

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

2
3 STEVEN DALE FARMER,)

No. 65935

4 Appellant,)

5 v.)

6 THE STATE OF NEVADA,)

7 Respondent.)

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10 _____
11 **APPELLANT'S APPENDIX VOLUME VII PAGES 1180-1350**

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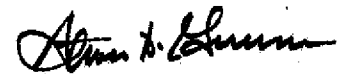
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-245739
	.	CASE NO. C-249693
Plaintiff,	.	
	.	DEPT. NO. 5
v.	.	
	.	TRANSCRIPT OF
STEVEN DALE FARMER,	.	PROCEEDINGS
	.	
Defendant.	.	
.....	.	

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3

WEDNESDAY, FEBRUARY 5, 2014

APPEARANCES:

FOR THE STATE:	JACQUELINE M. BLUTH, ESQ. BRIAN J. KOCHER, ESQ. <i>Chief Deputy District Attorneys</i>
FOR THE DEFENDANT:	JEFFREY S. MANINGO, ESQ. RYAN J. BASHOR, ESQ. <i>Deputy Public Defenders</i>

COURT RECORDER:

LARA CORCORAN
District Court

TRANSCRIPTION BY:

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1 LAS VEGAS, NEVADA, WEDNESDAY, FEBRUARY 5, 2014, 1:08 P.M.

2 (In the presence of prospective jurors)

3 THE COURT: Good afternoon, please be seated. All
4 right. We are back in session in the case of State of Nevada
5 v. Steven Farmer and the record will reflect that we are in
6 the presence of a second venire panel. Present in the
7 courtroom is the defendant with his counsel, the Deputies
8 District Attorneys prosecuting the case and all officers of
9 the court.

10 Welcome back. Thank you so much for coming back and
11 basically what we're going to be doing this morning is we are
12 -- or this afternoon is we are attempting to finish selecting
13 our jury in this case. Yesterday you were sworn, put under
14 oath, and you remain under oath for purposes of this process.
15 It's very important that you understand the -- you know, the
16 very important nature of answering all of the questions that
17 are posed to you fully and thoroughly because it's the only
18 way that the lawyers and I can determine whether you are
19 qualified to be jurors. And what we're looking for, what the
20 lawyers want, what the Court wants is 12 jurors who are fair
21 and impartial, haven't come into court with preconceived
22 notions of the outcome of this trial. And so that's what
23 we're trying to do.

24 To assist in that, we're going to give you a very
25 brief synopsis of what the case is and we're going to -- also

1 the Deputy District Attorney is going to read a list of the
2 witnesses that they may be calling in this case. So you need
3 to listen to those names as she reads them, because you're
4 going to be asked whether you recognize any of those names.
5 Ms. Bluth?

6 MS. BLUTH: Thank you, Your Honor. Good afternoon,
7 my name is Jacqueline Bluth. Sitting with me at counsel's
8 table is Brian Kochevar. We are the Chief Deputy District
9 Attorneys assigned to prosecute the case of State of Nevada v.
10 Steven Farmer.

11 The facts of this case revolves around in 2008, the
12 defendant was working as a certified nursing assistant at
13 Centennial Hills Hospital. Between the time period of April
14 27th of 2008 -- can you pick me up? Yeah, thank you. And May
15 20th of 2008, he inappropriately touched and/or indecently
16 exposed and/or sexually assaulted five different patients he
17 was treating at that hospital.

18 I'm going to give you a name of the witnesses that
19 we may call. We will not call all of these individuals. The
20 following doctors may be called: Curtis Bazmore, Salvador
21 Borromeo, Damaj Nouhad, Hamid Haider, Darrin Houston, Alladin
22 Lajvard, Christopher Milford, Bhatti Muhammad, Amir Shuja,
23 Kevin Slaughter.

24 The following individuals are nurses: Carol Butler,
25 John Coldsmith, Kimberly Davis, Christen Edwards, Karen

1 Goodhart, Jeanine James, Julie Montero, Christine Murray,
2 Sandra Pagain, Pam Robertson, Jackie Schumacher, Julie
3 Rackley, Lorraine Wescott, Margaret Wolfe and Linda Ebbert.

4 The following individuals are employed by the Las
5 Vegas Metropolitan Police Department: Jennifer Bas, Michelle
6 Casper, Lora Cody, Luke Doty, Kellie Gauthier, Craig Jex,
7 Ronald Miller, Kim Murga, Julie Marschner, Kristina Paulette,
8 Misty Pence, Mike Saunders, Jeffrey Smith and Emily Jeskie.

9 And then the following individuals are lay
10 witnesses: Roxanne Cagnina, Scott Cagnina, Ada Dotson, Craig
11 Fabert, Denise Hanna, Thomas Hanna, Neil Hyman, Elaine Knepp,
12 Tim Lehan, Heather Shank, Ruth Leon, Marshal Petersen, Micah
13 Petersen, Marcia Petersen, Heather Shank, Earnestine Smith and
14 Ledahlia Spurlock. Thank you.

15 THE COURT: Thank you. And of course the synopsis,
16 these are mere allegations at this point. Of course the
17 defendant is presumed innocent until and unless the State
18 proves otherwise beyond a reasonable doubt.

19 And, Mr. Maningo, would you like to introduce
20 yourself and your law partner as well as your client?

21 MR. MANINGO: Thank you, Your Honor. Good afternoon
22 everyone. My name is Jeff Maningo and I'm a lawyer. My
23 friend and co-counsel here is Ryan Bashor and it is our
24 privilege to be representing Mr. Steven Farmer who's down here
25 at the end.

1 You heard the State's synopsis of what they hope to
2 prove at trial. The only thing I would add is that Mr. Farmer
3 has entered pleas of not guilty to all of these charges
4 stating that he did not do this.

5 The State read you a list of witnesses. We may call
6 any of those witnesses as well. The only additional witnesses
7 that we might call would be Robert Murdoch (phonetic) from Las
8 Vegas, Neil Hyman from Las Vegas, Jane Everett from Las Vegas,
9 and Sandra Hyland (phonetic) from California. Thank you.

10 THE COURT: Thank you. All right, ladies and
11 gentlemen, I'm going to be asking some general questions as we
12 start out and what I'd like you to do is respond with a show
13 of hands and if necessary, I'll do follow-up questions from
14 there, but initially, just a show of hands.

15 So are there any of you who are acquainted with the
16 defendant Steven Farmer? The record will reflect a negative
17 response.

18 Are there any of you who are acquainted with the
19 defendant's attorneys in this matter? The record will reflect
20 a negative response.

21 Are there any of you who are acquainted with the
22 Deputies District Attorney who are prosecuting the case? The
23 record will reflect a negative response.

24 Are there any of you who are acquainted with any of
25 the witnesses whose names were previously read to you? All

1 right, we've got one in the box and one in the audience back
2 here.

3 All right. We're handing you a microphone. Before
4 you speak I'll need you to state your name and the last three
5 digits of your badge number because we take everything down,
6 it's recorded and to have a complete record, we need that.

7 PROSPECTIVE JUROR NO. 438: Would you like me to
8 stand?

9 THE COURT: No, you can sit.

10 PROSPECTIVE JUROR NO. 438: Okay.

11 THE COURT: That's fine.

12 PROSPECTIVE JUROR NO. 438: My name is Michelle
13 Treasure Guffy and my badge number is 438.

14 THE COURT: What witness do you think you know?

15 PROSPECTIVE JUROR NO. 438: Well, I know Dr. Damaj.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 438: But I was also in the
18 hospital in -- like in May of 2008. My appendix had burst, I
19 was in there for seven days. So I do know Dr. Damaj, but I
20 probably know some of the others as well.

21 THE COURT: Okay. And you know Dr. Damaj on a
22 social level?

23 PROSPECTIVE JUROR NO. 438: No. I just -- actually,
24 my boyfriend's ribs broke, five ribs, he was in an ATV
25 accident. And he was the corresponding doctor for about two

1 months, we had to keep going back. That was the same year,
2 actually, but I was also in that hospital in 2008.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 438: In May.

5 THE COURT: All right. So do you feel that your
6 association or knowledge of Dr. Damaj would make it so that
7 you could not be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 438: No.

9 THE COURT: So you wouldn't give his weight -- or
10 his testimony anymore weight just because you knew of him
11 previously?

12 PROSPECTIVE JUROR NO. 438: No. He's a very good
13 doctor, but I -- no.

14 THE COURT: You could listen to his testimony and
15 evaluate it just like you would any other witness?

16 PROSPECTIVE JUROR NO. 438: I believe so, yes.

17 THE COURT: Okay. What about the fact that you were
18 in the hospital during that time period? Do you think that
19 would affect your ability to be fair and impartial in this
20 case?

21 PROSPECTIVE JUROR NO. 438: Well, I -- that
22 hospital, I had some problems in that hospital while I was
23 there. I think it was because it was new and some of the --
24 it was just --

25 THE COURT: You had problems?

1 PROSPECTIVE JUROR NO. 438: Yeah, I had problems.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 438: None of what this case
4 was about, but there were other problems in that hospital.

5 THE COURT: Okay. Did I hear -- I have no motions
6 from -- okay.

7 MS. BLUTH: No motions.

8 THE COURT: All right. So do you feel that you can
9 be fair and impartial?

10 PROSPECTIVE JUROR NO. 438: I do.

11 THE COURT: Okay, all right. Thank you. We had
12 someone in the back.

13 PROSPECTIVE JUROR NO. 612: My badge number ends in
14 612, my name is Erina Savage. And for a period of a year and
15 a half to two years, I worked directly with Dr. Milford at a
16 neurology practice that was employed at for 16 years.

17 THE COURT: And you were what for 16 years?

18 PROSPECTIVE JUROR NO. 612: I was employed with a
19 neurology practice for 16 years.

20 THE COURT: I see.

21 PROSPECTIVE JUROR NO. 612: And we brought in Dr.
22 Christopher Milford from medical school to practice with us.

23 THE COURT: Okay. All right. So the question is
24 that long-term association with Dr. Milford, would that --
25 would you, as a result, if he testified in this case, would

1 you tend to give his testimony more weight than any other
2 witness merely because of your past association?

3 PROSPECTIVE JUROR NO. 612: Honestly, he left my
4 practice and left me in huge bind for patient care, so I am
5 not very fond of him. Do I think I could be impartial? Yes,
6 but I want to at least be honest with you.

7 THE COURT: All right. Well, okay. So I mean it
8 doesn't -- it doesn't mean one way or the other. It could be
9 -- you could -- you could be -- have negative feelings towards
10 him --

11 PROSPECTIVE JUROR NO. 612: Correct.

12 THE COURT: -- or positive feelings towards him.

13 PROSPECTIVE JUROR NO. 612: Correct.

14 THE COURT: Either way the question just remains.
15 Would you -- if you heard him testify, would you
16 automatically, because of your personal knowledge of him, you
17 know.

18 PROSPECTIVE JUROR NO. 612: I would have to honestly
19 say yes, I would have a hard time believing what he says.

20 THE COURT: Okay. All right.

21 MS. BLUTH: The State would make a motion.

22 THE COURT: Any opposition?

23 MR. MANINGO: No, no objection.

24 THE COURT: You'll be excused, thank you.

25 PROSPECTIVE JUROR NO. 612: Thank you.

1 THE CLERK: And that was badge 612, right?

2 THE COURT: Was your badge number 612?

3 PROSPECTIVE JUROR NO. 612: Yes, ma'am.

4 THE COURT: Thank you. All right. Okay. No one
5 else? All right.

6 All right. Now, the next question is are there any
7 of you who believe you may have heard about or read about this
8 case before coming here today? Okay, we've got one in front
9 and one in back. All right, before -- what we're going to do
10 is we're going to have everyone except the people whose hands
11 are raised exit the courtroom. You two remain and just wait
12 in the hall, this won't take very long. Thank you.

13 (Outside the presence of prospective jurors)

14 THE COURT: All right. The record will reflect that
15 all but the two prospective jurors have left the courtroom.

16 Now, ma'am.

17 PROSPECTIVE JUROR NO. 632: Yes.

18 THE COURT: I'm going to ask you to also exit the
19 courtroom but stay close to the door because we're going to
20 call you in next.

21 PROSPECTIVE JUROR NO. 632: Yes, ma'am.

22 THE COURT: All right, thank you. If you'll come up
23 and take the witness stand, it will be easier. Thank you.
24 And if you'll state your name and the last three digits of
25 your badge number.

1 PROSPECTIVE JUROR NO. 531: My name is John
2 Bartlett, badge number 531.

3 THE COURT: Mr. Bartlett, you said you thought you
4 had read about or heard about this case?

5 PROSPECTIVE JUROR NO. 531: Yeah. I'm kind of a
6 news junky, so everyday, the RJ, CNN, Las Vegas Sun kind of
7 thing, so.

8 THE COURT: Okay. What do you recall about -- about
9 the case?

10 PROSPECTIVE JUROR NO. 531: I just remember -- I
11 thought I recognized the gentleman's picture from the
12 newspaper and reading about, you know, the general
13 accusations.

14 THE COURT: Okay. Did either reading about the
15 article or viewing the picture, either one, cause you to form
16 opinions about the guilt or innocence of the defendant?

17 PROSPECTIVE JUROR NO. 531: Well, I mean, due to the
18 nature of the accusations, there's definitely a gut feeling,
19 but I -- I can't say, you know, that I came to a, you know, an
20 opinion maybe, but not -- not -- not -- you know --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 531: -- a verdict if that
23 makes sense.

24 THE COURT: Okay. Do you remember any details of
25 the story?

1 PROSPECTIVE JUROR NO. 531: Again, just that there
2 were allegations of sexual abuse.

3 THE COURT: Okay. Would the State like to inquire
4 further?

5 MS. BLUTH: Yes, please, Your Honor, thank you.
6 Good afternoon.

7 PROSPECTIVE JUROR NO. 531: Hi.

8 MS. BLUTH: As District Attorneys, it is our duty to
9 prove these things happened. We need to do that to you by
10 what's called reasonable doubt. So we have to prove to you
11 that the defendant committed these crimes beyond reasonable
12 doubt. If we don't do those things, then your verdict must be
13 not guilty.

14 So if you were selected as a juror and Mr. Kochevar
15 and I did not do our jobs and we did not prove to you beyond a
16 reasonable doubt that the defendant committed these crimes,
17 what would your verdict be?

18 PROSPECTIVE JUROR NO. 531: If it was -- if you did
19 not prove it beyond a reasonable doubt, I guess it would have
20 to be not guilty.

21 MS. BLUTH: Okay. And you said you're -- I mean,
22 you said you were a news junky?

23 PROSPECTIVE JUROR NO. 531: Yeah, yeah.

24 MS. BLUTH: Okay. So I imagine that at times you've
25 met -- you've read more than one reporting on the same event?

1 PROSPECTIVE JUROR NO. 531: Yes, of course.

2 MS. BLUTH: And so do different media outlets that
3 you read report it differently? Does that make sense?

4 PROSPECTIVE JUROR NO. 531: Yeah. Not really so
5 much. It's usually just, you know, that there is an
6 accusation.

7 MS. BLUTH: I guess what I'm asking is have you ever
8 read a story on CNN and then maybe you read it again on a
9 different media outlet and they were different in a certain
10 way or maybe facts were different? In a minute way, but there
11 were some difference.

12 PROSPECTIVE JUROR NO. 531: The facts usually not so
13 different, but maybe the angle.

14 MS. BLUTH: Okay.

15 PROSPECTIVE JUROR NO. 531: The intention of the
16 reporter, sure.

17 MS. BLUTH: Okay. And so would you agree with me
18 that reporters don't always get it 100 percent right?

19 PROSPECTIVE JUROR NO. 531: Oh, of course,
20 absolutely.

21 MS. BLUTH: And so maybe the articles that you did
22 read, you know, that's not evidence, that's not 100 percent
23 true and you have to come in here with that type of idea?

24 PROSPECTIVE JUROR NO. 531: Absolutely. That's why
25 I used the words "accusations".

1 MS. BLUTH: Perfect. So do you think you can be a
2 juror and just listen to the testimony presented, look at the
3 evidence presented, and then hold Mr. Kochevar and I to our
4 standard of reasonable doubt?

5 PROSPECTIVE JUROR NO. 531: I believe so.

6 MS. BLUTH: Okay. Thank you, sir.

7 THE COURT: Defense.

8 MR. MANINGO: Hi, Mr. Bartlett. How are you?

9 PROSPECTIVE JUROR NO. 531: I'm well, thank you.

10 MR. MANINGO: Good. Now, you had said that you have
11 -- you came in with sort of a gut feeling?

12 PROSPECTIVE JUROR NO. 531: Well, I -- I didn't mean
13 into the courtroom, I meant after I've read the article.

14 MR. MANINGO: Right.

15 PROSPECTIVE JUROR NO. 531: Of course based on the
16 allegations, you know.

17 MR. MANINGO: Right. And as -- and trust me, when I
18 ask you these questions, there's no right or wrong answer.
19 We're just trying to find out what you're really thinking,
20 really feeling to make sure that everyone has a fair trial.

21 PROSPECTIVE JUROR NO. 531: I understand.

22 MR. MANINGO: You said that you saw a picture as
23 well?

24 PROSPECTIVE JUROR NO. 531: Um-hum. I believe so,
25 yes.

1 MR. MANINGO: Okay. And then --

2 PROSPECTIVE JUROR NO. 531: I thought I recognized
3 his face.

4 MR. MANINGO: And then you recognized Mr. Farmer
5 from that picture? Oh, thank you. Yes?

6 PROSPECTIVE JUROR NO. 531: I believe so, yes.

7 MR. MANINGO: Okay. Now, when you say that you had
8 a gut feeling after reading the article, do you trust your
9 gut?

10 PROSPECTIVE JUROR NO. 531: I usually do, yeah.

11 MR. MANINGO: Okay. And if I tell you that there's
12 a presumption of innocence, does that just make a gut feeling
13 disappear for you?

14 PROSPECTIVE JUROR NO. 531: Well, it -- and again,
15 my gut feeling was not on the guilt or innocence. It was on
16 the heinousness of the crimes.

17 MR. MANINGO: Okay.

18 PROSPECTIVE JUROR NO. 531: That's what bothered me.

19 MR. MANINGO: Okay. When you talk about the fact
20 that you had a gut feeling because the crimes were heinous,
21 are you assuming that those crimes happened?

22 PROSPECTIVE JUROR NO. 531: Well, I think -- I
23 think, to an extent, whenever there's an accusation like that,
24 that that is sometimes, you know -- obviously innocent until
25 proven guilty. But yes, I think that anytime you hear

1 something like that and there's multiple witnesses and there's
2 -- yeah. I don't -- I don't think I -- I don't think I
3 believe necessarily he's guilty or innocent one way or the
4 other, but it's hard to read that and walk away not feeling
5 something, you know.

6 MR. MANINGO: Right, and --

7 PROSPECTIVE JUROR NO. 531: I don't know if that
8 answers your question, I apologize.

9 MR. MANINGO: No, I think it does.

10 PROSPECTIVE JUROR NO. 531: Okay.

11 MR. MANINGO: And all I'm saying is that you keep
12 that feeling -- you still have that feeling? Because you've
13 read the article?

14 PROSPECTIVE JUROR NO. 531: Yeah, certainly, sure.

15 MR. MANINGO: Okay. And, Judge, I think to be on
16 the safe side we should excuse Mr. Bartlett.

17 THE COURT: Well, I -- I have to agree. I mean,
18 we've got -- we've got potential other jurors. This juror has
19 knowledge of the case. Although he can't articulate details,
20 it appears that he does have some knowledge that's -- he
21 hasn't gotten from in the courtroom. And rather than risk a
22 problem with this on appeal, I'm inclined to dismiss him. So
23 thank you.

24 PROSPECTIVE JUROR NO. 531: Okay.

25 (Prospective Juror No. 531 is excused)

1 (Prospective Juror No. 632 is present)

2 THE COURT: Ma'am, if you'll state your name and
3 give us the last three digits of your badge number.

4 PROSPECTIVE JUROR NO. 632: Yes. My name is Rachel
5 Lusted and my last three numbers are 632.

6 THE COURT: And you responded that you thought you
7 had read or heard about this case before coming here?

8 PROSPECTIVE JUROR NO. 632: I -- yes, ma'am. I may
9 be incorrect, but I do recall a case similar or it may be the
10 same one, I'm not sure because it was so long ago, of a -- a
11 nursing assistant or something in Centennial Hills Hospital
12 that was allegedly fondling patients, I believe.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 632: But that was it. I
15 don't recall the race or anything or anything like that. I
16 don't recall details, but I did recall that there was some
17 case.

18 THE COURT: All right. So -- and you said this
19 quite a long time ago? Like what time frame are we talking
20 about?

21 PROSPECTIVE JUROR NO. 632: Well, I would say at
22 least -- I moved here in 2007 or '8, September. So right --
23 it was after that. So probably within the last three years I
24 would think, three or four.

25 THE COURT: Okay. Do you remember any details about

1 the story?

2 PROSPECTIVE JUROR NO. 632: No. I don't remember
3 what I had for dinner last night. No, ma'am.

4 THE COURT: So what -- what's even more important
5 is, as a result of reading that story, have you formed
6 opinions about the case?

7 PROSPECTIVE JUROR NO. 632: No. I -- I just recall
8 thinking it was another story and it happened in Centennial
9 Hills which is out in my area where I live, and I don't recall
10 anything after that. I never thought about it again after
11 that until, obviously, you brought something up and I thought
12 I should mention it because I don't even know if I'm correct
13 or not correct, but in all fairness.

14 THE COURT: Okay, thank you.

15 PROSPECTIVE JUROR NO. 632: Um-hum.

16 THE COURT: And do you feel, though, that you could
17 set what little you remember about the story aside and listen
18 to the evidence in this case and be fair and impartial?

19 PROSPECTIVE JUROR NO. 632: Yes, absolutely I do.

20 THE COURT: And you really don't remember anything
21 except that there were some allegations?

22 PROSPECTIVE JUROR NO. 632: Correct. Oh --

23 THE COURT: Just like you heard this morning?

24 PROSPECTIVE JUROR NO. 632: Absolutely.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 632: That was the only thing
2 that jogged my memory, but I don't -- like I said, I wouldn't
3 have even know that it was the defendant sitting there or
4 anything.

5 THE COURT: Okay. State, anything more?

6 MS. BLUTH: I don't have any follow-up, thank you
7 very much.

8 THE COURT: Defense.

9 MR. MANINGO: Very quickly.

10 PROSPECTIVE JUROR NO. 632: Yes, sir.

11 MR. MANINGO: Ms. Lusted?

12 PROSPECTIVE JUROR NO. 632: Yes, sir.

13 MR. MANINGO: All right, it's nice to meet you.

14 PROSPECTIVE JUROR NO. 632: Nice to meet you.

15 MR. MANINGO: When you -- when you read the
16 newspaper or you see stories in the media, do you
17 automatically assume that they're true?

18 PROSPECTIVE JUROR NO. 632: No. I don't assume
19 anything.

20 MR. MANINGO: Okay. And so -- so you won't -- you
21 haven't made any assumptions about this case at this point?

22 PROSPECTIVE JUROR NO. 632: No, sir.

23 MR. MANINGO: Okay.

24 PROSPECTIVE JUROR NO. 632: No.

25 MR. MANINGO: And when the Judge instructs you that

1 there's a presumption of innocence, that you have to presume
2 someone innocent unless they're proven guilty beyond a
3 reasonable doubt, you're comfortable with that?

4 PROSPECTIVE JUROR NO. 632: Yes, sir, absolutely.

5 MR. MANINGO: Okay. Even if -- and it won't change
6 just because you've seen something in the newspaper or on
7 television or anything like that?

8 PROSPECTIVE JUROR NO. 632: No. And if I thought
9 that it would, I wouldn't have raised my hand or anything. I
10 just wanted to be honest with you all and let you know that I
11 thought I had heard something. I wasn't sure what it was.
12 But I absolutely do feel I could be fair.

13 MR. MANINGO: Oh, and that's -- and that's all we're
14 asking from you.

15 PROSPECTIVE JUROR NO. 632: Yes, sir.

16 MR. MANINGO: And we appreciate that. Also -- and
17 everyone will be instructed later, but you won't be tempted to
18 share any knowledge that you know -- or that you've read about
19 the story with anyone else?

20 PROSPECTIVE JUROR NO. 632: The only knowledge I
21 have is what I've shared with you today.

22 MR. MANINGO: Right.

23 PROSPECTIVE JUROR NO. 632: And again, like I said,
24 I didn't even know if it was correct knowledge, if it was the
25 same person or not. So, no.

1 MR. MANINGO: Okay.

2 PROSPECTIVE JUROR NO. 632: And I know what the

3 right -- in my heart, I know what the right thing to do is and

4 not to do. And I've -- obviously if I'm instructed not to do

5 something, I would not do it.

6 MR. MANINGO: Okay.

7 PROSPECTIVE JUROR NO. 632: That wouldn't be right.

8 MR. MANINGO: Thank you.

9 PROSPECTIVE JUROR NO. 632: Yes, sir.

10 MR. MANINGO: No follow-up.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR NO. 632: Yes, sir.

13 THE COURT: All right. And so I am instructing you

14 not to --

15 PROSPECTIVE JUROR NO. 632: Yes, ma'am.

16 THE COURT: -- share that information. It doesn't

17 really sound to me like you have any information other than

18 what you've -- everybody else has already heard in the

19 courtroom. But thank you for bringing that out, we really

20 appreciate that and you may step down.

21 PROSPECTIVE JUROR NO. 632: Yes.

22 THE COURT: And we can bring the rest of -- oops,

23 wait.

