with Losa, Renee and Shomari as soon as possible;**
- 5. You should probably call Mofi and see if they have any intention of coming to Nevada to see Vanisi and, if so, we can interview them here...otherwise, you might want to plan on a trip to San Bruno to interview all three 93) of them;**
- 6. You can complete the interviews of the other witnesses you wanted to interview;**

7. We will get Vanisi's final word on whether he intends to testify at trial...I told him he had to let us know by Labor Day...and then NOT change his mind;
8. We should finalize the witnesses we are going to call...probably most for the penalty hearing. We can then determine which of these people should be interviewed again;
9. We can discuss whether we should involve the Consulate General from Tonga;
10. It might be necessary to send you to Salt Lake City to interview the Kinkini brothers...David will definitely be a good witness for us...his brother, Vaigna, is a devastating witness against Vanisi but should probably be interviewed;
11. I will probably want you to interview David Goodman...a "friend" of Vanisi from I.A. He is a nice man, closely connected to the Church (LDS) and says this is so out of character for Vanisi that he doesn't believe it. He is good in that he has known Vanisi for some time and has NEVER seen him violent or aggressive. He is thinking on coming to Reno to visit Vanisi and you may be able to interview him here. *His phone numbers are: 213-660-3267 {home} and 213-630-3527 {work}.*
12. We will discuss whether we want to call Vanisi's closest friend and relative, Michael Finau. I am a bit afraid of him. He knows too many BAD things about Vanisi that might come out if he were to testify...we will discuss this further, as well. This is the "cousin" that Vanisi was living with before coming to Reno in January. Maybe the best thing is to let Vansii make the call on this guy since he knows him best; {address: 1913 DuFour, Manhattan Beach, California...phone: }
13. I guess we may want to try to contact Vanisi's father in Hawaii...Mak'afa Vanisi. This will probably tee off Vanisi since he HATES his father...we better think this one over;
14. I think it best NOT to call his former girlfriend and mother of one of his "other" children...LeAnne Morris of Chandler, Arizona...she would bury him if she could;

15. Depending on Vanisi's decision regarding a defense and whether he will testify {and Shomari Roberts recollection} we may want to subpoena Officer/ Detective P. Fye {3251} Sparks P.D....he took a statement from Christian Lindgren Lauderdale who was a witness to the Baring Boulevard robbery...or maybe Lauderdale, himself. He gave a statement to Fye that he saw or thought he saw another person in the vehicle when Vanisi left the market;
16. We should probably interview Sateki "Teki" Taukuivea...he as with Vanisi a lot of the time and probably knows more than he is saying;
17. We might want to also interview Makeleta "Margaret" Kavapalu...from what I know, she is the only person, other than Vaigna Kinikini that ever talks about RACE and wanting to kill a "white" cop. This is an important fact because this is race issue is listed as an aggravating factor calling for the death penalty. We will probably have to follow-up...one thing we know for sure is that "Margaret" hates Vanisi;
18. I will review the Motions and submit the ones that can be submitted and we will argue the remainder in November...I will pursue the Discovery issues in August, if possible, so that we will have everything we need. We will probably have to review trial strategy AFTER the Court rules on the Motions so we can see exactly where we are. I am, however, proceeding under the impression that the Court will DENY all substantive Motions. This may help with the Appellate process but not much for trial purposes.

THIS IS PROBABLY IT...I DO NOT WANT TO EXPAND THE INVESTIGATION ANY FURTHER THAN I HAVE LISTED HERE...UNLESS YOU HAVE SOME POINTS YOU WANT TO PURSUE...SO I WANT YOU TO REVIEW THIS AND LET ME KNOW, BECAUSE IF AT ALL POSSIBLE I WANT TO USE THIS MEMO AS A GUIDELINE AND CHECKLIST FOR ALL THE REMAINING STUFF THAT WE WILL HAVE TO DO IN THIS CASE.

LET ME KNOW YOUR THOUGHTS AND IF THERE IS A N Y T H I N G ELSE THAT YOU WANT TO PURSUE.

cc: Laura
file

Bielser, Laura

From: Specchio, Mike
Sent: Friday, September 04, 1998 11:44 AM
To: Calderon, Crystal; Bielser, Laura
Cc: Specchio, Mike
Subject: VANISI

WE HAD A MEETING SET UP TO INTERVIEW LOSA LOUIS AND HER SISTER, CORRINA LOUIS, (VANISI'S COUSINS) ON WEDNESDAY, 9/2/98 AT 10:00 A.M.

THEY CANCELLED THE MEETING AND RE-SCHEDULED FOR TODAY, 9/4/98 AT 10:00 A.M.

APPARENTLY THEY WERE GOING TO BE LATE.

AT 11:00 A.M. I ASKED CRYSTAL YTO CALL THEM.

I WAITED TWO (2) HOURS, UNTIL NOON, AND THEY NEVER SHOWED UP... APPARENTLY THEY ARE NOT CONCERNED ABOUT VANISI OR INTERESTED IN HELPING HIM OR TALKING TO US.

I THINK WE ARE SAFE IN ASSUMING THAT THEIR ACTIONS ARE SUFFICIENT FOR US TO DEDUCE THAT ARE REFUSING TO SPEAK WITH US.

LL PUT A COPY OF THIS IN THE FILE.

M E M O R A N D U M

To: Evo Novak

From: MIKE SPECCHIO
Public Defender

Re: State of Nevada v. Siaosi Vanisi

Date: 9/12/98

Let me give you a brief rundown on this case.

In January of this year, George Sullivan, a University of Nevada- Reno officer was killed, on-duty, around 12:30 a.m. He was brutally killed by a person wielding a hatchet. He was struck a number of times in the head and died...a particularly gruesome murder. Sullivan was a 22 year veteran of the force. He was particularly well-liked and left a wife and four children.

About 4-5 days before this killing, our client, Siaosi Vanisi, came to Reno with some relatives that were returning from the L.A. area. Vanisi, known as "Pe", pronounced "Bay", is a Tongan.

He was brought up in the Bay area and later moved to L.A. He came to the U.S. at the age of 6. He was involved in making Miller Beer commercials but he primarily (and sporadically) worked as a bartender, bouncer, etc.

He is married (separated) and has two small children. His wife supported the family during the brief marriage. She is white and resides in Simi Valley, California.

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He separated from his wife and moved in with his cousin, Michael Finau, who is waiter and works at the Olive Garden Restaurant in Redondo Beach. He resides at 1913 Du Four in Manhattan Beach, California. His phone number is 310-376-4052.

Vanisi lived with Finau since he split from his wife...but he goes back with Finau to when they were young hoys...they are legitimate cousins. Michael Finau probably knows more about Vanisi than any living person...including Vanisi's wife.

Finau now lives with a guy named Greg Garner, who is also a friend of Vanisi's.

All of these guys hate cops.

Finau and Garner were supposed to meet me in Simi Valley when I went down to interview the wife in May...neither of them showed...I did talk to them on the phone. After that conversation, I decided that I probably would not call Finau because he knows TOO many bad things about Vanisi. Stuff that I did not want to come out.

{I have attached a copy of my June 1, 1998 Memo, which re-caps the events of my trip to California and discussion with these people}.

