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No. 65935

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Feb 23 2015 11:43 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

CATHERINE CORTEZ MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

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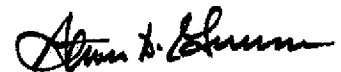
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CLERK OF THE COURT

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 4

THURSDAY, FEBRUARY 6, 2014

APPEARANCES:

FOR THE STATE:	JACQUELINE M. BLUTH, ESQ. BRIAN J. KOCHVAR, 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

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1 LAS VEGAS, NEVADA, THURSDAY, FEBRUARY 6, 2014, 9:51 A.M.

2 (Outside the presence of the prospective jurors)

3 THE COURT: Case Number C-245739, State of Nevada v.
4 Steven Farmer. The record will reflect we're outside the
5 presence of the venire panel. Defendant is present with his
6 counsel and the Deputies District Attorney are present, as are
7 all officers of the court.

8 MR. BASHOR: Thank you. Ryan Bashor on behalf of
9 Mr. Farmer. Your Honor, as I stated yesterday, in an
10 abundance of caution, the State indicated that they -- they
11 let me review the photographs that they were going to use in
12 their opening presentation.

13 Two of them are of concern, one more than the other.
14 However, they're nonetheless, we would submit, are a bit
15 prejudicial. I have printed independent color copies, if I
16 could approach, Your Honor, so that you know what I'm talking
17 about.

18 THE COURT: All right.

19 MR. BASHOR: Thank you. So the first I'll address,
20 Your Honor, that is the alleged victim, Roxanne Cagnina. She
21 is in a hospital bed. The State has provided and found four
22 photos of the other alleged victims that are more benign, face
23 shots, that kind of thing. Our argument would be probative
24 versus prejudicial effect of having her in a hospital bed
25 looking quite down and drowsy and kind of out of it, we would

1 submit it would be inappropriate.

2 As for the second photograph, Your Honor, that's a
3 photograph from the SANE exam of Roxanne Cagnina. I would
4 submit that in opening statement, it's quite graphic and quite
5 unsettling. I can see where potentially a SANE examiner, in
6 explaining or demonstrating certain things potentially, with a
7 scientific description accompanying it, there's a potential
8 that Your Honor would find it admissible and relevant.

9 However, for purposes of opening presentation,
10 without having that scientific or medical context with it,
11 that it's kind of -- when it's out of context like that, quite
12 shocking to the eyes. And I would ask that both be excluded.

13 THE COURT: State?

14 MS. BLUTH: Thank you, Your Honor. And I believe
15 that the standard is if the State has a reasonable belief that
16 these pictures will be coming as evidence. So I'd like to
17 state, Your Honor, why I believe that there is a reasonable
18 belief.

19 In regards to the picture of Roxanne Cagnina, this
20 is the picture taken right before her sexual assault nurse
21 examination. And the nurse will be discussing, you know, when
22 she came in, how she came in, the medication she was on, her
23 demeanor, she was weepy, crying, very upset. I think it's
24 more than appropriate in a case where a SANE exam was done, or
25 any case where there's a victim, if you have a picture of the

1 victim at the time right at the crime, I don't know any reason
2 of why that wouldn't come in.

3 I don't think it's prejudicial to show her. I mean,
4 common sense says that a victim of a sexual assault is going
5 to be pretty upset or is going to be. I mean, she's not
6 crying in this picture. As you can see, she does look
7 medicated, and it's probably pretty small up there, but she --
8 you know, she is upset, she's been medicated, but I don't
9 have, you know, it's not like there's blood or anything that I
10 think rises to a prejudicial -- to the grounds that it's
11 overly prejudicial. In regards to the picture of the --

12 THE COURT: Okay, before we move from that.

13 MS. BLUTH: Oh, I apologize.

14 THE COURT: Is this -- are you -- is the whole thing
15 or just the photo going to be used?

16 MS. BLUTH: I cut and pasted just the photo.

17 THE COURT: Oh, okay. Because I was more concerned
18 about the additional, you know, where it says "date rape
19 drug".

20 MS. BLUTH: Oh, no.

21 MR. BASHOR: Right.

22 THE COURT: Okay, so that's not --

23 MR. BASHOR: Thank you, Your Honor, yes.

24 THE COURT: Okay.

25 MR. BASHOR: Just the photograph.

1 THE COURT: Just the photograph. Okay. Yeah, I
2 don't find this to be -- I mean, I think it's going to come
3 into evidence. And if it is properly in evidence -- you know,
4 if it wouldn't come into evidence, it can't come into an
5 opening statement, but I don't think there's anything overly
6 prejudicial about this photograph. Now, second photograph?

7 MS. BLUTH: The second photograph is the photo of
8 the lacerations between the five and seven o'clock positions
9 of Roxanne's vagina. Linda Ebbert will be coming in. She's a
10 sexual assault nurse examiner. This is the -- one of the
11 photos that she will use to explain her findings, the shape of
12 the findings, and what the shape is indicative of which she
13 will tell the jury, fingernails.

14 This is the picture I found that was best
15 descriptive of her findings. I am going to, you know, after
16 showing the picture, explain her findings like Mr. Bashor was
17 talking about. You know, there will be a description of the
18 medical findings that are associated with that.

19 It's not for shock value, but I have to explain what
20 a sexual assault nurse examiner does and what her findings
21 will show. And the best way to do that is, you know, using
22 illustrations, especially this picture. I don't think it's
23 prejudicial. I mean, this is evidence in this case. This is
24 a sexual assault case and this is evidence of a sexual
25 assault.

1 THE COURT: Well, I've got to agree with that. I
2 mean, I -- I don't find this photograph shocking. It depicts
3 female genitalia and injuries to that. I mean, this is -- I
4 guess -- yeah, I don't find this shocking at all. It's not
5 sexual in any way. It's just a body part, so.

6 MR. BASHOR: I would -- just for the record, Your
7 Honor, again, that would just be -- because I'm ask that you
8 mark these as Court's exhibits for the appellate record.

9 However, again, on the second photograph, she cut
10 and paste just the photograph. So if there's any text or
11 information around it, that would not be in her presentation.
12 It's just the photograph itself.

13 THE COURT: Okay.

14 MS. BLUTH: That's correct.

15 THE COURT: Correct? Okay.

16 MR. BASHOR: But other than that, I would ask that
17 they be marked.

18 THE COURT: All right. We'll -- do you want these
19 marked as Defense Court Exhibit 1?

20 MR. BASHOR: Sure. Sure, thank you.

21 THE COURT: Let's see, and I'll -- we'll -- I'll put
22 A and B on them since -- just for clarification that A is the
23 photograph of the patient in the bed, and B is the photograph
24 of the patient's -- one of the photos taken in the examination
25 of the genitalia area.

1 MR. BASHOR: Thank you.

2 MS. BLUTH: Thank you, Your Honor.

3 (Pause in the proceedings)

4 THE COURT: All right. So I've just received a
5 letter from Jan Porter. Actually, it's notarized, as well,
6 who is badge number 662, who wanted to bring these things to
7 the Court's attention outside the presence of the other
8 panelists.

9 And I'll just read it to you. "Having the full
10 understanding of the responsibility to serve the public as a
11 juror, I respectfully request the Judge to have me reassigned
12 to a different jury panel as I cannot be impartial in this
13 case given the hypothetical facts that have been given during
14 the voir dire examination of other prospective jurors.

15 "Furthermore, given the personal perception that the
16 jurors who have had experiences similar to those, which I will
17 disclose in this request, have been unduly cross-examined and
18 caused to be further victimized by the necessary process (sic)
19 of voir dire. I am strongly aware of my own prejudices in
20 this case. I have been a victim of sexual assault by a person
21 in a position of trust.

22 "I have lived in Clark County for 14 years. I was a
23 television reporter until the age of 40 and as such, I know
24 very well the media's capability to stir up the firestorm as
25 the defense counsel suggested in voir dire.

1 "I served as an intern staffer in the Colorado State
2 Legislature for a legislature that 20 years ago introduced the
3 Bill for the chemical castration of pedophiles. The Bill did
4 not pass, but through testimony, I became aware that most
5 pedophiles have the inability to reliably achieve physical
6 erections.

7 "I am a supervisory community association manager
8 and the general manager for the Colley (phonetic) Ranch
9 Community Association and Self-Manage Association. I have
10 also been appointed to serve in the past on the Commission for
11 Common Interest Communities and as such, am familiar with the
12 processes and instructions of the Court in a quasi-judicial
13 setting. Additionally, I am aware of the practices and
14 jurisdiction of the appropriate licensing board in cases of
15 hypothetical setting provided in voir dire as they relate to
16 situations of moral turpitude.

17 "My husband of 39 years serves the medical community
18 as the Outreach -- Regional Outreach Coordinator for Select
19 Medical. He is an athletic trainer and the employer of most
20 of the athletic trainers assigned to the Clark County School
21 District. He is appointed by the Governor as the Chairman of
22 the Athletic Trainer Licensing Board. As such, we have had
23 discussions about the practices and jurisdiction of the
24 appropriate licensing board in cases of hypothetical setting
25 provided in voir dire as they relate to situations of moral

1 turpitude. Additionally, he has recently had to terminate an
2 employee for a situation of moral turpitude.

3 "We have four adult sons. One is the regional
4 managing director for Pinkerton. One is a surveyor who is
5 planting solar farms. One is a carpenter and one is in the
6 United States Air Force.

7 "Given the above factors, although the jury may
8 later find that the defendant may have lost his professional
9 licensing and means of viable support in the manner to which
10 he maybe have become accustom, his victims have the need to
11 have a voice and too often victims are not given their right
12 to be heard. As a victim, I know the reasons that people do
13 not come forward in a timely manner, concern for escalation of
14 the situation, respect for presumed authority, stigma of being
15 a victim. Yes, this is why I don't want to testify verbally
16 in front of 50 other potential jurors.

17 "In the hypothetical scenario given of a medical
18 setting, there could be a question of suppressed cognitive
19 function, fear of recrimination, self-esteem, the potential
20 mindset of others that you asked for it, threats against the
21 victim or intimidation, no one will believe you. I have
22 served on a jury in the past, 1993'ish in El Paso County,
23 Colorado. I have been accused of, but not charged with the
24 crime of being a bully as has been the case of most
25 Homeowner's Association managers.

1 "Strategically, the State would like me as a juror,
2 the defense would not. Strategically, if empaneled, the
3 defense would have to use one of their peremptory challenges
4 to unseat me. I respectfully request to be reassigned to a
5 different trial panel."

6 MS. BLUTH: No objection.

7 MR. MANINGO: No objection.

8 THE COURT: Yes, 662.

9 THE CLERK: And I have a question. I was told that
10 the -- did you guys have him gone yesterday, Scott Barclay?

11 MR. MANINGO: Barclay?

12 THE CLERK: Is that what you said?

13 MR. KOCHEVAR: Yes.

14 THE CLERK: And yet, neither of us have anything on
15 him at all.

16 MS. BLUTH: What number was he again?

17 MR. KOCHEVAR: I show him as one of the -- I show he
18 was one of the UNLV students that we excused.

19 MR. MANINGO: Yes.

20 MR. BASHOR: Full-time, 14 units.

21 THE CLERK: You have it too?

22 THE MARSHAL: No, that's why (inaudible).

23 THE CLERK: Yeah, all three of us. Did you have it
24 or do you know?

25 THE COURT: I don't know. Let me see it.

1 THE MARSHAL: No, he's not out there, that's right.

2 THE CLERK: Yeah. Well, I didn't -- I don't have
3 any notes that he was a student either.

4 THE COURT: What was his number?

5 THE CLERK: Number 625.

6 THE CLERK: It would have been yesterday, right?
7 You don't have him gone?

8 THE COURT: I have him on my list.

9 THE CLERK: The guy's are making stuff up.

10 THE COURT: Scott Barclay.

11 MS. BLUTH: Gone.

12 THE CLERK: You don't have him gone, do you?

13 THE COURT: Well, I didn't cross him off this --

14 THE CLERK: You didn't write anything off?

15 THE COURT: -- but he's probably on my list of --

16 THE CLERK: Look on your list, yeah, that's what we
17 need, because I always write a note right along --

18 MS. BLUTH: I thought I do, too.

19 THE CLERK: -- with her. Or you know, when they --

20 MS. BLUTH: I've got so many lists going on at this
21 point, I'm not going to trust myself.

22 MR. KOICHEVAR: He's the one --

23 THE CLERK: Okay.

24 MR. KOICHEVAR: He said he was a night student at
25 UNLV, he goes to school from 6:00 to 9:30 at night.

1 THE COURT RECORDER: We excused him the previous
2 day.

3 THE COURT: Oh, the previous day.

4 THE CLERK: Oh, is that what it is?

5 THE COURT RECORDER: The previous day.

6 MR. KOCHVAR: Monday, Wednesday and Thursday.

7 THE CLERK: Oh, okay.

8 THE COURT: Yeah, he wasn't yesterday. It must have
9 been the evening before.

10 THE CLERK: And it got put on this by mistake.

11 THE COURT: Okay.

12 THE CLERK: I hope there's no more of those.

13 THE COURT: Right. So I'm also going to mark as a
14 court exhibit this document, the letter from the juror. And
15 we can go ahead and let her know she's excused, I think. Yes.

16 MR. MANINGO: So -- and one other matter --

17 THE COURT: Yes.

18 MR. MANINGO: -- before we bring the venire in, Your
19 Honor. Very minor, but actually Mr. Bashor happened to
20 notice.

21 Some of the potential jurors have looked at the
22 teleprompter outside that has the court calendar and it lists
23 both of Mr. Farmer's cases. I don't know that they'll put it
24 together or what it actually means, but that -- it shows that
25 he has more than one case. I don't know if that will mean

1 anything to anyone. Probably not, but just to be careful
2 for --

3 THE CLERK: I have always been told unless the other
4 case was dismissed, I have to put both on and put minutes in
5 both. But if you guys agree to dismiss the other case, I just
6 won't put it in anymore.

7 MS. BLUTH: Well, the other case is still active.
8 There's another --

9 THE CLERK: No, I'm talking about this consolidated
10 one.

11 THE COURT: Aren't there two -- are there two cases
12 that are consolidated? Because that's how it's been showing.

13 MR. BASHOR: Yes. The one case was consolidated
14 into the other. In this case, there is a severed victim.
15 There's an additional sixth victim out there, but it's part of
16 the case we are here on.

17 THE CLERK: Is that in the other case number?

18 MR. BASHOR: No. The other case number was Marcia
19 Petersen and Marcia Petersen became part of this case.

20 MS. BLUTH: But then what's so --

21 THE COURT: Yeah. If you --

22 MS. BLUTH: The other victim, how can we have a
23 victim that's not being presented in this still under the same
24 case number?

25 THE CLERK: And under the same Information number,

1 right?

2 MR. BASHOR: Yes.

3 MR. MANINGO: It is now. Since it's been
4 consolidated, right? I mean, we --

5 MS. BLUTH: Frances? No, I'm talking about Frances.

6 MR. MANINGO: No, Frances Rose is -- that's not out
7 there.

8 MS. BLUTH: Okay.

9 MR. MANINGO: That's not posted.

10 THE COURT: Okay.

11 MR. MANINGO: What's still posted out there is
12 Marcia Petersen, her separate case --

13 MS. BLUTH: Which has been consolidated.

14 MR. MANINGO: -- which has been consolidated. So --

15 THE COURT: I mean, I can call it as consolidated
16 cases.

17 MS. BLUTH: Yeah, that's fine.

18 THE COURT: I don't --

19 MS. BLUTH: I just --

20 THE COURT: They're going to hear about both.

21 MS. BLUTH: Right.

22 THE COURT: I guess I don't --

23 MR. MANINGO: Well, we --

24 MS. BLUTH: I thought that the other number
25 corresponded with Frances.

1 MS. BLUTH: Your concern is that you think that the
2 jurors will think there's another case out there. So I just
3 say -- I can read both case numbers and say, consolidated case
4 number, blah, blah, in this case? I mean --

5 MR. MANINGO: We -- we're just -- I'm sorry.

6 MR. BASHOR: No, go ahead.

7 MS. BLUTH: No, he's explaining it to me.

8 MR. MANINGO: Oh, okay. Our concern was just that
9 there would assumptions that, okay, he's got this case, but as
10 soon as we get done with this one, he's got another one and so
11 if he's got that one going on also, then, you know, he could
12 be -- he's more likely to have done this one. We don't want
13 any of those kinds of wheels turning, just by seeing an
14 additional case number and a additional case for Steven
15 Farmer.

16 THE CLERK: Want to just tell them there was an
17 error down there and there's only one case, I won't but them
18 in anymore for the rest of the --

19 MR. MANINGO: We don't even need to mention it if we
20 just don't do it from this day forward --

21 THE CLERK: Okay, okay.

22 MR. MANINGO: -- so they don't see it again. We
23 don't need any --

24 THE COURT: So it's really --

25 MR. MANINGO: -- admonishment for today.

1 THE CLERK: All right. I won't -- I won't continue
2 -- it's the C-249 number you don't want continued, right?

3 THE COURT: I mean --

4 MR. MANINGO: Yes.

5 THE COURT: -- because the rules say that when you
6 consolidate a case, you consolidate it into the lower case
7 number, and that's the case number it's supposed to have. So
8 I know there's been some misunderstanding with the Clerk's
9 office.

10 THE CLERK: A lot of it, yeah, is just the procedure
11 -- the procedure that the Clerk's have done for years.

12 MR. MANINGO: Sure.

13 THE CLERK: So I think that's probably something to
14 get -- bring up in a judge meeting or something.

15 MR. MANINGO: Great. Okay, thanks.

16 MR. BASHOR: Thank you.

17 THE COURT: Okay. Okay, are we ready to bring them
18 in? Got it -- everybody?

19 MS. BLUTH: Yes, Your Honor.

20 THE COURT: Okay.

21 (Pause in the proceedings)

22 (In the presence of the prospective jurors)

23 THE COURT: Good morning, please be seated. This is
24 State of Nevada v. Steven Farmer. The record will reflect the
25 presence of the defendant with his counsel, the Deputies

1 District Attorney prosecuting the case, and all officers of
2 the court. We are back in the presence of the venire panel.
3 Will counsel so stipulate?

4 MS. BLUTH: Yes, Your Honor.

5 MR. MANINGO: Yes, Your Honor.

6 THE COURT: Good morning, ladies and gentlemen. How
7 is everybody doing today?

8 PROSPECTIVE JURORS: Good.

9 THE COURT: Good, good.

10 All right. So we left off the State had just
11 exercised it's fourth peremptory challenge to what seat was
12 it, Madame Clerk?

13 MR. MANINGO: Seat seven.

14 THE COURT: Seat seven?

15 THE CLERK: Yes.

16 THE COURT: All right. So we need to pass over the
17 microphone to Mr. Platz.

18 PROSPECTIVE JUROR NO. 487: Ms. Platz.

19 THE COURT: Ms. Platz, I'm sorry. I can't even read
20 my own handwriting and we're blocked. Good morning.

21 PROSPECTIVE JUROR NO. 487: Good morning.

22 THE COURT: Have you ever served as a juror before?

23 PROSPECTIVE JUROR NO. 487: No, I have not.

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

1 PROSPECTIVE JUROR NO. 487: Yes, somewhat.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 487: I believe it was about
4 seven, maybe eight years ago I was the victim of a hit and
5 run.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 487: They never caught the
8 person, but pretty much my car was totaled and that was it.
9 So nothing else, no follow-up, no -- but that was it.

10 THE COURT: Did you feel that the police didn't do
11 their job in investigating it?

12 PROSPECTIVE JUROR NO. 487: I believe that they
13 tried the best that they could. The only thing was, it was
14 late at night and while I -- in the accident, my glasses had
15 flew off my face, so I wasn't able to see anything. I wasn't
16 able to see, like, the make, the model. I could tell the
17 color, that it was a truck, and that was it. So, yeah. So
18 whatever it was that I could give them, you know, they tried
19 their best, that's all I know.

20 THE COURT: Okay. So you don't think that would
21 prejudice you in this case?

22 PROSPECTIVE JUROR NO. 487: No, absolutely not.

23 THE COURT: No, okay. How about anyone in your
24 family or you're closely associated with you that's been a
25 victim of a serious, violent crime?

1 PROSPECTIVE JUROR NO. 487: No.

2 THE COURT: Have you ever been in law enforcement?

3 PROSPECTIVE JUROR NO. 487: No, I have not.

4 THE COURT: Anyone in your family or closely
5 associated with you in law enforcement?

6 PROSPECTIVE JUROR NO. 487: I have an aunt that she
7 was a -- I don't want to say a dispatcher, but she used to
8 work for North Las Vegas, I believe it was the correctional
9 facility.

10 THE COURT: Okay. As a corrections officer or as a
11 support staff, clerical --

12 PROSPECTIVE JUROR NO. 487: Clerical.

13 THE COURT: -- type. Okay. Did you ever talk to
14 her about her job?

15 PROSPECTIVE JUROR NO. 487: Every now and then. And
16 she is in her late 60s, so she watches Judge Judy all the time
17 and every time that it comes on she says, oh, we used to -- we
18 used to do, and tell me stories of the things similar to that.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 487: Um-hum.

21 THE COURT: All right. Anything about your
22 relationship with your aunt that would make you think, I can't
23 be fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 487: No.

25 THE COURT: Okay. Have you ever been accused of a

1 crime?

2 PROSPECTIVE JUROR NO. 487: No, I haven't.

3 THE COURT: Anyone in your family been accused of a
4 crime or anyone -- close friends, associates?

5 PROSPECTIVE JUROR NO. 487: No.

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

9 PROSPECTIVE JUROR NO. 487: No.

10 THE COURT: Is there any reason that you feel, after
11 hearing the nature of the charges, that you could not be fair
12 and impartial in this case?

13 PROSPECTIVE JUROR NO. 487: No.

14 THE COURT: Do you agree with the presumption of
15 innocence?

16 PROSPECTIVE JUROR NO. 487: Yes.

17 THE COURT: And knowing that, do you still feel that
18 a defendant should have to prove his innocence or explain
19 hisself or herself in a criminal case?

20 PROSPECTIVE JUROR NO. 487: No.

21 THE COURT: Okay. Tell us about yourself.

22 PROSPECTIVE JUROR NO. 487: Well, just in case, I
23 didn't say this earlier, but my name is Jenrikiza Platz and my
24 badge number is 487. So, just in case.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR NO. 487: Well, I work full-time
2 at Al Phillips Dry Cleaner. I'm just a bay worker there. I
3 go to school part-time, sometimes during the weekends. I am a
4 licensed massage therapist, and right now I am working on
5 being a physical therapist. And this morning, I just found
6 out that I am pregnant.

7 THE COURT: Congratulations.

8 PROSPECTIVE JUROR NO. 487: So I don't know how far
9 along, but I have been pretty nauseous all day long.

10 THE COURT: Oh, okay.

11 PROSPECTIVE JUROR NO. 487: So.

12 THE COURT: You can bring some soda crackers.

13 PROSPECTIVE JUROR NO. 487: Oh, yeah.

14 THE COURT: Good, well congratulations.

15 PROSPECTIVE JUROR NO. 487: Thank you.

16 THE COURT: That's wonderful news.

17 PROSPECTIVE JUROR NO. 487: Yeah. I was going to
18 say, just in case if I'm snacking here, that's why.

19 THE COURT: Okay. All right. Would the State like
20 to inquire further?

21 MS. BLUTH: Yes, please, Your Honor.

22 Good morning.

23 PROSPECTIVE JUROR NO. 487: Good morning.

24 MS. BLUTH: You heard all of the questions yesterday
25 that Mr. Maningo and I asked, I'm sure?

1 PROSPECTIVE JUROR NO. 487: Yes.

2 MS. BLUTH: Was there anything that either of us
3 asked that you felt you had a strong opinion about?

4 PROSPECTIVE JUROR NO. 487: No.

5 MS. BLUTH: Was there any opinion voiced yesterday
6 by other potential jurors that you strongly disagreed with?

7 PROSPECTIVE JUROR NO. 487: No.

8 MS. BLUTH: Okay. Do you watch the shows like CSI,
9 Law and Order, those types of shows?

10 PROSPECTIVE JUROR NO. 487: I do.

11 MS. BLUTH: Which ones do you watch?

12 PROSPECTIVE JUROR NO. 487: I do like CSI, but I
13 have a grandmother that's obsessed with Castle and NCIS.

14 MS. BLUTH: Okay.

15 PROSPECTIVE JUROR NO. 487: Yeah. So every now and
16 then, we happen to be watching them.

17 MS. BLUTH: What about CSI do you like?

18 PROSPECTIVE JUROR NO. 487: I do like -- it's pretty
19 much fantasy though, everything that's on that, it's not real.
20 If we had that type of equipment, we -- you wouldn't need us.

21 MS. BLUTH: Amen.

22 PROSPECTIVE JUROR NO. 487: Um-hum.

23 MS. BLUTH: In regards to the statement that I've
24 said, you know, multiple times about the victim, do you
25 remember the statement or would you like me to --

1 PROSPECTIVE JUROR NO. 487: Please, go on.

2 MS. BLUTH: Okay. The law states that in the case
3 of a victim of sexual assault --

4 PROSPECTIVE JUROR NO. 487: Um-hum.

5 MS. BLUTH: -- if he or she gets on that stand and
6 you believe that testimony beyond a reasonable doubt, that is
7 enough to sustain a conviction, a verdict of guilty. Do you
8 agree with that premise?

9 PROSPECTIVE JUROR NO. 487: Right, yes.

10 MS. BLUTH: Okay. When you received your jury
11 summons, what was your reaction?

12 PROSPECTIVE JUROR NO. 487: When I first received
13 it, it was oh, no.

14 MS. BLUTH: Yeah.

15 PROSPECTIVE JUROR NO. 487: But, yeah, after hearing
16 about how long it might be, I didn't expect it to be, you
17 know, four to five weeks long.

18 MS. BLUTH: Right. And when you heard that it was
19 four to five weeks and then you heard, you know, the
20 preliminary facts that I gave, did you have any initial
21 reactions to that?

22 PROSPECTIVE JUROR NO. 487: No. I mean, I was pretty
23 nervous about it, but now that we've been here for at least
24 three days, I'm alright with it.

25 MS. BLUTH: Do you want to sit as a juror?

1 PROSPECTIVE JUROR NO. 487: Sure, I can do that.

2 MS. BLUTH: Do you think you have characteristics
3 that would you a good juror?

4 PROSPECTIVE JUROR NO. 487: I hope so.

5 MS. BLUTH: What types of things do you think?

6 PROSPECTIVE JUROR NO. 487: Well, I definitely -- I
7 believe that I am a good judge of character. I listen and
8 understand, so hopefully that will, you know, help me be a
9 successful juror.

10 MS. BLUTH: When you -- if you were selected as a
11 juror and you went back in the jury room and there was, you
12 know, arguing going back and forth, do you find yourself able
13 to voice your opinions in groups?

14 PROSPECTIVE JUROR NO. 487: Yes.

15 MS. BLUTH: Do you feel comfortable doing so?

16 PROSPECTIVE JUROR NO. 487: Definitely, yes.

17 MS. BLUTH: Do you take issue with a victim of crime
18 pursuing their rights in a civil courtroom, suing civilly?

19 PROSPECTIVE JUROR NO. 487: If -- depending on what
20 their story is. I need -- I definitely would like to hear
21 their background story on it.

22 MS. BLUTH: Okay.

23 PROSPECTIVE JUROR NO. 487: Just, you know --

24 MS. BLUTH: Can you explain that answer to me a
25 little bit?

1 PROSPECTIVE JUROR NO. 487: I guess like what's
2 going on with -- what happened with me. You know, it was like
3 nothing really -- I guess it wasn't so much as resolved, but I
4 still would like to know, you know, if it would be resolved if
5 -- even if it happened seven to eight years ago. So if
6 somebody was a victim of that and, you know, they told their
7 story, I would like to know, you know, well, maybe it could be
8 resolved.

9 MS. BLUTH: So that's a good example. I mean, you
10 said, you know, you were a victim of hit and run.

11 PROSPECTIVE JUROR NO. 487: Um-hum.

12 MS. BLUTH: If that individual had been caught, you
13 know, from the scene and, you know, criminally they were
14 prosecuted.

15 PROSPECTIVE JUROR NO. 487: Right.

16 MS. BLUTH: Do you think you should also have the
17 right to go after them civilly, sue them for the damage to
18 your car or if you had medical damage; do you think that
19 should your right?

20 PROSPECTIVE JUROR NO. 487: I believe so.

21 MS. BLUTH: You don't have any issues with a victim
22 of a crime pursuing their civil rights as well?

23 PROSPECTIVE JUROR NO. 487: No, I don't have -- no.

24 MS. BLUTH: Okay. Have you ever had any negative
25 contacts with law enforcement where you felt you weren't

1 treated correctly?

2 PROSPECTIVE JUROR NO. 487: No, I have not.

3 MS. BLUTH: Or any family members who felt that?

4 PROSPECTIVE JUROR NO. 487: No.

5 MS. BLUTH: When you were the victim of the hit and
6 run, did you report it as -- as soon as you could?

7 PROSPECTIVE JUROR NO. 487: Yes.

8 MS. BLUTH: Do you have any bumper stickers?

9 PROSPECTIVE JUROR NO. 487: Yes, I do.

10 MS. BLUTH: And what do they say?

11 PROSPECTIVE JUROR NO. 487: Pretty much NASCAR.

12 MS. BLUTH: NASCAR?

13 PROSPECTIVE JUROR NO. 487: Yes.

14 MS. BLUTH: Okay. Have you ever known a victim of
15 rape? Of sexual assault?

16 PROSPECTIVE JUROR NO. 487: No, I have not.

17 MS. BLUTH: Do you have any family members or close
18 friends with a seizure disorder?

19 PROSPECTIVE JUROR NO. 487: I do.

20 MS. BLUTH: All right. Who is that to you?

21 PROSPECTIVE JUROR NO. 487: It's my younger sister,
22 she's only 17. She was pretty much in a really -- she hung
23 out with a really bad crowd. She experimented on her own, by
24 herself, with several different drugs, that she ended up in a
25 rehab. So now, she's not taking her -- I'm not -- I don't

1 remember what the medication is though, but if she's not
2 taking her medication, if she's not taking it regularly, she
3 does go into an epileptic shock.

4 MS. BLUTH: So before she started experimenting with
5 drugs, she had the seizure disorder; is that right?

6 PROSPECTIVE JUROR NO. 487: No. No, she had -- no.

7 MS. BLUTH: Okay. So she was fine, started
8 experimenting with drugs --

9 PROSPECTIVE JUROR NO. 487: Right.

10 MS. BLUTH: -- and now she --

11 PROSPECTIVE JUROR NO. 487: Right.

12 MS. BLUTH: -- has the problem with seizures?

13 PROSPECTIVE JUROR NO. 487: Yes.

14 THE COURT: And what happens when she goes into one?

15 PROSPECTIVE JUROR NO. 487: When she goes into one,
16 she pretty much collapses, she starts to foam, she'll -- her
17 eyes will flutter. We actually have to call -- we -- it's
18 like an epi pen that we have to use on her, but we have to
19 inject it in her chest and call 911 right away.

20 MS. BLUTH: Does she -- does she have the type of
21 disorder where she can feel one coming on? Or do they always
22 hit her?

23 PROSPECTIVE JUROR NO. 487: No. No, it doesn't.
24 Luckily we haven't had that recently, but the very first time
25 that it had happened, she was released from rehab and --

1 sorry.

2 MS. BLUTH: That's okay.

3 PROSPECTIVE JUROR NO. 487: She was released from
4 rehab and was not prescribed any kind of medication. And she
5 became angry, very violent towards all of us. And then it
6 just went a little overboard, that she started to have the
7 seizures and had the -- everything, the foaming, the
8 fluttering in the eyes, she fell over.

9 Then we called and said that because that there is
10 still -- that the drugs that are in her system and it is
11 trying to get out. So she's pretty much going cold turkey, I
12 guess, without the medication, that it was just hard for her
13 and she has a -- and she is a very small frame girl. So that
14 -- and it was the first. It was pretty hard on us.

15 MS. BLUTH: For sure.

16 PROSPECTIVE JUROR NO. 487: Yeah.

17 MS. BLUTH: And has she had seizures since then or
18 was that the --

19 PROSPECTIVE JUROR NO. 487: That was -- yeah. That
20 was the very first and hopefully the last. So she's been out
21 of rehab for five months now.

22 MS. BLUTH: Oh, good.

23 PROSPECTIVE JUROR NO. 487: And she's taking her
24 medications regularly, so.

25 MS. BLUTH: When she went to they hospital, did you

1 accompany her there?

2 PROSPECTIVE JUROR NO. 487: Yes, every -- every
3 trip.

4 MS. BLUTH: And how long after the seizure did it
5 take her to kind of come back into it?

6 PROSPECTIVE JUROR NO. 487: It took her a little
7 over six weeks.

8 MS. BLUTH: Six weeks.

9 PROSPECTIVE JUROR NO. 487: Um-hum.

10 MS. BLUTH: And how long was she in the hospital
11 for?

12 PROSPECTIVE JUROR NO. 487: She was in the hospital
13 of almost three months.

14 MS. BLUTH: Three months, okay. Sorry. I
15 appreciate your honesty, thank you.

16 PROSPECTIVE JUROR NO. 487: Thank you.

17 MS. BLUTH: Pass for cause, Your Honor.

18 THE COURT: Defense.

19 MR. MANINGO: Thank you, Your Honor. Good morning,
20 Ms. Platz.

21 PROSPECTIVE JUROR NO. 487: Good morning.

22 MR. MANINGO: You are a part-time student?

23 PROSPECTIVE JUROR NO. 487: Yes, I am.

24 MR. MANINGO: And -- and did you say you're studying
25 to become a physical therapist?

1 PROSPECTIVE JUROR NO. 487: Yes, I am.

2 MR. MANINGO: Okay. So in your studies, do you have
3 medical type classes?

4 PROSPECTIVE JUROR NO. 487: Yes.

5 MR. MANINGO: What about like nursing-type classes?

6 PROSPECTIVE JUROR NO. 487: No. Most of our classes
7 are pretty much hands on. We do have studies in, what is it,
8 essays and everything that we need to write down. But
9 everything is pretty much hands on, it's more sports. So
10 stretching and (indiscernible) type things where we're pretty
11 much like massage therapists except more stretching involved
12 with the body.

13 MR. MANINGO: Okay. So then you actually have an
14 opportunity to work with patients yourself?

15 PROSPECTIVE JUROR NO. 487: Yes.

16 MR. MANINGO: Okay. How is that experience for you?

17 PROSPECTIVE JUROR NO. 487: It's actually pretty
18 fun, I do enjoy it. It's -- not only is it helping others,
19 relieving stress in any way, but during the weekdays, it's
20 just student -- you know, students doing hands on. And if I'm
21 having a really bad and stressful day and I get to be the
22 patient, then it's great for me.

23 MR. MANINGO: Good.

24 PROSPECTIVE JUROR NO. 487: Yes.

25 MR. MANINGO: Good. Have you ever had any difficult

1 patients?

2 PROSPECTIVE JUROR NO. 487: No, I have not.

3 MR. MANINGO: Then it's been pretty easy as far as
4 getting along with patients and so forth?

5 PROSPECTIVE JUROR NO. 487: Yes. All of our --
6 well, all of our patients are pretty much walk-in clients.
7 And they all know that we're just students, so we're starting
8 out. And what I like is that it's not -- so, if somebody --
9 say as an example, if you are one of our clients and you came
10 in --

11 MR. MANINGO: Right.

12 PROSPECTIVE JUROR NO. 487: -- and you have some
13 rotator cuff problems and -- but you prefer a male. It
14 doesn't work that way, because it is -- it is a school and all
15 of the students are learning that whoever is in line first,
16 that's the therapist that you will receive.

17 MR. MANINGO: So if I signed up for this program,
18 I'd be signing up for -- knowing that I'm going to have
19 students and --

20 PROSPECTIVE JUROR NO. 487: Yes.

21 MR. MANINGO: -- I'll take whoever comes on?

22 PROSPECTIVE JUROR NO. 487: Yes.

23 MR. MANINGO: Okay. Well, that's good. I won't ask
24 details regarding your sister, but other than the fact you
25 said she was in the hospital for three months?

1 PROSPECTIVE JUROR NO. 487: Yes.

2 MR. MANINGO: Did you spend time in the hospital
3 with her during that time?

4 PROSPECTIVE JUROR NO. 487: Not every -- not all the
5 time, but almost every other day.

6 MR. MANINGO: Okay. So you had an opportunity to be
7 around the hospital.

8 PROSPECTIVE JUROR NO. 487: Yes.

9 MR. MANINGO: Would you describe hospitals as busy
10 places?

11 PROSPECTIVE JUROR NO. 487: Well, this -- this
12 facility that she was in, it wasn't busy so much. It was
13 pretty much everybody in counseling.

