

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

2
3 MATTHEW WASHINGTON,

No. 65998

4 Appellant,

5 v.

6 THE STATE OF NEVADA,

7 Respondent.

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9 **APPELLANT'S APPENDIX VOLUME V PAGES 888-1104**

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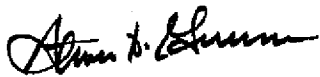
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-294695-1
	.	
Plaintiff,	.	DEPT. NO. I
	.	
vs.	.	
	.	
MATTHEW WASHINGTON,	.	TRANSCRIPT OF
	.	PROCEEDINGS
Defendant.	.	
.....	.	

BEFORE THE HONORABLE KENNETH CORY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

MONDAY, APRIL 7, 2014

APPEARANCES:

FOR THE STATE:

DANIELLE K. PIEPER, ESQ.
BARBARA F. SCHIFALACQUA
Chief Deputy District Attorneys

FOR THE DEFENDANT:

DAVID J. OTTO, ESQ.
ROBERTA OHLINGER-JOHNSON, ESQ.

COURT RECORDER:

BEVERLY SIGURNIK
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, MONDAY, APRIL 7, 2014, 1:40 P.M.

2 (Outside the presence of prospective jurors)

3 MS. PIEPER: Good morning, Your Honor. Danielle
4 Pieper and Barbara Schifalacqua on behalf of the State.

5 THE COURT: Good afternoon.

6 MS. PIEPER: This afternoon the State filed an
7 amended criminal -- or an Amended Information.

8 THE COURT: Okay.

9 MS. PIEPER: Essentially what we did is in the
10 caption portion, it says State of Nevada v. Matthew
11 Washington.

12 THE COURT: Um-hum.

13 MS. PIEPER: The body of the Information has Martell
14 Moten and an unidentified co-conspirator. The State also took
15 off the last two counts which I think were 18 and 19 and those
16 were ex-felon possession of a firearm or ex-felon -- yeah,
17 possession of a firearm for both Martell Moten as well as
18 Matthew Washington.

19 THE COURT: All right.

20 MS. PIEPER: I know that this Court knows that
21 obviously we need to sever those counts, at least the count in
22 regard to Matthew Washington. In the event that -- whether
23 Matthew Washington gets convicted or not in regard to this
24 case, the State will still proceed on the ex-felon possession
25 of a firearm.

1 THE COURT: All right.

2 MS. SCHIFALACQUA: As well as --

3 MS. PIEPER: Judge, we also wanted to make a record
4 that on January 29th, 2014, we made an offer to this
5 defendant. The offer was second with use of a deadly weapon.
6 The State took off the -- the only sentencing range in that
7 case would be a 10 to 25 for the second degree murder and we
8 took off the life tail as well as we would argue for the
9 deadly weapon.

10 The State also offered a conspiracy to commit
11 murder. Those counts would be running concurrent.

12 MS. SCHIFALACQUA: Both were rejected.

13 MS. PIEPER: And that was rejected on January 29,
14 2014. We also have, under Brady, continued our obligation to
15 give the defense attorney in this case, Mr. Otto, discovery.

16 THE COURT: Okay. Mr. Otto.

17 MR. OTTO: Good afternoon, Your Honor. David Otto
18 on behalf of Mr. Washington. I'm here with my co-counsel,
19 Roberta Ohlinger, O-h-l-i-n-g-e-r, who will be assisting me
20 with this case. That record sounds fine. I have not yet
21 received a copy of the amended, but I'm sure I will as I see
22 your Clerk marking them.

23 THE COURT: Indeed. All right. Also I understand
24 that the parties have talked and they -- they've agreed that
25 they would like the Court to inquire of the venire regarding

1 their ability to consider all three forms of punishment that
2 are available in this case?

3 MS. PIEPER: In the event that the defendant is
4 convicted of -- of a first degree murder.

5 THE COURT: Okay.

6 MS. SCHIFALACQUA: Right, Judge. We figure we can
7 do any follow-up, but that the initial questioning should come
8 from you.

9 THE COURT: All right.

10 MS. PIEPER: Judge, additionally, in this case the
11 State has not made the decision whether we are going to admit
12 Matthew Washington's statement in -- at all in regard to this
13 case.

14 THE COURT: Okay.

15 MS. PIEPER: And so we just want to put counsel on
16 notice of that, so that in the event, in his introduction or
17 even in his opening statements, not to mention any of that
18 information because obviously if he tries to bring it in, it's
19 hearsay.

20 MS. SCHIFALACQUA: Unless he's going to testify.

21 THE COURT: Unless he wants to admit them.

22 MS. PIEPER: Correct.

23 THE COURT: Is that --

24 MR. OTTO: That is my understanding, Your Honor.

25 THE COURT: Okay.

1 MR. OTTO: I'd like to thank the State for bringing
2 it up, actually.

3 THE COURT: All right. Anything else at this
4 juncture?

5 MS. PIEPER: Not by the State.

6 THE COURT: All right. We'll get our jury up here.
7 We expect to seat 33, so by exercise of the peremptories, and
8 correct me if I'm wrong, it's eight and eight, and is it two
9 and two or one and one on the alternates?

10 MS. SCHIFALACQUA: Nine total, Judge.

11 MS. PIEPER: Nine. So it's eight plus one.

12 THE COURT: Eight plus one.

13 MR. OTTO: For the alternate?

14 MS. SCHIFALACQUA: Yeah.

15 MR. OTTO: Okay.

16 MS. PIEPER: So we each get nine unless --

17 THE COURT: Well, yeah.

18 MS. PIEPER: -- unless you want us to have --

19 THE COURT: So one each on the alternate.

20 MS. SCHIFALACQUA: Yes.

21 THE COURT: So -- so the main jury will consist of
22 the first unchallenged 12, and the alternate jury will consist
23 of the first three unchallenged that are in the alternate
24 category. And it should be -- normally, we're able to set up
25 our -- our seating chart for you so you can tell exactly who

1 it is that's on that alternate. I don't know if we'll be able
2 to with this many.

3 THE CLERK: Yeah, I'm reconfiguring the form right
4 now.

5 THE COURT: Okay. We're reconfiguring it, but we --
6 we hope that when we hand it to you, it will -- but,
7 essentially, so it means that you'll have the last five,
8 right, would be the alternate -- alternates. And once you
9 each select one peremptory as to the five, then the remaining
10 three will be the three alternates.

11 MS. PIEPER: Here's my question because I'm not very
12 good with math.

13 THE COURT: Okay.

14 MS. PIEPER: My question is can we only use one
15 alternate kick on the alternate or does that kick going to the
16 entire panel? Do you know what -- do you -- does that make
17 sense?

18 THE COURT: Kick --

19 MS. PIEPER: Some judges will just give us nine.
20 They'll say since you have nine, you can use all nine, whether
21 it's on the main --

22 THE COURT: The reason I don't is that then,
23 obviously, it messes up the -- you know, any attempt at trying
24 to keep them as two discreet groups in terms of the
25 alternates.

1 MS. PIEPER: Okay.

2 THE COURT: I -- I would much prefer that you not,
3 that you use the -- use the eight on the panel itself --

4 MS. PIEPER: Okay.

5 THE COURT: -- and use the -- use your one on the
6 alternate group.

7 MS. PIEPER: Okay.

8 MR. OTTO: Will you be sitting three or two
9 alternates?

10 THE COURT: Alternates? I was going to do three,
11 one for each week, you know. And we're going to -- it appears
12 that we're going to slop over into a third week. Just as a
13 rule of thumb, I figure you can lose one a week and still come
14 out okay. So that's -- that's my plan.

15 While we're waiting for our jury, you'll recall our
16 timing, that we're figuring that Good Friday we will not be in
17 session.

18 MR. OTTO: That's a week from Friday.

19 THE COURT: Yeah. So we'll go through the balance
20 of this week. It does appear that we could start at 11:00
21 tomorrow if you wanted. My Tuesday calendar has shrunk.

22 MR. OTTO: Evaporated.

23 MS. PIEPER: Judge, we're going to ask that we
24 actually start at 1:00 tomorrow if possible. We are still
25 pretrialing some of our witnesses --

1 THE COURT: Okay.

2 MS. PIEPER: -- and they're coming in the balance of
3 the morning.

4 THE COURT: All right. As long as your confident
5 that we won't slop over at the end, that we'll get done within
6 -- in time. All right. What else?

7 (Pause in the proceedings)

8 THE COURT: Well, it looks like we are going to be a
9 couple of minutes, folks, because they were -- they -- the
10 Jury Commissioner told our people not to go down until a
11 quarter till.

12 MR. OTTO: Oh.

13 THE COURT: So we'll have a couple minutes slack
14 time here.

15 THE CLERK: Off the record?

16 THE COURT: Off the record.

17 (Off the record at 1:47 p.m. until 2:28 p.m.)

18 (In the presence of the prospective jurors)

19 THE COURT: -- to serve as trial jurors on a case
20 that is going to trial. The first thing that I want to do is
21 to thank you all for being here. We are well aware that it
22 doesn't exactly make your day when you get your jury summons
23 in the mail that says come on down, it's your turn to serve.

24 The thing about getting your -- your jury summons in
25 the mail for jury service is that it is, of course, a duty

1 which we accept as Americans. It is part and parcel of the
2 right to a jury trial, that is a trial by a jury of our peers.
3 That's one of our -- the bundle of rights that's mixed up in
4 the -- in our constitutional rights. It's one that we value
5 highly. In fact, it's one that we've actually gone to war
6 over before in order to preserve.

7 The other side of that wonderful right is that if
8 you're going to have a right to a trial by jury, you have to
9 have a jury. And so we make it a duty of everyone to come
10 down and to serve.

11 Now, having said that, we are also very aware that
12 it represents a sacrifice for each and every one of you to be
13 here. We know that -- that people come down and serve even
14 though they may be the only person in the home that's earning
15 any money. And so if they're not working because they're down
16 here serving on a jury, then nobody in the household is
17 earning any money, and yet they come and they serve.

18 We also know that there are other reasons why it may
19 be difficult for people. Generally speaking, people aren't
20 earning money or making money while they're down here serving
21 on a jury except for those wonderful jury fees that we pay. I
22 don't remember what it is, but it's usually not enough to
23 entice people to come down here.

24 And so we really do thank you. And I promise you
25 that the Court and the attorneys and everyone involved here

1 will do everything that we can to make sure that your time's
2 not wasted. In other words, that you don't wind around --
3 wind up having to sit around and cool your heels a lot of time
4 while we go through other matters that the Court must go
5 through.

6 There are some things that we have to do outside the
7 presence of the jury and there's no way to avoid that. But I
8 can assure you we'll be doing everything that we can to make
9 sure that that's held to a minimum so that your time down here
10 is not wasted.

11 This is the time set for a jury trial in Case No.
12 C-294695, State of Nevada v. Matthew Washington. Are the
13 parties ready to proceed?

14 MS. PIEPER: We are, Your Honor.

15 MR. OTTO: We are, Your Honor.

16 THE COURT: All right. The record will reflect the
17 presence of the defendant with counsel and counsel for the
18 State. I'm going to -- in order to give you an idea of what
19 this case is about, what this trial may be about, I'm going to
20 ask our attorneys to speak to you for a moment just to
21 introduce themselves and introduce, perhaps, their client to
22 you and to indicate to you what kind of a case this is. And
23 then also to tell you the names of any witnesses that they
24 expect to call.
25 //

1 I'll ask you all to please pay particular attention
2 to the names of the witnesses that are read off to you as
3 well. At a later point in time, I'll be asking you if any of
4 you know any of those people whose names are mentioned. So
5 we'll begin on behalf of the state, Ms. Pieper.

6 MS. PIEPER: Thank you, Your Honor.

7 Good afternoon. My name is Danielle Pieper and this
8 is Barbara Schifalacqua.

9 MS. SCHIFALACQUA: Good afternoon.

10 MS. PIEPER: We are Chief Deputy District Attorneys.
11 We have been assigned to prosecute the case of the State of
12 Nevada v. Matthew Washington. We have alleged that on or
13 about November 5th, 2013, at approximately 4:30 in the
14 morning, the defendant along with Martell and an unidentified
15 co-conspirator, went to 2655 Sherwood. Once they got there,
16 they shot into the apartment number 18, thirteen times. One
17 person was killed in that incident and two people were injured
18 and another person was in the home.

19 We have charged the defendant with 17 counts; one
20 count of conspiracy to commit murder, one count of murder with
21 use of a deadly weapon, three counts of attempt murder with
22 use of a deadly weapon, one count of battery with use of a
23 deadly weapon resulting in substantial bodily harm, one count
24 of battery with use of a deadly weapon and ten counts of
25 discharging a firearm.

1 I'm going to read a list of our potential witnesses
2 in this case. Just listen for the names. If you recognize
3 any of the names, the Judge will ask you at a later time if
4 you know any of them.

5 The first series of witnesses that I'm going to name
6 are from the Las Vegas Metropolitan Police Department.
7 They're either in the crime scene analysis division, they're
8 either forensic people or they're police officers.

9 Custodian of records, Brenda Maharo (phonetic),
10 Michael Cromwell, Shandra Lynch, Moretta McIntyre, James
11 Golmar (phonetic), Christina Thomas, Brenda Vaandering, Anya
12 Sanco (phonetic), Seymore Astrowski (phonetic), Christian
13 Parquette, David Arciaga (phonetic), Eric Sokolowski, Beata
14 Vida, Kristin Tucker (phonetic), Daniel Weber, Brandon Kopney
15 (phonetic), Robert Rogers, Dean Raetz, Jason McCarthy, James
16 Fink, Jessie Sams, Larry Morton, Ebony McGee, Terry Martin,
17 Matthew Gillis, Christopher Bunting (phonetic), Jocelyn
18 Maldonado, Kristin Grammas (phonetic), Shayla Joseph, Amy
19 Nemic (phonetic), Erin Taylor, John Brandon, David Johnson.

20 We also will be calling potentially, Dr. Larry Simms
21 of the Clark County Medical Examiners Office, Jerome Rubbles
22 (phonetic) of the Clark County District Attorney's Office.
23 Ashley Scott is a lay witness, Darren DeSoto and Lorraine
24 DeSoto are lay witnesses, Elizabeth Shell, Salvator Martin who
25 works with Sunrise, James Lively (phonetic), Jeff Darbrunski

1 (phonetic) and James Figaro (phonetic). Thank you.

2 THE COURT: All right, thank you. Now on behalf of
3 the defense, Mr. Otto?

4 MR. OTTO: Good afternoon, everyone. My name is
5 David Otto and I'm proud to be here on behalf of my client,
6 Matthew Washington, with my co-counsel Roberta Ohlinger.

7 The State has read the list of witnesses to you and
8 I will let the Judge take it from here.

9 THE COURT: All right. Thank you, Mr. Otto. At
10 this time, would all of the potential jurors in the courtroom
11 please stand and raise your right hand to be sworn as
12 potential jurors.

13 (Prospective jurors are sworn)

14 THE CLERK: Thank you, please be seated.

15 THE COURT: Thank you, ladies and gentlemen. Now
16 we're about to begin the jury selection process. During this
17 part of the process, you will be asked questions that bear
18 upon your ability to sit as fair and impartial jurors. In
19 order to accomplish this, questions will be asked of you by
20 myself as well as some questions by the attorneys.

21 On occasion, some of these questions may seem to you
22 to be somewhat personal. We want to assure you that we're not
23 interested in prying into people's personal lives except we
24 must ask some questions in order for the Court and for counsel
25 to be able to know that you would be able to sit as a fair and

1 an unbiased juror in this case.

2 It's important that you know the significance of
3 full and complete answers to all of the questions that we're
4 about to ask you. Please don't try to hide or withhold
5 anything that you might say that indicate any bias or
6 prejudice of any sort by you. Should you fail to answer
7 truthfully or if you hide or withhold something that touches
8 upon your qualifications to serve as a juror, then that might
9 contaminate the verdict which is ultimately rendered in this
10 case.

11 Now, for a few minutes, I'm going to concentrate my
12 questions to those who are seated in the jury box and
13 immediately in front of the jury box. However, I will ask all
14 the potential jurors in the room to please listen to these
15 questions that I give and the answers that are given because
16 it's not only possible, it's likely that at some point, one of
17 these jurors may be excused and one of you may be called up to
18 take their place. If that happens, it will greatly expedite
19 our process. If you already heard my questions, you know what
20 your answers would be to those questions and then we can get
21 caught up here.

22 Now, the first thing that I want to do is to give
23 you some idea of how long the trial might last. Now, again,
24 I'm -- I'm addressing these questions to those that are seated
25 in the jury box and right in front of the jury box right here.

1 I have sat on some trials that have lasted for quite
2 a while and not too long back, I sat on a trial that last
3 three-and-a-half months. I'm sorry, we don't have any three-
4 and-a-half month long trials for you. We think this trial
5 could go as long as two-and-a-half weeks. In other words, we
6 think that this trial will end by Wednesday, the 23rd of
7 April.

8 So let me ask -- I'm going to ask you a question and
9 then I'll ask you to raise your hand if anyone feels they need
10 to answer the question. But before I ask you the question,
11 I'm going to define a few terms for you. The question I will
12 be asking you is there anyone who feels it would be an undue
13 burden for them to sit on a jury for the next two-and-a-half
14 weeks.

15 Now, here's what I mean by an undue burden. I've
16 already indicated that to sit on a jury is a duty and I've
17 already indicated that people come down here and serve. In
18 fact, they have to come down and serve even when they're the
19 only breadwinner in the house.

20 It is not really a reason for me to excuse you that
21 -- that you might lose some money during the next two-and-a-
22 half weeks. It's not a reason for me to excuse you that --
23 that you're the only breadwinner in the house and it will
24 impose some difficulty upon you. We do understand that, but
25 while we do understand that, we know that -- that sitting on a

1 jury, while it is a sacrifice, there's no question about it,
2 it is not the kind of sacrifice that we feel at all hesitant
3 to ask citizens of this country who enjoy the freedoms in this
4 country to -- to contribute to the cause of freedom and
5 justice in our country.

6 It is, in fact -- of course, you might expect to get
7 a speech about it from a guy who's dedicated his life to it,
8 but, in fact, it is an honor to be able to participate in the
9 justice process in our country.

10 It is also -- I make a promise to people and I'll
11 make the promise to you all. For anyone who does sit on the
12 jury and who gives it their all rather than tries to figure
13 out how to get out of it, and who just does what we ask them
14 to do, listens to the evidence, listens to the instructions,
15 renders a verdict based on the evidence and the instructions,
16 at the end of the time, I will promise you that you won't be
17 sorry that you spent the time here.

18 I have yet to have anybody who did that, who told me
19 that, at the end of the process, on the way out of the jury
20 room, this was a waste of time, I'm sorry I did this. I
21 always have people say I'm surprised, I'm -- I didn't like it,
22 you know, I didn't want to have to do this, but I'm glad I did
23 it. So, I'll make the same promise to all of you.

24 When I say it would be an undue burden on you,
25 here's some examples of what I mean by an undue burden.

1 Perhaps you have that critically important surgery scheduled
2 for -- during the next two-and-a-half weeks and you can't
3 reschedule it. Maybe you have those tickets -- once-in-a-
4 lifetime tickets to Hawaii in your back pocket that you can
5 show us. Maybe you have some other thing that is critically
6 important that cannot be rescheduled. Those are the kinds of
7 things that we're looking at when we look to -- to excuse
8 someone from jury service.

9 Now, is there anyone who feels that it would be an
10 undue burden on you, the way I've described it, to sit in a
11 jury trial for the next two-and-a-half weeks? If so, please
12 raise your hand. All right. If we could get our microphone.
13 We're going to ask all of you to speak into the microphone.
14 This is how we make the record in it is in the microphone. So
15 it isn't just so we can hear you in here, it's so our court
16 recorder can get everything that's said and make a record of
17 it.

18 So now I'm going to look on my handy-dandy chart.
19 It looks like in seat number 13, Mr. Roark?

20 PROSPECTIVE JUROR NO. 976: Yes.

21 THE COURT: Yes, what's the problem?

22 PROSPECTIVE JUROR NO. 976: Could I ask for
23 clarification first?

24 THE COURT: Sure.

25 PROSPECTIVE JUROR NO. 976: When you say two-and-a-

1 half weeks, does that include weekends and to -- about what
2 extent --

3 THE COURT: That's an excellent question. I'm glad
4 you asked that.

5 PROSPECTIVE JUROR NO. 976: And what time of day
6 would we look to be getting out?

7 THE COURT: Okay. That's an excellent question.
8 When I say two-and-a-half weeks, I don't mean weekends and I
9 don't even mean -- most of the days, it doesn't mean all day
10 long. We rarely -- we try not to go after 5:00 o'clock
11 because taxpayers have to pay people to -- to be in here and
12 you all don't want, as taxpayers, don't want to have to pay
13 overtime. So we try not to go after 5:00 o'clock.

14 Additionally, Monday, Tuesday and Wednesday mornings
15 I have motion calendars. So we rarely will be -- will be
16 involved on Monday, Tuesday or Wednesday morning. Thursday
17 and Friday we go all day. Monday, Tuesday, Wednesday, we
18 usually go afternoons.

19 It might be, on occasion, maybe some occasion, if my
20 morning calendar goes away and we can schedule it all
21 beforehand, we might have you come in a little early on a --
22 on a Monday, Tuesday or Wednesday, but it would be, in other
23 words, 1:00 o'clock is what you're talking about on Monday,
24 Tuesday, Wednesday. So it's really only half a day. Then
25 Thursday and Friday we go all day and that's the way we run.

1 That's typically the way our calendar runs.

2 So thank you for bringing that out. And it doesn't
3 involve weekends. The only way you would be here weekends is
4 if the jury has retired to deliberate on a verdict at the end
5 of the trial and they're still deliberating and it runs over
6 into a weekend. If this all goes according to the timing that
7 we think this trial will take, we would be ending on
8 Wednesday, the 23rd. So I wouldn't expect you to -- to get
9 involved with weekend work.

10 PROSPECTIVE JUROR NO. 976: Based on that answer, I
11 have no --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 976: I'm --

14 THE COURT: Well, thank you, I'm glad you brought
15 that up. Now someone else right there did in seat number 15,
16 Ms. Weinberg?

17 PROSPECTIVE JUROR NO. 980: Yes, hi. I'm -- it's
18 actually Passover next week. My kids are out of school. And
19 I'm out-of-town that Wednesday after Passover through that
20 Sunday. I don't have care for my children, so we're going
21 out-of-town.

22 THE COURT: You don't have care for your children,
23 so you're going out-of-town?

24 PROSPECTIVE JUROR NO. 980: Yeah, on vacation. But
25 even if I had cancelled it, I -- they're young children, I

1 don't have --

2 THE COURT: So where -- where are you going? Maybe
3 we'll figure out -- where you going?

4 PROSPECTIVE JUROR NO. 980: California, San Diego.

5 THE COURT: It's pretty hot in the season down there
6 now, isn't it? You don't want to -- you don't want to be down
7 there. Well, this is -- this is a challenging time to be
8 doing a trial, we understand that because for a lot of folks,
9 they have spring break. But, I mean, if you had something
10 like tickets you'd already paid for on a plane and they
11 weren't refundable.

12 PROSPECTIVE JUROR NO. 980: Well, I don't have care
13 for my children. I mean, even if I wasn't going, there -- I
14 take them to work with me, I'm self-employed and they just
15 come along. So I don't --

16 THE COURT: What kind of -- what kind of work do you
17 do?

18 PROSPECTIVE JUROR NO. 980: I'm a real estate agent.

19 THE COURT: Oh, okay.

20 PROSPECTIVE JUROR NO. 980: So they just come along
21 when they -- because I don't have anything to do with them
22 when they're on break.

23 THE COURT: How old are your kids?

24 PROSPECTIVE JUROR NO. 980: They're 10 and 12.

25 THE COURT: So they're in school?

1 PROSPECTIVE JUROR NO. 980: Yeah, but they're out --

2 THE COURT: Normally, but not next week.

3 PROSPECTIVE JUROR NO. 980: We're out for Passover.

4 This is -- Friday's their last day.

5 THE COURT: Okay, all right. And you don't have any
6 other family in town?

7 PROSPECTIVE JUROR NO. 980: Not a lot. I have my
8 grandma, she's 88, but that's --

9 THE COURT: Yeah, okay. And that's it? That's the
10 only other one in town?

11 PROSPECTIVE JUROR NO. 980: Pretty much.

12 THE COURT: Okay. Well, I can't excuse you for that
13 reason, but I'll put your name down here. We'll consider
14 everything that everyone tells us, and I'll do that -- I'll
15 consider with the attorneys everything that people are telling
16 us.

17 Anyone else who thinks it would be an undue burden
18 on them? Would you pass the -- oh, back up there behind you
19 first. Back in seat number two up there, up in the corner to
20 Ms. David?

21 PROSPECTIVE JUROR NO. 905: Yes, sir.

22 THE COURT: Uh-huh.

23 PROSPECTIVE JUROR NO. 905: Sir, I can't do it
24 because my mom is really sick and I'm the one who's really
25 taking care of my mom. So I have a visitor from the

1 Philippines right now and I have -- yeah.

2 THE COURT: I missed the part about the Philippines.

3 PROSPECTIVE JUROR NO. 905: She's the one who's
4 taking care of my mom right now, but they're leaving also,
5 so --

6 THE COURT: Okay. And your mother, what does she
7 suffer from?

8 PROSPECTIVE JUROR NO. 905: She's having the
9 creatinine and the kidney, regarding the kidney, sir.

10 THE COURT: And --

11 PROSPECTIVE JUROR NO. 905: And she has to see
12 nephrologist just because for two weeks now, he's -- he can't
13 -- he can't walk. He can't hardly walk, yeah.