Without boring you with all of the details, basically the case against Vanisi is as follows:

1. After he came to town, he set himself out from other members of the group by wearing a wig...all the time;
2. He went to K-Mart with three (3) Tongan high school girls, relatives, and purchased a hatchet;
3. He told no less than 12 people...mostly friends and Tongan relatives that he wanted to kill a cop. He attended a number of local Church (LDS) and Tongan functions...always in possession of the hatchet and wearing the goofy wig...he even danced at the Tongan dances with the hatchet;
4. After the murder of Sullivan, Vanisi stole a car and fled to some relatives in Salt Lake City;
5. The car was stolen in close time and proximity to the killing of the officer;

6. About 12 hours after the killing, Vanisi is caught on video tape robbing a Jackson Market (convenience store);
7. About 12 minutes later he allegedly robbed a 7/11 store in Sparks;
8. His cousins saw his picture on television as the perpetrator of the robbery...from the video camera;
9. What made him a suspect was during the robbery a patron in the store said the robber had used a Glock 9 m.m. (he had one, just like it);
10. A Glock was taken from Sullivan during the robbery/murder;
11. Before leaving Reno, Vanisi allegedly put some of the property taken from Sullivan in a relative's apartment on Rock Blvd.;
12. In Salt Lake City they found the gun (Glock) and stolen car;
13. In an attempt to avoid arrest he barricaded himself in his cousin's apartment and eventually set the place on fire;
14. During the standoff...Vanisi was shot in the arm...minor wound;
15. The cops lured him out the door...he was shot in the groin with a handgun and was arrested;
16. He also told his cousin how much he enjoyed killing this white cop.

Although he never gave the cops any statement...he told about 12 people he was going to kill a cop (before the fact) and about 4-5 after the fact that he did kill a cop.

They have the cops blood, DNA, on his clothes...they have him in possession of the cop's gun...they have some fingerprints; they have his video...they pretty much have it made.

Needless to say, they are seeking the death penalty...and will probably get it.

He is charged with:

- 1. Capital Murder**
- 2. Robbery (Market)**
- 3. Robbery (7/11)**
- 4. Robbery (Officer's gun, belt, radio, etc.)**
- 5. Grand Larceny (Car)**
- 6. Possession of Stolen Property (gun)**

Excluding the Murder charge, he is facing 110 years on charges 2-6.

In any event, you may want to speak with me before you go to L.A. I would like you to interview Finau (Garner, too, if he is there) and see what you can find out.

I know Finau will have a lot of information...mostly all bad. I don't think I can get enough out of him to make it worth bringing him here for the trial OR penalty phase. You can let me know.

If you have any questions, let me know...and, thanks.

enc.

**cc: Crystal
file**

State of Nevada v. Siao Si Vanisi

Case Number: CR98-0516 **Date:** November 13, 1998

Attorney(s): Mike Specchio and Steve Gregory and Jeremy Bosler

Investigator: Calderon

D.A.: Gammick - Stanton

Charges:

- I. Murder (Death Penalty - sought)
- II. Robbery - 7/11
- III. Robbery - Jackson Market
- IV. Robbery - Officer's gun, radio, etc.
- V. Grand Larceny - automobile

Trial: January 11, 1999

Next Hearings: November 24-25 - Motions Hearings

Status: Preparing for Trial

Next: Complete Investigation
Crystal has some witnesses to interview

He has elected to pursue an impossible defense against the advice of counsel.

I will meet with him next week.

Jeremy will select the jury and make the opening. I will cross examine all of the State's witnesses, Steve will handle Vanisi, and Steve and Jeremy will do the defense and mitigation witnesses (if we can find any).

Hearing on unresolved pre-trial Motions set for 11/24 and 11/25.

State v. Vanisi

Next (con't.)

Interview few remaining witnesses

Discuss client's defense/testimony

Try to gather mitigation

Final trial preparation

**Team meeting - attorneys and investigators, next
Friday, 11/20, to finalize preparation and assignments.**

**cc: Jennifer Lunt
Maizie Pusich
Steve Gregory
Jeremy Bosler
Crystal Calderon
Evo Novak
Laura Bielser
file**

State of Nevada v. Siaoji Vanisi

Case Number: CR98-0516 **Date:** December 11, 1998
Attorney(s): Mike Specchio and Steve Gregory and Jeremy Bosler
Investigator: Calderon and Novak
D.A.: Gammick - Stanton
Charges:
I. Murder (Death Penalty - sought)
II. Robbery - 7/11
III. Robbery - Jackson Market
IV. Robbery - Officer's gun, radio, etc.
V. Grand Larceny - automobile
Trial: January 11, 1999
Next Hearing: Trial

Status: Final preparation for Trial

Next: Complete Investigation
Crystal has some witnesses to interview

He has elected to pursue an impossible defense against the advice of counsel.

I will meet with him weekly through December and twice weekly in January...you talk about cruel and unusual punishment.

Jeremy will select the jury and make the opening. I will cross examine all of the State's witnesses, Steve will handle Vanisi, and Steve and Jeremy will do the defense and mitigation witnesses (if we can find any).

State v. Vanisi

Next (con't.)

Interview few remaining witnesses

Discuss client's defense/testimony

Try to gather mitigation

Final trial preparation

**Team meeting - attorneys and investigators, next
Monday, 12/14, to finalize preparation and assignments.**

**cc: Jennifer Lunt
Maizie Pusich
Steve Gregory
Jeremy Bosler
Crystal Calderon
Evo Novak
Laura Bielser
file**

M E M O R A N D U M

**To: Steve Gregory, Jeremy Bosler, Maizie
Laura**

From: MIKE SPECCHIO

Re: Mitigation

Date: 1/25/99

I just read an article about mitigation in capital cases...they urge consideration of the following factors in building a mitigation presentation.

This coincides nicely with a Capital Case Questionnaire I have been working on and will have completed in another 30 days. The referenced article suggests consideration of the following in all capital cases:

**Genetic pre-dispositions
Medical histories of parents
Medical histories of grandparents
Family histories (mental illness, retardation of caregivers)
Abuse
Maltreatment**

**Abandonment
Neglect
Malnutrition
Anemia
Poor hygiene**

Poor medical/dental care
Premature sexualization
Instability
Divorce in family
Intermittent parents

Adoption
Foster placements
Substance abuse
Criminal involvement of caregivers
Domestic violence

Physical abuse
Psychological abuse
Sexual abuse
Trauma
Injuries - physical / mental

Tragedy
Natural disaster
Death of family members
Exposure to violence
Exposure to trauma

Recklessness - accidents / injuries
Truancy
Running away
Depression
Sexual disorders

Sleep disorders
Substance use / abuse
Medications
School performance / adjustment
Employment - performance / adjustment

Psychological testing
Evaluations
Therapy
Commitments
Incarcerations

65

History of self-destructive behaviors - suicide /cutting on oneself
Learning disabilities
Literate versus illiterate
Neurological deficits
Seizures

Physical condition affecting cognitive power

- Hearing impairment
- Vision impairment

Stress- related impairments - asthma - may be stress related

Medical illnesses with psychiatric symptoms and consequences:

- AIDS
- Diabetes
- Cerebral ischemia
- Encephalitis
- Hypoglycemia
- Hypothyroidism
- Malaria
- Mononucleosis
- Systemic lupus

Incest

Social inacceptance

Prejudice

- Realized
- Demonstrated

Rejection / Acceptance

Polysubstance - use / abuse/ addiction

Reality confusion

- hallucinations
- illusions
- phobias
- disorientation
- delusions

Speech and language

- incoherence
- neologisms
- poverty of speech
- poverty of thought
- distractibility
- tangentiality
- derailment

- circumstantially
- loss of goal
- perseveration
- pressured speech
- blocking
- paraphasia
- slurring
- monotone
- stilted speech
- micrographia
- eye contact
- eye movement
- concentration
- acknowledgement of presence
- hypergraphia
- dyslexia