14 MR. MANINGO: I see.

15 PROSPECTIVE JUROR NO. 487: Um-hum.

16 MR. MANINGO: So it was a special environment.

17 PROSPECTIVE JUROR NO. 487: Yes. Because where she
18 was in, it was -- it was -- it was rehab.

19 MR. MANINGO: Okay.

20 PROSPECTIVE JUROR NO. 487: So, yeah. It's -- she
21 was able to do whatever it was that she wanted, but she needed
22 to speak with a therapist daily, get everything what it was
23 that -- you know, anger issues or anything that she had or why
24 she needed to experiment with these drugs.

25 MR. MANINGO: Okay.

1 PROSPECTIVE JUROR NO. 487: Yeah.

2 MR. MANINGO: So she wasn't in a bed for three
3 months?

4 PROSPECTIVE JUROR NO. 487: No, no, no. She was in
5 rehab for three months.

6 MR. MANINGO: Okay, I see, I see. And then you were
7 just describing the seizures. It sounds like they're -- have
8 they labeled those as grand mal seizures?

9 PROSPECTIVE JUROR NO. 487: I'm not exactly sure.
10 All I know is that it's just seizures, that pretty much it.

11 MR. MANINGO: Big ones?

12 PROSPECTIVE JUROR NO. 487: So -- yes.

13 MR. MANINGO: Okay.

14 PROSPECTIVE JUROR NO. 487: I mean, I don't know
15 exactly the medical term for them.

16 MR. MANINGO: Okay, no, that's fine. During your
17 training or just life experience, friends, yourself, family,
18 have you had any experience with pain killers, high level pain
19 killers, like morphine?

20 PROSPECTIVE JUROR NO. 487: Oh, yes. Yes, I have.

21 MR. MANINGO: Okay.

22 PROSPECTIVE JUROR NO. 487: This was four years ago,
23 I actually went snowboarding and broke my arm. So I broke my
24 right humerus and, yes, I was prescribed morphine and
25 oxycontin just for the pain.

1 MR. MANINGO: Okay. What was -- can you remember
2 what kind of an effect it had on you?

3 PROSPECTIVE JUROR NO. 487: I do remember with
4 oxycontin, I believe, because I'm allergic to it, was my
5 entire arms felt tingly and -- and I really needed to scratch.

6 MR. MANINGO: I see.

7 PROSPECTIVE JUROR NO. 487: So, yeah, it's -- I
8 don't -- I cannot take oxycontin, yeah.

9 MR. MANINGO: Okay. What about the morphine, do you
10 remember what effect that had on your?

11 PROSPECTIVE JUROR NO. 487: All I -- all I remember
12 was, I was in a lot of pain and I was given morphine and I
13 felt happy through the rest of the day.

14 MR. MANINGO: Like that, right?

15 PROSPECTIVE JUROR NO. 487: Yeah. But that was only
16 a one-time-thing, I guess because I am allergic to oxycontin
17 that they were only allowed to give me that for the first time
18 and then there was a -- then the rest of the time I was given
19 ibuprofen.

20 MR. MANINGO: Okay. But the morphine definitely an
21 effect on you?

22 PROSPECTIVE JUROR NO. 487: Oh, yes.

23 MR. MANINGO: Okay. Now, you were speaking with Ms.
24 Bluth about watching some television shows like CSI and NCIC
25 (sic).

1 PROSPECTIVE JUROR NO. 487: Yes.

2 MR. MANINGO: And you stated that you understand
3 that those are fantasy.

4 PROSPECTIVE JUROR NO. 487: Yes.

5 MR. MANINGO: Would you also agree, though, that in
6 today's legal system and scientific community, we have a lot
7 more technology that we did ten years ago, 20 years ago?

8 PROSPECTIVE JUROR NO. 487: Yes.

9 MR. MANINGO: Okay. We've come a long way, wouldn't
10 you agree?

11 PROSPECTIVE JUROR NO. 487: Um-hum. Oh, definitely.

12 MR. MANINGO: Okay. And you've probably heard me
13 ask this of a couple of the other jurors. Have you read or
14 heard about the stories of people who are in prison wrongfully
15 and then freed after 20 or 30 years --

16 PROSPECTIVE JUROR NO. 487: Yes.

17 MR. MANINGO: -- when DNA showed that they were
18 actually innocent?

19 PROSPECTIVE JUROR NO. 487: Well, in -- only in, I
20 guess, like in the shows. But I haven't read them in -- in
21 newspapers or seen them on -- on the news.

22 MR. MANINGO: Okay. Okay. Are you -- oh, you
23 discussed lawsuits a little bit with Ms. Bluth, right?

24 PROSPECTIVE JUROR NO. 487: Right.

25 MR. MANINGO: Do you think there are ever -- for --

1 I want to stay away from legal terms. So do you think there
2 are ever silly lawsuits that are filed by people that -- that
3 you think shouldn't be filed? That people, at times,
4 manipulate the legal system and file lawsuits? Like suing a
5 company for -- because their hot coffee is hot?

6 PROSPECTIVE JUROR NO. 487: Oh, yes. Yes. What was
7 it, it was a woman in New York that wanted to sue McDonald's
8 for making her child fat.

9 MR. MANINGO: Oh, okay.

10 PROSPECTIVE JUROR NO. 487: I thought that was
11 ridiculous.

12 MR. MANINGO: Okay. So -- so do you think that
13 there -- there are lawsuits out there that are used by people
14 to get money?

15 PROSPECTIVE JUROR NO. 487: Yes. Yes.

16 MR. MANINGO: Okay. I hadn't heard that one.

17 PROSPECTIVE JUROR NO. 487: No, oh.

18 MR. MANINGO: Do you think that you would be able to
19 be a good judge of whether someone is telling the truth or
20 not?

21 PROSPECTIVE JUROR NO. 487: I believe so, yes.

22 MR. MANINGO: Okay. What kind of tools would you
23 use to -- to make that decision?

24 PROSPECTIVE JUROR NO. 487: Just to see -- just to
25 watch them, like their demeanor, their -- if they're

1 stuttering in anyway or jittery or, I guess, looking out in
2 different directions, trying to avoid making eye contact while
3 tell their story.

4 MR. MANINGO: Okay. Will you also look to see if
5 there's other evidence to back up that story?

6 PROSPECTIVE JUROR NO. 487: Any kind of physical
7 evidence? No, not really.

8 MR. MANINGO: Or any, I mean, whether it's physical
9 or anything else?

10 PROSPECTIVE JUROR NO. 487: No. I just -- I guess
11 just to hear the story and to see how they tell it.

12 MR. MANINGO: Okay. What if they've told the story
13 before and it's changed over time?

14 PROSPECTIVE JUROR NO. 487: Yes. That would -- that
15 would definitely hinder a little bit of their -- if they're
16 trying to tell the truth, but if they had told the story
17 before and tried to say it again, but this time it's
18 different, then I would say that they're probably hindering
19 the truth a bit.

20 MR. MANINGO: Okay. And what if they're -- whatever
21 they're saying on the stand, what if it just doesn't make
22 sense to you? What if it doesn't mesh with your common sense?

23 PROSPECTIVE JUROR NO. 487: That would probably help
24 with that, that they're probably not telling the truth.

25 MR. MANINGO: Okay. So you're going to use your

1 common sense?

2 PROSPECTIVE JUROR NO. 487: Definitely.

3 MR. MANINGO: Okay. Is there -- is there anything,
4 after all the questions, that sticks out in your mind that you
5 think we should we should be aware of?

6 PROSPECTIVE JUROR NO. 487: No.

7 MR. MANINGO: Okay. Well, thank you, Ms. Platz.

8 PROSPECTIVE JUROR NO. 487: You're welcome.

9 MR. MANINGO: I'll pass the -- I'll pass Ms. Platz.

10 THE COURT: Thank you. The defense fourth
11 peremptory challenge.

12 MR. MANINGO: Court's indulgence just a moment.

13 (Pause in the proceedings)

14 MR. MANINGO: Your Honor, the defense would thank
15 and excuse Ms. Adams, seat number three.

16 THE COURT: Thank you. Call the next in order.

17 THE CLERK: Badge 519, Marvin Jackson. You know
18 what, I wrote the right number down, but called the wrong
19 person.

20 THE COURT: 519 is Marvin Jackson.

21 THE CLERK: Okay. But the -- oh, then I called the
22 wrong number, too, then. 489, James Robbins.

23 THE COURT: Okay. Sorry.

24 THE CLERK: I wrote it down in here right.

25 THE COURT: Thank you. Mr. Robbins, do you have the

1 microphone there? Okay, good. Have you ever been a juror
2 before?

3 PROSPECTIVE JUROR NO. 489: Yes, ma'am.

4 THE COURT: Was that here in Clark County?

5 PROSPECTIVE JUROR NO. 489: Yes, ma'am.

6 THE COURT: How long ago?

7 PROSPECTIVE JUROR NO. 489: Probably four or five
8 years ago.

9 THE COURT: Was it in a criminal case or a civil
10 case?

11 PROSPECTIVE JUROR NO. 489: Automotive claim.

12 THE COURT: Okay. So a civil case.

13 PROSPECTIVE JUROR NO. 489: Civil.

14 THE COURT: And without telling us what the verdict
15 was, did the jury reach a verdict?

16 PROSPECTIVE JUROR NO. 489: They did.

17 THE COURT: Were you the foreperson on the jury?

18 PROSPECTIVE JUROR NO. 489: I was fore.

19 THE COURT: You were the foreperson?

20 PROSPECTIVE JUROR NO. 489: Yes.

21 THE COURT: Okay. And you understand that the
22 burden of proof in a civil case is less than in a criminal
23 case?

24 PROSPECTIVE JUROR NO. 489: I understand.

25 THE COURT: Okay. And so you'll be able to listen

1 to the instructions in this case and disregard what you may
2 remember from your prior experience four or five years ago and
3 apply the instructions in this case?

4 PROSPECTIVE JUROR NO. 489: Yes.

5 THE COURT: Anything about that experience in that
6 case that makes you feel you couldn't be fair and impartial in
7 this case?

8 PROSPECTIVE JUROR NO. 489: No.

9 THE COURT: Okay. Have you ever been the victim of
10 a crime?

11 PROSPECTIVE JUROR NO. 489: No.

12 THE COURT: How about anyone in your family or
13 closely associated with you been a victim of a serious crime?

14 PROSPECTIVE JUROR NO. 489: No.

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

16 PROSPECTIVE JUROR NO. 489: No.

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

19 PROSPECTIVE JUROR NO. 489: No.

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

21 PROSPECTIVE JUROR NO. 489: No.

22 THE COURT: Anyone in your family or closely
23 associated with you been accused of a crime?

24 PROSPECTIVE JUROR NO. 489: No.

25 THE COURT: Do you have any religious or moral

1 beliefs that cause you to feel you couldn't sit in judgment on
2 another person?

3 PROSPECTIVE JUROR NO. 489: No.

4 THE COURT: Do you have any quarrel with the
5 presumption of innocence in our system of justice?

6 PROSPECTIVE JUROR NO. 489: No.

7 THE COURT: Do -- you know, you've heard many of the
8 other prospective jurors examined. Was there anything that
9 you heard during the extensive examination that you thought,
10 when it comes to me, I need to bring this out?

11 PROSPECTIVE JUROR NO. 489: No, I don't think so.

12 THE COURT: Tell us about yourself.

13 PROSPECTIVE JUROR NO. 489: I'm a motion and logic
14 engineer and I've done work at Hoover Dam and O'Callaghan
15 Bridge and I have grandchildren. I grew up in Indiana, traded
16 the severe winters for severe summers.

17 THE COURT: All right. So you have grandchildren.
18 Do you have adult children?

19 PROSPECTIVE JUROR NO. 489: Yes, I have a --

20 THE COURT: And what do they do?

21 PROSPECTIVE JUROR NO. 489: I have a granddaughter,
22 a step-granddaughter is a doctor; step-grandson's a Navy pilot
23 and two small ones.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 489: Grade school.

1 THE COURT: And your step-granddaughter who's a
2 doctor, what type of medicine does she practice?

3 PROSPECTIVE JUROR NO. 489: It's -- she's a Crohn's
4 patient and she specialized in some type of --

5 THE COURT: Gastro- --

6 PROSPECTIVE JUROR NO. 489: Yeah, I don't know
7 exactly what it -- what it -- it's to do with preventative of
8 Crohn's disease.

9 THE COURT: Okay. Any -- any reason that your
10 association with her would make it difficult for you to be
11 fair and impartial in a case that may have some doctors?

12 PROSPECTIVE JUROR NO. 489: No, I've never discussed
13 anything with her.

14 THE COURT: Okay, all right. And are you married,
15 single?

16 PROSPECTIVE JUROR NO. 489: No, I'm divorced. My
17 ex --

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 489: I'm on good terms with
20 my ex-wife, but she wanted to live in San Diego.

21 THE COURT: Okay. All right. And what did she do
22 or does she do?

23 PROSPECTIVE JUROR NO. 489: She's a -- has a
24 Bachelor's degree in business management and one of my
25 daughters is in San Diego with her husband in business and

1 she's part of the business now.

2 THE COURT: Okay. What kind of business is it?

3 PROSPECTIVE JUROR NO. 489: They do government
4 marketing for -- it's actually an internet subscription that
5 goes out to architects and engineers relative to clean
6 air/clean dirt and they have about 35 employees.

7 THE COURT: Okay. All right, thank you. Would the
8 State like to inquire further?

9 MS. BLUTH: Thank you, Your Honor.

10 Good morning, sir. When you were part of the jury
11 last time, you said that you were the foreman? You were the
12 foreperson?

13 PROSPECTIVE JUROR NO. 489: Yeah, it was limited to
14 -- the plaintiff was claiming injury for an accident, but had
15 had several accidents after that, and she was claiming for the
16 entire time for her recuperation and rehab.

17 MS. BLUTH: Okay.

18 Prospective juror no. 489: And we gave her --

19 MS. BLUTH: Well, let me ask you one thing, sorry,
20 because we can't know the verdict either way.

21 PROSPECTIVE JUROR NO. 489: Okay.

22 MS. BLUTH: I'm sorry, I should have specified my
23 question.

24 PROSPECTIVE JUROR NO. 489: Okay.

25 MS. BLUTH: But when you guys -- when the whole jury

1 went back to the room, did you guys select one person to be
2 like the head honcho?

3 PROSPECTIVE JUROR NO. 489: We did.

4 MS. BLUTH: Okay. And was that you?

5 PROSPECTIVE JUROR NO. 489: No, it was not.

6 MS. BLUTH: That was not you, okay. Was there
7 arguing back and forth?

8 PROSPECTIVE JUROR NO. 489: No.

9 MS. BLUTH: You all just went back there and
10 everybody agreed?

11 PROSPECTIVE JUROR NO. 489: We did.

12 MS. BLUTH: Okay. Do you want to serve on this
13 jury?

14 PROSPECTIVE JUROR NO. 489: I can. It's -- yeah,
15 I'll do it. It's --

16 MS. BLUTH: So you'll do it, you know, if you're
17 called.

18 PROSPECTIVE JUROR NO. 489: If you want me, yes.

19 MS. BLUTH: Okay. Do you take issue with the victim
20 of a crime, you know, not only pursuing criminal matters, so
21 like what we're for, but also suing civilly?

22 PROSPECTIVE JUROR NO. 489: I'm not sure I
23 understand your point there.

24 MS. BLUTH: Okay. So if an individual -- for
25 instance, the previous juror, if I can use her as an example.

1 She was a victim of a hit and run accident.

2 PROSPECTIVE JUROR NO. 489: Okay.

3 MS. BLUTH: And so if that person that hit and ran
4 got caught and she reported it to the police and then she had
5 to go to court against the driver in a criminal court, you
6 know where they found him innocent or guilty of doing that,
7 but then she also went into a civil court and sued him civilly
8 for money for damages, for the pain caused to her or the
9 damages caused to her car, do you see any problems with that?
10 Pursuing her rights in both courts?

11 PROSPECTIVE JUROR NO. 489: If she has the right to
12 do that, it's okay.

13 MS. BLUTH: Okay. You still are currently working
14 as an engineer?

15 PROSPECTIVE JUROR NO. 489: Because of the economy,
16 I'm kind of forced into retirement.

17 MS. BLUTH: You're -- oh, you're forced into
18 retirement?

19 PROSPECTIVE JUROR NO. 489: Forced into -- I'm still
20 -- I have a machine shop business that still is operable. But
21 there's no work. I live out in Boulder City.

22 MS. BLUTH: Okay. And so what -- what do you do in
23 your spare time since you're partially retired?

24 PROSPECTIVE JUROR NO. 489: I have several antique
25 cars that I like to play with.

1 MS. BLUTH: Do you watch any TV or read any of the
2 news?

3 PROSPECTIVE JUROR NO. 489: I watch the news once a
4 day.

5 MS. BLUTH: Okay. But no particular shows that you
6 are interested in?

7 PROSPECTIVE JUROR NO. 489: No.

8 MS. BLUTH: Have you ever had any negative contacts
9 with law enforcement that you -- where you felt you weren't
10 treated correctly or fairly?

11 PROSPECTIVE JUROR NO. 489: No.

12 MS. BLUTH: Do you have any bumper stickers on your
13 car?

14 PROSPECTIVE JUROR NO. 489: No.

15 MS. BLUTH: Have you every known a victim of sexual
16 assault?

17 PROSPECTIVE JUROR NO. 489: No.

18 MS. BLUTH: Have you ever known anyone that suffered
19 from a seizure disorder or witness someone have a seizure?

20 PROSPECTIVE JUROR NO. 489: I have a handicapped
21 niece and she had a slight seizure sitting at the kitchen
22 table one time, but it was very minor.

23 MS. BLUTH: Did she go to the hospital?

24 PROSPECTIVE JUROR NO. 489: No, no.

25 MS. BLUTH: And was that in front of you?

1 PROSPECTIVE JUROR NO. 489: Yes.

2 MS. BLUTH: And what did you witness?

3 PROSPECTIVE JUROR NO. 489: She just kind of jerked
4 a little bit, spit up just a little bit. And my sister's an
5 RN, so she was capable of taking care of it.

6 MS. BLUTH: What type of RN? Does your sister have
7 a specialty? Or she's just --

8 PROSPECTIVE JUROR NO. 489: Oh, not that I remember,
9 she's retired now. But she's -- she worked all her life as an
10 RN.

11 MS. BLUTH: Did you guys talk about that?

12 PROSPECTIVE JUROR NO. 489: No.

13 MS. BLUTH: You never talked about her job duties?

14 PROSPECTIVE JUROR NO. 489: No.

15 MS. BLUTH: In regards to the statement that you
16 heard me say multiple times about a victim's testimony. Are
17 you someone that needs, you know, DNA and fingerprints, like
18 the things that you see on television, do you need those
19 things in a case that you're a juror on?

20 PROSPECTIVE JUROR NO. 489: No, not really.

21 MS. BLUTH: Okay. And if you didn't have those
22 things, what would you rely on?

23 PROSPECTIVE JUROR NO. 489: The person's testimony,
24 I think.

25 MS. BLUTH: Do you think you'd make a good juror?

1 PROSPECTIVE JUROR NO. 489: I think I would.
2 MS. BLUTH: Why?
3 PROSPECTIVE JUROR NO. 489: Well, why wouldn't I? I
4 mean, I'm --
5 MS. BLUTH: I don't know. I don't know you. So I
6 don't know what you think about you, so I need you to tell me.
7 PROSPECTIVE JUROR NO. 489: Well, I think I'm a good
8 judge.
9 MS. BLUTH: Okay. All right. We appreciate your
10 time, thank you.
11 PROSPECTIVE JUROR NO. 489: Okay.
12 MS. BLUTH: Pass for cause, Your Honor.
13 THE COURT: Thank you. Defense, would you like to
14 inquire further?
15 MR. MANINGO: Yes, ma'am, thank you.
16 Hello, Mr. Robbins.
17 PROSPECTIVE JUROR NO. 489: Hello.
18 MR. MANINGO: I want to talk just a minute about
19 your service as a civil juror. When the Judge was explaining
20 to you that there's a higher standard of proof in a criminal
21 case than a civil case, you had a little bit of pause. You
22 understand that in a criminal case, the standard of proof is
23 higher?
24 PROSPECTIVE JUROR NO. 489: Okay.
25 MR. MANINGO: So -- so that means -- well, the Judge

1 will instruct you on what that means. But it's not the same
2 level of proof required as in a civil case.

3 PROSPECTIVE JUROR NO. 489: Okay.

4 MR. MANINGO: Okay? It's higher than that.

5 PROSPECTIVE JUROR NO. 489: I understand.

6 MR. MANINGO: And will you be able to take the
7 Court's instructions on what beyond a reasonable doubt is and
8 apply them in this case?

9 PROSPECTIVE JUROR NO. 489: Yes.

10 MR. MANINGO: Okay. Even though it's different from
11 your previous experience?

12 PROSPECTIVE JUROR NO. 489: I see -- I see your
13 point.

14 MR. MANINGO: Okay.

15 PROSPECTIVE JUROR NO. 489: Okay.

16 MR. MANINGO: Okay. Having done a civil case
17 before, do you think that -- and this is the same question
18 that I had asked of Ms. Platz a few minutes ago. Do you think
19 that there are lawsuits out there that are silly, that are
20 unnecessary?

21 PROSPECTIVE JUROR NO. 489: Yes.

22 MR. MANINGO: Okay. Do you think that there are
23 lawsuits out there where people ask for money that they don't
24 deserve?

25 PROSPECTIVE JUROR NO. 489: Yes.

1 MR. MANINGO: You had stated that if the prosecution
2 doesn't have certain types of evidence and proof, that you
3 would rely on a witness's testimony?

4 PROSPECTIVE JUROR NO. 489: Yes.

5 MR. MANINGO: Okay. Would you -- you're not someone
6 who would just take a stranger's word for it?

7 PROSPECTIVE JUROR NO. 489: No.

8 MR. MANINGO: Okay. Okay. So what kinds of things
9 would you look for from a witness who's a complete stranger,
10 to convince you of beyond a reasonable doubt?

11 PROSPECTIVE JUROR NO. 489: Well, if they had
12 repetitive questions and they gave different answers.

13 MR. MANINGO: Okay. So consistency is something.

14 PROSPECTIVE JUROR NO. 489: If you tell the truth
15 all the time, you don't have to remember what you said before.

16 MR. MANINGO: The truth is the truth on Monday and
17 Wednesday and Friday?

18 PROSPECTIVE JUROR NO. 489: It's still the truth.

19 MR. MANINGO: Right. Okay. What else would you
20 look for?

21 PROSPECTIVE JUROR NO. 489: I don't know for sure,
22 I'd have to listen to the testimony to determine other things.

23 MR. MANINGO: Okay. To just see if there's enough
24 to back it up?

25 PROSPECTIVE JUROR NO. 489: Right.

1 MR. MANINGO: Okay. Fair enough. You listen to the
2 news?

3 PROSPECTIVE JUROR NO. 489: Once a day.

4 MR. MANINGO: Okay. Would you agree that the -- the
5 media has enough power to cause hysteria, to cause public
6 thought?

7 PROSPECTIVE JUROR NO. 489: They can stir it.

8 MR. MANINGO: They can definitely stir the pot?

9 PROSPECTIVE JUROR NO. 489: Right.

10 MR. MANINGO: Okay. Do you think that there are --
11 there are people that can be affected by that, be affected by
12 the media?

13 PROSPECTIVE JUROR NO. 489: Yes, probably. Some
14 people will believe it.

15 MR. MANINGO: Okay. You have -- and I'm sorry, I
16 didn't write down which family member, but you've got someone
17 in your family member who's a doctor?

18 PROSPECTIVE JUROR NO. 489: A granddaughter.

19 MR. MANINGO: Your granddaughter, okay. The fact
20 that she's a doctor -- we may have witnesses throughout this
21 trial, both sides, either side, who are doctors, nurses,
22 medical staff. Because your granddaughter is a doctor, will
23 you tend to believe them more just because of their title or
24 their position?

25 PROSPECTIVE JUROR NO. 489: Not necessarily.

1 MR. MANINGO: Okay. You'll be able to judge them --

2 PROSPECTIVE JUROR NO. 489: Yes.

3 MR. MANINGO: -- just as any other person, any other
4 individual?

5 PROSPECTIVE JUROR NO. 489: Right.

6 MR. MANINGO: Okay. Have -- in your family or
7 friends or anything else, and other than your prior jury
8 service, have you had any legal background?

9 PROSPECTIVE JUROR NO. 489: No.

10 MR. MANINGO: Okay. No -- no lawyers, cops --

11 PROSPECTIVE JUROR NO. 489: No.

12 MR. MANINGO: -- judges in your family?

13 PROSPECTIVE JUROR NO. 489: No.

14 MR. MANINGO: Okay. Are you okay with the fact that
15 Mr. Farmer does not have to testify?

16 PROSPECTIVE JUROR NO. 489: I'm okay with that.

17 MR. MANINGO: Okay. And you understand that that's
18 because the burden is on the prosecution to do all the
19 proving?

20 PROSPECTIVE JUROR NO. 489: I understand that.

21 MR. MANINGO: Okay. Are you able to -- to presume
22 that Mr. Farmer is innocent right now?

23 PROSPECTIVE JUROR NO. 489: Yes.

24 MR. MANINGO: Okay. If something -- if a crime had
25 happened to you, Mr. Robbins, on the way into court today,

1 would you report it right away?

2 PROSPECTIVE JUROR NO. 489: I think so, if it was
3 necessary to report to -- an accident to a policeman.

4 MR. MANINGO: Okay. If someone ran up to you and
5 stole your wallet from you --

6 PROSPECTIVE JUROR NO. 489: Oh.

7 MR. MANINGO: -- would you tell the police today or
8 would you wait two weeks?

9 PROSPECTIVE JUROR NO. 489: No, I would report it
10 right away.

11 MR. MANINGO: Thank you, sir. I'll pass Mr. Robbins
12 for cause.

13 THE COURT: Thank you. It's the State's fifth
14 peremptory challenge.

15 MR. KOICHEVAR: Thank you, Judge. The State would
16 thank and excuse the juror in seat number ten, Cory Walker,
17 badge number 902.

18 THE COURT: Thank you. Call the next in order.

19 THE CLERK: Now, it's -- now it's Marvin Jackson,
20 badge 519.

21 THE COURT: Welcome, Mr. Jackson.

22 PROSPECTIVE JUROR NO. 519: How you doing?

23 THE COURT: Good, how are you?

24 PROSPECTIVE JUROR NO. 519: Good.

25 THE COURT: All right. Have you ever served as a

1 juror before?

2 PROSPECTIVE JUROR NO. 519: No, I haven't.

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

4 PROSPECTIVE JUROR NO. 519: No.

5 THE COURT: How about anyone in your family or
6 closely associated with you, been a victim of a serious crime?

7 PROSPECTIVE JUROR NO. 519: No.

8 THE COURT: Have you ever been in law enforcement?

9 PROSPECTIVE JUROR NO. 519: No, I haven't.

10 THE COURT: Anyone in your family or closely
11 associated with you been in law enforcement?

12 PROSPECTIVE JUROR NO. 519: My sister works for the
13 Chicago Police Department.

14 THE COURT: As a police officer?

15 PROSPECTIVE JUROR NO. 519: She's an administration
16 -- a Captain.

17 THE COURT: Okay. So is she a sworn officer or is
18 she civilian side?

19 PROSPECTIVE JUROR NO. 519: No, she's not a sworn
20 officer. She just works in the department.

21 THE COURT: I see. Did she -- in that civilian
22 role, though, did she interact a lot with the police on their
23 cases?

24 PROSPECTIVE JUROR NO. 519: I really couldn't say.

25 THE COURT: Okay. So she didn't discuss her work

1 with you?

2 PROSPECTIVE JUROR NO. 519: No. She don't discuss
3 it too much with me.

4 THE COURT: Okay. As a result of your sister
5 working for the Chicago Police Department, would you tend to
6 give law enforcement officers more weight, you know, view them
7 -- view their testimony more favorably than any other witness
8 merely because they were a law enforcement officer and for no
9 other reason?

10 PROSPECTIVE JUROR NO. 519: I probably thought about
11 that a long time ago yes, but now I can say different.

12 THE COURT: Okay. And why do you say that?

13 PROSPECTIVE JUROR NO. 519: Because my uncle was
14 killed by a cop.

15 THE COURT: Okay. So you would -- you would -- as a
16 result of your uncle being killed by a police officer --

17 PROSPECTIVE JUROR NO. 519: Right.

18 THE COURT: -- that you would view police officer's
19 testimony more favorably than any other witness or --

20 PROSPECTIVE JUROR NO. 519: The way I looked at it,
21 it looks like it was favorable and I felt that it was
22 injustice. But, it happened.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 519: You understand what I'm
25 saying?

1 THE COURT: Okay. I just want to make sure I'm
2 understanding you.

3 PROSPECTIVE JUROR NO. 519: Okay.

4 THE COURT: So you felt that your -- that your
5 brother was --

6 PROSPECTIVE JUROR NO. 519: My uncle.

7 THE COURT: Or, excuse me, you uncle did you say?

8 PROSPECTIVE JUROR NO. 519: Right.

9 THE COURT: Wrongly --

10 PROSPECTIVE JUROR NO. 519: Yes.

11 THE COURT: -- killed by a police officer?

12 PROSPECTIVE JUROR NO. 519: Right.

13 THE COURT: Okay. And is that -- you have bad
14 feelings about the police as a result of that?

15 PROSPECTIVE JUROR NO. 519: I don't say all police
16 officers, but as officer -- as of him, he make a bad
17 impression on other police officers.

18 THE COURT: Okay. Sure. It's the old saying, one
19 bad apple spoils the barrel.

20 PROSPECTIVE JUROR NO. 519: Spoils the whole bunch.

21 THE COURT: Okay. Well, so that's what I need to
22 know, is are you going to hold it against --

23 PROSPECTIVE JUROR NO. 519: No.

24 THE COURT: Okay. You think you can be fair and
25 impartial in this case?

1 PROSPECTIVE JUROR NO. 519: Yes, I can.

2 THE COURT: Okay. So did you feel that -- I had
3 asked you if anyone in your family was a victim of a crime.
4 Do you feel that your brother -- or excuse me, your uncle was
5 the victim of a crime?

6 PROSPECTIVE JUROR NO. 519: I felt that, like I
7 said, that -- if I'm saying this right, justice wasn't served
8 for him, right.

9 THE COURT: Justice was not served?

10 PROSPECTIVE JUROR NO. 519: Right.

11 THE COURT: Okay. And so you feel like the police
12 officers should have been prosecuted?

13 PROSPECTIVE JUROR NO. 519: Yeah, they should have
14 been prosecuted.

15 THE COURT: Okay. All right. Let's see. Do you
16 have any religious or moral beliefs that would make it --

17 PROSPECTIVE JUROR NO. 519: No.

18 THE COURT: -- difficult for you to sit in judgment?

19 PROSPECTIVE JUROR NO. 519: No, no.

20 THE COURT: Okay. Do you feel that you could set
21 aside your -- whatever feelings you have concerning your uncle
22 and view the evidence in this case and put out of your mind
23 whatever initial feelings you have about your uncle's shooting
24 case?

25 PROSPECTIVE JUROR NO. 519: Yeah, I can set it

1 aside.

2 THE COURT: Okay. Do you have -- do you believe in
3 the presumption of innocence?

4 PROSPECTIVE JUROR NO. 519: Do I believe in the
5 presumption of innocence?

6 THE COURT: Yes.

7 PROSPECTIVE JUROR NO. 519: Yeah.

8 THE COURT: So you understand that it's the State's
9 burden of proof to prove the defendant guilty beyond a
10 reasonable doubt, do you understand that?

11 PROSPECTIVE JUROR NO. 519: I feel that the State,
12 if it has substantial and solid evidence, I can go with that.

13 THE COURT: Okay. So the standard that you'll be
14 instructed on is, proof beyond a reasonable doubt and we'll
15 tell you what that is later --

16 PROSPECTIVE JUROR NO. 519: Okay.

17 THE COURT: -- when the -- all the instructions are
18 given. Would you be able to follow the law as I give it to
19 you in the written instructions?

20 PROSPECTIVE JUROR NO. 519: Yes, I will.

21 THE COURT: Okay. And is there any reason you can
22 think of you could not be fair and impartial in this case?

23 PROSPECTIVE JUROR NO. 519: I couldn't think of one.

24 THE COURT: Tell us about yourself.

25 PROSPECTIVE JUROR NO. 519: Well, I'm a UPS driver.

1 I'm a father of two. My wife passed away two years ago.

2 THE COURT: I'm sorry.

3 PROSPECTIVE JUROR NO. 519: Churchgoing person, you
4 know.

5 THE COURT: I'm sorry?

6 PROSPECTIVE JUROR NO. 519: I said, I'm a very
7 churchgoing individual.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 519: And that's pretty much
10 about it, you know.

11 THE COURT: You're children are young?

12 PROSPECTIVE JUROR NO. 519: No, my son is 30, my
13 daughter's 25.

14 THE COURT: Okay. All right. You don't look old
15 enough yourself to have a 30-year-old son.

16 PROSPECTIVE JUROR NO. 519: Thank you.

17 THE COURT: All right. So what do your children do?

18 PROSPECTIVE JUROR NO. 519: My son, he's into retail
19 bids. He travels a lot with Hickory Farm, open up a lot of
20 stores for them. My daughter, she's into business marketing.

21 THE COURT: Okay. Thank you very much. Would the
22 State like to inquire further?

23 MS. BLUTH: Thank you, Your Honor.

24 Good morning, Mr. Jackson.

25 PROSPECTIVE JUROR NO. 519: Good morning.

1 MS. BLUTH: In regards -- well, first of all, I'm
2 sorry for your uncle's passing, and I'm sorry to have to ask
3 questions about it.

4 PROSPECTIVE JUROR NO. 519: Okay.

5 MS. BLUTH: And so I'll try to keep it as brief as
6 possible in regards to that subject. How long ago was that?

7 PROSPECTIVE JUROR NO. 519: Been over 30 years.

8 MS. BLUTH: Thirty years, okay. And probably
9 something you never get over?

10 PROSPECTIVE JUROR NO. 519: No, I can't.

11 MS. BLUTH: Yeah. And before that, you said you had
12 -- you know, you had positive feelings because your sister had
13 worked with the police department and then this happens to
14 your uncle.

15 PROSPECTIVE JUROR NO. 519: Right.

16 MS. BLUTH: And so do you -- do you feel as though
17 that was an isolated incident and then you can move on? Not
18 move on from your uncle's passing. Do you understand what I'm
19 say? You felt like justice was not served in that situation?

20 PROSPECTIVE JUROR NO. 519: That's right.

21 THE MARSHAL: Hold the mike up, sir.

22 PROSPECTIVE JUROR NO. 519: Yes, that's right.

23 MS. BLUTH: But -- so now do you believe you're more
24 skeptical of the police because of that? Or do you think that
25 was a bad cop?

1 PROSPECTIVE JUROR NO. 519: Just a bad cop.

2 MS. BLUTH: Okay. You -- the statement that you
3 said when Her Honor was asking you questions about evidence,
4 you said you -- if the evidence is substantial and solid.

5 PROSPECTIVE JUROR NO. 519: Yes.

6 MS. BLUTH: What does substantial and solid mean to
7 you? That's a pretty firm statement, so I --

8 PROSPECTIVE JUROR NO. 519: Pretty firm statement.

9 MS. BLUTH: Yeah.

10 PROSPECTIVE JUROR NO. 519: Well, basically what you
11 guys bringing him to the State for, and what you are trying to
12 convict him of, there has to be some really solid evidence
13 showing that this guy committed this crime. That's it.

14 MS. BLUTH: Do you watch the shows that I've been
15 talking about?

16 PROSPECTIVE JUROR NO. 519: Briefly.

17 MS. BLUTH: Yeah. Which shows?

18 PROSPECTIVE JUROR NO. 519: CSI briefly. I mean,
19 when I'm flipping the channels, if I see something catch my
20 attention, I look at it, but it's not something I -- you know,
21 I like to look at. It's not one of my favorite.

22 MS. BLUTH: What -- what's your favorite? Like what
23 are --

24 PROSPECTIVE JUROR NO. 519: Sports.

25 MS. BLUTH: Sports?

1 PROSPECTIVE JUROR NO. 519: Yes.

2 MS. BLUTH: When you watch CSI, you see the types of
3 things that the technology, you know, the pretend stuff that
4 they have -- well, do you recognize that's pretend or do you
5 think that in the real world, that's how things are?

6 PROSPECTIVE JUROR NO. 519: I'm quite sure it does.

7 MS. BLUTH: You're quite sure what?

8 PROSPECTIVE JUROR NO. 519: Like in some case, it
9 does happen in the real world, you know.

10 MS. BLUTH: Okay. Do you think shows like CSI have
11 created a false impression that that's how the real world is?
12 I think yesterday I used the example of, you know, finding a
13 fingerprint in a bag full of feathers. You know, in CSI, you
14 see that -- those types of things or like they'll find a
15 minute hair in a -- I don't know, in a bathroom, a public
16 bathroom.