14 THE COURT: It's your grandfather?

15 PROSPECTIVE JUROR NO. 905: No, it's my mother.

16 THE COURT: Your mother.

17 PROSPECTIVE JUROR NO. 905: Yeah, she's 73 years
18 old.

19 THE COURT: Okay. And she can't walk?

20 PROSPECTIVE JUROR NO. 905: Yeah, she can't walk.
21 She's been ill for -- since last week. So we were --

22 THE COURT: Are you having an appointment with the
23 doctor you said?

24 PROSPECTIVE JUROR NO. 905: Yeah, we did already.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 905: And waiting for the lab
2 works instead of (indiscernible) -- she needs to be seen by
3 nephrologist because all the --

4 THE COURT: You've been to one doctor and they sent
5 you for lab work and now you're waiting to go to a specialist?

6 PROSPECTIVE JUROR NO. 905: And then -- yeah, the
7 result was -- yeah, I have a result already which I can show
8 it to you and -- but I --

9 THE COURT: When is your appointment with the
10 nephrologist?

11 PROSPECTIVE JUROR NO. 905: Well, I didn't call yet
12 because I'm here.

13 THE COURT: Ah-ha.

14 PROSPECTIVE JUROR NO. 905: They just sent me the
15 result of the nephrologist. I mean, the result of the lab
16 which I need to -- which I need to have an appointment with a
17 nephrologist -- of her nephrologist.

18 THE COURT: And has the doctor given you any
19 preliminary diagnosis of what he -- what they think is wrong?

20 PROSPECTIVE JUROR NO. 905: Well, she said that her
21 creatinine is very high, creatinine is high, and also she --
22 they seen that she's possible has diabetes, diabetic.

23 THE COURT: Diabetes, okay.

24 PROSPECTIVE JUROR NO. 905: So --

25 THE COURT: All right. Well, like I said, I can't

1 -- that's not an automatic excusal, but I'll put it down and
2 we'll discuss it with the lawyers, thank you.

3 PROSPECTIVE JUROR NO. 905: Thank you.

4 THE COURT: Anyone else who thinks that they can't
5 be here. Down in the next row in front. I think right here,
6 yeah. Well, okay, either way. All right, so this is -- is it
7 Mr. Callier?

8 PROSPECTIVE JUROR NO. 014: Kahler.

9 THE COURT: Kahler.

10 PROSPECTIVE JUROR NO. 014: Kahler.

11 THE COURT: Yes, Mr. Kahler.

12 PROSPECTIVE JUROR NO. 014: My grandma had a stroke
13 and she can't move her left side all that well and I'm the
14 only one that can take care of her right now.

15 THE COURT: Where's your folks?

16 PROSPECTIVE JUROR NO. 014: My mom, she works at the
17 hospital and it's -- she has a job where she can't really just
18 say I'm not coming in today, so.

19 THE COURT: Uh-huh. What does she do there?

20 PROSPECTIVE JUROR NO. 014: She's a -- I believe
21 she's radiology.

22 THE COURT: Radiology, okay.

23 PROSPECTIVE JUROR NO. 014: Yeah.

24 THE COURT: And your dad?

25 PROSPECTIVE JUROR NO. 014: My dad, he's looking for

1 a job, but he's not really able to get in there.

2 THE COURT: Get in --

3 PROSPECTIVE JUROR NO. 014: Go to my grandma's house
4 and take care of her.

5 THE COURT: Is it a personal situation where he
6 can't --

7 PROSPECTIVE JUROR NO. 014: Yeah, it's a personal
8 situation.

9 THE COURT: Yeah, okay. And what does your grandma
10 -- what did you say she has?

11 PROSPECTIVE JUROR NO. 014: She had a stroke and she
12 can't move her left side and she needs help walking around the
13 house.

14 THE COURT: Okay. Are you employed?

15 PROSPECTIVE JUROR NO. 014: No.

16 THE COURT: Okay. And you don't go to school?

17 PROSPECTIVE JUROR NO. 014: I already graduated from
18 school.

19 THE COURT: Okay. So you're just taking care of
20 your grandma?

21 PROSPECTIVE JUROR NO. 014: Right now, yeah.

22 THE COURT: Uh-huh. Okay. Well, I'll put all that
23 down. All right, thank you. Who else? I had -- yes, in seat
24 number 19. Is it Ms. Threat or Threat?

25 PROSPECTIVE JUROR NO. 996: It's Threat. Threat.

1 Threet.

2 THE COURT: Threat, okay. Ms. Threat.

3 PROSPECTIVE JUROR NO. 996: Well, I am self-
4 employed. I own my own sports medicine facility and so I'm
5 the only person who -- I'm my own employee, so I have that
6 throughout the day. And then also I finally was able to get
7 scheduled a vacation, I actually leave next week to go to
8 Mexico.

9 THE COURT: How far are you going in Mexico?

10 PROSPECTIVE JUROR NO. 996: On a cruise.

11 THE COURT: No. I mean where are you going in
12 Mexico?

13 PROSPECTIVE JUROR NO. 996: Yeah, I'm going on a
14 cruise, like so --

15 THE COURT: Oh, a cruise, you're going on a cruise.

16 PROSPECTIVE JUROR NO. 996: -- so the Carnival
17 cruise, out of San Diego, down to Ensenada, yeah, the four-day
18 cruise.

19 THE COURT: So you've already got the tickets and
20 everything?

21 PROSPECTIVE JUROR NO. 996: Yeah, they were actually
22 purchased today.

23 THE COURT: Oh -- oh, well, yeah, sure.

24 PROSPECTIVE JUROR NO. 996: Literally this morning
25 at 8:00 a.m.

1 MS. PIEPER: Very smart.

2 PROSPECTIVE JUROR NO. 996: Payroll, payroll came
3 in.

4 THE COURT: Nothing like being obvious.

5 PROSPECTIVE JUROR NO. 996: Yeah, yeah.

6 THE COURT: Okay. And I don't --

7 PROSPECTIVE JUROR NO. 996: Birthday vacation.

8 THE COURT: I don't suppose they're refundable?

9 PROSPECTIVE JUROR NO. 996: Oh, no.

10 THE COURT: Oh, no.

11 PROSPECTIVE JUROR NO. 996: Yeah, no, no.

12 THE COURT: And you brought them with you to show
13 us?

14 PROSPECTIVE JUROR NO. 996: Oh, no.

15 THE COURT: No.

16 PROSPECTIVE JUROR NO. 996: No, I don't have that.

17 THE COURT: Okay. Well, we'll take all that into
18 account. Thank you, Ms. Threat.

19 PROSPECTIVE JUROR NO. 996: Okay.

20 THE COURT: Now, who -- all right, Mr. Cortez.

21 PROSPECTIVE JUROR NO. 005: Yes.

22 THE COURT: This is in --

23 PROSPECTIVE JUROR NO. 005: I'm wearing a hearing
24 aid right now, but there are times that I could -- I could not
25 understand the simple conversation based on the accent. So I

1 don't know if I could be an effective juror.

2 THE COURT: Is it because of the hearing or because
3 of the --

4 PROSPECTIVE JUROR NO. 005: Because of the hearing
5 aid. It's not really --

6 THE COURT: The hearing aid.

7 PROSPECTIVE JUROR NO. 005: -- helping me much.

8 THE COURT: Yeah.

9 PROSPECTIVE JUROR NO. 005: It depends on the accent
10 of the person.

11 THE COURT: I see. I see. Well, we are fortunate
12 -- do we still have those -- we have a hearing assistive
13 device here that you can --

14 PROSPECTIVE JUROR NO. 005: Okay.

15 THE COURT: That you can --

16 PROSPECTIVE JUROR NO. 005: I'm wearing one right
17 now, but I don't know if that's going to be better.

18 THE COURT: This will -- this would help a lot more
19 than that. Usually it does. So we'll ask you to use those --

20 PROSPECTIVE JUROR NO. 005: Okay.

21 THE COURT: -- and tell us if that doesn't resolve
22 your problem.

23 PROSPECTIVE JUROR NO. 005: Give it a try.

24 THE COURT: I've never had anybody that tried it who
25 said no, this doesn't fix it. In other words, it should work.

1 Thank you. Who else now down beyond Mr. Kahler there? Was
2 there -- Ms. Flores in seat number 25.

3 PROSPECTIVE JUROR NO. 041: Okay, I have a one-year-
4 old and I don't have no babysitters for her in the morning. I
5 have to wait until my grandma gets off at 2:00 so I can go to
6 work by 3:00. And you guys don't start till 1:00. And all my
7 family only has weekends off.

8 THE COURT: Okay. And where do you work?

9 PROSPECTIVE JUROR NO. 041: At Prestige Assistant
10 Living.

11 THE COURT: I'm sorry, at where?

12 PROSPECTIVE JUROR NO. 041: Prestige Assistant
13 Living.

14 THE COURT: Oh. And what do you do there?

15 PROSPECTIVE JUROR NO. 041: I'm a server.

16 THE COURT: Okay. And your child is how old?

17 PROSPECTIVE JUROR NO. 041: One, one-and-a-half.

18 THE COURT: And it's your mom that watches the
19 child?

20 PROSPECTIVE JUROR NO. 041: No, my grandma.

21 THE COURT: Your grandma.

22 PROSPECTIVE JUROR NO. 041: Um-hum.

23 THE COURT: And you said she -- I didn't quite get
24 that, she --

25 PROSPECTIVE JUROR NO. 041: Yeah, she gets off work

1 at 2:00 and then when she comes home, I leave for work to get
2 there by 3:00.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 041: And I don't have no one
5 for --

6 THE COURT: Are you talking about -- you're talking
7 about in the afternoon, I assume?

8 PROSPECTIVE JUROR NO. 041: Um-hum.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 041: Yeah. So if there is
11 morning trials, I won't be able to come because I don't have a
12 sitter.

13 THE COURT: I see.

14 PROSPECTIVE JUROR NO. 041: Yeah.

15 THE COURT: Okay. Does that include Thursdays and
16 Fridays?

17 PROSPECTIVE JUROR NO. 041: Fridays, I have
18 available because she has Fridays off, but Thursdays I can't.

19 THE COURT: There's what?

20 PROSPECTIVE JUROR NO. 041: On Fridays --

21 THE COURT: Yeah.

22 PROSPECTIVE JUROR NO. 041: -- my grandma, she's off
23 all day, by Thursdays I can't.

24 THE COURT: Thursdays, okay, I see. All right.

25 We'll put that down as a possible.

1 All right. Now, was there anybody in the front row?
2 Let's hand it right there to Mr. Johnson in seat number 31.

3 PROSPECTIVE JUROR NO. 079: Yes, sir. How you
4 doing? I'm self-employed also and that's part of my issue.
5 I'm actually right in the middle of remodeling a house. So I
6 would hate to have to go back and tell them that I wouldn't be
7 able to finish their house for two more weeks. Actually, I'm
8 right in the middle of stuccoing the house.

9 THE COURT: Yeah.

10 PROSPECTIVE JUROR NO. 079: So half of it's done and
11 half of it's not, and they've actually been on me already
12 about getting it finished.

13 THE COURT: Uh-huh.

14 PROSPECTIVE JUROR NO. 079: So I'd hate to have to
15 go back and tell them that I couldn't.

16 THE COURT: Well --

17 PROSPECTIVE JUROR NO. 079: Now, I don't mind
18 actually being here --

19 THE COURT: Uh-huh.

20 PROSPECTIVE JUROR NO. 079: -- if I knew how long I
21 would be here. But to be able to tell them, hey, I don't know
22 when I'll be able to come back here is, going to be a big
23 problem.

24 THE COURT: Oh, well, no, we can tell you that.

25 PROSPECTIVE JUROR NO. 079: Huh?

1 THE COURT: We'll just -- we'll be here for two-and-
2 a-half weeks.

3 PROSPECTIVE JUROR NO. 079: Yeah. See, that --

4 THE COURT: Yeah.

5 PROSPECTIVE JUROR NO. 079: I don't -- that's going
6 to be a problem.

7 THE COURT: And not only that, I can offer you this
8 assistance, that I do also to anybody that has -- sometimes we
9 have employers or people you're doing work for that don't
10 quite understand.

11 PROSPECTIVE JUROR NO. 079: Right.

12 THE COURT: So if you just give me their names and
13 phone numbers, I'll give them a call and usually people
14 understand real quick.

15 PROSPECTIVE JUROR NO. 079: Okay. I'm good with
16 that. I'm -- really, I'm good with that. I just wanted --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 079: Yeah. I mean, as long
19 as you give me the green light, I'm good.

20 THE COURT: All right. I make that offer.

21 PROSPECTIVE JUROR NO. 079: I'm ready to go, you
22 know.

23 THE COURT: Well, you get me the name and number,
24 I'll be glad to make the call and I don't think --

25 PROSPECTIVE JUROR NO. 079: All right. Fair enough,

1 fair enough.

2 THE COURT: I don't think anybody will bother you
3 after that.

4 PROSPECTIVE JUROR NO. 079: Okay. That's fair
5 enough for me.

6 THE COURT: Thank you. Anybody else in the front
7 there who -- yes, it's number 30 is Mr. Andrews.

8 PROSPECTIVE JUROR NO. 070: Yes. Yeah, I'm a single
9 parent and I just basically had the same concerns with
10 childcare.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 070: I know it's not a --

13 THE COURT: What kind of work do you do?

14 PROSPECTIVE JUROR NO. 070: I work for Cox
15 Communications.

16 THE COURT: And what do you do for them?

17 PROSPECTIVE JUROR NO. 070: Construction planner.

18 THE COURT: Okay. Are they doing that much
19 construction these days?

20 PROSPECTIVE JUROR NO. 070: Yeah.

21 THE COURT: What are they doing? What are they
22 building?

23 PROSPECTIVE JUROR NO. 070: Business. Mostly
24 building for businesses.

25 THE COURT: I see. You're going around and, like,

1 remodeling in order to accommodate communications?

2 PROSPECTIVE JUROR NO. 070: Oh, actually just
3 building the cable to the business --

4 THE COURT: I see.

5 PROSPECTIVE JUROR NO. 070: -- if we don't have
6 cable there, you know.

7 THE COURT: Oh, yeah. Okay. And so how many kids
8 do you have?

9 PROSPECTIVE JUROR NO. 070: Two -- well, one 13 year
10 old, the other one's gone, he's 26. He's moved on.

11 THE COURT: So it's not really a problem with the 26
12 year old?

13 PROSPECTIVE JUROR NO. 070: No, no.

14 THE COURT: The 13 year old, what, you afraid he's
15 going to burn the house down or something while you're gone or
16 what?

17 PROSPECTIVE JUROR NO. 070: Well, just -- I just
18 wanted to mention it.

19 THE COURT: Well, what do you do when you're gone to
20 work?

21 PROSPECTIVE JUROR NO. 070: Well, he's usually in
22 school, but like we said, next week --

23 THE COURT: I see. So it's because --

24 PROSPECTIVE JUROR NO. 070: But his mom, my ex-wife,
25 she works, like, 2:00 to 10:00. So usually, when he's off

1 school, he just stays with her till --

2 THE COURT: So she could watch him in the mornings.

3 PROSPECTIVE JUROR NO. 070: Yeah.

4 THE COURT: Yeah. So it would be just a couple
5 hours in the afternoon?

6 PROSPECTIVE JUROR NO. 070: Till about -- till about
7 1:00.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 070: Well, I guess, 1:00 to
10 -- if we get out at 5:00, it would be like, by the time we get
11 home, 6:00 o'clock.

12 THE COURT: Okay. Well --

13 PROSPECTIVE JUROR NO. 070: I just had a little
14 concern with leaving him, getting home and cooking dinner so
15 late.

16 THE COURT: Well, I -- I appreciate -- I appreciate
17 your concern. I don't -- I don't think there's any way I can
18 excuse you --

19 PROSPECTIVE JUROR NO. 070: No.

20 THE COURT: -- based on that, but I'll --

21 PROSPECTIVE JUROR NO. 070: No, I --

22 THE COURT: -- talk it over with the lawyers and
23 see.

24 Anyone else here? Did you have -- Mr. Bailey in
25 seat number 29.

1 PROSPECTIVE JUROR NO. 065: Yes, sir. I've got a
2 question. I am paying -- I'm a contractor through -- for Cox
3 Cable, but I do SCC work and --

4 THE COURT: What kind of work?

5 PROSPECTIVE JUROR NO. 065: It's SCC room work.
6 It's where all the stuff is -- where it comes in and gets sent
7 out, so for your internet and cable and stuff like that.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 065: And we don't get taxes
10 taking out because I'm a contractor, a subcontractor. So I
11 have to pay my taxes this Friday and I want to know if that
12 would interfere with it, with, you know, being here?

13 THE COURT: Oh, I don't think it would interfere at
14 all if you do it Thursday night.

15 PROSPECTIVE JUROR NO. 065: Well, I got to go see
16 someone.

17 THE COURT: Oh, you have to see someone, that's the
18 thing.

19 PROSPECTIVE JUROR NO. 065: Yeah. I don't think --
20 I don't know how to deal with that.

21 THE COURT: So is that something you can schedule,
22 say, tomorrow morning or Wednesday morning to go see them?

23 PROSPECTIVE JUROR NO. 065: I don't know about that.

24 THE COURT: Well, that's -- that's what I would
25 suggest, that you go see them in the mornings. And we'll

1 chalk that one up to a nice try, but it's not the kind of
2 thing that -- that I can say, oh, absolutely the law provides
3 I can excuse you.

4 PROSPECTIVE JUROR NO. 065: Oh, I'm not asking for
5 excusal.

6 THE COURT: Oh.

7 PROSPECTIVE JUROR NO. 065: I'm asking, like, how
8 does that, like, work out, like --

9 THE COURT: Okay. Here's the way -- I've already
10 explained kind of where the scheduling will be. You can
11 figure basically 1:00 to 5:00 on Monday, Tuesday, Wednesday,
12 all day Thursday and Friday.

13 PROSPECTIVE JUROR NO. 065: Okay.

14 THE COURT: And when I say all day, I mean, 9:00 to
15 5:00. We don't -- I don't -- I don't -- we hope not to keep
16 you after 5:00 on any of the days. It would be -- you know,
17 if we had to for some reason, maybe we have an expert witness
18 on the stand we can't -- we can't continue over or some such
19 thing like that, but it's not too likely to happen. Can I be
20 correct in saying that, counsel?

21 MS. PIEPER: Just, we also give them a lunch break.

22 THE COURT: Oh, yeah, you -- we have -- we even give
23 a lunch break, yeah. So, anyway, would that -- that's
24 basically what it would be.

25 PROSPECTIVE JUROR NO. 065: Okay.

1 THE COURT: Okay? All right, thank you.

2 Anyone else? Yes? In seat number 27, is it Ms.

3 Jacquot?

4 PROSPECTIVE JUROR NO. 050: Yes, sir.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 050: My mother is 103, living
7 in Nebraska, and I go back two weeks of every month to care
8 for her.

9 THE COURT: I see.

10 PROSPECTIVE JUROR NO. 050: And the time element
11 would be tough for me.

12 THE COURT: All right. And do you -- which two
13 weeks do you go? Is it regular or is it irregular? How does
14 that work?

15 PROSPECTIVE JUROR NO. 050: The last two months --
16 last two weeks of the month are my schedule.

17 THE COURT: So you'd be -- you're already scheduled
18 to go for --

19 PROSPECTIVE JUROR NO. 050: To be back by the 15th.

20 THE COURT: To go back there on the 15th?

21 PROSPECTIVE JUROR NO. 050: Yes, sir.

22 THE COURT: Of this month, through the end of the
23 month. Okay. All right, I'll put that down, ma'am. Thank
24 you.

25 Anyone else? Oh, we got one more. See, the more --

1 the more you let them think about it, the more hands that go
2 up. Let's go back up to seat number 9, Ms. Aguilar.

3 PROSPECTIVE JUROR NO. 954: Yes. My concern is just
4 about my schedule, work schedule. I'm a registered nurse and
5 I work night shifts. And usually we have a -- a pre-plan --
6 the schedule is already set for the -- the next five weeks
7 from now.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 954: So right now we're
10 pretty much understaffed and I have a set schedule of Tuesday
11 night, Thursday night and Friday night.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 954: So I don't know if -- I
14 wanted to be one of the jurors, I'm willing -- would want to
15 be one of them, but concerning the fact that we're pretty much
16 understaffed right now and I say the schedules already been
17 pre-set, you know, for the next four or five weeks.

18 THE COURT: When you work, do you work the same
19 hours each night?

20 PROSPECTIVE JUROR NO. 954: Yes, sir.

21 THE COURT: What hours do you work?

22 PROSPECTIVE JUROR NO. 954: I usually go to work
23 like -- well, the schedule, it usually is a 12-hour shift. So
24 it's from 7:00 in the evening to 7:30 in the morning. But
25 most often than -- more often than not, it extends to about --

1 the earliest I could get home is about 9:30 in the morning.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 954: Yeah.

4 THE COURT: Is that at one of our hospitals here?

5 PROSPECTIVE JUROR NO. 954: Right now I'm working
6 for a subacute facility down by Carmen Boulevard and we do
7 take care of, you know, those patients have been discharged
8 from the hospital that needed extended care. And being one of
9 the RNs over there, there's -- there's a very limited -- how
10 do you say that, responsibility for the LVNs.

11 THE COURT: Yeah.

12 PROSPECTIVE JUROR NO. 954: So a lot of times on the
13 night shift, even if there are, like, five or six nurses
14 working, if there's only one RN, then you get all the
15 responsibilities of giving IV meds and pushes medication-wise.

16 THE COURT: Yeah.

17 PROSPECTIVE JUROR NO. 954: So that's my only
18 concern, you know, I don't have any family issues.

19 THE COURT: Is that something if we needed to, could
20 I call somebody over there and see if they could -- if I could
21 talk them into giving you a break?

22 PROSPECTIVE JUROR NO. 954: Well, that probably
23 might help, yeah.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 954: Yes.

1 THE COURT: All right. So if -- so what I will say
2 is this, if we don't excuse you, please do remind me and give
3 me -- give me a name and a number of somebody to call.

4 PROSPECTIVE JUROR NO. 954: Okay, sir, yeah.

5 THE COURT: I'll be glad to call over and see if I
6 can get them to see the light of day --

7 PROSPECTIVE JUROR NO. 954: Okay.

8 THE COURT: -- and cut you a break on that.

9 PROSPECTIVE JUROR NO. 954: All right, sir.

10 THE COURT: Because that's what I enjoy doing,
11 because I just enjoy when employers have a hard time
12 understanding their duties as citizens of this country --

13 PROSPECTIVE JUROR NO. 954: Okay.

14 THE COURT: -- to make it possible for their
15 employees to serve on a jury. So I'll be glad to do that.

16 PROSPECTIVE JUROR NO. 954: Thank you very much.

17 THE COURT: All right, thank you. May I see
18 counsel, please?

19 (Off-record bench conference)

20 THE COURT: -- or you're flying?

21 UNKNOWN PROSPECTIVE JUROR: I drive back. I can
22 show you my receipts from previous months.

23 THE COURT: Okay. All right. And you always take
24 it the last half of the month? Is that it?

25 UNKNOWN PROSPECTIVE JUROR: Generally, yes.

1 THE COURT: Okay.

2 UNKNOWN PROSPECTIVE JUROR: I have two cousins who
3 take two weeks of the month and sometimes we have adjusted it,
4 but.

5 THE COURT: Okay. All right. If you would -- have
6 you -- but you don't have that with you? No. All right.
7 Okay. Thank you.

8 Then after conferring with counsel, I'm going to
9 excuse the following jurors and ask you to return to the Jury
10 Commissioner's office. In seat number 2, Ms. Rowena David; in
11 seat number 15, Ms. Weinberg; in seat number 25, Ms. Flores.
12 If you three would please return to the Jury Commissioner's
13 office and you can check out from there. Or I don't know if
14 they re-sign you up for one of those four-month trials or what
15 happens down there, but that's -- that's between them and you.
16 And so, if I can say something on behalf of Ms. Jacquot or
17 Ms. Threat, then we can reconsider that one, those two.

18 All right. Will the Clerk please call the name of
19 three more jurors to be seated.

20 THE CLERK: James Stevens, Kevin Rucker. I am not
21 going to be able to pronounce this name.

22 THE COURT: Okay.

23 THE CLERK: Piyanut, Piyanut. The last name is R-u-
24 t-a-n-a-n-u-p-a-b.

25 THE COURT: Where are you down to? Ah. Did he come

1 up?

2 THE CLERK: Yes.

3 THE COURT: Ah, how do you pronounce your name, sir?

4 PROSPECTIVE JUROR NO. 097: Piyanut, sir. Piyanut.

5 THE COURT: Can you speak up loud? I can't hear

6 very well.

7 THE COURT RECORDER: He needs the microphone.

8 THE COURT: Yeah.

9 THE MARSHAL: Here you go.

10 THE COURT: Yeah.

11 THE COURT RECORDER: He's not on the record at all.

12 PROSPECTIVE JUROR NO. 097: Piyanut, sir.

13 THE COURT: I'll probably get it wrong.

14 PROSPECTIVE JUROR NO. 097: That's okay.

15 THE COURT: Okay. All right, thank you. So those
16 three. Let me ask the three of you who just came up, using
17 the same kind of definitions like you heard me describing with
18 the rest of these folks, is there any of you who feels that it
19 would be an undue burden for you to serve on a jury for the
20 next two-and-a-half weeks? And I didn't -- I still don't have
21 the names down, I'm sorry. What was the first name again?