24 MR. MANINGO: If we could just have Ms. Lusted --

25 PROSPECTIVE JUROR NO. 632: Step out?

1 MR. MANINGO: -- step out just for a moment?

2 THE COURT: Yes. And don't mention --

3 PROSPECTIVE JUROR NO. 632: No, no.

4 THE COURT: -- this to your fellow prospective
5 jurors.

6 PROSPECTIVE JUROR NO. 632: Go to the side.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR NO. 632: Thank you.

9 (Prospective Juror No. 632 is not present)

10 MR. MANINGO: Thank you, Your Honor. Just quickly I
11 wanted to make two brief records. When we are talking about
12 the media, the picture that was in the newspaper most
13 recently, about a week and a half back, was a mugshot of -- of
14 Mr. Farmer. So that's one of the reasons why, if they've seen
15 a photograph, it's more concerning to us because it was a
16 mugshot, even if they don't know that or remember it.

17 And then secondly, I think the Court already, I'm
18 sure, will do it, but just to remind the rest of them about
19 their smartphones and so forth when they come in, now that
20 they know it's a media case.

21 THE COURT: Right.

22 MR. MANINGO: Thank you.

23 THE COURT: Thank you.

24 MS. BLUTH: The only thing about the mugshot is, and
25 I need to think about whether or not it -- for PowerPoint

1 purposes, but I mean they're going to know that the defendant
2 was arrested. So, you know, he would obviously have a mugshot
3 I guess is my point.

4 THE COURT: Okay.

5 MS. BLUTH: And even in that article it stated he
6 was arrested.

7 THE COURT: Are you planning on using a mugshot in
8 your PowerPoint? There was a recent Supreme Court case about
9 using a mugshot in an opening PowerPoint --

10 MS. BLUTH: I think it --

11 THE COURT: -- where it said guilty.

12 MS. BLUTH: Correct.

13 THE COURT: So you wouldn't be doing that.

14 MS. BLUTH: Guilty is not in my opening PowerPoint
15 in big red letters. But there -- I need to look at my
16 PowerPoint, Your Honor. I don't believe his mugshot is in
17 there, but if it is, I will let Mr. Bashor and Mr. Maningo
18 know and then if they want to, you know, we'll bring it before
19 Your Honor's attention if there's something that we need to
20 argue in front of you about.

21 THE COURT: Yeah. That's why I really want you to
22 give me the PowerPoints beforehand, both sides just -- so --
23 there's no sense in, you know, waiting until the horse is out
24 of the barn to close the door.

25 MS. BLUTH: Of course.

1 THE COURT: We can -- and then I also mark them so
2 we have a complete record here.

3 MS. BLUTH: Okay.

4 THE COURT: All right. Anything else?

5 MR. MANINGO: No, Your Honor.

6 THE COURT: Let's bring them back.

7 (In the presence of the prospective jurors)

8 THE COURT: Please be seated. All right. Counsel
9 approach for a moment.

10 (Bench conference begins)

11 THE COURT: The Clerk's telling me that I ordered 20
12 extra jurors. I guess -- you know, I didn't know that they
13 didn't come over with this group. So I can get them to bring
14 them over now or we can see what happens with this group and
15 then bring them over separately.

16 MS. BLUTH: That's better.

17 THE COURT: It's like we couldn't --

18 MR. BASHOR: (Inaudible)

19 MS. BLUTH: Yeah. Because why get in the middle of
20 all this, let's do it (inaudible). Jacqueline Bluth. I'm the
21 only female so I feel like (inaudible).

22 THE COURT: Okay.

23 MS. BLUTH: I say we bring them over now because we
24 might have to go through this entire process twice and I feel
25 like it's just safer to do it in one shebang now.

1 MR. MANINGO: Jeff Maningo, I would agree.

2 THE COURT: Yeah, that's what we're thinking. Okay.
3 Thank you. Let's take it off.

4 (Bench conference ends)

5 THE COURT: Marshal, did you have some other jurors
6 over there? Let's go get them now so they're part of this
7 group.

8 (Pause in the proceedings)

9 THE COURT: Since we lost several jurors yesterday,
10 we asked the Jury Commissioner to send us 20 more people. And
11 so rather than doing this process a third time, we're trying
12 to do it all at once and save some time, so. Just be at ease.

13 (Off the record from 1:40 p.m. to 1:48 p.m.)

14 THE COURT: All right, please be seated.

15 (Pause in the proceedings)

16 THE COURT: Please be seated. All right. For those
17 of you who just joined us this afternoon, welcome. We're back
18 on the record in State of Nevada v. Steven Farmer. We are in
19 our third day of picking a jury in this matter and -- so what
20 we're doing here is asking questions of prospective jurors.
21 So the folks that were already in the courtroom, we started
22 the process with them, but we wanted to catch you new folks up
23 with them.

24 So I'd like to introduce myself. I'm Judge Carolyn
25 Ellsworth and this is Department 5 of District Court. We're

1 -- when -- we go through this questioning process here and the
2 purpose of that is to get fair and impartial jurors for our
3 trial. That process is done under oath. So I'd ask the folks
4 who just came into the courtroom to stand and the Clerk's
5 going to swear you in.

6 THE CLERK: Please raise your right hand.

7 (Prospective jurors in third venire panel are sworn)

8 THE CLERK: You may be seated.

9 THE COURT: Thank you. Now, there are many of you
10 who received your jury summons and were less than excited to
11 get it. There are -- our Legislature had decided that there
12 are basically no excuses for serving -- not serving as a
13 juror, statutory excuses. There use to be lots of them and
14 they decided that that wasn't fair to excuse doctors and
15 firemen or what have you, and make the rest of us serve. So
16 they eliminated all but two exceptions to serving that are
17 automatic. And these are the two. So I'll ask you if anyone
18 qualifies for this.

19 If you are 70 years of age or older and you do not
20 wish to serve on a jury, either on this jury or ever, you may
21 not -- you may asked to be dropped -- either excused from this
22 time or dropped from the roles completely, and that's up to
23 you. Of course, we encourage our senior citizens to
24 participate since they have a lot of wisdom to impart, but if
25 you do meet that criteria, then you don't have to serve if you

1 don't want to. Is there anyone who meets that criteria? All
2 right, the record will reflect a negative response.

3 The second excuse is if you are 65 years of age or
4 older and you live at least 65 miles one way from the
5 courthouse, which means you would have to live in Mesquite,
6 Nevada and still be in the county to qualify for that. So is
7 there anyone who -- and you could still serve if you wanted to
8 go ahead and drive in, but you wouldn't have to. Is there
9 anyone that qualifies for that? The record will reflect a
10 negative response.

11 And then everyone seated in the prospective juror
12 audience and you are, at this point in the process, known as
13 the venire panel. If you are seated on the jury, you'll be
14 known as the jury panel, but at this point you're the venire.

15 So is there anyone who is not a United States
16 citizen? The record will reflect a negative response.

17 Is there anyone who has been convicted of a felony
18 but has not had their civil rights restored to them? The
19 record will reflect a negative response.

20 All right. So there are -- as I say, this is a very
21 important process. The lawyers here are -- they are
22 interested in getting 12 jurors with unbiased and fair minds.
23 They don't want anybody who has already formed an opinion on
24 this case or who would otherwise, for whatever reason, be
25 unable to be fair and impartial and that's what we're looking

1 for. So it's really important that you answer all of the
2 questions fully, that you don't try and conceal or hide
3 anything because that could cause problems for us later.

4 So for the benefit of the new people who have joined
5 us, I'm going to have the Deputy District Attorney introduce
6 herself and her co-counsel and give you a brief synopsis of
7 the case. It's really just designed to tell you what the case
8 is about, that's all. It's not an opening statement or
9 argument. And then she's going to list -- read to you a list
10 of witnesses that the State may call. When she reads that
11 list, you need to pay careful attention to the names because
12 you're going to be asked whether you recognize any of those
13 names.

14 All right, Ms. Bluth.

15 MS. BLUTH: Thank you, Your Honor. Good afternoon,
16 ladies and gentlemen, my name is Jacqueline Bluth and sitting
17 with me at counsel's table is Brian Kochevar. We are the
18 Chief Deputy District Attorneys assigned to prosecute the case
19 of State of Nevada v. Steven Farmer.

20 The facts of this case date back to 2008. In 2008,
21 Mr. Farmer worked as a certified nursing assistant at
22 Centennial Hills Hospital. During the time period of April
23 27th of 2008 to May 20th of 2008, he inappropriately touched
24 and/or indecently exposed and/or sexually assaulted five
25 patients that he was treating within that hospital.

1 I'm going to list off some names that can
2 potentially be called as witnesses in this trial. The
3 following are doctors: Curtis Bazmore, Salvador Borromeo,
4 Damaj Nouhad, Hamid Haider, Darrin Houston, Alladin Lajvard,
5 Christopher Milford, Bhatti Muhammad, Amir Shuja, Kevin
6 Slaughter.

7 The following individuals are nurses: Carol Butler,
8 John Coldsmith, Kimberly Davis, Christen Edwards, Karen
9 Goodhart, Jeanine James, Julie Montero, Christine Murray,
10 Sandra Pagain, Pam Robertson, Jackie Schumacher, Julie
11 Rackley, Lorraine Wescott, Margaret Wolfe, Linda Ebbert.

12 The following individuals are employed with the Las
13 Vegas Metropolitan Police Department: Jennifer Bas, Michelle
14 Casper, Lora Cody, Luke Doty, Kellie Gauthier, Craig Jex,
15 Ronald Miller, Kim Murga, Julie Marschner, Kristina Paulette,
16 Misty Pence, Mike Saunders, Jeffrey Smith, Emily Jeskie.

17 And then the following individuals are laywitnesses:
18 Roxanne Cagnina, Scott Cagnina, Ada Dotson, Craig Fabert,
19 Denise Hanna, Thomas Hanna, Neil Hyman, Elaine Knepp, Tim
20 Lehan, Heather Shank, Ruth Leon, Marshal Petersen, Mike
21 Petersen, Marcia Petersen, Heather Shank, Earnestine Smith and
22 Ledahlia Spurlock. Thank you.

23 THE COURT: Thank you, Ms. Bluth. Now, of course
24 these are just allegations. The defendant is presumed
25 innocent until the State proves otherwise beyond a reasonable

1 doubt. So the purpose of that was just to give you an idea of
2 the type of charges.

3 Now, Mr. Maningo, would you like to introduce
4 yourself and your law partner as well as your client.

5 MR. MANINGO: Thank you, Your Honor. Good
6 afternoon, folks. My name is Jeff Maningo and I am a lawyer.
7 My colleague and friend here to my left is Ryan Bashor and it
8 is our privilege to be representing Steven Farmer who is at
9 the end. The only thing I would add to what the State
10 mentioned in their summary of what they hope to prove at trial
11 is the fact that Mr. Farmer has entered pleas of not guilty to
12 all of these charges. That is a statement by Mr. Farmer he
13 did not do this.

14 With the witness list, the -- any of the witnesses
15 listed by Ms. Bluth can be called by the defense. The only
16 ones that we would add to that list would be Robert Murdoch
17 and Neil Hyman from Las Vegas, Jane Everett from Las Vegas,
18 and Sandra Hyland from California. Thanks.

19 THE COURT: Thank you. All right. So -- so the
20 first question I had of everyone is are there any of you who
21 are acquainted with the defendant in this case? The record
22 will reflect a negative response.

23 Are there any of you who are acquainted with the
24 defendant's attorneys in this case? The record will reflect a
25 negative response.

1 Are there any of you who are acquainted with the
2 Deputies District Attorney who are prosecuting the case? The
3 record will reflect a negative response.

4 Are there any of you who are acquainted with any of
5 the witnesses that were mentioned, whose names were read off?
6 The record will reflect a negative response.

7 Are there any of you who have recently joined us who
8 believe that they may have heard or read about this case
9 before coming here today? And the record will reflect a
10 negative response.

11 All right. So the next question I'm going to ask
12 you about is -- will be dependent upon what I'm going to tell
13 you about our schedule in this case. So this case -- you've
14 heard a lot of witnesses names read out and so that may have
15 given you a clue that this case will not be over today. In
16 fact, it is -- while it is hoped that the case may take only
17 four weeks, it could likely take five weeks. And so that is,
18 you know, a substantial period of time for jury service.

19 So I'm going to be asking you if there are any of
20 you who believe that they could not serve for that period of
21 time. But before I hear any -- you know, any people who have
22 that -- an affirmative answer to that, let me tell you also
23 what our daily schedule is. Now, it will change a little bit
24 from day-to-day, but on Mondays and Wednesdays I have a
25 criminal calendar in the mornings where I hear motions and do

1 sentencings and things like that. And that takes generally
2 all morning. Sometimes it may take a little less than all
3 morning, but since I never know much ahead as to how long it
4 may take, we don't start on Monday and Wednesday until 1:00
5 o'clock.

6 We won't go past 5:00 on any day. You know, I mean
7 if we did, it would only be to finish off a witness's
8 testimony that was going to take five minutes. But we're --
9 otherwise, you can expect to be out of here at 5:00 o'clock.

10 On Fridays I have a civil calendar where I hear
11 motions on my civil docket. And so probably on Fridays,
12 depending on how that looks, we have -- I have a little better
13 handle on how long that docket will take. We may not start
14 until the afternoon or we may start in the late morning on
15 Fridays.

16 We may from time-to-time recess earlier than 5:00
17 because of other scheduling issues. Sometimes I have
18 evidentiary hearings and because this case is taking a long
19 time, the rest of my docket is still proceeding. And so even
20 though you may not be here eight hours a day, rest assured
21 that the Court is working 12 hours a day. So that's kind of
22 our schedule, and each day I'll let you know ahead of time as
23 to when you'd be expected to come in each day.

24 So now I'm going to be asking you about, you know,
25 is there any reason you can't serve for that length of time.

1 The things I'm particularly looking for -- I mean, there may
2 be other things as well, but I particularly want you to bring
3 these types of things to my attention.

4 Are you having surgery that is scheduled within the
5 next five weeks, or is someone that you care for and is going
6 to have -- you have to be by their side to care for them,
7 having surgery in the next five weeks.

8 Are you getting on an airplane with prepaid airline
9 tickets for a fabulous trip somewhere that we're -- we'll all
10 be jealous about, I want to know about that. I want to --
11 wait. I'm going to want to know about, are you going to
12 deliver a baby in the next five weeks. Or are you the
13 significant other of a person who is going to deliver a baby
14 and you're going to be expected to be there for the birth of
15 that child. I want to know about those things.

16 You know, there may be other things as well, but --
17 like doctors appoints you cannot -- you know, you've had for
18 six months and you can't change or they're pre-op
19 appointments, things like that. Those kinds of things.

20 If you just -- if you work, which most of us do,
21 know that most large employers here in Clark County pay their
22 employees while they're on jury service. In other words, if
23 any of you work for large gaming companies, those companies,
24 as part of being good corporate citizens, pay their employees
25 while they're on jury duty. And you cannot be fired for

1 serving on a jury. So that's illegal and an employer who
2 fires an employee for -- because they are serving on a jury
3 and didn't come to work, that's a really good lawsuit.

4 So, now having said all of that, I'm going to ask
5 for a show of hands and when -- after I do, I'm going to ask
6 each of you one at a time to tell what the excuse is. And I'm
7 going to take notes about what those are and then I'll ask you
8 to go ahead and sit down. And then after I've gone through
9 everyone, then we'll consider each one in turn and then we'll
10 bring you back to let you know whether you're excused or not.

11 So, show of hands, who here thinks they cannot
12 possibly serve for the next five weeks? Actually not
13 counting, you know, I mean, Monday and Tuesday count toward
14 that five weeks.

15 THE CLERK: You're going to start in the box?

16 THE COURT: Yes. I'm going to start in the top row.
17 So I need your name and the last three digits of your badge
18 number and then you tell me what you have. Okay.

19 PROSPECTIVE JUROR NO. 418: Your Honor, my name is
20 Jason Couchman and first of all, thank you for this
21 opportunity to fulfill my civic responsibility to Las Vegas.
22 I take this responsibility very seriously and honestly feel
23 very conflicted sitting up here.

24 However, I have pretty deep financial
25 responsibilities, both to my wife and to my family. Two days

1 before I got the Jury Summons, we closed on a house, so I'm
2 carrying two mortgages right now. I was really counting on
3 this time period to relieve myself of one of them in some form
4 or fashion.

5 In addition, when I informed my employer last night,
6 they did ask me to provide a letter explaining my situation at
7 work. I'm two -- second or third in the department depending
8 on which way the political wind blows. My responsibility is
9 budget and procurement. So unfortunately --

10 THE COURT: Where -- where do you work?

11 PROSPECTIVE JUROR NO. 418: I work for VIAD Corp, V
12 as in Victory, Iris, Apple, David Corp. We own GES, pretty
13 straight shows here in town.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 418: I work in the IT
16 department. My responsibilities include information security,
17 so I keep the bad guys away from the credit cards. I'm glad I
18 don't work for Target right now. I'm also responsible for the
19 budget, we run a \$19 million department. And if somebody's
20 not manning the switch on that, sometimes things run awry and
21 it becomes difficult to make up for it later on.

22 THE COURT: Okay. And what does this company do
23 when you're on vacation or sick?

24 PROSPECTIVE JUROR NO. 418: Normally, we try not to
25 schedule meetings regarding budgetary matters, but right now

1 we are actively in capital replan. It's kind of a touchy
2 time. You know, there's obviously a lot of folks don't want
3 to see their capital projects cut for IT. There are folks
4 that, you know, are happy to see other people's projects cut,
5 but not theirs. So there's a lot of, you know, long hours and
6 kind of dealing with things nights and weekends.

7 When I go on vacation, I typically bring my phone
8 and I typically work. So it's -- there really are no
9 vacations.

10 THE COURT: And -- and of course you wouldn't be
11 able to do that in the trial. So are you going to be paid if
12 you're --

13 PROSPECTIVE JUROR NO. 418: Yes, ma'am. Yes, ma'am.

14 THE COURT: -- while you're on jury service?

15 PROSPECTIVE JUROR NO. 418: VIAD -- at VIAD Corp. we
16 take our civic responsibility to this community very
17 seriously. We're very long in the tooth in Las Vegas. We
18 care a lot about the community and we want to see the -- want
19 to see the area grow, so.

20 THE COURT: All right, thank you. And I don't think
21 you gave me the last three digits of your badge number.

22 PROSPECTIVE JUROR NO. 418: I -- I -- forgive me,
23 ma'am.

24 THE COURT: That's okay.

25 PROSPECTIVE JUROR NO. 418: Your Honor, that's 418.

1 THE COURT: Thank you. All right. And if you'll
2 hand the microphone over to the next person on your row.

3 PROSPECTIVE JUROR NO. 418: Of course.

4 PROSPECTIVE JUROR NO. 423: My name is Consolador
5 Apastol. My badge number is 423. Like I mentioned yesterday,
6 Your Honor, my work is in San Francisco.

7 THE COURT: Right.

8 PROSPECTIVE JUROR NO. 423: And I cannot commute on
9 the weekends.

10 THE COURT: And who do you work for?

11 PROSPECTIVE JUROR NO. 423: I'm a federal employee.

12 THE COURT: Oh, right. That's right, the
13 government.

14 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

15 THE COURT: They will pay you.

16 PROSPECTIVE JUROR NO. 423: I hope so.

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

18 PROSPECTIVE JUROR NO. 426: Hi, Your Honor. My name
19 is Teri-Lee Randall. My badge number is 426.

20 THE COURT: Okay. Are we having trouble hearing
21 her?

22 THE COURT RECORDER: Yes.

23 THE COURT: All right. Ms. Randall --

24 PROSPECTIVE JUROR NO. 426: Yes.

25 THE COURT: -- you can speak up a little bit.

1 PROSPECTIVE JUROR NO. 426: Okay. I'm nervous.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR NO. 426: I work for Las Vegas
4 Sands and according to the team member handbook, the only they
5 only pay maximum of 10 days.

6 THE COURT: Really?

7 PROSPECTIVE JUROR NO. 426: Yeah, I was shocked,
8 too. My co-worker told me this morning.

9 THE COURT: I'm surprised.

10 PROSPECTIVE JUROR NO. 426: So -- and we have a
11 rental property right now that's just became vacant, so.

12 THE COURT: It became delinquent, so your tenants
13 aren't paying? Is that what's happened?

14 PROSPECTIVE JUROR NO. 426: We're underwater with
15 that house.

16 THE COURT: Oh, I see. Okay.

17 THE CLERK: And what was your number? 424?

18 THE COURT: 426.

19 THE CLERK: 426.

20 THE COURT: All right. And are you the only person
21 who works in the household?

22 PROSPECTIVE JUROR NO. 426: No, my husband does,
23 too.

24 THE COURT: Okay. And you -- can you survive on one
25 income after 10 days?

1 PROSPECTIVE JUROR NO. 426: No.

2 THE COURT: Okay. Thank you.

3 PROSPECTIVE JUROR NO. 426: Thank you.

4 PROSPECTIVE JUROR NO. 429: Hi, my name is Elisheva
5 Thomas. My badge number is 429. I was not able to get a hold
6 of my director this morning at the daycare I work to find out
7 if they'll pay me. I don't know the situation yet.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 429: And I'm an Orthodox Jew,
10 so I need to be done by 5:00 o'clock on Fridays for sure.

11 THE COURT: Okay. All right. That shouldn't be a
12 problem. And when -- when do you think you'll be able to get
13 through to your employer?

14 PROSPECTIVE JUROR NO. 429: I can try to call her
15 when we have a break.

16 THE COURT: Okay. Okay. In fact, while we're going
17 through everybody else, you can step out in the hall and call.
18 You won't be missing anything until then. All right, who's
19 next? Do we have -- ah, okay.

20 PROSPECTIVE JUROR NO. 462: Hi. My name is Fernando
21 Lopez.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 462: And I do have a surgery
24 on March 13th.

25 THE COURT: Yeah, we should be done by then. Do you

1 have any -- anything before?

2 PROSPECTIVE JUROR NO. 462: Just -- I don't know the
3 doctors appointments and all that already scheduled.

4 THE COURT: When are they?

5 PROSPECTIVE JUROR NO. 462: Tomorrow is one of them,
6 Friday at 9:45. And I got another couple (indiscernible).
7 And I got a few -- a few things more, the same doctors, to the
8 cardiology.

9 THE COURT: Okay. So my clerk is saying that --
10 that is the fifth week, so it's -- that's -- we could go into
11 that week. So thank you for telling us that. And you're
12 badge number 462.

13 PROSPECTIVE JUROR NO. 462: 462.

14 THE COURT: Thank you. If you'd give the microphone
15 over.

16 PROSPECTIVE JUROR NO. 445: Yes, my name is
17 Stephanie Heard. The badge number 445. I have a
18 kindergartener that I pick up every day at 2:23 at the bus
19 stop. I only have a 16-year-old that would be able to pick --
20 that picked her up yesterday and today, but he's missing
21 basketball practice and will be --

22 THE COURT: Upset with you for sure. Okay.
23 Kindergartener, pickup at what time? Two --

24 PROSPECTIVE JUROR NO. 445: 2:23.

25 THE COURT: 2:23 each day. So do you work?

1 PROSPECTIVE JUROR NO. 445: Yes, ma'am.

2 THE COURT: What -- when do you work?

3 PROSPECTIVE JUROR NO. 445: I work at Desert
4 Orthopedic Center. I work from 8:00 to 5:00 everyday.

5 THE COURT: So you just -- so how does that work
6 with picking up the kindergartener?

7 PROSPECTIVE JUROR NO. 445: Well, when I pick her
8 up, I go back to work if my 18-year-old -- I have an 18-year-
9 old also, if he does not work.

10 THE COURT: I see. Okay. And so who watches the
11 kindergartener when you're at work? When you go back to work?

12 PROSPECTIVE JUROR NO. 445: My 18-year-old or my
13 16-year-old, we have to work it out.

14 THE COURT: I see. All right. Next.

15 PROSPECTIVE JUROR NO. 440: My name is Erica Pitts
16 and my badge number of 440. I'm a tech sergeant in the United
17 States Air Force and I'm stationed at Nellis Air Force Base
18 and I'm active duty. And being away for four to five weeks
19 would directly affect our mission.

20 THE COURT: And you said you're what -- what's your
21 job?

22 PROSPECTIVE JUROR NO. 440: I'm in the United States
23 Air Force --

24 THE COURT: Well, I know, no, no. I mean you're in
25 the Air Force, but what's your tech job?

1 PROSPECTIVE JUROR NO. 440: I'm a -- I'm a crew
2 chief.

3 THE COURT: Crew chief, okay. So you're taking care
4 of the airplane maintenance.

5 PROSPECTIVE JUROR NO. 440: Yes.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 440: Well, that's my
8 (indiscernible), but right now I kind of -- I do training, so
9 I pretty much I track the training for all of the maintainers.

10 THE COURT: Okay. Aren't you still in red flag?

11 PROSPECTIVE JUROR NO. 440: Yes, we still have that
12 going on for the next -- another couple of weeks.

13 THE COURT: My son was just participating in red
14 flag for the Navy. Okay, got it. Thank you.

15 PROSPECTIVE JUROR NO. 494: My name is Maria Munoz.
16 My number is 424 (sic). I don't speak English a lot. I
17 understand a little.