17 PROSPECTIVE JUROR NO. 519: You know, I couldn't
18 say. I mean, I'm not into as being into law enforcement, how
19 they figure that all out. You know, it's kind of strange to
20 me. But somehow if they can, I guess they will, but it never
21 really crossed my mind too much because of that situation. I
22 have never been in it or I've never been around someone who's
23 been in a situation like that, that they was caught in
24 circumstance, evidence, you know. Someone might as find the
25 fingerprint in a haystack or something like that nature.

1 MS. BLUTH: Right.

2 PROSPECTIVE JUROR NO. 519: So, but if it was
3 possible, if you could show that and how you found it, okay.
4 But otherwise.

5 MS. BLUTH: So, you know, if you heard from a crime
6 scene analyst here or a DNA analyst here in this courtroom --

7 PROSPECTIVE JUROR NO. 519: Right.

8 MS. BLUTH: -- you know, and they told you what the
9 real world -- in the real world what they can do and they
10 can't do, would you listen to them? Or would you think, well,
11 on CSI they're doing that, so I'm not sure what your problem
12 is.

13 PROSPECTIVE JUROR NO. 519: Well, right -- what I'm
14 doing right now is being -- I'm listening, I'm observing what
15 the State, whoever have to prove to what they are talking
16 about, to provide substantial evidence.

17 MS. BLUTH: Okay.

18 PROSPECTIVE JUROR NO. 519: If it sound realistic,
19 it's all good.

20 MS. BLUTH: Okay. The question that I have asked
21 and you've been here -- was yesterday your first day or have
22 you --

23 PROSPECTIVE JUROR NO. 519: It's about my third day,
24 I believe.

25 MS. BLUTH: You're third day?

1 PROSPECTIVE JUROR NO. 519: Yeah.

2 MS. BLUTH: Okay. So you -- you know, you've heard
3 all of my questions. So the question that I ask about a
4 victim's testimony, if -- you know, if you believe a victim's
5 testimony beyond a reasonable doubt, that's enough. The law
6 says that's enough to convict an individual. How -- what do
7 you feel about that, about that premise?

8 PROSPECTIVE JUROR NO. 519: Well, I guess I'm a more
9 of a stern individual. I really have to really see something
10 that's really substantial for me, for you to convict that
11 person. Really -- I mean, it got to be really solid.

12 MS. BLUTH: Uh-huh.

13 PROSPECTIVE JUROR NO. 519: I'm just not going to
14 cool.

15 MS. BLUTH: So you can't -- you don't agree with
16 that -- that premise, you don't agree with --

17 PROSPECTIVE JUROR NO. 519: I'll -- I'm -- I just
18 like to see solid evidence.

19 MS. BLUTH: Right. And I guess that's what I'm
20 asking is when you keep -- because you have used that word so
21 many times, "solid".

22 PROSPECTIVE JUROR NO. 519: Right.

23 MS. BLUTH: So you are a person that you -- I want
24 to see DNA, I want to see fingerprints, because you -- that's
25 what you feel like you need?

1 PROSPECTIVE JUROR NO. 519: I need it, because I
2 feel that we're responsible for the individual person who
3 we've set, you know, to --

4 MS. BLUTH: Sure.

5 PROSPECTIVE JUROR NO. 519: -- what's the word I'm
6 looking for -- we're a jury, so we got the biggest -- make a
7 solid decision. So we don't want just make a decision off
8 anything.

9 MS. BLUTH: Right. Can you think back to, you know,
10 before we had the modern technology that we have, you know,
11 back in, let's say the 1970s.

12 PROSPECTIVE JUROR NO. 519: Right.

13 MS. BLUTH: You know, there were victims of sexual
14 assault.

15 PROSPECTIVE JUROR NO. 519: That's right.

16 MS. BLUTH: Someone came in their home, raped them,
17 left and -- but they knew that person. They knew what that
18 person looked like and they were able to tell the police, this
19 is what happened to me, this is what he looked like, this is
20 his height, this is his weight, this is what he did to me.
21 What did we -- what did we do with them? What did you, as a
22 juror, do back then before we had that type of technology?
23 Did all those -- all those rapists just too bad, so sad for
24 that victim?

25 PROSPECTIVE JUROR NO. 519: I felt sorry for some of

1 those victims. I felt sorry for the victor because sometime
2 it wasn't always true. There's some time that individual
3 could falsely accuse a person and make it seem like that
4 person did and the way they present it, they make it look real
5 good.

6 MS. BLUTH: Right.

7 PROSPECTIVE JUROR NO. 519: Yeah, so.

8 MS. BLUTH: So what about the ones that it did
9 happen to them?

10 PROSPECTIVE JUROR NO. 519: It did happen to them.

11 MS. BLUTH: Yeah, they were raped during in the
12 middle of the night.

13 PROSPECTIVE JUROR NO. 519: They were raped.

14 MS. BLUTH: Someone did that to them.

15 PROSPECTIVE JUROR NO. 519: It's kind of tough, you
16 know, it's really tough. This really is.

17 MS. BLUTH: So do you think you can be fair and
18 impartial in a case that doesn't have everything that you want
19 it to have? Or are you so set on the things like you're
20 saying, DNA and fingerprints, you can't be fair in a case that
21 doesn't have those things?

22 PROSPECTIVE JUROR NO. 519: I'll try to be fair as
23 much as possible.

24 MS. BLUTH: And I would say trying in any other
25 forum is the best I could, you know, ever ask for, but the

1 issue is this case, you've heard, is going to take, you know,
2 could be four or five weeks. And so we can't get to week four
3 and you're like, yeah, I tried, but we have to know today.
4 And I know that that's so hard because you have to do this in
5 a vacuum. But you have to know today if you're going to be
6 able to be fair and impartial to both sides.

7 PROSPECTIVE JUROR NO. 519: Yes.

8 MS. BLUTH: Okay. I thank you for your time.

9 PROSPECTIVE JUROR NO. 519: Sure.

10 THE COURT: Mr. Maningo.

11 MR. MANINGO: Thank you, Your Honor.

12 Hello, Mr. Jackson.

13 PROSPECTIVE JUROR NO. 519: How you doing?

14 MR. MANINGO: I'm okay, thank you. I just have a
15 few quick follow-ups. When Ms. Bluth was asking you about
16 back in, like, the 1970s and not having the technology and so
17 forth that we do today, you had mentioned that there were also
18 situations where people were falsely accused.

19 PROSPECTIVE JUROR NO. 519: Yes.

20 MR. MANINGO: Okay. And so you've probably seen the
21 stories and read the stories of men who are released nowadays
22 after being convicted back then of crimes, where today's
23 science shows that they didn't do it. Have you seen those?

24 PROSPECTIVE JUROR NO. 519: I've read about it, yes.

25 MR. MANINGO: Okay. And the fact is, we're not in

1 70s, we're 2014, we do have technology --

2 THE COURT: Is there a question?

3 MR. MANINGO: -- today, don't we? Would you agree?

4 THE COURT: Mr. Maningo -- yeah.

5 MR. MANINGO: That's my question.

6 THE COURT: Okay, well.

7 MR. MANINGO: Would you agree?

8 PROSPECTIVE JUROR NO. 519: Say that one more time.

9 MR. MANINGO: We do have technology today in our
10 legal system?

11 PROSPECTIVE JUROR NO. 519: Yes.

12 MR. MANINGO: Okay. And while it may not be CSI,
13 would you agree that it's -- it's not all fantasy?

14 PROSPECTIVE JUROR NO. 519: I don't think it would
15 be fantasy when it come to a point of an individual because
16 you want to be real, what you bring it.

17 MR. MANINGO: Right, okay. If you are asked to
18 judge just a witness's testimony, the State still has to show
19 that -- or you would still have to believe them beyond a
20 reasonable doubt, their testimony alone. So what things would
21 you look for to see whether they're telling the truth or not?

22 PROSPECTIVE JUROR NO. 519: Well, since it's
23 supposed to be a four or five week case, is it going to be
24 consistent what you're talking about. Will it stand up.

25 MR. MANINGO: Okay. And when it comes to the

1 situation with your uncle, obviously, this is a different
2 situation, right?

3 PROSPECTIVE JUROR NO. 519: Yes.

4 MR. MANINGO: So --

5 PROSPECTIVE JUROR NO. 519: Yes.

6 MR. MANINGO: So you're not going to hold any of
7 that against --

8 PROSPECTIVE JUROR NO. 519: No.

9 MR. MANINGO: -- anyone in the courtroom today?

10 PROSPECTIVE JUROR NO. 519: No.

11 MR. MANINGO: Okay. Okay. Do you think you'd be
12 comfortable as a juror?

13 PROSPECTIVE JUROR NO. 519: Yes.

14 MR. MANINGO: Okay. And you can be fair?

15 PROSPECTIVE JUROR NO. 519: Yes.

16 MR. MANINGO: Okay. Thank you, sir.

17 THE COURT: Thank you. And it is the defense fifth
18 peremptory challenge.

19 MR. MANINGO: We would thank and excuse Ms. Pratt,
20 seat 12.

21 THE COURT: Thank you. Call the next in order,
22 please.

23 THE CLERK: Badge 521, Carol -- Carol Robinson.

24 THE COURT: How's my jury doing? How are my folks
25 doing here? Anybody need a break, restroom break? Okay.

1 Lawyers, too. All right. It's, like, 11:15. We'll take a
2 ten-minute break, then we'll be taking a lunch break at noon.
3 So this is just a short break and then you'll be having a
4 break again, you know, in about a half an hour or so.

5 All right. So during this recess, this ten-minute
6 recess, it is your duty not to converse among yourselves or
7 with anyone else on any subject connected with the trial, or
8 to read, watch or listen to any report of or commentary on the
9 trial by any person connected with the trial or to be watch or
10 listen to any -- by, you know, any medium of information
11 including, without limitation, newspaper, television, radio or
12 internet. And you are not to form or express an opinion on
13 any subject connected with this case until it is finally
14 submitted to you. We'll be in recess for ten minutes.

15 (Outside the presence of the prospective jurors)

16 THE COURT: The record will reflect we're outside of
17 the venire panel. Are there any matters outside the presence?

18 MS. BLUTH: No, Your Honor.

19 MR. MANINGO: No, Your Honor.

20 THE COURT: All right. We'll be in recess for 10
21 minutes.

22 MR. MANINGO: Thank you.

23 (Court's in recess at 11:13 a.m. until 11:25 a.m.)

24 (In the presence of prospective jurors)

25 THE COURT: Thank you, please be seated. The record

1 will reflect we're back within the presence of the venire
2 panel. And the defendant is present with his counsel, the
3 Deputies District Attorney prosecuting the case are present as
4 are all officers of the court. Will counsel so stipulate?

5 MS. BLUTH: Yes, Your Honor.

6 MR. MANINGO: Yes, Your Honor.

7 THE COURT: All right. Ms. Robinson, welcome.

8 PROSPECTIVE JUROR NO. 521: Hello.

9 THE COURT: So have you ever served as a juror
10 before?

11 PROSPECTIVE JUROR NO. 521: Yes, I have.

12 THE COURT: Was that here in Clark County?

13 PROSPECTIVE JUROR NO. 521: Yes.

14 THE COURT: How long ago was that?

15 PROSPECTIVE JUROR NO. 521: About eight years ago.

16 THE COURT: Okay. Were -- was it a criminal case or
17 a civil case?

18 PROSPECTIVE JUROR NO. 521: Criminal.

19 THE COURT: And was -- without telling us what your
20 verdict was, did you reach a verdict?

21 PROSPECTIVE JUROR NO. 521: Yes, we did.

22 THE COURT: Were you the foreperson on the jury?

23 PROSPECTIVE JUROR NO. 521: No.

24 THE COURT: Okay. Did you find the experience to be
25 a rewarding one?

1 PROSPECTIVE JUROR NO. 521: Yes.

2 THE COURT: Anything negative about the experience?

3 PROSPECTIVE JUROR NO. 521: No, not at all.

4 THE COURT: Okay. Have you ever been the victim of
5 a crime?

6 PROSPECTIVE JUROR NO. 521: No.

7 THE COURT: Anyone in your family or closely
8 associated with you been a victim of a serious or a violent
9 crime?

10 PROSPECTIVE JUROR NO. 521: My mother was mugged.

11 THE COURT: Was that here in --

12 PROSPECTIVE JUROR NO. 521: No.

13 THE COURT: No. Where was it?

14 PROSPECTIVE JUROR NO. 521: In Massachusetts. She
15 was going to the store and a couple of teenagers jumped her,
16 knocked her down and stole her purse. They never found who it
17 was, because her glasses fell off and she was dazed and so she
18 -- there was no witnesses.

19 THE COURT: Okay. Anyone else closely associated
20 with you ever been a victim of a crime?

21 PROSPECTIVE JUROR NO. 521: No.

22 THE COURT: You -- have -- you ever known anyone
23 that was the victim of a rape?

24 PROSPECTIVE JUROR NO. 521: No.

25 THE COURT: Okay. Have you ever been involved in

1 law enforcement?

2 PROSPECTIVE JUROR NO. 521: No.

3 THE COURT: How about anyone in your family or

4 closely associated with you been --

5 PROSPECTIVE JUROR NO. 521: No.

6 THE COURT: -- involved?

7 PROSPECTIVE JUROR NO. 521: No, sorry.

8 THE COURT: How about have you ever been accused of

9 a crime?

10 PROSPECTIVE JUROR NO. 521: Yes.

11 THE COURT: All right. Tell us what that was. All

12 right, okay. Is it something that you don't want to speak

13 about in front of the rest of the jurors?

14 PROSPECTIVE JUROR NO. 521: Yes.

15 THE COURT: Okay. All right. We'll ask the rest of

16 you to step in the hall, and Ms. Robinson will remain.

17 (Outside the presence of the prospective jurors)

18 (Prospective Juror No. 521 is present)

19 THE COURT: All right. The record will reflect that

20 the rest of the venire has left the courtroom and Ms. Robinson

21 remains. Now, I'm sorry, ma'am, could you go ahead and tell

22 us?

23 PROSPECTIVE JUROR NO. 521: I'm sorry, I mean, I

24 broke down.

25 THE COURT: That's all right.

1 PROSPECTIVE JUROR NO. 521: I was accused of a crime
2 because I did it.

3 THE COURT: Okay. What was that?

4 PROSPECTIVE JUROR NO. 521: About 15 years ago, I
5 was a single mother. Not that I'm excusing myself, but I had
6 financial problems and so I took a part-time job in addition
7 to my regular job. I was working at a Hallmark and I needed
8 money to pay the rent. So I stole the cash, the \$600. And
9 about three months later -- excuse, a couple days later, they
10 flew somebody in who analyzes this kind of thing for Hallmark
11 and I did confess that I took the money and why I did it. And
12 a couple of months later -- then I never heard anything.

13 A couple months later, while I was at work, the
14 police came and escorted me out into the parking lot and put
15 handcuffs on me and brought me to jail. And because I worked
16 with wonderful people, the -- I worked in a law firm, a
17 different one now, but the lawyers, they knew the Judge and
18 got me out on my own recognizance. And then I went back a
19 couple of months later, and as long as I paid back the money
20 -- I think they -- I got charged with a misdemeanor. And one
21 of the attorneys there paid all of the money back to the
22 Hallmark and I just made monthly payments to him.

23 I've never been in trouble in my life before that or
24 since and then three years later, I got my record sealed.

25 THE COURT: Okay. All right. So really what we

1 were concerned with is that whether that is going to affect
2 you in being able to be a fair and impartial juror in this
3 case. And so you're the only one that can tell us that.

4 PROSPECTIVE JUROR NO. 521: I believe I can be fair
5 and impartial. As you can see, things aren't always the way
6 they appear. When people look at me, I'm very successful now
7 in my work. People look up to me, but they don't know my
8 secret. So I would like to look at all of the evidence and
9 what I hear from people, and I think I can make a good
10 judgment.

11 Also I know you'll ask about the law enforcement.
12 Yes, I had interaction with the police, and I must say, they
13 were very nice to me. You know, I was a criminal, and he
14 could have handcuffed me in front of my co-workers, but he
15 took me out into the parking lot. I mean, some people did
16 see, you know, a couple of the attorneys came out, you know,
17 to see what was going on. But they were very nice to me. And
18 then when they took me, when I got to the jail, they --
19 everybody was nice. If you could have nice people there, they
20 were very nice to me.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 521: I was not mistreated in
23 any way.

24 THE COURT: Okay. So you don't feel you were
25 wrongly accused because, as you say, you did it.

1 PROSPECTIVE JUROR NO. 521: I did it.

2 THE COURT: Okay. All right. All right, so while
3 we've got you here, we'll just go along with the rest of the
4 questions.

5 And so do you have any religious or moral beliefs
6 that would keep you from being able to sit in judgment on
7 another person?

8 PROSPECTIVE JUROR NO. 521: No, not at all.

9 THE COURT: Okay. And let's see, what else. Do you
10 have any quarrel with the presumption of innocence? That a
11 person who, you know, has pled not guilty is presumed to be
12 innocent and is entitled to that presumption? It's the
13 State's burden to prove the case beyond a reasonable doubt?

14 PROSPECTIVE JUROR NO. 521: I believe that
15 wholeheartedly.

16 THE COURT: Okay. Tell us about yourself other than
17 what you've already told us.

18 PROSPECTIVE JUROR NO. 521: I've lived in Clark
19 County for 26 years. I'm married to my second husband. I
20 have two daughters, 26 and 31. My 26-year-old lives with me.
21 My 31-year-old is an executive assistant to the head priest at
22 the St. John the Baptist Greek Orthodox Church although we're
23 not Greek Orthodox. She's an employee there.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 521: My 26-year-old works at

1 an animal hospital and she does intake of the patients. And
2 she just got promoted -- or she's being tried out to be -- to
3 learn to be a pharmacy tech. My husband is head of HR at
4 Larkin Plumbing, as well as does the IT there. I am a
5 paralegal. I work for a small law firm. We specialize in
6 estate claim, probate, guardianship and corporate law. I've
7 worked with my current employer for six years, but I've been
8 doing this type of work for 26 years.

9 THE COURT: So have you worked for firms that
10 practice criminal defense law as well?

11 PROSPECTIVE JUROR NO. 521: I have, but I always
12 worked in the estate planning, probate and corporate side.

13 THE COURT: Ah, okay. All right. So you worked for
14 some kind of full-service law firms that did multiple types of
15 practice, but your specialty is --

16 PROSPECTIVE JUROR NO. 521: Estate planning.

17 THE COURT: -- estate planning and probate.

18 PROSPECTIVE JUROR NO. 521: Yeah, um-hum. Yes.

19 THE COURT: Okay. Would the State like to inquire
20 further?

21 MS. BLUTH: Yes, please. If it's okay, I'm just
22 going to stand right here because we're -- we're closer this
23 way than we are that way.

24 When you were the juror in the criminal trial, how
25 long did that trial last?

1 PROSPECTIVE JUROR NO. 521: Two days.

2 MS. BLUTH: Two days, okay. And when you went into
3 the back, did everybody agree right away? Was there some
4 arguing? What was it like back there?

5 PROSPECTIVE JUROR NO. 521: Well, eight of us -- I
6 forget whether we had 10 or 2 -- 12, I don't know.

7 MS. BLUTH: Okay.

8 PROSPECTIVE JUROR NO. 521: But two people did not
9 agree with the rest of us.

10 MS. BLUTH: Okay. So you were one of the eight?

11 PROSPECTIVE JUROR NO. 521: Yes, I was.

12 MS. BLUTH: Or one of the ten or --

13 PROSPECTIVE JUROR NO. 521: Yes.

14 MS. BLUTH: Yeah. And -- and so what methods did
15 you personally use in trying to convey your thoughts?

16 PROSPECTIVE JUROR NO. 521: Well, the foreman
17 suggested that each of us go around the table and try to -- to
18 state why we believed this person was guilty or not guilty.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NO. 521: And so each of us did
21 that. And then the foreman asked the other two who disagreed
22 with us, well, now that you've heard and you've expressed your
23 belief, do you change your mind or not? And I don't know if
24 they were tired or what, but they all agreed with the rest of
25 us.

1 MS. BLUTH: Okay.

2 PROSPECTIVE JUROR NO. 521: So it was fairly quick.

3 MS. BLUTH: Okay. Okay. And you felt comfortable
4 in that setting, voicing your opinions and, like you said,
5 when you went around the table, you felt like you got your
6 opportunity to be heard?

7 PROSPECTIVE JUROR NO. 521: Yes. I -- if I'm
8 comfortable with my knowledge of what I'm dealing with, at
9 home, at work or something like this, I always speak up my
10 mind.

11 MS. BLUTH: Okay.

12 PROSPECTIVE JUROR NO. 521: I always speak up.

13 MS. BLUTH: And did you feel like both attorneys,
14 you know, each side acted appropriately and respectfully to
15 the process?

16 PROSPECTIVE JUROR NO. 521: Yes.

17 MS. BLUTH: No issues with anything involved in
18 that?

19 PROSPECTIVE JUROR NO. 521: No, it was a private
20 attorney and a district attorney.

21 MS. BLUTH: Okay. And I thank you for your honesty,
22 you know, in regards to that personal situation because it was
23 a long time ago and I don't think anybody judges you for any
24 of that. But I thank you for being honest. The district --
25 how many years ago -- I know you said and I apologize, how many

1 years ago was it?

2 PROSPECTIVE JUROR NO. 521: My situation?

3 MS. BLUTH: Yeah.

4 PROSPECTIVE JUROR NO. 521: About 15.

5 MS. BLUTH: Fifteen. And you were living here at
6 the time or you weren't?

7 PROSPECTIVE JUROR NO. 521: Yes, I was.

8 MS. BLUTH: Okay. And so obviously the district
9 attorney, our office, was prosecuting that case. Did you feel
10 -- I know you said you did it, but do you feel like you were
11 treated fairly by the District Attorney's office?

12 PROSPECTIVE JUROR NO. 521: Yes.

13 MS. BLUTH: Okay. So what I'm hearing you say is
14 really nothing from that experience, you know, makes you lean
15 one way or another?

16 PROSPECTIVE JUROR NO. 521: No.

17 MS. BLUTH: Okay. You've listened to all the
18 questions that we've been asking the last couple of days. Was
19 there anything that really struck -- you know stuck out to you
20 or struck you that you thought I've got a pretty strong
21 opinion on that on?

22 PROSPECTIVE JUROR NO. 521: No. Other than the fact
23 that I do believe it's okay for a defendant not to get up.
24 Like for me, look at me, I crumbled. I wouldn't be able to
25 get my -- my point across if I was innocent trying to explain

1 something, you know. So I do believe that there are people
2 who shouldn't go up and try to defend themselves.

3 MS. BLUTH: Sure.

4 PROSPECTIVE JUROR NO. 521: Because that -- I think
5 that would make it worse, as innocent as they could be.

6 MS. BLUTH: Sure.

7 PROSPECTIVE JUROR NO. 521: So I do believe that.
8 Also I do believe that -- I believe in forensic evidence. I
9 believe -- I'm very happy we have what we have today, I
10 wouldn't want to be back 25, 30 years ago. I don't watch the
11 CSI shows, they're too glitzy and fake. However, I don't
12 watch much TV anyway, but I do watch -- I do enjoy that show
13 Forensic Files, and those other shows like women who murder
14 their children kind of stuff, like on 104, Channel 104.

15 MS. BLUTH: Okay. So you do watch some of the crime
16 shows.

17 PROSPECTIVE JUROR NO. 521: Yes.

18 MS. BLUTH: But they're more --

19 PROSPECTIVE JUROR NO. 521: More realistic.

20 MS. BLUTH: -- more reality-based.

21 PROSPECTIVE JUROR NO. 521: Yeah. Not that glitzy
22 stuff.

23 MS. BLUTH: Okay. And you said you are someone that
24 likes forensic evidence. You know, you like that we have
25 those things. Do you think they're present in every case?

1 PROSPECTIVE JUROR NO. 521: No. The case that I was
2 on earlier, there was none. There was just a photograph and
3 people's words.

4 MS. BLUTH: Um-hum.

5 PROSPECTIVE JUROR NO. 521: That's all we had to go
6 on.

7 MS. BLUTH: Um-hum. And what -- when you were in
8 that situation, were you comfortable? Were you comfortable,
9 you know, looking at the evidence that you did have and making
10 decisions based on that?

11 PROSPECTIVE JUROR NO. 521: Yes.

12 MS. BLUTH: Okay. So it's not something you
13 absolutely need in every case?

14 PROSPECTIVE JUROR NO. 521: No.

15 MS. BLUTH: You -- sorry.

16 PROSPECTIVE JUROR NO. 521: I need to hear the whole
17 -- the whole -- both sides.

18 MS. BLUTH: Okay. Do you want to be a juror again?

19 PROSPECTIVE JUROR NO. 521: Well, I'm conflicted
20 because I find this whole process extremely exciting and
21 interesting.

22 MS. BLUTH: Um-huh.

23 PROSPECTIVE JUROR NO. 521: And, I -- yes, I would
24 love to be a juror again. On the other side, five weeks is a
25 long time.

1 MS. BLUTH: It is.

2 PROSPECTIVE JUROR NO. 521: I have an extremely
3 large work load and I go home at night, I'm working at night
4 and I'm going to work Saturdays and Sundays. However, if you
5 choose me, I would be honored. But if you don't choose me, it
6 is what it is as my boss would say.

7 MS. BLUTH: Okay.

8 PROSPECTIVE JUROR NO. 521: I don't know what to
9 tell you.

10 MS. BLUTH: No, I understand, thank you. The
11 paralegal job where you worked in a firm that kind of did
12 everything.

13 PROSPECTIVE JUROR NO. 521: Yes.

14 MS. BLUTH: I understand you worked still in your
15 subset, but did you have conversations with the other
16 paralegals and secretaries in regards to their criminal cases
17 or were you guys completely separate?

18 PROSPECTIVE JUROR NO. 521: We were completely
19 separate on different sides of the building. It was a big
20 building and over -- well, I worked at two different firms.
21 And one of them, I was on this side for my type of work, the
22 litigants and the criminal attorneys were on the other side.
23 The one that I was obviously let go because I, you know, moral
24 turpitude and they had to let me go when they arrested me.

25 MS. BLUTH: Sure.

1 PROSPECTIVE JUROR NO. 521: We were on the top floor
2 and all the other types of law people were down on the bottom
3 floor.

4 MS. BLUTH: Okay.

5 PROSPECTIVE JUROR NO. 521: So no. I mean, we said
6 hello in the hallway, but we didn't mingle.

7 MS. BLUTH: Okay. That makes sense to me. Can you
8 think of a situation in which someone is victimized, yet they
9 don't report it right away? Can you --

10 PROSPECTIVE JUROR NO. 521: I believe that that
11 happens.

12 MS. BLUTH: Can you tell me a situation in which you
13 think that that happens or why it happens?

14 PROSPECTIVE JUROR NO. 521: I think a lot of times
15 it's -- it's mostly women who don't speak up because they're
16 afraid, because I believe society doesn't always -- because we
17 have a lot of -- I think men can be sexist and that they can
18 look down on women and that women are using their feminine
19 wiles and they may think that that's what they're using to get
20 back at men.

21 MS. BLUTH: Okay.

22 PROSPECTIVE JUROR NO. 521: Or -- and I think a lot
23 of women are afraid of being judged by men.

24 MS. BLUTH: Okay. Since you have such an extensive
25 legal background, do you find it -- are you offended in any

1 way if a victim of a criminal crime pursues -- well, I guess a
2 criminal crime is kind of duplicative, but if a victim of a
3 crime goes forward and pursues their rights civilly?

4 PROSPECTIVE JUROR NO. 521: No. Because -- oh, do
5 you want to know why?

6 MS. BLUTH: Yeah, I do. Thank you.

7 PROSPECTIVE JUROR NO. 521: In my line of work, in
8 probate, we've partnered with another -- a couple of other
9 large firms in town with, you know, names that you would know
10 and they're -- they sue people because they hurt them. When
11 the person dies, well, now they come to us to handle the
12 probate so we can do the -- finish up the litigation.

13 MS. BLUTH: Okay.

14 PROSPECTIVE JUROR NO. 521: So we're helping them,
15 even though they're gone, we help them to finish their suing
16 in a civil case for something that happened criminally.

17 MS. BLUTH: I see what you're saying, okay. Do you
18 have any bumper stickers?

19 PROSPECTIVE JUROR NO. 521: No, I do not.

20 MS. BLUTH: I think that's all I have, I thank you.

21 THE COURT: Mr. Maningo.

22 MR. MANINGO: Thank you, Judge.

23 Hi, Ms. Robinson. Thank you for your disclosure and
24 letting us know and for being able to do this just with you.
25 I know it's helpful.

1 PROSPECTIVE JUROR NO. 521: Well, thank you. I
2 appreciate not having to say that in front of other people.

3 MR. MANINGO: Sure, sure. I understand. Now,
4 really the only thing I want to ask you about that situation
5 is, just because in your situation, it did happen, that
6 doesn't make you assume that in this situation that Mr.
7 Farmer's guilty, does it?

8 PROSPECTIVE JUROR NO. 521: No, it does not.

9 MR. MANINGO: Okay. You're -- you're able to
10 separate those situations and understand that Mr. Farmer has
11 pled not guilty?

12 PROSPECTIVE JUROR NO. 521: That is correct, I
13 understand that.

14 MR. MANINGO: Okay, great. Now, with your work
15 experience with law firms, you've been able to see the
16 inner-workings of -- of how law practice is?

17 PROSPECTIVE JUROR NO. 521: Yes.

18 MR. MANINGO: Okay. Does any of that affect how you
19 look at this case and how you're going to judge the witnesses?

20 PROSPECTIVE JUROR NO. 521: No, not at all because I
21 don't do this kind of work. I really don't have that
22 knowledge. I only have -- I guess you would call it like the
23 soft law, you know, estate planning, probate, corporate law.

24 MR. MANINGO: Okay. Have you formed any opinions,
25 personal or professional, about attorneys in general?

1 PROSPECTIVE JUROR NO. 521: Well, I've been here for
2 26 years and I've worked for some absolutely wonderful human
3 beings. Like I said, that they helped me, they paid Hallmark
4 the money and let me -- let me pay him back a little every
5 month. They've been wonderful to me.

6 And then I've also worked for one attorney who was
7 the most horrible human being I've ever met. He was horrible.
8 So as in all walks of life, there's good and there's bad. But
9 overall, the attorneys that I've come into contact with have
10 been very nice people.

11 MR. MANINGO: Okay, very good. The horrible one
12 wasn't any of us, right?

13 PROSPECTIVE JUROR NO. 521: No.

14 MR. MANINGO: Okay, good. We did read a few names
15 of potential witnesses who are attorneys. In particular, Neal
16 Hyman and Rob Murdock. Those don't ring a bell?

17 PROSPECTIVE JUROR NO. 521: No, I don't know those
18 people.

19 MR. MANINGO: Okay. And there may be others. I
20 don't know if there are any others, I can't remember. You had
21 talked a little bit about lawsuits with Ms. Bluth?

22 PROSPECTIVE JUROR NO. 521: Yes.

23 MR. MANINGO: Have you ever seen in your experience,
24 whether it's at work or in your personal life, lawsuits that
25 are frivolous or what you would think are just silly?

1 PROSPECTIVE JUROR NO. 521: The -- definitely. And
2 I guess I have -- I don't have personal experience, but my
3 husband, as I said, is head of HR at Larkin Plumbing. And so
4 if anybody files a worker's comp claim, he's involved.

5 MR. MANINGO: Okay.

6 PROSPECTIVE JUROR NO. 521: And some of those claims
7 are very valid, people do get hurt. But they -- you have to
8 laugh at how some of these people, they go from one business
9 -- work here, work there, work there, and they have filed
10 worker's comp claims. Or they get in a little fender bender
11 and, you know, they can't move. Yes, I do believe that people
12 -- people are greedy. Some people are greedy and people will
13 do anything to make a buck.

14 MR. MANINGO: Okay. Okay. Thank you. Again, I
15 appreciate it. Is there anything that any of us talked about
16 that we forget to bring up with you?

17 PROSPECTIVE JUROR NO. 521: No, I can't think of
18 anything right now.

19 MR. MANINGO: Great. Thank you. I'll pass Ms.
20 Robinson.

21 THE COURT: Thank you. All right, let's bring them
22 back in.

23 (In the presence of the prospective jurors)

24 THE COURT: Thank you. Please be seated. All
25 right. It is the State's sixth peremptory challenge.

1 MR. KOICHEVAR: Thank you, Judge. At this time, the
2 State would thank and excuse the juror seated in number six,
3 Michael Holder, number 863.

4 THE COURT: Thank you. Call the next in order.

5 THE CLERK: Badge 542 -- badge 542, James Condino.

6 THE COURT: Hello, Mr. Condino.

7 PROSPECTIVE JUROR NO. 542: Good morning.

8 THE COURT: Good morning. Have you ever been a
9 juror before?

10 PROSPECTIVE JUROR NO. 542: No, ma'am.

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

12 PROSPECTIVE JUROR NO. 542: No, ma'am.

13 THE COURT: How about anyone in your family or
14 closely associated with you?

15 PROSPECTIVE JUROR NO. 542: A niece.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 542: She was a victim of
18 rape.

19 THE COURT: How long ago was this?

20 PROSPECTIVE JUROR NO. 542: The trial was two years
21 ago.

22 THE COURT: Was that here in Clark County?

23 PROSPECTIVE JUROR NO. 542: In Texas.

24 THE COURT: In Texas. Did you observe the trial?

25 PROSPECTIVE JUROR NO. 542: No, ma'am.

1 THE COURT: Did you learn of it from your family,
2 though?

3 PROSPECTIVE JUROR NO. 542: Yes.

4 THE COURT: Okay. Did you feel -- was the person
5 convicted?

6 PROSPECTIVE JUROR NO. 542: No, ma'am.

7 THE COURT: Did you feel that justice was served in
8 that case?

9 PROSPECTIVE JUROR NO. 542: I wasn't at the trial,
10 so as far as I know it was.

11 THE COURT: Okay. Did you ever discuss it with your
12 niece?

13 PROSPECTIVE JUROR NO. 542: Yes.

14 THE COURT: Okay. Did -- did you feel that she had
15 wrongfully accused the person?

16 PROSPECTIVE JUROR NO. 542: As well as I know her, I
17 believed everything she told me. Like I said, it's hard --
18 excuse me, it's hard for me to judge that. Based on her
19 character and what I know about her, I don't think she would.
20 But like I said, in court, you hear other sides of the story.
21 So -- excuse me.

22 THE COURT: And you weren't there for the rest of
23 the trial?

24 PROSPECTIVE JUROR NO. 542: I wasn't at any of the
25 trial.

1 THE COURT: Okay. So you only heard from your
2 niece?

3 PROSPECTIVE JUROR NO. 542: Yes, ma'am.

4 THE COURT: Okay. Did anyone else tell you what the
5 rest of the evidence was?

6 PROSPECTIVE JUROR NO. 542: I heard pieces of it
7 from family members, the physical evidence and testimonial
8 evidence.

9 THE COURT: Okay. And so from what you heard, did
10 you make any independent -- form any independent opinions as
11 to whether it was --

12 PROSPECTIVE JUROR NO. 542: I -- I was surprised.

13 THE COURT: -- justice had been served? Okay.

14 PROSPECTIVE JUROR NO. 542: I -- I think we're going
15 down this road, so I'll just go there.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 542: But I was surprised that
18 he wasn't found guilty --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 542: -- based on what I knew
21 of physical evidence and her testimonial evidence. But like I
22 said, I don't want to say that he should have been found
23 guilty because, like I keep saying, I wasn't at the trial. So
24 I believe in the justice system and if the jurors found him
25 not guilty, then I can't say that he was.

1 THE COURT: All right.

2 PROSPECTIVE JUROR NO. 542: So I know her side of
3 the story and I support her.

4 THE COURT: All right.

5 PROSPECTIVE JUROR NO. 542: I told her she was brave
6 for reporting it and she did the right thing, so.

7 THE COURT: All right. Do you feel that that --
8 being involved in that situation with your family would make
9 it difficult for you to serve fairly and impartially in this
10 case?

11 PROSPECTIVE JUROR NO. 542: I don't think so.

12 THE COURT: Okay. Have you ever been in law
13 enforcement?

14 PROSPECTIVE JUROR NO. 542: No, ma'am.

15 THE COURT: And anyone in your family been in law
16 enforcement?

17 PROSPECTIVE JUROR NO. 542: My father was a State
18 Park police officer in New York State.

19 THE COURT: Okay. As a result of that involvement
20 with law enforcement, would you tend to give a law enforcement
21 officer's testimony more credibility merely because they were
22 law enforcement officer, no -- for no other reasons?