22 THE CLERK: It's Mr. Stevens, James Stevens, it's
23 badge number 1095.

24 THE COURT: Stevens, okay. And then Mr. Rucker?

25 PROSPECTIVE JUROR NO. 096: Correct, Rucker.

1 THE COURT: Mr. Rucker, thank you. And Mr.
2 Rutananupab, not even close, was it? Sorry. Rutananupab.
3 Say it -- say it one more time.

4 PROSPECTIVE JUROR NO. 097: Rutananupab.

5 THE COURT: Rutananupab?

6 PROSPECTIVE JUROR NO. 097: Yes.

7 THE COURT: Close enough?

8 PROSPECTIVE JUROR NO. 097: Yes, sir.

9 THE COURT: Okay, thank you. All right. So the
10 three of you feel that you could serve for the next two-and-a-
11 half weeks? Yes? Okay, thank you.

12 Now, I'm going to ask some more questions of you and
13 again, ladies and gentlemen, I'll ask all of you to pay
14 attention to these questions and know what your answers would
15 be if you were called up to take the place of one of these
16 jurors.

17 Is there anyone here who has -- has been convicted
18 of a felony offense?

19 Is there anyone who is not a United States citizen?

20 Is there anyone who has such a sympathy, prejudice
21 or bias that relates to age, religion, race, gender or
22 national origin that you feel you would -- it would affect
23 your ability to be an open-minded, fair and impartial juror?
24 Okay.

25 Are any of you acquainted with the defendant, Mr.

1 Washington?

2 Any of you -- any of you acquainted with the --
3 either the Deputy District Attorneys, Ms. Pieper or Ms.
4 Schifalacqua? Or with the defense attorneys, Mr. Otto or Mr.
5 Ohlinger? Oh, do we have a hand? Yes, thank you, in seat
6 number 17, is it Ms. Kuhlman?

7 PROSPECTIVE JUROR NO. 991: Yes, sir.

8 THE COURT: Yes.

9 THE COURT RECORDER: Can you pass the mic down
10 please?

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR NO. 991: Yes, sir.

13 THE COURT: And who do you know?

14 PROSPECTIVE JUROR NO. 991: I know -- I'm acquainted
15 with both the DAs.

16 THE COURT: Okay. Do you work with them?

17 PROSPECTIVE JUROR NO. 991: I do.

18 THE COURT: Okay. What do you do?

19 PROSPECTIVE JUROR NO. 991: I'm a Chief Deputy
20 District Attorney in the Child Welfare Division.

21 THE COURT: That's why I wasn't familiar with you.
22 You're in Child Welfare.

23 PROSPECTIVE JUROR NO. 991: Child Welfare.

24 THE COURT: All right. All right, thank you, ma'am.
25 Anyone else who is familiar with any of the

1 attorneys involved here?

2 Now, is there anyone who knows or is familiar with
3 any of the names of the witnesses who were read off earlier?

4 Anyone who thinks you knows -- you know any of the witnesses?

5 Yes, ma'am. In seat number 21, is it Ms. Cholke?

6 PROSPECTIVE JUROR NO. 006: Yes.

7 THE COURT: Um-hum.

8 PROSPECTIVE JUROR NO. 006: I'm not sure because --
9 the names, because my son and his fiancé, they are both Nevada
10 Highway Patrol officers in Las Vegas.

11 THE COURT: All right. And so you think --

12 PROSPECTIVE JUROR NO. 006: And so some of those --

13 THE COURT: You think that you may have met some of
14 the -- are any of them Highway Patrol officers?

15 MS. PIEPER: No, Your Honor.

16 MS. SCHIFALACQUA: In the parties, no.

17 THE COURT: They are -- these are entirely just
18 Metropolitan police officers; is that correct?

19 MS. SCHIFALACQUA: That's correct.

20 THE COURT: All right.

21 PROSPECTIVE JUROR NO. 006: Okay.

22 THE COURT: Does that -- so does that mean that --
23 that you're not likely to have met them if they're
24 Metropolitan police officers?

25 PROSPECTIVE JUROR NO. 006: Probably, unless they

1 were in the house, in the party, that my son knows them.

2 THE COURT: Okay. All right.

3 PROSPECTIVE JUROR NO. 006: So I'm -- I'm not sure
4 though.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 006: I don't know.

7 THE COURT: Parties, huh.?

8 PROSPECTIVE JUROR NO. 006: Huh?

9 THE COURT: Did you say party?

10 PROSPECTIVE JUROR NO. 006: Yeah. Whenever it's
11 son's birthday, I always give him a big party.

12 THE COURT: I see, okay. Well, all right. Anyone
13 else who -- who thinks they might know any of the witnesses?
14 Yes, ma'am. Seat number 33, Ms. Hunton.

15 PROSPECTIVE JUROR NO. 093: I might know some of the
16 witnesses just because my mom's been working for the police
17 department for 21 years as a police dispatcher and I've met a
18 lot of different Metropolitan police officers.

19 THE COURT: You've been working for them for how
20 long?

21 PROSPECTIVE JUROR NO. 093: She's been working for
22 them for 21 years. My mom.

23 THE COURT: Your mom has?

24 PROSPECTIVE JUROR NO. 093: Yeah.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 093: And I've met a lot of
2 Lieutenants and their departments and stuff like that. So
3 I'm --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 093: I don't know the names,
6 but I've -- if I see them in person, I'm --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 093: Some of those names
9 sounded familiar, but I'm not too sure.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 093: All right.

12 THE COURT: So you may know them or you may not know
13 them? Okay, thank you. Thank you for letting us know that.

14 Anyone else who thinks they may be familiar with any
15 of the witnesses?

16 Is there anyone of you who has any health problems
17 that means that either you would need some special
18 consideration or that it may interfere with your ability to
19 serve as a juror on this case? Sometimes we have people who
20 have back problems and we try to seat them in the back so that
21 they can stand up without -- anytime they need to. Is there
22 anyone else who has any health problems? Yes, Ms. Cholke in
23 seat number 21. Yes.

24 PROSPECTIVE JUROR NO. 006: Okay. I have a --

25 THE COURT: Wait till we get the microphone over

1 there.

2 PROSPECTIVE JUROR NO. 006: I had herniated disc
3 surgery a while back and a couple of two years ago, I was in a
4 car accident.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 006: And which surely made it
7 worse. So it's hard for me to sit down for a while -- for a
8 long time.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 006: So I have to get up --

11 THE COURT: All right. So if we --

12 PROSPECTIVE JUROR NO. 006: -- just so it doesn't
13 push my back.

14 THE COURT: If we were to seat you in the back where
15 you could stand up at anytime you wanted to --

16 PROSPECTIVE JUROR NO. 006: That's fine.

17 THE COURT: -- would that work all right?

18 PROSPECTIVE JUROR NO. 006: Yeah.

19 THE COURT: Okay. Thank you, ma'am. If you wind up
20 on the jury, please remind me of that so I can make sure to do
21 that, will you?

22 PROSPECTIVE JUROR NO. 006: Okay. Um-hum.

23 THE COURT: Yes. Would you hand the microphone up
24 here to seat number 10, Ms. Ayoub.

25 PROSPECTIVE JUROR NO. 958: Yes. My concern is also

1 about hearing because I have a hard time hearing sometimes.

2 THE COURT: Is that right? Okay.

3 PROSPECTIVE JUROR NO. 958: So it would be helpful
4 if --

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 958: But other than that,
7 it's fine.

8 THE COURT: All right. Do you wear hearing aids?

9 PROSPECTIVE JUROR NO. 958: No, I don't, not at this
10 time, but they've done tests on me and my hearing is not that
11 good on my left side.

12 THE COURT: Not that good, okay, thank you. Do we
13 have a second one of those available? Here we go. We're
14 getting one fired up for you right now. Thank you.

15 Anyone else who has any health concerns as far as
16 sitting? Would you hand the microphone up behind you there,
17 up in seat number one -- seat -- I'm sorry, seat number four,
18 Ms. Smith?

19 PROSPECTIVE JUROR NO. 912: Yes. I -- the problem
20 -- sitting is not the problem, it's walking. I have a total
21 knee replacement, so I --

22 THE COURT: Knee replacement, okay.

23 PROSPECTIVE JUROR NO. 912: So I can't do a whole
24 lot of walking, but --

25 THE COURT: All right. The only --

1 PROSPECTIVE JUROR NO. 912: What I've done today is
2 -- is not bad.

3 THE COURT: Okay. The only walking that I'm aware
4 of would be, obviously, getting down here and then when we go
5 on a break, which I try to do every 90 minutes. And so we'll
6 be going on a break here right shortly. Then you -- you know,
7 might want to go down to the restroom and back.

8 PROSPECTIVE JUROR NO. 912: Okay, that's fine. I
9 can do that.

10 THE COURT: That should pretty well be it. That's
11 the only -- the only walking I'm aware of.

12 PROSPECTIVE JUROR NO. 912: Okay.

13 THE COURT: We won't -- we won't have you go out to
14 the scene of anywhere and tramp around in the -- in the desert
15 or anything.

16 PROSPECTIVE JUROR NO. 912: All right.

17 THE COURT: All right, thank you. If you have any
18 problem with that, please let us know during the trial and
19 we'll --

20 PROSPECTIVE JUROR NO. 912: Okay.

21 THE COURT: -- we'll do what we can to work with
22 that. Anything one else who has any health issues that we
23 need to know about? All right.

24 Let me now -- if you would pass the microphone up in
25 that corner to seat number one, I'm going to -- I'm going to

1 have each of you just tell us a little bit about yourself so
2 that we can know whether there's any questions we need to ask
3 that might have anything to do with possible or potential bias
4 or prejudice of any sort.

5 And what I'll ask each of you in turn to tell us,
6 first of all, I'll ask each of you to hold the microphone up
7 real close because it's a government mike and it's not very
8 sensitive. That joke's getting pretty old. However, it does
9 happen to be true. It is not very sensitive and that's the
10 only way we get a record on our machine here is if we can hear
11 you.

12 So I'll ask each of you to tell us, if you would,
13 approximately where you live in the Valley. We don't want
14 your address, we just want a general neighborhood or a city or
15 a -- you know, generally speaking, where you -- where you
16 live. And then tell us how long you've lived in the Las Vegas
17 Valley. Tell us the extent of your education and then tell us
18 your work experience. We would like to know who you do and
19 who you work for. So it would be who your employer is and
20 what you do for them. And then that employment information
21 we'd also like about any spouse or significant other who --
22 who works that you are living with. Or also if you have any
23 grown kids that work, we'd like to know about that.

24 So beginning with Mr. Ennis in seat number one.

25 PROSPECTIVE JUROR NO. 902: North Las Vegas. I was

1 born and raised in Nevada.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 902: I work for a company
4 called Interline Brands. I'm a showroom specialist.

5 THE COURT: What does that mean? Do you -- do you
6 do --

7 PROSPECTIVE JUROR NO. 902: Like counter sales.

8 THE COURT: Counter sales, okay.

9 PROSPECTIVE JUROR NO. 902: Yeah, like customer
10 service.

11 THE COURT: And what kind of business is that? What
12 do they sell?

13 PROSPECTIVE JUROR NO. 902: A little bit of
14 everything; plumbing, electrical, washers, dryers,
15 refrigerators, microwaves. Just a little bit like a Home
16 Depot or Lowes.

17 THE COURT: Okay. And the extent of your education?

18 PROSPECTIVE JUROR NO. 902: High school, some
19 college.

20 THE COURT: Okay. Any spouse or significant other
21 that works?

22 PROSPECTIVE JUROR NO. 902: No.

23 THE COURT: Okay. All right, thank you. If you'd
24 hand it to seat number two, to Mr. Steven -- Stevens.

25 PROSPECTIVE JUROR NO. 095: Yes. I've lived in Las

1 Vegas 50 years. I'm employed with Las Vegas Hotel and Casino
2 as a porter.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 095: Education, 10th grade.

5 THE COURT: Okay. And what part of the Valley do
6 you live in?

7 PROSPECTIVE JUROR NO. 095: Southwest.

8 THE COURT: Southwest, okay. Any spouse or
9 significant other that works?

10 PROSPECTIVE JUROR NO. 095: No, single.

11 THE COURT: Okay. Thank you, sir. If you'd hand it
12 to Ms. -- is it Lahav?

13 PROSPECTIVE JUROR NO. 906: Lahav.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 906: I have in Vegas for
16 about 10 years. I have a Bachelor's of Science and I work for
17 NV Energy as an environmental engineer. And I live in West
18 Las Vegas. My husband's an architect here in town.

19 THE COURT: Okay. What does that mean? What do you
20 do as an environmental engineer?

21 PROSPECTIVE JUROR NO. 906: Environmental permitting
22 and compliance for the power plants in town.

23 THE COURT: Oh, so you're the one that -- that keeps
24 them from asphyxiating us all? Is that what you do?

25 PROSPECTIVE JUROR NO. 906: That's the goal.

1 THE COURT: You run the tests on the emissions and
2 that sort of thing?

3 PROSPECTIVE JUROR NO. 906: We have people who do
4 that, but I do more corporate office. I'm in the main office
5 in town.

6 THE COURT: Okay. All right. And I'm sorry, who
7 did you say your husband works for?

8 PROSPECTIVE JUROR NO. 906: It's DLR Architects.

9 THE COURT: DLR, okay. And I think that's it. I
10 think you told us. Thank you. In seat number four, Mr.
11 Smith. Ms. Smith, I'm sorry.

12 PROSPECTIVE JUROR NO. 912: I've lived here in --
13 I've been in Nevada for 19 years. I originally came out here
14 as a LPN, but when my knee went out on me, I had to stop that.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 912: So now I work for Golden
17 Gaming which is a slot company.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 912: And I sit down and I
20 serve refreshments and I pay the people when they hit on the
21 machines.

22 THE COURT: You pay the people?

23 PROSPECTIVE JUROR NO. 912: So that's a change
24 attendant or a service host they call it.

25 THE COURT: You pay the people when they win?

1 PROSPECTIVE JUROR NO. 912: When they hit, yeah.

2 THE COURT: Do you -- do you -- do you have to pay
3 out very often? Or --

4 PROSPECTIVE JUROR NO. 912: Well, right now is
5 really slow. But it used pretty --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 912: -- really busy.

8 THE COURT: And what part of the Valley do you live
9 in?

10 PROSPECTIVE JUROR NO. 912: In North Las Vegas.

11 THE COURT: North Las Vegas. And the extent of your
12 education?

13 PROSPECTIVE JUROR NO. 912: High school and some
14 college.

15 THE COURT: Okay. Did you say you had a knee
16 replacement?

17 PROSPECTIVE JUROR NO. 912: Yes.

18 THE COURT: That's pretty -- pretty serious stuff,
19 isn't it?

20 PROSPECTIVE JUROR NO. 912: It -- it was. That was
21 in 2002.

22 THE COURT: 2002, all right. Thank you, ma'am. In
23 seat number five, Mr. Farley.

24 PROSPECTIVE JUROR NO. 916: Good morning, Your
25 Honor. My name's Kevin, I've lived in Las Vegas about 12

1 years after I got out of the military. I work for Wirtz
2 Beverage. I'm a warehouse supervisor.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 916: And my wife's a school
5 teacher.

6 THE COURT: Okay. Where --

7 PROSPECTIVE JUROR NO. 916: I live over in
8 Centennial.

9 THE COURT: Where does she work?

10 PROSPECTIVE JUROR NO. 916: She works at Hinman
11 Elementary.

12 THE COURT: Okay. What grade does she teach?

13 PROSPECTIVE JUROR NO. 916: She's actually like a
14 resource, special education.

15 THE COURT: Special education, okay.

16 PROSPECTIVE JUROR NO. 916: Um-hum.

17 THE COURT: And what branch of the service did you
18 serve in?

19 PROSPECTIVE JUROR NO. 916: Air Force.

20 THE COURT: Air Force, okay. Thank you, sir.

21 (Pause in the proceedings)

22 THE COURT: Okay. In seat number six, Mr. Johns.

23 PROSPECTIVE JUROR NO. 924: Yes. I live in
24 Henderson. I've been up here four years, so I was transferred
25 up here four years ago.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 924: Originally from the
3 Phoenix area. My wife lives in the Phoenix area. She's in
4 the health industry.

5 THE COURT: Uh-huh.

6 PROSPECTIVE JUROR NO. 924: I am working for a
7 chemical company, BASF, the chemical company.

8 THE COURT: Uh-huh.

9 PROSPECTIVE JUROR NO. 924: And I sell and service
10 admixtures that go into concrete.

11 THE COURT: Concrete, okay.

12 PROSPECTIVE JUROR NO. 924: I have a two-year
13 degree.

14 THE COURT: And is your wife employed? Or no?

15 PROSPECTIVE JUROR NO. 924: She is. She works for a
16 hospital down in the Phoenix area. She's a project manager.

17 THE COURT: Is that for --

18 PROSPECTIVE JUROR NO. 924: I see her on the
19 weekends.

20 THE COURT: Okay. Does she -- when you say project,
21 is that, like, building projects? Or what kind of things?

22 PROSPECTIVE JUROR NO. 924: Right now they're
23 acquisitioning other businesses to come into the umbrella of
24 the hospital.

25 THE COURT: I see.

1 PROSPECTIVE JUROR NO. 924: So that's what she does.

2 THE COURT: Okay. These chemicals that you work
3 with, are they -- they mix them in the concrete I think you
4 said?

5 PROSPECTIVE JUROR NO. 924: I'm sorry, say again,
6 please?

7 THE COURT: You said you work with chemicals that
8 they mix in the concrete?

9 PROSPECTIVE JUROR NO. 924: That is correct.

10 THE COURT: Is that to make it, like, harden faster
11 or what -- what's the purpose of that?

12 PROSPECTIVE JUROR NO. 924: They do several things.
13 One is they regulate their set time. They make it more
14 pliable to work with. They'll put the concrete actually to
15 sleep for a period of time.

16 THE COURT: No kidding? Where were you when they
17 poured my driveway? Okay. Let's see, I think that was it.
18 Thank you, sir.

19 In seat number seven, Ms. Dowell.

20 PROSPECTIVE JUROR NO. 931: I've lived here for 14
21 years and my husband's retired from FAA. And after he
22 retired, he work for JT-3, it's a private -- it's contracted
23 by a government. I never knew what kind of job he did, it's
24 secret.

25 THE COURT: One of those secret things where --

1 PROSPECTIVE JUROR NO. 931: Yeah. If he tells me,
2 he'd have to kill me or probably be killed. And --

3 THE COURT: Yeah. Stuff like that, yeah. Did you
4 believe him?

5 PROSPECTIVE JUROR NO. 931: I told -- he never told
6 me, but if he did tell me, I'd go if you're going to kill me,
7 they probably have to kill you, too.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 931: And I'm retired from the
10 bank and I've been volunteering for the church for like 14, 15
11 years.

12 THE COURT: Okay. What kind of work did you do for
13 the bank?

14 PROSPECTIVE JUROR NO. 931: You know, audit.

15 THE COURT: Audit.

16 PROSPECTIVE JUROR NO. 931: Yes.

17 THE COURT: So you have a financial --

18 PROSPECTIVE JUROR NO. 931: That was a long time
19 ago.

20 THE COURT: -- you have a financial background then?

21 PROSPECTIVE JUROR NO. 931: Yes, uh-huh.

22 THE COURT: Okay. The extent of your education?

23 PROSPECTIVE JUROR NO. 931: Well, high school and
24 some business.

25 THE COURT: Okay. And no kids that work?

1 PROSPECTIVE JUROR NO. 931: Yes. I have a daughter
2 that works for Marriot in northern California.

3 THE COURT: Okay. What does he do for them?

4 PROSPECTIVE JUROR NO. 931: My daughter?

5 THE COURT: Oh, daughter, sorry.

6 PROSPECTIVE JUROR NO. 931: Yeah. She -- one of
7 those utility, you know, different department. And I have a
8 son that's an adult that he works off and on.

9 THE COURT: What does he do when he's on?

10 PROSPECTIVE JUROR NO. 931: I don't know. We lost
11 contact with him, you know. We're -- we're the type of
12 parents, you know, if you don't educate yourself and we give
13 you so many chance that you don't do what you're supposed to
14 do. I guess he's so -- he's embarrassed to contact us, that's
15 what it is.

16 THE COURT: Oh, okay. All right. Thank you, ma'am.

17 PROSPECTIVE JUROR NO. 931: You're welcome.

18 THE COURT: In seat number eight, is it Ms. Harakal?

19 PROSPECTIVE JUROR NO. 940: Yes.

20 THE COURT: And I saying that right?

21 PROSPECTIVE JUROR NO. 940: Yes, it is.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 940: I moved here about 13
24 years ago from Pennsylvania. I was a hair dresser for 30
25 years in Pennsylvania. And I came out here to retire which

1 lasted about seven months. So now I worked 12 years at
2 Walmart.

3 THE COURT: Oh, boy. In retail sales?

4 PROSPECTIVE JUROR NO. 940: Yeah. I'm the
5 department manager.

6 THE COURT: What -- what department do you manage?

7 PROSPECTIVE JUROR NO. 940: Cosmetics.

8 THE COURT: Oh, yeah, cosmetics, okay. Okay. Let's
9 see, any spouse or significant other that works?

10 PROSPECTIVE JUROR NO. 940: My husband passed away
11 about eight years ago.

12 THE COURT: I'm sorry.

13 PROSPECTIVE JUROR NO. 940: I have two children,
14 one's in Pennsylvania yet and one lives out here. She's a
15 flight attendant and my son-in-law is a flight attendant. And
16 I've got six grandchildren and I now have two great-
17 grandchildren.

18 THE COURT: Oh, my goodness. Okay. Let's see. And
19 did you tell us what part of the Valley you live in?

20 PROSPECTIVE JUROR NO. 940: North Las Vegas.

21 THE COURT: North Las Vegas. All right, thank you,
22 ma'am. If you'd pass it all the way down to this end and the
23 next seat down, to seat number nine, Ms. Aguilar.

24 PROSPECTIVE JUROR NO. 954: Okay. I'm originally
25 from the Philippines. We migrated to the United States in

1 2004. And we were in Dallas for about -- until we decided to
2 move to Las Vegas which was in -- late of 2010. So we
3 currently live by southwest, near Summerlin. As I said, I'm a
4 registered nurse. I've been a nurse for 36 years. We live in
5 -- before coming over to United States, we were in Saudi
6 Arabia for 17 years. My husband is a pharmacy tech, but right
7 now he's not working. I have two grown children, one daughter
8 -- my daughter works for Apple, but I think recently she just
9 quit. So she just took another job at AT&T.

10 THE COURT: What was she doing for Apple?

11 PROSPECTIVE JUROR NO. 954: She was with the
12 business section for sales in Apple, Caesar's Palace.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 954: But as I said, she just
15 -- I think she quit, like, two weeks ago and she told me the
16 other night that she's working for AT&T now.

17 THE COURT: Is she doing the same sort of thing?

18 PROSPECTIVE JUROR NO. 954: Same -- same, yeah,
19 yeah. And she's -- she's planning to do her -- start her
20 Master's degree.

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR NO. 954: My son, I have a 25-
23 year-old son who's graduating this March -- I mean, this
24 coming May to UNLV. He's got a degree in accountancy and he
25 works for J.C. Penny.

1 THE COURT: Okay. And did -- did you tell us about
2 your husband? What he does?

3 PROSPECTIVE JUROR NO. 954: Oh, he's a pharmacy
4 tech, but before coming to the United States he was a
5 journalist back home in the Philippines.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 954: Uh-huh.

8 THE COURT: All right, thank you. Ma'am, so I don't
9 forget, when we go to take a break, will you give the name and
10 phone number of your employer?

11 PROSPECTIVE JUROR NO. 954: Sure.

12 THE COURT: So I can make that call.

13 PROSPECTIVE JUROR NO. 954: Sure. Okay.

14 THE COURT: Thank you. All right. In seat number
15 10, Ms. Ayoub.

16 PROSPECTIVE JUROR NO. 958: Yes. I'm Maria Ayoub,
17 I'm originally from El Paso, Texas. I got my Master's in
18 education over there and I semi-retired in El Paso, came over
19 here and kept teaching here. What I do is I'm a physical
20 education teacher in a middle school.

21 THE COURT: Uh-huh.

22 PROSPECTIVE JUROR NO. 958: And my goal is to become
23 a dean probably within a year or so. I have three kids, I'm a
24 single parent. They're all on their own right now, but
25 they've managed to -- my two oldest to get their degrees.

1 Both of them in -- one of them a Bachelor in engineering and
2 the other one is in computer. My youngest one served in the
3 military in Afghanistan about three years ago, she's back. So
4 she's continuing her education in, also like I am, in
5 education for a school. She wants to be a coach, too, like
6 her mom. And that's one of the reasons that I've lost my
7 hearing is from all the yelling and whistling and the -- and
8 so it's taken its toll on me, but right now I'm retired from
9 coaching, but I'm still continuing teaching.

10 THE COURT: All right. Thank you, ma'am. In seat
11 number 11, Ms. Lucas.

12 PROSPECTIVE JUROR NO. 962: Yes, sir. I'm from
13 Henderson. I've lived here in Vegas for almost 13 years now
14 and I work at the Eastside Cannery. And my husband works with
15 the City of Las Vegas as a mechanic.

16 THE COURT: And what do you do at the Eastside
17 Cannery?

18 PROSPECTIVE JUROR NO. 962: As a lead player's club
19 rep.

20 THE COURT: Okay. And what -- what does that mean
21 you do? What do you do there?

22 PROSPECTIVE JUROR NO. 962: You know when you get
23 your player's card?

24 THE COURT: Oh, you're the one that hands them out?

25 PROSPECTIVE JUROR NO. 962: Yes, sir.

1 THE COURT: So if you're on the jury, you can get us
2 all cards for the player's club?

3 PROSPECTIVE JUROR NO. 962: Sure, as long as you
4 have a valid ID.

5 THE COURT: All right. That may be of interest to
6 some people, but all right. Thank you, ma'am. In seat number
7 12, Mr. Canning.