Memory and attention

- amnesia
- confabulation
- hypermnesia
- limited attention span
- selective inattention

Medical complaints

- hypochondria
- self-mutilization
- insomnia
- hypersomnia
- anorexia
- ringing in ears
- dizziness
- blackouts
- blurred vision
- hysterical blindness

Emotional tone

- anxiety
- suspicion
- depression
- hostility
- irritability
- paranoia
- excitement

- flat affect
- emotional liability - instability
- vulnerability
- delicate
- compromising

Personal insight and Problem Solving

- too high self-esteem
- too low self-esteem
- frustration
- truthfulness
- denial of mental problems

Physical abilities

- agitation
- hypervigilence
- psychomotor retardation
- clumsiness
- tension
- organic disorders

Social interaction

- isolation
- estrangement
- difficulty perceiving social cues
- suggestibility
- dis-inhibition

EXHIBIT 148

EXHIBIT 148

M E M O R A N D U M

**To: Vanisi file
Crystal – Laura**

From: MRS

**Re: Center for Capital Assistance
Tongan Culture**

Date: 4/20/98

I had a conference call with Scharlette Holdman an anthropologist at the Center for Capital Assistance in San Francisco and Debra Sabah and attorney (taking the Bar in May) who have agreed to assist in this case.

The y have requested that we do certain things that are probably beyond our capabilities...go to Tonga for two weeks...with an expert in Tongan culture...but they are sending me books on Tongan culture and have provided some other expert names that I will contact.

They want to have the birth records, school records and employment records of three (3) generations of Vanisi family members...they want us to prepare Releases so we can get this information...I will do so for my May meeting with family members and potential witnesses.

We will probably have to get ALL of Vanisi's medical, school and employment histories...possibly Crystal get a complete breakdown of all schools he attended (with dates and employment history (dates) that he can remember and any medical or psychological problems...we have some W-2 records as well.

Laura will send e-mails to these people to see if anyone can be of assistance to Mr. Vanisi...we will copy Vanisi.

We will then try to get as much of this background and family employment, education and medical/psychological histories together. I told Scharlette and Debra that I would then come to San Francisco and discuss this with them.

Any questions, see me.

AA04047

WCPD04121

They have added that:

I should not have him examined by a psychologist – too late

I should not have him tested – too late

I should not have him examined by a psychiatrist – too late

They say that psych. Stuff is a waste of time and money AND mostly unreliable. I explained that I agreed and understood, but with his recent bizarre behavior (wanting to confess on television) and former bizarre behavior (Superhero stuff) that I had to make sure all the bulbs weren't burned out.

That attacking "mental" health and "cultural" issues will be the only way to save Vanisi's life.

With all due respect to these ladies, I am sure that they are experts and do what they do very well, (Holdman) has just finished the Kyznski (unabomber case) for the past two years. I do not know if I can do what they expect nor do I have the time nor resources to do as they suggest.

In any event will go with this as far as we can.

EXHIBIT 149

EXHIBIT 149

Declaration of Steven Kelly

I, Steven Kelly declare as follows:

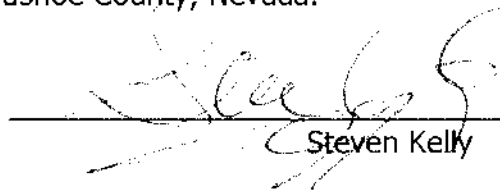
1. My name is Steven Kelly. I am a Captain with the Washoe County Sheriffs Office (WCSO). I currently reside in Washoe County, Nevada. I was a Sergeant at the time that Siaoisi Vanisi was incarcerated at the WCSO pretrial.
2. I was primarily in charge of classification. Most of my interaction with Siaoisi was responding to his kites and grievances, and overseeing the DRT (Detention Response Team) incidents. I had no direct contact with Siaoisi.
3. I recall Siaoisi was a complete ass from day one. Siaoisi was an active individual and a very unique case. He was a high profile inmate and a very high security risk. Siaoisi was very hostile and had a defiant presentation.
4. I recall that Siaoisi appeared to be hostile towards authority. Siaoisi was constantly challenging the WCSO staff. When Siaoisi saw an opportunity to challenge, he would take it. He also did not like law enforcement in particular, and just the staff's presence alone antagonized him.
5. Siaoisi was "pain tolerant" and he was very strong. Siaoisi spent the majority of his time in administrative segregation. The reason he was moved to Nevada State Prison was two-fold. He was challenging our staff and the WCSO was concerned that someone would get seriously injured. Siaoisi's safety was also at risk and a cause of uneasiness in our department. We were concerned one of the staff would kill him due to his behaviors. Additionally, there was a conflict due to the nature of his case, that he had killed one of our own. We believed it would be better if Siaoisi was housed where there was no direct link to our county.
6. Siaoisi's behavior was very odd. I am not a doctor, I believe what is diagnosed inside a correctional facility as mental illness is very different from what the outside professionals perceive mental illness to be. I believe that Siaoisi was involved with our prison health services and medical services departments. If Siaoisi was involved with any such services, more than likely, it would be documented in his classification file. All court ordered psych evaluations are separate from our in-house psych services. I am not aware if Siaoisi was taking any medication.
7. Siaoisi was intelligent, but at the same time nutty. I believe the fact that a hand weapon (a hatchet), was used to kill Officer Sullivan, is indicative that he is not normal. However, as odd as Siaoisi could be, he was clever, had a plan and played and tested the system to the best of his ability. Siaoisi was an individual who appeared mentally ill, but was trying to get attention from our staff. I recall Siaoisi was the most physically aggressive inmate at the WCSO in all of my career.



AA04050

8. The WCSO has now implemented a special needs housing unit (HU3) for the mentally ill. The correction officers assigned to that unit are specifically trained in crisis intervention (CIT) training. Today the correction officers are better equipped to handle inmates with mental illness than in years past. They are more aware of the red flags and behavioral issues associated with these inmates classified as having special needs (mental illness). The HU3 unit helps treat those inmates who cannot be housed in general population. These units are also staffed with mental health workers. The CIT was implemented because of the unfortunate circumstance that some individuals get sent to the jail, instead of getting the treatment they need at the proper facilities. I clearly recognize that correction officers are not doctors who can diagnose inmates with mental illness.
9. Michele Blackwill and Tena Francis of the Federal Public Defenders Office interviewed me regarding Siaso Vanisi's behavior while he was incarcerated at the Washoe County Sheriffs Office.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6, 2011 in Washoe County, Nevada.