23 PROSPECTIVE JUROR NO. 542: No, ma'am.

24 THE COURT: Okay. So you can weigh all of the
25 testimony, the evidence together in coming to a decision?

1 PROSPECTIVE JUROR NO. 542: Absolutely.

2 THE COURT: Do you have any religious or moral
3 beliefs that cause you to be unable to sit in judgment on
4 another person?

5 PROSPECTIVE JUROR NO. 542: No, ma'am.

6 THE COURT: Tell us about yourself.

7 PROSPECTIVE JUROR NO. 542: I'm an airline pilot.
8 I've lived in Las Vegas for about two years now. I have a
9 wife of 13 years. She's a speech pathologist. She works for
10 the Clark County School District. We have two daughters ages
11 nine and six. I was a Navy pilot prior to being an airline
12 pilot.

13 THE COURT: Okay. And what did you fly in the Navy?

14 PROSPECTIVE JUROR NO. 542: A P-3.

15 THE COURT: Okay. And what are you flying now?

16 PROSPECTIVE JUROR NO. 542: 737s with Southwest.

17 THE COURT: Would the State like to inquire further?

18 MS. BLUTH: Thank you, Your Honor.

19 You've been sitting here for a while, so you
20 probably know all the questions, right?

21 PROSPECTIVE JUROR NO. 542: I do.

22 MS. BLUTH: Was there anything that I've asked
23 previously that you felt you had a strong opinion on?

24 PROSPECTIVE JUROR NO. 542: No. I don't think
25 anything stood out that I had a strong opinion on either way.

1 MS. BLUTH: Was there anything that anyone else said
2 that you thought I really -- I really disagree with them?

3 PROSPECTIVE JUROR NO. 542: We had an individual
4 yesterday who declared the defendant guilty before hearing any
5 of the trial. I thought that was excessive.

6 MS. BLUTH: Well, she also said he was maybe an
7 avocado rustler. So --

8 PROSPECTIVE JUROR NO. 542: I asked around at home
9 yesterday and my wife wasn't sure what that meant. I have no
10 idea what that is.

11 MS. BLUTH: Well, we'll just leave it alone.

12 PROSPECTIVE JUROR NO. 542: I don't want to know.

13 MS. BLUTH: But, yeah, you disagree with that
14 premise?

15 PROSPECTIVE JUROR NO. 542: Yeah. And there was a
16 few comments like that throughout the day yesterday and the
17 day before that were not in conforming with our justice
18 system.

19 MS. BLUTH: Sure. And it's a system that you said
20 that you believe in and that you respect?

21 PROSPECTIVE JUROR NO. 42: Absolutely.

22 MS. BLUTH: You're -- well, let me back up. If you
23 were selected as a juror, are you someone that feels
24 comfortable voicing your opinions in front of others?

25 PROSPECTIVE JUROR NO. 542: I do.

1 MS. BLUTH: Are you --

2 PROSPECTIVE JUROR NO. 542: It's hard to speak about
3 my niece.

4 MS. BLUTH: Of course.

5 PROSPECTIVE JUROR NO. 542: And I apologize for the
6 cracky voice, but any other topic I can talk all day with you
7 about it.

8 MS. BLUTH: Sure. In regards to your niece's
9 situation, was that something that she reported right away?
10 Had a -- you're shaking your head no.

11 PROSPECTIVE JUROR NO. 542: She -- she reported it
12 after two years.

13 MS. BLUTH: Was that something that happened to her
14 as a adult or something that happened to her as a child?

15 PROSPECTIVE JUROR NO. 542: As a child.

16 MS. BLUTH: Did you discuss with her ever why she
17 waited two years?

18 PROSPECTIVE JUROR NO. 542: No, because I didn't
19 want her to feel guilty for not reporting it. I wanted her to
20 know that if it happened ten years ago and you told us today,
21 we would still believe you and trust you and we immediately
22 called the police as soon as she told us.

23 MS. BLUTH: Is she still a child or is she an adult?

24 PROSPECTIVE JUROR NO. 542: She is. That's why I
25 want to be careful about her identity and --

1 MS. BLUTH: So she's -- she disclosed as a child and
2 she still is a child?

3 PROSPECTIVE JUROR NO. 542: That's correct.

4 MS. BLUTH: Okay. But you don't feel like there's
5 anything that would affect you in this case?

6 PROSPECTIVE JUROR NO. 542: No.

7 MS. BLUTH: Completely different?

8 PROSPECTIVE JUROR NO. 542: Absolutely.

9 MS. BLUTH: Would you be bothered by graphic photos
10 of physical evidence?

11 PROSPECTIVE JUROR NO. 542: I have no problem
12 viewing them. And the fact that it's going to probably help
13 us determine where we need to go as a jury. I mean, I -- no,
14 I don't have a problem looking at them. It's not something
15 I'm looking forward to, if that's what you're asking.

16 MS. BLUTH: No, I'm not. I just want to make sure
17 it's to something that would be so bothersome to you, you felt
18 like it would impair you as a juror.

19 PROSPECTIVE JUROR NO. 542: No, ma'am.

20 MS. BLUTH: Okay. In regards to the CSI shows, do
21 you watch them?

22 PROSPECTIVE JUROR NO. 542: When we can wrestle the
23 remote away from Nick Jr. and Nickelodeon, we -- we -- once in
24 a while we'll see Law and Order.

25 MS. BLUTH: But not the forensic ones?

1 PROSPECTIVE JUROR NO. 542: No. The CSI man, he's
2 -- it's a little bit too dramatic. And the Law and Orders is
3 the one we see.

4 MS. BLUTH: Okay.

5 PROSPECTIVE JUROR NO. 542: If we do see it.

6 MS. BLUTH: Besides -- beside your niece, have you
7 known another victim of rape?

8 PROSPECTIVE JUROR NO. 542: No, ma'am.

9 MS. BLUTH: All right. Thank you for your time and
10 honesty.

11 PROSPECTIVE JUROR NO. 542: Thank you.

12 THE COURT: Mr. Maningo.

13 MR. MANINGO: Thank you, Your Honor.

14 Hello, Mr. Condino.

15 PROSPECTIVE JUROR NO. 542: Good morning.

16 MR. MANINGO: Just -- just briefly regarding the
17 situation with your niece and then we'll leave it. Was the
18 accused in that matter a family member?

19 PROSPECTIVE JUROR NO. 542: It was.

20 MR. MANINGO: Okay. And is there still contact with
21 that family member? Between your niece and --

22 PROSPECTIVE JUROR NO. 542: Between who? Oh, the
23 niece and that family member?

24 MR. MANINGO: Yes.

25 PROSPECTIVE JUROR NO. 542: Absolutely not.

1 MR. MANINGO: Okay. Okay.

2 PROSPECTIVE JUROR NO. 542: No.

3 MR. MANINGO: Okay.

4 PROSPECTIVE JUROR NO. 542: No.

5 MR. MANINGO: And do you -- when you spoke about
6 this case, you spoke about it with your niece and not the
7 other family member?

8 PROSPECTIVE JUROR NO. 542: I never -- I haven't
9 spoken with him since the day that she came to us.

10 MR. MANINGO: Okay.

11 PROSPECTIVE JUROR NO. 542: And so, no.

12 MR. MANINGO: Okay. And then you said you -- you
13 were surprised given the fact that there was some physical or
14 forensic evidence --

15 PROSPECTIVE JUROR NO. 542: There was.

16 MR. MANINGO: -- that you were aware of?

17 PROSPECTIVE JUROR NO. 542: Absolutely.

18 MR. MANINGO: What kind of evidence was that?

19 PROSPECTIVE JUROR NO. 542: She was able to identify
20 body markings and -- I wish I had thought about it more
21 before. There was a couple of big ones that I was just really
22 surprised didn't draw a guilty.

23 MR. MANINGO: Okay.

24 PROSPECTIVE JUROR NO. 542: But like I said, since I
25 wasn't in the courtroom, I don't want to tell you that he was

1 guilty and is a free man because I don't know what happened in
2 the trial.

3 MR. MANINGO: Absolutely. I mean, your niece's
4 situation completely aside now, do you believe that there can
5 be false accusations?

6 PROSPECTIVE JUROR NO. 542: Oh, absolutely.

7 MR. MANINGO: Okay. And you -- I'm not sure of
8 which day you came in and what's been said, it's been kind of
9 a long week, but you probably already heard. This case does
10 not involve a child.

11 PROSPECTIVE JUROR NO. 542: Right.

12 MR. MANINGO: Okay. So given that and everything
13 else we've told you, will you be able to keep that situation
14 with your niece --

15 PROSPECTIVE JUROR NO. 542: Oh, absolutely.

16 MR. MANINGO: -- separate from --

17 PROSPECTIVE JUROR NO. 542: Yeah. Every case is
18 different, and I believe in the defendant's innocence until it
19 is proven otherwise by the State.

20 MR. MANINGO: Very good. Do you -- do you watch any
21 news, read any papers?

22 PROSPECTIVE JUROR NO. 542: I'm more of a national
23 news guy because with my airline job, I'm always on the road
24 in different cities every night. And we've only been in Vegas
25 for about a year and a half, so I don't read a lot of the

1 local news.

2 MR. MANINGO: Right.

3 PROSPECTIVE JUROR NO. 542: I'm trying to, but.

4 MR. MANINGO: Right. Do you believe that the media
5 has -- has power to affect the public?

6 PROSPECTIVE JUROR NO. 542: Yeah. Yeah, I -- on my
7 iPhone, iPad, I have USA Today to get one side of the story,
8 Fox News to get another angle, and the common theme is to get
9 people stirred up. That's how they sell the newspapers. They
10 got to get you emotional about the issue.

11 MR. MANINGO: Okay.

12 PROSPECTIVE JUROR NO. 542: So, I do. I do think
13 it's -- unfortunately, our media sensationalizes a lot of
14 issues to get you buying their newspaper and clicking on their
15 app.

16 MR. MANINGO: Okay, very good, thank you. Are you
17 nervous at all about being on this jury, or?

18 PROSPECTIVE JUROR NO. 542: I was dreading talking
19 about my niece. But now that I think we're past that, I think
20 it would be a privilege to serve the community as a juror.
21 I've never done anything like this, and I think it would be
22 cool to be part of the justice system and make sure it's a
23 fair trial for both sides.

24 MR. MANINGO: Great. Thank you, Mr. Condino.

25 PROSPECTIVE JUROR NO. 542: Thank you, sir.

1 MR. MANINGO: Pass the juror.

2 THE COURT: Thank you. And we're -- what we're
3 going to do is we're just going to have the defense's next,
4 right?

5 MR. MANINGO: Yes, Your Honor. Defense six.

6 THE COURT: Six? And we're going to do that then
7 we're going to recess for lunch.

8 (Pause in the proceedings)

9 MR. MANINGO: Your Honor, we would thank and excuse
10 Mr. Apastol, seat number eight.

11 THE COURT: Thank you. You're off to San Francisco.
12 Okay, what -- call the next in order and then we'll go to
13 lunch.

14 THE CLERK: Badge 545, Delphine Kealoha.

15 THE COURT: All right, ladies and gentlemen, we're
16 going to recess for lunch at this time. We're going to take
17 an hour. I've got ten minutes after 12:00, so we'll resume at
18 ten minutes after one. So don't go too far from the
19 courthouse if you leave the building.

20 Ladies and gentlemen, during this recess, it is your
21 duty not to converse among yourselves or with anyone else on
22 any subject connected with the trial, or to read, watch or
23 listen to any report of or commentary on the trial by any
24 person connected with the trial or by any medium of
25 information including, without limitation, newspaper,

1 television, radio or internet, which includes smartphones.
2 And you are not to form or express an opinion on any subject
3 connected with this trial until it is finally submitted to
4 you. We'll be in recess until ten after one.

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 panel. Will -- let's
8 see, are there any matters outside the presence?

9 MS. BLUTH: Not on behalf of the State.

10 MR. MANINGO: No, Your Honor.

11 THE COURT: Thank you. We'll be in recess for an
12 hour.

13 (Court's in recess at 12:05 p.m. until 1:17 p.m.)

14 (Outside the presence of the prospective jurors)

15 THE COURT: All right. We're back on the record and
16 in session outside the presence of the venire panel.
17 Defendant's present with his counsel, the Deputies District
18 Attorney prosecuting the case are present as are all officers
19 of the court.

20 And I have in my hand something that was given to
21 the Marshal from Jacob Norman, badge number 653. And
22 apparently Mr. Norman had sent his employer an e-mail and a
23 voice mail about his -- whether he would be paid and here's
24 their reply.

25 "You are an hourly warehouse employee with AWC and

1 we are only obligated to pay you for any hours worked.
2 Serving on jury duty does not constitute hours worked. I
3 verified this with the Nevada Department of Business and
4 Industry, the Office of the Labor Commissioner, our obligation
5 is to allow you to serve, which we are. As for your PTO,"
6 personal time off, "it is not required for you to use, but
7 available if you choose to do so. Please feel free to contact
8 me with any other concerns."

9 So basically, they're telling him, you can serve if
10 you want and you can use all your PTO up if you want to, but
11 we're not paying you. And so I'm sure he's concerned about
12 this.

13 MS. BLUTH: I don't have any objection.

14 MR. MANINGO: This is Mr. Norman. He's not seated
15 at this point, right?

16 THE COURT: No, but he is going to end up coming up
17 as an alternate I'm sure.

18 MR. MANINGO: I have no objection.

19 THE COURT: Okay. So we'll mark this as the next in
20 order as a court exhibit and, Marshal, you can let Mr. Norman
21 know that he's excused and he needs to report over to the --

22 THE MARSHAL: He's being accused?

23 THE COURT: He's being excused, not accused,
24 excused.

25 THE MARSHAL: Okay.

1 THE COURT: All right, thank you.

2

3 (Pause in the proceedings)

4 (In the presence of the prospective jurors)

5 THE COURT: All right, please be seated. Thank you.

6 Good afternoon, ladies and gentlemen. We're back in
7 session in the State of Nevada v. Steven Farmer. The record
8 will reflect the presence of the defendant with his counsel,
9 the Deputies District Attorney prosecuting the case and all
10 officer of the court. Will counsel so stipulate?

11 MS. BLUTH: Yes, Your Honor.

12 MR. MANINGO: Yes, Your Honor.

13 THE COURT: Thank you. How was your lunch? Good.
14 Everybody's fine, no problems? Okay.

15 All right. So we left off with Ms. Kealoha?

16 PROSPECTIVE JUROR NO. 545: Kealoha.

17 THE COURT: Kealoha, Kealoha, thank you. Do you
18 have your microphone? All right. Have you -- and that's
19 badge number 545, correct?

20 PROSPECTIVE JUROR NO. 545: Correct.

21 THE COURT: Thank you. Have you ever served as a
22 juror before?

23 PROSPECTIVE JUROR NO. 545: No.

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

1 PROSPECTIVE JUROR NO. 545: No.

2 THE COURT: Has anyone in your family or closely
3 associated with you been the victim of a serious crime?

4 PROSPECTIVE JUROR NO. 545: Yeah.

5 THE COURT: What's that?

6 PROSPECTIVE JUROR NO. 545: One of my best friends
7 was murdered.

8 THE COURT: Oh, I'm sorry. Was -- how long ago was
9 this?

10 PROSPECTIVE JUROR NO. 545: This was a while back,
11 when we were still in high school.

12 THE COURT: Okay. Did that happen here in Clark
13 County?

14 PROSPECTIVE JUROR NO. 545: No, in Hawaii.

15 THE COURT: All right. As -- was the person who
16 committed the murder discovered?

17 PROSPECTIVE JUROR NO. 545: Yeah.

18 THE COURT: And was that person prosecuted?

19 PROSPECTIVE JUROR NO. 545: Yeah.

20 THE COURT: Did you participate at all in the trial?

21 PROSPECTIVE JUROR NO. 545: She was one of my best
22 friends, yeah.

23 THE COURT: Okay. So the both -- the victim and the
24 person accused of committing the murder --

25 PROSPECTIVE JUROR NO. 545: Both.

1 THE COURT: -- both your best friends?

2 PROSPECTIVE JUROR NO. 545: Yeah.

3 THE COURT: Oh, what a terrible thing.

4 PROSPECTIVE JUROR NO. 545: They were married.

5 THE COURT: I see. All right. So did you feel that
6 the case was handled properly by the justice system?

7 PROSPECTIVE JUROR NO. 545: Yeah.

8 THE COURT: Anything about that that makes you think
9 you could not be fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 545: Sometimes yeah.

11 THE COURT: How is that?

12 PROSPECTIVE JUROR NO. 545: Because it's like --
13 it's hard to explain.

14 THE COURT: That's all right. Well, you think you
15 can't be fair in this case and why do you think you can't be?

16 PROSPECTIVE JUROR NO. 545: See, I have two brothers
17 back on the -- that are police officers.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 545: And we were taught,
20 like, if you're wrong, you're wrong, you know, that's the --
21 I'm not good at talking.

22 THE COURT: Okay. Well, obviously, you know, the
23 defendant is presumed to be innocent. It's the State's burden
24 of proof to prove that he's guilty beyond a reasonable doubt.
25 So as he sits here today, he's considered to be innocent.

1 PROSPECTIVE JUROR NO. 545: Um-hum.

2 THE COURT: Do you have a quarrel with that premise?
3 Or do you feel otherwise? Have you formed an opinion already?

4 PROSPECTIVE JUROR NO. 545: No, not really. You
5 know, like you said, everybody's innocent until proven guilty.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 545: But I guess I do have a
8 little bit of -- how do I say the words -- I guess an attitude
9 towards it. It's like why would you get accused if you didn't
10 do it. Or, you know, if you didn't do anything wrong.

11 THE COURT: All right. And do you think you can put
12 that belief aside? Or is that something that you just really
13 feel is going to interfere with your ability to be fair and
14 impartial in this case?

15 PROSPECTIVE JUROR NO. 545: I guess I could put it
16 on the side, but.

17 THE COURT: All right. But -- okay, so here's where
18 we are with this. The lawyers and the Court, we just want 12
19 unbiased people who can be fair to both sides.

20 PROSPECTIVE JUROR NO. 545: Right.

21 THE COURT: That don't have any preconceived ideas
22 one way or the other. And you're the only person that can
23 tell us what's in your mind and heart, okay. So -- so we have
24 to rely on what you tell us. And if you're telling us that
25 you can't be fair, then I need to know that.

1 PROSPECTIVE JUROR NO. 545: I don't think I would be
2 fair, you know, because of the fact that my -- because of my
3 background and whatnot. I don't think I really would be fair.

4 THE COURT: All right. Any --

5 MR. MANINGO: No objection, Your Honor.

6 THE COURT: Any objection?

7 MS. BLUTH: No objection.

8 THE COURT: All right. Thank you, you're excused.

9 Call the next in order.

10 THE CLERK: Badge 551, Beth Tripp.

11 THE COURT: Hello, Ms. Tripp, how are you?

12 PROSPECTIVE JUROR NO. 551: I'm fine, how are you.

13 THE COURT: Good, thank you. And have you ever been
14 a juror before?

15 PROSPECTIVE JUROR NO. 551: No, I have not.

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

17 PROSPECTIVE JUROR NO. 551: No.

18 THE COURT: How about anyone in your family or
19 closely associated with you been a victim of a serious crime?

20 PROSPECTIVE JUROR NO. 551: No.

21 THE COURT: Have you ever been in law enforcement?

22 PROSPECTIVE JUROR NO. 551: I have not.

23 THE COURT: How about anyone in your family or
24 closely associated with you in law enforcement?

25 PROSPECTIVE JUROR NO. 551: No.

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

2 PROSPECTIVE JUROR NO. 551: I have not, no.

3 THE COURT: How about anyone in your family or
4 closely associated with you?

5 PROSPECTIVE JUROR NO. 551: I have a nephew who is
6 having some issues with law enforcement right now.

7 THE COURT: Okay. Is that here in Clark County?

8 PROSPECTIVE JUROR NO. 551: No, California.

9 THE COURT: And what kind of issues?

10 PROSPECTIVE JUROR NO. 551: DUI.

11 THE COURT: Okay. And is it -- is he being
12 prosecuted for DUI?

13 PROSPECTIVE JUROR NO. 551: He's in the process, I
14 don't know where he's at. My sister doesn't like to talk
15 about it much.

16 THE COURT: Okay. I can see that.

17 PROSPECTIVE JUROR NO. 551: Um-hum.

18 THE COURT: So you don't really know a lot about it.
19 Has he ever had any problems before?

20 PROSPECTIVE JUROR NO. 551: Some run-ins. He just
21 had an assault charge dropped.

22 THE COURT: So do you -- have you felt that he's
23 been -- you know, if he's been involved in the criminal
24 justice system to some extent, do you have a feeling that he's
25 either been treated fairly or unfairly? Or do you not know?

1 PROSPECTIVE JUROR NO. 551: I believe he's been
2 treated fairly.

3 THE COURT: Okay. Anything about that situation
4 that makes you feel you could not be fair and impartial in
5 this case?

6 PROSPECTIVE JUROR NO. 551: No.

7 THE COURT: Okay. Do you have any religious or
8 moral beliefs that would make it difficult for you to sit in
9 judgment on another person?

10 PROSPECTIVE JUROR NO. 551: No.

11 THE COURT: Who's -- who's beeping? Okay. Sounded
12 like somebody's alarm clock or something going off on their
13 watch maybe.

14 All right. Let's see, do you have an quarrel with
15 the presumption of innocence?

16 PROSPECTIVE JUROR NO. 551: No.

17 THE COURT: Will you be able to follow the law that
18 the Court instructs you on even if you might think the law is
19 something other than what it is?

20 PROSPECTIVE JUROR NO. 551: Yes.

21 THE COURT: Tell us about yourself.

22 PROSPECTIVE JUROR NO. 551: Lived in -- I've lived
23 in Las Vegas now for 20 years. I work for United Healthcare
24 as a customer service manager. I've been in that position for
25 10 years. I've been married for 21 and no children. And

1 that's about it.

2 THE COURT: What does your husband do?

3 PROSPECTIVE JUROR NO. 551: He works for NV Energy,
4 he's a web consultant.

5 THE COURT: Okay. So when you -- you're a customer
6 service person. What type of customers do you interact with
7 in your role?

8 PROSPECTIVE JUROR NO. 551: We deal with members and
9 providers in our role. We handle questions for claims,
10 benefits, prior authorizations. Right now, we're dealing with
11 a lot of the exchange, Affordable Care Act, we're very busy
12 with that. So that's -- that is in a nutshell our day. We
13 take inbound phone calls for members, we make outbound phone
14 calls when necessary. We try to assist our members as much as
15 possible.

16 THE COURT: Okay. So the providers are healthcare
17 providers, right?

18 PROSPECTIVE JUROR NO. 551: Yes.

19 THE COURT: And do you -- you didn't know any of the
20 doctors that were involved. How about do you have -- does
21 your company have any close relationship with Centennial
22 Hospital?

23 PROSPECTIVE JUROR NO. 551: I cannot remember where
24 Centennial falls and who they're run by. If it's HCA, we are
25 not contracted with them. But we do deal with -- we would

1 move patients from one facility to another if it's
2 non-contracted.

3 THE COURT: Okay. In doing that, do you have any
4 contact directly with physicians?

5 PROSPECTIVE JUROR NO. 551: I have not, no.

6 THE COURT: Okay. Would the State like to inquire
7 further?

8 MS. BLUTH: Thank you. Good afternoon.

9 PROSPECTIVE JUROR NO. 551: Hi.

10 MS. BLUTH: So you've been sitting here a while.

11 PROSPECTIVE JUROR NO. 551: Um-hum.

12 MS. BLUTH: Same question that we've asked everybody
13 else; any questions that have been posed by either Mr. Maningo
14 or I really stood out to you, like, I have a pretty strong
15 opinion on that?

16 PROSPECTIVE JUROR NO. 551: Not -- not at this time,
17 no.

18 MS. BLUTH: Okay. Did anyone voice an opinion that
19 you had a strong opinion that they were wrong or that you
20 disagreed with them?

21 PROSPECTIVE JUROR NO. 551: No.

22 MS. BLUTH: The photos question, would you be
23 bothered by pictures of female genitalia, looking at that type
24 of photo?

25 PROSPECTIVE JUROR NO. 551: No, I would not.

1 MS. BLUTH: Do you watch the shows that we've been
2 talking about?

3 PROSPECTIVE JUROR NO. 551: Very infrequently.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 551: Yeah.

6 MS. BLUTH: What type of TV watch are you?

7 PROSPECTIVE JUROR NO. 551: It's random. We channel
8 surf like nobody's business, but if it comes to anything
9 that's criminally related, I would say the one show I do watch
10 is the First 48.

11 MS. BLUTH: Okay. The First 48 is more
12 reality-based, right?

13 PROSPECTIVE JUROR NO. 551: Yes.

14 MS. BLUTH: It's not -- it's an actual case --

15 PROSPECTIVE JUROR NO. 551: Yeah, it's not a --
16 yeah, it's not. I've watched some Criminal Intent, but.

17 MS. BLUTH: Okay. The question about, you know, DNA
18 and fingerprints and, you know, whether you need that type of
19 evidence or you understand the premise of a victim's testimony
20 on it's own.

21 PROSPECTIVE JUROR NO. 551: Um-hum.

22 MS. BLUTH: What -- when you thought about that
23 question, what did you think of?

24 PROSPECTIVE JUROR NO. 551: You know, I think it's
25 -- it involves a lot with the credibility of the person and

1 how -- how they present themselves. And once all the facts of
2 the case is presented, I would look at the whole big picture.
3 You know, I don't -- I mean, I think physical evidence is a --
4 for lack of a better term, nice to have, but it's not going to
5 be the end-all, be-all to a decision.

6 MS. BLUTH: Okay. Do you want to serve on this
7 jury?

8 PROSPECTIVE JUROR NO. 551: I do. I did not at
9 first. It was --

10 MS. BLUTH: So why do you know and what made you
11 change your mind?

12 PROSPECTIVE JUROR NO. 551: Well, in the beginning,
13 it's just coming at a bad time of the year. And, you know, my
14 job comes -- my job is very important to me. And we have so
15 much going on that it's -- when I heard that the length of the
16 case was four to five weeks, it was like, don't mine. So I
17 just find that I do believe in our judicial systems and it
18 just would be a good experience, I believe.

19 MS. BLUTH: ok Have you ever had or someone close to
20 you ever had negative contacts with law enforcement where you
21 -- you felt like you weren't treated correctly or
22 appropriately?

23 PROSPECTIVE JUROR NO. 551: No.

24 MS. BLUTH: Do you know anyone who's been the victim
25 of a sexual assault?

1 PROSPECTIVE JUROR NO. 551: I do not, no.

2 MS. BLUTH: Do you know anyone who has seizures or
3 seizure disorder?

4 PROSPECTIVE JUROR NO. 551: No.

5 MS. BLUTH: Do you take any issue with someone
6 pursuing their civil rights as well as criminal?

7 PROSPECTIVE JUROR NO. 551: No.

8 MS. BLUTH: Can you think of a reason why a victim
9 of a crime would not report it right away and then later come
10 forward?

11 PROSPECTIVE JUROR NO. 551: I believe that that's
12 fear, judgment, if they're not feeling that they're going to
13 be believed.

14 MS. BLUTH: Have you ever -- can you think of a
15 situation where -- that you felt you were wronged or you felt
16 like something wasn't right, but you didn't say anything? And
17 then later, you thought about it and you said, I wish I would
18 have stood up for myself or I wish I would have dealt with
19 that in a different manner?

20 PROSPECTIVE JUROR NO. 551: I have had those
21 situations at work where it's like, you know, I think
22 sometimes it's best not to say anything and just let it roll
23 off my back.

24 MS. BLUTH: Do you --

25 PROSPECTIVE JUROR NO. 551: And later on down the

1 line, I've regretted that decision.

2 MS. BLUTH: When you were thinking that, I mean,
3 what was -- was it to avoid the conflict? Or you just rather
4 not address it? What was going through your mind?

5 PROSPECTIVE JUROR NO. 551: To avoid the conflict.

6 MS. BLUTH: To not have to go through it?

7 PROSPECTIVE JUROR NO. 551: Um-hum.

8 MS. BLUTH: Do you feel like you would be a good
9 juror?

10 PROSPECTIVE JUROR NO. 551: I feel like I could be
11 impartial, yes. I can be a good juror here.

12 MS. BLUTH: And what characteristics do you have
13 that you think would -- would make you a good juror?

14 PROSPECTIVE JUROR NO. 551: Some of the skills I've
15 gotten over the years as being a manager. I mean, I deal with
16 -- I know it's going to kind of opposite of what I just said,
17 I deal with conflict everyday and especially more with
18 employees.

19 The technical piece of my job, when I deal with
20 problems that I come across my desk that has to do with a
21 benefit or something like that, I love working through that
22 stuff and trying to figure it out. But we do have to do a lot
23 of conflict resolutions. I deal with that more often than not
24 when it comes to employees, so.

25 MS. BLUTH: So like a typical conflict that would be

1 presented to you is like what? Can you give me an example so
2 I understand?

3 PROSPECTIVE JUROR NO. 551: When it comes to
4 employees?

5 MS. BLUTH: Yeah.

6 PROSPECTIVE JUROR NO. 551: Well, it -- you know, I
7 overheard her say something about me to another representative
8 and I want to know what happened. I -- and I'm -- this is not
9 -- this is daily.

10 MS. BLUTH: Yeah.

11 PROSPECTIVE JUROR NO. 551: And so I usually have to
12 present the one representative and I will ask him, well,
13 you're telling me that somebody's accused you or said
14 something about, you know, you did something. I need to talk
15 to that person, are you okay with that. And if they say yes,
16 they say yes. So I bring that other person in and get their
17 side of the story.

18 So I have to hear both sides before I can make a
19 decision about what to do, where to go, do I need to report it
20 to HR, do I need to -- but what I try mostly to do is keep
21 them on track about what their job is, their -- this is what
22 our job is.

23 MS. BLUTH: Okay. All right. Thank you for your
24 time. Pass the juror, Your Honor.

25 THE COURT: Thank you. Mr. Maningo.

1 MR. MANINGO: Hello, Ms. Tripp.

2 PROSPECTIVE JUROR NO. 551: Hello.

3 MR. MANINGO: I'm glad that you changed your mind
4 about being a juror. A few follow-ups. You've heard most of
5 this already. But specific to you, as someone in customer
6 service you said for 21 years?

7 PROSPECTIVE JUROR NO. 551: No. Ten years in
8 customer -- well, I've --

9 MR. MANINGO: Ten years in customer service.

10 PROSPECTIVE JUROR NO. 551: -- been in customer
11 service a long time, but as -- in a management role I've only
12 been ten years.

13 MR. MANINGO: Okay. And as part of that and doing
14 the conflict resolutions, have you ever -- do you have to deal
15 with difficult customers, people who are unhappy, that kind of
16 thing?

17 PROSPECTIVE JUROR NO. 551: Yes.

18 MR. MANINGO: Is that on a regular basis or is it
19 few and far between?

20 PROSPECTIVE JUROR NO. 551: It's pretty few and far
21 between. I have a great staff that is very knowledgeable and
22 they handle a lot of issues.

23 MR. MANINGO: Okay. You said that you sometimes
24 like the situation of trying figure out what's happening in
25 these conflicts?

1 PROSPECTIVE JUROR NO. 551: Um-hum.

2 MR. MANINGO: How do you -- how do you judge
3 credibility? How do you tell who's telling the truth and
4 who's not?

5 PROSPECTIVE JUROR NO. 551: Body language, how they
6 look at you. You know, if they're fidgeting, looking down.
7 You know, I look how close the story is different from one
8 person to the next person, you know, and just assess what --
9 what is going to be the best resolution between the two.

10 MR. MANINGO: Okay. And you feel like you can do
11 that with the witnesses that -- that are presented throughout
12 this trial?

13 PROSPECTIVE JUROR NO. 551: I believe I can.

14 MR. MANINGO: Do you believe that false accusations
15 ever occur?

16 PROSPECTIVE JUROR NO. 551: I believe they do.

17 MR. MANINGO: Okay. Can you think of reasons why
18 they occur?

19 PROSPECTIVE JUROR NO. 551: There could be issues
20 that somebody doesn't like somebody and they feel that if
21 they're going -- if they create some story, they may, you
22 know, get that person in trouble and it could be satisfactory
23 to that other individual.

24 MR. MANINGO: Okay. As far as civil lawsuits are
25 concerned, do you -- do you think that there are people who

1 manipulate the legal system as far as suing one another?

2 PROSPECTIVE JUROR NO. 551: I do.

3 MR. MANINGO: Okay. Can you think of reasons why
4 they do that?

5 PROSPECTIVE JUROR NO. 551: Financial.

6 MR. MANINGO: For money?

7 PROSPECTIVE JUROR NO. 551: For money.

8 MR. MANINGO: Do you read or watch any news?

9 PROSPECTIVE JUROR NO. 551: Yes, everyday.

10 MR. MANINGO: Okay. What types?

11 PROSPECTIVE JUROR NO. 551: I read the RJ everyday,
12 I watch the news every morning.

13 MR. MANINGO: Okay. Do you think that the media
14 holds enough power to cause hysteria?

15 PROSPECTIVE JUROR NO. 551: Yes.

16 MR. MANINGO: Do you think they can -- that the
17 media can motivate people to act in certain ways?

18 PROSPECTIVE JUROR NO. 551: Yes.

19 MR. MANINGO: Have you ever spent much time in
20 hospitals?

21 PROSPECTIVE JUROR NO. 551: Some time, yes.

22 MR. MANINGO: Okay.

23 PROSPECTIVE JUROR NO. 551: You know.

24 MR. MANINGO: How would you describe a hospital
25 setting?

1 PROSPECTIVE JUROR NO. 551: Quiet.

2 MR. MANINGO: Okay. Have you spent time as a
3 patient? I don't need to know what for, but just as a patient
4 or just visiting other people or both or?

5 PROSPECTIVE JUROR NO. 551: Visiting other people,
6 I've not been a patient.

7 MR. MANINGO: Visiting others?

8 PROSPECTIVE JUROR NO. 551: Um-hum.

9 MR. MANINGO: Did you notice whether or not it was
10 common for doctors to come in and out of the room?

11 PROSPECTIVE JUROR NO. 551: Yes.

12 MR. MANINGO: Okay. And nurses also?

13 PROSPECTIVE JUROR NO. 551: Yes.

14 MR. MANINGO: Okay. Do you feel -- now that you've
15 changed your mind about not wanting to be on the jury and now
16 wanting to be, are you nervous at all about being in this
17 position?

18 PROSPECTIVE JUROR NO. 551: A little.

19 MR. MANINGO: Okay. And why?

20 PROSPECTIVE JUROR NO. 551: Because the decisions I
21 make and that I make with the members of the jury can impact
22 the defendant and the State.

23 MR. MANINGO: Okay. But you feel like you can --
24 you can still do that?

25 PROSPECTIVE JUROR NO. 551: Um-hum.

1 MR. MANINGO: Okay. And if you disagree with other
2 members of the jury, do you feel comfortable voicing a
3 differing opinion?

4 PROSPECTIVE JUROR NO. 551: Um-hum. I feel
5 comfortable with that.

6 MR. MANINGO: Okay. Thank you, Ms. Tripp.

7 PROSPECTIVE JUROR NO. 551: Thank you.

8 MR. MANINGO: I pass, Judge, the juror.

9 THE COURT: All right, thank you. The State's
10 seventh peremptory challenge.

11 MR. KOCHVAR: Judge, the State would thank and
12 excuse the juror in seat ten, Marvin Jackson, juror 0519.

13 THE COURT: Thank you. Call the next in order.

14 THE CLERK: Kurt -- Kurt Regner, badge 555.

15 THE COURT: All right, Mr. Regner, got the
16 microphone? Okay. Have you ever served as a juror before?

17 PROSPECTIVE JUROR NO. 555: No, I have not.

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

20 PROSPECTIVE JUROR NO. 555: Just a minor crime.

21 THE COURT: Was that here in Clark County?

22 PROSPECTIVE JUROR NO. 555: Yes. My ATM card was
23 stolen once. I was also a victim of a hit and run and my
24 bicycle was stolen.

25 THE COURT: Okay. So, three crimes. How about your

1 ATM was stolen. Did they get any money out of your account?

2 PROSPECTIVE JUROR NO. 555: Yes. But the credit
3 card company took care of that, so.

4 THE COURT: Well, that was good of them. How much
5 money was taken?

6 PROSPECTIVE JUROR NO. 555: I would say about \$200.

7 THE COURT: And was anyone ever found as the
8 perpetrators of these crimes that were committed against you?

9 PROSPECTIVE JUROR NO. 555: No.

10 THE COURT: So you didn't have to ever go to court
11 or anything obviously.

12 PROSPECTIVE JUROR NO. 555: That's correct.

13 THE COURT: Did you report everything?

14 PROSPECTIVE JUROR NO. 555: Yes, I did.

15 THE COURT: Do you feel that law enforcement did as
16 much as they could to try and solve the crime?

17 PROSPECTIVE JUROR NO. 555: Yes.

18 THE COURT: Anything about those experiences that
19 make you think you couldn't be fair and impartial in this
20 case?