8 PROSPECTIVE JUROR NO. 970: Yes, sir. I've lived in
9 Henderson for, like, 34 years now. I'm retired Air Force, 20
10 years. Me and my wife both retired last year, so just
11 starting to enjoy each other.

12 THE COURT: From the Air Force?

13 PROSPECTIVE JUROR NO. 970: I retired from the Air
14 Force in '89.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 970: And then I worked a
17 little bit in the casino business for a while.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 970: Drove a truck for a
20 while. Then I said it's time to retire.

21 THE COURT: Okay. And what did your wife retire
22 from?

23 PROSPECTIVE JUROR NO. 970: She worked as -- in the
24 casinos too. She worked as a cage cashier.

25 THE COURT: Okay. What did you do in the Air Force?

1 PROSPECTIVE JUROR NO. 970: I was in the weapons
2 system, sir.

3 THE COURT: Weapons system.

4 PROSPECTIVE JUROR NO. 970: Loaded the rockets,
5 bombs, ammunition on the aircraft.

6 THE COURT: So you -- you like the 4th of July every
7 year when it comes around?

8 PROSPECTIVE JUROR NO. 970: Pretty close.

9 THE COURT: Okay. Any kids at work?

10 PROSPECTIVE JUROR NO. 970: I do. I haven't seen my
11 daughter in a while, but she's 38 and I believe she still
12 works at Mandalay Bay. And my son's 31 and Lord knows where
13 he's at.

14 THE COURT: Okay. All right. Thank you. In seat
15 number 13, Mr. Roark.

16 PROSPECTIVE JUROR NO. 976: Hi, Brian Roark. I live
17 in North Las Vegas near Aliante. Been living in Las Vegas for
18 30 years. I work for UPS where I'm a supervisor in their
19 local call center here in town. Here I've been listening to
20 all these people and I've totally forgot what else we're
21 supposed to say after this. Okay. No, I do have -- I'm
22 sophomore year in college working towards a Bachelor's degree
23 in public relations. I do also some volunteer work with local
24 production companies around town for different aspects. I run
25 -- I'm the president of a non-profit group that goes to

1 elementary schools with a bunch of pirates and does reading
2 assemblies.

3 THE COURT: You take the pirates to the schools?

4 PROSPECTIVE JUROR NO. 976: Yes. Me and a group of
5 acting friends actually dress like pirates and I play a pirate
6 captain and we actually go to elementary schools and holding
7 reading assemblies and teach the kids the importance of
8 reading from the perspective of a pirate. And for whatever
9 reason, kids will listen to pirates more than teachers. Not
10 really sure why, but they're really excited generally about
11 reading once we're done.

12 THE COURT: Well, sir, I know why. If you've got a
13 sword pointing at you --

14 PROSPECTIVE JUROR NO. 976: Yeah.

15 THE COURT: -- you're -- pretty much you're going to
16 listen.

17 PROSPECTIVE JUROR NO. 976: Yeah, read or else.

18 THE COURT: Okay. So if you're on the jury, we can
19 have a pirate day and you'll provide all the --

20 PROSPECTIVE JUROR NO. 976: Yes.

21 THE COURT: -- uniforms for us?

22 PROSPECTIVE JUROR NO. 976: Yes. Definitely have a
23 pirate day if you so wish.

24 THE COURT: All right, thank you. In seat number
25 14, Ms. Morrison.

1 PROSPECTIVE JUROR NO. 979: Hello? Okay. I've been
2 in Las Vegas for 13 years. I currently live in the Centennial
3 area. I work at Macy's as a merchandiser and I'm currently in
4 school obtaining my Bachelor's degree in graphic design.

5 THE COURT: What does that mean when you're a
6 merchandiser? You buy the stuff they put out in the store?

7 PROSPECTIVE JUROR NO. 979: We put it out on the
8 store -- on the floor, like visual aids and stuff like --

9 THE COURT: You're the one that makes it so enticing
10 we can't -- we can't stand to walk by without buying --

11 PROSPECTIVE JUROR NO. 979: Unfortunately yes, I'm
12 sorry.

13 THE COURT: Yeah. I'll bet you are. Okay. Any
14 spouse or significant other that works?

15 PROSPECTIVE JUROR NO. 979: No.

16 THE COURT: Okay. And did you give us the extent of
17 your education?

18 PROSPECTIVE JUROR NO. 979: I'm in college right now
19 obtaining my Bachelor's degree in graphics.

20 THE COURT: Okay. Thank you, ma'am. In seat number
21 15, Mr. -- I wrote it own and I can't read my -- Rucker, Mr.
22 Rucker.

23 PROSPECTIVE JUROR NO. 096: Rucker.

24 THE COURT: Yes. Okay.

25 PROSPECTIVE JUROR NO. 096: My wife and I have been

1 here for seven years now, came from Boulder, Colorado. But
2 basically I was -- I was an Air Force brat, I was born in
3 Japan, grew up all over the world. Actually didn't touch any
4 (indiscernible) until I was about nine years old. So it's
5 been an interesting life. Spent 35 years in the electrical
6 sign business. My specialty was high-rise installations.
7 Retired from that and took a couple of years off, moved to
8 Vegas, got bored and now I'm working maintenance in the
9 community that I live in.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 096: And my wife is retired.

12 THE COURT: All right. And let's see, did you give
13 us the extent of your education?

14 PROSPECTIVE JUROR NO. 096: High school, hard
15 knocks, yeah.

16 THE COURT: Hard knocks, okay. We've got a lot of
17 Air Force, people involved with the Air Force in one way or
18 another here. That's interesting. Okay, thank you. If you'd
19 pass it to seat 16, Ms. Lucero.

20 PROSPECTIVE JUROR NO. 986: I've been in Las Vegas
21 for about 17 years. I live in the Henderson area. I work for
22 Hoeney (phonetic) Car Rental operations which is at the
23 Venetian Resort which is -- it's an agency operator for Avis
24 Rent-a-Car.

25 THE COURT: And what do you do there?

1 PROSPECTIVE JUROR NO. 986: I rent cars.

2 THE COURT: So --

3 PROSPECTIVE JUROR NO. 986: I can hook you up.

4 THE COURT: Okay. You can hook us up. You'll
5 probably want to charge us money, though, won't you?

6 PROSPECTIVE JUROR NO. 986: No.

7 THE COURT: Yeah, okay.

8 PROSPECTIVE JUROR NO. 986: I'm reasonable.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 986: And I graduated high
11 school and my husband is -- has passed away in 2012.

12 THE COURT: I'm sorry to hear that. What kind of
13 work did he do?

14 PROSPECTIVE JUROR NO. 986: He was -- he was a
15 optician at Walmart.

16 THE COURT: Okay. I think that's it. Then if
17 you'll pass it down to this -- this row down here.

18 Counsel, I'm going to -- I'm going to break it right
19 there to take our break. I try to give you all a break every
20 90 minutes or so. Sometimes we can't, but we try to do that.
21 I mean, nobody likes to sit for longer than about 90 minutes
22 we -- we figure.

23 While we are on this break, I'm going to ask all of
24 you, that's everyone in the room, to please listen to this
25 admonition I'm going to give you. If you sit on this jury and

1 while we are in the process of picking the people on the jury,
2 I'll be giving you an admonition like this every time we stop,
3 every time we go out in the hall. And the reason is because
4 the verdict which is rendered in this case is supposed to be
5 rendered based strictly and solely upon the evidence that you
6 hear, the witnesses that you hear testify and any documentary
7 evidence, all of the evidence in the case, not based upon
8 conversations that you might have out in the hallway while
9 we're on a break.

10 For that reason, I admonish you not to talk or
11 converse among yourselves or with anyone else on any subject
12 that's connected with this trial or any person connected with
13 this trial. Please do not read, listen to or watch any
14 newspaper accounts or television accounts or internet or radio
15 accounts on anything that has to do with this trial. Please
16 do not form or express any opinion on any subject matter
17 that's connected with this trial until the case is finally
18 submitted to you.

19 We're going to take a ten-minute recess. While
20 we're on this recess, please recall this admonition and that
21 means please don't -- I mean, you don't even know anything
22 about the case yet, but just be aware that you're not supposed
23 to discuss the -- anything about this case with anyone
24 including on a phone call, during the break or anything like
25 that. Just wait until this all plays out according to the

1 rules that we have put in place to make sure that justice is
2 done.

3 We'll take a ten-minute recess. When you come back,
4 you want them to --

5 THE MARSHAL: Yes. We'll have everyone go ahead and
6 go outside and then not return until I come -- come out to get
7 you and I'll line you folks back up.

8 THE COURT: All right. Ten-minute recess.

9 (Court's in recess at 3:46 p.m. until 4:11 p.m.)

10 (In the presence of the prospective jurors)

11 THE COURT: All right. Is that everyone? Thank
12 you. We're back on the record?

13 THE COURT RECORDER: We are.

14 THE COURT: Okay. Thank you, ladies and gentlemen,
15 for rejoining us. May I see counsel, please?

16 (Off-record bench conference)

17 THE COURT: Thank you. Now, we'll continue finding
18 out about our jurors. Where's our microphone? You have it,
19 Ms. Kuhlman. We'll find out all about Mr. Kuhlman.

20 PROSPECTIVE JUROR NO. 991: Thank you, Your Honor.
21 I'll change the pattern a little bit. I'm a Navy veteran
22 rather than Air Force. I've lived in Las Vegas since 1998
23 with my husband. My degree of education is a Juris Doctorate
24 degree. I'm a Boyd graduate. I've been employed with the
25 Clark County District Attorney's Office for seven years. To

1 clarify my earlier statement, I am in the Child Welfare
2 Division, I do not practice criminal law. So I am housed down
3 at the Family Court prosecuting cases for the Child Protective
4 Services.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 991: I'm not criminal law.
7 And my interactions with -- or acquaintance with the two DAs
8 present in court today is limited to -- I believe we were on a
9 committee for us --

10 THE COURT: Is that the party committee? Or is that
11 a different committee?

12 PROSPECTIVE JUROR NO. 991: It was actually a
13 Prosecutors Association Committee --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 991: -- to give endorsements
16 for judicial candidates.

17 THE COURT: Oh, is that right. Well, maybe we'd
18 better have a special -- no. All right.

19 PROSPECTIVE JUROR NO. 991: Outside of that, I do
20 have limited interaction with them. My husband is employed
21 with -- as a manager for Dish Network.

22 THE COURT: At which network?

23 PROSPECTIVE JUROR NO. 991: Dish Network.

24 THE COURT: Okay. And he's the manager there?

25 PROSPECTIVE JUROR NO. 991: He's the general manager

1 for the Las Vegas market.

2 THE COURT: Okay. All right, thank you. In seat
3 number 18, Ms. Martin.

4 PROSPECTIVE JUROR NO. 993: I'm Shannon Martin.
5 I've been in Las Vegas for 18 years. I work for Color
6 Reflections Las Vegas as director of business development. We
7 are a large format printing company. My husband works for
8 Lotus Broadcasting. He is production manager and does voice-
9 over and commercial production for the radio market.

10 THE COURT: On commercials?

11 PROSPECTIVE JUROR NO. 993: Commercials.

12 THE COURT: What commercial would we recognize his
13 voice in?

14 PROSPECTIVE JUROR NO. 993: Oh, gosh, there's too
15 many.

16 THE COURT: Really?

17 PROSPECTIVE JUROR NO. 993: Yeah.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 993: Many.

20 THE COURT: Okay. All right. And did you give us
21 the extent of your education?

22 PROSPECTIVE JUROR NO. 993: I'm sorry, one year of
23 college.

24 THE COURT: Okay. And what neighborhood? What part
25 of the Valley?

1 PROSPECTIVE JUROR NO. 993: Northwest.

2 THE COURT: Northwest, okay.

3 PROSPECTIVE JUROR NO. 993: yes.

4 THE COURT: Thank you. Ms. Threat.

5 PROSPECTIVE JUROR NO. 996: I live in the Silverado
6 Ranch area. I've been in Las Vegas for 13 years, graduated
7 from UNLV, go Rebs. I have a degree in sports medicine. I
8 own a sports medicine facility, so I work for myself, Modern
9 Genesis Performance. And I also run the medical department at
10 Light Night Club which is in conjunction with Cirque du
11 Soleil. So I do all the circus performers when they get
12 injured.

13 THE COURT: Oh, okay.

14 PROSPECTIVE JUROR NO. 996: And I'm single.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 996: Not married, no kids.

17 THE COURT: The sports medicine, does that take a --
18 something -- is that an individualized degree beyond the
19 medical degree?

20 PROSPECTIVE JUROR NO. 996: No. So my degree's in
21 athletic training.

22 THE COURT: Okay. All right.

23 PROSPECTIVE JUROR NO. 996: So and then it's an
24 emphasis in sports medicine. So your whole, like --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 996: Your area
2 (indiscernible) curriculum was based on sports and medicine
3 within sports.

4 THE COURT: All right.

5 PROSPECTIVE JUROR NO. 996: But I'm not a doctor.

6 THE COURT: All right. But when they pull a muscle
7 or do something, then --

8 PROSPECTIVE JUROR NO. 996: They come to me.

9 THE COURT: You're the one.

10 PROSPECTIVE JUROR NO. 996: Um-hum.

11 THE COURT: Okay. All right, thank you, ma'am. In
12 seat number 20, Mr. Cortez.

13 PROSPECTIVE JUROR NO. 005: I was born in the
14 Philippines, too. I -- I was a teacher at -- in California
15 for 25 years. I've retired three years ago. Now I live in
16 Las Vegas.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 005: I live close to the
19 airport. My wife works as a daycare provider. And I have a
20 Master's degree.

21 THE COURT: What did you get your Master's in?

22 PROSPECTIVE JUROR NO. 005: In California.

23 THE COURT: In -- but what subject or what area?

24 PROSPECTIVE JUROR NO. 005: Oh, education,
25 elementary education.

1 THE COURT: And is that what you taught in
2 California, was elementary?

3 PROSPECTIVE JUROR NO. 005: Yes.

4 THE COURT: Okay. What grade level?

5 PROSPECTIVE JUROR NO. 005: Four, five and six.

6 THE COURT: Okay. All right. Any kids that work?

7 PROSPECTIVE JUROR NO. 005: No, no kids.

8 THE COURT: Okay, thank you. In seat number 21, Ms.
9 Cholke.

10 PROSPECTIVE JUROR NO. 006: Yes. I live in the
11 northwest side. I moved to Las Vegas since -- I've been here
12 since 1988. I work for Station Casino.

13 THE COURT: All right.

14 PROSPECTIVE JUROR NO. 006: And I have a Bachelor's
15 degree in accounting.

16 THE COURT: Okay. And what is it you do for Station
17 Casino?

18 PROSPECTIVE JUROR NO. 006: Accounting, auditing.

19 THE COURT: Auditing, okay.

20 PROSPECTIVE JUROR NO. 006: Auditing. And I've been
21 a widow exactly 18 years ago yesterday.

22 THE COURT: Oh, congratulations.

23 PROSPECTIVE JUROR NO. 006: Yeah. And I have only
24 one child, my son, who is a Highway Patrol.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 006: That's it.

2 THE COURT: I think that's it. Did you tell us what
3 part of the Valley you live in?

4 PROSPECTIVE JUROR NO. 006: Northwest side.

5 THE COURT: Northwest side.

6 PROSPECTIVE JUROR NO. 006: In the northwest.

7 THE COURT: Thank you. In seat number 22, Mr.
8 Kahler.

9 PROSPECTIVE JUROR NO. 014: I lived in -- I lived in
10 Boulder City, Nevada for 22 years, my whole entire life. I
11 graduated from high school, not yet went to college.
12 Currently unemployed.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 014: Anything else?

15 THE COURT: Gosh, there must be more than that.

16 Have you -- have you done work in the past?

17 PROSPECTIVE JUROR NO. 014: Yeah. I worked in an
18 auto shop.

19 THE COURT: Okay. Doing -- just fixing?

20 PROSPECTIVE JUROR NO. 014: Well, at the time I was
21 in high school and I didn't -- and you can't -- you can't work
22 on cars unless you have a degree. So I just swept around it
23 and all that stuff.

24 THE COURT: I see, okay. They won't let you work on
25 cars unless you have a degree?

1 PROSPECTIVE JUROR NO. 014: No. You have to have a
2 mechanics degree.

3 THE COURT: Where were they when I was growing up?
4 Can you fix your own car?

5 PROSPECTIVE JUROR NO. 014: No.

6 THE COURT: Okay. Let's see, I think that's it,
7 thank you. In seat number 23, Mr. Eslinger.

8 PROSPECTIVE JUROR NO. 017: I've lived in Las Vegas
9 for 37 years. I'm a dealer at a Wynn Casino, swing shift, got
10 to work tonight. I have a girlfriend who's also in the same
11 field, works with me for the last seven years.

12 THE COURT: And she also works for the Wynn?

13 PROSPECTIVE JUROR NO. 017: Yes.

14 THE COURT: Okay. And --

15 PROSPECTIVE JUROR NO. 017: And I have some college
16 education, retired Navy.

17 THE COURT: Navy?

18 PROSPECTIVE JUROR NO. 017: Navy.

19 THE COURT: Oh, another Navy, okay. All right. And
20 did you tell us what part of the Valley.

21 PROSPECTIVE JUROR NO. 017: Southwest.

22 THE COURT: Southwest, you said that. Thank you.

23 In seat number 24, Mr. Sanchez.

24 PROSPECTIVE JUROR NO. 026: I -- I live in the
25 northwest around Rampart and Cheyenne. I've lived here for 13

1 years. I graduated high school.

2 THE COURT: Okay. Do you work or are you retired?

3 PROSPECTIVE JUROR NO. 026: No, I'm retired.

4 THE COURT: What kind of work did you used to do?

5 PROSPECTIVE JUROR NO. 026: Aircraft, aerospace, in
6 California.

7 THE COURT: Doing --

8 PROSPECTIVE JUROR NO. 026: Northop Grumman.

9 THE COURT: And were you working on the airplanes
10 with a wrench?

11 PROSPECTIVE JUROR NO. 026: Yes, yes.

12 THE COURT: Can you teach Mr. Kahler how to use a
13 wrench? I'm kidding. I'm kidding, Mr. Kahler.

14 PROSPECTIVE JUROR NO. 026: I've been away for 22
15 years.

16 THE COURT: Okay. Is that what you did, though, in
17 aerospace? I mean, were you -- you weren't one of those that
18 draws or drafts --

19 PROSPECTIVE JUROR NO. 026: No, no, no.

20 THE COURT: -- the pictures.

21 PROSPECTIVE JUROR NO. 026: No.

22 THE COURT: You were working on the aircraft?

23 PROSPECTIVE JUROR NO. 026: Paint department.

24 THE COURT: I'm sorry, in what?

25 PROSPECTIVE JUROR NO. 026: I was in the paint

1 department.

2 THE COURT: Paint department, okay. Any spouse or
3 significant other that works?

4 PROSPECTIVE JUROR NO. 026: I -- my wife, she's a
5 homemaker.

6 THE COURT: Has she worked in the past?

7 PROSPECTIVE JUROR NO. 026: Not too much.

8 THE COURT: When she did work, what kind of work did
9 she do?

10 PROSPECTIVE JUROR NO. 026: Well, she worked in
11 furnitures place.

12 THE COURT: Furniture, okay. Any kids that work?

13 PROSPECTIVE JUROR NO. 026: Four children, two in
14 California, one in Phoenix and one here.

15 THE COURT: And what kind of work do they do?

16 PROSPECTIVE JUROR NO. 026: Well, one works at the
17 Bank of America and the other one, in California, Kern County,
18 I'm not sure what she does, though.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 026: And then one in Phoenix.
21 And the other daughter here, unemployed right now.

22 THE COURT: I'm sorry, she's what?

23 PROSPECTIVE JUROR NO. 026: Unemployed.

24 THE COURT: Unemployed, okay. What kind of work
25 does she do?

1 PROSPECTIVE JUROR NO. 026: She worked in -- at the
2 -- server.

3 THE COURT: Server, food server?

4 PROSPECTIVE JUROR NO. 026: Food server, yes.

5 THE COURT: Okay. Okay. Thank you, sir. In seat
6 number 25, try it one more time. Try me one more time, say
7 it.

8 PROSPECTIVE JUROR NO. 097: Piyanut.

9 MS. PIEPER: That's his first name.

10 MR. OTTO: Piyanut.

11 THE COURT: Ganut (phonetic)?

12 PROSPECTIVE JUROR NO. 097: Piyanut, sir.

13 MR. OTTO: Piyanut.

14 THE CLERK: Piyanut, with a P.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 097: I've been --

17 THE COURT: Oh, you're going with the first name,
18 that's no fair.

19 PROSPECTIVE JUROR NO. 097: Yes.

20 THE COURT: That's the easy part. Okay, Piyanut.
21 Okay.

22 PROSPECTIVE JUROR NO. 097: I've been living in Las
23 Vegas 12 years and, oh, I live in the southwest part. And my
24 education is high school and some college. And right now,
25 employed with the (indiscernible) Photos as a freelance

1 photographer.

2 THE COURT: Oh. So if you were on the jury, you
3 could give a few -- take special photos of the occasion for
4 the jury?

5 PROSPECTIVE JUROR NO. 097: Yes.

6 THE COURT: I'm kidding. All right. And how long
7 have you been doing that?

8 PROSPECTIVE JUROR NO. 097: For six months.

9 THE COURT: Okay. Then let's see. Any spouse of
10 significant other that works?

11 PROSPECTIVE JUROR NO. 097: No, I'm single.

12 THE COURT: Okay. All right, thank you. If you'd
13 pass it all the way down here in front in seat number 26, Mr.
14 Brattander, am I saying that right?

15 PROSPECTIVE JUROR NO. 045: Yeah, you got it.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 045: So, hi. I've been here
18 for 10 years. I live in the southwest area with my girlfriend
19 and my three-year-old son. I work for the MGM International
20 Corporation, I'm a director of food and beverage for one of
21 the hotels. And --

22 THE COURT: You cater?

23 PROSPECTIVE JUROR NO. 045: Sure. And I have a
24 degree in business finance.

25 THE COURT: Okay. And your girlfriend, does she --

1 is she employed?

2 PROSPECTIVE JUROR NO. 045: She -- yes, she's with
3 the same company in the same field.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 045: Yeah.

6 THE COURT: And let's see. It can't be that quick,
7 there must be something else. Did you leave out anything?
8 Well, I don't know what it is, thank you.

9 PROSPECTIVE JUROR NO. 045: All right.

10 THE COURT: In seat number 27, Ms. Jacquot? Am I
11 saying it right, ma'am?

12 PROSPECTIVE JUROR NO. 050: That's close enough.

13 THE COURT: Close enough, okay.

14 PROSPECTIVE JUROR NO. 050: Yes. I've lived in
15 Nevada for 45 years, living in Green Valley now. I'm a
16 retired school teacher. I have a Master's plus degree. My
17 husband was also an educator.

18 THE COURT: Okay. What -- where did he -- he's a
19 retired educator then?

20 PROSPECTIVE JUROR NO. 050: He is as well, yes.

21 THE COURT: Okay. And what -- what grade levels did
22 you teach? Or whereabouts were you teaching?

23 PROSPECTIVE JUROR NO. 050: I taught business
24 education, so it was senior high school level.

25 THE COURT: Okay. Okay. Any kids that work?

1 PROSPECTIVE JUROR NO. 050: No children.

2 THE COURT: Okay. All right. Thank you, ma'am. In
3 seat number 28, Mr. Narmi?

4 PROSPECTIVE JUROR NO. 064: Yes, sir. My name is
5 Keith Narmi, I've lived in Las Vegas now for four years. We
6 live in the North Las Vegas area. We have three children, two
7 sons who live in Indianapolis, work for a locally owned auto
8 repair facility, a daughter that works at the Flamingo in the
9 cashier's cage.

10 THE COURT: Did you say you owned the auto repair?

11 PROSPECTIVE JUROR NO. 064: No. They work for a
12 locally owned.

13 THE COURT: They work for a -- okay.

14 PROSPECTIVE JUROR NO. 064: I also work at the
15 Flamingo, I do security. For the summer, I'll be at the pool.
16 Retired Army, I'm probably the only one of those.

17 THE COURT: Uh-oh. Now we've got them covered, we
18 got Army here.

19 PROSPECTIVE JUROR NO. 064: Lived all around the
20 country and all around the world.

21 THE COURT: Okay. What -- what did you do in the
22 Army?

23 PROSPECTIVE JUROR NO. 064: Ammo and tank master
24 gunner.

25 THE COURT: Really. Did you see any action?

1 PROSPECTIVE JUROR NO. 064: Desert Storm.

2 THE COURT: Oh, well, thank you for that. Let's
3 see, I think you covered everything. Did you tell us what
4 area you lived in? Whereabouts you lived?

5 PROSPECTIVE JUROR NO. 064: North Las Vegas,
6 actually in the area of the new VA Hospital.

7 THE COURT: Okay. All right, thank you. In seat
8 29, Mr. Bailey.

9 PROSPECTIVE JUROR NO. 065: Yes, sir. Lived here
10 all my life, I just graduated high school a couple years ago.
11 Currently working with a company called Option Net. We do all
12 the installs for Cox Cable, like their -- not like home
13 installs, I don't go to anyone's house. It's buildings and we
14 set up all the equipment that sends and receives all the
15 signals for the internet and cable and all that kind of stuff.