Steven Kelly

EXHIBIT 150

EXHIBIT 150

Declaration of Scott Thomas

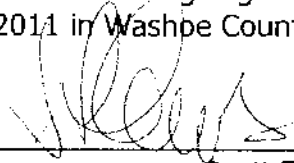
I, Scott Thomas declare as follows:

1. My name is Scott Thomas. I am currently a Deputy Sheriff at the Washoe County Sheriffs Office (WCSO). I reside in Washoe County, Nevada. I was a Deputy Sheriff assigned to the maximum security unit and a member of the DRT (Detention Response Team) at the time Siaoisi Vanisi was incarcerated at the WCSO pretrial. I had interacted with Siaoisi on a daily basis and developed a rapport with him.
2. I recall Siaoisi's first emotion was aggression. He was very violent and I believe no one else has ever lived up to his level of violence since I have been employed at the facility. Siaoisi would put himself "in a zone" when he was violent. I was never able to figure out what triggered Siaoisi into this zone and his violent acts. I believe Siaoisi did have some degree of mental health issues, but to what extent is unknown. A normal person would not behave like that. I am not aware if Siaoisi was taking any medication at the time he was incarcerated here.
3. Siaoisi was extremely smart. I believe the DRT learned from Siaoisi how to be better in our strategies. I actually use Siaoisi as an example when training our new deputy's. Siaoisi would be creative and change his behavior, to make it harder for our DRT team the next time we had to exercise a cell extraction. Siaoisi learned our DRT tactics and would plan how to defeat us the next go around.
4. Transports and court appearances were a major concern for our staff. I recall there was a lot of added security during his trial because Siaoisi was such a high security risk. I recall several of our DRT members staffing the courtroom. Some officers were in plain clothes, some were dressed as bailiffs, and others were on stand by in the event an incident occurred. One officer was posted as a buffer between defense counsel's table and the judge.
5. Ironically, Siaoisi never acted up in court. I recall he was always well behaved and never had any issues. He never gave his defense team any problems throughout the trial.
6. As violent as Siaoisi could be, he could also be very cordial. I recall, at times, having coherent conversations with Siaoisi. Siaoisi could be pleasant one minute and ready to fight the next minute. Siaoisi was not a bad guy. I wish him no ill will and I feel if we knew what was wrong with him back then, a lot of problems could have been solved/avoided.
7. Michele Blackwill and Tena Francis of the Federal Public Defenders Office were the first people to interview me regarding Siaoisi Vanisi's trial. Michele and Tena were also the first people to ask me about Siaoisi's state of mind during his incarceration at the Washoe County Sheriffs Office.



AA04053

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6 2011 in Washoe County, Nevada.

A handwritten signature in black ink, appearing to read 'Scott Thomas', is written over a horizontal line.

Scott Thomas

EXHIBIT 151

EXHIBIT 151

Declaration of Josh Iveson

I, Josh Iveson declare as follows:

1. My name is Josh Iveson and I am a Deputy Sheriff with the Washoe County Sheriffs Office (WCSO). I reside in Washoe County, Nevada. I have been with the WCSO since Siaosi Vanisi was incarcerated here pretrial. My duties include being a maximum unit correction officer, DRT (Detention Response Team) member and transport officer. I currently conduct training for staff.
2. I recall Siaosi was extremely unpredictable. I feel Siaosi was 50% crazy and 50% normal. One minute Siaosi was a goofball, acting out his native Tongan cultural rituals and mumbling to the point no one could understand him. The next minute he was exhibiting normal thoughts and understanding the rules. Siaosi's behavior was dependant upon his current mood.
3. Siaosi was also very smart. He continually challenged our DRT strategies. Siaosi was able to upgrade his creativeness and tactics with each cell extraction. He practiced how to counter and overcome the strategies that our DRT utilized to get him out of his cell.
4. I do recall Siaosi's eyes were expressionless. They were dull all the time. He looked like he could kill you at any minute. Siaosi also never showed any pain. No matter how hard he was beaten, it was like he had a switch that he turned off to feel no pain. Siaosi had amazing strength. No one had the pain tolerance that Siaosi had.
5. I do not recall if Siaosi took his medication. Siaosi would get forced medication, a "cocktail" of haldol and other medication, after a cell extraction to calm him down. This medication was part of the cell extraction protocol. He was also placed in a restraint chair until he no longer posed an immediate threat to our staff. After a cell extraction he would often apologize to us, saying "I am sorry guys".
6. Siaosi was an extreme security risk and was treated as such. Transports and court appearances were taken very seriously. We had extensive added security during his trial. I recall there were anywhere from 8 to 10 extra officers present. Some of our officers were uniformed, others in plain clothes. Some acted as bailiffs and some were posted in the judges chambers. Added precautions were necessary, given the issues we had with Siaosi while he was housed at our facility.
7. Ironically, Siaosi never had any issues in court or during his trial. I recall he continued to have that dull stare and was always emotionless. Siaosi's demeanor was very flat. The only time Siaosi was aggressive was back at the jail. His extreme volatile issues are what facilitated his move to Nevada State Prison before trial. Siaosi was never housed at our facility again after he was found guilty.



8. Michele Blackwill and Tena Francis of the Federal Public Defenders Office were the first people to interview me regarding Siaoisi Vanisi's trial. Michele and Tena were also the first people to ask me about Siaoisi's state of mind during his incarceration at the Washoe County Sheriffs Office.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6th 2011 in Washoe County, Nevada.

Josh Iveson

EXHIBIT 152

EXHIBIT 152

Declaration Of Luisa Finau

I, Luisa Finau, declare as follows:

1. My name is Luisa Finau. I am 37 years old and I currently reside in Maricopa county, Arizona. Siaosi Vanisi and I are first cousins as my father, Esei Finau, was the elder brother of Siaosi's mother, Luisa Tafuna. My father named me after Siaosi's mother because she was his favorite sister. Although I was born and raised in Arizona, I have known and interacted with Siaosi almost all of my life. I was about five years old when I first met Siaosi. I used to travel to San Bruno, California, with my parents and siblings to attend family functions and gatherings at least once a year, and I always spent time with Siaosi. Siaosi and I are only separated by three years in age, so we were peers.
2. Siaosi was a happy child and a great cousin. My earliest memories of Siaosi are filled with a lot of joking around and good times. Siaosi was the family clown and he enjoyed making people laugh. Siaosi never argued or got into fights with other children in or outside the family. Siaosi was an obedient child and I don't recall him getting into a lot of trouble with the adults in the family.
3. Although my aunt Luisa was Siaosi's biological mother, he was raised by our aunt Tocumu Tafuna, and they lived in the home with our uncle Moli Tafuna and his wife Lose. Aunt Luisa always told Tocumu that she shouldn't make Siaosi use the last name Tafuna because aunt Luisa was married to Siaosi's father when he was born and Siaosi's official name was Vanisi. Aunt Luisa used to tell aunt Tocumu that she was going to confuse Siaosi and make him crazy by allowing him to use the wrong last name.
4. Uncle Moli had several strokes and remained in a vegetated state for many years before he died. Siaosi use to help aunt Tocumu and Lose care for uncle Moli until his death in the mid-1980's. The elders in our family used to make me and the other children kiss uncle Moli on his cheek each time that I came to town even though we were all terrified to see him in the condition that he was in. Kissing uncle Moli was a very unsettling experience, but we were made to do it. I don't recall how Siaosi was affected by the passing of Uncle Moli but I figured he took it hard because they were so close.
5. The next major loss for Siaosi was the sudden death of his older brother, Tevita Siu Vanisi. Tevita was about 18 years old at the time of his death and Siaosi was only 16 years old, and I recall that Siaosi took the news very hard. Siaosi was the last one in the family to see Tevita before his death, and Siaosi carried a lot of guilt for a long time over not being there for his brother on that last occasion. Aunt Tocumu bought an old used car for Siaosi to drive around the neighborhood when he was 16 years old, and he refused to give Tevita a ride to school earlier that day because Siaosi was going to pick up his friends. Tevita ended up cutting school that day and hanging out with his friends around the neighborhood. After running up and down the hills in the area, Tevita collapsed and died. After finding out about Tevita's



passing, Siaosi felt a deep sense of guilt and he believed that his brother might still be alive if he simply drove Tevita to school that morning. I was upset with Siaosi for a long time because I couldn't understand why he refused to give his brother a ride that day. Siaosi later told me that he and Tevita didn't get along well because Siaosi didn't approve of Tevita's lifestyle. Tevita used drugs, hung out with a bad crowd, attended an alternative school for troubled teens and Siaosi did not want to be a part of Tevita's negative environment. However, Siaosi regretted being so judgmental against his brother. Siaosi also said that he should have taken more time to get to know his brother better and build a closer relationship.