21 PROSPECTIVE JUROR NO. 555: No, Your Honor.

22 THE COURT: Is there anyone in your family or
23 closely associated with you that's been a victim of a serious
24 crime?

25 PROSPECTIVE JUROR NO. 555: No.

1 THE COURT: Have you ever been in law enforcement?

2 PROSPECTIVE JUROR NO. 555: No, I have not.

3 THE COURT: How about your family or close friends
4 or associates?

5 PROSPECTIVE JUROR NO. 555: I do not know anybody in
6 law enforcement.

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

8 PROSPECTIVE JUROR NO. 555: No, I have not.

9 THE COURT: How about anyone in your family or
10 closely associated with you?

11 PROSPECTIVE JUROR NO. 555: No.

12 THE COURT: Do you have any religious or moral
13 beliefs that make you think you could not judge another
14 person?

15 PROSPECTIVE JUROR NO. 555: No, I do not.

16 THE COURT: Will you be able to follow the
17 instructions of the Court on the law even if you think maybe
18 the law should be something other than what I instruct you?

19 PROSPECTIVE JUROR NO. 555: Yes, I believe I can
20 follow your instructions.

21 THE COURT: Tell us about yourself.

22 PROSPECTIVE JUROR NO. 555: I'm a biology professor
23 at UNLV and my professional interests are in microbiology
24 education, biology education, evolution education. I teach
25 about 400 students per semester, and I manage the non-majors

1 biology course. I'm also the undergraduate coordinator and I
2 handle petitions on Fridays from all the 2,000 biology
3 undergraduates. I'm married, and I have two children, 21 and
4 18.

5 THE COURT: What does your wife do?

6 PROSPECTIVE JUROR NO. 555: My wife is a physician
7 in Boulder City.

8 THE COURT: What is her area of practice.

9 PROSPECTIVE JUROR NO. 555: Oh, excuse me, family
10 practice.

11 THE COURT: So does she have privileges at
12 Centennial?

13 PROSPECTIVE JUROR NO. 555: No.

14 THE COURT: Okay. The fact that there will be
15 potentially physicians who are going to be witnesses, will you
16 be able to evaluate their testimony in the same way you would
17 any other witness's testimony?

18 PROSPECTIVE JUROR NO. 555: Yes, I believe I can do
19 that.

20 THE COURT: Your kids, do they work?

21 PROSPECTIVE JUROR NO. 555: Yes. My older son is
22 finished with college and he works at Target. My younger son
23 is in college.

24 THE COURT: Now, you said you're a professor. Are
25 you worried that you're not able to teach your classes while

1 you're --

2 PROSPECTIVE JUROR NO. 555: Yes. There's been lots
3 of anxiety about that in the last few days, so.

4 THE COURT: Okay. So -- because you didn't raise
5 that as a reason you couldn't -- you felt you couldn't serve.

6 PROSPECTIVE JUROR NO. 555: That's correct. I
7 didn't raise that because I had not been able to communicate
8 with my department chair.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 555: So.

11 THE COURT: Have you communicated now and --

12 PROSPECTIVE JUROR NO. 555: He is aware that I may
13 be on a jury, but he has not issued any opinion.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 555: So.

16 THE COURT: So -- well, so you've been here. Have
17 you missed class this week?

18 PROSPECTIVE JUROR NO. 555: Yes. But short-term
19 substitutes are -- are easy to get.

20 THE COURT: Oh, okay. I didn't know that at the --
21 past secondary level of education that you had that kind of
22 thing. So you've got professors that can just come right in?

23 PROSPECTIVE JUROR NO. 555: Yes. For short-term,
24 yes.

25 THE COURT: Okay. So what's considered short-term?

1 PROSPECTIVE JUROR NO. 555: I would say two weeks,
2 so.

3 THE COURT: All right. So -- so tell us about -- I
4 mean, are you concerned that you're going to be worrying about
5 your students and not able to concentrate on the matter at
6 hand which is a very serious matter?

7 PROSPECTIVE JUROR NO. 555: Yes, I have -- I've
8 given that considerable thought. If I am part of the jury,
9 then there is a protocol to find long-term substitutes. But
10 the first week or ten days will be very, very busy because
11 I'll be involved in identifying that person and giving them an
12 orientation.

13 THE COURT: Okay. Now, obviously we have a
14 somewhat, you know, standard schedule. In other words, like,
15 for instance on Mondays and Wednesdays, you know that we won't
16 be starting until 1:00 o'clock because of my criminal
17 calendars. Will that give you enough time to handle those
18 matters so that you're not --

19 PROSPECTIVE JUROR NO. 555: Yes. That would be very
20 helpful, and I have a class Monday and Wednesday morning at
21 8:30 to 9:45.

22 THE COURT: Okay. So you could actually teach that
23 class.

24 PROSPECTIVE JUROR NO. 555: Yes, I could teach that,
25 so.

1 THE COURT: Okay. All right. Do you have any other
2 concerns that you haven't told us about that would bear on
3 your ability to be fair and impartial in this case?

4 PROSPECTIVE JUROR NO. 555: I have administrative
5 duties which I would have to return to my office at the end of
6 the day to take care of, so.

7 THE COURT: Okay. But would you be working, you
8 know, past midnight to do that, or?

9 PROSPECTIVE JUROR NO. 555: No, it would probably be
10 a couple hours.

11 THE COURT: All right.

12 PROSPECTIVE JUROR NO. 555: I went back last night
13 for a couple hours.

14 THE COURT: Okay. So that's -- you're still going
15 to get plenty of sleep?

16 PROSPECTIVE JUROR NO. 555: Yes. Yes, Your Honor.

17 THE COURT: Okay. And you have no quarrel with the
18 presumption of innocence?

19 PROSPECTIVE JUROR NO. 555: No, I do not.

20 THE COURT: State.

21 MS. BLUTH: Thank you. Good afternoon.

22 PROSPECTIVE JUROR NO. 555: Good afternoon.

23 MS. BLUTH: What are your thoughts about our
24 criminal justice system?

25 PROSPECTIVE JUROR NO. 555: I think it's one of the

1 best systems in the world. I've been fortunate to travel to
2 many countries, and recently I went to Uganda. All trials are
3 bench trials. There are no juries and that's very common
4 throughout Africa and many other poor countries, so.

5 MS. BLUTH: So you've had the opportunity to look at
6 lots of different -- lots of different criminal justice
7 systems?

8 PROSPECTIVE JUROR NO. 555: Ones really just based
9 on the British systems, so.

10 MS. BLUTH: And are you traveling to these places
11 because of work?

12 PROSPECTIVE JUROR NO. 555: In part, yes. But also
13 tourism, so.

14 MS. BLUTH: Also -- oh, tourism?

15 PROSPECTIVE JUROR NO. 555: Yeah.

16 MS. BLUTH: Okay. Now, I didn't write down all of
17 the things that you're -- that you teach, but I was getting
18 the major biology component of it.

19 PROSPECTIVE JUROR NO. 555: Um-hum.

20 MS. BLUTH: So, you know, everything is very
21 scientific with you.

22 PROSPECTIVE JUROR NO. 555: That's correct.

23 MS. BLUTH: So are things always black and white to
24 you?

25 PROSPECTIVE JUROR NO. 555: No, of course not. In

1 science, there's always a measure of uncertainty and, yes, so
2 there are plenty of grey areas.

3 MS. BLUTH: Okay. Do you know a lot about DNA?

4 PROSPECTIVE JUROR NO. 555: Yes, I do. I could draw
5 it for you if you wanted me to.

6 MS. BLUTH: You could draw it, okay. And in regards
7 to DNA analysis, like, that is used in courtrooms in stuff,
8 are -- do you have education in that or any personal
9 knowledge?

10 PROSPECTIVE JUROR NO. 555: Yes, I do.

11 MS. BLUTH: And where did you get that from?

12 PROSPECTIVE JUROR NO. 555: Just through my
13 education and professional development activities and also
14 teaching courses, so.

15 MS. BLUTH: Okay. So do you teach any courses on
16 forensics?

17 PROSPECTIVE JUROR NO. 555: No, I do not.

18 MS. BLUTH: Okay. But it comes up in your
19 curriculum?

20 PROSPECTIVE JUROR NO. 555: Yes, yes, yes. Students
21 are very interested in that.

22 MS. BLUTH: Okay. Do you watch any of the shows
23 that I've been talking about?

24 PROSPECTIVE JUROR NO. 555: I've probably watched
25 every episode of Law and Order since day one, so.

1 MS. BLUTH: Oh, wow. That's a lot.

2 PROSPECTIVE JUROR NO. 555: So.

3 MS. BLUTH: CSI, though, have you seen any of those?

4 PROSPECTIVE JUROR NO. 555: No, CSI is just too fake
5 for me, so.

6 MS. BLUTH: So as someone who knows -- I mean, who
7 does this on a regular basis, you recognize the differences
8 between real world and CSI?

9 PROSPECTIVE JUROR NO. 555: That is correct.

10 MS. BLUTH: You've heard me ask the question about a
11 victim's testimony --

12 PROSPECTIVE JUROR NO. 555: Um-hum.

13 MS. BLUTH: -- standing on its own. Do you remember
14 that or shall I repeat it?

15 PROSPECTIVE JUROR NO. 555: I think I remember that
16 and -- I mean I would just have to do my best to try to
17 evaluate whether or not the person was truthful or not.

18 MS. BLUTH: Do you have an idea in your mind of --
19 of the things you need in order to --

20 PROSPECTIVE JUROR NO. 555: Well, again, with my
21 background, I would prefer hard evidence or physical evidence
22 over testimony.

23 MS. BLUTH: There's a difference between preferring
24 something and wanting it to be there and then absolutely
25 needing it. And from what I understand, you prefer it, but

1 that's not something that you can't get past it?

2 PROSPECTIVE JUROR NO. 555: It would be best, but
3 again, I don't know if that's available in this particular
4 instance. I mean, you can only evaluate what's presented.

5 MS. BLUTH: Right. And, you know, before we had
6 these things, what types of things do you think jurors relied
7 on?

8 PROSPECTIVE JUROR NO. 555: Personal statements,
9 witnesses.

10 MS. BLUTH: Besides the timing issue, you know, that
11 it's difficult because you're a professor and want to be with
12 your students, what were your thoughts when you came in here
13 and, you know, listened to what we've had to say, what were
14 your thoughts on being selected as a juror?

15 PROSPECTIVE JUROR NO. 555: Well, I'm concerned
16 about the length of time, that was -- that's my primary
17 concern. If it was a shorter period of time, I would have
18 absolutely no reservations.

19 MS. BLUTH: Have you ever known anyone to -- who has
20 a seizure disorder or suffers from seizures?

21 PROSPECTIVE JUROR NO. 555: No, I do not.

22 MS. BLUTH: Have you ever spoken with your wife
23 about a patient that she has that suffers?

24 PROSPECTIVE JUROR NO. 555: I -- I don't remember.
25 I may have, but nothing comes to mind.

1 MS. BLUTH: It doesn't stand out?

2 PROSPECTIVE JUROR NO. 555: No.

3 MS. BLUTH: If you were selected as a juror and you
4 listen to testimony from doctors, nurses, et cetera, and you
5 had questions, you'll hear that admonishment that Her Honor
6 gives every -- daily. Can't speak to fellow jurors, you can't
7 speak --

8 PROSPECTIVE JUROR NO. 555: Um-hum.

9 MS. BLUTH: So would you still want to go talk to
10 your wife about well, this nurse said that, this doctor said
11 that. What -- what do you think?

12 PROSPECTIVE JUROR NO. 555: No, I would not. And I
13 haven't discussed anything that's happened in the last few
14 days except in very general terms.

15 MS. BLUTH: Okay. Did I already ask you if you have
16 any bumper stickers?

17 PROSPECTIVE JUROR NO. 555: No, you did not, and I
18 do not have any bumper stickers.

19 MS. BLUTH: Okay. Are you -- do you take part in
20 any groups, activist groups like PETA or --

21 PROSPECTIVE JUROR NO. 555: I'm a proponent of solar
22 power. I don't know if that's an activist group or not, so.

23 MS. BLUTH: Besides -- you talked about watching Law
24 and Order.

25 PROSPECTIVE JUROR NO. 555: Um-hum.

1 MS. BLUTH: Are you a news person? Do you read the
2 newspaper, do you watch the news every day?

3 PROSPECTIVE JUROR NO. 555: Yes. I read at least
4 one newspaper every day and I like the MSNBC shows.

5 MS. BLUTH: Okay. All right. Thank you. Pass for
6 cause.

7 THE COURT: Thank you. Defense.

8 MR. MANINGO: Thank you, Your Honor.

9 Good afternoon, Mr. Regner. Now, you were talking a
10 little bit about our system of justice and how --

11 PROSPECTIVE JUROR NO. 555: Um-hum.

12 MR. MANINGO: -- you feel it's the best in the
13 world?

14 PROSPECTIVE JUROR NO. 555: Yes.

15 MR. MANINGO: And you understand that in a criminal
16 case, that the State has the burden to do all the proving?

17 PROSPECTIVE JUROR NO. 555: That's correct.

18 MR. MANINGO: Okay. And so if myself and Mr. Bashor
19 and Mr. Farmer, we -- we just sit at that table for the next
20 several weeks and don't do anything, don't say anything, would
21 you hold that against Mr. Farmer?

22 PROSPECTIVE JUROR NO. 555: No, I would not.

23 MR. MANINGO: Okay. And you would still hold the
24 State to their duty?

25 PROSPECTIVE JUROR NO. 555: Yes. In our system, the

1 State is responsible for presenting the evidence.

2 MR. MANINGO: Right, okay. And you have said that
3 -- I think you had said that one of the reasons why you
4 thought it was -- our system was -- was better is because of
5 the fact that we have jury trials as opposed to only bench
6 trials?

7 PROSPECTIVE JUROR NO. 555: That's correct.

8 MR. MANINGO: Okay. And why do you think that? Why
9 do you think it's so important to have jury trials?

10 PROSPECTIVE JUROR NO. 555: Well, I have to be
11 careful about how I answer because we have a judge in the
12 room, so.

13 MR. MANINGO: Well --

14 PROSPECTIVE JUROR NO. 555: In many of the countries
15 I've visited where they only have bench trials, the judges can
16 be persuaded by outside forces and that's a little more
17 difficult to do when you have a jury.

18 MR. MANINGO: Okay.

19 PROSPECTIVE JUROR NO. 555: No disrespect intended,
20 Your Honor.

21 THE COURT: None taken, I agree.

22 MR. MANINGO: And you also have more minds working
23 on the issue?

24 PROSPECTIVE JUROR NO. 555: Yes, yes, sure. I would
25 agree with that.

1 MR. MANINGO: Okay. Now, as a -- as a professor of
2 biology, I think you explained to Ms. Bluth that you have
3 knowledge of DNA?

4 PROSPECTIVE JUROR NO. 555: Yes.

5 MR. MANINGO: Okay. Now, having that knowledge,
6 when you hear from witnesses who -- who speak about DNA or
7 lack thereof, will that -- are you going to look past the
8 testimony and -- and rely sort of on the knowledge that you
9 have or -- or you'll just take what is given to you in the
10 courtroom? Can you do that, I guess I should ask.

11 PROSPECTIVE JUROR NO. 555: I'm not sure I can do
12 that. I mean, I know what I know, so I -- there's no way I
13 can not filter that through my body of knowledge.

14 MR. MANINGO: I agree.

15 PROSPECTIVE JUROR NO. 555: So.

16 MR. MANINGO: That was a -- I don't want -- we don't
17 you to -- to leave your knowledge and your common sense and
18 everything else outside the courtroom. We want you to bring
19 it in with you. But if you disagree with a witness who's an
20 expert, is that -- is that something that's going to have an
21 impact on how you judge their credibility?

22 PROSPECTIVE JUROR NO. 555: Yes, I think it would,
23 yes.

24 MR. MANINGO: Okay. Are there -- are there other
25 things, if it's a non-expert, are there other things you'll

1 look at as how you determine credibility?

2 PROSPECTIVE JUROR NO. 555: Well, if it's a
3 non-expert, then you would just use the characteristics you
4 would normally do; their body language, are they confident
5 when they're speaking, eye contact, that type of thing.

6 MR. MANINGO: Okay.

7 PROSPECTIVE JUROR NO. 555: Maybe I didn't
8 understand your question.

9 MR. MANINGO: No, you did, perfectly.

10 PROSPECTIVE JUROR NO. 555: Oh, okay.

11 MR. MANINGO: That's what I was asking. Would
12 consistency also make a difference to you?

13 PROSPECTIVE JUROR NO. 555: Oh, yes, of course.

14 MR. MANINGO: Okay. Having had conversations and
15 some background in DNA and forensics, have you also heard
16 about those new stories and articles I've talked about
17 earlier?

18 PROSPECTIVE JUROR NO. 555: Yes, I have.

19 MR. MANINGO: Where people have been in prison for
20 decades and then exonerated thanks to DNA?

21 PROSPECTIVE JUROR NO. 555: Yes.

22 MR. MANINGO: Okay. What are your opinions on that?

23 PROSPECTIVE JUROR NO. 555: Well, if -- I mean, it's
24 a good thing. If somebody was incorrectly convicted and then
25 later on found to be innocent, yes, they should be released.

1 MR. MANINGO: Okay. Having a spouse who is a
2 doctor, does she talk to you a lot about her work and her --
3 her daily routine, that --

4 PROSPECTIVE JUROR NO. 555: Yes, every day.

5 MR. MANINGO: Every day, okay. If you hear about
6 her experiences and the way she deals with nurses or patients
7 or anything like that, is that going to have any kind of
8 effect on how you listen to testimony throughout this trial?

9 PROSPECTIVE JUROR NO. 555: I imagine so because I,
10 again, I have that experience and there's no way to -- to not
11 have that, so.

12 MR. MANINGO: Right. Well, let me phrase it
13 differently. Let's say if your -- if your wife had a bad
14 experience with a nurse --

15 PROSPECTIVE JUROR NO. 555: Um-hum.

16 MR. MANINGO: -- on Monday --

17 PROSPECTIVE JUROR NO. 555: Um-hum.

18 MR. MANINGO: -- and then you hear a nurse testify
19 on Tuesday, you're obviously not going to hold that against --

20 PROSPECTIVE JUROR NO. 555: No. I would hope I
21 would not be able -- I would not do that.

22 MR. MANINGO: Okay. I mean, you would be able to
23 separate those experiences?

24 PROSPECTIVE JUROR NO. 555: Yes, I believe I can do
25 that.

1 MR. MANINGO: Okay. And do you feel comfortable
2 being in a situation where you're going to be asked to make a
3 decision that will impact another human being's life?

4 PROSPECTIVE JUROR NO. 555: Yes. But I understand
5 -- I mean, I understand it's a very serious matter. Given the
6 age of the defendant, it's a particularly serious matter.

7 MR. MANINGO: Okay. But you're okay with being put
8 in that situation?

9 PROSPECTIVE JUROR NO. 555: Yes. But certainly it's
10 something you need to think about. I mean -- so.

11 MR. MANINGO: Right. Okay, very good. Thank you,
12 Professor. No further questions.

13 THE COURT: Thank you. It's the defense seventh
14 peremptory challenge.

15 (Pause in the proceedings)

16 MR. MANINGO: Your Honor, we would thank and excuse
17 seat number six, Mr. Condino.

18 THE COURT: Thank you. Call the next in order.

19 THE CLERK: Badge 595, Brian Linenkugel.

20 THE COURT: Mr. Linenkugel, how are you?

21 PROSPECTIVE JUROR NO. 595: Good, how are you?

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

24 PROSPECTIVE JUROR NO. 595: No.

25 THE COURT: Have you ever been the victim of a

1 crime?

2 PROSPECTIVE JUROR NO. 595: No.

3 THE COURT: Have -- has anyone in your family or
4 closely associated with you --

5 PROSPECTIVE JUROR NO. 595: No.

6 THE COURT: -- been a victim of a crime?

7 PROSPECTIVE JUROR NO. 595: No.

8 THE COURT: No. Have you ever been in law
9 enforcement?

10 PROSPECTIVE JUROR NO. 595: No, I haven't.

11 THE COURT: Have you -- has anyone in your family or
12 closely associated with you in law enforcement?

13 PROSPECTIVE JUROR NO. 595: I have a cousin in the
14 FBI, but that's about it.

15 THE COURT: It's what?

16 PROSPECTIVE JUROR NO. 595: A cousin in the FBI.

17 THE COURT: Okay. Do -- is this a cousin that you
18 are close to?

19 PROSPECTIVE JUROR NO. 595: No, I don't normally
20 talk to him, no.

21 THE COURT: You don't talk to him?

22 PROSPECTIVE JUROR NO. 595: No, no.

23 THE COURT: Okay. So you just hear through the
24 family grapevine --

25 PROSPECTIVE JUROR NO. 595: Yes.

1 THE COURT: -- that he's an FBI agent?

2 PROSPECTIVE JUROR NO. 595: Yes.

3 THE COURT: Okay. As a result of you having a
4 cousin that's an FBI agent, would you tend to give the weight
5 -- give more weight to the testimony or believe the testimony
6 of a law enforcement officer more so than any other witness
7 merely because they were a law enforcement officer and for no
8 other reason?

9 PROSPECTIVE JUROR NO. 595: No.

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

11 PROSPECTIVE JUROR NO. 595: I made the mistake of
12 getting a DUI once, 11 years ago.

13 THE COURT: Okay. And were you prosecuted for that?

14 PROSPECTIVE JUROR NO. 595: Yes.

15 THE COURT: Did you feel that you were treated
16 fairly?

17 PROSPECTIVE JUROR NO. 595: Yes and no.

18 THE COURT: How -- how so?

19 PROSPECTIVE JUROR NO. 595: Because the DUI wasn't
20 for drinking. Although, I got pulled over for speeding and I
21 smelled like alcohol, there wasn't enough alcohol in me to
22 prove I was drunk. Previously, I got injured and a friend
23 gave me a Loritab to take for my injury because I didn't go to
24 the hospital because I didn't have money. So they got me on
25 the Loritab for the injury and basically that's kind of what

1 happened. I didn't feel it was fair for that and the
2 consequences that I had to pay.

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

4 PROSPECTIVE JUROR NO. 595: Yes.

5 THE COURT: And were you prosecuted by the District
6 Attorney's office or the City Attorney's?

7 PROSPECTIVE JUROR NO. 595: I don't -- I don't
8 remember. It was 11 years ago, I don't really remember.

9 THE COURT: Where did -- what courthouse did you
10 have to go to?

11 PROSPECTIVE JUROR NO. 595: Here.

12 THE COURT: Here?

13 PROSPECTIVE JUROR NO. 595: Here, yes, ma'am.

14 THE COURT: Do you feel as a result of that you can
15 be fair and impartial in this case to both sides? Could you
16 be fair to the State as well as the defense?

17 PROSPECTIVE JUROR NO. 595: Not really, no.

18 THE COURT: No. Because you feel like --

19 PROSPECTIVE JUROR NO. 595: No. Because nobody
20 would listen to me when I tried to give reasoning, but I was
21 basically at fault for having a Loritab in my system. So I,
22 you know, no matter what I said, nobody -- it really didn't
23 matter, I guess. So, I kind of felt that that was unfair.

24 THE COURT: Okay. So you -- you didn't think that
25 -- that -- you were also drinking?

1 PROSPECTIVE JUROR NO. 595: But it -- I had maybe
2 one or two beers, but it was on my -- like, on my breath. And
3 I waited maybe four to five hours before driving. And like I
4 said, when they took the blood alcohol, there was barely
5 nothing in there. It was just the Loritab, so I got the --
6 the DUI because I had no proof of prescription.

7 THE COURT: Okay. All right. And so that's why you
8 feel you just really can't be fair?

9 PROSPECTIVE JUROR NO. 595: Yeah. I -- I don't
10 know. I just -- I guess I could, but.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 595: I sort of got mixed
13 feelings, you know, hard feelings. I don't --

14 THE COURT: You have --

15 PROSPECTIVE JUROR NO. 595: Nobody listened to me,
16 yeah. Yeah, so.

17 THE COURT: You have hard feelings --

18 PROSPECTIVE JUROR NO. 595: Yes.

19 THE COURT: -- about law enforcement --

20 PROSPECTIVE JUROR NO. 595: Yes.

21 THE COURT: -- and prosecutors?

22 PROSPECTIVE JUROR NO. 595: And -- yes.

23 THE COURT: Okay. Well --

24 MS. BLUTH: The State would -- the State would make
25 a motion, Your Honor.

1 THE COURT: Defense.

2 MR. MANINGO: May I traverse?

3 THE COURT: Yes.

4 MR. MANINGO: Thanks. Mr. -- is it pronounced
5 Linenkugel?

6 PROSPECTIVE JUROR NO. 595: Yes.

7 MR. MANINGO: Okay. Now, sir, you understand that
8 this trial is a completely separate situation --

9 PROSPECTIVE JUROR NO. 595: Yeah.

10 MR. MANINGO: -- than your own?

11 PROSPECTIVE JUROR NO. 595: Yes.

12 MR. MANINGO: And -- and I'm assuming, correct me if
13 I'm wrong, but these two at the table for the prosecution,
14 they had -- they weren't involved in your --

15 PROSPECTIVE JUROR NO. 595: My -- no, I don't
16 believe so, no.

17 MR. MANINGO: -- in yours, no. And you heard the
18 police officer names that were listed as possible witnesses?

19 PROSPECTIVE JUROR NO. 595: Yes.

20 MR. MANINGO: Okay. And those aren't the same --

21 PROSPECTIVE JUROR NO. 595: No.

22 MR. MANINGO: -- police officers?

23 PROSPECTIVE JUROR NO. 595: No.

24 MR. MANINGO: So being that this is a completely
25 different situation with really different people involved,

1 knowing that, would you be able to be fair to both sides,
2 listen to the testimony and make a decision based on that?

3 PROSPECTIVE JUROR NO. 595: I might -- I would
4 suppose so, yeah.

5 MR. MANINGO: Okay.

6 PROSPECTIVE JUROR NO. 595: To be fair, yeah.

7 MR. MANINGO: Okay. You'd be fair?

8 PROSPECTIVE JUROR NO. 595: I would hope so, yes.
9 Yes.

10 MR. MANINGO: Okay, thank you.

11 THE COURT: All right. So -- so it comes down to
12 the same thing we've always asked other people who kind of
13 equivocated on their answer to a question. Nobody else in the
14 courtroom but you can tell us.

15 PROSPECTIVE JUROR NO. 595: Yes, yes, I understand.

16 THE COURT: Because it's in your head and your heart
17 as to whether you really will be fair to both sides equally.

18 PROSPECTIVE JUROR NO. 595: Well, truly -- truly, I
19 don't really feel comfortable being in this seat determining
20 whether or not somebody would go to, you know, go to jail or
21 whatever would happen. So I don't feel comfortable being
22 here, I guess.

23 THE COURT: All right. Well, is that separate and
24 apart from your past experience with law enforcement and the
25 prosecution or is that all part of it?

1 PROSPECTIVE JUROR NO. 595: It's part of it, yeah.

2 THE COURT: Okay. So, I mean, nobody -- I mean,
3 it's a big responsibility --

4 PROSPECTIVE JUROR NO. 595: That's right.

5 THE COURT: -- to be a juror in any case. Nobody
6 feels -- they have a certain amount of discomfort in the role
7 because they know it's serious. The question is whether you
8 can be fair and impartial. And I -- there's no --

9 PROSPECTIVE JUROR NO. 595: No. No, I can't.

10 THE COURT: -- right or wrong answer.

11 PROSPECTIVE JUROR NO. 595: No.

12 THE COURT: You don't think --

13 PROSPECTIVE JUROR NO. 595: No.

14 THE COURT: You cannot be?

15 PROSPECTIVE JUROR NO. 595: No, ma'am.

16 THE COURT: All right.

17 MS. BLUTH: The State would renew their motion.

18 MR. MANINGO: No objection.

19 THE COURT: All right. Thank you, you may be
20 dismissed. Call the next in order.

21 THE CLERK: Badge 607, Michael Freuden.

22 THE COURT: Hello, Mr. Freuden, welcome.

23 PROSPECTIVE JUROR NO. 607: Thank you.

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

25 PROSPECTIVE JUROR NO. 607: No.

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

2 PROSPECTIVE JUROR NO. 607: I have not.

3 THE COURT: Anyone in your family or closely
4 associated with you been a victim of a crime?

5 PROSPECTIVE JUROR NO. 607: No, ma'am.

6 THE COURT: A serious crime, of course. Have you
7 ever been in law enforcement?

8 PROSPECTIVE JUROR NO. 607: When I was in high
9 school, I was a Police Explorer for our local police
10 department and that was 2000/2001.

11 THE COURT: Okay. Anyone in your family also
12 involved in law enforcement?

13 PROSPECTIVE JUROR NO. 607: No.

14 THE COURT: As a result of your experience with the
15 Explorers, did you ever do any ride-alongs with police
16 officers?

17 PROSPECTIVE JUROR NO. 607: I did.

18 THE COURT: And as a result of that, did you gain
19 some insight into police work that you think most people don't
20 have?

21 PROSPECTIVE JUROR NO. 607: Yes.

22 THE COURT: Do you think that as a result, you would
23 tend to give the testimony of a police officer more weight or
24 credibility than another witness merely because they were a
25 police officer and for no other reason?

1 PROSPECTIVE JUROR NO. 607: No.

2 THE COURT: So you can evaluate each witness
3 separately based upon their own testimony?

4 PROSPECTIVE JUROR NO. 607: Yes, Your Honor.

5 THE COURT: Okay. Have you ever been accused of a
6 crime?

7 PROSPECTIVE JUROR NO. 607: I have.

8 THE COURT: What was it?

9 PROSPECTIVE JUROR NO. 607: In 2012, I was
10 prosecuted for DUI.

11 THE COURT: All right. Were you convicted?

12 PROSPECTIVE JUROR NO. 607: I was.

13 THE COURT: Did you feel you were unfairly
14 prosecuted?

15 PROSPECTIVE JUROR NO. 607: No.

16 THE COURT: Were you driving under the influence?

17 PROSPECTIVE JUROR NO. 607: I was.

18 THE COURT: Okay. And did that happen here in Clark
19 County?

20 PROSPECTIVE JUROR NO. 607: No. It was in Wendover.
21 So it was in, I believe, Elko County.

22 THE COURT: Okay. Anything about that experience
23 that makes you think you could not be fair and impartial to
24 both sides in this case?

25 PROSPECTIVE JUROR NO. 607: No.

1 THE COURT: Did you have defense counsel who
2 defended you?

3 PROSPECTIVE JUROR NO. 607: I did.

4 THE COURT: And did you feel that defense counsel
5 did a good job?

6 PROSPECTIVE JUROR NO. 607: Yes, I did.

7 THE COURT: Okay. Do you have any religious or
8 moral beliefs that would make it difficult for you to sit in
9 judgment on another person?

10 PROSPECTIVE JUROR NO. 607: No.

11 THE COURT: Do you feel that you could follow the
12 law in this case as the Court instructs you even if you
13 believe that the law should be something other than what those
14 instructions say?

15 PROSPECTIVE JUROR NO. 607: Yes.

16 THE COURT: Tell us about yourself.

17 PROSPECTIVE JUROR NO. 607: I have been a resident
18 of Clark County for going on eight years. I work for
19 Allegiant Travel Company. I am an in-flight manager, so I
20 manager our flight attendants and our cabin operations. I've
21 been working there for seven years, going on eight. I moved
22 to Vegas for that job. I am married. My spouse is a flight
23 attendant. And I don't have any children.

24 THE COURT: All right, thank you. Would the State
25 like to inquire further?

1 MS. BLUTH: Yes, please. Before you lived in Las
2 Vegas, where did you live?

3 PROSPECTIVE JUROR NO. 607: I lived in Fort Collins,
4 Colorado.

5 MS. BLUTH: And how long did you live there for?

6 PROSPECTIVE JUROR NO. 607: I -- I was back and
7 forth between there, where I'm from, and Farmington, New
8 Mexico where my mom and dad had ended up. So I have moved
9 back and forth. But I had been there for four years prior to
10 -- to moving here.

11 MS. BLUTH: Okay. When you came in here and, you
12 know, heard about the trial, heard the facts, heard how long
13 you were going to be here, and I know that no one's happy to
14 be here for four or five weeks, but besides the time issue,
15 what were your thoughts? What was your initial reaction?

16 PROSPECTIVE JUROR NO. 607: It was a completely new
17 experience for me, so it was a little exciting. I do feel
18 honored to -- to, you know, be here. When I got my summons, I
19 did feel honored. A little concerned about the timing. You
20 know, it's -- the date's chosen for you, you don't get to
21 choose your own date. So just made sure my work knew what was
22 going on and that I could appear. But I -- yeah, a little
23 nervous, a little excited, kind of combination.

24 MS. BLUTH: Okay. And as you've sat here and
25 listened to all the -- you know, the questions and answers.

1 Have you -- are you still excited or?

2 PROSPECTIVE JUROR NO. 607: Yeah. It's become more
3 real, I guess. I understand the severity of it. I -- I've
4 had family members who have gone to jury duty and I've told
5 them, you know, that I was going and they said, oh, you know,
6 you'll be out of there in a couple hours and so.

7 MS. BLUTH: Boy, were they wrong.

8 PROSPECTIVE JUROR NO. 607: I just didn't realize.
9 And I guess I understand in big cases you have to be really
10 kind of picky and -- and go through a lot of questions. And
11 so that was a little -- a little nerving, but.

12 MS. BLUTH: Okay. Do you watch the type of shows
13 that some people have been -- you know, we've been talking
14 about?

15 PROSPECTIVE JUROR NO. 607: I don't have time to
16 watch TV. I think the only -- I do put the news on when I'm
17 getting ready for work in the morning, mainly just for traffic
18 and weather, especially traffic because I have to commute to
19 work, but that's pretty much it.

20 MS. BLUTH: Okay. In regards to, you know, DNA and
21 the stuff that I'm sure you have seen in TV or movies, do you
22 find that that's realistic? Do you think that that's how it
23 works in the real world?

24 PROSPECTIVE JUROR NO. 607: I know it's embellished
25 for viewership and ratings. I think every case is different

1 and every case is going to have different evidence and just
2 different testimony and it's just all a matter of, you know,
3 what -- what's -- you know, what's in one case versus another
4 and no two are the same.

5 MS. BLUTH: Okay. Do you have any issues with an
6 individual who's a victim of a crime also pursuing their
7 rights in the civil arena?

8 PROSPECTIVE JUROR NO. 607: I do not.

9 MS. BLUTH: Anything that I've spoken about in
10 regards to the photos, did that bother you in anyway?

11 PROSPECTIVE JUROR NO. 607: No.

12 MS. BLUTH: Do you have a bumper sticker on your
13 car?

14 PROSPECTIVE JUROR NO. 607: I do not.

15 MS. BLUTH: Do you know anyone with a seizure
16 disorder, who suffers from seizures?

17 PROSPECTIVE JUROR NO. 607: No, I do not.

18 MS. BLUTH: Have you ever known someone who was a
19 victim of sexual assault?

20 PROSPECTIVE JUROR NO. 607: No.

21 MS. BLUTH: Nothing further, thank you.

22 THE COURT: Thank you. Defense.

23 MR. MANINGO: Thank you, Your Honor.

24 Hello, Mr. Freuden.

25 PROSPECTIVE JUROR NO. 607: Hello.

1 MR. MANINGO: I think you've heard just about
2 everything already. When you were in Fort Collins, were you
3 attending CSU?

4 PROSPECTIVE JUROR NO. 607: No, I was working. I
5 worked at a bank there.

6 MR. MANINGO: Oh.

7 PROSPECTIVE JUROR NO. 607: My mom graduated from
8 CSU though.

9 MR. MANINGO: Oh, she did?

10 PROSPECTIVE JUROR NO. 607: Um-hum.

11 MR. MANINGO: Okay.

12 PROSPECTIVE JUROR NO. 607: She got a degree in
13 archeology.

14 MR. MANINGO: Oh, okay. And -- and then you lived
15 in that area also?

16 PROSPECTIVE JUROR NO. 607: Yeah. I was raised
17 there. We moved there when I was three.

18 MR. MANINGO: Okay. So you know of the Pickle
19 Barrel?

20 PROSPECTIVE JUROR NO. 607: The Pickle Barrel. Is
21 that a restaurant?

22 MR. MANINGO: Yes.

23 PROSPECTIVE JUROR NO. 607: Yeah.

24 MR. MANINGO: Okay.

25 PROSPECTIVE JUROR NO. 607: Um-hum.

1 MR. MANINGO: Okay. You were with the Police
2 Explorer?

3 PROSPECTIVE JUROR NO. 607: Yeah.

4 MR. MANINGO: What is that program about?

5 PROSPECTIVE JUROR NO. 607: It's a division of the
6 Boy Scouts. I guess the Boy Scouts funds it, but it's for
7 youth who are interested in potentially have a career in law
8 enforcement and they can -- it's a volunteer position with the
9 police department and you do a whole range of different
10 things. You do on ride-alongs, you do administrative work,
11 you help with reports, you do traffic control, that kind of
12 thing.