16 THE COURT: Can you fix the stuff we've got here to
17 make it work?

18 PROSPECTIVE JUROR NO. 065: I don't -- I send the
19 signal here, I don't kind of do that.

20 THE COURT: Oh, you don't do that.

21 PROSPECTIVE JUROR NO. 065: That's more his -- his
22 deal.

23 THE COURT: Ah, okay. Nobody wants to touch the
24 installation here, okay.

25 PROSPECTIVE JUROR NO. 065: What was the other

1 questions. Oh, I live in the, like, northwest part of town.

2 THE COURT: Northwest, uh-huh.

3 PROSPECTIVE JUROR NO. 065: Really far north-end
4 west.

5 THE COURT: You gave us the extent of your
6 education. So any spouse or significant other?

7 PROSPECTIVE JUROR NO. 065: No.

8 THE COURT: No. Did you hear how he said that? All
9 right, thank you, sir.

10 PROSPECTIVE JUROR NO. 065: Do not have any kids
11 either.

12 THE COURT: In seat -- in seat number 30, Mr.
13 Andrews.

14 PROSPECTIVE JUROR NO. 070: Yes, sir. I've lived in
15 Las Vegas 18 years, I actually live in North Las Vegas, have a
16 high school degree, retired Air Force, and then I went to work
17 for Cox Communications.

18 THE COURT: What did you do in the Air Force? Same
19 kind of thing?

20 PROSPECTIVE JUROR NO. 070: Aircraft, electrical and
21 environmental systems.

22 THE COURT: Environmental, is that air conditioning
23 or is that --

24 PROSPECTIVE JUROR NO. 070: It's, yeah, the air
25 conditioning, pressurization.

1 THE COURT: Uh-huh, okay.

2 PROSPECTIVE JUROR NO. 070: Did the electrical, just
3 -- just about everything else.

4 THE COURT: Okay. So you had to fix the airplanes
5 that he was designing?

6 PROSPECTIVE JUROR NO. 070: Yeah, yeah.

7 THE COURT: Okay. Any spouse or significant other
8 that works?

9 PROSPECTIVE JUROR NO. 070: My ex-wife works for
10 Station Casinos and my oldest son works for a tool
11 distributor, JS Products.

12 THE COURT: In town here?

13 PROSPECTIVE JUROR NO. 070: Yeah.

14 THE COURT: Here in town. What does he do for them?

15 PROSPECTIVE JUROR NO. 070: More or less just in the
16 warehouse.

17 THE COURT: Okay. All right. Did you give us the
18 extent of your education?

19 PROSPECTIVE JUROR NO. 070: High school.

20 THE COURT: High school. Okay, thank you. In seat
21 number 31, Mr. Johnson.

22 PROSPECTIVE JUROR NO. 079: How you doing? My name
23 is San Johnson. I've been in Vegas 24 plus years. Some high
24 school, some college. My wife, domestic engineer right now,
25 been married for 38 years and that's about it, really.

1 THE COURT: Did -- did your wife used to work at
2 something else?

3 PROSPECTIVE JUROR NO. 079: Yes. She worked at
4 Mervyn's for 12 years before they went out of business.

5 THE COURT: Okay. And what did she do there?

6 PROSPECTIVE JUROR NO. 079: She was a markdown
7 expert. I don't know exactly what --

8 THE COURT: Markdown expert.

9 PROSPECTIVE JUROR NO. 079: Yeah, I don't know
10 exactly what that meant, but that's what she did.

11 THE COURT: Okay. She could probably do the math.

12 PROSPECTIVE JUROR NO. 079: Yeah, she was good at
13 the math and I could go in there and get a good deal every now
14 and then, but it paid off.

15 THE COURT: Okay. And do I have it right in my
16 notes? Is it San, S-a-n?

17 PROSPECTIVE JUROR NO. 079: Yes, sir.

18 THE COURT: Okay. All right. Mr. Johnson, if
19 you'll get me that phone number later, I'll make the call --

20 PROSPECTIVE JUROR NO. 079: Oh, okay.

21 THE COURT: -- after today and we'll -- we'll take
22 care of that. In seat number 32, Ms. Lynch.

23 PROSPECTIVE JUROR NO. 085: Hi. I've been in Las
24 Vegas, Nevada for 17 years, I'm from Hawaii. And graduated
25 high school and I'm unemployed at the time, no kids. And

1 right now I just am going to a bartending school and I'm
2 starting that next week. And --

3 THE COURT: You -- what -- where are you going to be
4 attending school?

5 PROSPECTIVE JUROR NO. 085: International
6 Bartending.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 085: Yeah. And what kind of
9 work have you done in the past?

10 PROSPECTIVE JUROR NO. 085: I used to work for a
11 dairy company called Medigold Dairy.

12 THE COURT: Oh, yeah.

13 PROSPECTIVE JUROR NO. 085: Yes. And I was a lab
14 tech, I'd test the milk there. And I was -- then I moved over
15 to a machine operator and a few of us got laid off last year,
16 so.

17 THE COURT: They've been around here for --

18 PROSPECTIVE JUROR NO. 085: Seventeen years. But
19 I've been going back and forth.

20 THE COURT: Oh, I thought it was even longer than
21 that. Medigold is only 17 years old?

22 PROSPECTIVE JUROR NO. 085: I've been here for -- in
23 Las Vegas for 17 years.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 085: Yeah.

1 THE COURT: All right. And, let's see, did you tell
2 us, is there any spouse or significant other that works?

3 PROSPECTIVE JUROR NO. 085: My significant other, he
4 works for food production -- a food plant. They make
5 spaghetti sauce and dressings called Chalton House and he's
6 the --

7 THE COURT: Locally? We have that here locally?

8 PROSPECTIVE JUROR NO. 085: Yes.

9 THE COURT: Oh.

10 PROSPECTIVE JUROR NO. 085: Uh-huh. They opened up,
11 I think it was last year.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 085: Yeah. And he's the
14 sanitation technician. He do all the CIPs on all the
15 machines, tear it down and put it back up, yeah.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 085: That's where he works.

18 THE COURT: Okay. Any kids that work?

19 PROSPECTIVE JUROR NO. 085: No kids, lots of
20 animals.

21 THE COURT: Okay. All right. Thank you, Ms. Lynch.

22 PROSPECTIVE JUROR NO. 085: All right.

23 THE COURT: In seat number 33, Ms. Hunton.

24 PROSPECTIVE JUROR NO. 093: Hi. My name is Peyton
25 Hunton. I've been here for 20 years. I live on the east side

1 of Vegas. I work at MGM, I'm a hostess there at a new
2 restaurant that opened up called Crush. I'm a junior in
3 college.

4 THE COURT: What are you studying?

5 PROSPECTIVE JUROR NO. 093: Well, I'm trying to get
6 my Bachelor's in science.

7 THE COURT: Okay. Any idea what you'll do with it?

8 PROSPECTIVE JUROR NO. 093: Well, from there, then I
9 go into the dental field and --

10 THE COURT: Oh.

11 PROSPECTIVE JUROR NO. 093: Yeah.

12 THE COURT: Okay. And this Crush place, is that a
13 place we'd want to eat?

14 PROSPECTIVE JUROR NO. 093: Yeah.

15 THE COURT: Is it?

16 PROSPECTIVE JUROR NO. 093: It's delicious, I love
17 it there.

18 THE COURT: Do they cater?

19 PROSPECTIVE JUROR NO. 093: Huh?

20 THE COURT: Do they cater?

21 PROSPECTIVE JUROR NO. 093: Do they cater? They
22 can.

23 THE COURT: Yeah, like to the courthouse?

24 PROSPECTIVE JUROR NO. 093: They can.

25 THE COURT: Well, you never can tell. Maybe we can

1 -- okay. And let's see. And any spouse or significant other
2 that works?

3 PROSPECTIVE JUROR NO. 093: No.

4 THE COURT: Okay. All right. Thank you very much.
5 Thank you, ladies and gentlemen, for giving us a little bit of
6 an idea about yourselves. I'm going to continue now with some
7 questions to you. And again, I'll ask all of the prospective
8 jurors in the room to listen to the questions because if any
9 of you are called forward to take the place of any of these
10 folks, I'll be asking you the same questions. It will help if
11 you already know what your answers would be to that.

12 Has anyone on this panel, meaning, anyone in the
13 jury box or in front of the jury box, have any of you ever
14 been engaged in law enforcement work or do you have a spouse
15 or a close relative who's ever been engaged in law enforcement
16 work? Just these down in front? Okay, let's pass the
17 microphone right there to Mr. Johnson.

18 Mr. Johnson, is it -- how close a relative? Or is
19 it yourself?

20 PROSPECTIVE JUROR NO. 079: No, it's me.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 079: Yeah. Back when I was
23 in college and high school, I did -- I worked as a campus
24 police officer. So I don't know if that counts, but --

25 THE COURT: Okay, sure, absolutely. Was that here

1 in town?

2 PROSPECTIVE JUROR NO. 079: No, this was in
3 California. Santa Rosa, actually.

4 THE COURT: Santa Rosa?

5 PROSPECTIVE JUROR NO. 079: Yeah.

6 THE COURT: At what --

7 PROSPECTIVE JUROR NO. 079: At Santa Rosa Junior
8 College.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 079: Yes.

11 THE COURT: And were you -- as a police officer or a
12 campus police, did you investigate any of the crimes that took
13 place there? Did you have --

14 PROSPECTIVE JUROR NO. 079: No. I was actually just
15 starting in on it, so no, I didn't get a chance to do any of
16 that type of work yet, but --

17 THE COURT: Were you --

18 PROSPECTIVE JUROR NO. 079: -- I was kind of the
19 grunt.

20 THE COURT: Were you there more to keep law and
21 order? Keep the kids down on the farm?

22 PROSPECTIVE JUROR NO. 079: Pretty much, yeah. At
23 the time I was in college, we had a lot of protesting going
24 on. So, you know, they actually they took all of our guns
25 away. We didn't -- we were unarmed. So it made it a little

1 bit more hectic.

2 THE COURT: Oh, that's great.

3 PROSPECTIVE JUROR NO. 079: Yeah.

4 THE COURT: So they gave you a uniform.

5 PROSPECTIVE JUROR NO. 079: They gave us a bigger
6 nightstick and heavier flashlights and that -- good luck.

7 THE COURT: I see.

8 PROSPECTIVE JUROR NO. 079: And strong radios.

9 THE COURT: Was this -- now you've got my interest
10 up. What years was this?

11 PROSPECTIVE JUROR NO. 079: Oh, gosh, you're asking
12 me a tough question now. I don't even remember the exact
13 year. It was in --

14 THE COURT: Sixties, seventies?

15 PROSPECTIVE JUROR NO. 079: -- '70s, yeah.

16 THE COURT: Seventies, okay. And the protest that
17 you had were political -- political unrest?

18 PROSPECTIVE JUROR NO. 079: Yeah, yeah. A lot of it
19 was, believe it or not, was with the Women's Movement. A lot
20 of the girls wanted a little more rights in the school than
21 they had and so they protest.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 079: So it was kind of
24 interesting.

25 THE COURT: Well, that sounds like dangerous work.

1 PROSPECTIVE JUROR NO. 079: No, I got a date out of
2 the deal, so it worked out good for me.

3 THE COURT: Okay. All right. Is there anything
4 about that past work in law enforcement that would make you
5 unable to be a completely unbiased, a fair juror in this case?

6 PROSPECTIVE JUROR NO. 079: Not at all.

7 THE COURT: And when I say that, what I mean is, is
8 there anything about that past experience that would cause you
9 to be biased in favor of or against the State of Nevada?

10 PROSPECTIVE JUROR NO. 079: No, sir, not at all.

11 THE COURT: Or biased in favor of or against a
12 defendant in a criminal case?

13 PROSPECTIVE JUROR NO. 079: Not at all.

14 THE COURT: Okay, thank you.

15 PROSPECTIVE JUROR NO. 079: None whatsoever.

16 THE COURT: Who else? Who else had law enforcement?
17 Mr. Bailey was it?

18 PROSPECTIVE JUROR NO. 065: Yes. My uncle is on
19 Metro.

20 THE COURT: Your uncle is presently on Metro?

21 PROSPECTIVE JUROR NO. 065: Yeah.

22 THE COURT: Do you know what detail he works?

23 PROSPECTIVE JUROR NO. 065: Missing kids now. He
24 was a detective, now he's on missing kids, I think.

25 THE COURT: He was a detective --

1 PROSPECTIVE JUROR NO. 065: Under 18. Yeah, he was
2 -- he's been in for about -- I want to say, like, almost ten
3 years now.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 065: He was obviously out in
6 the field with a car. Then he went to undercover and then
7 went to detective and then now he's, missing under 18.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 065: Kids go missing, he has
10 to go look for them or something like that.

11 THE COURT: All right. So does he talk shop with
12 you? Does he tell you what's -- what's going on on the beat
13 or --

14 PROSPECTIVE JUROR NO. 065: Well, not really. I
15 don't really talk to him about that.

16 THE COURT: Okay. All right. Well, is -- fair to
17 say there's nothing about that fact that would cause you to be
18 biased or prejudiced either direction in a criminal case?

19 PROSPECTIVE JUROR NO. 065: No.

20 THE COURT: In other words, could you be completely
21 fair to both sides in a criminal case?

22 PROSPECTIVE JUROR NO. 065: Yeah.

23 THE COURT: You feel you could?

24 PROSPECTIVE JUROR NO. 065: Yes, sir.

25 THE COURT: Okay, thank you. Who else? Is it Mr.

1 Narmi? Yes, sir.

2 PROSPECTIVE JUROR NO. 064: My brother-in-law -- or
3 my brother is a Arizona Highway Patrolman and has been for 15
4 years.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 064: He's in the Heber
7 Springs area is where he's based and I was previously in
8 Phoenix.

9 THE COURT: Which highway is that down in there? Do
10 you know?

11 PROSPECTIVE JUROR NO. 064: He just moved up there
12 in December, so I'm not sure.

13 THE COURT: Oh.

14 PROSPECTIVE JUROR NO. 064: He's been in Phoenix for
15 years and years prior to that.

16 THE COURT: Okay. I just wonder if he was the one
17 that ticketed with me one time down there.

18 PROSPECTIVE JUROR NO. 064: I had a conversation
19 with him one time when he had somebody pulled over and I
20 called him what that person wanted to call to him. We got a
21 big laugh out of it.

22 THE COURT: Only a brother could get away with that.

23 PROSPECTIVE JUROR NO. 064: Yeah. See, I could do
24 it because he wants to, but I can.

25 THE COURT: Okay. Is there anything about that, the

1 fact that your brother is an Arizona Highway Patrolman that
2 would cause you to be biased or prejudiced in this case either
3 for or against the State of Nevada?

4 PROSPECTIVE JUROR NO. 064: Not at all.

5 THE COURT: Or for or against a defendant in a
6 criminal case?

7 PROSPECTIVE JUROR NO. 064: No, Your Honor, not at
8 all.

9 THE COURT: Thank you. Anyone else in that front
10 row there? Mr. Brattander.

11 PROSPECTIVE JUROR NO. 045: I'm part of something
12 called Infragard which is a group formed by the Federal Bureau
13 of Investigation and we deal with terrorism issues.

14 THE COURT: Okay. Do -- does that mean that you
15 have law enforcement powers? Do you have a badge --

16 PROSPECTIVE JUROR NO. 045: No.

17 THE COURT: -- and that sort of thing?

18 PROSPECTIVE JUROR NO. 045: No, I don't have that.

19 THE COURT: Are you a consultant group for them?

20 PROSPECTIVE JUROR NO. 045: We share information.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 045: Mostly on terrorism
23 issues, yeah.

24 THE COURT: All right. And is that with local FBI
25 here?

1 PROSPECTIVE JUROR NO. 045: Correct.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 045: Yeah.

4 THE COURT: Is -- same question to you, is there
5 anything about that fact that would cause you to be biased or
6 prejudiced against either party in this case?

7 PROSPECTIVE JUROR NO. 045: Not at all.

8 THE COURT: All right, thank you.

9 PROSPECTIVE JUROR NO. 045: Thanks.

10 THE COURT: Back behind you. Who -- who else? Ms.
11 Threat, did you -- okay.

12 PROSPECTIVE JUROR NO. 996: Both my brothers are in
13 Highway Patrol in California.

14 THE COURT: Okay. What part of the state?

15 PROSPECTIVE JUROR NO. 996: In northern California,
16 Bay area.

17 THE COURT: Bay area, okay. Do they have crime up
18 there?

19 PROSPECTIVE JUROR NO. 996: Oh, yes, they do.

20 THE COURT: They have crime up there, okay. And
21 what -- do their duties -- well, I mean, Highway Patrol, so
22 they're out patrolling the highway, I guess. It makes sense.

23 PROSPECTIVE JUROR NO. 996: Well -- well, one is
24 kind of -- he does other stuff.

25 THE COURT: What does he do?

1 PROSPECTIVE JUROR NO. 996: I can't really talk
2 about it.

3 THE COURT: Oh, well, okay. Does the Highway Patrol
4 have undercover? I mean -- you're kidding me. What is the
5 world coming to. All right. And how old are your brothers?

6 PROSPECTIVE JUROR NO. 996: One is 39 and the other one
7 is 42.

8 THE COURT: Okay. So how long have they been with
9 the Highway Patrol?

10 PROSPECTIVE JUROR NO. 996: Ooh, let's see, at
11 least, what, 10, 15 -- 10 for, like, one and then like the
12 other one's maybe, like 12 to 15 years.

13 THE COURT: All right. And is there anything about
14 that fact that would cause you to be biased or prejudiced as a
15 juror?

16 PROSPECTIVE JUROR NO. 996: No.

17 THE COURT: Okay. You could be fair to both sides
18 in this case?

19 PROSPECTIVE JUROR NO. 996: Yes.

20 THE COURT: All right, thank you. Yes, Mr. Cortez
21 in seat number 20.

22 PROSPECTIVE JUROR NO. 005: I work as a teacher and
23 librarian in a juvenile correctional facility in Stockton,
24 California for 4 years.

25 THE COURT: Okay. How long ago was that?

1 PROSPECTIVE JUROR NO. 005: Nineteen -- no, 2009 to
2 2011.

3 THE COURT: Okay. Is there anything about that
4 experience that would cause you to be biased or prejudiced as
5 a juror in a criminal case today?

6 PROSPECTIVE JUROR NO. 005: I don't know, but I feel
7 sympathy for the, you know, the youth that were incarcerated
8 in that place. I think to be more friendly with them because
9 I understand their predicament.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 005: So.

12 THE COURT: Here's -- here's what we're asking the
13 jurors to do. We ask them to put aside any personal
14 experience they've had and listen to the evidence in the case
15 and render a verdict based strictly upon the evidence and upon
16 the jury instructions that the Court gives and not be -- you
17 know, drag into the -- to the jury room some past experience
18 they had. Do you feel that you'd be able to do that?

19 PROSPECTIVE JUROR NO. 005: Yes, I do.

20 THE COURT: All right, thank you. Anyone else in
21 that row that has anyone who's been in prior jury -- I'm
22 sorry, prior police experience? Yes, ma'am, Ms. Cholke.

23 PROSPECTIVE JUROR NO. 006: Yeah. You know, my son,
24 he's a Highway Patrol --

25 THE COURT: Oh, that's right, sure.

1 PROSPECTIVE JUROR NO. 006: -- in Las Vegas.

2 THE COURT: Okay. And is -- is there anything about
3 that experience that makes you think that you would be biased
4 or prejudiced in a criminal case?

5 PROSPECTIVE JUROR NO. 006: No.

6 THE COURT: You'd be able to be fair to both sides
7 in the case, then?

8 PROSPECTIVE JUROR NO. 006: Yes.

9 THE COURT: All right, thank you. Anyone else in
10 that row who has a relative or themselves with any prior law
11 enforcement? Okay, the next row up there. Ms. Ayoub in seat
12 number 10.

13 PROSPECTIVE JUROR NO. 958: Yes. About 24 years
14 ago, I worked for a juvenile correctional facilities, too, in
15 El Paso, Texas.

16 THE COURT: Okay. Were you the -- what did you do
17 there?

18 PROSPECTIVE JUROR NO. 958: Well, I was an
19 instructor for the GED.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 958: So I worked with all the
22 -- the young kids that were -- were retained.

23 THE COURT: Okay. Anything about that experience
24 that would cause you to be biased or prejudiced in a -- in a
25 case here? For or against either side?

1 PROSPECTIVE JUROR NO. 958: No. No, I wouldn't.

2 THE COURT: All right. Thank you, ma'am. Anyone
3 else in that row who has prior law enforcement experience? Or
4 in the last row? Anyone who themselves or a close relative
5 who's had anything -- any work experience with any of the
6 police agencies? All right. All right, thank you.

7 Now, is there anyone who might not be able to follow
8 all of the instructions of the Court on the law? Is everyone
9 willing to follow the instructions on the law which the Court
10 gives to them even if the instructions differ from your
11 personal feeling of what the law ought to be?

12 In other words, as members of a jury, you are the
13 judges of the questions of fact that come up in the case and
14 you decide what the facts are. As the Judge in the case, I am
15 the judge of the law and it's my responsibility to be sure
16 that I give instructions on the law that apply to the
17 particular case. And it would be a violation of a juror's
18 duty if he or she tried to render a judgment on a case based
19 upon what they believed the law was if it was different from
20 the instructions that the Court gave.

21 So the question is, would you all be able to follow
22 the instructions on the law which the Court will give in the
23 case? Anyone have a problem with that? Okay.

24 Under our system of justice, certain principles of
25 law apply in every criminal trial. They include, number one,

1 that the Information or Indictment in a case is a mere
2 accusation and is not evidence of any guilt. Also, that the
3 defendant is presumed innocent and that the State must prove a
4 defendant is guilty beyond a reasonable doubt. Is there
5 anyone who does not understand or believe in these basic
6 principles of American justice? Okay.

7 Does anybody know anything about this case other
8 than what's been told you so far in court today? Okay.

9 I have a few additional questions that I need to ask
10 you as well. Have any of you ever served as a juror before?
11 Anyone with prior jury service? Where's our microphone right
12 now? Would you hand it to Ms. Threat there in front of you?

13 Ms. Threat, the questions are, was it here in town?

14 PROSPECTIVE JUROR NO. 996: Yes.

15 THE COURT: Do you know if it was federal or state
16 court?

17 PROSPECTIVE JUROR NO. 996: It was state.

18 THE COURT: State court. Do you know --

19 PROSPECTIVE JUROR NO. 996: And federal.

20 THE COURT: -- if it was a civil or criminal case?

21 PROSPECTIVE JUROR NO. 996: It was criminal.

22 THE COURT: Criminal. One time?

23 PROSPECTIVE JUROR NO. 996: No, one was federal, the
24 other was state. I got --

25 THE COURT: Okay. And both times it was criminal

1 cases?

2 PROSPECTIVE JUROR NO. 996: Yes.

3 THE COURT: Without indicating what the verdicts
4 were, were the jury in both cases able to arrive at a verdict?

5 PROSPECTIVE JUROR NO. 996: Yes.

6 THE COURT: Did you ever serve as the foreperson of
7 the jury?

8 PROSPECTIVE JUROR NO. 996: No.

9 THE COURT: Okay, thank you. Anyone else with jury
10 service? Yes, Mr. Cortez, same questions. Was it in town
11 here?

12 PROSPECTIVE JUROR NO. 005: No.

13 THE COURT: California?

14 PROSPECTIVE JUROR NO. 005: Yes.

15 THE COURT: And was it federal or state court?

16 PROSPECTIVE JUROR NO. 005: State.

17 THE COURT: State court. Was it civil or criminal?

18 PROSPECTIVE JUROR NO. 005: One is civil and one is
19 criminal.

20 THE COURT: All right. Without indicating what the
21 verdicts were, was the jury able to arrive at a verdict in
22 both cases?

23 PROSPECTIVE JUROR NO. 005: Yes.

24 THE COURT: Did you ever serve as the foreperson or
25 foreman of the jury?

1 PROSPECTIVE JUROR NO. 005: No.

2 THE COURT: Okay, thank you. Anyone else who has
3 prior jury service? All right, Ms. Jacquot in seat number 27.

4 PROSPECTIVE JUROR NO. 050: Yes. It was district
5 court. The jury that I was on, after several days was settled
6 out of court.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 050: And so we were
9 dismissed.

10 THE COURT: All right, thank you. Anyone else down
11 in front who's had jury service? Yes, Mr. Sanchez in seat 24.

12 PROSPECTIVE JUROR NO. 026: It was a civil case.

13 THE COURT: Okay. Was it here in town?

14 PROSPECTIVE JUROR NO. 026: Yes.

15 THE COURT: Okay. And did the jury --

16 PROSPECTIVE JUROR NO. 026: Traffic accident.

17 THE COURT: All right. Did the jury arrive at a
18 verdict?

19 PROSPECTIVE JUROR NO. 026: Yes.

20 THE COURT: Did you serve as the jury foreman or
21 foreperson?

22 PROSPECTIVE JUROR NO. 026: No, no.

23 THE COURT: Okay. Okay, thank you. Now, up -- up
24 in the back there we had some more, up in the corner there.
25 Ms. Harakal. Am I saying it right?

1 PROSPECTIVE JUROR NO. 940: Yes.

2 THE COURT: Ms. Harakal.

3 PROSPECTIVE JUROR NO. 940: Mine was out-of-state in
4 Pennsylvania. It was a civil case and it was -- we came to a
5 decision on it.