18 THE COURT: Okay.

19 THE CLERK: 494.

20 THE COURT: All right, 494, okay. And I -- we spoke
21 about this yesterday some?

22 PROSPECTIVE JUROR NO. 494: Huh?

23 THE COURT: Did we speak about this yesterday a
24 little bit?

25 PROSPECTIVE JUROR NO. 494: Yes.

1 THE COURT: Yes. And I wanted you -- how -- how
2 have you been doing so far? Have you been understanding?

3 PROSPECTIVE JUROR NO. 494: Not too much.

4 THE COURT: Not too much, huh. Okay. All right,
5 thank you.

6 PROSPECTIVE JUROR NO. 494: Thank you.

7 PROSPECTIVE JUROR NO. 502: My name is Raymond
8 Chalich. My badge number is 502. I just started a -- with a
9 new employer January 2nd and I'm not eligible for being paid
10 for time gone. And I have a letter here from my employer that
11 states that.

12 THE COURT: Okay. If you'd have the Marshal to give
13 that to me.

14 (Pause in the proceedings)

15 THE COURT: Okay. Although it does say in this
16 letter that they'd have to let you go, they couldn't do that,
17 but the issue to me is more that they won't pay you. They
18 don't have to pay you. So, thank you.

19 PROSPECTIVE JUROR NO. 522: Your Honor, my name is
20 Stanton Gardenhire, badge number 522.

21 THE COURT: Thank you, 522. Let me find that.
22 Okay.

23 PROSPECTIVE JUROR NO. 522: Not sure exactly when
24 the case starts or the weeks start, but during the fifth week,
25 probably around March 14th, I have tickets -- plane tickets

1 for that to be the best man in my brother's wedding. So I'd
2 like to go to that if I could.

3 THE COURT: I'm sure your brother wants you to go to
4 that, too. Okay, thank you.

5 PROSPECTIVE JUROR NO. 550: My name is Gianluigi
6 Malasarte, badge number 550. From Thursday, February 13th to
7 Friday, February 28th, I'm going to be going to Europe.

8 THE COURT: Oh, we're all jealous. Okay, so you're
9 leaving when?

10 PROSPECTIVE JUROR NO. 550: The 13th.

11 THE COURT: February 13th.

12 PROSPECTIVE JUROR NO. 550: Yeah.

13 THE COURT: And you're going to be gone for a week?

14 PROSPECTIVE JUROR NO. 550: Two weeks.

15 THE COURT: Two weeks, okay. Thank you.

16 PROSPECTIVE JUROR NO. 553: Hello, my name is Kim
17 Moore. My badge number is 553. I have a trip planned over
18 February 14th, the Friday, Saturday, Sunday and Monday. I
19 don't have plane tickets, but it is non-refundable for the
20 hotel room. And then also, the weekend of March 8th, the same
21 situation where I don't have plane tickets, but it's a non-
22 refundable hotel room. I also am a teacher for my daughter, I
23 homeschool her, she's in third grade. And I have an autistic
24 son who is in sixth grade.

25 THE COURT: Okay, I'm --

1 PROSPECTIVE JUROR NO. 553: Sorry. I have an
2 autistic son also who's in sixth grade. So I homeschool my
3 daughter and then he goes to school, but.

4 THE COURT: Okay. So you homeschool your daughter.

5 PROSPECTIVE JUROR NO. 553: Yes.

6 THE COURT: All right, got it.

7 PROSPECTIVE JUROR NO. 574: My name is Mirvjena
8 Datja. My number is --

9 THE COURT: Okay, you're going to keep -- need to
10 keep your voice up because we're having a --

11 PROSPECTIVE JUROR NO. 574: My name is Mirvjena
12 Datja. My number is 574. Your Honor, I work as a waitress,
13 me and my husband. I work 7:00 to 3:00, he works 3:00 to
14 9:00, six hour shift. And we have a daughter that has to be
15 picked up at 3:25 which I do. And if I do it for a long time,
16 I cannot because it would jeopardize his job. He cannot stop
17 (inaudible).

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 574: I have to. And I earn
20 tip which pay my bills (inaudible) and I'd appreciate it.

21 THE COURT: Where do you work?

22 PROSPECTIVE JUROR NO. 574: I work at Planet
23 Hollywood.

24 THE COURT: And so you -- you get paid, like,
25 minimum wage and then you get tips?

1 PROSPECTIVE JUROR NO. 574: Yeah. I make \$500 in
2 paycheck, but I basically my bills by tips, yeah.

3 THE COURT: Right.

4 PROSPECTIVE JUROR NO. 574: Both me and my husband.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 574: And he has to be at work
7 3:00 to 9:00 which I'm to one to pick up daughter up from
8 school and take care of her.

9 THE COURT: Got it, thank you.

10 PROSPECTIVE JUROR NO. 574: Thank you.

11 PROSPECTIVE JUROR NO. 577: My name is Maria Rangel,
12 badge number 577. The company where I work for, I work
13 directly for an orthopedic surgeon. They've been letting go a
14 few other medical assistants. So yesterday and today it's
15 been very hard to get somebody to cover for me. So for a
16 period of five weeks, it would be -- they would have to have
17 somebody from, like, a temp agency come in and train which I
18 don't think it gives them enough time to train someone to do
19 what I do.

20 THE COURT: Okay. What do -- what is it you do?

21 PROSPECTIVE JUROR NO. 577: I do the pre-op
22 appointments, so I go over all the pre-op, you know, for any
23 patients. I remove stitches, casts, I put casts.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 577: So not anybody can just

1 kind of come in and take over.

2 THE COURT: It's not a clerical job.

3 PROSPECTIVE JUROR NO. 577: No.

4 THE COURT: What's your title?

5 PROSPECTIVE JUROR NO. 577: Medical assistant.

6 THE COURT: Medical assistant. Okay. All right,
7 thank you.

8 PROSPECTIVE JUROR NO. 610: My name is Michael
9 Labombard, juror number 610. Your Honor, a long four to five
10 week trial would create a huge financial burden on me. I'm
11 self-employed. I own two businesses, one of which I'm the
12 only employee. So there's no one to cover for me, take phone
13 calls, talk to clients. And the other business, I do have
14 three employees, but they're attendants only. They don't have
15 the keys to the cash machines or anything, it's only me.

16 THE COURT: What kind of businesses do you have?

17 PROSPECTIVE JUROR NO. 610: The first one I do
18 internet advertising, Google advertising and I create
19 websites. And the other one, I own a coin-operated laundromat
20 in North Las Vegas. So if a bill gets stuck or the coin
21 machine jams, until I can get there with a key to unjam it, my
22 employees don't have that key. It's -- comes to a standstill.

23 THE COURT: Okay. All right, thank you.

24 PROSPECTIVE JUROR NO. 640: My name is Andrew
25 Morrison, 640. And I pick my daughter up from school every

1 day.

2 THE CLERK: I don't have that number, what is your
3 name?

4 THE COURT: 640, yeah, it's on page 4, Andrew
5 Morrison. All right.

6 THE CLERK: It's not on page 4.

7 (Pause in the proceedings)

8 THE COURT: Okay. So you pick up your daughter from
9 school. At what time?

10 PROSPECTIVE JUROR NO. 640: She gets out at 3:30.

11 THE COURT: Hold old is she?

12 PROSPECTIVE JUROR NO. 640: First grade.

13 THE COURT: So do you work?

14 PROSPECTIVE JUROR NO. 640: I work from home. So
15 I'm able to pick her up and then watch her the rest of the
16 afternoon.

17 THE COURT: There's no one else who can pick her up
18 from school?

19 PROSPECTIVE JUROR NO. 640: Right now it's just our
20 neighbor and I can't rely on them for five weeks.

21 THE COURT: Okay. All right, thank you.

22 PROSPECTIVE JUROR NO. 714: My name is Stacey
23 Euteneier and my badge number is 714. I work full-time, 8:00
24 to 5:00 and I'm the sole provider in my home. My husband's in
25 school right now. So if I was to take five weeks off, we

1 would significantly be hurting for money. I believe my
2 employer does not pay. If they do, it's something like \$9.00
3 a day.

4 THE COURT: Okay. Where do you work?

5 PROSPECTIVE JUROR NO. 714: I work for an HR company
6 called AdvanStaff.

7 THE COURT: Okay, I got it.

8 PROSPECTIVE JUROR NO. 724: Hello. My name is Maria
9 Bitterman and my number is 724. I'm not too sure if this is
10 the time to ask, but I do nurse my infant child. So my -- my
11 employer does let me take breaks to go pump and I don't know
12 how that works in the courtroom.

13 THE COURT: You wouldn't want to do it in the
14 courtroom, but -- but how often?

15 PROSPECTIVE JUROR NO. 724: I pump every two and a
16 half hours.

17 THE COURT: Okay. Okay, got it.

18 PROSPECTIVE JUROR NO. 732: My name is Brian Jacklin
19 and my badge number is 732. And I am waiting for
20 authorization on spine surgery.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 732: And that -- that should
23 be happening right -- sometime in the next three weeks.

24 THE COURT: So you're waiting for your insurance
25 company to --

1 PROSPECTIVE JUROR NO. 732: Yeah. I just had the --
2 I just had the --

3 THE COURT: Don't gesture.

4 PROSPECTIVE JUROR NO. 732: I just had the
5 appointment yesterday with the doctor --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 732: -- to set it up. And so
8 now we're waiting on authorization.

9 THE COURT: Okay, thank you.

10 PROSPECTIVE JUROR NO. 730: Yes. My name is Enrique
11 Rodriguez, badge 730 and I have two medical appointments, one
12 tomorrow and one Monday.

13 THE COURT: Are these medical appointments that are
14 like routine checkups that you could reschedule?

15 PROSPECTIVE JUROR NO. 730: No.

16 THE COURT: Okay. All right, thank you.

17 PROSPECTIVE JUROR NO. 729: Hello, Your Honor. My
18 name is Susan Owens, badge 729. I'm a first grade teacher for
19 Clark County School District and I'm just very concerned that
20 my at-risk students aren't going to get, you know, the
21 interventions needed for me from a substitute during a five
22 week trial. So, I'm just -- I'm not saying I can't, I'm just
23 very concerned about being off for that long.

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

25 PROSPECTIVE JUROR NO. 729: First.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR NO. 729: Thank you.

3 PROSPECTIVE JUROR NO. 749: My name is Craig
4 Hendrickson, badge number 749. I'm -- I'm actually a vice-
5 president of a small general contracting firm. I'm part
6 owner.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 749: And a five week period
9 would be devastating for our company.

10 THE COURT: So you have active jobs right now?

11 PROSPECTIVE JUROR NO. 749: I do.

12 THE COURT: Good.

13 PROSPECTIVE JUROR NO. 749: It is.

14 THE COURT: And how many employees do you have?

15 PROSPECTIVE JUROR NO. 749: Seven.

16 THE COURT: So they can't cover for -- what's your
17 role in the business?

18 PROSPECTIVE JUROR NO. 749: My role is, of course,
19 payroll, I sign all the checks. Also I'm the only estimator
20 and the project manager, so all the owner relationship is with
21 me.

22 THE COURT: Are you working on any bids right now?

23 PROSPECTIVE JUROR NO. 749: Yes. I have three due
24 tomorrow.

25 THE COURT: Three. It sounds like you're going to

1 be working the midnight oil.

2 PROSPECTIVE JUROR NO. 749: Yes.

3 THE COURT: Okay, thank you.

4 PROSPECTIVE JUROR NO. 710: Hi. My name is Michael
5 Duong. My last number is 710. I don't speak English very
6 well, sorry.

7 THE COURT: That's all right. Do you work, sir?

8 PROSPECTIVE JUROR NO. 710: No, I retired. I'm 65
9 years old.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 710: I work in the Chinese
12 kitchen.

13 THE COURT: Ah, okay. Have you had difficulty
14 understanding what's been happening in the courtroom?

15 PROSPECTIVE JUROR NO. 710: Oh, I don't understand.

16 THE COURT: Okay, thank you. That was the answer to
17 my question. Okay.

18 PROSPECTIVE JUROR NO. 705: My name is Shalondra
19 Prather and my badge number is 705.

20 THE COURT: Wait, wait, wait, I got to turn my page,
21 wait. Okay, go ahead.

22 PROSPECTIVE JUROR NO. 705: My badge number is 705.
23 I'm a waitress and a five week trial would be a huge financial
24 burden to me. And I also take care of my mother who is
25 epileptic. So it would be hard for me to be here for five

1 weeks without it affecting me financially.

2 THE COURT: Okay. Where do you work?

3 PROSPECTIVE JUROR NO. 705: Bellagio.

4 THE COURT: Will they pay you?

5 PROSPECTIVE JUROR NO. 705: They will, but it's -- I
6 -- I work for tips, that's how I make the bulk of my money.

7 THE COURT: And they won't pay you -- they won't let
8 you share in the tips while you're gone?

9 PROSPECTIVE JUROR NO. 705: We don't share tips.

10 THE COURT: Oh, okay.

11 PROSPECTIVE JUROR NO. 705: The tips that we make
12 are our own tips.

13 THE COURT: Okay. What shift do you work?

14 PROSPECTIVE JUROR NO. 705: I work day shift. It
15 ranges from 10:00 to 6:00 p.m. or 11:00 to 7:00.

16 THE COURT: Okay. So that's more -- the financial
17 issue is really more the thing because your mom must be home
18 by herself.

19 PROSPECTIVE JUROR NO. 705: Yeah. It's more the
20 thing and I help her with her finances also.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 705: Because she's on SSI,
23 so.

24 THE COURT: Okay. So she lives with you?

25 PROSPECTIVE JUROR NO. 705: No. She lives by

1 herself.

2 THE COURT: Oh, I see.

3 PROSPECTIVE JUROR NO. 705: But between me and my
4 sister, we care for her.

5 THE COURT: Okay. You help support her financially.

6 PROSPECTIVE JUROR NO. 705: Yes, yes.

7 THE COURT: Okay. Thank you.

8 PROSPECTIVE JUROR NO. 697: My name is Fredijo
9 Pomeroy-Palazuelos and it's -- my badge number is 697. And I
10 have a medical appointment tomorrow. I had two discs replaced
11 in July in my neck and I have two discs in my lower back that
12 are completely gone. So sitting for long periods of time is
13 really hard. At my job, I'm able to get up and move around.
14 It's not that I don't want to do it, but I just think that
15 sitting here and not being able to move and change positions
16 and things of that nature might be pretty hard.

17 THE COURT: Okay. So you have a doctors appointment
18 tomorrow?

19 PROSPECTIVE JUROR NO. 697: Yes.

20 THE COURT: Okay. And the doctors appointment can't
21 be rescheduled?

22 PROSPECTIVE JUROR NO. 697: It's monthly and he's
23 pretty packed. It's my pain management.

24 THE COURT: Ah, okay. Okay, thank you.

25 PROSPECTIVE JUROR NO. 697: Thank you.

1 PROSPECTIVE JUROR NO. 684: Good afternoon. Yeah,
2 my name is Silvia Aliata, my badge is 684. While I don't know
3 if this excused, but I'm full-time housewife, I have two kids
4 and I work a part-time show at Las Vegas Convention Center,
5 too. And if I don't go, they don't pay me. And I don't know,
6 for me is that it's going to be a lot, five weeks, thinking
7 that I won't be at the house, staying here.

8 THE COURT: Okay. So I understand you're -- you're
9 a housewife, but you work?

10 PROSPECTIVE JUROR NO. 684: Housewife, yes. I have
11 a part-time, but my husband is the full provider, yes.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 684: But I'm full-time mom
14 and housewife.

15 THE COURT: Okay. And you have children then?

16 PROSPECTIVE JUROR NO. 684: Excuse me?

17 THE COURT: Do you have children?

18 PROSPECTIVE JUROR NO. 684: Yes, two boys, but they
19 17 and 15, they're teenagers.

20 THE COURT: Okay. They don't even want you around.

21 PROSPECTIVE JUROR NO. 684: They don't want me
22 there, but I want to be there.

23 THE COURT: If they're like my 15-year-old. So how
24 many hours a week do you work?

25 PROSPECTIVE JUROR NO. 684: At Las Vegas Convention,

1 depends how busy are the shows, I'm traffic attendant and it's
2 part-time. Tomorrow I need to go there to work and I can call
3 off, but I don't like to do that, but oh well.

4 THE COURT: Okay. But it doesn't sound like you
5 depend on that income.

6 PROSPECTIVE JUROR NO. 684: No, no, that's my extra
7 money.

8 THE COURT: It's just kind of --

9 PROSPECTIVE JUROR NO. 684: Yeah.

10 THE COURT: -- fun for you to get away --

11 PROSPECTIVE JUROR NO. 684: And the kids and
12 anything they need.

13 THE COURT: -- from your teenagers. Okay, good, all
14 right.

15 PROSPECTIVE JUROR NO. 684: Okay.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR NO. 684: Thank you.

18 PROSPECTIVE JUROR NO. 655: Hi. My name is Wendy
19 Embleton and my badge number is 655. And I was glad to see
20 another teacher because it's -- I can do it, I would be paid,
21 but being away from my students for five and a half weeks is a
22 burden on them, plus we're getting ready for CRTs and that's a
23 big deal to us, so.

24 THE COURT: All right. What grade?

25 PROSPECTIVE JUROR NO. 655: Fourth grade.

1 THE COURT: They do have long-time subs, though.

2 PROSPECTIVE JUROR NO. 655: Yes, we do.

3 THE COURT: Long-term subs.

4 PROSPECTIVE JUROR NO. 655: And I was thinking,
5 sitting back here, I have someone I think I could get. It's
6 just a burden with CRTs coming up and that prep for it.

7 THE COURT: Okay. Okay, thank you.

8 PROSPECTIVE JUROR NO. 004: Afternoon, Your Honor.
9 My name is Thillaisthan Raghunath and my badge number is 004.

10 THE COURT: Oh, wait, let me find you.

11 (Pause in the proceedings)

12 THE COURT: Yes, got it, 004, okay.

13 PROSPECTIVE JUROR NO. 004: Yes. I'm a professor at
14 the College of Southern Nevada. I have classes during the day
15 on Wednesdays and Thursdays and I have office hours on
16 Tuesdays. In addition, my wife currently is solely dependant
17 on me for rides to her classes at the same institution. And
18 last but more important, I'm undergoing treatment for
19 diabetes. And so given my condition, you know, I have to take
20 regular nutrition and monitor my sugar levels. And I have an
21 appointment with my doctor to go over some tests this evening
22 and then I don't know if that would require other
23 interventions on a regular basis.

24 THE COURT: Okay. And you have classes on when?

25 PROSPECTIVE JUROR NO. 004: Wednesdays and Thursdays

1 and I have office hours on Tuesdays during the day for
2 students.

3 THE COURT: Are your classes at night?

4 PROSPECTIVE JUROR NO. 004: No. They're in the
5 afternoon.

6 THE COURT: Oh, okay.

7 PROSPECTIVE JUROR NO. 004: On Wednesdays and
8 Thursdays.

9 THE COURT: Okay, very good. Thank you.

10 PROSPECTIVE JUROR NO. 004: Thank you.

11 THE COURT: That's everybody? All right. So we're
12 going to give you a break while the lawyers and I go over this
13 list. So, now I'm going to be reading you an admonition, but
14 also I want to let you know a couple things.

15 Firstly, if -- as soon as we get done, the lawyers
16 will need to take a break as well and so you may see them in
17 the hall. And normally, of course, they're very lovely
18 people, all of them, and they would -- if you greeted them,
19 they would respond courteously and greet you in -- under
20 normal circumstances.

21 But under this circumstance, they're not allowed to
22 do that. And because it would make it look like they're
23 trying to curry favor with a potential juror and that's
24 absolutely an ethical violation, so they can't do that. So
25 don't make them feel bad by trying to engage them in

1 conversation or even greet them because then they'll have to
2 feel bad because they just ignore you. And that will make
3 them feel bad.

4 The other thing is, please do not do any research
5 while you're out in the hall on your smartphone about this
6 case because that also would be a very bad thing. You can't
7 do any research on this matter. Everything, if you are
8 selected as a juror, must be learned here in the courtroom and
9 that's all.

10 And I'm going to read to you an admonition and --
11 that you will hear repeatedly if you're --

12 MR. MANINGO: Your Honor.

13 THE COURT: Yes.

14 MR. MANINGO: I'm sorry, I believe we have a hand
15 up.

16 THE COURT: Oh, we have a hand up. Okay, ma'am.

17 PROSPECTIVE JUROR NO. 429: Hi. I spoke to my
18 director.

19 THE COURT: Wait, wait, wait. Oh, okay. We need
20 your -- oh, yes, thank you. Wait, let me find your number and
21 I'll --

22 THE CLERK: Page 1, 429.

23 PROSPECTIVE JUROR NO. 429: 429.

24 THE COURT: Which was it?

25 PROSPECTIVE JUROR NO. 429: 429.

1 THE COURT: 429, got it.

2 PROSPECTIVE JUROR NO. 429: I spoke to my director
3 and she's requesting a letter.

4 THE COURT: Okay. Well, we can give you a letter.

5 PROSPECTIVE JUROR NO. 429: They're giving me a
6 little bit of a hassle.

7 THE COURT: Did she say she'll pay you if you're --
8 if you get a --

9 PROSPECTIVE JUROR NO. 429: She's not saying that
10 right now. She wants a letter with, like, stated hours of
11 when I would have service.

12 THE COURT: Okay. Well, we can do that for you.

13 PROSPECTIVE JUROR NO. 429: Okay.

14 THE COURT: All right. Golly, okay. Let's see, I
15 was in the middle of -- any -- anybody else before I release
16 you? Okay.

17 So, ladies and gentlemen, we're going to take, oh, a
18 20-minute recess. During this recess, it is your duty not to
19 converse among yourselves or with anyone else on any subject
20 connected with the trial, or to read, watch or listen to any
21 report of or commentary on the trial by any person connected
22 with the trial or by any medium of information including,
23 without limitation, newspaper, television, radio or internet,
24 which includes smartphones. And you are not to form or
25 express an opinion on any subject connected with this case

1 until it is finally submitted to you, which means you can't
2 discuss the case with your fellow prospective jurors. You can
3 talk about anything else, but not that.

4 All right, we'll see you in 20 minutes.

5 (Outside the presence of the prospective jurors)

6 THE COURT: Okay. Have a seat. You want to do it
7 from there since nobody's here.

8 MS. BLUTH: That's -- whatever's best.

9 THE COURT: We're outside the presence.

10 MR. BASHOR: Your Honor, may I make a request?

11 THE COURT: Of course.

12 MR. BASHOR: Thank you. Would it be all right if
13 the Marshal informed the qualified jurors that we're going to
14 be on a break until 3:00 o'clock so they don't feel compelled
15 to stand in the hallway?

16 THE COURT: Yes, of course, thank you. Good idea.

17 MR. BASHOR: Thank you.

18 THE COURT: Yes. Okay, yes, they are waiting for
19 us. All right. So, I counted 28. There are a couple that I
20 think we don't need to excuse, but let's go through them in
21 the order that they did.

22 So 418, Jason Couchman. He's the guy who's recently
23 closed on a house, has two mortgages, IT department, intel,
24 security budget and he -- he would be paid while he serves,
25 but his company really doesn't want him to service. So I -- I

1 mean, he doesn't have a financial hardship, so I'm not sure
2 why he brought up the fact that he recently closed on a house
3 other than that he seemed to be saying he's hoping to sell one
4 of those.

5 MS. BLUTH: His first words were I would be -- I
6 would be in financial distress. That's what I didn't
7 understand.

8 THE COURT: Right.

9 MS. BLUTH: Because then he --

10 THE COURT: He's making two house payments probably.

11 MS. BLUTH: But I think --

12 THE COURT: But that's --

13 MS. BLUTH: Yeah, if he's getting paid while he's
14 here --

15 THE COURT: But he's going to be paid.

16 MS. BLUTH: -- then he's in -- I mean, he's in
17 financial distress anyways I guess is my point. You know.

18 THE COURT: Yeah, right.

19 MS. BLUTH: So.

20 THE COURT: Did you catch anything that we didn't?

21 MR. MANINGO: What I remember from Mr. Couchman for
22 the most part is that during this time period he would have a
23 lot of conflicts because of requirements based on his
24 position. I honestly didn't understand some of the things he
25 was referring to, but I know that there were certain meetings,

1 certain project proposals that were taking place during this
2 time period that would require his attendance that would
3 normally be scheduled at times when -- if he were on vacation,
4 they would be scheduled when he was present and that it would
5 be too late to change those. That was the only thing I
6 remember that actually fit within the context of --

7 THE COURT: Right. I'm just worried when we let
8 somebody go like that, it's like why is anyone else -- I mean,
9 he's -- it's not a financial hardship even though he started
10 out by saying it would be a financial hardship. Maybe he
11 meant it would be a financial hardship for his company
12 somehow.

13 THE COURT RECORDER: Would you like me to read it
14 back?

15 THE COURT: Okay.

16 THE COURT RECORDER: Or read my notes? Can you turn
17 back to (inaudible).

18 THE CLERK: Turn it on?

19 THE COURT RECORDER: Just (inaudible).

20 THE COURT: All right. So the Court Recorder is
21 going to read her notes of what he said.

22 THE COURT RECORDER: He said he's conflicted because
23 it's a deep financial responsibility to his wife and family.
24 They just closed on a house, he has two mortgages right now.

25 THE COURT: So yeah, I --

1 THE COURT RECORDER: And he's trying to get rid of
2 one.

3 THE COURT: I just don't -- I guess I don't
4 understand how the jury service impacts that. It sounds like
5 he would be in that -- all right, let's put a question mark by
6 him and see how many others we've got --

7 MS. BLUTH: Okay.

8 THE COURT: -- and we'll go back to him. 423 is
9 Consolador Apastol, works in San Francisco. He commutes,
10 lives here and he's a federal employee. I'm like, I think he
11 should have to stay. Federal employees, they get paid.
12 They'll have to get somebody else to cover him, so.