13 MR. MANINGO: Okay. So you had an opportunity to --
14 to meet and work with a lot of different police officers?

15 PROSPECTIVE JUROR NO. 607: Yes.

16 MR. MANINGO: Getting that sort of behind-the-scene
17 experience, did you have a lot of -- did you form any ideas
18 such as -- well, if they're arrested, they must be guilty?

19 PROSPECTIVE JUROR NO. 607: No. Our training and my
20 experience with the police department there, in my experience,
21 just with police in general, there's just been a general
22 respect for an individual and, you know, they're not the judge
23 or the jury kind of thing. They have a job to do, and they're
24 just there to do their job and the court system is the, you
25 know, the one to hand down verdicts and make judgment.

1 MR. MANINGO: Okay, great. And so with your
2 personal experience, you're still willing to hold the State to
3 their burden, to do all the proving?

4 PROSPECTIVE JUROR NO. 607: Absolutely. Yeah, I
5 understand how that works and I absolutely agree with that.

6 MR. MANINGO: Okay. And you're okay with the fact
7 that they have to prove everything beyond a reasonable doubt?

8 PROSPECTIVE JUROR NO. 607: Correct.

9 MR. MANINGO: Okay. You were asked about civil
10 suits. Do you -- do you think that there are frivolous
11 lawsuits where -- I'm sorry, go ahead, please.

12 PROSPECTIVE JUROR NO. 607: Yeah. I -- without --
13 you know, I've never been exposed to all the details of a
14 civil suit, so my opinion would be that sounds frivolous, but
15 I don't know because I don't know both sides of it. But,
16 yeah, you know, stuff I've heard, the hot coffee spilled on
17 somebody and then suing, it sounds -- sounds a little bit, you
18 know, off the wall. But without knowing anymore detail on the
19 other side of it, I really would need more -- more to make a
20 judgment.

21 MR. MANINGO: Sure, that's fair enough. What I
22 think is probably an easy question, do you think that people
23 can be motivated by money?

24 PROSPECTIVE JUROR NO. 607: Absolutely.

25 MR. MANINGO: Okay. Do you have any opportunity in

1 your work where you have to judge credibility?

2 PROSPECTIVE JUROR NO. 607: Yeah, everyday. I'm
3 constantly dealing with personnel conflicts and flight
4 attendants don't always get along with each other. So I'm
5 always in an investigation of some sort because of a complaint
6 or something like that.

7 MR. MANINGO: Okay. And you're with Allegiant?

8 PROSPECTIVE JUROR NO. 607: Yes.

9 MR. MANINGO: Okay. And so how do you go about
10 those kinds of credibility questions?

11 PROSPECTIVE JUROR NO. 607: Well, our first step is
12 to, in fact, investigate the issue and get all the facts,
13 establish the facts. And that means getting statements from
14 the person that's making the accusation or claim, getting
15 statements from the person accused of what's going on, and
16 then any witnesses, getting their statements. And then I sit
17 down with my management team and my people services department
18 and we kind of review everything and come up with what we
19 believe to be the facts, based on people's statements and
20 based on maybe some interviews that we've done. And that's
21 how we investigate the process.

22 MR. MANINGO: Okay, terrific. Would you agree that
23 there are sometimes people who make false accusations?

24 PROSPECTIVE JUROR NO. 607: Yes.

25 MR. MANINGO: Okay. Thank you, Mr. Freuden. Pass

1 the juror.

2 THE COURT: Thank you. It is the defense's seventh
3 peremptory challenge.

4 THE CLERK: I show the State's eighth.

5 THE COURT: No, okay.

6 MR. BASHOR: I show the State's eighth.

7 THE COURT: Oh, all right, I lost track. Thank you
8 for putting me on the straight and narrow. All right. Now,
9 eight for State.

10 MR. KOCHER: Court's indulgence.

11 THE COURT: Your last peremptory challenge.

12 MS. BLUTH: Thank you.

13 THE COURT: Thank you.

14 (Pause in the proceedings)

15 MS. BLUTH: Court's indulgence, Your Honor. We have
16 an issue unrelated to all of this.

17 THE COURT: Okay.

18 (Pause in the proceedings)

19 MS. BLUTH: And, Your Honor, can we approach?

20 THE COURT: Yes.

21 (Bench conference begins)

22 MS. BLUTH: Jacqueline Bluth. The professor who's
23 seated in -- I don't know what seat he is, I think he's like
24 nine or ten, we're going to stipulate both sides would like to
25 let him go. And then -- so I just didn't know strategically

1 should I -- should I say we both stipulate to letting him go
2 and then I should my -- my next -- because I just didn't know
3 which way you would like me to do it.

4 THE COURT: Oh, okay. I suppose you should do that
5 first.

6 MS. BLUTH: Stipulate to letting him go?

7 THE COURT: And we'll clear that person (inaudible)
8 person for cause.

9 MS. BLUTH: Okay. And then --

10 THE COURT: So (inaudible) --

11 MS. BLUTH: I think --

12 THE COURT: -- (inaudible).

13 MS. BLUTH: Yeah. And I think and I think he could
14 be really good for both sides or really bad, he's a wild card.
15 So we both -- we both agree to it.

16 THE COURT: Sorry. (Inaudible). She can't hear any
17 of us.

18 MS. BLUTH: Sorry.

19 THE COURT: Okay. So you're stipulating to let go
20 -- let me find his name.

21 MS. BLUTH: It's Regner.

22 THE COURT: Okay, Regner.

23 MS. BLUTH: Yes.

24 THE COURT: Kurt Regner. Yes. Okay.

25 MS. BLUTH: Yes.

1 THE COURT: All right.

2 MR. MANINGO: Jeff Maningo. Yes, I would stipulate
3 to excusing number -- seat number --

4 THE COURT: Ten?

5 MR. MANINGO: -- ten.

6 THE COURT: Thank you.

7 MS. BLUTH: Thank you.

8 (Bench conference ends)

9 THE COURT: All right. Before the State exercises
10 its eighth peremptory challenge, the parties have stipulated
11 to allow Professor Regner to be excused because of his work
12 obligations. Thank you, sir.

13 PROSPECTIVE JUROR NO. 555: Thank you, Your Honor.

14 THE CLERK: That's number ten?

15 THE COURT: Yes. Call the next in order.

16 THE CLERK: Badge 632, Rachel Lusted.

17 THE COURT: Is that Rachel Lusted?

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

19 THE CLERK: Sorry.

20 THE COURT: All right, thank you. Have you ever
21 been a juror before?

22 PROSPECTIVE JUROR NO. 632: No.

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

25 PROSPECTIVE JUROR NO. 632: No.

1 THE COURT: Anyone in your family or closely
2 associated with you been a victim of a serious crime?

3 PROSPECTIVE JUROR NO. 632: I have an associate at
4 work that was robbed and stabbed last year.

5 THE COURT: Oh.

6 PROSPECTIVE JUROR NO. 632: He's in a different
7 department. I work in a large hotel, so not closely, closely
8 associated, but I do know him.

9 THE COURT: You know him personally? Did you
10 discuss it with him?

11 PROSPECTIVE JUROR NO. 632: Just when he came back
12 to work and everything, yes.

13 THE COURT: Anything about that, your knowledge of
14 it, that makes you think you couldn't be fair and impartial in
15 this case?

16 PROSPECTIVE JUROR NO. 632: No. It's totally
17 different.

18 THE COURT: So it's -- you know somebody that has
19 been the victim of a very serious crime, but it's not going to
20 affect you? You don't have any feelings about it one way or
21 the other?

22 PROSPECTIVE JUROR NO. 632: Not at all, that's my
23 first time ever.

24 THE COURT: Okay. Have -- have you ever been in law
25 enforcement?

1 PROSPECTIVE JUROR NO. 632: No.

2 THE COURT: Anyone in your family or close friends
3 or associates in law enforcement?

4 PROSPECTIVE JUROR NO. 632: No.

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

6 PROSPECTIVE JUROR NO. 632: No.

7 THE COURT: Anyone in your family or close friends
8 or associates been accused of a crime?

9 PROSPECTIVE JUROR NO. 632: No, thank goodness.

10 THE COURT: And do you have any religious or moral
11 beliefs that would make it difficult for you to sit in
12 judgment on another person?

13 PROSPECTIVE JUROR NO. 632: No.

14 THE COURT: Do you have any disagreement or quarrel
15 with our presumption of innocence as part of our system?

16 PROSPECTIVE JUROR NO. 632: Absolutely not, no.

17 THE COURT: Will you be able to follow the
18 instructions of the Court on the law even if you think the law
19 should be something other than what you're instructed?

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

21 THE COURT: Tell us about yourself.

22 PROSPECTIVE JUROR NO. 632: I'm a spa director, I
23 work at a resort hotel. I've been in Clark County for five
24 years, I moved here from California. I'm newly engaged to be
25 married.

1 THE COURT: Congratulations.

2 PROSPECTIVE JUROR NO. 632: Thank you. My fiancé is
3 a banker. He's been with Citi Bank for 14 years. And I just
4 have my mom here and that's it.

5 THE COURT: Before you moved to Las Vegas, did you
6 work?

7 PROSPECTIVE JUROR NO. 632: I did.

8 THE COURT: And was that in the same area as you're
9 in?

10 PROSPECTIVE JUROR NO. 632: No.

11 THE COURT: Okay. What was that?

12 PROSPECTIVE JUROR NO. 632: I was in television
13 production and in merchandising licensing for intellectual
14 properties.

15 THE COURT: Okay. In what role?

16 PROSPECTIVE JUROR NO. 632: Sales.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 632: Contracts.

19 THE COURT: All right. Would the State like to
20 inquire further?

21 MS. BLUTH: Yes, please.

22 I feel like it's been so long since we last talked.

23 PROSPECTIVE JUROR NO. 632: I know.

24 MS. BLUTH: So you've heard everything.

25 PROSPECTIVE JUROR NO. 632: Yes.

1 MS. BLUTH: Did you have a strong opinion on any of
2 the questions that you thought, when I get up there, I need to
3 -- I need to say my piece?

4 PROSPECTIVE JUROR NO. 632: No, thank you.

5 MS. BLUTH: Okay. The photo question, would you be
6 okay looking at photos of female genitalia?

7 PROSPECTIVE JUROR NO. 632: I would be fine with
8 that.

9 MS. BLUTH: Do you want to serve on this jury?

10 PROSPECTIVE JUROR NO. 632: Actually, I do.

11 MS. BLUTH: Why?

12 PROSPECTIVE JUROR NO. 632: I've always thought it
13 would be interesting to serve on a jury or be part of the
14 judicial system.

15 MS. BLUTH: Um-hum.

16 PROSPECTIVE JUROR NO. 632: I always wanted to be a
17 court reporter growing up.

18 MS. BLUTH: Why did you want to be a court reporter?

19 PROSPECTIVE JUROR NO. 632: I just thought it would
20 be interesting. I just always thought it would be interesting
21 to -- a job to be in.

22 MS. BLUTH: Okay. And then you get here and then
23 there's no court reporter.

24 PROSPECTIVE JUROR NO. 632: Right, exactly.

25 MS. BLUTH: Do you feel comfortable speaking in

1 front of others?

2 PROSPECTIVE JUROR NO. 632: Yes, I do.

3 MS. BLUTH: If you went back there and, you know,
4 everybody had one opinion and you had another, how would you
5 treat that situation?

6 PROSPECTIVE JUROR NO. 632: I'm a manager at work,
7 so I deal with that on a daily basis. And, like you said, I
8 -- I have no problem speaking my opinion, but I'm very good at
9 listening to both sides and staying very neutral.

10 MS. BLUTH: Okay.

11 PROSPECTIVE JUROR NO. 632: Listening to both sides
12 of a story.

13 MS. BLUTH: Do you watch any of the shows that
14 everybody's been talking about?

15 PROSPECTIVE JUROR NO. 632: No. On occasion, I will
16 watch Dateline, but again, like one of the other jurors said,
17 if I could wrestle the remote away from my fiancé, I'll watch
18 the HGTV or cooking channel or stuff like that.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NO. 632: Just on occasion,
21 Dateline.

22 MS. BLUTH: The statement that you've heard a
23 million times about a victim's testimony standing on it's own.

24 PROSPECTIVE JUROR NO. 632: Yes.

25 MS. BLUTH: What are your thoughts on that?

1 PROSPECTIVE JUROR NO. 632: Well, I appreciated what
2 you said because, obviously, before there was DNA or anything,
3 that's really all you had to go by. But, I don't know, it's
4 difficult. You just -- I would have to weigh all the
5 testimony and -- and hear what was said, but I'm open to it.

6 MS. BLUTH: Okay. Do you have an issue with an
7 individual pursuing their rights in a civil lawsuit as well?

8 PROSPECTIVE JUROR NO. 632: It is their right, yes.

9 MS. BLUTH: Have you ever known anyone who's a
10 victim of rape?

11 PROSPECTIVE JUROR NO. 632: No.

12 MS. BLUTH: Do you have any bumper stickers?

13 PROSPECTIVE JUROR NO. 632: I do. It's an initial
14 D, it's a D.

15 MS. BLUTH: What does that mean?

16 PROSPECTIVE JUROR NO. 632: It's -- I think it's for
17 Deutschland for Germany.

18 MS. BLUTH: Oh.

19 PROSPECTIVE JUROR NO. 632: I always drove German
20 cars and my boss is German, so every time I get a new car, he
21 slaps a D on the back of my car. I didn't put it there.

22 MS. BLUTH: Okay.

23 PROSPECTIVE JUROR NO. 632: And I'm afraid to take
24 it off, to ruin the paint.

25 MS. BLUTH: That one really threw me.

1 PROSPECTIVE JUROR NO. 632: Sorry, I'm sorry.

2 MS. BLUTH: That's okay.

3 PROSPECTIVE JUROR NO. 632: But I think that's what
4 it's for.

5 MS. BLUTH: Okay. The -- have you ever known anyone
6 who has a seizure disorder?

7 PROSPECTIVE JUROR NO. 632: Yes, I do.

8 MS. BLUTH: You?

9 PROSPECTIVE JUROR NO. 632: My -- no, not me
10 personally. My fiancé has had epilepsy since he was 14.

11 MS. BLUTH: Okay.

12 PROSPECTIVE JUROR NO. 632: But he has not had a
13 seizure in, I think it's four years now. And he takes
14 medication for it.

15 MS. BLUTH: Have you -- have you known him while
16 he's had a -- so have --

17 PROSPECTIVE JUROR NO. 632: Yes.

18 MS. BLUTH: Okay.

19 PROSPECTIVE JUROR NO. 632: That's fine.

20 MS. BLUTH: And when he had that seizure, were you
21 present?

22 PROSPECTIVE JUROR NO. 632: Yes, I was luckily.

23 MS. BLUTH: And after -- so he has it -- is it the
24 type of seizure that he needs to go to the hospital
25 immediately? Or can you treat it at home?

1 PROSPECTIVE JUROR NO. 632: No. I treat him from
2 home. And thankfully his is right in the morning when he
3 wakes up, within 15 minutes. It's always within 15 minutes of
4 waking up, so he's usually in bed.

5 MS. BLUTH: Does he know -- is he -- does he have
6 the type of disorder that he knows it's going to happen to
7 him?

8 PROSPECTIVE JUROR NO. 632: No, unfortunately. But
9 he knows -- he knows all the precautions to take so as not to
10 have a seizure which, luckily, I think that's why he hasn't
11 had one in four years.

12 MS. BLUTH: After he has his seizure, you know,
13 after it's completely done --

14 PROSPECTIVE JUROR NO. 632: Um-hum.

15 MS. BLUTH: -- does he -- is he able to walk and
16 talk? Does he just go right into functioning? Or does he
17 have --

18 PROSPECTIVE JUROR NO. 632: No. He falls asleep and
19 then I just let him sleep. And it takes him, you know, the
20 rest -- I mean, he's okay after that. He just is a little
21 depressed and out of it.

22 MS. BLUTH: Does he have trouble remembering certain
23 things that happened during the time he was seizing? Or right
24 before or right after?

25 PROSPECTIVE JUROR NO. 632: He doesn't remember

1 anything while he was seizing and he doesn't remember anything
2 right before or right after.

3 MS. BLUTH: So he has to rely on you, or if there
4 was anyone there, that person to explain to him what happened?

5 PROSPECTIVE JUROR NO. 632: Um-hum. He's so used to
6 it by now, yes.

7 MS. BLUTH: Okay, thank you. Nothing further.

8 THE COURT: Defense.

9 MR. MANINGO: Thank you, Your Honor. Hello again.

10 PROSPECTIVE JUROR NO. 632: Hi.

11 MR. MANINGO: So you wanted to be a court reporter?

12 PROSPECTIVE JUROR NO. 632: I did. Didn't get that
13 far, though.

14 MR. MANINGO: Would -- would you be comfortable
15 yelling at me all day to speak up?

16 PROSPECTIVE JUROR NO. 632: I -- I wouldn't want to
17 do that to you.

18 MR. MANINGO: Okay. That's what you'd have to do,
19 that's part of the job. You said that you watch Dateline?

20 PROSPECTIVE JUROR NO. 632: On occasion, yes.

21 MR. MANINGO: On occasion. Do you think that the
22 media has enough power to -- to stir the public, to --

23 PROSPECTIVE JUROR NO. 632: I know the media has
24 enough power to do that, yes.

25 MR. MANINGO: Okay. Okay. Do you think that the

1 media is always correct in their reporting?

2 PROSPECTIVE JUROR NO. 632: Absolutely not.

3 MR. MANINGO: Okay. Your fiancé has a seizure
4 condition. Do you know if they are actually labeled as grand
5 mal seizures or petite mal?

6 PROSPECTIVE JUROR NO. 632: I believe they're grand
7 mal seizures.

8 MR. MANINGO: Grand mal.

9 PROSPECTIVE JUROR NO. 632: It's epilepsy.

10 MR. MANINGO: Right, okay. And do you know if he --
11 if he takes medications for --

12 PROSPECTIVE JUROR NO. 632: Yes, he does. He takes
13 Trileptal.

14 MR. MANINGO: Trileptal?

15 PROSPECTIVE JUROR NO. 632: Um-hum.

16 MR. MANINGO: If -- you had mentioned that when --
17 as a manager, you often need to listen to both sides of the
18 story to figure out what's happening?

19 PROSPECTIVE JUROR NO. 632: Yes.

20 MR. MANINGO: Okay. And you understand that in this
21 trial, in a criminal trial, that it's different than that?

22 PROSPECTIVE JUROR NO. 632: Yes, absolutely.

23 MR. MANINGO: Okay. And you're okay with the fact
24 that the prosecution has the burden of proof?

25 PROSPECTIVE JUROR NO. 632: Yes, sir.

1 MR. MANINGO: Okay. And they have to prove
2 everything, all the charges beyond a reasonable doubt?

3 PROSPECTIVE JUROR NO. 632: Yes, I am.

4 MR. MANINGO: Okay. And you're okay with the fact
5 that Mr. Farmer's to be presumed innocent --

6 PROSPECTIVE JUROR NO. 632: One hundred percent,
7 yes.

8 MR. MANINGO: -- unless they can prove him guilty
9 beyond a reasonable doubt?

10 PROSPECTIVE JUROR NO. 632: Yes.

11 MR. MANINGO: Okay. And does it make sense to you
12 that because Mr. Farmer is presumed innocent, and the State
13 has to do the proving, that he does not need to testify?

14 PROSPECTIVE JUROR NO. 632: It makes sense, yes.

15 MR. MANINGO: Okay.

16 PROSPECTIVE JUROR NO. 632: It's his right.

17 MR. MANINGO: And -- and that can't be held against
18 him, you're okay with that?

19 PROSPECTIVE JUROR NO. 632: Absolutely.

20 MR. MANINGO: When you -- when you do some of the --
21 dealing with some of the conflicts you need to deal with as a
22 manager, do you judge credibility?

23 PROSPECTIVE JUROR NO. 632: I do, but I deal -- I
24 work -- I'm a spa director and I deal with a lot of
25 temperamental massage therapists -- no disrespect if anyone's

1 a massage therapist -- and hairstylists and guests and things
2 like that. So, you know, temperamental personalities is what
3 I'm dealing with. So I'm very cautious as to how I -- I have
4 to be a very good listener is mostly what I do.

5 MR. MANINGO: Right.

6 PROSPECTIVE JUROR NO. 632: And try not to interject
7 my opinion.

8 MR. MANINGO: Okay. Do you feel comfortable with
9 sitting in this box and making a decision that is as important
10 as it is?

11 PROSPECTIVE JUROR NO. 632: Yes, because it is a
12 very important decision.

13 MR. MANINGO: Okay, very good. Is there anything
14 that has been discussed during your time here that you would
15 like to talk about?

16 PROSPECTIVE JUROR NO. 632: No.

17 MR. MANINGO: Okay. Thank you, Ms. Lusted.

18 PROSPECTIVE JUROR NO. 632: Thank you.

19 MR. MANINGO: Pass the juror.

20 THE COURT: Thank you. Now, the State's eighth
21 peremptory challenge.

22 (Pause in the proceedings)

23 MR. KOICHEVAR: The State would thank and excuse the
24 juror in seat number nine, Rob Colegrove, 0467.

25 THE COURT: Thank you.

1 THE CLERK: Oh, I'm sorry, the number to be excused?

2 UNKNOWN FEMALE SPEAKER: Seat number nine.

3 THE CLERK: Nine?

4 THE COURT: Seat number nine.

5 THE CLERK: Alberto Munoz, 664.

6 THE COURT: Mr. Munoz, welcome.

7 PROSPECTIVE JUROR NO. 664: Thank you.

8 THE COURT: Have you ever served as a juror before?

9 PROSPECTIVE JUROR NO. 664: No, no, I have not,
10 ma'am.

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

12 PROSPECTIVE JUROR NO. 664: Minor stuff like a
13 break-in, couple of cars stolen for joyriding, whatever.

14 THE COURT: Okay. Did that happen here in Clark
15 County, Nevada?

16 PROSPECTIVE JUROR NO. 664: Yes, ma'am.

17 THE COURT: Did you feel that the police did a good
18 job of investigating?

19 PROSPECTIVE JUROR NO. 664: Sure. I'm -- I never
20 heard back from them.

21 THE COURT: So no one was ever --

22 PROSPECTIVE JUROR NO. 664: I imagine --

23 THE COURT: -- apprehended on any of the crimes --

24 PROSPECTIVE JUROR NO. 664: No, no, nothing like
25 that.

1 THE COURT: -- that were committed against you? All
2 right.

3 PROSPECTIVE JUROR NO. 664: But it's fine, that
4 happens.

5 THE COURT: You think that would have any effect on
6 your ability to be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 664: No, ma'am, I don't think
8 so.

9 THE COURT: Do you have friends or family members,
10 close associates who have been the victim of serious violent-
11 type crimes?

12 PROSPECTIVE JUROR NO. 664: Distant relatives, and
13 no one that I have any relationship, close relationship.

14 THE COURT: Okay. So someone in your family had
15 been the victim of a crime?

16 PROSPECTIVE JUROR NO. 664: Yes. You know, like a
17 -- a drug-related usually or a domestic violence. But I don't
18 interact with these relatives very much, they're just
19 relatives, that's all.

20 THE COURT: So nothing about those experiences that
21 would keep you from being able to be fair and impartial in
22 this case?

23 PROSPECTIVE JUROR NO. 664: No, ma'am, no, I don't
24 think so.

25 THE COURT: All right. Have you ever been in law

1 enforcement?

2 PROSPECTIVE JUROR NO. 664: No, I have not.

3 THE COURT: Anyone in your family or close
4 associates or friends in law enforcement?

5 PROSPECTIVE JUROR NO. 664: The same. Cousins from
6 some distance away that live not in -- here in Las Vegas that
7 I don't deal with.

8 THE COURT: You need to keep your voice up I think.

9 PROSPECTIVE JUROR NO. 664: Oh, sure, okay.

10 THE COURT: Go ahead.

11 PROSPECTIVE JUROR NO. 664: Cousins that are in the
12 correction facilities, you know, they're --

13 THE COURT: Are they here in this state?

14 PROSPECTIVE JUROR NO. 664: No, ma'am, in
15 California.

16 THE COURT: Okay. Have you ever talked to them
17 about their work?

18 PROSPECTIVE JUROR NO. 664: A little bit, but when I
19 -- family gatherings once a year or twice a year or something,
20 you know. And nothing touching to too -- too much detail.

21 THE COURT: All right. As a result of having some
22 association in your family with law enforcement officers,
23 would you tend to give the testimony of a law enforcement
24 officer more weight or credibility than any other witness just
25 because that person was a law enforcement officer and for no

1 other reason?

2 PROSPECTIVE JUROR NO. 664: No, ma'am. I mean,
3 they're only human.

4 THE COURT: Do you have any religious or moral
5 beliefs that would make you be unable to sit in judgment on
6 another person?

7 PROSPECTIVE JUROR NO. 664: I do not.

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

9 PROSPECTIVE JUROR NO. 664: No, ma'am.

10 THE COURT: Anyone in your family or closely
11 associated with you or friends been accused of a serious
12 crime?

13 PROSPECTIVE JUROR NO. 664: No, ma'am.

14 THE COURT: Anything that you can think of that --
15 because you've been here a long time listening to all of this
16 -- that you thought to yourself when the Judge gets to me, I'm
17 going to need to bring this up?

18 PROSPECTIVE JUROR NO. 664: No. No, nothing.
19 Nothing serious.

20 THE COURT: All right. Tell us about yourself.

21 PROSPECTIVE JUROR NO. 664: Yes. I studied
22 architecture and currently I work for UNLV as a space analyst.
23 And I draft and I field verify building status, change floor
24 plans and whatnot, and stuff like that.

25 THE COURT: Okay. So you look at space in existing

1 buildings and plan accordingly to change space to fit the
2 needs of the University?

3 PROSPECTIVE JUROR NO. 664: Sure. And, well, move
4 people around if I have to, visit, see if anything's changed
5 in the last two years, any use change, any physical change,
6 stuff like that.

7 THE COURT: Okay. And are you married, single,
8 divorced, significant other, partner?

9 PROSPECTIVE JUROR NO. 664: No, I'm single, ma'am.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 664: And --

12 THE COURT: Any children?

13 PROSPECTIVE JUROR NO. 664: No, I do not.

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

15 PROSPECTIVE JUROR NO. 664: I'm thinking about 12
16 years now so far. I've lost track.

17 THE COURT: Did you go to school here for
18 architecture?

19 PROSPECTIVE JUROR NO. 664: I did, both for the
20 Bachelor's and the Masters.

21 THE COURT: Thank you. Would the State like to
22 inquire further?

23 MS. BLUTH: I do. Where did you live before you
24 came to Las Vegas?

25 PROSPECTIVE JUROR NO. 664: Immediately before Las

1 Vegas, I lived in Mexico for about, let's see, six years. And
2 before that, California.

3 MS. BLUTH: So California first. And then did you
4 say Mexico or New Mexico?

5 PROSPECTIVE JUROR NO. 664: Mexico.

6 MS. BLUTH: Okay. And why did you move there?

7 PROSPECTIVE JUROR NO. 664: The same, for schooling.
8 I studied architecture there as well.

9 MS. BLUTH: Okay.

10 PROSPECTIVE JUROR NO. 664: I guess I really like
11 it.

12 MS. BLUTH: You -- okay. All right. What do you
13 think about our criminal justice system?

14 PROSPECTIVE JUROR NO. 664: It's fine. I believe
15 it's fair, somewhat fair. I mean, you do your best that you
16 can and with the tools that you've given and that's it.

17 MS. BLUTH: Okay. Do you take any issue with a
18 victim pursuing their civil rights, so suing civilly as well
19 as reporting their crime?

20 PROSPECTIVE JUROR NO. 664: No, no, I do not.

21 MS. BLUTH: Do you watch any of the shows that we've
22 been discussing for the last couple days?

23 PROSPECTIVE JUROR NO. 664: Not CSI, but I watch
24 NCIS sometimes. I prefer a show more like Elementary, more
25 like a detective show. So it doesn't show the forensic side

1 of things, it's just, you know, police work. And I don't know
2 how realistic it really is.

3 MS. BLUTH: Okay.

4 PROSPECTIVE JUROR NO. 664: More for the acting.

5 MS. BLUTH: Do you think you have any preconceived
6 notions of forensics and the fact that they should be in every
7 case from watching those types of shows?

8 PROSPECTIVE JUROR NO. 664: No, I don't think so. I
9 mean, it's -- I think it's nice when you have it, but if you
10 don't, then you do what you -- the best you can with what you
11 have, I guess.

12 MS. BLUTH: Do you want to serve as a juror on this
13 case?

14 PROSPECTIVE JUROR NO. 664: At first I guess I
15 didn't for the time reasons. Now, I don't mind so much
16 because now we know that at least part of the day I can go to
17 work and do what I need to do, especially cover some of the
18 more time sensitive things I need to cover. If it had been,
19 like, some kind of sequestering or something like that --

20 MS. BLUTH: Right.

21 PROSPECTIVE JUROR NO. 664: -- I think I would have
22 had a problem with that.

23 MS. BLUTH: Okay. Do you have any bumper stickers?

24 PROSPECTIVE JUROR NO. 664: No, I do not.

25 MS. BLUTH: And do you have any family members or

1 friends that you know of who have a seizure disorder?

2 PROSPECTIVE JUROR NO. 664: No, I do not.

3 MS. BLUTH: Okay. And have you ever known the
4 victim of a sexual assault?

5 PROSPECTIVE JUROR NO. 664: No, I have not.

6 MS. BLUTH: Thank you. Pass, Your Honor.

7 THE COURT: Defense.

8 MR. MANINGO: Thank you, Your Honor.

9 Hello, Mr. Munoz.

10 PROSPECTIVE JUROR NO. 664: Hello.

11 MR. MANINGO: You said that you think that we have a
12 pretty fair system?

13 PROSPECTIVE JUROR NO. 664: Yes.

14 MR. MANINGO: What do you think -- what would you
15 like to see changed about it? How do you think we can improve
16 it?

17 PROSPECTIVE JUROR NO. 664: I -- I do not know,
18 actually. I mean, it wasn't my field of study. I -- I only
19 know so much as was covered in basic courses.

20 MR. MANINGO: Sure.

21 PROSPECTIVE JUROR NO. 664: General ed and whatnot.
22 I guess it would be -- it would be nice if -- if more of the
23 population could be involved in the case, which is obviously
24 impossible. I mean, coordinating 100 people, your neighbors
25 an whatnot, to discuss your case, but the fact that you have

1 12 people to do that for you I guess is -- is fair. I mean,
2 enough minds working on one problem.

3 MR. MANINGO: Okay, great. And do you feel like if
4 you're selected for this jury and you're in that room
5 deliberating, that you would be able to stand up for what you
6 believe?

7 PROSPECTIVE JUROR NO. 664: I believe so, yes. I'm
8 -- I don't know if it matters, I'm a Latino and fairly
9 outspoken.

10 MR. MANINGO: Okay.

11 PROSPECTIVE JUROR NO. 664: It's just a family
12 thing. I think I -- I'd speak out, sure.

13 MR. MANINGO: Okay, terrific. Do you understand
14 that -- that the State has the burden of proof in this case?

15 PROSPECTIVE JUROR NO. 664: Yes, I do.

16 MR. MANINGO: Okay.

17 PROSPECTIVE JUROR NO. 664: Or I do now anyway.

18 MR. MANINGO: Okay.

19 PROSPECTIVE JUROR NO. 664: From discussing.

20 MR. MANINGO: So you know that Mr. Farmer doesn't
21 have to do any of the proving?

22 PROSPECTIVE JUROR NO. 664: Yes.

23 MR. MANINGO: Okay.

24 PROSPECTIVE JUROR NO. 664: Yes, I do.

25 MR. MANINGO: Are you okay with that, if Mr. Farmer

1 does not testify?

2 PROSPECTIVE JUROR NO. 664: I suppose so, it's his
3 right to remain silent if he wishes.

4 MR. MANINGO: Okay. It's -- it's everybody's right.

5 PROSPECTIVE JUROR NO. 664: Yeah.

6 MR. MANINGO: All United States citizens. We all
7 have that same right.

8 PROSPECTIVE JUROR NO. 664: Okay.

9 MR. MANINGO: You understand that?

10 PROSPECTIVE JUROR NO. 664: Sure.

11 MR. MANINGO: Okay. Can you think of reasons why an
12 innocent man would not testify?

13 PROSPECTIVE JUROR NO. 664: Well, I mean, I guess
14 because he -- if he's innocent, he has nothing to prove, I
15 suppose. He's got -- I mean, the -- I guess he's assuming
16 that the facts will speak for him, I suppose.

17 MR. MANINGO: Okay. Right, right. And you said
18 that he has nothing to prove. Do you remember the example I
19 gave yesterday about a gentleman eating an apple?

20 PROSPECTIVE JUROR NO. 664: Yes, yes, I do.

21 MR. MANINGO: Okay. Does that make sense to you?

22 PROSPECTIVE JUROR NO. 664: Yes, yes, it does.

23 MR. MANINGO: Okay. Have you ever spent time in
24 hospitals?

25 PROSPECTIVE JUROR NO. 664: A little bit.

1 MR. MANINGO: Okay.

2 PROSPECTIVE JUROR NO. 664: My sister, after labor,
3 myself, I had a little cancer scare a little bit.

4 MR. MANINGO: Oh.

5 PROSPECTIVE JUROR NO. 664: But -- but they -- it
6 was just a test to see -- like, what is it called, a biopsy or
7 something?

8 MR. MANINGO: Right.

9 PROSPECTIVE JUROR NO. 664: And it was fine,
10 everything was fine.

11 MR. MANINGO: Oh, good, good. No legal background
12 in any of your -- with yourself or your family?

13 PROSPECTIVE JUROR NO. 664: No.

14 MR. MANINGO: Okay. Have you or anyone you were
15 close to have any experience with pain killers like morphine?

16 PROSPECTIVE JUROR NO. 664: No.

17 MR. MANINGO: Okay. Do you read or watch the news?

18 PROSPECTIVE JUROR NO. 664: A little bit online,
19 CNN, MSNBC, you know -- well, no. It's --

20 MR. MANINGO: Okay.

21 PROSPECTIVE JUROR NO. 664: -- MSN I guess, I don't
22 know what it's changed to, I think.

23 MR. MANINGO: Right, lot of letters.

24 PROSPECTIVE JUROR NO. 664: Yeah.

25 MR. MANINGO: Okay.

1 PROSPECTIVE JUROR NO. 664: Yeah, it's something
2 basic. It's just at national level, usually not in town.

3 MR. MANINGO: Okay.

4 PROSPECTIVE JUROR NO. 664: Not local news.

5 MR. MANINGO: Now, you've -- you've heard this
6 question before. Would you agree or disagree that the media
7 has power enough to change the way people act?

8 PROSPECTIVE JUROR NO. 664: Oh, they sure do. Very
9 much so. I mean --

10 MR. MANINGO: Okay. Do you think it's possible for
11 people to make false accusations?

12 PROSPECTIVE JUROR NO. 664: Sure, people lie.

13 MR. MANINGO: Okay. And I believe you were asked
14 about lawsuits. Were you asked about --

15 PROSPECTIVE JUROR NO. 664: No, I don't think so.
16 But no, I've never been involved with one.

17 MR. MANINGO: Okay.

18 PROSPECTIVE JUROR NO. 664: If that's what you're
19 asking.

20 MR. MANINGO: Okay, sure. Thank you, sir. Pass the
21 juror.

22 THE COURT: Thank you. And it's the defense's last
23 peremptory challenge.

24 MR. MANINGO: Court's indulgence, please.

25 (Pause in the proceedings)

1 MR. MANINGO: Your Honor, we would thank and excuse
2 Mr. McKelphin from seat 11.

3 THE COURT: Thank you.

4 THE CLERK: Badge 652, Kayla Davis.

5 THE COURT: Welcome.

6 PROSPECTIVE JUROR NO. 652: Hello.

7 THE COURT: Have you ever been a juror before, Ms.
8 Davis?

9 PROSPECTIVE JUROR NO. 652: No.

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

12 PROSPECTIVE JUROR NO. 652: No.

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

15 PROSPECTIVE JUROR NO. 652: No.

16 THE COURT: Have you ever been in law enforcement?

17 PROSPECTIVE JUROR NO. 652: No.

18 THE COURT: Anyone in your family or close friends
19 or associates in law enforcement?

20 PROSPECTIVE JUROR NO. 652: No.

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

22 PROSPECTIVE JUROR NO. 652: No.

23 THE COURT: Anyone in your family or closely
24 associated with you been accused of a crime?

25 PROSPECTIVE JUROR NO. 652: No.

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

4 PROSPECTIVE JUROR NO. 652: No.

5 THE COURT: Do you have any reason you think you
6 could not be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 652: No.