6. I lived in San Bruno for one year when I was fifteen years old and attended highschool with Siaosi. I was in the tenth grade and Siaosi was a senior, and I was staying in the home of our uncle, Maile Tafuna. Siaosi primarily lived in the residence of our aunt, Tocumu Tafuna, and our aunt in-law Lose Tafuna, which was located just a short walking distance down the street from uncle Maile's house. However, Siaosi spent many nights and most of his free time at uncle Maile's house because there was usually no adult supervision there. Maile and his wife, Mele, worked long hours day and evening shifts so their children and other kids in the family were often left alone. I saw Siaosi everyday, at home and in school, during my entire one year stay in San Bruno.
7. Whenever Siaosi stayed over at uncle Maile's house, he was on the second floor with the boys and I stayed on the first floor with the girls. In Tongan culture it is customary to keep the boys and girls within the family separated from each other. I was not even allowed to attend the same parties or social gatherings, and I couldn't hang out in the same group of friends that Siaosi and my other male cousins did because it was considered to be a taboo, especially amongst the family in San Bruno. The family in San Bruno were much more religious and had a bigger Tongan cultural influence than my immediate family in Arizona. My mother, Gaynor, is a white New Zealander, so my siblings and I were raised to be more open minded and westernized than the San Bruno side of the family.
8. Siaosi's biological father was never a part of his life, so uncle Maile became Siaosi's main father figure and male role model as Siaosi grew older. Uncle Maile was a fair but strict person, and he was known for yelling at the children in the family whenever they made mistakes or didn't follow his rules. Uncle Maile did not have much patience and he had no problem letting you know how he felt about things regardless of how it made you feel.
9. It is common in Tongan culture for adults to speak very harshly to children in their family. The meaning and direct translations of Tongan words and phrases have a different meaning in English, and they come across differently from the choice of words that American parents use when they talk to or reprimand their children.
10. Siaosi's mother, aunt Luisa, sometimes said things that embarrassed us in public. Aunt Luisa had no problem telling me and her daughter, Sela, that we needed to go on a diet while we

were in a room full of people.

11. My father talked harshly to me and my siblings at times, and I have had to catch myself when I've talked to my kids in a similar manner. I always remind myself that it isn't appropriate and that I don't want to treat my children the same way that I was treated as a child.
12. There was tension between my dad and uncle Maile because of Maile's views about my parents' relationship. Maile believed that Tongans should not marry outside of their race and he was very critical of my father for marrying a Caucasian woman. This was part of the reason why my father left San Bruno for Arizona before I was born, and also why my father did not visit the family in California more often.
13. Siaosi sometimes complained about uncle Maile yelling at him and speaking to him in a harsh manner, but it was hard to tell how Siaosi was affected by Maile's treatment. Whenever Siaosi spoke about something that might be bothering him he often brought it up randomly in bits and pieces, and we never had a full discussion about the matter. Siaosi sometimes also mentioned things that bothered him in a joking manner, and I couldn't tell if he was serious or not.
14. Siaosi seemed like he struggled with his identity when we were in high school together. Siaosi never spoke Tongan in public, he didn't spend time around other Polynesian students before, during or after school and tried to speak like he was white when he was around his classmates.
15. Siaosi was very protective of his family and friends from the time that we were in high school together. Siaosi used to protect me from boys who harassed me at school. Whenever he heard that someone was bullying me he'd tell me that he would talk to them, and the next thing I knew the bully never bothered me again. Siaosi was also always concerned that I ate lunch, so he gave me money to buy lunch everyday, whether or not I had any cash on me.
16. Siaosi took two girls to his senior high school prom, in 1989, without their knowledge. Siaosi pulled this off by picking them up at different times and wearing different outfits. I helped Siaosi get ready for his prom by painting his fingernails with clear nail polish, and I recall that he wore reversible clothes that he could turn inside out. I never learned whether the girls found out about one another.
17. I moved back to Arizona in 1989 after completing the tenth grade because my father passed away that year and I wanted to be closer to my mom. However, I continued to travel between Arizona and San Bruno for the next few years. I recall being with Siaosi just before he was going off on his LDS mission in 1990. Siaosi was preaching to me about the importance of always doing the right thing and staying out of trouble, and he cautioned me to be careful while he was away. Siaosi also wanted us to stay in touch through letter writing while he was on his mission. I was back in Arizona at the time when Siaosi was sent home



from his mission.

18. The next time I saw Siaosi was in 1992 when he moved out to Mesa, Arizona. Siaosi contacted me shortly after he moved to town and he was driving a motorcycle. Siaosi told me that the family back in California believed that he was attending college in Los Angeles but he wasn't, and he asked me not to tell anyone. Siaosi said that he didn't want to let aunt Tocumu and the rest of the family down.
19. Siaosi's identity issues grew worse by the time that he moved to Arizona. Siaosi told people that his name was Perrin because it sounded less Polynesian. Siaosi told people that he was not Tongan and he refused to speak Tongan whenever anyone addressed him in his native tongue. Some Tongans in the community used to test whether Siaosi understood Tongan by calling him various derogatory names and swearing at him in Tongan, but Siaosi reacted and always pretended not to understand what they were saying. Many Tongans in the local community did not care for Siaosi because he denied his heritage.
20. In the summer of 1992, I became married and lived in Danville, California for two years. I then moved back to Arizona in 1994.
21. The next time I saw Siaosi was in 1994 or 1995 when he drove from Los Angeles, California to Arizona to visit me and the other family members in town. Siaosi was with his wife DeAnn and their first son, Forest, who was just a baby. Siaosi was physically fit, well dressed and he had a portfolio with head shots of himself. Siaosi spoke a lot about wanting to be an actor and working in Hollywood.
22. The next time that I saw Siaosi was about a year later, in 1995. Siaosi's wife, DeAnn, was pregnant with their second child, Moleni, at the time of their visit to the Mesa area. I noticed a big change in Siaosi's appearance. Siaosi gained a lot of weight, his hair had grown out and he was dressed very sloppy. Siaosi's appearance was the total opposite of the clean cut aspiring actor that he was a year earlier. Siaosi was driving an old beat-up looking Volkswagen van and he looked like a hippy. The only thing I remember Siaosi talking about during this trip was a trick that he used to stay awake. Siaosi said that he usually left something in his hand when he was tired and didn't want to fall asleep, and the object in his hand would hit the ground and wake him back up whenever he dozed off.
23. The next and last time that I saw Siaosi was in 1997 at his sister Sela's wedding in San Bruno. I saw Siaosi at Sela's house and he was in the company of his wife DeAnn and their two sons. This was the first time that I remembered meeting his youngest son, Moleni. Siaosi's attitude towards me was very unusual because he only said hello and good bye, and there was no warmth in the way that he addressed me. Siaosi was always friendly and affectionate when he interacted, but he was cold and distant during this meeting. Siaosi lost a lot of weight and he cut almost all of his hair off. Siaosi was taking photographs at the wedding and I recall him climbing on the stage to get weird angles, and he was also putting the camera in the faces



of the royal family members who were in attendance. I also recall uncle Maile yelling at Siaosi and demanding that he stop acting so crazy. This was the last time that I saw Siaosi in person.