6 THE COURT: All right. And did you serve as the
7 foreperson of the jury?

8 PROSPECTIVE JUROR NO. 940: No.

9 THE COURT: Were you the foreman or the foreperson?

10 PROSPECTIVE JUROR NO. 940: No.

11 THE COURT: Okay, thank you. Anyone else with prior
12 jury experience? All right.

13 Have you or anyone close to you, such as a family
14 member or a friend, ever been the victim of a crime? Anyone
15 who's been a victim of a crime or a close family member or a
16 friend ever been the victim of a crime? Would you hand it to
17 Mr. Roark in seat number 13. Mr. Roark, was it here in town?

18 PROSPECTIVE JUROR NO. 976: Yes, it was here in town
19 recently. I had some close family friends, their apartment
20 was broken into, vandalized and robbed.

21 THE COURT: Okay. Did the police respond?

22 PROSPECTIVE JUROR NO. 976: Yes.

23 THE COURT: Do you know if they ever arrested anyone
24 or --

25 PROSPECTIVE JUROR NO. 976: Currently, no. They

1 still have yet to arrest anyone.

2 THE COURT: All right. Is there anything about that
3 experience that causes you to -- basically what I'm wanting to
4 know is, did you feel the police did their job as best they
5 could?

6 PROSPECTIVE JUROR NO. 976: From what my friends
7 told me, yes.

8 THE COURT: Okay. So is there anything out of that
9 experience that would cause you to be biased against the
10 police or the State of Nevada?

11 PROSPECTIVE JUROR NO. 976: No.

12 THE COURT: All right. Anyone else? Thank you.
13 Anyone else who has ever been a victim of a crime? Mr.
14 Kahler, yes.

15 PROSPECTIVE JUROR NO. 014: I wasn't, but my uncle
16 was. He -- it was in Boulder City, he got into a car accident
17 with teenagers. And essentially, they put a beer in his car
18 and made it look like he was drunk.

19 THE COURT: Um-hum.

20 PROSPECTIVE JUROR NO. 014: And --

21 THE COURT: Was he arrested?

22 PROSPECTIVE JUROR NO. 014: Yeah, he was arrested.
23 But they -- they were driving on the wrong side of the road,
24 though.

25 THE COURT: Okay. The question I'm on right now is

1 asking if everyone's -- anyone's ever been the victim of a
2 crime. That would be where he's been accused of a crime,
3 right?

4 PROSPECTIVE JUROR NO. 014: Right.

5 THE COURT: But it's the same -- it's a good point,
6 the same question comes up. Is there anything out of that
7 that would make you biased or prejudiced against, say, the
8 police side of a story in a different case?

9 PROSPECTIVE JUROR NO. 014: Yeah.

10 THE COURT: There is?

11 PROSPECTIVE JUROR NO. 014: Yes.

12 THE COURT: And what is that?

13 PROSPECTIVE JUROR NO. 014: My uncle crashed and
14 there was a beer can, a full beer can in his hands and it was
15 the -- and it was a beer can that he didn't -- or it was beer
16 that he didn't drink.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 014: He didn't like the -- I
19 think it was a Bud Lite.

20 THE COURT: Yeah. Okay. And? And what happened,
21 he was prosecuted?

22 PROSPECTIVE JUROR NO. 014: Yeah, he was prosecuted.

23 THE COURT: Okay. And I -- and I gather from that,
24 you didn't agree with the prosecution?

25 PROSPECTIVE JUROR NO. 014: No, no.

1 THE COURT: So you think that he shouldn't have been
2 prosecuted?

3 PROSPECTIVE JUROR NO. 014: Yes.

4 THE COURT: All right. And that was in Boulder
5 City?

6 PROSPECTIVE JUROR NO. 014: Yes.

7 THE COURT: How long ago?

8 PROSPECTIVE JUROR NO. 014: I'm not really sure. I
9 was a kid, though, but.

10 THE COURT: You were a kid?

11 PROSPECTIVE JUROR NO. 014: Yeah. It was around 15
12 years ago.

13 THE COURT: Fifteen years ago?

14 PROSPECTIVE JUROR NO. 014: Yes.

15 THE COURT: Okay. So my question is, 15 years ago
16 in Boulder City, that happened to your uncle.

17 PROSPECTIVE JUROR NO. 014: Um-hum.

18 THE COURT: Is there anything out of that experience
19 that would cause you to be biased or prejudiced against the
20 State of Nevada in a case today?

21 PROSPECTIVE JUROR NO. 014: It ruined his -- it
22 ruined his entire life.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 014: He was a -- he had a
25 business and all that stuff and he lost it all because of that

1 one instance.

2 THE COURT: All right. So my question is, do you
3 think that you would be biased or prejudiced against the State
4 of Nevada today --

5 PROSPECTIVE JUROR NO. 014: Yes.

6 THE COURT: -- in any criminal case?

7 PROSPECTIVE JUROR NO. 014: Yeah. It's kind of hard
8 for me not to be because it ruined his entire life.

9 THE COURT: And because of something that happened
10 15 years ago in Boulder City, you think you couldn't be -- you
11 couldn't --

12 PROSPECTIVE JUROR NO. 014: I don't -- I don't want
13 to risk it.

14 THE COURT: Okay. All right. Counsel, I'll let you
15 traverse it when we get to that point. Thank you. Anyone
16 else who has ever been a victim of a crime. Ms. Treese -- I'm
17 sorry Treat.

18 PROSPECTIVE JUROR NO. 996: Threat.

19 THE COURT: Threat.

20 PROSPECTIVE JUROR NO. 996: Yeah.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 996: I have a laundry list.

23 THE COURT: All right.

24 PROSPECTIVE JUROR NO. 996: Cousins have been -- one
25 of my cousins, he was shot eight times. He was just walking

1 to the store with his daughter. They did not find the
2 criminals although there were witnesses who were following the
3 car and was radioing it in to the police and they didn't
4 arrest anybody, nothing like that. My --

5 THE COURT: Did you feel that the police did their
6 job or didn't do it?

7 PROSPECTIVE JUROR NO. 996: Not in that case, not
8 when you have witnesses following the people who did it. Then
9 another cousin, he was shot leaving a party. And then nothing
10 was found with that.

11 THE COURT: Okay. Did the police investigate?

12 PROSPECTIVE JUROR NO. 996: Yes.

13 THE COURT: And no arrests were ever made?

14 PROSPECTIVE JUROR NO. 996: No arrests were ever
15 made.

16 THE COURT: Did you think the police did what they
17 could? Or did you have any reason to think that the police
18 didn't do what they could?

19 PROSPECTIVE JUROR NO. 996: In that case, I felt
20 that they did what they could.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 996: In the first case, I
23 don't think they did what they could.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 996: And then my sister's

1 home was invaded, not -- well, she -- somebody broke into her
2 house and nothing was found from that. I felt that the police
3 did what they could based on that situation.

4 And then one of the girls who I mentor out here, she
5 was raped and that -- there hasn't been enough discussion on
6 it to figure out -- I can't say how it went either/or.

7 THE COURT: All right. So the question is, is there
8 anything about any of those incidents individually or taken as
9 a whole that causes you to believe that you couldn't be fair
10 to the State of Nevada because they are the -- usually
11 identified with the police. Do you feel you could be
12 completely fair to the State of Nevada in this case and fair
13 to the defendant?

14 PROSPECTIVE JUROR NO. 996: I feel that I can.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 996: Yeah, I feel that I can.

17 THE COURT: All right, thank you. Ms. Martin in
18 seat number 18.

19 PROSPECTIVE JUROR NO. 993: My uncle was murdered in
20 2005.

21 THE COURT: I'm sorry to hear that. Was that here
22 in town?

23 PROSPECTIVE JUROR NO. 993: It was.

24 THE COURT: Okay. Was anyone apprehended?

25 PROSPECTIVE JUROR NO. 993: They were.

1 THE COURT: Were they prosecuted?

2 PROSPECTIVE JUROR NO. 993: They were.

3 THE COURT: Do you -- did you feel that the police
4 did what they could do then?

5 PROSPECTIVE JUROR NO. 993: Yes, I do.

6 THE COURT: Did -- were you reasonably satisfied
7 with the results of the prosecution?

8 PROSPECTIVE JUROR NO. 993: Yes, I was.

9 THE COURT: Okay. So is there anything out of that
10 experience that causes you to think that you would be biased
11 or prejudiced either in favor of the State of Nevada or
12 against the State of Nevada?

13 PROSPECTIVE JUROR NO. 993: No.

14 THE COURT: How about in favor of a defendant in a
15 criminal case or against a defendant in a criminal case?

16 PROSPECTIVE JUROR NO. 993: No.

17 THE COURT: You could be fair to both sides?

18 PROSPECTIVE JUROR NO. 993: Absolutely.

19 THE COURT: All right, thank you. Ms. Kuhlman.

20 PROSPECTIVE JUROR NO. 991: Yes, Your Honor. I was
21 -- I think it was two years ago, our house was -- front door
22 was busted in and there were two guys in our house. My
23 husband came home and walked in on them burglarizing our home.

24 THE COURT: Okay. Was anyone apprehended?

25 PROSPECTIVE JUROR NO. 991: One of the two.

1 THE COURT: Were you satisfied that the police did
2 what they could?

3 PROSPECTIVE JUROR NO. 991: I think mostly they --
4 they couldn't get the guy -- other guy to give us the identity
5 of the guy who got away.

6 THE COURT: And was the guy prosecuted then?

7 PROSPECTIVE JUROR NO. 991: He was.

8 THE COURT: Okay. And were you reasonably satisfied
9 with the results of the prosecution?

10 PROSPECTIVE JUROR NO. 991: Yes.

11 THE COURT: Did you -- so is there anything out of
12 that experience that causes you to be biased either in favor
13 of the State of Nevada or against the State of Nevada?

14 PROSPECTIVE JUROR NO. 991: No, not at all.

15 THE COURT: Or in -- we're talking about now, today,
16 in a whole different case, in favor of a defendant in a
17 criminal case or against him?

18 PROSPECTIVE JUROR NO. 991: Not at all.

19 THE COURT: All right, thank you. Anyone else who
20 themselves -- well, either way. Either up in the corner --
21 let's go ahead and cover the corner up there. That's Mr.
22 Ennis.

23 PROSPECTIVE JUROR NO. 902: My mom's been missing
24 since, like, '99.

25 THE COURT: I'm sorry to hear that. Any reason to

1 suspect foul play?

2 PROSPECTIVE JUROR NO. 902: I have -- I was kind of
3 young, so I couldn't really say, but, you know, it's not a --

4 THE COURT: Were the police ever called in to
5 investigate?

6 PROSPECTIVE JUROR NO. 902: Yeah, all that happened,
7 everything for years, but still nothing.

8 THE COURT: Okay. So no arrests were ever made?

9 PROSPECTIVE JUROR NO. 902: No.

10 THE COURT: Did you feel that the police did what
11 they could?

12 PROSPECTIVE JUROR NO. 902: It's kind of like a
13 50/50 deal, like, maybe they did, but maybe they didn't.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 902: Could be more.

16 THE COURT: You were too young to really know what
17 they did?

18 PROSPECTIVE JUROR NO. 902: Yeah. But as far as
19 what I knew from growing up, being older now, it's still the
20 same. You know, it's like maybe they did, maybe they didn't,
21 maybe it could have been more, who knows, you know, so.

22 THE COURT: Yeah. Is there anything out of that
23 experience that would cause you to be biased or prejudiced
24 against either side in a criminal case today? Either against
25 the State of Nevada or against the defendant in a criminal

1 case?

2 PROSPECTIVE JUROR NO. 902: It's kind of hard to
3 say, tell you the truth, because it's like -- you know, that's
4 my mom, you know. It's like, you don't have any information
5 on somebody that means so much to you, it's kind of hard to
6 say, like, whether you trust or not trust law.

7 THE COURT: So if anything, you -- you have some
8 concern you might be biased against the police in this case?

9 PROSPECTIVE JUROR NO. 902: Somewhat. I don't know.
10 I guess it's just -- going to say it's hard to know, you know,
11 what --

12 THE COURT: Yeah.

13 PROSPECTIVE JUROR NO. 902: -- they really did or
14 what the circumstances was because it was in, you know, '99, a
15 lot of stuff happened in '99.

16 THE COURT: Yeah.

17 PROSPECTIVE JUROR NO. 902: So I can't really say.

18 THE COURT: Well, so, I mean --

19 PROSPECTIVE JUROR NO. 902: Well, I could --

20 THE COURT: -- I'm sure you understand, this case
21 has nothing to do with your mom's case.

22 PROSPECTIVE JUROR NO. 902: No, I know. Well, I
23 guess you could say, it probably could be fair, but I -- well,
24 yeah, I guess you could say that because this has nothing to
25 do with it, but I still -- law enforcement -- law enforcement,

1 period, I kind of just don't like.

2 THE COURT: You don't like?

3 PROSPECTIVE JUROR NO. 902: No.

4 THE COURT: Now is that a result of that case or
5 some other experience?

6 PROSPECTIVE JUROR NO. 902: Yeah. Just because I --
7 you know, I just felt like maybe it could have been more done,
8 but maybe it couldn't. So it's like a 50/50 toss up. But the
9 toss up in -- goes on to I just have no regards for --

10 THE COURT: Okay. So -- but you're not -- you're
11 not -- you're not afraid that you might be biased because you
12 think they are unfair to criminal defendants, but the
13 opposite, you think they should do more?

14 PROSPECTIVE JUROR NO. 902: Yes.

15 THE COURT: Okay. Has anybody told you something
16 that they -- that they didn't do in that past case with your
17 mom involved?

18 PROSPECTIVE JUROR NO. 902: No, because it's been --
19 you know, so many years, so many people get hands on the case,
20 so it's always been so much of --

21 THE COURT: Okay. Well --

22 PROSPECTIVE JUROR NO. 902: -- he say, she say.

23 THE COURT: -- ultimately here's the question. Are
24 you able to put that out of your mind when you're dealing with
25 this case so that --

1 PROSPECTIVE JUROR NO. 902: No.

2 THE COURT: So you wouldn't be able to render a
3 verdict in this case?

4 PROSPECTIVE JUROR NO. 902: No, that's -- it's
5 always in there.

6 THE COURT: Let me finish the question.

7 PROSPECTIVE JUROR NO. 902: Oh, okay.

8 THE COURT: You wouldn't be able to render a verdict
9 in this case based upon the evidence that's put before you?

10 PROSPECTIVE JUROR NO. 902: Oh, well, yeah, based on
11 that. But based on evidence from back then, you know, nothing
12 was done with my mom's case. So it's kind of like, well --

13 THE COURT: Okay. Well, we're not asking you to
14 solve that case, you know.

15 PROSPECTIVE JUROR NO. 902: No.

16 THE COURT: We're asking you to just not -- not make
17 a decision here based on something that happened back then.
18 So do you feel that you'd be able to listen to the testimony
19 here --

20 PROSPECTIVE JUROR NO. 902: Yes.

21 THE COURT: -- and the evidence and render a verdict
22 based -- based solely on the evidence in this case?

23 PROSPECTIVE JUROR NO. 902: Yes.

24 THE COURT: Could you do that?

25 PROSPECTIVE JUROR NO. 902: Yeah.

1 THE COURT: Thank you. Now was there another hand
2 down here? Yes, down in the corner, would you hand it down to
3 -- right down here in the very front row in seat number 33,
4 Ms. Hunton.

5 PROSPECTIVE JUROR NO. 093: Thank you. I would say
6 about a year ago, my mom was out in the backyard and she was
7 cleaning out the pool and a gentleman jumped over the wall,
8 had her at gun point. And I ran out in the backyard because I
9 heard screaming. And when he saw me, he jumped over the fence
10 and took off. Nobody was ever found guilty or anything of
11 that, so -- I mean, I don't -- I don't have any bias against
12 court or anything. They tried everything they could because
13 there's no witnesses.

14 And then domestic violence last year, they did
15 everything they could and there's no bias towards that.

16 THE COURT: Were you the victim in that case?

17 PROSPECTIVE JUROR NO. 093: Yes.

18 THE COURT: Okay. But you felt that the police did
19 what they could?

20 PROSPECTIVE JUROR NO. 093: Yeah.

21 THE COURT: And so --

22 PROSPECTIVE JUROR NO. 093: They did everything they
23 could.

24 THE COURT: -- you don't feel that would make you
25 biased or prejudiced against the police or the State of Nevada

1 in this case?

2 PROSPECTIVE JUROR NO. 093: No.

3 THE COURT: Or against a defendant in a criminal
4 case?

5 PROSPECTIVE JUROR NO. 093: No.

6 THE COURT: Either one, okay, thank you. Anyone
7 else who's, themselves or a family member or close friend,
8 ever been a victim of a crime.

9 All right. Now let's put the shoe on the other
10 foot. Is there anyone who themselves or has had someone close
11 to them like a family member or a friend who's ever been
12 accused of a crime? Has anyone ever been accused or had
13 someone close. Let's pass it right down here to Mr. Andrews
14 in seat 30. Yes, sir.

15 PROSPECTIVE JUROR NO. 070: Yes. When I was young,
16 before I went in the Air Force, I was arrested for disorderly
17 conduct and criminal mischief.

18 THE COURT: Okay. How old were you then?

19 PROSPECTIVE JUROR NO. 070: Nineteen.

20 THE COURT: Nineteen, that's --

21 PROSPECTIVE JUROR NO. 070: Yeah.

22 THE COURT: Okay. As -- and were you prosecuted?

23 PROSPECTIVE JUROR NO. 070: Yes.

24 THE COURT: Okay. Is there anything out of that
25 experience that would cause you to be biased or prejudiced

1 against either side in a criminal case today?

2 PROSPECTIVE JUROR NO. 070: No.

3 THE COURT: All right, thank you. And over here to
4 Ms. Martin in seat number 18.

5 PROSPECTIVE JUROR NO. 993: My brother is currently
6 serving time.

7 THE COURT: Okay. Here in Nevada?

8 PROSPECTIVE JUROR NO. 993: In Reno.

9 THE COURT: What's that?

10 PROSPECTIVE JUROR NO. 993: In Reno.

11 THE COURT: In Reno.

12 PROSPECTIVE JUROR NO. 993: I'm not sure the prison
13 name. He was in Indian Springs and got transferred.

14 THE COURT: How long ago did that happen?

15 PROSPECTIVE JUROR NO. 993: Four years ago.

16 THE COURT: Okay. Did you -- did you feel that the
17 court system treated him fairly?

18 PROSPECTIVE JUROR NO. 993: Yes.

19 THE COURT: Okay. Is there anything out of that
20 experience or the fact that he is that would cause you to be
21 biased or prejudiced against either side in a criminal case
22 today?

23 PROSPECTIVE JUROR NO. 993: (Inaudible).

24 THE COURT: Okay, thank you. Anyone who either
25 themselves or a family member or a close friend ever been

1 accused of a crime? Would you hand it all the way back here.
2 Our battery run out?

3 THE MARSHAL: No, it was off.

4 THE COURT: Okay. Okay. It's back in the very back
5 there in seat number 5, Mr. Farley. Mr. Farley, I'm sure you
6 get asked this all the time. You're no relation to Chris
7 Farley, are you?

8 PROSPECTIVE JUROR NO. 916: Yes, I am. As a matter
9 of fact, he's my cousin.

10 THE COURT: You're kidding.

11 PROSPECTIVE JUROR NO. 916: Was my cousin.

12 THE COURT: Is that right.

13 PROSPECTIVE JUROR NO. 916: Yes, sir. Poof, you
14 mean like committed crime?

15 THE COURT: Well, that is not the question. Have
16 you ever been accused of a crime.

17 PROSPECTIVE JUROR NO. 916: Accused.

18 THE COURT: We don't want any confessions here.

19 PROSPECTIVE JUROR NO. 916: I've got two DUIs. I
20 mean, is that considered accused?

21 THE COURT: Okay. That's -- that's being accused of
22 a crime. Did -- and so -- and both of those are over and done
23 with?

24 PROSPECTIVE JUROR NO. 916: Well, over and done
25 with.

1 THE COURT: Okay. Did you feel that you were
2 treated basically fairly by the court system?

3 PROSPECTIVE JUROR NO. 916: Yeah, I was drunk.
4 There's if, and or buts, no grey area. Yeah, it was my fault.

5 THE COURT: All right. Is there anything out of
6 that experience that would cause you to be biased or
7 prejudiced today --

8 PROSPECTIVE JUROR NO. 916: Not at all.

9 THE COURT: -- against either the State in
10 prosecuting or a defendant in a criminal case?

11 PROSPECTIVE JUROR NO. 916: No, sir.

12 THE COURT: All right, thank you. Anyone else who's
13 ever been accused themselves personally or a family member or
14 a friend? All right, thank you.

15 Now here's a related question. Would any of you
16 have a tendency to give more weight or credence, or less
17 weight or credence, to the testimony of a police officer
18 simply because he or she is a police officer? Another way of
19 asking that; is there anyone -- would you all be able to view
20 and judge the credibility of a police officer's testimony the
21 same as you anybody else? Would you hand it to Mr. Kahler
22 there? Okay, Mr. Kahler.

23 PROSPECTIVE JUROR NO. 014: No. I would not be able
24 to.

25 THE COURT: So are you saying that if a police

1 officer took the stand, you wouldn't be able to believe them?

2 PROSPECTIVE JUROR NO. 014: I would have to see more
3 of the evidence. You know, I'd have to see more proof than
4 just his word.

5 THE COURT: Well, is that the same as if any other
6 witness took the stand?

7 PROSPECTIVE JUROR NO. 014: Pretty much, yeah.

8 THE COURT: So you would -- no matter who took the
9 stand, you would want to see more proof?

10 PROSPECTIVE JUROR NO. 014: Yes.

11 THE COURT: More evidence. Okay.

12 PROSPECTIVE JUROR NO. 014: But I would have more of
13 a, kind of -- I'm trying to find the right word. Not proof,
14 it's more of a -- I wouldn't, like, rush to believe a police
15 officer, not right away.

16 THE COURT: Would you rush to believe another
17 witness, some non-police officer?

18 PROSPECTIVE JUROR NO. 014: More -- more if he
19 wasn't a police officer because of my personal bias.

20 THE COURT: Okay. So is -- what you're saying is,
21 then, if I'm correct, is a police officer's testimony would
22 have less weight or credence than any other non-police
23 officer; is that correct?

24 PROSPECTIVE JUROR NO. 014: Yes.

25 THE COURT: All right. Counsel, I'll let you

1 traverse on that. All right, thank you.

2 Anyone else who would -- would give more weight or
3 credence to a police officer or less weight to a police
4 officer just because he or she was a police officer? Yes, Mr.
5 Bailey. Could you hand it up to him.

6 PROSPECTIVE JUROR NO. 065: I guess just because of
7 my family history and stuff like that, I kind of hold more of
8 a -- I'd believe a police officer before I'd believe someone
9 off the street.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 065: Because it's their job
12 to serve and protect, not to lie.

13 THE COURT: Would you be able to judge the weight or
14 the credibility of a police officer the same as anybody else?

15 PROSPECTIVE JUROR NO. 065: I guess it all depends.
16 I mean, if you have cold, hard facts in your face, there's a
17 difference, but if someone came to me with a story and he's a
18 police officer, I'd believe him before I'd believe someone
19 else coming off the street.

20 THE COURT: Would you -- would you be able to wait
21 until all of the evidence is, before making any decision as to
22 whether the State had proven its case or not? Would you be
23 able to wait until all the evidence was in?

24 PROSPECTIVE JUROR NO. 065: Well, I'd look at all
25 the evidence, but --

1 THE COURT: Okay. All right.

2 PROSPECTIVE JUROR NO. 065: -- if you have, like,
3 whatever you want to call them, testimony or whatever, from a
4 police officer, I'd most likely believe him before I'd believe
5 someone else just walking up off the street and telling me
6 something.

7 THE COURT: All right. Okay, thank you. We'll let
8 counsel traverse on that. Anything else -- anyone else who
9 would judge the testimony of a police officer differently than
10 -- than any other witness? Thank you.

11 Now, the same -- the same question that I just --
12 just mentioned with Mr. Bailey to all of you. Would all of
13 you be able to wait to form your opinion as to the guilt or
14 innocence of a defendant until all of the evidence has been
15 heard, and after considering the instructions which I will
16 give you on the law?

17 Or, in other words, another way of asking that, is
18 there anyone who feels absolutely compelled to rush to
19 judgment and decide the case before you've heard all the
20 evidence or before the Court gives you the instructions on the
21 law? Would you all be able to wait until that point before
22 you make the determination? That is what we ask you to do.
23 Thank you.

24 Do any of you know of any other reason why you
25 couldn't be a completely fair and unbiased juror if you were

1 selected in this case? Yes, would you hand it right -- Mr.
2 Bailey, hand it right over your shoulder there to Mr.
3 Eslinger?

4 PROSPECTIVE JUROR NO. 017: Yeah. I just had a
5 question. Is a death penalty going to be involved in this
6 case?

7 THE COURT: No.

8 PROSPECTIVE JUROR NO. 017: No. Okay, I'm good.

9 THE COURT: This is not a death penalty case.

10 PROSPECTIVE JUROR NO. 017: Thank you.

11 THE COURT: However, that brings up a good question
12 that I want to ask you all now. Because this is a case that
13 involves a charge of first degree murder, the jury will also
14 determine the penalty for that charge. First degree murder
15 carries three different penalties which the jury can assess.
16 One is a term of 20 to 50 years in prison. Second is a term
17 of life imprisonment with the possibility of parole after 20
18 years in prison. And finally is the sentence of life without
19 the possibility of a parole.

20 Would all of you be able to consider all three forms
21 of punishment in rendering your verdict? All right.

22 Now I'm going to allow the -- well, I'm not going
23 to, I guess. We have flat run out of time. We try to -- try
24 to stick with our word. So it's slightly after 5:00, so we're
25 going to stop for the day.