8 THE COURT: Will you listen to the instructions on
9 the law the Court gives you and apply those in this case, even
10 if you think the law should be something other than what you
11 were instructed?

12 PROSPECTIVE JUROR NO. 652: Yes.

13 THE COURT: Tell us about yourself.

14 PROSPECTIVE JUROR NO. 652: Vegas native, been here
15 my whole life. I work for Caesar's Entertainment in soft
16 count. Single, no kids.

17 THE COURT: Okay. And did you -- what's your
18 education background?

19 PROSPECTIVE JUROR NO. 652: I went to CSN briefly,
20 psychology major. And then I decided to drop out. I wasn't
21 sure what I wanted to pursue.

22 THE COURT: And what do your parents do?

23 PROSPECTIVE JUROR NO. 652: My father works for Wynn
24 as a bell desk -- well, bell captain. And my mother works for
25 my uncle's construction company as an office manager.

1 THE COURT: Would the State like to inquire further?

2 MS. BLUTH: Sure. Is this your first interaction
3 with like the court system?

4 PROSPECTIVE JUROR NO. 652: Yeah. I've gotten a
5 jury summons quite a few times, pretty much every two years.
6 But I've never actually been called.

7 MS. BLUTH: Never been called to the courthouse to
8 even go through this process?

9 PROSPECTIVE JUROR NO. 652: Um-hum.

10 MS. BLUTH: Okay. So what do you think so far?

11 PROSPECTIVE JUROR NO. 652: It's interesting.

12 MS. BLUTH: Yeah. Was that the polite answer?

13 PROSPECTIVE JUROR NO. 652: Sure.

14 MS. BLUTH: Okay. Do you watch some of the shows
15 that we've been talking about?

16 PROSPECTIVE JUROR NO. 652: In passing. Not
17 religiously, just if there's nothing else on.

18 MS. BLUTH: As last resort?

19 PROSPECTIVE JUROR NO. 652: Yeah.

20 MS. BLUTH: Like if you could pick anything, what --
21 what shows are you most interested?

22 PROSPECTIVE JUROR NO. 652: Usually, CSI.

23 MS. BLUTH: Okay.

24 PROSPECTIVE JUROR NO. 652: I'm not really a Law and
25 Order kind of person.

1 MS. BLUTH: But besides the -- because you said that
2 those are just like in passing. So --

3 PROSPECTIVE JUROR NO. 652: Just to waste time kind
4 of thing.

5 MS. BLUTH: -- what are shows that you are
6 interested in?

7 PROSPECTIVE JUROR NO. 652: Usually, it's like she
8 said, HGTV and cooking shows.

9 MS. BLUTH: Okay. All right. Has there been any
10 question that you felt strongly about that either Mr. Maningo
11 or I have -- have asked the other jurors?

12 PROSPECTIVE JUROR NO. 652: No.

13 MS. BLUTH: Do you take issue with someone suing
14 civilly? So what I mean by that is, you know, suing for
15 money --

16 PROSPECTIVE JUROR NO. 652: No.

17 MS. BLUTH: -- when they've also been the victim of
18 a crime?

19 PROSPECTIVE JUROR NO. 652: No.

20 MS. BLUTH: Did you take issue with the statement
21 that I said about, you know, a victim's testimony, if believed
22 beyond a reasonable doubt, that on its own is enough to
23 sustain a conviction of guilty?

24 PROSPECTIVE JUROR NO. 652: No, I do not take issue
25 with it. Again, like others have said, it would be nice to

1 have additional evidence, but if the testimony is all that
2 there is and if it's enough.

3 MS. BLUTH: Have you known someone who's been the
4 victim of sexual assault?

5 PROSPECTIVE JUROR NO. 652: No, ma'am.

6 MS. BLUTH: Do you have a bumper sticker on your
7 vehicle?

8 PROSPECTIVE JUROR NO. 652: No.

9 MS. BLUTH: Do you know anyone or do you have a
10 family member that suffers from a seizure disorder?

11 PROSPECTIVE JUROR NO. 652: No.

12 MS. BLUTH: Does looking at photos of female
13 genitalia, would that bother you?

14 PROSPECTIVE JUROR NO. 652: No.

15 MS. BLUTH: Nothing further, thank you.

16 PROSPECTIVE JUROR NO. 652: Thank you.

17 THE COURT: Defense.

18 MR. MANINGO: Thank you, Your Honor.

19 Hi, Ms. Davis.

20 PROSPECTIVE JUROR NO. 652: Hi.

21 MR. MANINGO: You've been waiting a long time.

22 PROSPECTIVE JUROR NO. 652: Yeah.

23 MR. MANINGO: How long?

24 PROSPECTIVE JUROR NO. 652: Well, I came in
25 yesterday at noon.

1 MR. MANINGO: Okay. Yesterday at noon.

2 PROSPECTIVE JUROR NO. 652: Um-hum.

3 MR. MANINGO: And did you imagine that you'd end up
4 here in the box?

5 PROSPECTIVE JUROR NO. 652: Not until today.

6 MR. MANINGO: Okay. We -- we realize it's difficult
7 to wait around and keep coming back and sit around, but you
8 understand that it's a very important process, what we're
9 doing?

10 PROSPECTIVE JUROR NO. 652: Absolutely.

11 MR. MANINGO: Okay. So you're not angry or upset
12 with --

13 PROSPECTIVE JUROR NO. 652: No.

14 MR. MANINGO: -- any of us or this --

15 PROSPECTIVE JUROR NO. 652: No, not at all.

16 MR. MANINGO: Okay. Okay. Listening to a case that
17 -- such as the one that we have can at times become emotional.
18 Do you feel confident that you'll be able to put logic and
19 your common sense above emotion and make your decisions based
20 on that?

21 PROSPECTIVE JUROR NO. 652: Absolutely.

22 MR. MANINGO: Okay. Do you think that you could be
23 a good judge of credibility as to whether someone is telling
24 the truth or not?

25 PROSPECTIVE JUROR NO. 652: I think so.

1 MR. MANINGO: Okay.

2 PROSPECTIVE JUROR NO. 652: I think I would be able
3 to.

4 MR. MANINGO: Okay. You've -- you've heard us
5 discuss with some of our other jurors the -- some of the
6 principles of law. Do you have any issues with the State
7 having to do the proving?

8 PROSPECTIVE JUROR NO. 652: No, no issues at all.

9 MR. MANINGO: Okay.

10 PROSPECTIVE JUROR NO. 652: I understand it.

11 MR. MANINGO: Okay. And you're able to presume that
12 Mr. Farmer is -- is innocent unless he's proven guilty beyond
13 a reasonable doubt?

14 PROSPECTIVE JUROR NO. 652: Yes, sir.

15 MR. MANINGO: Okay. You had said that you're not
16 really a Law and Order kind of person?

17 PROSPECTIVE JUROR NO. 652: No.

18 MR. MANINGO: I mean the television show.

19 PROSPECTIVE JUROR NO. 652: Yeah.

20 MR. MANINGO: Not that you are not all for law and
21 order. What do you mean by that?

22 PROSPECTIVE JUROR NO. 652: It's just for some
23 reason it's boring to me.

24 MR. MANINGO: Oh, okay.

25 PROSPECTIVE JUROR NO. 652: I don't know if it's

1 just like just the actors or what. It's just a boring show
2 for me.

3 MR. MANINGO: Okay. You've -- would you feel
4 comfortable making a -- the big decision for somebody else?

5 PROSPECTIVE JUROR NO. 652: It's hard. You know,
6 it's a very severe decision, but I think I can do it.

7 MR. MANINGO: Okay. Okay. And if you're
8 deliberating with your other jurors here and you disagree, are
9 you going to be okay with that, about voicing your opinion?

10 PROSPECTIVE JUROR NO. 652: Yes.

11 MR. MANINGO: Okay. No legal background with you or
12 your family?

13 PROSPECTIVE JUROR NO. 652: No.

14 MR. MANINGO: Okay. And no medical background?

15 PROSPECTIVE JUROR NO. 652: I did work as a
16 receptionist in a doctor's office, Healthcare Partners,
17 probably about two years, ended late August. But it was just
18 reception.

19 MR. MANINGO: Okay.

20 PROSPECTIVE JUROR NO. 652: No direct patient care
21 or anything like that.

22 MR. MANINGO: Okay. You did have a chance to work
23 with some of the doctors, though, or some of their staff?

24 PROSPECTIVE JUROR NO. 652: Mostly it was just
25 relaying messages to them from patients. Nothing as -- I

1 wasn't involved in any decisions or direct patient care.

2 MR. MANINGO: Okay.

3 PROSPECTIVE JUROR NO. 652: More like this patient
4 needs a refill on this or this patient's having an allergic
5 reaction to that. That's pretty much the extent.

6 MR. MANINGO: Okay. You haven't formed any opinions
7 about doctors or the medical profession in general that's --
8 that would create any bias as far as witnesses you would hear
9 during this trial?

10 PROSPECTIVE JUROR NO. 652: No.

11 MR. MANINGO: Okay. Any -- any experience or
12 lengthy experience of spending time in hospitals?

13 PROSPECTIVE JUROR NO. 652: No.

14 MR. MANINGO: Okay. Any experience, you, or close
15 friends or family, with pain medications such as morphine?

16 PROSPECTIVE JUROR NO. 652: No.

17 MR. MANINGO: Okay. Thank you, Ms. Davis.

18 PROSPECTIVE JUROR NO. 652: Thank you.

19 MR. MANINGO: Pass the juror.

20 THE COURT: Thank you. That -- there being no
21 further peremptory challenges, we have our jury. We now,
22 ladies and gentlemen, have to pick four alternates for this
23 case because it's so lengthy.

24 Alternates serve a very, very important purpose in
25 this trial, because when there's a trial that's this long,

1 often times things happen and -- that are beyond our control
2 and an alternate has to step in to the role of a juror to
3 either finish hearing the case with the jury, and then go in
4 to deliberation where you're going to actually take the place
5 of a seated juror. Or even in deliberations, from
6 time-to-time, we've had to replace a juror.

7 And so I would say in about half of the cases that
8 I've tried, we've used alternates, which seems like a lot, but
9 it happens. And so it's really an important position. You
10 need to be just as attentive as any other juror because you
11 never know when you may become one of the jurors and then it's
12 your job to function just like a regular juror.

13 So we're going to call the names of four people to
14 sit in the front row.

15 (Pause in the proceedings)

16 THE COURT: Well, let's call the four, and then
17 we're going to swear in our regular jurors.

18 THE CLERK: Badge 658, Bruce Parshall; badge 659,
19 Preston Sheldon; badge 662, Robert Brooks; and badge 684,
20 Silvia Aliata.

21 PROSPECTIVE JUROR NO. 684: Aliata.

22 THE COURT: All right. And counsel please approach.

23 (Bench conference begins)

24 THE COURT: Okay, folks, we've got one hour; one
25 hour, that's all.

1 MS. BLUTH: Okay, we'll move it. The thing is,
2 there's only -- because we each get two kicks, right?

3 THE COURT: Yeah, right.

4 MS. BLUTH: And there's only, we have the perfect
5 amount, so.

6 THE COURT RECORDER: Speak up.

7 MS. BLUTH: Sorry. I don't need to put that on the
8 record.

9 THE COURT: Yeah, you're worried, I know, so am I.

10 MS. BLUTH: Okay.

11 THE COURT: But I don't want to bring in a whole
12 other 30 that we've got them waiting in the wings.

13 MS. BLUTH: Okay.

14 THE COURT: But yeah, if we take as long on
15 questioning all these alternates that we have, we're going to
16 blow through this hour and we're going to have to, you know,
17 dismiss all of jurors for today.

18 MS. BLUTH: We'll move it.

19 THE COURT: So I just want you to know, okay?

20 MS. BLUTH: Okay.

21 MR. MANINGO: I think we've moved pretty quickly. I
22 know I've cut my questions down extensively, so.

23 THE COURT: I know. I just wanted to kind of alert
24 you that we're at 3:00 o'clock right now.

25 MR. MANINGO: Unfortunately, I know that we have

1 some people at my table who really need the restroom.

2 THE COURT: Okay. All right, that's fine, we'll
3 break and --

4 MS. BLUTH: Probably Jeff Maningo being high
5 maintenance.

6 (Bench conference ends)

7 THE COURT: All right. Ladies and gentlemen, the
8 Clerk's going to swear the 12 jurors and then we need to take
9 a restroom break.

10 THE CLERK: Please stand and raise your right hand.
11 Not the alternates, though.

12 JURY PANEL SWORN

13 THE CLERK: You may be seated.

14 THE COURT: Thank you. All right, so, ladies and
15 gentlemen, you know, you have to stay on me to make sure if
16 you need a restroom break, you need to, like, flag down the
17 Marshal or -- yeah, because I'm like a camel up here, you
18 know. So, please, please. And same with counsel. All right.
19 I don't want to torture you.

20 All right. Ladies and gentlemen, we're going to
21 take a 10-minute recess. During this recess, it is your duty
22 not to converse among yourselves or with anyone else on any
23 subject connected with the trial, or to read, watch or listen
24 to any report of or commentary on the trial by any person
25 connected with the trial or by any medium of information

1 including, without limitation, newspaper, television, radio or
2 internet. And you are not to form or express an opinion on
3 any subject connected with this case until it is finally
4 submitted to you. Ten minutes.

5 (Outside the presence of the jury)

6 THE COURT: All right. The record will reflect
7 we're outside the presence of the jury and the rest of the
8 venire. Any matters outside the presence before we recess for
9 a restroom break?

10 MS. BLUTH: No, Your Honor.

11 MR. MANINGO: No, Your Honor.

12 THE COURT: All right. We're in recess, thank you.

13 (Court's in recess at 3:02 p.m. until 3:13 p.m.)

14 THE COURT: Thank you, please be seated.

15 All right. The first questions I'm going to ask are
16 generally to all four of you seated here. Have any of you
17 served on a jury before?

18 UNKNOWN FEMALE JUROR: No.

19 PROSPECTIVE JUROR NO. 658: Yes.

20 THE COURT: Okay. All right. So we'll have one
21 person, that's Mr. Marshall, Bruce Marshall and --

22 PROSPECTIVE JUROR NO. 658: Parshall, Parshall.

23 THE COURT: Okay. What were -- was that here in
24 Clark County that you were on a jury?

25 PROSPECTIVE JUROR NO. 658: Both times.

1 THE COURT: Okay. You were -- twice?

2 PROSPECTIVE JUROR NO. 658: Yes.

3 THE COURT: One -- were they both civil, both
4 criminal or one of each?

5 PROSPECTIVE JUROR NO. 658: One of each.

6 THE COURT: One of each, okay. Did -- on each case,
7 did the jury come to a verdict, without telling us what it is.

8 PROSPECTIVE JUROR NO. 658: On neither case was the
9 case ever given to the jury.

10 THE COURT: All right. So you -- were you called
11 upon to deliberate at all?

12 PROSPECTIVE JUROR NO. 658: No.

13 THE COURT: Okay. All right. Anything about that
14 experience that makes you think I don't -- I just don't want
15 to be a juror again?

16 PROSPECTIVE JUROR NO. 658: No. No.

17 THE COURT: All right. Next question also to the
18 four of you. Have any of you been the victim of a crime?

19 THE COURT RECORDER: Can you raise your hands for
20 her?

21 THE COURT: Well, I will. Yeah, if you -- yeah, I
22 need you to raise your hands so our Court Recorder can also
23 make her notes. So we have one person that's --

24 PROSPECTIVE JUROR NO. 658: Yes.

25 THE COURT: -- a victim of a crime?

1 PROSPECTIVE JUROR NO. 658: Um-hum.
2 THE COURT: Okay. So Mr. Marshall (sic).
3 THE COURT RECORDER: It's Parshall. I misspoke when
4 I told you his name.
5 THE COURT: Okay. I had it right first, but okay,
6 Parshall. Thank you. Mr. Parshall. What type of crime?
7 PROSPECTIVE JUROR NO. 658: My truck was vandalized,
8 the window broken and a couple of items taken out of it.
9 THE COURT: How long ago was that?
10 PROSPECTIVE JUROR NO. 658: Two or three years.
11 THE COURT: Did they find who did that?
12 PROSPECTIVE JUROR NO. 658: No.
13 THE COURT: Were you upset with the fact that the
14 police weren't able to do -- find -- find it?
15 PROSPECTIVE JUROR NO. 658: No, not at all.
16 THE COURT: Okay. Did you report the crime?
17 PROSPECTIVE JUROR NO. 658: We did, yes.
18 THE COURT: Anything about that experience that
19 makes you think you could not be fair and impartial in this
20 case?
21 PROSPECTIVE JUROR NO. 658: No.
22 THE COURT: Anyone of the four of you -- and a show
23 of hands again -- who has a family member or close associate
24 or friend who was the victim of a serious violent-type crime?
25 The record -- oop, Mr. Parshall. Okay.

1 PROSPECTIVE JUROR NO. 658: Sorry.

2 THE COURT: That's all right. Go ahead and tell us
3 about that.

4 PROSPECTIVE JUROR NO. 658: Of -- three of my ten
5 daughters were molested by the brother-in-law of my next door
6 neighbor about 32 years ago.

7 THE COURT: Oh my gosh. All right. So a very
8 serious crime. Was the brother-in-law of your next door
9 neighbor prosecuted?

10 PROSPECTIVE JUROR NO. 658: He was not. It didn't
11 get that far before he fled the country.

12 THE COURT: Did you report this to the police?

13 PROSPECTIVE JUROR NO. 658: We did.

14 THE COURT: Were your daughters still children?

15 PROSPECTIVE JUROR NO. 658: Yes. The oldest was
16 eight at the time.

17 THE COURT: When she reported?

18 PROSPECTIVE JUROR NO. 658: When it happened, yes.

19 THE COURT: When it happened. Was it reported
20 immediately or did it come out later?

21 PROSPECTIVE JUROR NO. 658: No, immediately.

22 THE COURT: Okay. All right. And he was never
23 apprehended after that, after he fled the country?

24 PROSPECTIVE JUROR NO. 658: He was not, no.

25 THE COURT: Okay. Anything about that experience

1 that makes you think you could not be fair and impartial if
2 you were called to sit as a juror in this case?

3 PROSPECTIVE JUROR NO. 658: I don't think so, no.

4 THE COURT: Okay. You can separate that?

5 PROSPECTIVE JUROR NO. 658: Certainly.

6 THE COURT: All right, thank you.

7 Has any of the four of you been involved in law
8 enforcement? The record will reflect a negative response from
9 all four.

10 Any one of you that has family members or close
11 friends or associates who are in law enforcement? The record
12 will reflect a negative response from all four.

13 Have -- is there any of the four of you who have
14 been accused of a crime? The record will reflect a negative
15 response.

16 Any of the four of you who have had a family member
17 or a close friend or associate accused of a crime? The record
18 will reflect a negative response from all four.

19 And is there any one of you who feels that you could
20 not follow the instructions of the Court on the law as it's
21 given to you even if you felt the law was something different
22 than what it is? All right, the record will reflect a uniform
23 negative response.

24 Are there any of the four of you who have either a
25 religious or a moral belief that would cause you to be unable

1 to sit in judgment on another person, or make it difficult for
2 you? The record will reflect a uniform negative response.

3 Is there anyone of you who has a quarrel with our
4 premise in our justice system that says the defendant is
5 presumed innocent and that it's the State's burden to prove
6 guilt beyond a reasonable doubt? The record will reflect a
7 uniform negative response.

8 All right. Starting with Mr. Parshall, tell us
9 about yourself.

10 PROSPECTIVE JUROR NO. 658: I've been here since
11 '75, moved here as a teenager, went through school here,
12 graduated from UNLV. I have 12 kids, 19 grandkids. I work
13 for the airport. I've been there 16 years.

14 THE COURT: What do you do for them?

15 PROSPECTIVE JUROR NO. 658: I'm -- I'm an analyst.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 658: I smash numbers together
18 and make pretty charts and graphs.

19 THE COURT: All right. Any of your kids working?

20 PROSPECTIVE JUROR NO. 658: Yeah.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 658: Many of them.

23 THE COURT: Okay, that's good. I figured with 12
24 that you'd have some that were adults, so.

25 PROSPECTIVE JUROR NO. 658: They're all adults. My

1 youngest is 19.

2 THE COURT: All right. So what do they do? This is
3 a test for you.

4 PROSPECTIVE JUROR NO. 658: I have three that are
5 currently serving as missionaries. I have two that are in
6 school full-time, raising kids at the same time. I have one
7 temporarily unemployed. I have -- most everybody else is
8 working in various and sundry-type jobs. I have one who's
9 working as an editor. All but two of them live here.

10 THE COURT: Okay. Does your wife work?

11 PROSPECTIVE JUROR NO. 658: She has a job.

12 THE COURT: Outside the home, I mean, obviously.

13 PROSPECTIVE JUROR NO. 658: Yeah. She actually,
14 last year, started working at a charter school as a first-aid
15 safety assistant, FASA, I think it's called, in -- at a
16 charter school.

17 THE COURT: Anything that you want to tell us that
18 would bear upon your ability to be fair and impartial in this
19 case? Any concerns that you have, after having sat through
20 all of the questions of the other prospective jurors?

21 PROSPECTIVE JUROR NO. 658: I -- I don't think
22 there'd be anything to keep me from doing that. I mean, I can
23 separate incidents and situations and things like that. It's
24 -- you know with respect to my daughters, I know this
25 defendant did not do that. I know who did, and I don't see

1 that as being something that is directly affecting. I
2 completely support the concept of innocence until proven
3 guilty and support the idea that the State has that
4 obligation.

5 THE COURT: All right, thank you. Would the State
6 like to inquire further?

7 MS. BLUTH: Yes, please. Good afternoon, Mr.
8 Parshall. In regards to your daughters, when -- well, first
9 of all, how did you find out about it? How did you find out
10 it had happened?

11 PROSPECTIVE JUROR NO. 658: They came home and told
12 us.

13 MS. BLUTH: Okay. So was it one isolated incident
14 and then they came home and told you?

15 PROSPECTIVE JUROR NO. 658: It was -- it was
16 actually two specific incidents. It happened in consecutive
17 days.

18 MS. BLUTH: Okay. So the first day, they did not
19 come home and say anything?

20 PROSPECTIVE JUROR NO. 658: No.

21 MS. BLUTH: And --

22 PROSPECTIVE JUROR NO. 658: It -- it was -- the
23 first day was not as advanced or severe as the second day was.

24 MS. BLUTH: Okay. And so the second day, they come
25 home and all three of them tell you and your wife?

1 PROSPECTIVE JUROR NO. 658: The older -- the older
2 two did. My oldest daughter is deaf, so it was a little bit
3 difficult for her to express that at the time. We were still
4 dealing with her -- her -- her deafness and communication --

5 MS. BLUTH: Okay.

6 PROSPECTIVE JUROR NO. 658: -- at the time. That
7 was a fairly recent change for her. And so there was some
8 questions about what was -- exactly what was going on. But we
9 were able to determine from the conversation that things that
10 were inappropriate had happened.

11 MS. BLUTH: And then did you confront him or what -
12 - was it a him or a her?

13 PROSPECTIVE JUROR NO. 658: It was a him.

14 MS. BLUTH: Okay. I thought you said him.

15 PROSPECTIVE JUROR NO. 658: A him. It was the
16 brother of the husband of our next door neighbors.

17 MS. BLUTH: Okay.

18 PROSPECTIVE JUROR NO. 658: We had been friends for
19 six or seven years with our next door neighbors, good -- good
20 people. And recently he had come to live with them.

21 MS. BLUTH: Oh, okay. And so how did he catch wind
22 that you knew what had happened? Did you guys go over and
23 confront him? Were the police called?

24 PROSPECTIVE JUROR NO. 658: I called the police to
25 find out what the proper method would be. I figured that my

1 preferred method would be inappropriate.

2 MS. BLUTH: Probably.

3 PROSPECTIVE JUROR NO. 658: But I called to find out
4 what I should have done. And they sent an investigator out to
5 talk with us and to meet with us and to meet with the kids.
6 And then they set up some further meetings down with the
7 police department and we went and followed through with that.
8 And then it was given to an Assistant District Attorney and
9 she worked with it. And the process lasted about -- I would
10 say two and a half weeks with -- with their investigation.

11 MS. BLUTH: Okay.

12 PROSPECTIVE JUROR NO. 658: And I think -- it's been
13 a long time, but I think it was within a couple of days of us
14 reporting it that the investigator actually went next door to
15 talk with them. We didn't -- we didn't broach the subject
16 with them at all.

17 MS. BLUTH: Okay. And then -- but he -- so then he
18 found out about it and he fled?

19 PROSPECTIVE JUROR NO. 658: Yes.

20 MS. BLUTH: Okay. So you -- were charges actually
21 filed against him though? Did the District Attorney pursue
22 the charges?

23 PROSPECTIVE JUROR NO. 658: I don't -- I don't
24 believe so. Literally within the day that he found out that
25 they were looking at it, the next day the investigator called

1 us and said that they had reason to believe that he had gone
2 back to Puerto Rico.

3 MS. BLUTH: Okay. But you said that you -- your --
4 your children -- well, your family, you and your wife and then
5 your three daughters, you had to go to interviews and go to
6 the police station and so on and so forth?

7 PROSPECTIVE JUROR NO. 658: Um-hum.

8 MS. BLUTH: Was that difficult for your family to go
9 through that process?

10 PROSPECTIVE JUROR NO. 658: It was no picnic. It
11 was -- it was difficult at the time. The process was handled
12 very professionally. I thought it was as -- they were as
13 gentle as they could have been. You know, we wouldn't have
14 stood for anything other than that. There was an offer of
15 counseling and support and things like that afterwards.

16 MS. BLUTH: Okay. Did your family take part in
17 that, the counseling?

18 PROSPECTIVE JUROR NO. 658: Yeah, we did.

19 MS. BLUTH: Did you find it beneficial?

20 PROSPECTIVE JUROR NO. 658: We did.

21 MS. BLUTH: Okay. Any issues with someone suing
22 civilly as well as taking part, you know, in the criminal
23 proceedings?

24 PROSPECTIVE JUROR NO. 658: No, I have no problems
25 with that, I've done that.

1 MS. BLUTH: You've done that?

2 PROSPECTIVE JUROR NO. 658: Yes.

3 MS. BLUTH: Okay. And what type of lawsuit were you
4 involved in?

5 PROSPECTIVE JUROR NO. 658: In 1999, my oldest son
6 was killed in a single vehicle accident caused by the -- the
7 trailer, the dolly that he was pulling that he had rented,
8 that was pulling a car down to his fiance's house down in
9 southern California.

10 MS. BLUTH: Okay.

11 PROSPECTIVE JUROR NO. 658: And just shy of state
12 line Nevada, it -- there was a bolt missing, there was some
13 problems with the maintenance of the dolly. It pulled him to
14 the center and they had -- that was when they were widening
15 I-15 there. And it hooked the edge of the pavement and
16 flipped his truck.

17 MS. BLUTH: Oh, I'm sorry. So you pursued civilly
18 your rights?

19 PROSPECTIVE JUROR NO. 658: Yes.

20 MS. BLUTH: Or on behalf of him?

21 PROSPECTIVE JUROR NO. 658: Yes.

22 MS. BLUTH: Okay. Do you watch any of the crime
23 shows?

24 PROSPECTIVE JUROR NO. 658: I -- no. I don't watch
25 television that much at all if --

1 MS. BLUTH: Twelve kids, it's probably busy.

2 PROSPECTIVE JUROR NO. 658: Yeah, kind of.

3 MS. BLUTH: Yeah. In regards to having any negative
4 contacts with law enforcement where you felt you weren't
5 treated fairly?

6 PROSPECTIVE JUROR NO. 658: I -- I -- I have nothing
7 that I would say I was ever treated unfairly.

8 MS. BLUTH: Okay. The question regarding, you know,
9 a victim's testimony, if believed beyond a reasonable doubt,
10 on it's own is sufficient to sustain a guilty verdict.

11 PROSPECTIVE JUROR NO. 658: Um-hum.

12 MS. BLUTH: Your thoughts on that?

13 PROSPECTIVE JUROR NO. 658: It's my understanding
14 that the person who has experienced something like that is
15 probably the best witness to describe how they would feel and
16 what happened to them. So I -- I -- I have -- I have no
17 problem with accepting that concept.

18 MS. BLUTH: When your three children came to you,
19 now you didn't have DNA and you didn't have fingerprints; did
20 you believe your three children?

21 PROSPECTIVE JUROR NO. 658: Yes, I did.

22 MS. BLUTH: Did you know that those things happened
23 to them?

24 PROSPECTIVE JUROR NO. 658: Did I know that they
25 happened to them?

1 MS. BLUTH: Yeah.

2 PROSPECTIVE JUROR NO. 658: Yes.

3 MS. BLUTH: And you didn't need that? You didn't
4 need those other things?

5 PROSPECTIVE JUROR NO. 658: I -- did I need that
6 other kind of evidence? I did not.

7 MS. BLUTH: Okay. Nothing further. Thank you, Mr.
8 Parshall.

9 THE COURT: Defense.

10 MR. MANINGO: Mr. Parshall, when that incident
11 happened with your daughters, they told you right away?

12 PROSPECTIVE JUROR NO. 658: They told us on the
13 second day.

14 MR. MANINGO: Okay.

15 PROSPECTIVE JUROR NO. 658: Yes.

16 MR. MANINGO: So within two days they told you? Is
17 that what you're saying? Within two days?

18 PROSPECTIVE JUROR NO. 658: It happened on two days.

19 MR. MANINGO: Oh, I see.

20 PROSPECTIVE JUROR NO. 658: Let's say a Monday and a
21 Tuesday and they told us Tuesday afternoon.

22 MR. MANINGO: Oh, okay. So they told you
23 immediately then?

24 PROSPECTIVE JUROR NO. 658: Yes.

25 MR. MANINGO: Okay. And -- and they were only how

1 old?

2 PROSPECTIVE JUROR NO. 658: My daughter -- my oldest
3 daughter was like, I'm thinking eight, maybe nine, at the
4 time. It's -- it's been a long time.

5 MR. MANINGO: Sure.

6 PROSPECTIVE JUROR NO. 658: And then five and four.

7 MR. MANINGO: Okay. Now, the individual who -- let
8 me say this. Because the individual who hurt your daughters,
9 because he was guilty, you know that that doesn't mean that
10 anyone accused is guilty?

11 PROSPECTIVE JUROR NO. 658: Absolutely.

12 MR. MANINGO: Okay. And you'll be able to separate
13 that from -- from Mr. Farmer?

14 PROSPECTIVE JUROR NO. 658: Certainly.

15 MR. MANINGO: Okay. Will -- will sitting through a
16 trial and hearing about accusations of sexual abuse, will any
17 of that hit too close to home for you, where it will effect
18 you emotionally? That you feel like this wouldn't be the kind
19 of trial that -- that you're best suited for?

20 PROSPECTIVE JUROR NO. 658: I am no stone. I can't
21 say that a trial like that wouldn't affect me. I think it
22 would affect anybody that would have to discuss those topics
23 and things. I -- I spent literally years dealing with that on
24 an emotional level. And I -- we went through the counseling
25 process. We -- we had the support of family and friends and

1 church members. We understand that people choose to do things
2 that I would never consider appropriate in any case. But it
3 -- and it took me probably 20 years before I was able to
4 honestly say that I could look that guy in the eye today and
5 forgive him.

6 My daughters suffered no ill effects from that, from
7 their childhood. It hasn't affected them. My oldest daughter
8 is -- is not married, but that's by her choice. The other two
9 daughters -- the middle one at the time, she now has seven
10 children and is married to a great guy. That hasn't affected
11 her in a negative way.

12 And neither one of those two have any conscious
13 memory of those incidents at all. It's -- it's not been
14 something that we bring up in our family. It's not something
15 that we, you know, dwell on and talk on. It was something
16 that happened 30 years ago, and we dealt with it at the time
17 and it's -- it's essentially over for us.

18 MR. MANINGO: Okay. And really all I'm asking is --
19 or, you know, we don't want to undo 20 years of healing --

20 PROSPECTIVE JUROR NO. 658: Right, I understand.

21 MR. MANINGO: -- by -- by having you have to sit
22 through a situation. So if you think that that would be a
23 problem, I mean, there's lots of trials.

24 PROSPECTIVE JUROR NO. 658: I have -- I have enough
25 of my own baggage to carry around from my own life. I don't

1 need to be carrying his baggage around, too. That's not
2 something that I worry about.

3 MR. MANINGO: Okay.

4 PROSPECTIVE JUROR NO. 658: And I don't think that
5 that would -- you know, I'm not going to have flashbacks and
6 nightmares and cold sweats and things like that.

7 MR. MANINGO: Okay.

8 PROSPECTIVE JUROR NO. 658: It's not going to have a
9 problem.

10 MR. MANINGO: Okay.

11 PROSPECTIVE JUROR NO. 658: That's -- I've been able
12 to talk with -- about -- about that incident a number of times
13 since then with other people that have had those kinds of
14 things and I didn't have a problem like the one you're
15 concerned about.

16 MR. MANINGO: Okay. Very good, very good. You
17 watch the news, read the news, that kind of thing?

18 PROSPECTIVE JUROR NO. 658: Rarely.

19 MR. MANINGO: Okay. Do you believe that the media
20 can have an affect on people?

21 PROSPECTIVE JUROR NO. 658: Absolutely.

22 MR. MANINGO: Okay. Twelve -- twelve kids?

23 PROSPECTIVE JUROR NO. 658: Yeah.

24 MR. MANINGO: Okay. I'm sure you've had to --

25 PROSPECTIVE JUROR NO. 658: Tried for more, but that

1 was all we ended up with.

2 MR. MANINGO: You've had plenty of opportunities
3 where you've had to judge credibility, figure out stories,
4 that kind of thing?

5 PROSPECTIVE JUROR NO. 658: Have you ever had
6 somebody ask you to marry your daughter?

7 MR. MANINGO: Not yet.

8 PROSPECTIVE JUROR NO. 658: I have.

9 MR. MANINGO: Fifteen and ten.

10 PROSPECTIVE JUROR NO. 658: Yeah.

11 MR. MANINGO: I'm on my way.

12 PROSPECTIVE JUROR NO. 658: It's pretty exciting and
13 there's some serious credibility checks there. Yes, I have.

14 MR. MANINGO: So --

15 PROSPECTIVE JUROR NO. 658: And I've been a
16 supervisor at work and I've been an employer. I understand
17 how that kind of thing works. And yes, it's -- it's a
18 challenge, but there are things that you can look for and ways
19 that you can balance what they're saying and compare it to
20 what they do and things like that.

21 MR. MANINGO: Okay. And you feel confident --
22 excuse me -- you feel confident you can do that throughout
23 this trial?

24 PROSPECTIVE JUROR NO. 658: Certainly.

25 MR. MANINGO: Okay. Thank you, Mr. Parshall. I'll

1 pass the juror.

2 THE COURT: Thank you. If you would hand the
3 microphone over to Mr. Sheldon.

4 Mr. Sheldon, let me actually, you know, ask the rest
5 of you all now, too. Do any of you have a bumper sticker on
6 your car? So we'll just get that out of the way. All right,
7 the record will reflect a negative -- uniform negative
8 response to the three remaining jurors.

9 Mr. Sheldon, tell us about yourself.

10 PROSPECTIVE JUROR NO. 659: Okay, yeah. I'm -- I
11 run Sober Living Homes which is -- I'm contracted with West
12 Care Detox and Salvation Army and the mission and stuff like
13 that. And what I do is I -- I take gentlemen, men only, that
14 have substance abuse problems or alcohol problems, dependency,
15 and take them from detox to one of my homes and counsel them
16 there, make sure they go to meetings everyday. Sometimes the
17 Court will order some to my houses, whatever.

18 I'm an alcoholic and an addict, too, and I will be
19 for the rest of my life. Just because I've got 24 years under
20 my belt doesn't mean I'm not going to relapse tomorrow. So I
21 go to meetings every day myself and that's a good example to
22 set for these guys coming in. I take them to meetings, I -- I
23 work with them. I have people under me that work with them.
24 I'm the director of the whole place. So I feel like I got a
25 second chance in life and I like to give back, so that's in a

1 nutshell what I do.

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

4 PROSPECTIVE JUROR NO. 659: I have been here 26
5 years, 24 of it so clean and sober.

6 THE COURT: All right, congratulations.

7 PROSPECTIVE JUROR NO. 659: First two on the
8 Boulevard.

9 THE COURT: Okay. Are you married, single,
10 divorced?

11 PROSPECTIVE JUROR NO. 659: I'm single and I'm
12 looking.

13 THE COURT: All right. Looking, okay. And do you
14 have any children?

15 PROSPECTIVE JUROR NO. 659: I have one daughter,
16 she's 30 years old and she lives in California and she's
17 married and has two children and she's in real estate.