24. After Siaosi's arrest and conviction, we wrote letters to one another for several years. The last time that I communicated with Siaosi was around 2005. Siaosi said a lot of strange things in his letters. During his first haircut in jail, Siaosi told me that he saw the face of his dead brother, Tevita Siu, in the locks of his hair as they hit the floor. This was one of Siaosi's stranger comments that sticks out in my memories.
25. Herbert Duzant and Gerald Bierbaum, of the Federal Public Defender office, were the first people to ever speak with me about Siaosi's case. I was never contacted by Siaosi's trial attorneys or their representatives. I would have told Siaosi's attorneys everything that I've said in this declaration had they interviewed me, and I also would have been willing to testify to these facts in court. I also would have asked the jury to spare the life of my cousin.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 5th 2011 in Maricopa County, Arizona.

Luisse Finau
 4/7/11

Exhibit 153

Exhibit 153

Declaration Of Leanna Morris

I, LeAnna Morris, declare as follows:

1. My name is Leanna Morris, I am 38 years old and I currently reside in Maricopa county, Arizona. I am the former girlfriend of Siaoisi Vanisi and I am the mother of his second child, Kylee.
2. I first met Siaoisi around 1992 in Mesa, Arizona and we were introduced to one another by my cousin, Charlie Brown. Siaoisi and Charlie Brown were roommates back then and they lived in close proximity to where I was residing at the time. Whenever Siaoisi introduced me to people he knew he always referred to me as being his friend or relative. I never met any of Siaoisi's relatives until after I had our daughter, Kylee, and Siaoisi and I had already broken up. Siaoisi's secretness about our relationship always seemed weird to me and I was bothered by it. All together, our relationship lasted about nine months or longer and we lived together most of that time.
3. When Siaoisi and I first met he introduced himself to me as Perrin Vanisi. However, I soon learned that he used various names and alias. I heard Siaoisi introduce himself to other people as Perrin Vanisi, Perrin Vanacey, George, Siaoisi, Gia Como and other names. Each of Siaoisi's personalities had their own accents and ways of speaking. One had a French accent, another had an Italian accent and there were others. Each personality had their own individual and unique mannerisms, and they randomly manifested without any warning signs.
4. Siaoisi also had various photo identification cards with his various names on them. Most of the ID cards were issued by various colleges in the Mesa, Arizona area as well as California. Siaoisi liked hanging out at colleges for some reason, so he made false identifications so that he could get in and out whenever he wanted to. In the beginning of our relationship, Siaoisi told me that he was going to Mesa Community College but I never believed him because I never saw him with any books or study material and I never saw him going to classes. The only activity that I saw Siaoisi take part in at the college was playing volleyball at the LDS Campus Institute, which is open to the general public.
5. Besides assuming various names and identities, Siaoisi also wore strange looking wigs at times and he also put his hair in different styles. In the beginning of our relationship, Siaoisi's hair was short and neat looking. However, as time went on he allowed his hair to grow long and disorderly. Siaoisi's Gia Como personality wore his hair in a ponytail and he liked going to clubs. Another personality of Siaoisi's liked wearing his hair in a huge afro-puff. At times, Siaoisi walked around the streets with pantyhose over his head. When Siaoisi wore the pantyhose on his head he sometimes said that he was going to be like the Ice Killer, a normal husband and father by day and a killer by night. Siaoisi never mentioned who he might kill, and I never took him seriously whenever he made these comments. Siaoisi said that he thought it was a good storyline and he always wanted to be famous actor.

6. Siaosi never seemed proud of his Tongan heritage and always acted like he wanted to be someone else. Siaosi never talked about his family in San Bruno, California and he never discussed anything regarding his heritage. Siaosi never told people that he was Tongan and he usually made up stories about his ethnicity when he met new people.
7. The only thing that Siaosi mentioned about his family was that he was raised by his mother's sister, and that he was deeply effected by the death of his brother when he was a child. Siaosi never provided me with details of his brother's death.
8. Although I never saw or heard Siaosi talk about using drugs or drinking alcohol, I did witness him come home intoxicated at times. I usually didn't know what he was high on and I did not smell alcohol on his person often. Like Siaosi, I was a member of the LDS church and he knows that I did not approve of alcohol consumption or drug abuse.
9. Siaosi spent many nights hanging out in the streets until the early morning hours or even the next day at times. He came home from clubs & parties with bruises from fighting with others. Usually, he started the fights with the.
10. Siaosi attended weekly services and gatherings at the local LDS singles wards at Mesa Community College and Arizona State University. Siaosi wore his temple garments at the beginning of our relationship, but he stopped wearing them as time went on. At times I felt like Siaosi attended church gatherings more for his image than for receiving spiritual guidance. Church seemed like it was just something to do for him to pass the time.
11. Siaosi suffered from irregular sleeping patterns when we were together. Siaosi usually stayed awake all night and when he was able to fall asleep it was usually during the daytime. When Siaosi slept days he usually woke up late in the afternoon and then he'd be up all night again. Siaosi did not get much sleep throughout the time of our relationship, and I never knew why.
12. Siaosi had problems holding onto jobs and he was never financially stable or independent throughout our entire relationship. When Siaosi managed to find a job it was only as a waiter and he was usually fired within a few weeks of being hired. Siaosi spent most of his time staying home, but he always expected me to work and pay for all of our bills and expenses, even when I was pregnant with Kylee.
13. I had a car throughout our relationship, but Siaosi did not have one until his mother, Umu, gave him money to purchased a used BMW. Siaosi drove the BMW for a while until it broke down and he didn't have any money to fix it.
14. Siaosi suffered from severe and unpredictable mood swings. One minute he was happy and laughing, and the next minute he was sad or angry for no reason. I never knew what to expect when it came to his emotional states.

15. Siaosi always kept five or six empty two-liter plastic bottles around the livingroom. Siaosi urinated in these bottles at times when he was too tired or too focused on a movie to go to the bathroom. Siaosi filled these bottles with his urine and he never emptied them. These bottles were always at the side of the couch where Siaosi sat.
16. Siaosi and I had verbal and physical disputes during our relationship. Siaosi started some of the disputes and I started others. ~~Siaosi wanted me to be submissive like a Tongan woman and accept all of his shortcomings as a partner. However, I always reminded him that I am an American woman and freely spoke my mind.~~ He just, in general, expected women to be submissive and except him for who he is.
17. Siaosi and I broke up after an argument when I was a few months pregnant. After the argument, Siaosi took my car without my permission and I told my father, who was a police officer, about what happened. My father then had a conversation with Siaosi and Siaosi was so afraid that he left Arizona and moved to Los Angeles. I don't know what my father told Siaosi. After Siaosi was arrested in 1998 for death of the UNR police office, my father told me that he felt a little guilty for the way that he ran Siaosi out of town. My father believed that he may have sowed the seeds of Siaosi's animosity for police officers.
18. Siaosi returned to Mesa when I was about five or six months pregnant to tell me that he met his new girlfriend, Deanne, and that she was pregnant with his child. Siaosi went on to tell me that he and Deanne met at Lake Havasu earlier that spring, and how much they were in love with one another. Siaosi told me this in a very blunt manner, and he didn't seem to have any regards for my emotions. We had broken up but I was still carrying his child and I was still in love with him because he was my first boyfriend. What made hearing this worse was that my pregnancy with Kylee was not an accident. We planned to have Kylee together because Siaosi wanted to have a child more than anything else. I began crying a lot during our conversation and I became so sick to my stomach that I began throwing up. Siaosi didn't try to comfort me at all while I was crying and vomiting and he had an emotionless expression on his face. Siaosi just continued talking about how wonderful Deanne was and it seemed like there was no connection with what his words were doing to me. Siaosi even told me that he and Deanne were planning to get married while I was completely falling apart. After this meeting I wanted nothing more to do with Siaosi, and he went back to California.
19. When I was about to have Kylee Siaosi called me and said he wanted to be present for her birth. I told Siaosi to stay away from me and Kylee and that I did not want him in our lives. Someone did come to the hospital the day Kylee was born, and told the staff he was the father but they were told not to let anyone in our room or to see Kylee. We never saw or heard from anyone after that.
20. After Kylee was born, when she was a week or two old, I let Perrin and Deanne visit Kylee at my sisters home, where my mom, sister, me and Kylee were present. They were not

married at that time. We all tried to tell and warn Deanne about Perrin and what she could expect from a relationship with him, but she didn't really listen and was in love with him.