13 MS. BLUTH: State agrees.

14 THE COURT: Okay. All right.

15 Next is 426, Teri Randall, Las Vegas Sands, will
16 only get paid 10 days, I was surprised at that. Her husband
17 works, but she can't survive on one income. So after 10 days,
18 she's going to be basically unpaid for the remainder of the
19 trial. So I'm not --

20 MS. BLUTH: And I think they also have a rental that
21 was just vacated. So I think we probably should let her go.

22 THE COURT: Does defense agree?

23 MR. MANINGO: I -- I have no objection.

24 THE COURT: Okay, we'll let her go. 429, Elisheva
25 Thomas. She's our Orthodox Jew that needs to be out at 5:00

1 p.m. on Fridays, which we should be able to accommodate.
2 She's also the daycare worker whose employer is not committing
3 as to whether they're going to pay her. I can't even imagine
4 that they're going to pay her. I mean, they hardly pay
5 daycare workers any money at all because they're on such a
6 tight shoestring in all those operations. So they probably
7 are just -- are trying to run her around.

8 MS. BLUTH: And she didn't say -- I didn't have
9 notes. Did she say that would be burdensome on them if she
10 was -- if they did not pay her? I don't think we got that
11 far, did we?

12 THE COURT: No, I probably didn't ask her that. I'm
13 assuming she wouldn't have brought it up though --

14 MS. BLUTH: You're probably right.

15 THE COURT: -- if it wouldn't have been a problem.
16 So any objection to letting her go?

17 MR. MANINGO: No objection.

18 THE COURT: I'd hate to have her start and then find
19 out in day two they're not going to pay her anything.

20 MR. MANINGO: I have no objection to releasing her.

21 MS. BLUTH: No objection.

22 THE COURT: Fernando Lopez, number 462. He's having
23 surgery March 13th. Tomorrow is an appointment and he has lab
24 and cardiology work -- stuff to get prepared for this surgery
25 and that will be kind of the fifth week, the 13th.

1 MS. BLUTH: No objection.

2 THE COURT: So we should let him go?

3 MR. MANINGO: No objection.

4 THE COURT: Okay. 445, Stephanie Heard,
5 kindergartener that she picks up at 2:23 each day. She's a
6 Desert Orthopedic employee.

7 MS. BLUTH: The one thing I didn't understand about
8 her, Your Honor, is she has an 18-year-old at home and is -- I
9 mean, I understand the 16-year-old has to go to the basketball
10 games, but then the 18-year-old she says is unemployed and
11 stays at home. So I didn't understand why the 18-year-old
12 can't pick up the child and watch him.

13 MR. MANINGO: No, I think the 18-year-old works.
14 She said --

15 MS. BLUTH: Oh.

16 THE COURT: Yeah, that's right.

17 MR. MANINGO: -- that there's a -- that when he's
18 not working --

19 THE COURT: When he's not working.

20 MR. MANINGO: -- that he can watch, but that they
21 have to work it out sort of day-to-day.

22 MS. BLUTH: Oh, okay, sorry.

23 THE COURT: Okay. So, I mean, if it was an older
24 child, yeah, you could suggest maybe Safe Key would be a good
25 thing, but do you have any objection to letting her go?

1 MS. BLUTH: No, no.

2 MR. MANINGO: No objection.

3 THE COURT: Okay. Next is 440, Erica Pitts, active
4 duty Air Force, crew chief, that's -- we got to let her go.
5 Her mission is going to get compromised if she's out that
6 long.

7 Okay. Next is Maria Munoz, doesn't -- she doesn't
8 speak English basically. Any objection to letting her go?

9 MR. KOICHEVAR: What number was that, Judge?

10 THE COURT: She's at 494.

11 MR. MANINGO: No objection.

12 THE COURT: State, are you fine with that, too?

13 MS. BLUTH: Oh, yes, sorry, no objection.

14 THE COURT: All right. Next is 502, Raymond
15 Chalich. He's the new employee as of January 2nd, and the
16 letter from his employer that he showed me said he's not
17 eligible for any time off until June. So it's clear to me
18 that they wouldn't pay him, that they -- in other words, he
19 doesn't even get any vacation time until June. The letter
20 also said they'd have to let him go. They wouldn't be able to
21 do that, of course, but, you know, he doesn't really need to
22 be not paid for five weeks and then --

23 MS. BLUTH: No objection.

24 MR. MANINGO: No objection.

25 THE COURT: -- don't have to sue his employer.

1 Okay. Stanton Gardenhire is next, he's number 522.
2 He has the March 14th wedding, best man at his brother's
3 wedding.

4 MR. MANINGO: No objection.

5 MS. BLUTH: No objection.

6 THE COURT: 550, Gianluigi Malasarte, he's going to
7 Europe for two weeks on February 13th.

8 MS. BLUTH: No objection.

9 MR. MANINGO: No objection.

10 THE COURT: 553, Kim Moore. She's got the two
11 trips. She's got one over President's Day weekend and then
12 March 8th with non-refundable hotel reservations. And she has
13 the -- she homeschools her daughter.

14 MS. BLUTH: No objection.

15 MR. MANINGO: No objection.

16 THE COURT: Next is, 574, Mirvjena Datja. She is
17 the waitress from 7:00 to 3:00 at Planet Hollywood. She works
18 for tips, has to pick up her daughter at 3:30. The main thing
19 to me is that they're -- when they're tip workers like that
20 and they're not sharing tips, that's how they make their
21 living is the tips.

22 MS. BLUTH: Right.

23 THE COURT: So we let her go?

24 MS. BLUTH: No objection.

25 MR. MANINGO: No objection.

1 THE COURT: Okay. Next is 577, Maria Rangel, works
2 for the orthopedic practice doing the pre-op appointments,
3 removing stitches, casting. She's a medical assistant. They
4 just laid off some other medical assistant she said, so
5 they're having difficult covering. I don't know whether I
6 feel sorry for these orthopedic doctors or not who put
7 themself in this bind. But what do you think?

8 MR. MANINGO: The only notes I even have on this
9 individual is, work conflict. That -- I didn't even get any
10 other details.

11 THE COURT: Okay.

12 MR. MANINGO: Nothing stood out from -- for me.

13 THE COURT: Okay.

14 MR. MANINGO: I would have no objection. I'm not
15 going to fight for the witness (sic) to stay on at this point
16 -- or the juror. But I have really no position.

17 MS. BLUTH: I'm just trying -- she's like the first
18 guy for me. I'm not, like, immediately let her go. So then I
19 have to look at who else that, you know, where we feel like
20 it's appropriate to let go, because I don't feel like her --
21 her excuses are the most necessary to be honest. So may we
22 put a question mark at her as well?

23 THE COURT: Okay.

24 MS. BLUTH: And then figure out who else we let go.

25 THE COURT: Okay.

1 MS. BLUTH: Thank you.

2 THE COURT: Next is 610, Michael Lambard --
3 Labombard, Labombard. Labombard. Small business owner, he's
4 got two. The internet ad company, he does internet ads on
5 Facebook he said?

6 THE CLERK: Which number was this?

7 THE COURT: 610. And he has the coin operated
8 laundry mat with seven employees who must man the laundry mat,
9 but aren't -- don't have keys to the machines to get the cash
10 out. So what did you think of that? I mean, basically, he's
11 not going to be able to work for five weeks at the only -- it
12 seem -- it seems like what employees he does have are --

13 MS. BLUTH: He doesn't trust.

14 THE COURT: Yeah.

15 MS. BLUTH: So, no objection.

16 MR. MANINGO: We have no objection.

17 THE COURT: Because he probably pays them hardly
18 anything if he pays them even on the books. All right, so we
19 let him go?

20 MS. BLUTH: Yes, Your Honor.

21 MR. MANINGO: Yes, no objection.

22 THE COURT: Okay. Number 640, Andrew Morrison. He
23 picks up his daughter from school at 3:30, he works from home,
24 the daughter is in the first grade, the neighbor is picking
25 her up for these last couple days or I guess he's back -- I

1 think he may be in the group with the last 20, so daughter
2 being picked up by the neighbor, but he doesn't think he can
3 impose on the neighbor for the next five weeks.

4 MS. BLUTH: No -- no objection.

5 THE COURT: So, I -- now I did not ask him is there
6 no mother in the picture because I didn't want to embarrass
7 him, but so he didn't volunteer that, so.

8 MS. BLUTH: No objection on behalf of the State.

9 THE COURT: Okay.

10 MR. MANINGO: No objection.

11 THE COURT: All right. So we'll let him go. Next
12 is 714, Stacey Euteneier. She works 8:00 to 4:00, sole
13 support of the family because her husband is a student, and
14 she works for a AdvanStaff as an -- which is an HR company and
15 they aren't going to pay her. We good with letting her go?

16 MS. BLUTH: No objection.

17 THE COURT: Okay.

18 MR. MANINGO: No objection.

19 THE COURT: Maria Bitterman, 724. This is our lady
20 who's going to need to pump breast milk every two and a half
21 hours which I don't -- I mean generally I think we're going
22 more than two and a half hours at a shot, but maybe not.
23 What's your feeling on that? I mean, she's otherwise
24 qualified. We can accommodate her.

25 MR. MANINGO: I don't --

1 MS. BLUTH: I --

2 MR. MANINGO: No, go ahead.

3 MS. BLUTH: I didn't know how long, and Brian just
4 point out, we -- I don't know how long it takes her to pump.
5 So I don't -- I mean, is that --

6 THE COURT: About 15 minutes, I guess.

7 MS. BLUTH: Fifteen?

8 THE COURT: Yeah, 15 or 20 minutes. We didn't -- we
9 should have asked that.

10 MS. BLUTH: That's all right.

11 MR. MANINGO: I'd have no problem from the defense's
12 position of accommodating the -- whatever breaks, but I also
13 have no objection to letting her go if -- obviously, she has
14 an infant, so.

15 MS. BLUTH: Yeah, I'd hate to make her bring her
16 pump to the courthouse to be honest.

17 MR. MANINGO: Yeah, I --

18 MS. BLUTH: And every two and a half hours --

19 THE COURT: Well, she's bringing it to work.

20 MS. BLUTH: That's true.

21 MR. MANINGO: Right, yeah.

22 THE COURT: Yeah, it does take a while. And -- and
23 she's not really going to have any private place.

24 MS. BLUTH: And then where's she going to hold the
25 milk.

1 THE COURT: She's -- right.

2 MS. BLUTH: Do you bring, like, a mini-frig?

3 THE CLERK: On your desk.

4 THE COURT: Okay. --

5 MS. BLUTH: Let's just --

6 THE COURT: So it's probably a little difficult for
7 her at this point. All right, so we'll let her go.

8 Next is 732, Brian Jacklin. He is the one that's
9 waiting for authorization from his insurance company for his
10 spine surgery.

11 MR. MANINGO: No objection.

12 MS. BLUTH: No objection.

13 THE COURT: Which should come through.

14 Okay. Next is 730, Enrique Rodriguez. He has two
15 medical appointments. I asked him if they were routine, he
16 said, no. I wasn't going to inquire what they were beyond
17 that.

18 MS. BLUTH: Yeah.

19 MR. MANINGO: No objection.

20 MS. BLUTH: No objection.

21 THE COURT: All right. Next is 729, Susan Owens.
22 She's the teacher, first grade teacher and worried about her
23 students. My feeling on both the teachers, frankly, is they
24 have long-term subs who are very qualified to do long-term
25 subbing. And first grade, I think a sub can handle first

1 grade without, you know, I think the kids are still going to
2 get into college. And really the same with the --

3 MS. BLUTH: Fourth grade.

4 THE COURT: -- fourth grade. I mean, these teachers
5 that -- they're used to doing this and they've got a
6 curriculum that they follow. I just think when we've got
7 jurors who can serve, and they're going to get paid by the
8 school district, that we shouldn't let them go. What's your
9 feelings? You're conflicted.

10 MS. BLUTH: I always feel badly for the teachers, to
11 be honest with you. I mean, I'll submit it. I just feel like
12 five weeks is a long time, especially for the lady who has
13 at-risk students who probably need a little bit more special
14 care.

15 THE COURT: Oh, I didn't hear --

16 MS. BLUTH: The first grade teacher, she said she
17 dealt with an at-risk.

18 THE COURT: It was at-risk?

19 MS. BLUTH: So that --

20 (Pause in the proceedings)

21 THE COURT: Okay. What's -- what does the defense
22 think on that?

23 MR. MANINGO: We don't take any position either way.
24 As far as Ms. Owens is concerned, she's the one who mentioned
25 having -- needing interventions for any of her at-risk

1 students. She's also far down the list.

2 THE COURT: Okay.

3 MR. MANINGO: So, I don't know -- I think she's
4 qualified to stay. I don't know that we'd really get to her
5 anyways.

6 THE COURT: All right. Well, if you don't -- if you
7 don't care and she's got --

8 MR. MANINGO: I don't have a position either way.

9 THE COURT: We can let her go, but then we'll let --
10 we'll let the fourth grade teacher go, too, because I don't
11 want to discriminate between --

12 MS. BLUTH: Between grades?

13 THE COURT: Between primary school teachers.

14 MS. BLUTH: Yeah, let's let them both go.

15 THE COURT: Okay.

16 MR. MANINGO: Okay, that's fine.

17 THE COURT: All right.

18 MR. MANINGO: No objection.

19 THE COURT: Okay. So that's --

20 THE CLERK: 655.

21 THE COURT: Yeah, let's see, 655 is Wendy Embleton
22 and she's the other one. So I'll mark that, she's the fourth
23 grade teacher.

24 All right. So going down, next in order, the 749,
25 Craig Hendrickson. He is the vice-president and owner of a

1 small general contracting company. He has active jobs right
2 now, seven employees, but he's the only estimator and project
3 manager and he's got three bids due tomorrow.

4 MS. BLUTH: No objection.

5 MR. MANINGO: No objection.

6 THE COURT: Okay. Michael Duong, he is the retired
7 Chinese kitchen worker and can't speak English beyond basics,
8 so.

9 MS. BLUTH: No -- no objection.

10 MR. MANINGO: No objection.

11 THE COURT: 705, Shalondra Prather. She's the
12 waitress at Bellagio. Again, tips, will not get paid and she
13 helps support her mom as well as supporting herself.

14 MS. BLUTH: No objection.

15 MR. MANINGO: No objection.

16 THE COURT: 697, Fredijo Pomeroy. She has a doctors
17 appointment tomorrow, a pain management doctor and back
18 problem. So she's on pain management with appointments every
19 month. That means she's on heavy duty narcotic pain
20 medications.

21 MS. BLUTH: No objection.

22 THE COURT: I don't think she's -- that's a good
23 idea.

24 MR. MANINGO: No objection.

25 THE COURT: Silvia Aliata is 684. She works

1 part-time as a traffic attendant and she's a housewife and it
2 seems like she can serve just fine.

3 MS. BLUTH: I think she's okay.

4 THE COURT: Okay. So, she's a no, not going to
5 excuse her. And we skipped over Wendy Embleton, 655, because
6 we've already decided she's going to be excused, she's the
7 fourth grade teacher. And the last one is --

8 MR. BASHOR: Just call him TR.

9 THE COURT: Thillias- -- Thillais- -- professor, the
10 professor.

11 MR. BASHOR: Yes.

12 THE COURT: 004. He is the professor at College of
13 Southern Nevada, he has classes Wednesday and Thursday, office
14 hours Tuesday. I mean, really, for him to be off five weeks,
15 that wouldn't work.

16 MS. BLUTH: Yeah.

17 MR. MANINGO: And --

18 THE COURT: Plus he's got diabetic issues.

19 MR. MANINGO: Right.

20 THE COURT: So we're going to have problems with
21 that. So I say let him go.

22 MS. BLUTH: No objection.

23 MR. MANINGO: No objection.

24 THE COURT: Okay.

25 (Pause in the proceedings)

1 THE COURT: So we only have -- we have the two left,
2 that is Mr. Couchman and Ms. Rangel. Mr. Couchman is our very
3 -- you know, first -- very first person that was up here, and
4 that works for the VIAD Corporation. And we were -- we just
5 couldn't tell what the financial hardship was. We could bring
6 him in and ask him more questions about that if you want.

7 MS. BLUTH: No, we don't need to --

8 THE COURT: No?

9 MS. BLUTH: I don't care. Do you care?

10 MR. MANINGO: I don't.

11 MS. BLUTH: Okay. Let's just --

12 THE COURT: Let him go?

13 MS. BLUTH: We're going to let him go.

14 THE COURT: Okay.

15 MS. BLUTH: I agree.

16 THE COURT: And -- and what about Rangel? She's the
17 orthopedic practice medical assistant. She removes the
18 stitches and casts and et cetera. So it would be difficult
19 for the practice to cover her for that long since they're
20 short-handed. It seems --

21 MS. BLUTH: I -- I find it very hard to believe that
22 she's the only person in that entire office that can do that
23 and they can't find somebody. That being said, I don't care,
24 so I'll have no objection.

25 MR. MANINGO: No objection.

1 THE COURT: Okay.

2 MS. BLUTH: No objection. We'll let her go.

3 THE COURT: All right. So we'll let her go. It
4 sounds like we're letting pretty much everybody go, but there
5 were a couple that were not.

6 MR. MANINGO: Your Honor, could --

7 THE COURT: Yes.

8 MR. MANINGO: -- and could we take a brief recess as
9 well. I just need to --

10 THE COURT: Oh, yes, of course. I promised that all
11 ready.

12 MR. MANINGO: Oh, great, thank you.

13 (Court's in recess at 3:04 p.m. until 3:15 p.m.)

14 (In the presence of prospective jurors)

15 THE COURT: All right, thank you. Please be seated.
16 The record will reflect we're back within the presence of the
17 venire panel. The defendant is present with his counsel, the
18 Deputies District Attorney prosecuting the case are present as
19 are all officers of the court. Will counsel so stipulate?

20 MS. BLUTH: Yes, Your Honor.

21 MR. MANINGO: Yes, Your Honor.

22 THE COURT: Ladies and gentlemen, I'm going to read
23 out the names of the -- and badge numbers of the people that
24 excused. As I read your name, please quietly exit the
25 courtroom and go check out with the Jury Commissioner and we

1 thank you for being here and your time yesterday and today, if
2 you were here yesterday as well.

3 All right. Starting with badge number 418, Jason
4 Couchman; badge number 426, Teri Randall; badge number 429,
5 Elisheva Thomas; badge number 462, Fernando Lopez; badge
6 number 445, Stephanie Heard; badge number 440, Erica Pitts;
7 badge number 494, Maria Munoz; badge number 502, Raymond
8 Chalich; badge number 522, Stanton Gardenhire; badge number
9 550, Gianluigi Malasarte; badge number 533 (sic), Kim Moore;
10 badge number 574, Mirvjena Datja; badge number 577, Maria
11 Rangel; badge number 610, Michael Labombard; badge number 640,
12 Andrew Morrison; badge number 714, Stacey Euteneier; badge
13 number 724, Maria Bitterman; badge number 732, Brian Jacklin;
14 badge number 730, Enrique Rodriguez; badge number 729, Susan
15 Owens; badge number 749, Craig Hendrickson; badge number 710,
16 Michael Duong; badge number 705, Shalondra Prather; badge
17 number 697, Fredijo Pomeroy; badge number 655, Wendy Embleton
18 and badge number 004, Professor Raghunath.

19 All right. All right. So now what I'm going to ask
20 people that are now seated in the box is to stand and go back
21 into the audience.

22 (Pause in the proceedings)

23 (Additional prospective jurors enter the courtroom)

24 THE COURT: All right, please be seated. And we
25 need to fill seat number four with the next in order.

1 THE CLERK: Kristy Ramirez, badge 305.

2 PROSPECTIVE JUROR NO. 305: Yes.

3 THE COURT: We need you to take seat number four.

4 (Pause in the proceedings)

5 THE COURT: All right. Ms. Ramirez, good afternoon.

6 You don't need to stand. You can have a seat and be
7 comfortable.

8 PROSPECTIVE JUROR NO. 305: Okay.

9 THE COURT: All right. And I apologize that I no
10 longer remember which of the -- I may be repetitive on some of
11 these questions because we have now been joined by a whole new
12 group of people. And so have you ever served as a juror
13 before?

14 PROSPECTIVE JUROR NO. 305: No.

15 THE COURT: Have you ever served in law enforcement?

16 PROSPECTIVE JUROR NO. 305: No.

17 THE COURT: Anyone in your family or closely
18 associated with you ever been in law enforcement?

19 PROSPECTIVE JUROR NO. 305: No.

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

22 PROSPECTIVE JUROR NO. 305: No.

23 THE COURT: Has anyone in your family or closely
24 associated with you ever been the victim of a serious,
25 violent-type crime?

1 PROSPECTIVE JUROR NO. 305: No.

2 THE COURT: Have -- let's see. Have you -- do you
3 have any religious or moral beliefs that would make it
4 difficult for you to sit in judgment on another person?

5 PROSPECTIVE JUROR NO. 305: No.

6 THE COURT: Do you have any quarrel with the premise
7 in our system of justice that says a defendant is presumed not
8 guilty, presumed innocent until the State proves otherwise
9 beyond a reasonable doubt? Do you have any quarrel with that
10 premise?

11 PROSPECTIVE JUROR NO. 305: No, not at all.

12 THE COURT: Okay. So you understand that it is the
13 State's burden of proof to prove guilt; is that correct?

14 PROSPECTIVE JUROR NO. 305: Yes.

15 THE COURT: And would you hold it against the
16 defense if they didn't present evidence?

17 PROSPECTIVE JUROR NO. 305: No.

18 THE COURT: Would you hold it against the defendant
19 if he didn't take the stand and testify?

20 PROSPECTIVE JUROR NO. 305: Maybe.

21 THE COURT: Okay. Now, you understand that every
22 defendant enjoys a Fifth Amendment right not to testify?

23 PROSPECTIVE JUROR NO. 305: Correct.

24 THE COURT: But would you -- you would expect
25 someone to testify even though they don't have to?

1 PROSPECTIVE JUROR NO. 305: I would say, yeah,
2 obviously.

3 THE COURT: Okay. So you'd basically be holding
4 that against the defendant?

5 PROSPECTIVE JUROR NO. 305: Kind of, yes, I would.
6 I would they're guilty if they don't want to take the stand.

7 THE COURT: All right. And that -- of course,
8 that's not true.

9 PROSPECTIVE JUROR NO. 305: I know, but.

10 THE COURT: But that's how you feel and I appreciate
11 your honesty in that regard, but you could not set that aside,
12 that preconceived notion?

13 PROSPECTIVE JUROR NO. 305: Possibly, yes, I could.

14 THE COURT: You think you possibly could? I --

15 PROSPECTIVE JUROR NO. 305: Yeah, but -- yes, I
16 could.

17 THE COURT: Okay. Well, I mean, I don't want to
18 talk you into something that isn't true. All I need to know
19 really is just how you actually feel. And since I --

20 PROSPECTIVE JUROR NO. 305: It would be hard to --

21 THE COURT: Yeah, all right. Okay. Well, I'll let
22 the lawyers traverse on that if they'd like to, ask additional
23 questions. No? Yes? Do you want to ask additional questions
24 about that. She's --

25 MR. MANINGO: Okay.

1 THE COURT: Do you just want to stipulate?

2 MR. MANINGO: At this time we would stipulate.

3 THE COURT: All right. Thank you very much. You're
4 excused.

5 PROSPECTIVE JUROR NO. 305: Thank you.

6 THE COURT: Call the next juror, please.

7 THE CLERK: Badge 415, Suzanne Lehavi.

8 THE COURT: Ms. Lehavi, welcome. Have you ever
9 served as a juror before?

10 PROSPECTIVE JUROR NO. 415: No.

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

13 PROSPECTIVE JUROR NO. 415: No.

14 THE COURT: Has anyone in your family or closely
15 associated with you ever been the victim of a crime?

16 PROSPECTIVE JUROR NO. 415: No.

17 THE COURT: I need you to keep your voice up, okay.
18 Thank you. Have you ever been accused of a crime?

19 PROSPECTIVE JUROR NO. 415: No.

20 THE COURT: Has anyone in your family or closely
21 associated with you been accused of a crime?

22 PROSPECTIVE JUROR NO. 415: No.

23 THE COURT: Do you have any moral or religious
24 beliefs that would make it difficult for you to sit in
25 judgment on another person?

1 PROSPECTIVE JUROR NO. 415: No.

2 THE COURT: Do you have any disagreement with the
3 premise of the presumption of innocence, that the defendant
4 sits here today presumed to be innocent and it's the State's
5 burden to prove otherwise beyond a reasonable doubt?

6 PROSPECTIVE JUROR NO. 415: No.

7 THE COURT: Okay. Would you be -- would you hold it
8 against the defendant if he did not take the stand and testify
9 in his own behalf even though he doesn't have to?

10 PROSPECTIVE JUROR NO. 415: No.

11 THE COURT: Okay. Now, would you be able to follow
12 the law in this case as I instruct you even if you thought
13 that maybe the law should be something other than what it is?
14 Would you be able to follow the instructions as I give them?

15 PROSPECTIVE JUROR NO. 415: Yes.

16 THE COURT: Do you feel that there's any reason you
17 could not be a fair and impartial juror in this case?

18 PROSPECTIVE JUROR NO. 415: No.

19 THE COURT: Tell us about yourself.

20 PROSPECTIVE JUROR NO. 415: I'm a housewife and I
21 have three children and I was a counselor for quite some years
22 and I'm from the United Kingdom, proud to be a citizen of the
23 United States.