1 Now, ladies and gentlemen, you're going to all go
2 home tonight, at least I hope you are, and when you do,
3 somebody at home is going to ask you to tell them all about
4 what you're doing today. Because we don't want people to make
5 any decisions based on something that somebody else tells
6 them, I'm going to ask you not to do that.

7 I'm going to ask you to only tell your family
8 members or friends, if anybody that asks you, to tell them
9 that you're possibly going to serve on a criminal trail and
10 the Judge has threatened you if you say anything else. That
11 should -- that should take care of any questions that you
12 might get from any -- any family members.

13 While you're on this overnight recess, then -- and
14 again, we won't come back until 1:00 o'clock tomorrow
15 afternoon. While you're on this recess, you are admonished
16 not to talk or converse among yourselves or with anyone else
17 on any subject or any person connected with this trial. This
18 includes your family member or -- family members or friends
19 other than telling them you're -- you're being considered for
20 a criminal trial and you can tell them the part about the
21 threat from the Judge if you want to, if that helps you fend
22 them off.

23 You're not to watch or listen to or read any account
24 of this trial by -- or on this case by any medium of
25 information including newspaper, television, the internet or

1 radio. Please do not get on the internet and Google something
2 about this case or about any criminal case overnight. Please
3 do not engage in that temptation to refer to the internet to
4 get all your news about what it is you're involved with.

5 The jury's function in this case is the same as any
6 other case. It's your function to act as judges, judges of
7 the facts. And in that, we don't want you to be biased or
8 prejudiced from any reason, certainly not because you got
9 online and Googled something about either this case or any
10 other criminal case. So please hold off until this trial is
11 completely over before you do anything like that.

12 You are admonished not to form or express any
13 opinion on any subject connected with this trial until the
14 case is finally submitted to you.

15 We will assemble again at 1:00 o'clock tomorrow
16 afternoon. Did you need me before they go or is that after?
17 All right. Counsel, anything else that we need to do before
18 we go off the record?

19 MS. PIEPER: Not by the State, Your Honor.

20 THE COURT: All right.

21 MR. OTTO: Not for defense, Your Honor.

22 THE COURT: Thank you. Thank you again for being
23 here, ladies and gentlemen, we appreciate your -- your service
24 here. Court will be in recess until 1:00 o'clock tomorrow
25 afternoon.

1 THE MARSHAL: And for the jury panel, if you would
2 just check in on the third floor at Jury Services, they will
3 scan your name cards tomorrow and then just come on up here
4 and wait outside the courtroom at 1:00 o'clock.

5 THE COURT: Yeah. Please -- please be outside the
6 courtroom at 1:00 though. Okay.

7 (Court recessed at 5:12 p.m., until Tuesday,
8 April 8, 2014, at 1:07 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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9-18-14
DATE


CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-294695-1
	.	
Plaintiff,	.	DEPT. NO. I
	.	
vs.	.	
	.	
MATTHEW WASHINGTON,	.	TRANSCRIPT OF
	.	PROCEEDINGS
Defendant.	.	
.....	.	

BEFORE THE HONORABLE KENNETH CORY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

TUESDAY, APRIL 8, 2014

APPEARANCES:

FOR THE STATE:

DANIELLE K. PIEPER, ESQ.
BARBARA F. SCHIFALACQUA
Chief Deputy District Attorneys

FOR THE DEFENDANT:

DAVID J. OTTO, ESQ.
ROBERTA OHLINGER-JOHNSON, ESQ.

COURT RECORDER:

BEVERLY SIGURNIK
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, TUESDAY, APRIL 8, 2014, 1:07 P.M.

2 (Outside the presence of the prospective jurors)

3 MS. SCHIFALACQUA: Good afternoon, Your Honor.

4 MS. PIEPER: Hi, Judge.

5 MR. OTTO: Good afternoon.

6 MS. OHLINGER: Hello.

7 THE COURT: Hello.

8 MS. PIEPER: Just a little bit of business we need
9 to bring up prior to the jury coming in.

10 THE COURT: Are we on?

11 THE COURT RECORDER: Yes.

12 THE COURT: Okay.

13 MS. PIEPER: Good afternoon, Your Honor. Danielle
14 Pieper on behalf of the State.

15 We informed Mr. Otto this afternoon as we came into
16 court that last night as we were leaving the courthouse, Ms.
17 Schifalacqua and were actually away from the courthouse,
18 walking. We were talking about the case and when we got down
19 to the bottom of the stair area, one of the jurors were
20 standing there. I don't know whether she heard us talking or
21 not, but we thought it would be prudent to obviously let the
22 Court know, let counsel know, and probably just bring her in
23 for just a short canvass. She may not have heard anything
24 that we said.

25 THE COURT: Can you identify her?

1 MS. PIEPER: Yes.

2 THE COURT: Okay.

3 MS. PIEPER: She is --

4 MS. SCHIFALACQUA: Badge number 912, Ms. Smith.

5 THE COURT: She's not presently seated then?

6 MS. SCHIFALACQUA: Yeah, she is, I'm sorry. She's

7 in chair four.

8 MS. PIEPER: Chair four.

9 THE COURT: Okay, Ms. Smith.

10 MR. OTTO: Sharon Smith.

11 MS. PIEPER: Correct.

12 THE COURT: All right. Well, and then I will give
13 the admonition to --

14 MS. PIEPER: Oh, that was --

15 THE COURT: -- that we spoke of last night, I'll
16 give that also to all of the jurors when they come in.

17 MS. SCHIFALACQUA: She looked at us and we looked
18 at her and then we just turned our backs.

19 MR. OTTO: And she said, Don't say that about Mr.
20 Otto. He's been perfectly nice to me.

21 MS. PIEPER: She did not say that. But it was a
22 little uncomfortable because, of course, we can't say anything
23 to anybody and we just kind of turned our backs.

24 MS. SCHIFALACQUA: Right.

25 THE COURT: All right. Anything else?

1 MS. PIEPER: No, Your Honor.

2 THE COURT: Let's bring in Ms. Smith. She's in seat
3 number four. This was going downstairs, you said?

4 THE COURT: This was going down the stairs you said?

5 MS. PIEPER: Yeah, we were going down the handicap
6 ramp and she was at the bottom. And we were talking the
7 whole --

8 THE COURT RECORDER: Her voice fades.

9 MS. PIEPER: Can you not hear me?

10 THE COURT RECORDER: Your voice fades.

11 MS. PIEPER: Oh.

12 THE COURT RECORDER: You drop off end of sentences.

13 (Pause in the proceedings)

14 (Prospective Juror No. 912 is present)

15 THE MARSHAL: Where would you like her, Your Honor?

16 THE COURT: Yes. Ms. Smith, hi. Would you come in
17 and just have a seat to your -- anywhere.

18 Some of the attorneys were concerned for -- had a
19 concern that you may have perhaps overheard a conversation
20 without intending to, that they were having as they left the
21 building last night. Did you -- did you hear anything from
22 the two prosecutors?

23 PROSPECTIVE JUROR NO. 912: No.

24 THE COURT: Okay. I will be giving a -- an
25 explanation to all the jury which you will hear in just a

1 minute that all of the attorneys and the Judge, the only
2 person that can talk to anybody on the jury during the trial
3 is the bailiff.

4 PROSPECTIVE JUROR NO. 912: Okay.

5 THE COURT: Is our Marshal.

6 PROSPECTIVE JUROR NO. 912: Okay.

7 THE COURT: And so we just wanted to be sure that
8 you hadn't overheard anything.

9 PROSPECTIVE JUROR NO. 912: Nothing.

10 THE COURT: All right, thank you, ma'am.

11 PROSPECTIVE JUROR NO. 912: Okay.

12 THE COURT: You can return and we'll bring you all
13 back in.

14 PROSPECTIVE JUROR NO. 912: All right.

15 (Prospective Juror No. 912 is not present)

16 THE COURT: What else besides our scheduling did we
17 want to cover?

18 MS. PIEPER: Do we know, Judge, if Ms. Threats and
19 Ms. Jacquot brought in their paperwork?

20 MR. OTTO: Yes.

21 MS. SCHIFALACQUA: Because we may want to do that
22 up-front before we --

23 THE COURT: Yeah.

24 MR. OTTO: It's Amy Lahav and Jacquot?

25 MS. SCHIFALACQUA: No. It's Ms. Threat.

1 MR. OTTO: Oh, Threat and Jacquot, that's right,
2 yes.

3 MS. PIEPER: Because if they did, then maybe we can
4 let them go so we can start with --

5 THE COURT: Let them go. Why don't you grab the
6 bailiff. Would -- would -- could one of you guys grab the
7 bailiff and --

8 THE MARSHAL: Jacquot and?

9 MS. PIEPER: Threats. Or just ask the bailiff to
10 come in.

11 THE COURT: Yeah.

12 (Pause in the proceedings)

13 THE COURT: Donna, we think we're going to pull in
14 from seat number nine, Ms. Threat -- I'm sorry, 19, Ms.
15 Threat.

16 THE MARSHAL: I'll try and find her.

17 THE COURT: And then after her, we'll have Ms.
18 Jacquot come in and take care of that matter. Jacquot is
19 number 27. So it's seat 19 and seat 27.

20 THE MARSHAL: All right. And also we have an
21 elderly lady that has been sitting out here in the gallery and
22 she just wanted to let you know, I'll get her name and the
23 dates, but she has a knee replacement surgery coming up. And
24 even though she's not seated, she wanted to make you aware of
25 that, that it would be right in the midst of this.

1 THE COURT: Okay. It would come in the middle of
2 the trial?

3 THE MARSHAL: Yeah. So I'll get her name and --

4 MS. PIEPER: Judge, we have no opposition.

5 MS. SCHIFALACQUA: We have no opposition.

6 THE COURT: You want to just get her name and we'll
7 release her. If you can get her name for us and just release
8 her.

9 THE MARSHAL: Okay.

10 (Pause in the proceedings)

11 (Prospective Juror No. 996 is present)

12 THE COURT: Good afternoon, Ms. Threat. We wondered
13 if you were able to come up with any documentation for us?

14 PROSPECTIVE JUROR NO. 996: Yeah.

15 THE COURT: Okay. Would you hand it to the bailiff
16 there? And counsel, you want to take a look?

17 (Pause in the proceedings)

18 THE COURT: Now, you didn't run home and make those
19 reservations last night, did you?

20 PROSPECTIVE JUROR NO. 996: No. It was literally
21 yesterday morning.

22 THE COURT: Yesterday morning.

23 PROSPECTIVE JUROR NO. 996: Tickets were on sale.

24 THE COURT: All right. Counsel?

25 MR. OTTO: Enjoy your vacation. We'll be here

1 thinking of you on the cruise.

2 THE COURT: You are officially excused, thank you.

3 PROSPECTIVE JUROR NO. 996: All right. Thank you,
4 sir.

5 (Pause in the proceedings)

6 (Prospective Juror No. 966 is not present)

7 THE MARSHAL: And then, Your Honor, it was Brenda
8 Matson, number -- badge number 1109, page three, that was
9 scheduled for surgery.

10 THE COURT: Page three.

11 THE CLERK: She's the third one down.

12 THE COURT: Oh, hello. It helps if we get on the
13 right page three. All right, thank you. And then let's have
14 Ms. Jacquot.

15 (Pause in the proceedings)

16 (Prospective Juror No. 050 is present)

17 THE COURT: Good afternoon, Ms. Jacquot. Were you
18 able to find some documentation for us?

19 PROSPECTIVE JUROR NO. 050: Yes, I was, sir.

20 THE COURT: Why don't you just show it to counsel.
21 Counsel, will you take a look and see what she has?

22 (Pause in the proceedings)

23 MR. OTTO: It appears to be as Ms. Jacquot has
24 explained.

25 THE COURT: Okay. Did you say it was your sister,

1 ma'am?

2 PROSPECTIVE JUROR NO. 050: It's my mother.

3 THE COURT: Your mother. And does she -- I've
4 forgotten, what's her condition?

5 PROSPECTIVE JUROR NO. 050: Well, she's 103 years
6 old.

7 THE COURT: Oh, well, that's condition enough.

8 PROSPECTIVE JUROR NO. 050: And was doing
9 terrifically well, still driving at 101.

10 THE COURT: Oh, my.

11 PROSPECTIVE JUROR NO. 050: But then in the past
12 year, we lost both my brother and my sister and it's taken a
13 tremendous toll on her. So when I'm back here, I have a
14 wonderful friend and a couple of cousins who go stay with her
15 in the daytime, but her -- she's starting to get dementia.

16 THE COURT: I see.

17 PROSPECTIVE JUROR NO. 050: And so it's -- it's
18 going to be -- I'm going to be back there with her now.

19 THE COURT: Yeah, okay. Well we'll give these back
20 to you. We will excuse now. Counsel, am I correct? No
21 objection?

22 MS. PIEPER: That is correct.

23 MR. OTTO: No objection, Your Honor.

24 THE COURT: Thank you very much, ma'am. We
25 appreciate.

1 PROSPECTIVE JUROR NO. 050: Thank you very much. I
2 appreciate it from all of you.

3 THE COURT: Yeah, thank you.

4 MR. OTTO: Thank you for serving.

5 (Prospective Juror No. 050 is not present)

6 THE MARSHAL: Ready to bring the rest in?

7 THE COURT: Yes, I think so. Anything else,
8 counsel, before we bring the --

9 MS. PIEPER: No, Your Honor.

10 THE COURT: -- the jury in? So we'll be filling two
11 -- two seats to begin with.

12 (Pause in the proceedings)

13 THE COURT: Counsel are aware that Wednesday the
14 16th we'll begin at 9:00 instead of just the afternoon, right?
15 Okay.

16 (Prospective jurors reconvened at 1:18 p.m.)

17 THE COURT: Thank you, folks. Come on in, folks,
18 and find a seat anywhere.

19 (Pause in the proceedings)

20 THE COURT: Thank you. Please be seated.

21 All right. Ladies and gentlemen, thank you for
22 returning this afternoon with us. I want to make a couple of
23 announcements and then we'll proceed ahead with the jury
24 selection process.

25 I indicated to all of you that we would be in trial

1 from today through the 23rd and I gave the times that we would
2 be, generally Monday, Tuesday, Wednesday we go from 1:00 in
3 the afternoon till 5:00. And the other, Thursday and Friday,
4 we go full day.

5 However, we will not be in session on Good Friday.
6 This year, Good Friday is April the 18th. So on Friday the
7 18th we will not be in session. To offset that somewhat, two
8 days before that, on Wednesday the 16th, rather than being a
9 half-day session, it will be a full-day session. So for your
10 calendaring purposes, Wednesday the 16th will be all day,
11 we'll be off on Good Friday, which is the 18th this year.

12 Also, it's come to my attention that during the
13 selection process, occasionally we're getting someone who's --
14 one or more people who are chatting a little bit. It's not so
15 much in this group that are inside on the hot seat, but rather
16 those who are seated in the audience.

17 This is an extremely important trial to everyone
18 that's involved. It is not a time to be making comments under
19 your breath, either when a question is asked or when an answer
20 is given. So I will ask all of you to please, treat this
21 process with the respect that it deserves.

22 The Clerk will call the name of two more jurors.
23 You have seen that we have excused two people that showed us
24 that they were -- had pre-existing plans they were unable to
25 change.

1 MS. SCHIFALACQUA: Judge, before we begin.

2 THE COURT: Yes.

3 MS. SCHIFALACQUA: I think our persons that needed
4 the hearing assistance haven't gotten those.

5 THE COURT: Oh, oh, thank you, thank you. Yes, we
6 have two of them, don't we.

7 (Pause in the proceedings)

8 THE COURT: Are both of you able to hear all right
9 now?

10 (Affirmative answer)

11 THE COURT: Did both of you hear the announcements I
12 made about the scheduling, that we won't be in session on Good
13 Friday. Good Friday is the 18th this year, we will not be
14 here on that day. And on Wednesday, two days before that, the
15 16th, we will be here all day instead of a half a day. All
16 right, thank you.

17 The Clerk will call the name of two more jurors.

18 THE CLERK: Yolanda Nunez.

19 THE COURT: Ms. Nunez.

20 THE CLERK: And Jordann Plourde.

21 THE COURT: Right up in front here, ma'am. Is it
22 Ms. Nunez? Is that -- do I have that correct?

23 PROSPECTIVE JUROR NO. 098: Yes.

24 THE COURT: Okay. And Ms. Plourde?

25 PROSPECTIVE JUROR NO. 099: Plourde.

1 THE COURT: How do you pronounce it?

2 PROSPECTIVE JUROR NO. 099: It's like Lord but with
3 a P in front of it.

4 THE COURT: Oh, Plourde, okay. Thank you.

5 The first question for both of you is, would it be
6 an undue burden on either of you to serve on this jury for the
7 next two and a half weeks? Ms. Nunez, would you be able to
8 serve on this jury for the next two and a half weeks?

9 PROSPECTIVE JUROR NO. 098: Yes.

10 THE COURT: Pardon?

11 PROSPECTIVE JUROR NO. 098: Yes.

12 THE COURT: Yes, okay. Thank you. Now, I'm going
13 to ask each of you to tell us a little bit about yourselves
14 like we did yesterday with all the other folks. Ms. Plourde,
15 since you have the microphone, would you please tell us a
16 little bit about yourself and I'll help you along as we --

17 PROSPECTIVE JUROR NO. 099: Okay.

18 THE COURT: -- as we go.

19 PROSPECTIVE JUROR NO. 099: I'm Jordann, I'm 21. I
20 am in Euphoria for cosmetology, no spouse, nothing.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 099: Nothing.

23 THE COURT: What's the extent of your education?

24 PROSPECTIVE JUROR NO. 099: Graduated high school
25 with a diploma and in college for cosmetology.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 099: For two years now.

3 THE COURT: And you said there is no spouse or
4 significant other that works?

5 PROSPECTIVE JUROR NO. 099: No.

6 THE COURT: And do you have any other work
7 experience?

8 PROSPECTIVE JUROR NO. 099: Yes, I work in the
9 School District for food service.

10 THE COURT: Okay. Do you presently work there?

11 PROSPECTIVE JUROR NO. 099: Yeah.

12 THE COURT: Okay. And what is it that you do?

13 PROSPECTIVE JUROR NO. 099: Food service in the
14 cafeteria.

15 THE COURT: Oh, okay. I think that's it, thank you.

16 PROSPECTIVE JUROR NO. 099: Okay.

17 THE COURT: If you'd hand it back to Ms. Nunez.

18 PROSPECTIVE JUROR NO. 098: My name is Yolanda Nunez
19 and I don't have that much to say because I born and growing
20 in Mexico. I don't have a lot of school.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 098: So I just come to this
23 country and start working. I work for the MGM/Mirage
24 International.

25 THE COURT: What kind of work do you do there?

1 PROSPECTIVE JUROR NO. 098: I work at the
2 housekeeping department (indiscernible).

3 THE COURT: All right. Do you have a husband who
4 works or a significant other?

5 PROSPECTIVE JUROR NO. 098: No. I got divorced like
6 25 years ago.

7 THE COURT: Okay. Any children who work?

8 PROSPECTIVE JUROR NO. 098: I have five.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 098: They're all grow up,
11 yeah, and they work.

12 THE COURT: Do they work? Do any of them work?

13 PROSPECTIVE JUROR NO. 098: Yes. They're working
14 and one of them, they go to the Army for, I think, four years.
15 And my two daughters, they're cosmetologists and when they're
16 working.

17 THE COURT: Okay. What is the extent of your
18 education? How far did you go in school?

19 PROSPECTIVE JUROR NO. 098: I don't have much, like,
20 elementary only because in Mexico, there is no opportunity to.
21 So I'm growing as (indiscernible).

22 THE COURT: Did you graduate from primaria?

23 PROSPECTIVE JUROR NO. 098: Yeah, but then I don't
24 get my diploma.

25 THE COURT: How about secundaria?

1 PROSPECTIVE JUROR NO. 098: No, no. No secundaria.

2 THE COURT: No secundaria.

3 PROSPECTIVE JUROR NO. 098: No, nothing.

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

5 All right. Let me ask the two of you these -- some
6 of the same questions that I asked other members of the jury
7 panel yesterday.

8 Have you ever been convicted of a felony offense?

9 PROSPECTIVE JUROR NO. 098: No.

10 THE COURT: Are you a United States citizen?

11 PROSPECTIVE JUROR NO. 098: Yes.

12 THE COURT: Do you have such a sympathy, prejudice
13 or bias that relates to age, religion, race, gender or
14 national origin that you feel it would affect your ability to
15 be an open-minded and a fair and an impartial juror?

16 PROSPECTIVE JUROR NO. 098: No.

17 THE COURT: Okay. Are either of you acquainted with
18 the defendant or either of his attorneys?

19 PROSPECTIVE JUROR NO. 098: No.

20 THE COURT: Are either of you acquainted with either
21 of the Deputy District Attorneys?

22 PROSPECTIVE JUROR NO. 098: No.

23 THE COURT: Are either of you acquainted with any of
24 the witnesses whose names were read off yesterday?

25 PROSPECTIVE JUROR NO. 098: No.

1 THE COURT: Okay. Is there any reason that either
2 of you think you would be unable to serve on this jury? Okay.

3 Ever been -- have you or anyone close to you, like a
4 family member or a friend, ever been engaged in law
5 enforcement work? Police officer?

6 PROSPECTIVE JUROR NO. 098: No.

7 THE COURT: Okay. Would you be able to follow the
8 Court's instructions on the law as I give it to you even if it
9 differed from what you thought the law ought to be?

10 PROSPECTIVE JUROR NO. 098: Yes.

11 THE COURT: And to help you with that last question,
12 let me repeat again that as members of a jury, it's -- you are
13 the judges of the facts. In finding what the facts are,
14 however, you are to be guided by the law as I give it to you
15 in the instructions on the law. And I give you those
16 instructions mostly at the end of the trial before you retire
17 to deliberate upon a verdict. Would both of you be able to
18 follow the Court's instructions on the law, then?

19 PROSPECTIVE JUROR NO. 098: Yes.

20 THE COURT: Okay. Under our system of justice,
21 there are certain principles of law that apply in every
22 criminal case. They include, number one, that the Information
23 or Indictment filed in a case, the charging document, is a
24 mere accusation and is not evidence of guilt. Also, that a
25 defendant is presumed innocent. And, finally, that the State

1 must prove that a defendant is guilty beyond a reasonable
2 doubt.

3 Do either of you not understand or not believe in
4 these basic precepts of American justice? Both of you believe
5 in those things?

6 PROSPECTIVE JUROR NO. 098: Yes.

7 THE COURT: Okay. Do you know anything about this
8 case other than what you've heard in the courtroom so far?

9 PROSPECTIVE JUROR NO. 099: No.

10 PROSPECTIVE JUROR NO. 098: No.

11 THE COURT: Okay. Have either of you served as a
12 juror before?

13 PROSPECTIVE JUROR NO. 099: No.

14 PROSPECTIVE JUROR NO. 098: No.

15 THE COURT: Okay. Have you or anyone close to you,
16 such as a family member or a friend ever been the victim of a
17 crime? Either one had a crime committed upon you?

18 PROSPECTIVE JUROR NO. 098: No.

19 THE COURT: Okay. Or upon a close -- a friend or a
20 family member? Yes? Would you hand the microphone to her,
21 please? Ms. Plourde, how long ago was it?

22 PROSPECTIVE JUROR NO. 099: I guess it happened even
23 before I was born, but my mom -- my dad abused my mom.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 099: And they were both put

1 in jail, but my dad got charged and my mom didn't.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 099: And that's it.

4 THE COURT: Was he -- did they proceed with the
5 prosecution in that case, do you know?

6 PROSPECTIVE JUROR NO. 099: No, I don't know.

7 THE COURT: You don't know, okay. Is there anything
8 about that fact that would cause you to be biased or
9 prejudiced against either the State of Nevada in trying to
10 prove this crime or against the defendant in a criminal case?

11 PROSPECTIVE JUROR NO. 099: No.

12 THE COURT: Okay. Have either of you, yourselves or
13 anyone close to you, such as a family member or a friend ever
14 been accused of a crime? Anyone been arrested?

15 PROSPECTIVE JUROR NO. 099: No.

16 THE COURT: Okay. Would you have a tendency to give
17 more weight or credence or less weight or credence to the
18 testimony of a police officer simply because he or she is a
19 police officer?

20 PROSPECTIVE JUROR NO. 099: No.

21 THE COURT: So what we're wanting to know is would
22 you be able to judge the credibility of a police officer the
23 same as you do anyone else? Would you be able to do that?

24 Okay.

25 //

1 Can you wait in forming your opinion as to the guilt
2 of innocence of the defendant until all of the evidence has
3 been heard and after considering the instructions that I will
4 give you on the law?

5 PROSPECTIVE JUROR NO. 099: Yes.

6 THE COURT: What we want to know is that you won't
7 decide somebody's guilty or innocent before you even get to
8 the end of the evidence. We want you to not make the decision
9 until you hear all of the evidence and then you decide. Okay?

10 Do either of you know of any other reason why you
11 couldn't be a completely fair and impartial juror in this
12 case? Okay.

13 Because this is a murder charge, the jury will also
14 determine the penalty for the charge. There are three options
15 which the jury would consider. One is a term of 20 to 50
16 years in prison. The second is life with the possibility of
17 parole after 20 years in prison. And the third is life
18 without the possibility of parole. Would both of you be able
19 to consider all three forms of punishment here? Okay.

20 Counsel, I believe I have completed my voir dire.
21 We'll now give the State an opportunity to see if they have
22 additional questions. Ms. Schifalacqua?