21. The last time that I saw Siaosi in person was when he showed up to my home unannounced when Kylee was about one and a half years old. I was already married to my current husband at that time and Siaosi was in the company of his wife, Deanne and their baby boy, Forest. The meeting was brief and cordial and I never saw Siaosi again afterwards.
22. After Siaosi's arrest in 1998, I was the first to reach out to his attorneys. My husband, Tim, and I wanted Siaosi to agree to give up his paternal rights so that Tim could officially adopt Kylee as his own daughter. We also wanted to have Kylee sealed to us at our local LDS temple, but the Bishop needed Siaosi's consent. Siaosi refused to give up his paternal rights so we hired an attorney to fight him in court. We were ultimately successful in the court case and Tim won the right to adopt Kylee.
23. I spoke with Siaosi's trial attorney by telephone only and no one from his office ever came to Arizona to interview me in person. During our telephone conversations we only discussed Siaosi's parental rights issues and the attorney never asked for background information in regards to my relationship with Siaosi or my observations of his behaviors during the time when we were together. Had Siaosi's attorneys asked me about these matters I would have told them everything that I have stated in this declaration. Herbert Duzant and Gerald Bierbaum of the Federal Public Defender office were the first people to discuss Siaosi's case with me since my telephone conversation with Siaosi's attorney prior to the start of his trial.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7 2011 in Maricopa County, Arizona.

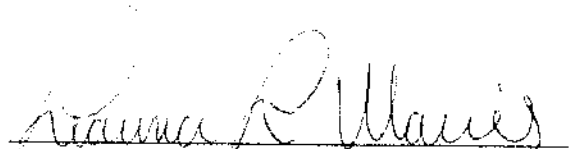

Leanna Morris

EXHIBIT 154

MANUALLY FILED

EXHIBIT 154

Exhibit 155

Exhibit 155

Declaration Of Miles Kinikini

I, Miles Kinikini, declare as follows:

1. My name is Miles Kinikini, I am 36 years old and I currently live in Salt Lake county, Utah. I am the cousin of Siaosi Vanisi and I have known him for most of my life.
2. I first met Siaosi during the early 1980's, when he was about 10 or 11 years old and I was 6 or 7. Siaosi was living in the home of his uncle Moli and his wife Lose Tafuna. Me and my family always stayed at Moli and Lose's home whenever we traveled to San Bruno and Siaosi always stayed at my family's home, on Emery Street, whenever he came to Salt Lake City. I usually saw Siaosi a few time each year whenever we visited one another's home for family gatherings and church events. Siaosi also spent various summers out in Salt Lake City with us.
3. Siaosi shared a room with his older brother, Sitiveni, during the early 1980's. Sitiveni was an alcoholic and a drug addict, and I did not see him around Siaosi's home during two-thirds of my visits to San Bruno. However, when Sitiveni was around I often saw him passed out and sleeping in his room after coming home intoxicated.
4. When Sitiveni was awake, I always did my best to stay as far away from him as I could. Sitiveni was a large and intimidating person and much older than us. Sitiveni also used to chase me and the other kids in the family around the house trying to catch us so that he could insert his fingers between our buttocks. Sitiveni caught me one day during a chase and he was about to stick his fingers in my butt until I flinched and moved and managed to escape. From that point forward I always stayed away from him because I didn't trust him. I never told the adults in the family about what Sitiveni was doing to us, and I don't think that any other the other kids in the family said anything as well.
5. I always suspected that Sitiveni sexually abused Siaosi because I witnessed Sitiveni chasing Siaosi around the house and putting his fingers in his butt, and they shared the same room. Siaosi wouldn't have had any protection from Sitiveni at night when they were in the room by themselves.
6. Sitiveni was heavily into pornography and I used to see his sexually explicit magazines all over the room. I believe that Sitiveni's addiction to pornography affected Siaosi because he used to sit for half an hour or more trying to tune into an adult channel that used to broadcast in the Bay area. The channel came in only if the dial was turned just right and it was time consuming, but Siaosi always had the patience to take as much time as he needed to get it to work.



7. By the time that Siaosi was 12 or 13 years old, he frequently and enthusiastically masturbated and ejaculated all over his house and in front of me and his other peers in the family. Siaosi never dared do such a thing in front of any of the adults in the family. Siaosi was always too concerned about the opinions of his elders and he always wanted to please them and win their approval. I once observed Siaosi masturbate and ejaculate on top of the toilet in the bathroom of his home. Siaosi then collected his semen from the toilet, placed it in a pill bottle and held it up to show me as he had a big smile on his face. Siaosi then told me that his semen was "spanish fly" and that he could get girls to have sex with him by putting it, his semen, in their drinks. I knew from that point forward that Siaosi was out of his mind. I also suspected that his sexual behavior was influenced whatever was going on between him and his brother. No other kids in the family were engaging in these behaviors.
8. Siaosi also had a feminine side to his personality when we were children. Siaosi often spoke with a gay accent as he walked around flipping his wrists and switching his hips. Siaosi often did these things whenever Siaosi came out of the shower, while also tucking his penis between his thighs and pretending that he had a vagina. Siaosi placed towels over his head to pretend he had long hair and around his chest pretending to have breasts. Siaosi behaved like this so often and in so many situations that I sometimes questioned his sexuality.
9. Siaosi was treated meanly by everyone in his house. Lose and Toeumu, his adopted mom, were always yelling at Siaosi and beating him for little to no reason. Siaosi was often hit hard over the head by Lose and Toeumu with wooden spoons for forgetting to throw out the trash or not responding to their calls quickly enough for their liking. Siaosi was also hit in his head for no reason at all on many occasions. I saw Siaosi get hit while he was just minding his business and not doing anything. When Siaosi asked Lose or Toeumu why they hit him for no reason, they sometimes told him that it was for something that he did on some other day. To me, it seemed like Lose and Toeumu were simply taking out their frustrations on Siaosi when they were having a bad day.
10. Siaosi's sister, Kalolaine, never seemed close or affectionate to Siaosi and she frequently yelled at him. Besides touching Siaosi inappropriately, his brother Sitiveni also used to beat Siaosi for little to no reason as well. I always felt sorry for Siaosi because of how he was treated in his home.
11. By the time that Siaosi was in high school, he developed a very religious and conservative view and he often preached to me and the other younger cousins in the family. Siaosi often spoke about the bible. Siaosi did not allow us to curse or talk back to our elders in the family, and he often beat us for speaking and acting out of line. Siaosi began hitting me on one occasion for saying the word, fuck, in his presence but his older brother, Tevita Siu, came to my aide and began beating Siaosi and telling him to leave me alone.