24 THE COURT: How long have you lived here in Clark
25 County?

1 PROSPECTIVE JUROR NO. 415: Twelve years.

2 THE COURT: And what type of counseling did you do?

3 PROSPECTIVE JUROR NO. 415: I did -- it was a
4 variety. It was a paraprofessional counseling program, so we
5 did grief counseling and elder care.

6 THE COURT: So a variety of age groups?

7 PROSPECTIVE JUROR NO. 415: Yes.

8 THE COURT: Any children counseling?

9 PROSPECTIVE JUROR NO. 415: I didn't actually do
10 children, no.

11 THE COURT: Okay. So all adults that you did
12 counseling for?

13 PROSPECTIVE JUROR NO. 415: Yes.

14 THE COURT: Okay. Including elderly, senior
15 citizens?

16 PROSPECTIVE JUROR NO. 415: Yes.

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

18 PROSPECTIVE JUROR NO. 415: Yes.

19 THE COURT: What does your husband do?

20 PROSPECTIVE JUROR NO. 415: He's a -- he's a
21 dentist.

22 THE COURT: And did you -- has he always been a
23 dentist here? Or did he move with you from the UK?

24 PROSPECTIVE JUROR NO. 415: Well, he's a dentist by
25 profession, but he's in dental technology in the United

1 States.

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

4 PROSPECTIVE JUROR NO. 415: I do.

5 THE COURT: What do they do?

6 PROSPECTIVE JUROR NO. 415: My oldest son is in law
7 school now. My middle son just graduated from business school
8 and my youngest son is in high school.

9 THE COURT: All right, very well. Were you here
10 yesterday and heard the questioning of the other jurors?

11 PROSPECTIVE JUROR NO. 415: Yes.

12 THE COURT: And was there anything that stood out in
13 your mind where you thought, well, when it's my turn to answer
14 the questions, I'd like to bring this to the Judge's
15 attention?

16 PROSPECTIVE JUROR NO. 415: No.

17 THE COURT: Thank you very much. Would the State
18 like to inquire?

19 (Pause in the proceedings)

20 THE COURT: Just a minute.

21 (Pause in the proceedings)

22 THE COURT: So you're -- you're a new person, so you
23 didn't hear all the questioning that we went through with the
24 other people. So, thank you. Would the State like to
25 inquire?

1 MS. BLUTH: Yes, please, Your Honor, thank you.

2 How do I pronounce your last name correctly?

3 PROSPECTIVE JUROR NO. 415: Lehavi.

4 MS. BLUTH: Lehavi, okay, thank you. In regards to
5 your counseling practice, that was in the UK correctly? Is
6 that correct?

7 PROSPECTIVE JUROR NO. 415: It was actually in Los
8 Angeles and it was paraprofessional. It was a voluntary
9 basis.

10 MS. BLUTH: So how did you get involved with it?

11 PROSPECTIVE JUROR NO. 415: I went to a school for
12 two years, paraprofessional training program.

13 MS. BLUTH: And what made you want to go into that
14 profession?

15 PROSPECTIVE JUROR NO. 415: Previous to that I'd
16 worked as a dental surgery assistant in England and I just
17 like working with people.

18 MS. BLUTH: Okay. And so did you see like an
19 advertisement or something on that type of schooling and you
20 thought that's something that peaks my interest?

21 PROSPECTIVE JUROR NO. 415: Actually, I've know some
22 other women that had been through the program.

23 MS. BLUTH: Okay. And I know you stated that it was
24 grief counseling and elder care. Did you ever counsel someone
25 who had been the victim of sexual assault?

1 PROSPECTIVE JUROR NO. 415: No.

2 MS. BLUTH: Your son that is in law school, what
3 type of law, does he know, that he wants to go into?

4 PROSPECTIVE JUROR NO. 415: He's -- he's not really
5 quite sure yet, but he -- he thinks something to do with the
6 food industry because he's also a chef.

7 MS. BLUTH: Oh, okay.

8 PROSPECTIVE JUROR NO. 415: So.

9 MS. BLUTH: Okay. In -- if you're selected to be a
10 juror, there's a good chance that you will see photos that are
11 somewhat of a graphic nature regarding female genitalia, body
12 parts. Are you someone that would take issue with that?

13 PROSPECTIVE JUROR NO. 415: No.

14 MS. BLUTH: You feel comfortable looking at those?

15 PROSPECTIVE JUROR NO. 415: Yes.

16 MS. BLUTH: In the case of sexual assault, the law
17 states that if you believe the victim's testimony beyond a
18 reasonable doubt, that alone is sufficient to sustain a guilty
19 of verdict -- a verdict of guilty. Do you understand what I
20 mean when I say that?

21 PROSPECTIVE JUROR NO. 415: Yes.

22 MS. BLUTH: Okay. So if you believe a victim's
23 testimony beyond a reasonable doubt and you can, just with
24 that, convict the defendant, do you agree with that premise?

25 PROSPECTIVE JUROR NO. 415: Yes.

1 MS. BLUTH: Is it -- are you someone that wants more
2 than that? Like are you, I need DNA, I need fingerprints. Do
3 you have a mind-set of what you need in your head?

4 PROSPECTIVE JUROR NO. 415: I think I would be able
5 to come to my conclusion with the other jurors.

6 MS. BLUTH: Okay. So you don't have a preconceived
7 notion of --

8 PROSPECTIVE JUROR NO. 415: No.

9 MS. BLUTH: -- exactly what it is you'd like to see?

10 PROSPECTIVE JUROR NO. 415: No.

11 MS. BLUTH: Do you watch shows like CSI, Law and
12 Order, SVU, those type of legal shows?

13 PROSPECTIVE JUROR NO. 415: No, I don't actually.

14 MS. BLUTH: Okay. Do you feel comfortable voicing
15 your opinions in front of others?

16 PROSPECTIVE JUROR NO. 415: Yes.

17 MS. BLUTH: Have you ever known anyone that was a
18 victim of sexual assault?

19 PROSPECTIVE JUROR NO. 415: No.

20 MS. BLUTH: Have you or your family member or a
21 close friend had negative contacts with law enforcement? And
22 when I say negative contacts, I mean, you had some type of
23 contact with an officer and you felt like you were treated
24 poorly, it left you with a bad taste in your mouth. Have you
25 had that happen in your life?

1 PROSPECTIVE JUROR NO. 415: No.

2 MS. BLUTH: When you received your jury summons and
3 you knew you were reporting to jury duty, what were -- what
4 was your thought?

5 PROSPECTIVE JUROR NO. 415: I was just wondering how
6 long it would be, the trial.

7 MS. BLUTH: Yeah. Does the length of it bother you?

8 PROSPECTIVE JUROR NO. 415: I -- I thought it would
9 be shorter actually.

10 MS. BLUTH: But now you've heard that it, you know,
11 it could take four weeks, potentially five. Is there anything
12 about that that makes you think you can't sit here and be fair
13 and impartial?

14 PROSPECTIVE JUROR NO. 415: No.

15 MS. BLUTH: Do you have any bumper stickers on your
16 vehicle?

17 PROSPECTIVE JUROR NO. 415: No.

18 MS. BLUTH: Are you part of any groups, like PETA or
19 any types of those groups?

20 PROSPECTIVE JUROR NO. 415: No.

21 MS. BLUTH: Have you had any experience with anyone
22 that suffers from any seizure disorders?

23 PROSPECTIVE JUROR NO. 415: No.

24 MS. BLUTH: Have you ever found yourself in a
25 situation where you witnessed something occur that you felt

1 wasn't right or something was done to you that wasn't right
2 and you didn't report it right away or you didn't say
3 anything? And later on, you said, you know, that probably
4 wasn't right, I probably should have done something about
5 that?

6 PROSPECTIVE JUROR NO. 415: I've never been in that
7 situation.

8 MS. BLUTH: Can you think of a reason why a -- a
9 victim of a crime would not report it right away?

10 PROSPECTIVE JUROR NO. 415: Fear.

11 MS. BLUTH: Is that the first thing that obviously
12 comes to your mind? Can you think of others?

13 PROSPECTIVE JUROR NO. 415: Judgment.

14 MS. BLUTH: Besides the time frame that we've
15 already spoken about, do you want to be a juror?

16 PROSPECTIVE JUROR NO. 415: Yes.

17 MS. BLUTH: Why?

18 PROSPECTIVE JUROR NO. 415: I just like to serve the
19 country.

20 MS. BLUTH: Okay. Thank you very much for your
21 time.

22 PROSPECTIVE JUROR NO. 415: Thank you.

23 MS. BLUTH: Pass for cause.

24 THE COURT: Mr. Maningo.

25 MR. MANINGO: Thank you, Your Honor. Hello, Ms.

1 Lehavi.

2 PROSPECTIVE JUROR NO. 415: Hi.

3 MR. MANINGO: How are you?

4 PROSPECTIVE JUROR NO. 415: I'm good.

5 MR. MANINGO: Good. I'm going to just ask a few
6 follow-up questions. Can you think of reasons why an innocent
7 person would not testify?

8 PROSPECTIVE JUROR NO. 415: Yes.

9 MR. MANINGO: (Indiscernible).

10 PROSPECTIVE JUROR NO. 415: Can I -- sir, can you
11 repeat that?

12 MR. MANINGO: Sure. Can you think of reasons why an
13 innocent person who's been accused of something would not
14 testify?

15 PROSPECTIVE JUROR NO. 415: Well, maybe they would
16 need someone to speak for them.

17 MR. MANINGO: Like their lawyers?

18 PROSPECTIVE JUROR NO. 415: On their behalf, yeah.

19 MR. MANINGO: Okay. Do you think that the media has
20 the power to create hysteria in the public?

21 PROSPECTIVE JUROR NO. 415: Yes.

22 MR. MANINGO: Okay. Do you have, yourself or any
23 family members, any medical background?

24 PROSPECTIVE JUROR NO. 415: My husband's a dentist.

25 MR. MANINGO: Oh.

1 PROSPECTIVE JUROR NO. 415: And I was a dental
2 surgery assistant many years ago.

3 MR. MANINGO: Okay. So if you hear about doctors or
4 nurses or -- or medical reports or anything like that, will it
5 affect whether or not you can -- you can judge them fairly?

6 PROSPECTIVE JUROR NO. 415: No. And I don't -- I
7 don't hear about those things anymore. It's way back.

8 MR. MANINGO: Okay. You won't assume that because
9 someone is a doctor or a nurse or something like that, or an
10 assistant, that they're more credible just because of that?

11 PROSPECTIVE JUROR NO. 415: No, absolutely not.

12 MR. MANINGO: Okay, very good. You said that your
13 -- you have a son in law school?

14 PROSPECTIVE JUROR NO. 415: Yes.

15 MR. MANINGO: Okay. Does he talk to you about
16 certain classes, subjects, stuff like that?

17 PROSPECTIVE JUROR NO. 415: He's really caught up in
18 the food industry. So he's -- he talks about that because
19 he's a chef.

20 MR. MANINGO: Right.

21 PROSPECTIVE JUROR NO. 415: So he's very interested
22 in lawsuits connecting to the food industry.

23 MR. MANINGO: Oh, okay. Okay. If you hear about
24 lawsuits or anything like that during this trial, it won't
25 effect whether or not you can be fair?

1 PROSPECTIVE JUROR NO. 415: No.

2 MR. MANINGO: Okay. Do you believe that people are
3 capable of telling lies?

4 PROSPECTIVE JUROR NO. 415: Yes.

5 MR. MANINGO: Do you think that they're capable of
6 telling lies even in court under oath?

7 PROSPECTIVE JUROR NO. 415: Hopefully not.

8 MR. MANINGO: But do you believe that that's
9 possible?

10 PROSPECTIVE JUROR NO. 415: No.

11 MR. MANINGO: So then you think that anyone who
12 takes the witness stand throughout this trial, because of the
13 fact that they're under oath, that it will all be truthful?

14 PROSPECTIVE JUROR NO. 415: Yes, I think so.

15 MR. MANINGO: Okay. What if you hear from a witness
16 questions about the fact that they've changed their story or
17 things that don't make sense to you personally, do you
18 disregard all of that just because of the fact that they've
19 take an oath?

20 PROSPECTIVE JUROR NO. 415: Well, I'd like to hear
21 more about it. I wouldn't just --

22 MR. MANINGO: Okay.

23 PROSPECTIVE JUROR NO. 415: I'd need more
24 information.

25 MR. MANINGO: Okay. You know that in lawsuits,

1 civil suits, there's two sides?

2 PROSPECTIVE JUROR NO. 415: Right.

3 MR. MANINGO: And they argue against one another.
4 Typically, one of those sides is telling the truth and the
5 other one may not be.

6 PROSPECTIVE JUROR NO. 415: Right.

7 MR. MANINGO: Would you agree?

8 PROSPECTIVE JUROR NO. 415: Of course, yeah.

9 MR. MANINGO: Okay. And they're both in court.

10 PROSPECTIVE JUROR NO. 415: Right.

11 MR. MANINGO: And both -- both have witnesses who
12 are probably taking an oath, would you agree?

13 PROSPECTIVE JUROR NO. 415: Yes.

14 MR. MANINGO: Okay. So someone in there, even after
15 taking the oath, they're not telling the truth, would you
16 agree?

17 PROSPECTIVE JUROR NO. 415: Right.

18 MR. MANINGO: Yes?

19 PROSPECTIVE JUROR NO. 415: Yes, I do.

20 MR. MANINGO: Oh, okay. What you'll be asked to do
21 as a juror is -- is -- one of the things you'll be asked to do
22 is to judge credibility, to judge whether or not someone is
23 telling the truth or not.

24 PROSPECTIVE JUROR NO. 415: Right.

25 MR. MANINGO: You've got three children.

1 PROSPECTIVE JUROR NO. 415: Yes.

2 MR. MANINGO: So you've probably, in your life
3 experience, had to determine if someone was telling the truth
4 or if their story was inaccurate?

5 PROSPECTIVE JUROR NO. 415: Yes.

6 MR. MANINGO: Okay. What sort of things do you look
7 at in an individual to see whether or not they're tell the
8 truth?

9 PROSPECTIVE JUROR NO. 415: Well, I --

10 MR. MANINGO: Or in their story.

11 PROSPECTIVE JUROR NO. 415: I'd look at the whole
12 picture of, you know, what was going on, the circumstances.

13 MR. MANINGO: Okay, the circumstances.

14 PROSPECTIVE JUROR NO. 415: I wouldn't just make a,
15 you know, a judgment on them.

16 MR. MANINGO: Okay. Would you -- would you look at
17 their body language?

18 PROSPECTIVE JUROR NO. 415: Yes.

19 MR. MANINGO: Would you look at their eye contact?

20 PROSPECTIVE JUROR NO. 415: Yes.

21 MR. MANINGO: Would you look to see if their story
22 remained consistent or if it changed a lot?

23 PROSPECTIVE JUROR NO. 415: Yes, absolutely.

24 MR. MANINGO: Okay. Would you also look at -- to
25 see if there are other factors or witnesses to help support

1 the story?

2 PROSPECTIVE JUROR NO. 415: Yes.

3 MR. MANINGO: Okay. Do you think it's possible for
4 false accusations to happen?

5 PROSPECTIVE JUROR NO. 415: Yes, I do.

6 MR. MANINGO: Okay. Have you ever seen on the news
7 or read in the newspaper the stories of people who are found
8 innocent after spending 20, 30 years in prison because DNA has
9 shown that they couldn't have done it?

10 PROSPECTIVE JUROR NO. 415: Yes.

11 MR. MANINGO: Okay. When you -- when you heard the
12 charges and a little bit about what the trial is about today,
13 did you -- did you immediately think, okay, he did it, he's
14 guilty?

15 PROSPECTIVE JUROR NO. 415: No, I don't know
16 anything about it.

17 MR. MANINGO: Okay. Are you -- are you nervous
18 about being on a jury?

19 PROSPECTIVE JUROR NO. 415: It would be interesting,
20 I mean --

21 MR. MANINGO: Okay.

22 PROSPECTIVE JUROR NO. 415: -- I don't really know.

23 MR. MANINGO: Okay.

24 PROSPECTIVE JUROR NO. 415: Probably anxious because
25 it's a new experience. I've never done it before.

1 MR. MANINGO: Right. And I know you said that you
2 were -- that you are a proud citizen of the United States.

3 PROSPECTIVE JUROR NO. 415: Yes.

4 MR. MANINGO: So you probably have -- have learned
5 quite a bit about the -- sort of, the legal system and our
6 background and that kind of thing?

7 PROSPECTIVE JUROR NO. 415: Yeah. Well, not very
8 deeply.

9 MR. MANINGO: Right. Would you agree that this is a
10 very important process?

11 PROSPECTIVE JUROR NO. 415: Absolutely, yes.

12 MR. MANINGO: Okay. And are you comfortable making
13 a very important decision that affects another human being's
14 life?

15 MS. BLUTH: Your Honor, objection.

16 THE COURT: Okay. Were you going to say the
17 grounds?

18 MS. BLUTH: It's just improper and it's
19 argumentative.

20 THE COURT: What was the question?

21 MR. MANINGO: Are you comfortable making a -- an
22 important decision that affects another human being's life.

23 THE COURT: Overruled, I'll allow that.

24 PROSPECTIVE JUROR NO. 415: Together with the jury,
25 I would have to see what, you know, all the other people are

1 thinking of.

2 MR. MANINGO: Okay. What if -- what if there's --
3 if you're one of 12 jurors, and 11 of them think one way and
4 you think the other. Are you comfortable standing up for your
5 opinion?

6 PROSPECTIVE JUROR NO. 415: Yes.

7 MR. MANINGO: Okay. And you're okay with
8 disagreeing with others?

9 PROSPECTIVE JUROR NO. 415: Yes.

10 MR. MANINGO: Okay. Thank you very much.

11 PROSPECTIVE JUROR NO. 415: Thank you.

12 MR. MANINGO: I'll pass the witness for cause, Your
13 Honor.

14 THE COURT: Thank you. All right. It is the
15 State's second peremptory challenge. Ladies and gentlemen,
16 we're going -- for those of you who weren't here yesterday,
17 we're going through what is known as peremptory challenges.
18 That means that these challenges are made without cause and
19 each side gets eight. And we're on the State's second
20 peremptory challenge.

21 MR. KOCHVAR: Yes, Your Honor. The State would
22 thank and excuse the juror in seat number eight which is
23 Patrick McCoy, juror 1872.

24 THE COURT: Thank you. Call our next in order.

25 THE CLERK: Badge 423, Consolador Apastol.

1 THE COURT: Thank you. So Mr. -- is your first name
2 Consolador or --

3 PROSPECTIVE JUROR NO. 423: Consolador, ma'am.

4 THE COURT: Oh, okay. Mr. Apastol, have you ever
5 been a juror before?

6 PROSPECTIVE JUROR NO. 423: No, ma'am. No, ma'am.

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

9 PROSPECTIVE JUROR NO. 423: No.

10 THE COURT: No one's ever stolen your car or your
11 wallet, anything like that?

12 PROSPECTIVE JUROR NO. 423: Well, I had a -- I had a
13 car stolen a few years back, but I got it back.

14 THE COURT: Okay. But it still counts. But -- so
15 did that happen here in Clark County? Or was that --

16 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

17 THE COURT: Okay. Your car was recovered. Did the
18 police find it?

19 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

20 THE COURT: Were you satisfied with the job they did
21 in investigating the matter and recovering your car?

22 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

23 THE COURT: Have you -- has anyone in your family or
24 closely associated with you like a good friend or someone you
25 know well ever been the victim of a serious, violent-type of

1 crime?

2 PROSPECTIVE JUROR NO. 423: No, ma'am.

3 THE COURT: Have you ever been involved in law
4 enforcement?

5 PROSPECTIVE JUROR NO. 423: Well, I am a retired
6 serviceman. I was in the Navy.

7 THE COURT: And what did -- what was your job in the
8 Navy?

9 PROSPECTIVE JUROR NO. 423: I was a administrative
10 person.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 423: I -- I'm a personnelman
13 is what they call it.

14 THE COURT: Okay. So you weren't a military police
15 person?

16 PROSPECTIVE JUROR NO. 423: No, ma'am.

17 THE COURT: Okay. And anyone in your family or
18 closely associated with you been in law enforcement?

19 PROSPECTIVE JUROR NO. 423: No, ma'am.

20 THE COURT: Have you ever been accused of a crime?

21 PROSPECTIVE JUROR NO. 423: No, ma'am.

22 THE COURT: Has anyone in your family or anyone that
23 you know well been accused of a crime?

24 PROSPECTIVE JUROR NO. 423: No, ma'am.

25 THE COURT: Have you -- let's see. All right.

1 Would you be able to follow the instructions on the law that
2 the Court gives them, as the Court will read them to you, and
3 follow those instructions on the law, even if you might think
4 that the law ought be something different than what it is?

5 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

6 THE COURT: Do you have any quarrel with our system
7 of justice where a person is presumed innocent until the State
8 proves otherwise beyond a reasonable doubt?

9 PROSPECTIVE JUROR NO. 423: No.

10 THE COURT: Do you have any problem with the fact
11 that a person, all people, enjoy the right under our Fifth
12 Amendment not to incriminate themselves, which means a
13 defendant doesn't have to take the stand in his or her own
14 defense. Do you -- do you feel uncomfortable with that? Do
15 you feel that a defendant -- if somebody's innocent, they
16 should probably take the stand? They would if they were
17 innocent?

18 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

19 THE COURT: Do you feel that way?

20 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

21 THE COURT: Okay. And you can't think of any reason
22 that someone who was innocent might choose not to testify?

23 PROSPECTIVE JUROR NO. 423: No.

24 THE COURT: All right. So -- so you would then hold
25 that against the defendant, if he chose, in this case, not to

1 testify?

2 PROSPECTIVE JUROR NO. 423: Not necessarily, ma'am.

3 THE COURT: Okay. All right. So, explain that.

4 PROSPECTIVE JUROR NO. 423: Well, a defendant might
5 have his own reason. If he feels that he's innocent and he
6 strongly believes that he doesn't have to testify for fear
7 that he might incriminate himself and I think that -- my
8 personal opinion, I agree with that.

9 THE COURT: That -- that it's fine --

10 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

11 THE COURT: -- that someone not testify.

12 PROSPECTIVE JUROR NO. 423: Yes.

13 THE COURT: But the question is, if a person didn't
14 testify, would you assume the reason that they were testifying
15 was because they're guilty and that's the reason?

16 PROSPECTIVE JUROR NO. 423: I -- no, I will not.

17 THE COURT: Okay. That's really an important thing,
18 I mean, because it basically means you've prejudged something.
19 And it's the State's burden of proof, you understand that, to
20 prove -- prove the case against the defendant.

21 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

22 THE COURT: That that's always the burden of the
23 State. And if they don't do it, would you have any problem of
24 returning a verdict of not guilty?

25 PROSPECTIVE JUROR NO. 423: I'm not sure. Can you

1 rephrase the question, ma'am?

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 423: I'm so sorry.

4 THE COURT: So it's the State's burden to prove --

5 PROSPECTIVE JUROR NO. 423: Um-hum.

6 THE COURT: -- the defendant is guilty beyond a
7 reasonable doubt. So the defendant doesn't have to prove
8 anything. It's the State's burden to prove the case. If the
9 State does not prove the case, as far as you're concerned,
10 you've listened to all of the evidence and you just think,
11 after you've been instructed in the law, well, they just did
12 not prove this case; would you hesitate in returning a verdict
13 of not guilty?

14 PROSPECTIVE JUROR NO. 423: No, I would not.

15 THE COURT: Okay. Do you have any religious or
16 moral beliefs that make it difficult for you to sit in
17 judgment on another person?

18 PROSPECTIVE JUROR NO. 423: No, ma'am.

19 THE COURT: Okay. Now, I want you to tell me about
20 yourself. And when I say that, I mean, I want to know how
21 long have you lived here in Clark County, what you do for a
22 living, are you married, single, divorced, significant other,
23 partner, what have you. If you have any children, and if you
24 do have children, what their ages are and if they're adult
25 children, what they do for a living. And don't worry if you

1 don't remember all those things, I'll prompt you. So tell me
2 about yourself.

3 PROSPECTIVE JUROR NO. 423: Well, like I said, I was
4 in the service, I retired after 22 years in 2004, and that's
5 when I came to live in Las Vegas. So I've been here for ten
6 years. I'm married, I have a son who just graduated last year
7 from UNLV with a degree in psychology. And currently, I am
8 employed by the government. I'm with Urban -- Housing and
9 Urban Development and I work in San Francisco.

10 THE COURT: What is it you do for them?

11 PROSPECTIVE JUROR NO. 423: I'm a revitalization
12 specialist, ma'am.

13 THE COURT: Oh, that's very interesting.

14 PROSPECTIVE JUROR NO. 423: For public housing.

15 THE COURT: Okay. So you try and --

16 PROSPECTIVE JUROR NO. 423: I'm a program analyst.

17 THE COURT: You try to revitalize neighborhoods?

18 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

19 THE COURT: Okay. That's probably a very difficult
20 job.

21 PROSPECTIVE JUROR NO. 423: No, not really.

22 THE COURT: No?

23 PROSPECTIVE JUROR NO. 423: I mean --

24 THE COURT: Okay. Well what type of things do you
25 have to do to do your job?

1 PROSPECTIVE JUROR NO. 423: We -- we deal with the
2 public housing agencies.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 423: We do it -- I mean, not
5 investigation, but inspections, fiscals and -- I mean,
6 financial and maintenance for the public housing, Section 8's
7 and -- they call it the projects, but it's public -- the
8 low-rent projects.