18 THE COURT: Okay. Any reason you think that you
19 could not be fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 659: No.

21 THE COURT: Any -- did you hear all of the questions
22 that have been asked of the other jurors, and was there
23 anytime when you thought to yourself, ah, when they get to me,
24 I'm going to need -- they're going to ask me that question and
25 I'm going to need to --

1 PROSPECTIVE JUROR NO. 659: No, no.

2 THE COURT: No.

3 PROSPECTIVE JUROR NO. 659: Other than the -- than
4 the avocado rustling or whatever she was, I have no problems
5 with anybody else.

6 THE COURT: Okay. Actually what she said was not
7 that she was or anybody was an avocado rustler. Just that it
8 was the kind of case that she couldn't sit on. If he was
9 accused of avocado rustling, which I don't believe is a crime
10 in Nevada, but --

11 PROSPECTIVE JUROR NO. 659: Okay, I --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 659: We couldn't hear that
14 well over there.

15 THE COURT: Just to clarify that's what she said.

16 PROSPECTIVE JUROR NO. 659: We just got the part --
17 we got -- we got what we got there, so.

18 THE COURT: All right. Okay. Would the State like
19 to inquire further?

20 MS. BLUTH: In regards to the Sober Living Homes
21 that you run, have you ever had someone who was a victim of a
22 crime, then turned to alcohol or another substance to deal
23 with it?

24 PROSPECTIVE JUROR NO. 659: Oh, sure, sure. Whether
25 it be a family abuse, or used alcohol and drugs as a crutch

1 because they lost a leg or what it may be -- whatever it may
2 be, absolutely.

3 MS. BLUTH: Or have you had anyone use the alcohol
4 or the substance to kind of, you know, deal with the
5 situation?

6 PROSPECTIVE JUROR NO. 659: Absolutely.

7 MS. BLUTH: Whether it be pain, fear?

8 PROSPECTIVE JUROR NO. 659: Sure, sure. I did that
9 myself.

10 MS. BLUTH: You used the substance to, like, forget
11 an incident?

12 PROSPECTIVE JUROR NO. 659: To forget, yeah. I -- I
13 come from California and I was ranked number one in the State
14 of California, shortstop, baseball. Got a fully paid
15 scholarship to Arizona State and made it to -- got drafted to
16 the San Francisco Giants and tore ligaments in my leg and
17 there goes my professional career, you know. So I started
18 drinking.

19 MS. BLUTH: Um-hum.

20 PROSPECTIVE JUROR NO. 659: You know, just to forget
21 and this and that. As I know now, that doesn't help, you
22 know.

23 MS. BLUTH: Right.

24 PROSPECTIVE JUROR NO. 659: But -- so I share that
25 story a lot. I do a lot of speaking engagements, you know, to

1 -- not just younger people, but to people my age and older
2 that are just starting the recovery or that need recovery.
3 And I share my experience, strength and hope with them, you
4 know, so maybe they can relate. Maybe if they're an athlete,
5 they can relate to where I was, you know.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NO. 659: So that's pretty much
8 what I do. So I'm happy with my life right now, you know.

9 MS. BLUTH: Good.

10 PROSPECTIVE JUROR NO. 659: Do I have everything I
11 want? No. But I have everything I need and that's -- that's
12 -- that's it, I'm doing --

13 MS. BLUTH: Okay, thank you. You seem like you're
14 comfortable speaking in front of other people.

15 PROSPECTIVE JUROR NO. 659: Yeah.

16 MS. BLUTH: Right?

17 PROSPECTIVE JUROR NO. 659: Yeah, yeah.

18 MS. BLUTH: So I don't -- if you are selected, you
19 would be fine in that process?

20 PROSPECTIVE JUROR NO. 659: Oh, absolutely, yeah.

21 MS. BLUTH: The -- the question regarding to you
22 find any -- do you take any issue with someone suing civilly
23 if they were wronged criminally?

24 PROSPECTIVE JUROR NO. 659: No.

25 MS. BLUTH: Do you think -- can you see reasons why

1 someone would want to?

2 PROSPECTIVE JUROR NO. 659: Absolutely, yeah. As
3 long as it's on the up and up, you know, I have no problem
4 with that.

5 MS. BLUTH: All right. You know, the question about
6 the fingerprints, DNA that you've heard a million times. What
7 are your thoughts on that?

8 PROSPECTIVE JUROR NO. 659: Well, first of all, I
9 thought you were going to ask about the TV show I watch and
10 you guys are all going to laugh, I like American Idol, okay.
11 That's what I watch, right.

12 MS. BLUTH: Who do you like, Judge --

13 PROSPECTIVE JUROR NO. 659: I like American Idol,
14 yeah.

15 MS. BLUTH: Okay.

16 PROSPECTIVE JUROR NO. 659: No, but I have seen
17 those shows and it's Hollywood, you know.

18 MS. BLUTH: Okay.

19 PROSPECTIVE JUROR NO. 659: So that's my opinion
20 anyway.

21 MS. BLUTH: All right. Have you ever known someone
22 who was sexually assaulted?

23 PROSPECTIVE JUROR NO. 659: No.

24 MS. BLUTH: Have you ever had any experience with
25 someone who suffers from seizures or a seizure disorder?

1 PROSPECTIVE JUROR NO. 659: No.

2 MS. BLUTH: Do you want to serve as a juror?

3 PROSPECTIVE JUROR NO. 659: Absolutely.

4 MS. BLUTH: Why?

5 PROSPECTIVE JUROR NO. 659: I've never done it
6 before and I'll tell you what, it actually takes away from the
7 house and, you know, I can -- I do have people that can cover
8 for me that will take over. It's -- I think it will be very
9 enjoyable actually. I want to do what's right, you know.
10 Ever since my past, I've had a rocky past and I'll tell you,
11 it's just I wouldn't have a chance to do this, you know, if I
12 was in my disease. I wouldn't, so.

13 MS. BLUTH: Do -- have you ever had any negative
14 contacts with law enforcement?

15 PROSPECTIVE JUROR NO. 659: No.

16 MS. BLUTH: Any other questions that you can think
17 of that you feel like you had a strong opinion about that I've
18 asked?

19 PROSPECTIVE JUROR NO. 659: No, none that I can
20 think of.

21 MS. BLUTH: Okay, thank you. Nothing further.

22 PROSPECTIVE JUROR NO. 659: You're welcome.

23 THE COURT: Defense.

24 MR. MANINGO: Thank you, Your Honor. Hi, Mr.
25 Sheldon.

1 PROSPECTIVE JUROR NO. 659: Hi.

2 MR. MANINGO: Just a few quick follow-ups. In your
3 work as a -- as a counselor for people who are addicted to --
4 addicted to substances, do you work with anyone addicted to
5 opiates, pain medication?

6 PROSPECTIVE JUROR NO. 659: All the time, yes.

7 MR. MANINGO: You -- that would include morphine,
8 that kind of thing? Have you seen -- have you had any
9 experience working with people who have problems with both
10 those types of medications, as well as alcohol, combined?

11 PROSPECTIVE JUROR NO. 659: Absolutely, yeah.

12 MR. MANINGO: Okay..

13 PROSPECTIVE JUROR NO. 659: Yeah. The -- you know,
14 you get the people that come in and they say, well, my drug of
15 choice is -- is Xanax. So, I'm not an alcoholic, you know. I
16 drank alcohol a lot, but I'm not an alcoholic. So they quit
17 the Xanax, then they go to the alcohol and they say, well, my
18 drug of choice -- so yes, all the time.

19 MR. MANINGO: All right.

20 PROSPECTIVE JUROR NO. 659: Cross-addition,
21 whatever, yeah.

22 MR. MANINGO: Right.

23 PROSPECTIVE JUROR NO. 659: People come in -- in
24 fact, that's -- unfortunately for them, that's one of the
25 easiest things to spot when they -- when they're on it for me.

1 MR. MANINGO: What is?

2 PROSPECTIVE JUROR NO. 659: I don't have -- opiates.

3 MR. MANINGO: Oh.

4 PROSPECTIVE JUROR NO. 659: It's -- anything like
5 that.

6 MR. MANINGO: Okay.

7 PROSPECTIVE JUROR NO. 659: Because they nod, they
8 nod out, you know. And it's real easy for me to spot. I
9 don't even test them. I don't have to break out a test kit, I
10 just say --

11 MR. MANINGO: Right.

12 PROSPECTIVE JUROR NO. 659: -- Be honest with me,
13 I'll send you to West Care, you know, give you the -- stay
14 there for three or four days, bring you back for a second
15 chance, you know, if you're honest with me. If I have to go
16 upstairs and test you, you're gone.

17 MR. MANINGO: Okay.

18 PROSPECTIVE JUROR NO. 659: So I deal with people's
19 lives every day, you know.

20 MR. MANINGO: Okay. And you said if they're honest
21 with you.

22 PROSPECTIVE JUROR NO. 659: Um-hum.

23 MR. MANINGO: Have you seen that people who are
24 inflicted with this type of disease, of substance abuse, that
25 there are issues with their credibility at times?

1 PROSPECTIVE JUROR NO. 659: Oh, absolutely.
2 MR. MANINGO: Because of --
3 PROSPECTIVE JUROR NO. 659: I don't know an
4 alcoholic or an addict that doesn't lie, okay.
5 MR. MANINGO: Okay.
6 PROSPECTIVE JUROR NO. 659: That's -- that's what
7 they do, what we do, you know.
8 MR. MANINGO: And --
9 PROSPECTIVE JUROR NO. 659: And that's just what we
10 do. We lie to get what we want, and when we get it, that's
11 fine. But, you know, through the program or through my
12 experiences, it's not worth it anymore.
13 MR. MANINGO: I -- I couldn't of -- you know, that's
14 exactly what I was asking. Thank you, Mr. Sheldon.
15 PROSPECTIVE JUROR NO. 659: Yeah.
16 MR. MANINGO: I pass this witness (sic).
17 THE COURT: Thank you.
18 MR. MANINGO: Or this juror.
19 THE COURT: Thank you. And you'll hand the
20 microphone to Mr. Brooks.
21 Mr. Brooks --
22 PROSPECTIVE JUROR NO. 662: Good afternoon.
23 THE COURT: -- tell us about yourself and good
24 afternoon.
25 PROSPECTIVE JUROR NO. 662: My name is Robert

1 Brooks. I moved here from Rochester, New York, in 2002. I've
2 been an electrician for 22 years. After the real estate
3 debacle here, that kind of went down the tubes and I took a
4 job at the airport at American Airlines. And I'm single and
5 available and --

6 THE COURT: Well, you're going to be in competition.

7 PROSPECTIVE JUROR NO. 662: And most of my family is
8 back at home in New York.

9 THE COURT: Okay. Were you ever married?

10 PROSPECTIVE JUROR NO. 662: No.

11 THE COURT: Okay. So, no kids?

12 PROSPECTIVE JUROR NO. 662: No kids.

13 THE COURT: Anything that you want to bring to our
14 attention as being a reason that you could not be fair and
15 impartial in this case?

16 PROSPECTIVE JUROR NO. 662: I have nothing.

17 THE COURT: Thank you. State like to inquire
18 further?

19 MS. BLUTH: Watch any of the shows?

20 PROSPECTIVE JUROR NO. 662: I've watched them,
21 they're highly dramatic and made for couch potatoes.

22 MS. BLUTH: Okay.

23 PROSPECTIVE JUROR NO. 662: I'm sorry.

24 MS. BLUTH: That's okay.

25 PROSPECTIVE JUROR NO. 662: That's probably my boss

1 calling.

2 MS. BLUTH: Don't worry about it.

3 PROSPECTIVE JUROR NO. 662: I'm sorry, Your Honor,
4 I'm --

5 THE COURT: That's all right. That's a great boss
6 line.

7 PROSPECTIVE JUROR NO. 662: Yes. I thought it was
8 on silent, but it just -- it didn't work, I'm sorry.

9 MS. BLUTH: That's okay, don't worry about it. So
10 are the -- you know, the things that you see in that show,
11 those aren't things that you would expect to see in a
12 courtroom?

13 PROSPECTIVE JUROR NO. 662: No, absolutely not.

14 MS. BLUTH: And the question I've asked about the
15 victim's testimony, how do you feel about that statement?

16 PROSPECTIVE JUROR NO. 662: I'm sorry?

17 MS. BLUTH: The question that I've asked previously
18 about a victim's testimony, on its own, if believe beyond a
19 reasonable doubt, is enough to sustain a verdict of guilty.

20 PROSPECTIVE JUROR NO. 662: Correct.

21 MS. BLUTH: Your thoughts on that?

22 PROSPECTIVE JUROR NO. 662: I -- I -- I have no
23 problem with that.

24 MS. BLUTH: Do you have any issue with someone
25 pursuing their rights civilly?

1 PROSPECTIVE JUROR NO. 662: Oh, no.

2 MS. BLUTH: You -- do you want to be a juror?

3 PROSPECTIVE JUROR NO. 662: Yes.

4 MS. BLUTH: Do you think you would be a good one?

5 PROSPECTIVE JUROR NO. 662: I would be a great one.

6 MS. BLUTH: Really? Tell me about that.

7 PROSPECTIVE JUROR NO. 662: I am very attentive and
8 I -- I'm a real stickler for details.

9 MS. BLUTH: Okay.

10 PROSPECTIVE JUROR NO. 662: I pay attention.

11 MS. BLUTH: All right. Have you ever known someone
12 who's been a victim of a sexual assault?

13 PROSPECTIVE JUROR NO. 662: No.

14 MS. BLUTH: When you say you're a stickler for
15 details, you know, that could mean a couple of different
16 things. You know, you're very observant and you could pick up
17 on everything? Or are you like -- are you a very black and
18 white person?

19 PROSPECTIVE JUROR NO. 662: No. Just I -- I want --
20 I observe everything within my surroundings and become -- and
21 have a better situational awareness of things. So I like the
22 details. I do a little bit of stock market investing and you
23 have to be a real stickler for the details when you put your
24 money up, so.

25 MS. BLUTH: Have you ever been in a situation that

1 I've spoken about before where you felt like something was off
2 or you felt like something was wrong, you didn't say
3 something. And then time passes and you're like, I should
4 have dealt with that differently, or you -- or you do end up
5 readdressing it?

6 PROSPECTIVE JUROR NO. 662: I -- if I see something
7 that's off, I try to address it right away.

8 MS. BLUTH: Can you think of reasons why a victim of
9 certain crimes wouldn't do that?

10 PROSPECTIVE JUROR NO. 662: I could only -- I could
11 only theorize and -- out of fear or retaliation that they
12 wouldn't do it right away.

13 MS. BLUTH: Okay. That's all I have for you, thank
14 you.

15 PROSPECTIVE JUROR NO. 662: Thank you.

16 THE COURT: Defense.

17 MR. MANINGO: Hi, Mr. Brooks.

18 PROSPECTIVE JUROR NO. 662: Good afternoon.

19 MR. MANINGO: Watch any news, read any news, that
20 kind of thing?

21 PROSPECTIVE JUROR NO. 662: More financial news,
22 anything else, that's about it.

23 MR. MANINGO: Okay. Well, as someone who invests in
24 the stock market, would you agree that there -- you have to
25 look at, sort of, human nature a little bit and --

1 PROSPECTIVE JUROR NO. 662: Oh, yes.

2 MR. MANINGO: -- it affects the market?

3 PROSPECTIVE JUROR NO. 662: Oh, yeah.

4 MR. MANINGO: Would you agree that the media can
5 effect --

6 PROSPECTIVE JUROR NO. 662: Absolutely. Ben
7 Bernanke has been -- every time he opens his mouth, stock
8 market goes down.

9 MR. MANINGO: Okay.

10 PROSPECTIVE JUROR NO. 662: So just one person can
11 have huge, huge ramifications.

12 MR. MANINGO: Okay. Either yourself or your family
13 have any legal background?

14 PROSPECTIVE JUROR NO. 662: No.

15 MR. MANINGO: Okay. What about medical?

16 PROSPECTIVE JUROR NO. 662: No.

17 MR. MANINGO: Okay. Do you feel like you'll be
18 comfortable judging credibility of witnesses, whether they're
19 telling the truth, that kind of thing?

20 PROSPECTIVE JUROR NO. 662: Yes.

21 MR. MANINGO: And you'll -- you'll apply something
22 you're good at which is looking at the details and --

23 PROSPECTIVE JUROR NO. 662: Correct.

24 MR. MANINGO: Okay. If -- if you were sitting over
25 at my table, is there any reason why -- why we would be

1 concerned about whether or not you could be fair or impartial?

2 PROSPECTIVE JUROR NO. 662: No.

3 MR. MANINGO: Okay. And you said that you think you
4 would make a great juror?

5 PROSPECTIVE JUROR NO. 662: Yes.

6 MR. MANINGO: Thank you, Mr. Brooks.

7 PROSPECTIVE JUROR NO. 662: Thank you.

8 THE COURT: Okay. If you would pass that to Miss --
9 Ms. Aliata.

10 PROSPECTIVE JUROR NO. 684: Yes, it's me.

11 THE COURT: And tell us about yourself.

12 PROSPECTIVE JUROR NO. 684: Well, I'm a housewife.
13 I live in this country for 23 years. I'm from Argentina
14 originally. And I live here in Nevada for 15. I was first in
15 Miami Beach for eight years. And I'm married, like I said. I
16 have two boys, 17 and 15, they don't want me home. And -- and
17 I have a part-time job in Las Vegas, Nevada Convention Center,
18 like -- like traffic attendant.

19 THE COURT: What does your husband do?

20 PROSPECTIVE JUROR NO. 684: He works in an antique
21 store. He's like maintenance, he do packing, all that kind of
22 stuff.

23 THE COURT: Okay. Is there any reason you feel you
24 could not be fair and impartial in this case?

25 PROSPECTIVE JUROR NO. 684: No. I don't think in

1 any reason.

2 THE COURT: All right. Any questions that you heard
3 asked of the other jurors that you thought, I need to bring
4 this to the Judge's attention when it's my turn?

5 PROSPECTIVE JUROR NO. 684: No.

6 THE COURT: Okay, thank you. State?

7 MS. BLUTH: Do you -- what do you think of the
8 criminal justice system that we have here in the United
9 States?

10 PROSPECTIVE JUROR NO. 684: I think it's a good one.

11 MS. BLUTH: Okay, why?

12 PROSPECTIVE JUROR NO. 684: Because I come from
13 another country, Argentina, and I never saw nothing fair there
14 and here, you know, everybody I think get what they needs to
15 get and it's fair.

16 MS. BLUTH: You think it's fair?

17 PROSPECTIVE JUROR NO. 684: Yeah.

18 MS. BLUTH: What did you think was unfair?

19 PROSPECTIVE JUROR NO. 684: Sometimes more
20 politicians, they don't get, you know, the -- what they need
21 to get when they do something wrong about, you know, the
22 money, how they do the things there. And you can see all of
23 that. They always free, walking around and here, no, it's
24 different.

25 MS. BLUTH: Okay.

1 PROSPECTIVE JUROR NO. 684: You can see when they
2 deserve something, they get justice.

3 MS. BLUTH: Okay. So I know you have a part-time
4 job, but other than that you stay at home?

5 PROSPECTIVE JUROR NO. 684: Yeah.

6 MS. BLUTH: And so when you're not doing your
7 household duties or taking care of your children, what do you
8 do?

9 PROSPECTIVE JUROR NO. 684: Okay. I like to watch
10 TV.

11 MS. BLUTH: Okay. And what --

12 PROSPECTIVE JUROR NO. 684: CSIs, Law and --

13 MS. BLUTH: CSI --

14 PROSPECTIVE JUROR NO. 684: I love it all. It's
15 long time I don't watch though. Some -- sometime I like to
16 watch Bones.

17 MS. BLUTH: Watch what?

18 PROSPECTIVE JUROR NO. 684: The Bones.

19 MS. BLUTH: Oh, Bones.

20 PROSPECTIVE JUROR NO. 684: That's about forensic
21 things.

22 MS. BLUTH: Yeah, okay.

23 PROSPECTIVE JUROR NO. 684: But I know it's fiction,
24 I know that.

25 MS. BLUTH: Right. So do you have an idea, you

1 know, coming in here you want to see that? You want to see
2 the things that they --

3 PROSPECTIVE JUROR NO. 684: No. I -- I know that
4 what I watching on TV is more, you know, fiction it seems. I
5 like to watch those because I -- they always find the guilty
6 person. That's nice. But I know that -- I know some things
7 is different in real life.

8 MS. BLUTH: Okay. Have you ever known someone who
9 was sexually assaulted?

10 PROSPECTIVE JUROR NO. 684: No.

11 MS. BLUTH: Do you have any problems with someone
12 suing somebody civilly? So they're a victim of crime and then
13 they report the crime and then they also, you know, down the
14 road sue the person?

15 PROSPECTIVE JUROR NO. 684: No. I think it's fair.
16 They think it's fair to do that, yes.

17 MS. BLUTH: Okay.

18 PROSPECTIVE JUROR NO. 684: No, I don't have a
19 problem.

20 MS. BLUTH: Okay. Do you feel comfortable speaking
21 in front of others about your opinions?

22 PROSPECTIVE JUROR NO. 684: Yeah. I think
23 especially, yes. I can say what I think.

24 MS. BLUTH: Okay. Have you ever had any, you know,
25 negative contacts with -- with law enforcement, with police

1 officers, that you felt you weren't treated correctly?

2 PROSPECTIVE JUROR NO. 684: No, never.

3 MS. BLUTH: Okay. Thank you.

4 PROSPECTIVE JUROR NO. 684: You're welcome.

5 MS. BLUTH: I'm going to pass the juror.

6 THE COURT: Thank you.

7 MR. MANINGO: Ms. Aliata?

8 PROSPECTIVE JUROR NO. 684: Yes, that's correct.

9 MR. MANINGO: Oh, good. You had said that you watch
10 -- you watch CSI.

11 PROSPECTIVE JUROR NO. 684: Yeah.

12 MR. MANINGO: And did you also say you watch Law and
13 Order? Or --

14 PROSPECTIVE JUROR NO. 684: Yes, sometimes. A long
15 time I don't watch those ones, but yes, I used to watch those.

16 MR. MANINGO: Okay. Law and Order, they're pretty
17 mean to defense attorneys.

18 PROSPECTIVE JUROR NO. 684: Oh, yeah.

19 MR. MANINGO: You know, they --

20 PROSPECTIVE JUROR NO. 684: They're bad.

21 MR. MANINGO: Yeah, yeah. So for that reason, you
22 know that --

23 PROSPECTIVE JUROR NO. 684: Yeah, I know, I know.

24 MR. MANINGO: They're not like --

25 PROSPECTIVE JUROR NO. 684: You have the two sides

1 of the story, yeah, I know.

2 MR. MANINGO: Okay. Okay. Do you -- I mean, right
3 now, having not heard any evidence whatsoever, if you had to,
4 you know, come back with a decision of guilty or not guilty
5 right now --

6 PROSPECTIVE JUROR NO. 684: No, no, of course not.

7 MR. MANINGO: Not guilty?

8 PROSPECTIVE JUROR NO. 684: No, no, no, no, I didn't
9 -- I don't know. I don't know what to say. I didn't see the
10 -- what's going then. For me, he's not guilty, yes, until
11 it's proved contrary, right?

12 MR. MANINGO: I'm sorry, what's that?

13 PROSPECTIVE JUROR NO. 684: Not guilty.

14 MR. MANINGO: Right.

15 PROSPECTIVE JUROR NO. 684: Yeah.

16 MR. MANINGO: Because there's a presumption of
17 innocence.

18 PROSPECTIVE JUROR NO. 684: Exactly.

19 MR. MANINGO: Very good. You were asked about civil
20 lawsuits?

21 PROSPECTIVE JUROR NO. 684: If I'm -- I'm sorry,
22 what?

23 MR. MANINGO: You were asked about civil lawsuits,
24 people suing each other, that kind of thing?

25 PROSPECTIVE JUROR NO. 684: If I agree with that?

1 MR. MANINGO: Do you think there's ever any kind of
2 -- there's any silly lawsuits out there that --

3 PROSPECTIVE JUROR NO. 684: Yeah, I know. Yes, some
4 people do, yeah. For money, like you were saying before.

5 MR. MANINGO: For money.

6 PROSPECTIVE JUROR NO. 684: Yeah.

7 MR. MANINGO: Right, okay. Thank you very much.

8 PROSPECTIVE JUROR NO. 684: You're welcome.

9 THE COURT: Thank you.

10 MR. MANINGO: I will pass the juror, Your Honor.

11 THE COURT: Thank you, Mr. Maningo. All right,
12 ladies and gentlemen, on the -- like in the other regular
13 jury, the lawyers each get peremptory challenges. Because we
14 have four alternates, they each get two peremptory challenges.
15 The State's first peremptory challenge?

16 MR. KOCHEVAR: Thank you, Judge. The State would
17 thank and excuse the juror, I believe it's in seat 15, Robert
18 Brooks, 662.

19 THE COURT: Thank you, Mr. Brooks. We'll call the
20 next name in order.

21 THE CLERK: Badge 687, Jennifer Keaveney-Bridgens.

22 THE COURT: Ma'am, would you, please, just tell me
23 your name again, because I couldn't hear the Clerk say it.

24 PROSPECTIVE JUROR NO. 687: It's Jennifer Keaveney-
25 Bridgens.

1 THE COURT: Keaveney-Bridgens. All right. Tell us
2 about yourself.

3 PROSPECTIVE JUROR NO. 687: I have lived in Vegas
4 for 17 years. I have been married for 15 to my husband. He
5 works at the Will-Call Department at Southern Wine and
6 Spirits. We have a 20-year-old son, he works at the -- in the
7 restaurant, it's call Macianos, it's an Italian restaurant, he
8 works in the kitchen. I am an insurance agent. I've done
9 that 19 years. That's about it.

10 THE COURT: Have you ever served as a juror before?

11 PROSPECTIVE JUROR NO. 687: No.

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

13 PROSPECTIVE JUROR NO. 687: My car was broken into
14 about eight years ago, some stuff was stolen. There was no
15 witnesses. I reported it because I needed to do an inventory
16 listing for my insurance, but I didn't expect anything to
17 really come of it.

18 THE COURT: And nothing did?

19 PROSPECTIVE JUROR NO. 687: No. There was no
20 fingerprints, no witnesses. There was nothing for them to
21 really go on.

22 THE COURT: Okay. Have you -- have you ever had
23 anyone in your family or close friends or associates that have
24 been the victims of a serious violent crime?

25 PROSPECTIVE JUROR NO. 687: No.

1 THE COURT: Have you ever been in law enforcement?

2 PROSPECTIVE JUROR NO. 687: No.

3 THE COURT: Anyone in your family or close
4 associates?

5 PROSPECTIVE JUROR NO. 687: One of my uncles was on
6 LAPD, but it was probably 35 years, I was this big. So I --
7 it's not anything that I ever discussed with him.

8 THE COURT: Okay. Have you ever been accused of a
9 crime?

10 PROSPECTIVE JUROR NO. 687: No.

11 THE COURT: Anyone in your family or closely
12 associated with you been accused?

13 PROSPECTIVE JUROR NO. 687: My son had an incident
14 when he was 15. He and a friend thought it was really fun to
15 mix some toilet bowl cleaner and aluminum foil inside an empty
16 two-liter bottle, screw the cap on and it exploded and they
17 did it enough times that it irritated a neighbor and he called
18 Metro on them.

19 THE COURT: Okay. So was he -- was your son
20 diverted into the juvenile justice system?

21 PROSPECTIVE JUROR NO. 687: Yes.

22 THE COURT: Okay. And did you feel that he was
23 treated fairly in that?

24 PROSPECTIVE JUROR NO. 687: Yes, he was.

25 THE COURT: Okay. And is he reformed now?

1 PROSPECTIVE JUROR NO. 687: Yeah. Yeah. No more
2 bomb-making.

3 THE COURT: All right. Anything about that
4 experience with the juvenile justice system that would make it
5 so you could not be fair and impartial in this case?

6 PROSPECTIVE JUROR NO. 687: No, there is no reason
7 why I couldn't.

8 THE COURT: All right. Any reason that you think
9 you could not be fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 687: No.

11 THE COURT: Do you believe in the -- our system of
12 justice with the presumption of innocence?

13 PROSPECTIVE JUROR NO. 687: Yes.

14 THE COURT: And will you be able to follow the
15 instructions on the law as I give them?

16 PROSPECTIVE JUROR NO. 687: Yes.

17 THE COURT: Any moral or religious convictions that
18 make it where you can't sit in judgment on another person?

19 PROSPECTIVE JUROR NO. 687: No.

20 THE COURT: Thank you. Would the State like to
21 inquire further?

22 MS. BLUTH: Yes, Your Honor. I'm going to try to go
23 as fast as possible because I know it's getting late. The
24 shows, do you watch them?

25 PROSPECTIVE JUROR NO. 687: I -- we used to watch

1 CSI, I don't anymore. I watch Castle, Bones.

2 MS. BLUTH: Okay. So you do like --

3 PROSPECTIVE JUROR NO. 687: I like comedies.

4 MS. BLUTH: -- the crime shows, some of them?

5 PROSPECTIVE JUROR NO. 687: Yeah, some of them.

6 MS. BLUTH: Okay. Do you think they are realistic,
7 borderline realistic?

8 PROSPECTIVE JUROR NO. 687: Not even close to being
9 realistic.

10 MS. BLUTH: Are there things you expect to see as a
11 juror when you come into a criminal case?

12 PROSPECTIVE JUROR NO. 687: No. I'd -- I would
13 listen to the testimony and make my judgments based on that.

14 MS. BLUTH: Have you ever known the victim of a
15 sexual assault?

16 PROSPECTIVE JUROR NO. 687: No.

17 MS. BLUTH: Do you have a problem with someone suing
18 civilly?

19 PROSPECTIVE JUROR NO. 687: No.

20 MS. BLUTH: Do you feel comfortable speaking in
21 front of others?

22 PROSPECTIVE JUROR NO. 687: Yes.

23 MS. BLUTH: If you got back there and, you know, you
24 were the only one in your position, how would you deal with
25 that situation?

1 PROSPECTIVE JUROR NO. 687: I don't have an issue
2 stating my opinion. I argue with my husband all the time, I'm
3 very versed in it. We often have differing opinions that I
4 have to fight for myself.

5 MS. BLUTH: And you weren't one of the four when the
6 Judge asked the bumper sticker question.

7 PROSPECTIVE JUROR NO. 687: No.

8 MS. BLUTH: You can actually learn a lot about
9 someone and their bumper stickers believe it or not. But you
10 don't have any?

11 PROSPECTIVE JUROR NO. 687: No, I do not.

12 MS. BLUTH: Okay. And the seizure question, did I
13 ask you that?

14 PROSPECTIVE JUROR NO. 687: My nephew had a seizure
15 one time when he was very small. It was due to a high fever
16 spiking. That was the only seizure that he ever had thought.

17 MS. BLUTH: Okay. Do you want to be a juror?

18 PROSPECTIVE JUROR NO. 687: Sure.

19 MS. BLUTH: Thank you.

20 PROSPECTIVE JUROR NO. 687: Thank you.

21 THE COURT: Mr. Maningo.

22 MR. MANINGO: Thank you, Your Honor. Hello.

23 PROSPECTIVE JUROR NO. 687: Hi.

24 MR. MANINGO: Welcome. As an insurance agent, do
25 you -- have you had any experience dealing with lawsuits?

1 PROSPECTIVE JUROR NO. 687: No, I don't do claims at
2 all. I strictly do sales and service.

3 MR. MANINGO: Okay. Certainly our -- our civil
4 system of justice is an important part of the system as a
5 whole. Do you feel that there are some people who manipulate
6 that system?

7 PROSPECTIVE JUROR NO. 687: Yes.

8 MR. MANINGO: Okay. Do you consider yourself an
9 open-minded individual?

10 PROSPECTIVE JUROR NO. 687: Yes.

11 MR. MANINGO: Okay. Are you willing to -- to sit
12 and wait until the end of the all the evidence before you make
13 a decision?

14 PROSPECTIVE JUROR NO. 687: Yes.

15 MR. MANINGO: Okay. Now, you understand the State
16 has to do the proving.

17 PROSPECTIVE JUROR NO. 687: Um-hum.

18 MR. MANINGO: So -- so if you hear one witness or a
19 few days worth of witnesses from -- from the State, will you
20 automatically jump to conclusions or --

21 PROSPECTIVE JUROR NO. 687: No.

22 MR. MANINGO: -- you'll be able to keep your mind
23 open throughout the entire -- through the trial?

24 PROSPECTIVE JUROR NO. 687: Yes.

25 MR. MANINGO: Okay. Is there anything that has come

1 up over the last couple of days that you've heard that you
2 feel would be important for any of us to know about?

3 PROSPECTIVE JUROR NO. 687: No.

4 MR. MANINGO: Okay. Thank you, ma'am.

5 PROSPECTIVE JUROR NO. 687: Thank you.

6 MR. MANINGO: Pass the juror.

7 THE COURT: Thank you and it's the defense first
8 peremptory challenge.

9 MR. MANINGO: We would thank and excuse Mr.
10 Parshall.

11 THE COURT: Thank you, Mr. Parshall. Call the next
12 in order.

13 THE CLERK: Briana Rossi, badge 700.

14 THE COURT: All right. Unfortunately, it is past
15 the time that we have to -- had till today and so I thought we
16 were going to make it, but we're not going to make it. We're
17 close, but we're not there.

18 So you folks have to come back tomorrow, as well as
19 everybody here because we will have our jury, and we will
20 start the trial tomorrow. But it's going to be a little bit
21 longer before we get our alternates. And we're not coming
22 back till 1:00 o'clock tomorrow.

23 So, ladies and gentlemen, we are going to take an
24 overnight recess. During this recess, it is your duty not to
25 converse among yourselves or with anyone else on any subject

1 connected with the trial, or to read, watch or listen to any
2 report of or commentary on the trial by any person connected
3 with the trial or by any medium of information including,
4 without limitation, newspaper, television, radio or internet.
5 And you are not to form or express an opinion on any subject
6 connected with this case until it is finally submitted to you.
7 I'll see you tomorrow at 1:00 o'clock back here.

8 (Outside of the presence of the jury and prospective jurors)

9 THE COURT: All right. The record will reflect
10 we're outside the presence of the jury.

11 MS. BLUTH: Just one thing really quick, Your Honor,
12 because I know you need to be -- or someone does, but I was
13 speaking with defense about scheduling tomorrow. And I don't
14 know how much longer this process is going to take, but Mr.
15 Bashor and I are both opening and we think both of ours are
16 maybe like 40 -- anywhere between 45 and an hour; is that
17 right, Mr. Bashor?

18 MR. BASHOR: Yes.

19 MS. BLUTH: So I'm just having the hardest time
20 getting sure -- making sure witnesses are here. So we were
21 wondering if it was okay with Your Honor, if we finish picking
22 the jury, you know, swore them in, read instructions, opened
23 and I think that's going to get us pretty close. And then
24 start with witnesses right off the bat on Monday?

25 THE COURT: I think, yeah, you're right. That --

1 otherwise we're going to have people disappointed that are
2 waiting and then we don't get to them. And I don't like to do
3 that if we can avoid it. And so I'm glad we told everybody
4 five weeks, so.

5 MS. BLUTH: I haven't -- once we get moving, I think
6 we're going to --

7 THE COURT: Oh, yeah. But still, I'm going to bring
8 in 20 jurors because if we -- I mean, if something happens,
9 we've only got two people left. We've got two peremptory
10 challenges left and if somebody gets kicked for cause we're --

11 MS. BLUTH: Yeah.

12 MR. BASHOR: That's good.

13 THE COURT: -- and I -- you know, we're going to be
14 telling these same people it's going to be four weeks, so.

15 MR. MANINGO: I -- I agree on all counts, with
16 starting witnesses on Monday and bringing in more just in case
17 for tomorrow and finishing that up, so.

18 MS. BLUTH: When we bring the 20 in, do we begin --
19 are we going to, like, do I do my intro and then we ask people
20 how long can they serve or are we going to see how far we can
21 get with this group?

22 THE COURT: We're going to see if we can, just with
23 these last two. I mean, if -- if we are successful with them,
24 then --

25 MS. BLUTH: Sure.

1 THE COURT: -- we can just tell the Jury
2 Commissioner we don't need to bring them in.

3 MS. BLUTH: Okay.

4 THE COURT: Yeah, we don't want to go through that
5 if we don't have to, but we may have to.

6 MR. MANINGO: Right.

7 THE COURT: We just don't know.

8 MS. BLUTH: Okay, perfect.

9 MR. MANINGO: Very good, thank you.

10 MS. BLUTH: Thank you.

11 THE COURT: All right.

12 MR. BASHOR: Thank you.

13 THE COURT: See you tomorrow at 1:00.

14 (Court recessed at 4:06 p.m., until Friday,

15 February 7, 2014, at 1:11 p.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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No. 65935

vi.

Respondent.

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STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

CATHERINE CORTEZ MASTO
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

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