12. Siaoosi suffered with severe mood swings since the time he was a kid. He might be laughing and joking one moment, and then furiously yelling the next. I recall an incident when me and our cousin Saia Tafuna were driving with Siaoosi in his used Pinto car. Siaoosi was in highschool at the time. We were all laughing and joking and having a good time, when all of a sudden Siaoosi became enraged and started yelling at us and demanding that we get out of his car and walk home. Saia and I had no idea what we may have said to make him so angry, but we got out of his car and walked home. It was like someone flipped a switch in his brain and change instantly his mood, but we were used to this. You never knew why, when or what might set Siaoosi's emotions off.
13. Although Siaoosi frequently preached about doing the right thing, he did not always take his own advice. Siaoosi cursed at times, drank alcohol and I remember him having sex with a girl at his house while the adults were away, when he was about 15 years old. These are all things that he told us not to do, but he had no problem doing them himself. When I confronted Siaoosi about his hypocrisy, he just told me "shut up" and mind my business.
14. Siaoosi's family placed a lot of pressure on him to succeed and make them proud, and they were all let down in a big way when he was sent home from his mission when he was 19 years old. Siaoosi's uncle Maile Tafuna was the hardest on him and I recall hearing that uncle Maile told Siaoosi that he was a disgrace to everyone and that he was not longer a part of the family. This is why Siaoosi let San Bruno for Los Angeles shortly after returning from his mission. Siaoosi came to Salt lake City right after he was sent home from his mission, and he seemed like he was a little crazy during that visit. Siaoosi was dressed weird and he spoke like he wasn't completely in touch with reality.
15. I recall seeing Siaoosi a couple of years later, when he was in his early twenties, during his trip to Salt Lake City. Siaoosi looked great, he was dressed in a business suit and he told me that he was selling life insurance policies at the time. Siaoosi seemed like he was starting to pull himself together. Siaoosi's visit was brief and I did not have many discussions with him during this visit.
16. The next time that I recall seeing Siaoosi was in January 1998, on the day that he was arrested on the instant case. Siaoosi's first stop was to my house on Emery Street and I welcomed him with a warm hug. I did not know what he had done in Reno at the time, but I could tell that something was not right. Siaoosi's appearance was weird with a long beard that he cut into various parts in a strange design. Siaoosi was nervous and antsy, and he rambled about things that made no sense, like when he told me that he wanted to take me on a cruise around the world to visit China and other far away lands. I was a newly wed at the time and Siaoosi was making my wife a little uncomfortable, so I called our cousin, David Kinikini, to get Siaoosi away from me and my family.



17. Siaosi, me and my wife left my house and met up with David Kinikini and his brother, Vainga Kinikini. We all then went to a local pool hall afterwards, and that's when Vainga first told me about some of the things that Siaosi had told him regarding the incident in Reno. Siaosi was acting crazy at the time so we didn't believe that he was serious. Siaosi told me that he had to go outside for a minute, and I following him. That is when I saw Siaosi pull out a pipe, which suggested to me that he was on drugs at the time. I went back inside so I didn't see what he was smoking. I doubt that it was marijuana because he was too hyperactive, like he was on some type of methamphetamine or something.
18. When we left the pool hall, we went to Arby's to get lunch. When my wife opened her sandwich, she expressed that she was disappointed by the small amount of meat that was placed on her sandwich. This is when Siaosi told her not to worry about it and that he'd take care of it. Siaosi then went to the cashier and demanded that they put more meat on my wife's sandwich. When the clerk said they couldn't do that, Siaosi created a big scene and demanded that she make my wife's sandwich look like the one in their advertisement photo or else, and then he reached in his breast pocket in a way that suggested he had a gun. This is when the clerk nervously loaded up a new sandwich with a huge amount of meat and gave it to Siaosi. Siaosi never showed a weapon and no one on the staff called the police. Shortly afterwards, I told Siaosi that I had to leave but I'd see him later. Siaosi looked disappointed but I was not concerned about that because I felt like me and my wife needed to get away from him. When I went back home my mother told me that members of the Sheriff's department had been by to see if Siaosi was there because he was wanted for the death of an officer in Reno. This was the first time that I realized that Siaosi was in real trouble.
19. Our cousin, David Kinikini, alerted the police to Siaosi's presence at his house and there was a stand off. I was visiting with my sister who lived nearby and had just walked up to scene when I overheard officers asking, "Who is Maile Kinikini" because Siaosi was demanding to speak with me. I told the officers that I was Maile Kinikini and then I was allowed to speak with Siaosi. Siaosi was rambling and engaging in more crazy talk. Siaosi knew that I was a reformed gang member, so he was asking me to round up Tongan gang members to fight with police officers so that he could get away. I kept telling Siaosi to surrender but he didn't listen to me.
20. It's clear to me that Siaosi suffered from some type of mental disturbance, but he never received any help. Mental illness is not something that's dealt with in Tongan culture because families tend to just sweep the problem under a rug. Many people in Tongan culture also don't know how to recognize many of the signs or symptoms.



21. Herbert Duzant, of the Federal Public Defender office, was the first person to ever speak with me about Siaosi's case. I was never contacted by any of Siaosi's past attorneys during the time of his trial or state post-conviction proceedings. I would have provided Siaosi's previous lawyers with everything that's in this declaration had I been contacted.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 7th, 2011 in Salt Lake county, Utah.



Miles Kinikini



Exhibit 156

Exhibit 156

Declaration Of Nancy Chaidez

I, Nancy Chaidez, declare as follows:

1. My name is Nancy Chaidez, I am a Hollywood talent agent and I currently reside in Los Angeles county. I worked for the Shirley Wilson's Entertainment Agency from 1991 to 1997. In December 1997, I went to work for JEOW Entertainment for a few years before opening a company of my own.
2. I met Siaoasi Vanisi through a referral in 1996, or 1997, while I was still working for Shirley Wilson. I did not work with Siaoasi while I was with JEOW Entertainment. From what I recall, Siaoasi was by no means a major player in the film industry. The biggest project that Siaoasi ever did was the Miller Beer commercial. I never obtained any acting roles for Siaoasi in any motion pictures or television projects, and I have no recollection of Siaoasi doing this level of work before meeting me.
3. I don't represent actors who play extras in movies or television shows, so I have no idea whether Siaoasi ever did this type of work. I also don't represent stage hand or film crews, so I don't know anything about Siaoasi's work as a "grip" on film sets.
4. I was not involved in booking Siaoasi for any film shoots outside of the country, including China. Siaoasi also never told me that he was involved in any film work that took him to China. There are no film companies that I know of that would send extras across the world for a film shoot because extras are always found in the country where the films are being shot. This is more cost effective because there are always budgetary concerns for producers and film companies. Siaoasi was not the caliber of an actor who would be sent over seas for work for any speaking roles. I believe that his alleged trip to China was something that he must have made up in his mind.
5. There are a lot of actors within the film industry who suffer from profound issues of mental illness. Bipolar and Schizophrenic actors are usually amongst the best performers in the business because these illnesses allow them to get into the roles in ways that more sane actors can't. This also goes for actors who suffered severe child abuse when they were growing up. I know these facts from my experience working around Hollywood for decades. I also had a personal experience with mental illness in my family because my dad was Bipolar and terrorized me and my mother for years during my childhood.
6. The prevalence of mental illness amongst actors in Hollywood is the reason why I maintain two different offices. I always send new clients to the first office, in a commercial facility, and meet with them there for a while until I can make an assessment of their mental stability. Once I'm convinced that a client is mentally stable and safe, I then meet with them at my ~~home~~ office.

Second

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