9 THE COURT: Okay. You said you're married?

10 PROSPECTIVE JUROR NO. 423: Yes, ma'am, I am.

11 THE COURT: Does your wife work?

12 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

13 THE COURT: What does she do?

14 PROSPECTIVE JUROR NO. 423: She's a nurse.

15 THE COURT: Okay. So what hospital or facility does
16 she work at?

17 PROSPECTIVE JUROR NO. 423: She works with the Manor
18 Rehab out here in Summerlin.

19 THE COURT: Okay. Now, do they do both
20 rehabilitation and long-term care?

21 PROSPECTIVE JUROR NO. 423: No, ma'am. Short-term
22 care and rehab.

23 THE COURT: All right.

24 PROSPECTIVE JUROR NO. 423: Actually.

25 THE COURT: All right.

1 PROSPECTIVE JUROR NO. 423: I'm not very familiar
2 with -- we don't discuss much about her work.

3 THE COURT: So you don't discuss work with her?

4 PROSPECTIVE JUROR NO. 423: Not --

5 THE COURT: Has she ever worked in any of the acute
6 care hospitals?

7 PROSPECTIVE JUROR NO. 423: No, ma'am. I don't --
8 yeah.

9 THE COURT: All right. And where were you before
10 you moved to Las Vegas?

11 PROSPECTIVE JUROR NO. 423: I was stationed overseas
12 because I was active duty then. I was in Japan for 10 years.
13 I came back, like I said, in 2004 and retired.

14 THE COURT: All right. Thank you very much.

15 PROSPECTIVE JUROR NO. 423: Okay.

16 THE COURT: Would the State like to inquire further?

17 MS. BLUTH: Thank you. Good afternoon.

18 PROSPECTIVE JUROR NO. 423: Hello.

19 MS. BLUTH: I was a little unclear on what it was
20 you did for the Navy. What was it that you did?

21 PROSPECTIVE JUROR NO. 423: Well, I work basically
22 in the office. I was -- I took care of personnel records,
23 officers and enlisted. They called that -- they -- the job is
24 actually a personnel person, personnelman.

25 MS. BLUTH: Okay. Thank you. And I wasn't sure if

1 Her Honor asked you, have you ever been a juror before?

2 PROSPECTIVE JUROR NO. 423: No, I have not been and
3 she asked it.

4 MS. BLUTH: She asked that?

5 PROSPECTIVE JUROR NO. 423: Yeah.

6 MS. BLUTH: Okay, sorry. Have you ever been
7 involved in a lawsuit before?

8 PROSPECTIVE JUROR NO. 423: No, ma'am.

9 MS. BLUTH: Do you have any issue with a victim of a
10 crime pursuing their rights in a civil case as well? And do
11 you understand what I mean by that?

12 PROSPECTIVE JUROR NO. 423: Yes.

13 MS. BLUTH: Okay. And --

14 PROSPECTIVE JUROR NO. 423: And I don't.

15 MS. BLUTH: You do not, okay, thank you. The
16 question that I asked previously about photos, is there
17 anything about, you know, seeing photos of a woman's genitalia
18 or body parts that would be bothersome to you?

19 PROSPECTIVE JUROR NO. 423: No.

20 MS. BLUTH: Have you ever been in a situation where
21 you felt something wasn't right, yet you didn't report it or
22 maybe you reported it later, but just not at the time?

23 PROSPECTIVE JUROR NO. 423: Minor things.

24 MS. BLUTH: Like what?

25 PROSPECTIVE JUROR NO. 423: Not -- not -- not

1 serious as to require me to seek the justice. It's just some
2 minor decisions that I failed to make at the time and in
3 retrospect, I said that I would have done --

4 MS. BLUTH: Done it differently?

5 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

6 MS. BLUTH: What do you think -- what were some of
7 the thought process -- processes that were going on in your
8 mind at the time that you -- so that you didn't report it? Or
9 didn't say anything?

10 PROSPECTIVE JUROR NO. 423: I just didn't think that
11 it was a big deal. And then later on, like I said, I should
12 have done something anyway.

13 MS. BLUTH: And then you were -- and -- but then, at
14 that point in time, you didn't do anything, you just let it
15 go?

16 PROSPECTIVE JUROR NO. 423: Yes.

17 MS. BLUTH: Okay. Did you -- were -- in any of
18 those situations, did you actually report it later?

19 PROSPECTIVE JUROR NO. 423: No. No, ma'am.

20 MS. BLUTH: Can you think of some reasons why a
21 victim of a crime wouldn't report it right away?

22 PROSPECTIVE JUROR NO. 423: Fear. And maybe at the
23 time, the victim is not really thinking that it's a big deal.
24 It's not a serious matter.

25 MS. BLUTH: Okay. Are you someone that feels

1 comfortable speaking in front of others? Like, if you're in a
2 group of people, are you the loudest person?

3 PROSPECTIVE JUROR NO. 423: Not necessarily the
4 loudest, ma'am, but I could -- I have no problem --

5 MS. BLUTH: You could let them know?

6 PROSPECTIVE JUROR NO. 423: Yes, ma'am.

7 MS. BLUTH: Okay. Do you watch the shows that I've
8 been referencing, CSI, Law and Order, SVU?

9 PROSPECTIVE JUROR NO. 423: Not really, ma'am.

10 MS. BLUTH: What are your shows of interest?

11 PROSPECTIVE JUROR NO. 423: Mostly sports.

12 MS. BLUTH: Have you or anyone close to you had
13 negative contact with law enforcement where you felt you were
14 treated unfairly, left a bad taste in your mouth?

15 PROSPECTIVE JUROR NO. 423: No, ma'am.

16 MS. BLUTH: Do you have any bumper stickers?

17 PROSPECTIVE JUROR NO. 423: No, ma'am.

18 MS. BLUTH: Do you know anyone that has any seizure
19 disorder, suffers from regular seizures?

20 PROSPECTIVE JUROR NO. 423: No, ma'am.

21 MS. BLUTH: Does your wife treat anybody with that
22 type of disorder?

23 PROSPECTIVE JUROR NO. 423: I'm not very sure.

24 MS. BLUTH: Okay. Have you ever known --

25 PROSPECTIVE JUROR NO. 423: But it --

1 MS. BLUTH: I'm sorry I interrupted you, but go
2 ahead.

3 PROSPECTIVE JUROR NO. 423: I'm not very sure, but I
4 know that it's a long -- I mean, short -- short-term -- I
5 mean, short-term care.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NO. 423: And it's a rehab, so
8 it's possible.

9 MS. BLUTH: Have you ever known anyone that was a
10 victim of sexual assault?

11 PROSPECTIVE JUROR NO. 423: No, ma'am.

12 MS. BLUTH: Are you somebody that needs the things
13 that I've been talking about? DNA, fingerprints, hardcore
14 evidence to believe something happened to someone?

15 PROSPECTIVE JUROR NO. 423: If those are
16 permissible, then yes.

17 MS. BLUTH: Well, now what do you mean if those are
18 permissible?

19 PROSPECTIVE JUROR NO. 423: Permissible by the
20 Court.

21 MS. BLUTH: Okay. And usually those types of things
22 are permissible, but I guess what I'm asking is are those
23 things you need to believe something happened?

24 PROSPECTIVE JUROR NO. 423: Yes.

25 MS. BLUTH: Okay. So would you have a hard time

1 being fair and impartial in a case where that type of evidence
2 was not presented?

3 PROSPECTIVE JUROR NO. 423: No.

4 MS. BLUTH: Okay. Before we had things like DNA and
5 fingerprints and someone was sexually assaulted, so there --
6 there weren't those things to bring into the courtroom, should
7 all of those people been found not guilty because we didn't
8 have the technology?

9 PROSPECTIVE JUROR NO. 423: I am not quite sure I
10 understood, ma'am. Could you --

11 MS. BLUTH: You know, DNA and fingerprint analysis,
12 the things that we have now, those haven't always been around,
13 would you agree with me?

14 PROSPECTIVE JUROR NO. 423: Yes, I agree.

15 MS. BLUTH: Okay. But there's, you know, as long as
16 time has been, there's probably been victims of sexual
17 assault.

18 PROSPECTIVE JUROR NO. 423: Yes.

19 MS. BLUTH: So back in the days when we didn't have
20 DNA analysis and fingerprint analysis, do you think that those
21 people who committed the crime of sexual assault, they should
22 have just walked on those charges?

23 PROSPECTIVE JUROR NO. 423: Walked away? No.

24 MS. BLUTH: Been found not guilty.

25 PROSPECTIVE JUROR NO. 423: No.

1 MS. BLUTH: Okay. So what would you have used back
2 in those days to figure out whether or not someone was guilty?

3 PROSPECTIVE JUROR NO. 423: I don't know.

4 MS. BLUTH: Okay. Thank you, sir.

5 PROSPECTIVE JUROR NO. 423: Yes.

6 THE COURT: Defense.

7 MR. MANINGO: Thank you, Your Honor. Good afternoon
8 Mr. Apostol.

9 PROSPECTIVE JUROR NO. 423: Good afternoon, sir.

10 MR. MANINGO: Many of my questions you will have
11 already heard a few minutes ago. So if there's anything that
12 sticks out in your mind that you think I should know about
13 you, please tell me, okay?

14 PROSPECTIVE JUROR NO. 423: Okay.

15 MR. MANINGO: Okay. Can you -- can you think of
16 reasons why an innocent person would not testify at trial?

17 PROSPECTIVE JUROR NO. 423: I can't.

18 MR. MANINGO: Okay. Now, I know you had -- you'd
19 give some answers that you weren't real sure about earlier
20 about the defendant not testifying, right?

21 PROSPECTIVE JUROR NO. 423: Yes, sir.

22 MR. MANINGO: Okay. And you understand that the
23 prosecution has to do all the proving in the case, right

24 PROSPECTIVE JUROR NO. 423: Yes.

25 MR. MANINGO: Okay. Let me give you a short

1 example. Did you eat an apple this morning?

2 PROSPECTIVE JUROR NO. 423: No.

3 MR. MANINGO: Okay. If you came in and I said,
4 well, I want you to prove that you did not eat an apple this
5 morning, how are you going to do that? Did you videotape
6 yourself this morning?

7 PROSPECTIVE JUROR NO. 423: No.

8 MR. MANINGO: Okay. Did you take any forensic
9 evidence from your teeth this morning?

10 PROSPECTIVE JUROR NO. 423: No, sir..

11 MR. MANINGO: No.

12 PROSPECTIVE JUROR NO. 423: No, sir.

13 MR. MANINGO: Because you didn't know you were going
14 to be accused of eating an apple today, did you?

15 PROSPECTIVE JUROR NO. 423: Exactly.

16 MR. MANINGO: Okay. And if I told you right now
17 that you have to testify, what would you say? I didn't eat an
18 apple, right?

19 PROSPECTIVE JUROR NO. 423: Yes.

20 MR. MANINGO: You wouldn't have anything else to add
21 to it, would you?

22 PROSPECTIVE JUROR NO. 423: No.

23 MR. MANINGO: Because you're trying to talk about
24 something that didn't happen.

25 PROSPECTIVE JUROR NO. 423: Yes.

1 MR. MANINGO: I know that your wife is a nurse.
2 Have you spent a lot of time in hospitals?
3 PROSPECTIVE JUROR NO. 423: No, sir.
4 MR. MANINGO: Okay. Have you had any experience, or
5 know anything through your wife or personal experience about
6 heavy-duty pain killers like morphine?
7 PROSPECTIVE JUROR NO. 423: No, sir.
8 MR. MANINGO: Okay. Do you feel like you'd be able
9 to listen to a witness and tell whether or not they're telling
10 the truth?
11 PROSPECTIVE JUROR NO. 423: I think I can.
12 MR. MANINGO: Okay. And you heard us discuss
13 earlier with -- with other people some reasons -- or some ways
14 you would do that? What are some of the ways that you would
15 do it? How you would judge a person's credibility?
16 PROSPECTIVE JUROR NO. 423: Facial expression.
17 MR. MANINGO: Okay.
18 PROSPECTIVE JUROR NO. 423: Demeanor.
19 MR. MANINGO: Okay.
20 PROSPECTIVE JUROR NO. 423: The -- analyzing the
21 words --
22 MR. MANINGO: Okay.
23 PROSPECTIVE JUROR NO. 423: -- or the answers that
24 he gives --
25 MR. MANINGO: Okay.

1 PROSPECTIVE JUROR NO. 423: -- if questioned. When
2 questioned.

3 MR. MANINGO: And are you going to use your common
4 sense?

5 PROSPECTIVE JUROR NO. 423: Yes, sir.

6 MR. MANINGO: Good. We want you to. We want you
7 to. Do you think that it's possible for false accusations to
8 happen?

9 PROSPECTIVE JUROR NO. 423: Yes.

10 MR. MANINGO: Okay. Are you at all nervous about
11 being on a jury?

12 PROSPECTIVE JUROR NO. 423: A little bit.

13 MR. MANINGO: Okay, why?

14 PROSPECTIVE JUROR NO. 423: Because this is my first
15 time.

16 MR. MANINGO: Okay. Just -- so then just because
17 it's a new experience?

18 PROSPECTIVE JUROR NO. 423: Yes. And I hope I will
19 get used to it if I sit.

20 MR. MANINGO: Okay. Are you comfortable about
21 making big decisions?

22 PROSPECTIVE JUROR NO. 423: Yes, sir.

23 MR. MANINGO: Okay. Is there -- is there anything I
24 missed that I should have covered with you, sir? Anything you
25 want to tell us that you think will effect whether or not you

1 can be fair and impartial?

2 PROSPECTIVE JUROR NO. 423: No, sir.

3 MR. MANINGO: Okay. Thank you, sir. We'll pass the
4 witness (sic).

5 THE COURT: Thank you. And --

6 MR. MANINGO: Or the juror, I'm sorry.

7 THE COURT: Right. And it is the defendant's second
8 peremptory challenge.

9 MR. MANINGO: Court's indulgence one second -- one
10 moment, please.

11 (Pause in the proceedings)

12 MR. MANINGO: Your Honor, we would thank and excuse
13 seat number three, Mr. Huffman.

14 THE COURT: Thank you.

15 THE CLERK: We have 424, Wendy Adams.

16 THE COURT: Hello, Ms. Adams, how are you?

17 PROSPECTIVE JUROR NO. 424: Fine, thank you.

18 THE COURT: Good. Have you ever served as a juror
19 before?

20 PROSPECTIVE JUROR NO. 424: No, ma'am.

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

23 PROSPECTIVE JUROR NO. 424: Yes.

24 THE COURT: You need to hold the microphone up.

25 PROSPECTIVE JUROR NO. 424: Yes.

1 THE COURT: Yes, okay. What kind of crime?

2 PROSPECTIVE JUROR NO. 424: Domestic violence.

3 THE COURT: Was that here in Clark County?

4 PROSPECTIVE JUROR NO. 424: Yes.

5 THE COURT: And was there any court proceedings as a
6 result of that domestic violence?

7 PROSPECTIVE JUROR NO. 424: I had a protective
8 order.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 424: But because I didn't
11 report it within 24 hours, they chose not to prosecute him
12 within that year time frame.

13 THE COURT: Okay. So you didn't call the police
14 while the -- or immediately after the domestic violence had
15 occurred?

16 PROSPECTIVE JUROR NO. 424: No, I left with my
17 children.

18 THE COURT: Okay. Did -- was the TRO effective?
19 Did you feel that that system of getting a temporary
20 restraining order, a protective order, resulted in keeping the
21 person away from you and harming you?

22 PROSPECTIVE JUROR NO. 424: I haven't seen him in
23 three years now, but I'm still afraid that he could show up at
24 anytime, so.

25 THE COURT: All right. Anything about that

1 experience that would make it difficult for you to be fair and
2 impartial in this case?

3 PROSPECTIVE JUROR NO. 424: I don't -- I don't think
4 so.

5 THE COURT: Okay. Has anyone in your family or
6 closely associated with you been the victim of any violent
7 crime?

8 PROSPECTIVE JUROR NO. 424: Not my family, no.

9 THE COURT: Any friends or people you know?

10 PROSPECTIVE JUROR NO. 424: I mean I've had friends
11 that were raped.

12 THE COURT: Okay. Well --

13 PROSPECTIVE JUROR NO. 424: And I've worked with
14 children and families that have dealt with rape.

15 THE COURT: So the -- you've had friends who have
16 been raped.

17 PROSPECTIVE JUROR NO. 424: Yes.

18 THE COURT: And did they report these rapes?

19 PROSPECTIVE JUROR NO. 424: No.

20 THE COURT: But they told you about it?

21 PROSPECTIVE JUROR NO. 424: Right. It was more like
22 date rapes.

23 THE COURT: I see.

24 PROSPECTIVE JUROR NO. 424: So.

25 THE COURT: Okay. Did they tell you why they didn't

1 report it?

2 PROSPECTIVE JUROR NO. 424: They didn't feel anybody
3 would believe them. And, you know, basically it was back,
4 like, in the 80s and it was not what it is today. So they
5 just felt that it was better not to bring it up and to deal
6 with it.

7 THE COURT: All right. Anything about the knowledge
8 of that and these friends that told you about that, makes you
9 think you could not be fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 424: No, I don't think so.

11 THE COURT: Have you ever been accused of a crime?

12 PROSPECTIVE JUROR NO. 424: No, ma'am.

13 THE COURT: Anyone in your family or close friends
14 or associates that have been accused of a crime?

15 PROSPECTIVE JUROR NO. 424: No, ma'am.

16 THE COURT: Have you -- do you have any moral or
17 religious beliefs that make it difficult for you to sit in
18 judgment on another person?

19 PROSPECTIVE JUROR NO. 424: No, ma'am.

20 THE COURT: Do you have any quarrel with our
21 presumption of innocence as part of our judicial system?

22 PROSPECTIVE JUROR NO. 424: No.

23 THE COURT: Will you be able to follow the law if I
24 instruct you on the law, even if you think, well, gee, the law
25 should be something other than what I tell you it is?

1 PROSPECTIVE JUROR NO. 424: I would be able to
2 follow directions, yes.

3 THE COURT: And would you hold the State to its
4 burden of proof? In other words, it's the State's burden to
5 prove the case beyond a reasonable doubt, it's not the defense
6 burden to prove his innocence. He doesn't have that. So all
7 of this stuff about proving something, the defendant doesn't
8 have to prove anything. You understand that?

9 PROSPECTIVE JUROR NO. 424: Yes.

10 THE COURT: Okay. And you wouldn't require him to
11 do so, would you?

12 PROSPECTIVE JUROR NO. 424: No.

13 THE COURT: Will you be able to listen to all of the
14 evidence, whatever it is, and make your decision based upon
15 that evidence and nothing else?

16 PROSPECTIVE JUROR NO. 424: Yes.

17 THE COURT: Okay. Do you have -- can think -- can
18 you think of any reason you could not be fair and impartial in
19 this case?

20 PROSPECTIVE JUROR NO. 424: I don't think so.

21 THE COURT: Nothing about the nature of the charges
22 that causes you pause of anything? I mean, I know they're
23 serious charges, but, I mean, as long as you feel you can be
24 fair and impartial, that's what I'm trying to find out.

25 PROSPECTIVE JUROR NO. 424: I think so. I mean, my

1 -- my job and some of my background experience deals with
2 children that have been placed into foster care because of
3 abuse of their families and sometimes it's of nature of sexual
4 and that -- that --

5 THE COURT: Okay. So that was going to be --

6 PROSPECTIVE JUROR NO. 424: A mother-hen kind of
7 protectiveness. But yeah, I mean I guess maybe I would be
8 that way.

9 THE COURT: All right. So that was going to be my
10 next question to you is tell me about yourself.

11 PROSPECTIVE JUROR NO. 424: Okay. I work for the
12 State of Nevada, I work for Nevada Early Intervention, so I
13 work with children of disabilities or syndromes. Some are
14 foster, some are not, basically birth to three. Prior to that
15 I worked for Early Childhood Mental Health and all the
16 children that I had in my classroom were three to six-year-
17 olds that had severe emotional disturbances. So, I mean, the
18 therapy didn't work after there months, so I had a classroom
19 to teach them how to be kids again based on things that
20 happened in their home before then. Let's see, I'm divorced,
21 I have two children, they're nine and twelve. Basically, I'm
22 an only parent.

23 THE COURT: How long have you been a single parent?

24 PROSPECTIVE JUROR NO. 424: Three years.

25 THE COURT: Okay. And your -- your ex-husband is

1 the person that abused you?

2 PROSPECTIVE JUROR NO. 424: Well, I was not married
3 to the man who's the father of my children.

4 THE COURT: I see, okay.

5 PROSPECTIVE JUROR NO. 424: So.

6 THE COURT: So what did he do for a living?

7 PROSPECTIVE JUROR NO. 424: He was a paper cutter.

8 THE COURT: Okay. Now, that the -- this case
9 doesn't involve children, it just --

10 PROSPECTIVE JUROR NO. 424: Okay.

11 THE COURT: -- involves adults.

12 PROSPECTIVE JUROR NO. 424: Okay.

13 THE COURT: Does -- does that make it easier for you
14 to sit in this case?

15 PROSPECTIVE JUROR NO. 424: I think it would be
16 easier, yes.

17 THE COURT: Okay, thank you. Would the State like
18 to inquire further?

19 MS. BLUTH: Thank you, Your Honor.

20 Ms. Adams, and just so you know, we're just trying
21 to get to know --

22 PROSPECTIVE JUROR NO. 424: Oh, that's okay.

23 MS. BLUTH: -- you just enough to pick a jury. So I
24 don't want you to think that we're prying.

25 PROSPECTIVE JUROR NO. 424: Okay. No, it's okay.

1 MS. BLUTH: But some of these questions are
2 important.

3 PROSPECTIVE JUROR NO. 424: I know.

4 MS. BLUTH: So I appreciate your honest and
5 willingness to discuss them. In regards to the domestic
6 violence incident --

7 PROSPECTIVE JUROR NO. 424: Um-hum.

8 MS. BLUTH: -- you said you reported it, but not
9 within the 24-hour time period that the police wanted you to
10 report it?

11 PROSPECTIVE JUROR NO. 424: Correct.

12 MS. BLUTH: How long after the incident did you
13 report it?

14 PROSPECTIVE JUROR NO. 424: Two weeks.

15 MS. BLUTH: Two weeks. And what were your thought
16 processes going through those two weeks?

17 PROSPECTIVE JUROR NO. 424: Probably, because like
18 most domestic violence, it doesn't -- it's just not the one
19 incident, there's think that build up to that point and I kept
20 thinking I can take it, I can take it. And there'd been a lot
21 of mental abuse and pushing and, you know. But this was an
22 outright hit. So I just -- it was -- I had to draw the line.
23 And if -- I knew if it was me, then it was next going to be
24 the kids and I had to get out. So, I did. I left my home and
25 took my kids and dog and we left.

1 MS. BLUTH: When you say there were other incidents,
2 were the other incidents, would you consider those to be
3 domestic violence issues as well?

4 PROSPECTIVE JUROR NO. 424: What I know now about
5 domestic violence, yes.

6 MS. BLUTH: But you --

7 PROSPECTIVE JUROR NO. 424: At the time, I didn't
8 think so at the time, but what I know now and having gone
9 through counseling and really understood what domestic
10 violence is, I would say, yes.

11 MS. BLUTH: And so when you went to the police, did
12 you call 911, did you go into a station?

13 PROSPECTIVE JUROR NO. 424: I went into a station.

14 MS. BLUTH: And you told them what happened to you?

15 PROSPECTIVE JUROR NO. 424: Yes.

16 MS. BLUTH: And tell me what their response was.

17 PROSPECTIVE JUROR NO. 424: They just basically,
18 simply had me write everything out. And then I turned the
19 paperwork in to them and I was basically, you know, told
20 through -- because I dealt with a shelter and they kind of
21 helped me through the process as well of everything and what I
22 needed to do and how to get a temporary order and how to get a
23 permanent protective order and all that process. But, I mean,
24 it wasn't -- it wasn't one way or the other with the police.
25 I mean, it was just fill the paperwork out and turn it in kind

1 of thing, so.

2 MS. BLUTH: So they were willing to help you to
3 prevent it from happening again, but they weren't going to
4 pursue any charges against him or file any charges?

5 PROSPECTIVE JUROR NO. 424: Well, they said they had
6 up until a year and I never heard anything. So I'm assuming
7 that was their choice.

8 MS. BLUTH: Okay. You stated that you -- you know,
9 you've dealt with some friends that were victims of rape as
10 well as worked with families of children that had been raped.
11 What are reasons that you've seen of why people didn't report
12 immediately? Or at all?

13 PROSPECTIVE JUROR NO. 424: The families that I work
14 with currently, obviously, there has been. And that's -- I
15 mean, they're getting assistance and programs and, you know,
16 so whether it's the children have been removed from the home
17 or the families have been moved into other places to keep them
18 safe.

19 My friends that -- you know, I had a couple friends
20 back in college who had been raped, and I think it was more of
21 the time, you know, because it was the early 80s and it just
22 didn't go well for women who wanted to stand up and say that
23 this happened, because basically no one was ever -- a man was
24 not being prosecuted at that time that we ever saw. So it
25 just -- the embarrassment of having to go through all that and

1 nothing was going to come out of it. So, it was hard.

2 MS. BLUTH: Do you think some of those reasons, you
3 know, embarrassment, some of the things that you're talking
4 about, the shame, still exist today?

5 PROSPECTIVE JUROR NO. 424: Oh, absolutely,
6 absolutely. I think that there's a lot of things out there
7 that aren't reported.

8 MS. BLUTH: In regard to you working for AIS --

9 PROSPECTIVE JUROR NO. 424: Um-hum.

10 MS. BLUTH: -- do you ever deal with children who
11 have sensory overload disorders?

12 PROSPECTIVE JUROR NO. 424: Yes.

13 MS. BLUTH: And do you deal with children who suffer
14 from seizures?

15 PROSPECTIVE JUROR NO. 424: Yes, I do.

16 MS. BLUTH: And how often is your interaction with
17 those type of children?

18 PROSPECTIVE JUROR NO. 424: I have a couple
19 currently on my caseload, and I have also dealt with quite a
20 few of them in the last six months that have come in. I do
21 assessments weekly. So during that assessment time, I've
22 probably dealt with five or six children that have had seizure
23 disorders.

24 MS. BLUTH: And if you look at the child with the
25 most serious seizure disorder, how many seizures in, like, a

1 day or a week is that child having?

2 PROSPECTIVE JUROR NO. 424: It can vary because
3 they're working -- one particular child, they're working on
4 her medication, so it varies. And she loses skills with it,
5 too, but she's also very young, so it's hard to detect some of
6 it. When they're bigger, they can tell when it's happening,
7 but they're not necessarily noticing it when they're very
8 small. So this particular family is going to be going over to
9 California for some additional assistance for them.

10 MS. BLUTH: Okay.

11 PROSPECTIVE JUROR NO. 424: But I -- it's -- it's
12 daily. I don't know how many a day. I mean, it's a good day
13 when there's none in a day, but that's -- and once in six
14 months now, so.

15 MS. BLUTH: Okay. Do you have any issue with the
16 victim of a crime pursuing their rights civilly? Suing
17 someone civilly?

18 PROSPECTIVE JUROR NO. 424: No.

19 MS. BLUTH: Do you watch the crime shows, CSI, Law
20 and Order?

21 PROSPECTIVE JUROR NO. 424: Law and Order.

22 MS. BLUTH: Law and Order. What about Law and Order
23 interests you?

24 PROSPECTIVE JUROR NO. 424: Just pretty much it's on
25 24/7. So it's kind of the only program.

1 MS. BLUTH: Okay.

2 PROSPECTIVE JUROR NO. 424: So I'm not necessarily
3 all the time I'm watching it. It just seems like it's always
4 on some channel I flicked as opposed to infomercials or
5 whatever else is on.

6 MS. BLUTH: And the question I asked the two
7 previous jurors regarding, you know, a victim's testimony, if
8 believed beyond a reasonable doubt, is enough to sustain a
9 conviction of guilty. Do you agree with that premise?

10 PROSPECTIVE JUROR NO. 424: That -- okay, please
11 repeat.

12 MS. BLUTH: That's okay. The victim's testimony
13 alone, so just the person's testimony, if you believe that
14 beyond a reasonable doubt, it is enough to find the defendant
15 guilty?

16 PROSPECTIVE JUROR NO. 424: Yes.

17 MS. BLUTH: Nothing further. Thank you for your
18 time, Ms. Adams.

19 PROSPECTIVE JUROR NO. 424: Thank you.

20 THE COURT: Thank you. Defense.

21 MR. MANINGO: Thank you, Your Honor. Hello, Ms.
22 Adams.

23 PROSPECTIVE JUROR NO. 424: Hello.

24 MR. MANINGO: When you heard the charges today, did
25 you immediately think to yourself that Mr. Farmer's guilty?

1 PROSPECTIVE JUROR NO. 424: No.

2 MR. MANINGO: Okay. And I'm not going to try and
3 test you or anything.

4 PROSPECTIVE JUROR NO. 424: Okay.

5 MR. MANINGO: We just want to know what you're
6 thinking, how you're feeling to make sure everything is fair
7 for both sides.

8 PROSPECTIVE JUROR NO. 424: Absolutely, absolutely.

9 MR. MANINGO: You mentioned the words, you have a
10 little bit of a mother-hen protective nature about yourself?

11 PROSPECTIVE JUROR NO. 424: Yes.

12 MR. MANINGO: And -- and when you're talking to the
13 Judge, you started to, I think, express that that may be the
14 one area where there may be some concern regarding if you can
15 be fair or not; is that correct?

16 PROSPECTIVE JUROR NO. 424: Yeah, I mean -- yeah.
17 Because, I mean, I feel like the children that I have on my
18 caseload in my job, I'm very protective of those children and
19 their families, and I really advocate for them in every way
20 because I'm a developmental specialist. So I don't just look
21 at what's happening with the child, but if the family has any
22 needs in the community of how I can support and develop the
23 whole family as giving them the very best. So yes, am I
24 protective over who's around me and what -- you know, yeah.

25 MR. MANINGO: Sure.

1 PROSPECTIVE JUROR NO. 424: I guess I would say yes.

2 MR. MANINGO: Okay. And in the way that it relates
3 to this trial, I guess -- let me first ask you, when -- in
4 your work and in your day-to-day life, if you hear from one of
5 your families or those children, accusations made towards a
6 father or a husband or something like that, you're obviously
7 going to believe them and support them?

8 PROSPECTIVE JUROR NO. 424: Right, yes.

9 MR. MANINGO: Okay.

10 PROSPECTIVE JUROR NO. 424: Yes. And I'm also a
11 mandated reporter, so I would also have to let them know that
12 I would have to report that --

13 MR. MANINGO: Right.

14 PROSPECTIVE JUROR NO. 424: -- to Child Protective
15 Services even if it -- because if it even happened to the
16 adult, the child's in the home and so.

17 MR. MANINGO: Right.

18 PROSPECTIVE JUROR NO. 424: Yeah.

19 MR. MANINGO: You don't question them about the
20 story or to see if it's consistent or anything like that?

21 PROSPECTIVE JUROR NO. 424: No. In that consensus,
22 it's not my -- as a mandated reporter, it's not my job to make
23 judgment, it's my job to report it.

24 MR. MANINGO: Right. But when your mother-hen --
25 and I'm just using your words.

1 PROSPECTIVE JUROR NO. 424: Yeah, I know, I know,
2 no.

3 MR. MANINGO: When your protective nature kicks in,
4 do you -- you assume that they're telling the truth?

5 PROSPECTIVE JUROR NO. 424: I would have to -- yeah.
6 I mean, they've never given me another reason not to, so yes,
7 of course I would have to.

8 MR. MANINGO: Right. And you've been through a
9 difficult situation of your own with the domestic violence
10 incident?

11 PROSPECTIVE JUROR NO. 424: Yes.

12 MR. MANINGO: And so with those things coupled
13 together, are you more likely to assume that an accuser in
14 this trial was telling the truth?

15 PROSPECTIVE JUROR NO. 424: I don't know that I
16 would assume either without hearing everything going on.

17 MR. MANINGO: Okay. And that's what -- that's what
18 our big question is.

19 PROSPECTIVE JUROR NO. 424: Right.

20 MR. MANINGO: Can you -- can you still, even with
21 what you have to do at work and with your own personal
22 background, can you still be fair and impartial to everyone,
23 including Mr. Farmer, throughout this trial?

24 PROSPECTIVE JUROR NO. 424: I believe so.

25 MR. MANINGO: Okay. Now, you stated that the -- was

1 it the police or was it the District Attorney's office who
2 decided to not pursue your domestic violence case after 24
3 hours?

4 PROSPECTIVE JUROR NO. 424: I'm not sure. I mean,
5 you have to fill the paperwork out and then you turn it in. I
6 guess that they take it from there and then it turns into -- I
7 guess it would be the District Attorney's office that would be
8 -- who has the right to -- I believe it is the District
9 Attorney's office that has the right to pursue those charges
10 or not.

11 MR. MANINGO: Okay. And they didn't as far as you
12 know?

13 PROSPECTIVE JUROR NO. 424: As far as I know.

14 MR. MANINGO: Okay.

15 PROSPECTIVE JUROR NO. 424: I was never -- I was
16 never queried to come to court and they would -- they told me
17 I would have to come to court --

18 MR. MANINGO: Okay.

19 PROSPECTIVE JUROR NO. 424: -- if it made it -- you
20 know, if it went that far. But typically -- I've been told
21 typically if it -- the arrest wasn't made immediately, that
22 chances were probably pretty slim that it would -- would
23 happen at all.

24 MR. MANINGO: Okay. And you understand that Ms.
25 Bluth and Mr. Kochevar are members of the District Attorney's

1 office?

2 PROSPECTIVE JUROR NO. 424: Yes.

3 MR. MANINGO: So will the fact that, in your
4 situation, they didn't pursue your case or follow up on it, is
5 that going to have any impact on whether or not you can be
6 fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 424: No, sir.

8 MR. MANINGO: Okay. Because of your experience with
9 police in your own situation, are you concerned about whether
10 or not you'll -- you'll treat police officers differently
11 during this trial, if we have any testify?

12 PROSPECTIVE JUROR NO. 424: No.

13 MR. MANINGO: You won't, for good or bad reasons,
14 think that they have more credibility or less credibility than
15 anyone else?

16 PROSPECTIVE JUROR NO. 424: No. I think that
17 they're just doing their job.

18 MR. MANINGO: Okay. And you'll be able to treat
19 them as you do any other witness?

20 PROSPECTIVE JUROR NO. 424: Yes, sir.

21 MR. MANINGO: Okay. I believe that's it. Thank
22 you, Ms. Adams.

23 PROSPECTIVE JUROR NO. 424: Okay.

24 THE COURT: Thank you.

25 MR. MANINGO: Pass the juror.

1 THE COURT: It's State's third peremptory challenge.

2 MR. KOCHEVAR: Thank you, Judge. The State would
3 thank and excuse the juror in seat number seven, Janis Reda,
4 juror 789.

5 THE COURT: Thank you. Ms. Reda, you can go across
6 the hall and let the Jury Commissioner know you've been
7 excused.

8 THE CLERK: Badge 438, Michelle Guffy.

9 THE COURT: Ms. Guffy, hello.

10 PROSPECTIVE JUROR NO. 438: Hi.

11 THE COURT: Come over here and look around that
12 computer screen. Have you ever served as a juror before?

13 PROSPECTIVE JUROR NO. 438: No.

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

16 PROSPECTIVE JUROR NO. 438: Yes.

17 THE COURT: What crime is that?

18 PROSPECTIVE JUROR NO. 438: Like, burglary.

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

20 PROSPECTIVE JUROR NO. 438: Yeah.

21 THE COURT: How long ago was that?

22 PROSPECTIVE JUROR NO. 438: Well, I've got my purse
23 stolen quite a few -- few times. So maybe like the last time
24 was maybe two years ago.

25 THE COURT: And where was your purse when it was

1 stolen?

2 PROSPECTIVE JUROR NO. 438: It was on stage at my
3 gig, I'm a singer. It was actually on stage and it was
4 stolen. I guess I had my defenses down and I didn't think
5 someone would take it.

6 THE COURT: Okay. You said burglary, so.

7 PROSPECTIVE JUROR NO. 438: Yeah, I had --

8 THE COURT: Yeah.

9 PROSPECTIVE JUROR NO. 438: Well, my parents, we had
10 stuff happen when I was a child, you know, at their house.

11 THE COURT: Okay. House broken into and things
12 stolen?

13 PROSPECTIVE JUROR NO. 438: Yeah. Like we had
14 somebody knock on our front door and distract us, and while we
15 were talking, somebody came in the back and took my mom's
16 purse off of her table and we didn't know until, like, hours
17 later. She was, like, going crazy and then we saw the
18 backdoor was open. So someone came in, yeah.

19 THE COURT: Okay. Was anyone in any of these cases
20 where things were stolen or the house was burglarized, was
21 anyone ever apprehended for the crime?

22 PROSPECTIVE JUROR NO. 438: No. They -- actually,
23 the found my purse, like, the day later. I think someone felt
24 bad and they called and I got my wallet back. But it was an
25 expensive purse, so they took the purse and they -- they gave

1 me a fake -- anyway, they called a cell phone -- they'd taken
2 my cell phone as well and -- anyway, they never got the
3 person. And then they found my mom's purse in a dumpster, but
4 they never got the people.

5 THE COURT: Okay. So you never had to go to court
6 or anything like that?

7 PROSPECTIVE JUROR NO. 438: For other things, but
8 not for that.

9 THE COURT: But not for that. Okay. So any -- did
10 you ever have to go to court in connection with a crime?

11 PROSPECTIVE JUROR NO. 438: Yes.

12 THE COURT: Okay. What was that?

13 PROSPECTIVE JUROR NO. 438: I was a witness.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 438: Because my boyfriend was
16 accused of something that he did not do.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 438: And so I was a witness
19 at that, here in Clark County.

20 THE COURT: As far as the unsolved purse takings, do
21 you feel like the police did everything they could? Or --

22 PROSPECTIVE JUROR NO. 438: I never reported the
23 purse taking at my job.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 438: I didn't -- I just was

1 that's it, you know, so I never reported that. And the police
2 that found my mom's purse, I thought that was pretty cool to
3 find it in a dumpster, they found it. That was way back in
4 the day.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 438: So they did all they
7 could. But I've also been accused of things that I didn't do
8 and I know that people lie. So.

9 THE COURT: Okay. Well, we're going to get to that.
10 Okay. Anyone in -- have you ever been involved in law
11 enforcement yourself?

12 PROSPECTIVE JUROR NO. 438: No.

13 THE COURT: Anyone in your family in law
14 enforcement?

15 PROSPECTIVE JUROR NO. 438: I have a cousin that's a
16 Sheriff in California.

17 THE COURT: Okay. As a -- do you ever talk to your
18 cousin about law enforcement?

19 PROSPECTIVE JUROR NO. 438: No. No.

20 THE COURT: Okay. So would you tend to give a law
21 enforcement officer more credibility or weight to the
22 testimony of a law enforcement person just because they were
23 in law enforcement, but for no other reason?

24 PROSPECTIVE JUROR NO. 438: No.

25 THE COURT: Okay. How about the reverse of that.

1 Would you, because they're a law enforcement officer, tend to
2 disbelieve them merely because they were a law enforcement
3 officer?

4 PROSPECTIVE JUROR NO. 438: No.

5 THE COURT: Okay. So you could weigh a person's
6 testimony?

7 PROSPECTIVE JUROR NO. 438: I know it goes both -- I
8 know they're human.

9 THE COURT: Okay. And you said you've been accused
10 of a crime? Or --

11 PROSPECTIVE JUROR NO. 438: Yes.

12 THE COURT: Okay. What were you accused of?

13 PROSPECTIVE JUROR NO. 438: I was -- I was singing
14 at a venue here in Vegas and this lady that -- she would --
15 she was kind of like a fan/stalker. She accused me of
16 stealing -- I have like this shawl that I wore, and she
17 accused me that it was hers because she had lost on like -- we
18 were there for a week at a time.

19 And she said that she had lost it only two days
20 earlier and that was her shawl. And there was like seven
21 security guards after my set was finished. They had to take
22 me down and question me. I told them I swear I brought this
23 from my house. They had her -- I mean it was an ongoing thing
24 all night long until one of the waitresses was like, is this
25 your shawl? It had been put in the sound booth two nights ago

1 and it was -- it was very much the same. But the fact that --
2 I mean, even the security was telling me that they really were
3 believing this woman. But she really did lose a shawl and it
4 looked like mine, but it wasn't -- it wasn't hers. So I --
5 you know, but I was actually, like, not being believed and I
6 know how that feels to not -- to just be like, I swear I
7 didn't do it, and be accused.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 438: So.

10 THE COURT: So do you think that that would -- that
11 whole experience would make it hard for you to be fair and
12 impartial in this case?

13 PROSPECTIVE JUROR NO. 438: I've lived enough life
14 to see both. So, you know, the only thing, I would hope that
15 I would make the right decision because I don't want to affect
16 somebody's life if it's the wrong decision, you know.

17 THE COURT: Okay. So you would want the State to
18 prove their case beyond a reasonable doubt?

19 PROSPECTIVE JUROR NO. 438: Yes.

20 THE COURT: Which is what their burden is anyway.

21 PROSPECTIVE JUROR NO. 438: Yes.

22 THE COURT: Okay. All right. Do you have any
23 religious or moral beliefs that would make it difficult for
24 you to sit in judgment on another person?

25 PROSPECTIVE JUROR NO. 438: No.

1 THE COURT: Can you think of any reason that you
2 would -- could not be fair and impartial in this case?

3 PROSPECTIVE JUROR NO. 438: No. I find it odd that
4 I was in the hospital at the same time that this is -- was
5 going on. Or that you said 2008, April/May, I was in the --
6 that same hospital then.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 438: But that's just kind of
9 weirded me out a little bit, but I think I can be fair.

10 THE COURT: Okay. How long were you in the hospital
11 there?

12 PROSPECTIVE JUROR NO. 438: About seven days. I had
13 an emergency appendectomy.

14 THE COURT: Okay. Was your experience in the
15 hospital, either good or bad, would it affect your ability to
16 be fair and impartial in this case, knowing that there are
17 going to be witnesses that are coming from the hospital?

18 PROSPECTIVE JUROR NO. 438: No. It just was -- it
19 was a new hospital at the time. And there was some faulty
20 equipment. Like I had a temperature of 105 and they were --
21 it was saying my temperature was 98. And my family was in
22 there and they kept saying, look at her, she's -- she's, you
23 know, delirious. And then they came in, they changed the
24 equipment because they insisted you need to change the
25 thermometer, it's to right, feel her. And they changed it and

1 I was at 105. And they said, we have to put her on a bed of
2 ice.

3 I remember all of this going on, but -- so it was
4 just that -- those little things where you think there's a
5 little bit of incompetency, you know, going on, but it wasn't
6 from him.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 438: So -- but it was that
9 hospital during that time.

10 THE COURT: Okay. Okay. All right. Thank you.
11 Will you be able to follow the instructions on the law as I
12 give it to you?

13 PROSPECTIVE JUROR NO. 438: Yes.

14 THE COURT: All right. State like to inquire
15 further?

16 MS. BLUTH: Thank you, Judge. Hi, Ms. Guffy.

17 PROSPECTIVE JUROR NO. 438: Hi.

18 MS. BLUTH: In regards to your boyfriend, how long
19 was it -- how long has it been since that whole thing took
20 place?

21 PROSPECTIVE JUROR NO. 438: I think -- geez, I don't
22 really know. Let's see, that was -- I can't even tell you.
23 Maybe two or three years ago, maybe.

24 MS. BLUTH: Here in Las Vegas?

25 PROSPECTIVE JUROR NO. 438: Yes.

1 MS. BLUTH: And was he prosecuted by the District
2 Attorney's office?

3 PROSPECTIVE JUROR NO. 438: I think so.

4 MS. BLUTH: Okay. And like Mr. Maningo said to the
5 prior juror, Mr. Kochevar and I are deputies with the District
6 Attorney's office. So would you hold it against us because
7 someone in our office prosecuted your boyfriend?

8 PROSPECTIVE JUROR NO. 438: No.

9 MS. BLUTH: And I'm not -- do either of us look
10 familiar to you?

11 PROSPECTIVE JUROR NO. 438: I think you. I think it
12 was you actually.

13 MS. BLUTH: Okay. Well --

14 PROSPECTIVE JUROR NO. 438: I do, but I --

15 MS. BLUTH: Okay.

16 PROSPECTIVE JUROR NO. 438: He didn't -- he was not
17 guilty.

18 MS. BLUTH: Was it -- is it -- was it a trial?

19 PROSPECTIVE JUROR NO. 438: It was a domestic
20 violence against his ex-wife. It was ugly.

21 MS. BLUTH: Okay.

22 PROSPECTIVE JUROR NO. 438: It was so ugly.

23 MS. BLUTH: That wasn't me.

24 PROSPECTIVE JUROR NO. 438: Okay.

25 MS. BLUTH: I don't do domestic violence so we don't

1 have to worry about that. Are you going to hold it against me
2 because I look like the --

3 PROSPECTIVE JUROR NO. 438: No. No, no, no, no, no.

4 MS. BLUTH: Okay.

5 PROSPECTIVE JUROR NO. 438: See, I'm probably wrong,
6 like the sweater or whatever, the shawl.

7 MS. BLUTH: Right.

8 PROSPECTIVE JUROR NO. 438: See.

9 MS. BLUTH: I mean, in that situation, she wasn't
10 necessarily, like, lying or out to get you. She was -- she
11 didn't understand --

12 PROSPECTIVE JUROR NO. 438: I just -- she just kept
13 saying she -- it is mine, that's -- you know. I'm on stage
14 singing and she pointing, there's seven security guards and
15 I'm like oh my God, you know.

16 MS. BLUTH: I see.

17 PROSPECTIVE JUROR NO. 438: But I do remember
18 feeling nervous and I didn't take it, but still feeling
19 nervous like I wasn't being believed.

20 MS. BLUTH: Right.

21 PROSPECTIVE JUROR NO. 438: So I can see both sides.

22 MS. BLUTH: Sure.

23 PROSPECTIVE JUROR NO. 438: You know, we're -- we're
24 -- first, when I was thinking, like, why wouldn't he testify
25 if he's innocent, but then I remember feeling nervous being

1 innocent. So, I can see all sides.

2 MS. BLUTH: Got it. And the situation with your
3 boyfriend. So that was a domestic violence issue where his,
4 like, ex --

5 PROSPECTIVE JUROR NO. 438: Ex-wife.

6 MS. BLUTH: Ex-wife was -- it was a tumultuous
7 relationship?

8 PROSPECTIVE JUROR NO. 438: Yes.

9 MS. BLUTH: Okay. And so there was a trial.

10 PROSPECTIVE JUROR NO. 438: Yes.

11 MS. BLUTH: Everything she said he did, she did. It
12 was this -- yeah.

13 MS. BLUTH: Was it a trial with a jury as we see
14 here? Or was it just --

15 PROSPECTIVE JUROR NO. 438: No.

16 MS. BLUTH: Or was it just in front of a judge, no
17 jury?

18 PROSPECTIVE JUROR NO. 438: Yeah, just no jury.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NO. 438: No.

21 MS. BLUTH: Have I asked, you know, any questions
22 and you thought, I really want to answer that or I really
23 disagree with something one of the other jurors said?

24 PROSPECTIVE JUROR NO. 438: The first girl that you
25 guys let go, when she said do you have a problem with -- do

1 you have a problem with somebody not taking the stand, and
2 then she said, yes. And I was thinking the same thing. But
3 then I remembered myself and I was like, well, I'm just
4 nervous speaking to you right now, you know.

5 MS. BLUTH: Oh, don't be.

6 PROSPECTIVE JUROR NO. 438: But I mean -- and I'm a
7 singer, go figure. But -- so I was thinking, well, maybe
8 there's a reason, too, why he wouldn't take the stand. But at
9 first I was a little like, yeah, if you're innocent, don't you
10 want to get up there and tell everybody.

11 MS. BLUTH: Right.

12 PROSPECTIVE JUROR NO. 438: You know.

13 MS. BLUTH: Do you have an issue with someone
14 pursuing their rights in a civil case as well? Suing someone
15 for wrongs committed against them?

16 PROSPECTIVE JUROR NO. 438: No. No.

17 MS. BLUTH: Besides the issue that we spoke about
18 with your boyfriend and then the issue that happened at the
19 hotel or casino, wherever it was you were signing.

20 PROSPECTIVE JUROR NO. 438: Yeah, the
21 (indiscernible).

22 MS. BLUTH: Have you had any negative contacts with
23 law enforcement where you felt like you were treated unfairly?

24 PROSPECTIVE JUROR NO. 438: No.

25 MS. BLUTH: Okay. All right, thank you so much for

1 your time.

2 PROSPECTIVE JUROR NO. 438: You're welcome.

3 THE COURT: Defense.

4 MR. MANINGO: Thank you, Your Honor. Hi, Ms. Guffy.

5 PROSPECTIVE JUROR NO. 438: Hi.

6 MR. MANINGO: Well, what kind of singing?

7 PROSPECTIVE JUROR NO. 438: I've done shows, but
8 right now I'm just kind of doing the lounges. I sing a lot at
9 Stratosphere, I was there for two years at the top, Golden
10 Nugget once a week here and there.

11 MR. MANINGO: What style of music?

12 PROSPECTIVE JUROR NO. 438: When I was at the
13 Stratosphere, I do like a lot of Myriah Carey O'Dell dinner
14 music because there was a restaurant below us that spins. And
15 then, like, at the Golden Nugget, I'll sing, like, ACDC, you
16 know rock. So it just depends, like chameleon and change.

17 MR. MANINGO: Are you part of a band or --

18 PROSPECTIVE JUROR NO. 438: I am and I also have my
19 own band as well.

20 MR. MANINGO: Oh, okay.

21 PROSPECTIVE JUROR NO. 438: Yeah.

22 MR. MANINGO: Even as a performer, you -- you said a
23 few minutes ago it still kind of makes you nervous being in a
24 courtroom?

25 PROSPECTIVE JUROR NO. 438: Absolutely. Like, I

1 hold a mike all day long, I'm the band leader. But I get here
2 and I'm, like, nervous.

3 MR. MANINGO: Right. So can you -- does it make
4 sense to you why someone -- or why our laws allow people to
5 not testify --

6 PROSPECTIVE JUROR NO. 438: Absolutely.

7 MR. MANINGO: -- and have it not be held against
8 him?

9 PROSPECTIVE JUROR NO. 438: Absolutely. Because
10 when I was a witness in the --

11 THE COURT: You do have to hold the microphone up --

12 PROSPECTIVE JUROR NO. 438: Oh, when I was a witness
13 and they were asking me questions, the prosecution, the
14 questions -- I was so angry at their questions because -- and
15 so I probably -- my demeanor was probably off. I probably was
16 putting them off because I was angry. So maybe I can see why
17 somebody wouldn't want to take the stand, yes.

18 MR. MANINGO: And when you were a witness, were you
19 concerned about your words or your story being twisted?

20 PROSPECTIVE JUROR NO. 438: Yes, absolutely, yes.
21 Yes.

22 MR. MANINGO: Okay.

23 PROSPECTIVE JUROR NO. 438: Because you're always
24 wondering, well, they're going to say something back.
25 Whatever I said, they're going to -- yeah.

1 MR. MANINGO: Okay.

2 PROSPECTIVE JUROR NO. 438: Right.

3 MR. MANINGO: And -- and it's -- there's a lot of
4 pressure at the same time?

5 PROSPECTIVE JUROR NO. 438: Yes, yes. Absolutely.

6 MR. MANINGO: And you weren't even -- the trial
7 wasn't even --

8 PROSPECTIVE JUROR NO. 438: About me, no. I was
9 just --

10 MR. MANINGO: -- for you.

11 PROSPECTIVE JUROR NO. 438: Right.

12 MR. MANINGO: Okay. Okay. You said that you were a
13 little bit concerned about making a big decision like this
14 that affects someone else's life?

15 PROSPECTIVE JUROR NO. 438: Yes.

16 MR. MANINGO: Okay. Do you think you'll be able to
17 get through that and do the task of being a juror?

18 PROSPECTIVE JUROR NO. 438: I do. I feel like I
19 have a good gut instinct. But then I watch these trials on TV
20 and I think, what, are they crazy letting that person go. And
21 then you go -- you know in your heart they were guilty and I
22 think how can that happen.

23 So who am I to say if I could -- you know, I just
24 don't want to put somebody away that doesn't -- that didn't
25 deserve it, at the same time, not give justice. And I hope

1 that I would be -- you know, have lived enough life to
2 decipher the truth.

3 MR. MANINGO: Okay. And have you -- and I'm
4 guessing you've probably heard or seen the stories in the
5 media about the people who are released from custody after
6 several decades because --

7 PROSPECTIVE JUROR NO. 438: That were innocent?

8 MR. MANINGO: That were innocent.

9 PROSPECTIVE JUROR NO. 438: Yes, that's horrible. I
10 feel so bad.

11 MR. MANINGO: Right. And DNA or whatever it is
12 shows later on that --

13 PROSPECTIVE JUROR NO. 438: Right, yeah. That's
14 horrible.

15 MR. MANINGO: Okay. If you were selected for this
16 jury, would -- would you feel okay if -- disagreeing with
17 other people on the jury?

18 PROSPECTIVE JUROR NO. 438: Yes. I would just do my
19 best to tell my truth.

20 MR. MANINGO: Okay. Give your opinion?

21 PROSPECTIVE JUROR NO. 438: Yeah. I -- just feel --
22 you know, tell the way I see things, the way I feel is my
23 truth.

24 MR. MANINGO: Okay.

25 PROSPECTIVE JUROR NO. 438: I would definitely --

1 yes, stick by that.

2 MR. MANINGO: Okay. And obviously you had stated
3 that you -- you believe that people do make false accusations?

4 PROSPECTIVE JUROR NO. 438: Yes.

5 MR. MANINGO: Okay. You told the story about your
6 shawl. Were there -- have there ever been any other
7 experiences that you've --

8 PROSPECTIVE JUROR NO. 438: I'm sure when I was
9 younger. Yeah, it's just stuff people say you did this and
10 you didn't do it. Yeah, absolutely. It's just life, you
11 know.

12 MR. MANINGO: Okay. If -- with the accusations, do
13 you -- I mean, if someone's accusing you, do you expect them
14 to back it up with something?

15 PROSPECTIVE JUROR NO. 438: Absolutely, yeah.

16 MR. MANINGO: Okay. Okay. Is there anything that
17 you heard myself or anyone else speak with the other jurors
18 about that you wanted to --

19 PROSPECTIVE JUROR NO. 438: No.

20 MR. MANINGO: -- express that you felt important?

21 PROSPECTIVE JUROR NO. 438: No. I thought all your
22 questions are great.

23 MR. MANINGO: Okay. Well, thank you. Thank you.
24 I'll pass the juror.

25 THE COURT: Thank you. And it is the defense third

1 peremptory challenge.

2 MR. MANINGO: Your Honor, we would thank and excuse
3 Ms. Marquez, seat number nine.

4 THE COURT: All right, thank you. Call the next in
5 order.

6 THE CLERK: Badge 465, Bonnie Paduan.

7 THE COURT: Good afternoon, Ms. Paduan.

8 PROSPECTIVE JUROR NO. 465: Hello.

9 THE COURT: So have you ever served as a juror
10 before?

11 PROSPECTIVE JUROR NO. 465: No, I've been waiting 40
12 years to do this.

13 THE COURT: All right. So you were not unhappy to
14 get your jury summons?

15 PROSPECTIVE JUROR NO. 465: No, I was not unhappy.

16 THE COURT: Okay. Were you -- are you anxious to
17 serve as a juror?

18 PROSPECTIVE JUROR NO. 465: I'm anxious only about
19 how many bathroom breaks I can get.

20 THE COURT: Okay. Are we running past your limit
21 now?

22 PROSPECTIVE JUROR NO. 465: No. No, I haven't had
23 any water today, so.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 465: My doctor's going to

1 kill me.

2 THE COURT: Okay. All right. So we're only going
3 till 5:00, otherwise I probably would have taken a break by
4 now. So have you ever been a victim of a crime?

5 PROSPECTIVE JUROR NO. 465: Yes.

6 THE COURT: What crime?

7 PROSPECTIVE JUROR NO. 465: The one that sticks out
8 most is a neighbor decided to take out what my husband had
9 done on me, came over and attempted rape and beat me up a bit.

10 THE COURT: Okay. So you said a neighbor thought
11 your husband had done something?

12 PROSPECTIVE JUROR NO. 465: No. My neighbor knew
13 that my husband had not done something. The neighbor ran his
14 truck into our house and then said, don't call the insurance,
15 I'll fix it myself. Yeah, right. So we called the insurance,
16 they fixed it, and then they wanted the money from him and
17 that's when he got upset.

18 THE COURT: Okay. And he came over to your house
19 and he tried to rape you and beat you up?

20 PROSPECTIVE JUROR NO. 465: Yes. He was not very
21 good at it, but he did beat me up a bit.

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

23 PROSPECTIVE JUROR NO. 465: Yes, I called the
24 police. And the only time that I have ever had any bad things
25 with police was that time. And later on the Lieutenant in

1 charge was fired because of the way he treated the women like
2 myself. I was one of like 16, so.

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

4 PROSPECTIVE JUROR NO. 465: Oh, no. That was up in
5 Bangor, Maine.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 465: Twenty some years ago.

8 THE COURT: All right. And when you say how you
9 were treated and these other women were treated, what are you
10 talking about?

11 PROSPECTIVE JUROR NO. 465: He had an issue with why
12 I was in bed at 10:00 o'clock. He had an issue with what I
13 was wearing. And he had an issue with why I didn't go to the
14 hospital and get checked. Well, the guy didn't rape me, so
15 there was no reason for that. And I'm an air -- I was an air
16 traffic controller. I had a -- a double turnaround every
17 week, so we always went to bed when we could. And I think
18 it's perfectly okay for a woman to wear a track outfit in the
19 middle of winter in Maine.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 465: To sleep in. And he
22 wanted -- he was refusing to do anything because I would not
23 take a lie detector test. I just finally had it with him
24 and --

25 THE COURT: Okay. So do you think your experience

1 with all of that would bear on your ability to fair and
2 impartial in this case?

3 PROSPECTIVE JUROR NO. 465: Oh, yes.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 465: See, I was hoping he was
6 an avocado rustler. I can deal with that. But as soon as his
7 charges were came up, the only thing that popped in my head
8 was, guilty.

9 THE COURT: All right. So you've -- you've made up
10 your mind?

11 PROSPECTIVE JUROR NO. 465: I have made up my mind.
12 That's the only thing I am death on.

13 THE COURT: Okay. I think we can all agree that she
14 may be excused. Thank you very much.

15 PROSPECTIVE JUROR NO. 465: You're welcome.

16 THE CLERK: Badge 467, Rob Colegrove.

17 THE COURT: Mr. Colegrove, have you ever been a
18 juror before?

19 PROSPECTIVE JUROR NO. 467: No.

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

21 PROSPECTIVE JUROR NO. 467: No.

22 THE COURT: Any one in your family or closely
23 associated with you been a victim of a serious, violent-type
24 crime like rape?

25 PROSPECTIVE JUROR NO. 467: No.

1 THE COURT: Have you ever been accused of a crime?

2 PROSPECTIVE JUROR NO. 467: No.

3 THE COURT: Anyone in your family or closely
4 associated with you, friends, that were accused of a crime?

5 PROSPECTIVE JUROR NO. 467: No.

6 THE COURT: Have you every been in law enforcement?

7 PROSPECTIVE JUROR NO. 467: No.

8 THE COURT: Anyone in your family or closely
9 associated with you in law enforcement?

10 PROSPECTIVE JUROR NO. 467: No.

11 THE COURT: Do you have any religious or moral
12 beliefs that would cause you to be unable to sit in judgment
13 on another person?

14 PROSPECTIVE JUROR NO. 467: No.

15 THE COURT: Do you have any quarrel with our premise
16 of -- in our justice system, that it being the presumption of
17 innocence? Do you have any disagreement that a person should
18 be presumed innocent until the State proves otherwise beyond a
19 reasonable doubt?

20 PROSPECTIVE JUROR NO. 467: No.

21 THE COURT: Will you be able to follow the
22 instructions on the law as I give them to you?

23 PROSPECTIVE JUROR NO. 467: Yes.

24 THE COURT: Can you think of any reasons you would
25 not be fair and impartial in this case?

1 PROSPECTIVE JUROR NO. 467: No.

2 THE COURT: Tell us about yourself?

3 PROSPECTIVE JUROR NO. 467: I've been in Vegas for
4 seven years. I'm a food service manager at the Excaliber.
5 That's about it. I work all the time. I work 70 hours a
6 week. I feel that I'm a very honest person. I'm single, no
7 children. Really, I just work all the time.

8 THE COURT: All right. Now, are you going to be
9 trying to work when you're not here?

10 PROSPECTIVE JUROR NO. 467: No.

11 THE COURT: Okay. So this --

12 PROSPECTIVE JUROR NO. 467: This is going to be a
13 vacation.

14 THE COURT: Seventy hours a week is pretty brutal.
15 All right. And so would the State like to inquire further?

16 MS. BLUTH: Yes, Your Honor. When you say that, you
17 know, you feel like you're a pretty honest person or a very
18 honest person.

19 PROSPECTIVE JUROR NO. 467: Yes.

20 MS. BLUTH: Do you feel like you're a good judge of
21 character?

22 PROSPECTIVE JUROR NO. 467: Pretty much, yes.

23 MS. BLUTH: And what types of things do you use in
24 making those determinations on an individual?

25 PROSPECTIVE JUROR NO. 467: Just a -- it's -- I

1 based it on a lot of things. When I, you know, look into
2 people's background, stuff like that, what you hear about
3 them, evidence, stuff like that.

4 MR. MANINGO: I'm going to object, Your Honor, just
5 because the question is reference character as opposed to
6 credibility. I don't think there will be character issues.

7 THE COURT: All right. Well, I think what she's
8 asking is do you -- you know, how do you judge -- how do you
9 judge people if you judge them. I don't think there's a
10 problem with that necessarily. You make decisions about
11 people. What do you make you decisions when you're forming an
12 opinion about a person?

13 PROSPECTIVE JUROR NO. 467: Well, that's -- that's
14 based on what I see about them. I mean, I don't try to
15 prejudge anybody before I get to know them.

16 MS. BLUTH: Sure.

17 PROSPECTIVE JUROR NO. 467: I've never done that.

18 MS. BLUTH: But when you meet someone and you know,
19 you're trying to determine -- just like everyday life, you're
20 trying to determine is this someone, you know, that's a
21 credible person. What types of things do you look at I guess
22 is what --

23 PROSPECTIVE JUROR NO. 467: Just the facts of life
24 practically, what type of person they really are, how there,
25 you know, their ability to do something is. I mean, I really

1 refer that back to my line of work. That's how I -- something
2 based on.

3 MS. BLUTH: Your line of -- say the last part again?

4 PROSPECTIVE JUROR NO. 467: You know, because in,
5 like, my line of work, I based that on what type of person
6 they are, how they work, how they act, behave and stuff like
7 that. I don't prejudge anybody until I get to know them.

8 MS. BLUTH: Okay. When you walked in here and, you
9 know, you heard the charges and heard the brief summary, what
10 were your thoughts?

11 PROSPECTIVE JUROR NO. 467: Everybody's innocent
12 until proven guilty.

13 MS. BLUTH: Do --

14 PROSPECTIVE JUROR NO. 467: I didn't really have any
15 -- anymore thoughts than that.

16 MS. BLUTH: Do you want to serve as a juror?

17 PROSPECTIVE JUROR NO. 467: Yes.

18 MS. BLUTH: Why?

19 PROSPECTIVE JUROR NO. 467: I just -- I just think
20 it would be interesting to -- I don't know. I've just seen it
21 on TV and stuff like that, and I've had a couple of people
22 mention it in the past, the reward from, you know, the benefit
23 from serving on a jury.

24 MS. BLUTH: Do you watch those types of shows where
25 it's real trials that go on?

1 PROSPECTIVE JUROR NO. 467: Sometimes.

2 MS. BLUTH: And what were the most recent cases that
3 you followed?

4 PROSPECTIVE JUROR NO. 467: Oh, I mean, I just watch
5 like CSI, Law and Order, stuff like that.

6 MS. BLUTH: Oh.

7 PROSPECTIVE JUROR NO. 467: I don't watch the news,
8 it bores me.

9 MS. BLUTH: Okay.

10 PROSPECTIVE JUROR NO. 467: I'm not -- never home to
11 watch the news, so.

12 MS. BLUTH: In regards to CSI, do you think any of
13 that is based on, you know, what we do here?

14 PROSPECTIVE JUROR NO. 467: To an extent, yes.
15 Everything -- I mean, everybody has to be shown evidence and
16 stuff like that, or hear evidence.

17 MS. BLUTH: But the types of techniques and
18 technology that you see on CSI, do you think that's based on
19 real life stuff?

20 PROSPECTIVE JUROR NO. 467: Possibly.

21 MS. BLUTH: Okay. Do you expect to see those things
22 as a juror in a criminal trial?

23 PROSPECTIVE JUROR NO. 467: You had mentioned that
24 earlier about pictures and stuff like that, so absolutely.

25 MS. BLUTH: Oh, the pictures, yes. But what I --

1 PROSPECTIVE JUROR NO. 467: I think --

2 MS. BLUTH: -- I think I was going more down the
3 lines of, you know, CSI it's like they have -- they can find a
4 fingerprint in like a bag of feathers. You know, I mean --

5 PROSPECTIVE JUROR NO. 467: No.

6 MS. BLUTH: -- it's stuff that they have --

7 PROSPECTIVE JUROR NO. 467: Yeah.

8 THE COURT: -- tons of technology. And so I was
9 just trying to gauge whether or not you think that that's
10 realistic, that that's in every case.

11 PROSPECTIVE JUROR NO. 467: No, I understand that
12 it's pretty not realistic, find a fingerprint in a bag of
13 feathers.

14 MS. BLUTH: Okay. What do you think about the
15 statement that I -- you know, that I said and I can say it
16 again about a victim's testimony? Do you remember that
17 statement?

18 PROSPECTIVE JUROR NO. 467: I don't.

19 MS. BLUTH: The law states that if, you know, in the
20 case of a victim who's alleging sexual assault, and if they
21 take the stand and you believe their testimony beyond a
22 reasonable doubt, that alone, in itself, is enough to sustain
23 a conviction, a verdict of guilty?

24 PROSPECTIVE JUROR NO. 467: Yes.

25 MS. BLUTH: So do you -- watching those shows, do

1 you think you need things, like fingerprints and DNA? Or can
2 you look at other pieces of evidence?

3 PROSPECTIVE JUROR NO. 467: Oh, I can look at the
4 whole picture, all -- all the types of evidence and stuff like
5 that. Fingerprints, DNA, all of that.

6 MS. BLUTH: And what if you're not presented with
7 those types of things?

8 PROSPECTIVE JUROR NO. 467: Then I have to go with
9 what the two of your present to the jury.

10 MS. BLUTH: Okay. Have you had any negative contact
11 with law enforcement where you didn't feel you were treated
12 correctly? Or your family didn't feel they were treated
13 correctly?

14 PROSPECTIVE JUROR NO. 467: No.

15 MS. BLUTH: No. Okay. Have you ever known someone
16 that's been a victim of rape?

17 PROSPECTIVE JUROR NO. 467: No.

18 MS. BLUTH: Do you know anyone who has a seizure
19 disorder?

20 PROSPECTIVE JUROR NO. 467: No.

21 MS. BLUTH: Thank you. Nothing further. Pass the
22 juror, Your Honor.

23 THE COURT: Thank you.

24 MR. MANINGO: Mr. Colegrove, hi.

25 PROSPECTIVE JUROR NO. 467: Hi.

1 MR. MANINGO: A quick follow-up just on something
2 that was said a minute ago. I'm being really picky with
3 words, that's something that we do in here. You had said if
4 there isn't DNA and that kind of thing, that you'll just have
5 to look at what the two of you present.

6 PROSPECTIVE JUROR NO. 467: Um-hum.

7 MR. MANINGO: And who were you talking about?

8 PROSPECTIVE JUROR NO. 467: Oh, I was talking about
9 her and yourself.

10 MR. MANINGO: And myself.

11 PROSPECTIVE JUROR NO. 467: Yes.

12 MR. MANINGO: Okay. Now, you know that as the
13 defense, we don't have to present anything to you?

14 PROSPECTIVE JUROR NO. 467: Uh-huh.

15 MR. MANINGO: Do you agree with that?

16 PROSPECTIVE JUROR NO. 467: Yeah.

17 MR. MANINGO: The burden's on the prosecution, they
18 have to do all the proving.

19 PROSPECTIVE JUROR NO. 467: Uh-huh.

20 MR. MANINGO: And are you okay with that?

21 PROSPECTIVE JUROR NO. 467: Yes.

22 MR. MANINGO: Okay. If, at the end of the trial, we
23 haven't presented anything to you, is that something that
24 you're going to take into account and hold against Mr. Farmer?

25 PROSPECTIVE JUROR NO. 467: No. I would take

1 everything into consideration.

2 MR. MANINGO: On just whether or not they have shown
3 enough to prove what they're alleging?

4 PROSPECTIVE JUROR NO. 467: Yes.

5 MR. MANINGO: Okay. And did you hear my example of
6 earlier with -- with Mr. Apostol about the apple, eating the
7 apple?

8 PROSPECTIVE JUROR NO. 467: Yes.

9 MR. MANINGO: Okay. So did that make sense to you?

10 PROSPECTIVE JUROR NO. 467: Yes.

11 MR. MANINGO: As to why we don't have to provide
12 evidence or Mr. Farmer doesn't have to testify?

13 PROSPECTIVE JUROR NO. 467: Yes.

14 MR. MANINGO: Okay. So you'll be okay, then,
15 without that?

16 PROSPECTIVE JUROR NO. 467: Yes.

17 MR. MANINGO: Okay. Ms. Bluth was asking you about
18 if we -- saying if we don't have DNA and we don't have
19 fingerprints, that kind of thing, if they -- is it something
20 that you would want to help you make this decision?

21 PROSPECTIVE JUROR NO. 467: Not necessarily, no.

22 MR. MANINGO: Okay. Would you agree that this is a
23 big decision that you'll have to make?

24 PROSPECTIVE JUROR NO. 467: Absolutely.

25 MR. MANINGO: Okay. And it's an important reason

1 why you're here?

2 PROSPECTIVE JUROR NO. 467: Yes, very much.

3 MR. MANINGO: Okay. Do you understand why we're
4 taking so much time trying to find people who are fair and
5 impartial?

6 PROSPECTIVE JUROR NO. 467: Oh, absolutely.

7 MR. MANINGO: Okay. Do you think you'd be a good
8 person for that?

9 PROSPECTIVE JUROR NO. 467: Absolutely.

10 MR. MANINGO: Okay. Anything else that I have
11 forgotten that you think we should be aware of?

12 PROSPECTIVE JUROR NO. 467: No.

13 MR. MANINGO: Okay. If you were sitting with --
14 over there at that table with me and you look over and saw a
15 potential juror like yourself, you'd be comfortable with --
16 with that person on the jury?

17 PROSPECTIVE JUROR NO. 467: Sure.

18 MR. MANINGO: All right, thank you.

19 PROSPECTIVE JUROR NO. 467: Yep.

20 MR. MANINGO: I'll pass Mr. Colegrove.

21 THE COURT: Thank you. All right. Ladies and
22 gentlemen, it is just seconds until 5:00. So we are going to
23 recess for the evening and we're going to return -- tomorrow
24 we'll be able to return at 9:30 tomorrow. I have one matter
25 at 9:00 o'clock and then we'll be able to start back up at

1 9:30. So if you'll be here --

2 MS. BLUTH: May we approach, Your Honor?

3 THE COURT: Yes.

4 (Bench conference begins)

5 MS. BLUTH: Okay. Jacqueline Bluth. I know this is
6 your courtroom, so I don't want you to think that I'm butting
7 in, but I was just wondering if we could just make our
8 challenge because I feel bad bringing the person in to just
9 let them go tomorrow. Do you know what I mean?

10 THE COURT: Yeah, that sounds good.

11 MS. BLUTH: Would that be okay?

12 THE COURT: Sure.

13 MS. BLUTH: Okay.

14 MR. BASHOR: Ryan Bashor, I have one question. If I
15 saw the schedule correctly, we're sitting until 4:00 o'clock
16 tomorrow?

17 THE COURT: Yes.

18 MS. BLUTH: But we start -- we're starting earlier.

19 THE COURT: We're starting -- we're starting
20 earlier. We can start at 9:30 --

21 MS. BLUTH: Oh, okay.

22 THE COURT: -- because the evidentiary hearing went
23 off. I substituted a motion from this morning's calendar that
24 moved up and I --

25 MR. MANINGO: So 9:30 to 4:00.

1 THE COURT: Yeah.

2 MR. MANINGO: Thank you, Your Honor.

3 (Bench conference ends)

4 THE COURT: All right. Before we -- I read you the
5 admonition, the State is going to exercise their next
6 peremptory challenge so the person doesn't have to come back
7 only to get excused tomorrow morning. So if you'll go ahead
8 and make that.

9 MR. KOICHEVAR: Thank you, Your Honor. The State
10 would thank and excuse the juror in seat number seven,
11 Michelle Guffy, juror number 438.

12 THE COURT: Thank you, Ms. Guffy.

13 PROSPECTIVE JUROR NO. 438: Thank you.

14 THE CLERK: Badge -- badge 487, Jenrikiza Platz.

15 THE COURT: Okay. So, ladies and gentlemen,
16 tomorrow, 9:30. If you're here at 9:20, that's good, but
17 just, you know, be here at 9:20 because our Marshal is going
18 to be taking a headcount to make sure everybody's here. And
19 we'll start at 9:30.

20 During this overnight recess, it is your duty not to
21 converse among yourselves or with anyone else on any subject
22 connected with the trial, or to read, watch or listen to any
23 commentary on or report of the trial by any person connected
24 with the trial or by any medium of information including,
25 without limitation, newspaper, television, radio or internet.

1 And you are not to form or express an opinion on any subject
2 connected with this case until it is finally submitted to you.

3 We'll be in recess and I'll see you tomorrow
4 morning.

5 (Outside the presence of the prospective jurors)

6 THE COURT: All right. The record will reflect
7 we're outside the presence of the venire. Are there any
8 matters outside the presence before we recess for the evening?

9 MR. BASHOR: Your Honor, because in dealing with Ms.
10 Bluth in the past and stuff, she's been kind enough to give me
11 the heads of that there are a couple of photos that she
12 intends to use in her opening presentation that I'd like to be
13 heard about. I realize it's 5:00 o'clock. I know also that
14 Ms. Bluth will want notice as to whether or not those
15 photographs could be included. So I didn't know when you'd
16 want that addressed.

17 THE COURT: Well, we -- I mean, how long do you
18 think this is going to take? Do you have the --

19 MR. BASHOR: The argument itself, Your Honor?

20 THE COURT: Yeah.

21 MR. BASHOR: Less than 10 minutes.

22 THE COURT: Okay. Well, why don't we just do it
23 tomorrow then. Tomorrow morning? Is that too late? Or are
24 you thinking you need to get your PowerPoint done tonight or
25 something?

1 MS. BLUTH: Oh, gosh, I don't know how much longer
2 it's going to take. I mean, I can probably -- we'll have a
3 lunch break before we start openings, I would imagine, if
4 we're starting at 9:30.

5 THE COURT: Well, we seem to been averaging, I
6 think, like two people an hour, I hate to tell you.

7 MR. MANINGO: Right.

8 THE CLERK: So we'll be lucky to have a jury by
9 noon.

10 THE COURT: Right.

11 MR. BASHOR: So we probably will have a lunch break.

12 MS. BLUTH: Let's just deal with it tomorrow.

13 THE COURT: Okay.

14 MR. BASHOR: Thank you.

15 MS. BLUTH: Thank you.

16 THE COURT: All right, thank you.

17 (Court recessed at 5:04 p.m., until Thursday,
18 February 6, 2014, at 9:51 a.m.)

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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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