23 MS. SCHIFALACQUA: Thank you, Your Honor. Just
24 prior -- could we approach briefly, Judge?

25 (Off-record bench conference)

1 THE COURT: All right.

2 MS. SCHIFALACQUA: Thank you, Judge.

3 THE COURT: Ms. Schifalacqua, you may proceed.

4 MS. SCHIFALACQUA: All right. Hi, everyone. All
5 right. I have -- you guys look excited -- I have quite a
6 number of follow-up questions, but then I'm also going to have
7 some general questions and I might turn it over to Ms. Pieper.
8 Well, we'll see how it goes.

9 But specifically with regarding some of the
10 questions that the Judge had for you yesterday, I'm going to
11 kind of just go down the line and that means, Mr. Ennis,
12 you're up first which you look excited about. All right,
13 there's a smile.

14 So I want to first talk to you, Mr. Ennis, you know,
15 unfortunately about the situation with your mother because
16 obviously some of the things that you said yesterday -- can
17 you hear me?

18 THE COURT: I think he's not -- she's not picking
19 you up, is that it?

20 THE COURT RECORDER: No, Ms. Plourde has the
21 microphone.

22 THE COURT: Oh, okay.

23 MS. SCHIFALACQUA: Well, we can pass it back, if
24 that's all right, since I'm starting with Mr. Ennis.

25 And I kind of want to get some information from you

1 with regard to the situation back with your mom, okay. During
2 that time, you were a child; is that right?

3 PROSPECTIVE JUROR NO. 902: Yes.

4 MS. SCHIFALACQUA: Okay. Did you follow the
5 investigation?

6 PROSPECTIVE JUROR NO. 902: Then, no.

7 MS. SCHIFALACQUA: No, not at that time?

8 PROSPECTIVE JUROR NO. 902: No.

9 THE COURT: How old were you approximately?

10 PROSPECTIVE JUROR NO. 902: Like, around 11, 12, I
11 think.

12 MS. SCHIFALACQUA: So it wasn't much later that you
13 began to kind of follow what was going on?

14 PROSPECTIVE JUROR NO. 902: To get more information,
15 yes.

16 MS. SCHIFALACQUA: And when you said -- you
17 indicated now you live in kind of North Las Vegas. At that
18 time, is that the jurisdiction that investigated it?

19 PROSPECTIVE JUROR NO. 902: Yes.

20 MS. SCHIFALACQUA: Okay. So it was North Las Vegas
21 police; is that right?

22 PROSPECTIVE JUROR NO. 902: Yes.

23 MS. SCHIFALACQUA: Okay. With regard to the
24 satisfaction, obviously not only as a child, that had an
25 impact on you; is that fair to say?

1 PROSPECTIVE JUROR NO. 902: Yeah.

2 MS. SCHIFALACQUA: Okay. Do you think, because of
3 some of the things you said yesterday, do you think that your
4 -- you'll be able to sit through this trial and listen to
5 testimony of officers?

6 PROSPECTIVE JUROR NO. 902: That's what I was
7 worried about, but I don't know. You know, this is my first
8 time, so I wouldn't really know, you know.

9 MS. SCHIFALACQUA: Okay. And you can see that -- I
10 mean, this is kind of a step back for everybody. Obviously,
11 Mr. Ennis, you haven't had jury experience before, right?

12 PROSPECTIVE JUROR NO. 902: No.

13 MS. SCHIFALACQUA: And for some people, you can't
14 say whether or not you'll be able to maybe fairly assess
15 something until it happens; is that right?

16 PROSPECTIVE JUROR NO. 902: Yes.

17 MS. SCHIFALACQUA: At the same time, you know, what
18 obviously the State wants is a fair trial.

19 PROSPECTIVE JUROR NO. 902: Correct.

20 MS. SCHIFALACQUA: And so with regard to that, it's
21 only you whether -- you're the only one that really knows, and
22 that's for anybody when we talk about these issues, you're the
23 only one that really knows whether or not that hesitation is
24 really going to be too much.

25 PROSPECTIVE JUROR NO. 902: Yeah.

1 MS. SCHIFALACQUA: And you say, yeah, do you think
2 that that might be a problem?

3 PROSPECTIVE JUROR NO. 902: Yes. Was -- it's like I
4 said -- like I said yesterday, it's like 50/50, like, I don't
5 know. And once it start going, then it probably, feelings or
6 stuff might come and it might be a little difficult. So --

7 MS. SCHIFALACQUA: Do you think that during this
8 case, while evidence is being presented, you'll start maybe
9 doing comparisons to what you lived as a child with regard to
10 your mom's case?

11 PROSPECTIVE JUROR NO. 902: No.

12 MS. SCHIFALACQUA: No.

13 PROSPECTIVE JUROR NO. 902: I'm pretty sure it's
14 different.

15 MS. SCHIFALACQUA: Okay. But do you think that
16 you'll be thinking about that when it's being presented?

17 PROSPECTIVE JUROR NO. 902: I always think about it.
18 It's --

19 MS. SCHIFALACQUA: Is it such that -- and yesterday,
20 you kind of said some of the phrases like, I guess you could
21 say I don't like law enforcement, right?

22 PROSPECTIVE JUROR NO. 902: Yes.

23 MS. SCHIFALACQUA: Can you tell me what it is that
24 would make you be able to kind of say that? Is it just the
25 investigation with regard to your mom?

1 PROSPECTIVE JUROR NO. 902: It's the fact that
2 nothing was found. So it's kind of like, you know, it's like
3 you still don't know what was done and what was not done
4 because not much information was available, you know, of what
5 could have happened or what.

6 MS. SCHIFALACQUA: And I hear you kind of being on
7 the fence; is that fair?

8 PROSPECTIVE JUROR NO. 902: Say that again?

9 MS. SCHIFALACQUA: Is it fair to say that you're
10 kind of on the fence about whether or not you'd be able to
11 listen to testimony of officers and not already have a view in
12 your mind?

13 PROSPECTIVE JUROR NO. 902: I wouldn't, because like
14 I say, I don't know anything about this case. So it's kind of
15 -- it's different as far as it would just be a fresh new thing
16 for me.

17 MS. SCHIFALACQUA: And you realize that it was --
18 obviously we listed Metro police officers, right? Not North
19 Las Vegas police officers?

20 PROSPECTIVE JUROR NO. 902: Yes.

21 MS. SCHIFALACQUA: Okay. So that's -- that's one
22 difference. The other difference would be obviously a
23 completely different case, that's right?

24 PROSPECTIVE JUROR NO. 902: Um-hum.

25 MS. SCHIFALACQUA: Is that a, yes, sir?

1 PROSPECTIVE JUROR NO. 902: Yes.

2 MS. SCHIFALACQUA: Okay. We're taking a record --

3 PROSPECTIVE JUROR NO. 902: I know, sorry.

4 MS. SCHIFALACQUA: -- so I'm going to make everybody
5 -- no "uh-uhs" or "huh-uhs". The concern, and you can
6 imagine, when the State wants to present a case and really get
7 people who are well-suited to sit on our juries, that if you
8 were having pause with regard to sitting on this jury, can you
9 tell me why that is then?

10 PROSPECTIVE JUROR NO. 902: No. Not coming to mind
11 now.

12 MS. SCHIFALACQUA: Okay. And with regard to bias,
13 you said that, you know, that it's really -- because,
14 obviously, this situation with your mom, but you're not sure
15 how you would be able to perceive law enforcement?

16 PROSPECTIVE JUROR NO. 902: Correct, yes.

17 MS. SCHIFALACQUA: And, you know, for our purposes
18 what we want is kind of people who can take an open mind,
19 generally speaking, and listen to the evidence that becomes --
20 comes before them. Do you think that that's going to be a
21 problem?

22 PROSPECTIVE JUROR NO. 902: No.

23 MS. SCHIFALACQUA: With regard to the investigation,
24 or maybe the lack of investigation with your mom, I know in
25 some ways when you say it's always on your mind, that that's

1 part of just life, right? The Judge talked about kind of
2 people have different life experiences when they come into a
3 courtroom. And you'd agree with me that that's going to stick
4 with you; is that right?

5 PROSPECTIVE JUROR NO. 902: In my mind, yes.

6 MS. SCHIFALACQUA: Do you think you'll be able to
7 focus on what's before you if we present evidence?

8 PROSPECTIVE JUROR NO. 902: Yes.

9 MS. SCHIFALACQUA: But do you agree with me that you
10 still have a hesitation of whether or not you'll be biased?
11 And you kind of -- and I have to make a record of this -- you
12 kind of laugh and -- you know, I mean, smiling and I get that
13 this might be uncomfortable, but you're the only one that has
14 these answers and I've got to know, you know, really --

15 PROSPECTIVE JUROR NO. 902: Yes.

16 MS. SCHIFALACQUA: -- what it is that's kind of
17 developing or in your mind when you're sitting here.

18 PROSPECTIVE JUROR NO. 902: Yeah. I shouldn't be.
19 I should be all right. You know, it's in there, but it
20 shouldn't affect what's going on with this one.

21 MS. SCHIFALACQUA: And so yesterday when you said
22 that you don't like law enforcement, is that statement now
23 something that you -- I mean, I guess I'm trying to match
24 those up.

25 PROSPECTIVE JUROR NO. 902: It's not much of, I

1 don't like it. I just don't associate or so much care for it,
2 I guess you can say. I have nothing against it. They have to
3 do a job just like everybody else.

4 MS. SCHIFALACQUA: Do you think that maybe your view
5 -- your views on that, on law enforcement, in general, will
6 those stick with you when we call -- which Ms. Pieper listed
7 -- I mean, she listed so many officers that most people
8 probably are like, ah, do I know them, don't I know them,
9 right? She listed a number of witnesses. We're going to be a
10 probably two-week jury trial, if after police officer after
11 police officer after police officer, you know, I have to know
12 that you can say to me, hey, look, that bias, that view, I'm
13 not going to judge before I hear the evidence.

14 PROSPECTIVE JUROR NO. 902: Oh, I -- I would not.
15 No, I would not judge before I hear.

16 MS. SCHIFALACQUA: Okay. But are you hesitant to be
17 a member of this jury?

18 PROSPECTIVE JUROR NO. 902: No. I just -- like I
19 say, I just -- I don't know what kind of feelings will -- will
20 come up as far as just that situation, like -- but I don't
21 think it should be a problem. It would be in my head, but I
22 don't think it should be a problem.

23 MS. SCHIFALACQUA: Okay. Let me ask you about a
24 couple other things, and for some of our other jurors that
25 have asked, this is obviously not a death penalty case, but

1 you are going to generally -- if the State proves its case
2 beyond a reasonable doubt with regard to first degree murder,
3 you will consider penalties.

4 And Mr. Ennis, when the Judge yesterday was reading
5 the first penalty range, the 20 to 50 years, your first
6 response was to shake your head "no".

7 PROSPECTIVE JUROR NO. 902: Oh.

8 MS. SCHIFALACQUA: Okay. Do you remember doing
9 that.

10 PROSPECTIVE JUROR NO. 902: No.

11 MS. SCHIFALACQUA: Then he went on, the Judge went
12 on to life with the possibility of parole after 20 years and
13 then the Judge went on to life without the possibility of
14 parole to which you shook your head said -- mouthed the words
15 "dang". Now, do you remember doing that?

16 PROSPECTIVE JUROR NO. 902: Yes.

17 MS. SCHIFALACQUA: Okay. Is there something about
18 having to stand in judgment that causes you pause to sit on
19 this jury?

20 PROSPECTIVE JUROR NO. 902: No, it was just a lot --
21 it just sounded like a lot, that's all.

22 MS. SCHIFALACQUA: Okay. And so with regard to
23 your, you know, kind of shaking your head "no" and saying the
24 words "dang", do you have any preconceived views with regard
25 to the three potential penalties that you might have to decide

1 in this case?

2 PROSPECTIVE JUROR NO. 902: No.

3 MS. SCHIFALACQUA: Thank you. Can you hand the mike
4 over? Thank you, Mr. Ennis. And I'll come back. I'm going
5 to have some more general questions, but I do want to follow
6 up first with Mr. Stevens.

7 How are you today, Mr. Stevens?

8 PROSPECTIVE JUROR NO. 095: Fine, thank you.

9 MS. SCHIFALACQUA: Okay. Now, you had indicated
10 that you work for a Las Vegas hotel and casino as a porter; is
11 that right?

12 PROSPECTIVE JUROR NO. 095: Correct.

13 MS. SCHIFALACQUA: Okay. And how often do you deal
14 with the public?

15 PROSPECTIVE JUROR NO. 095: Every day.

16 MS. SCHIFALACQUA: Okay. Is it fair to say you've
17 had situations where you've had to resolve some disputes?

18 PROSPECTIVE JUROR NO. 095: No.

19 MS. SCHIFALACQUA: No. When -- have you ever had
20 difficult public to deal with?

21 PROSPECTIVE JUROR NO. 095: No.

22 MS. SCHIFALACQUA: Not at all? How long have you
23 worked there again?

24 PROSPECTIVE JUROR NO. 095: I've been there 26
25 years.

1 MS. SCHIFALACQUA: Oh, you are a lucky man because I
2 tell you, walking up the stairs I think I deal with difficult
3 public just randomly.

4 PROSPECTIVE JUROR NO. 095: Yeah.

5 MS. SCHIFALACQUA: You haven't had any experience
6 where you've had to make, kind of, decisions about maybe a
7 difficult customer?

8 PROSPECTIVE JUROR NO. 095: No.

9 MS. SCHIFALACQUA: Oh.

10 PROSPECTIVE JUROR NO. 095: No.

11 MS. SCHIFALACQUA: Not at all?

12 PROSPECTIVE JUROR NO. 095: No.

13 MS. SCHIFALACQUA: Well, I thank you, Mr. Stevens.

14 PROSPECTIVE JUROR NO. 095: Um-hum.

15 MS. SCHIFALACQUA: And I'm going to actually ask you
16 to pass the mike on to Ms. Smith. How are you, Ms. Smith?

17 PROSPECTIVE JUROR NO. 912: I'm fine.

18 MS. SCHIFALACQUA: All right. I did not catch; are
19 you married?

20 PROSPECTIVE JUROR NO. 912: I'm married.

21 MS. SCHIFALACQUA: Okay. And what is it that your
22 husband does?

23 PROSPECTIVE JUROR NO. 912: Right now works in a
24 warehouse.

25 MS. SCHIFALACQUA: Okay. What warehouse is that,

1 Ms. Smith?

2 PROSPECTIVE JUROR NO. 912: I don't know. I think
3 it's by Starmark (phonetic) is -- runs it. It's like a
4 registry.

5 MS. SCHIFALACQUA: Okay. And what kind of work does
6 he do in the warehouse?

7 PROSPECTIVE JUROR NO. 912: I think he runs the
8 pulley, the belt, the lifters and stuff like that.

9 MS. SCHIFALACQUA: Let me ask you this. I didn't
10 also catch whether or not you guys had any children or whether
11 you have any children?

12 PROSPECTIVE JUROR NO. 912: I have one daughter
13 whose 48.

14 MS. SCHIFALACQUA: Okay. So she's grown.

15 PROSPECTIVE JUROR NO. 912: She's grown.

16 MS. SCHIFALACQUA: What does she do?

17 PROSPECTIVE JUROR NO. 912: A daycare provider.

18 MS. SCHIFALACQUA: Is that here locally?

19 PROSPECTIVE JUROR NO. 912: No, uh-huh.

20 MS. SCHIFALACQUA: Okay.

21 PROSPECTIVE JUROR NO. 912: She's in California, but
22 she's visiting right now.

23 MS. SCHIFALACQUA: Now, you obviously were an LPN,
24 right?

25 PROSPECTIVE JUROR NO. 912: Yes.

1 MS. SCHIFALACQUA: And then -- now currently work
2 for Golden Gaming, right?

3 PROSPECTIVE JUROR NO. 912: Golden Gaming, uh-huh.

4 MS. SCHIFALACQUA: Have you ever dealt with any
5 difficult customers?

6 PROSPECTIVE JUROR NO. 912: You know, not really.
7 And I've been in this same store, CVS, for nine years.

8 MS. SCHIFALACQUA: Okay. What -- what is it exactly
9 that you do? You do the payouts, right?

10 PROSPECTIVE JUROR NO. 912: I -- I do the payoffs, I
11 give refreshments, that kind of stuff.

12 MS. SCHIFALACQUA: So that's why you don't have any
13 difficult customers, you're giving them money, they're
14 winning.

15 PROSPECTIVE JUROR NO. 912: Right.

16 MS. SCHIFALACQUA: It's the ones that walk away and
17 don't see you --

18 PROSPECTIVE JUROR NO. 912: That's true.

19 MS. SCHIFALACQUA: -- that are the difficult ones;
20 is that fair?

21 PROSPECTIVE JUROR NO. 912: Right.

22 MS. SCHIFALACQUA: Okay. I'm going to have you pass
23 the mike to Mr. Farley. How are you today, sir?

24 PROSPECTIVE JUROR NO. 916: Good, ma'am, how you
25 doing?

1 MS. SCHIFALACQUA: Good. And I noted that obviously
2 you talked about have two prior DUIs. You don't have any
3 reason to believe that contact made with officers in those
4 particular cases will influence you whatsoever if you sat on
5 this jury?

6 PROSPECTIVE JUROR NO. 916: No, ma'am. Actually, I
7 talk to the second officer on a daily basis pretty much.

8 MS. SCHIFALACQUA: Okay, great. Well, is there
9 anything about that friendship then, if you will, that will
10 give you any pause to do anything but listen to the evidence
11 in this case?

12 PROSPECTIVE JUROR NO. 916: No, ma'am.

13 MS. SCHIFALACQUA: Okay. With regard to you being a
14 supervisor, let me ask you this. Do you ever have to deal
15 with disputes in your job?

16 PROSPECTIVE JUROR NO. 916: Yeah, pretty much on a
17 daily basis with the guys that work under me.

18 MS. SCHIFALACQUA: Okay. And what do you do -- what
19 tools do you use, if you would tell us, when you have, for
20 example, two sides of a story and you need to make a
21 determination?

22 PROSPECTIVE JUROR NO. 916: Well, I mean, I listen
23 to both sides of the story, you know, and then I go on track
24 history, you know. I pretty much -- I mean, it's --
25 everything is different every day, you know. If I've got two

1 guys that can't get a long, you know, I will put them in
2 separate locations or whatever I have to do, you know. Or
3 I'll bring them both in the room and let -- and then talk it
4 out, you know. A lot of times, it's somebody having a bad
5 day, just one person having a bad day.

6 MS. SCHIFALACQUA: That's fair.

7 PROSPECTIVE JUROR NO. 916: And when they get it
8 out, usually it works out and, you know, and everything works
9 for the best.

10 MS. SCHIFALACQUA: When you have sometimes a dispute
11 between two of the persons you're supervising, do you ever
12 first start and see if there's any, I don't know, actual, you
13 know, physical evidence? Do you have cameras in your work?

14 PROSPECTIVE JUROR NO. 916: Yes, ma'am.

15 MS. SCHIFALACQUA: Okay. And do you ever have to
16 review those?

17 PROSPECTIVE JUROR NO. 916: On occasions I have.

18 MS. SCHIFALACQUA: And do you get information from
19 each party?

20 PROSPECTIVE JUROR NO. 916: Well, being a
21 supervisor, I pretty much just -- if I -- if it goes that far,
22 I give it to my general manager.

23 MS. SCHIFALACQUA: Okay.

24 PROSPECTIVE JUROR NO. 916: And then he handles it.
25 I handle the lower end of it.

1 MS. SCHIFALACQUA: And by lower end of it, do you
2 kind of gather the information, then, to give to the general
3 manager?

4 PROSPECTIVE JUROR NO. 916: For the most part, yes.

5 MS. SCHIFALACQUA: Okay. Do you think you'll be
6 able to use those same type of common sense tools when you're
7 assessing the evidence as presented in the courtroom?

8 PROSPECTIVE JUROR NO. 916: Yes, ma'am.

9 MS. SCHIFALACQUA: Okay, thank you. Let me have you
10 pass the mike to Ms. -- is it Harakal?

11 PROSPECTIVE JUROR NO. 940: Um-hum.

12 MS. SCHIFALACQUA: Hi. How are you?

13 PROSPECTIVE JUROR NO. 940: I'm fine, thank you.

14 MS. SCHIFALACQUA: Good. Is -- am I pronouncing
15 that right?

16 PROSPECTIVE JUROR NO. 940: Yes, it's Harakal.

17 MS. SCHIFALACQUA: Harakal. Ms. Harakal, I just had
18 a quick question. I know that you had jury service in
19 Pennsylvania on a civil case.

20 PROSPECTIVE JUROR NO. 940: Um-hum.

21 MS. SCHIFALACQUA: Is that a, yes?

22 PROSPECTIVE JUROR NO. 940: Oh, I'm sorry, yes.

23 MS. SCHIFALACQUA: Okay. She's taking everything
24 down, so I have to get "yes" -- "yes's" or "no's". You
25 understand that the burdens are different in a civil case than

1 a criminal case?

2 PROSPECTIVE JUROR NO. 940: Yes.

3 MS. SCHIFALACQUA: Okay. And, in fact, I think
4 someone else had -- Mr. Sanchez had jury service I believe
5 also on a civil case. Are you guys both willing to listen to
6 the Judge explain the law and not use what happened in that
7 civil case to be your standard for this particular case if you
8 get a chance?

9 PROSPECTIVE JUROR NO. 940: Yes.

10 MS. SCHIFALACQUA: Yes, okay. Thank you. I'm going
11 to have you pass the mike to Mr. Rucker. How are you?

12 PROSPECTIVE JUROR NO. 096: Good, thank you.

13 MS. SCHIFALACQUA: Good. And I have, um, didn't
14 catch, Mr. Rucker, if you had a spouse or significant --

15 PROSPECTIVE JUROR NO. 096: Yes, I'm married. Yes.

16 MS. SCHIFALACQUA: Okay. And what is it that she
17 does?

18 PROSPECTIVE JUROR NO. 096: She's retired.

19 MS. SCHIFALACQUA: Retired from what?

20 PROSPECTIVE JUROR NO. 096: She was a CPA.

21 MS. SCHIFALACQUA: Thank you. Can you hand the mike
22 over to Ms. Morrison? How are you, Ms. Morrison?

23 PROSPECTIVE JUROR NO. 979: Good. How are you?

24 MS. SCHIFALACQUA: Good. Now you indicated you were
25 getting your Bachelor's in graphics; is that correct?

1 PROSPECTIVE JUROR NO. 979: Yes.

2 MS. SCHIFALACQUA: What is your schedule like?

3 PROSPECTIVE JUROR NO. 979: Tuesdays and Thursdays,
4 mostly from 8:30 to 5:00.

5 MS. SCHIFALACQUA: 8:30 a.m. to 5:00 p.m.?

6 PROSPECTIVE JUROR NO. 979: Yes.

7 MS. SCHIFALACQUA: Are you -- if you get chosen to
8 be on this jury, are you going to be able to make up classes
9 or how is that going to work?

10 PROSPECTIVE JUROR NO. 979: I can send my work
11 online, that's not a problem. Most of what we do is pretty
12 much on the computer anyway.

13 MS. SCHIFALACQUA: Okay.

14 PROSPECTIVE JUROR NO. 979: And my -- as far as
15 finals go, my finals are the 26th, so I'm pretty much in the
16 clear.

17 MS. SCHIFALACQUA: So if you got chosen -- chosen to
18 sit on this jury, is there anything with regard to your
19 scheduling of school that would be a problem for you?

20 PROSPECTIVE JUROR NO. 979: No.

21 MS. SCHIFALACQUA: Okay. Let me ask you this. I
22 know you indicated that you weren't married, right?

23 PROSPECTIVE JUROR NO. 979: No.

24 MS. SCHIFALACQUA: Don't have kids?

25 PROSPECTIVE JUROR NO. 979: I have twins.

1 MS. SCHIFALACQUA: Oh, you have twins, all right.
2 They just are not adults --

3 PROSPECTIVE JUROR NO. 979: No.

4 MS. SCHIFALACQUA: -- is that fair to say?

5 PROSPECTIVE JUROR NO. 979: Yeah.

6 MS. SCHIFALACQUA: Okay. And you've been here in
7 Las Vegas for 13 years. Where were you before that?

8 PROSPECTIVE JUROR NO. 979: I originally came from
9 Western, Massachusetts.

10 MS. SCHIFALACQUA: Okay. And you said, originally
11 came from. That leads me to believe that there's some other
12 interim place.

13 PROSPECTIVE JUROR NO. 979: Well, I moved from there
14 when I was nine and I moved back for a year last year and I'm
15 back in Las Vegas now.

16 MS. SCHIFALACQUA: Okay, thank you. Can you pass
17 the mike to Mr. -- how do you say it? Is it Roark?

18 PROSPECTIVE JUROR NO. 976: Yeah, Roark.

19 MS. SCHIFALACQUA: Roark. Hi, Mr. Roark, how are
20 you today?

21 PROSPECTIVE JUROR NO. 976: Fine, thank you.

22 MS. SCHIFALACQUA: Good. Let me ask you this. And
23 kind of talking about what I talked about with Mr. Farley, but
24 you are a supervisor at UPS, correct?

25 PROSPECTIVE JUROR NO. 976: Correct.

1 MS. SCHIFALACQUA: Okay. Tell me if you've had
2 situations where you've had to resolve disputes?

3 PROSPECTIVE JUROR NO. 976: Every single day.

4 MS. SCHIFALACQUA: Now here is what I'm talking
5 about, okay. Describe for me kind of some of the tools you
6 use.

7 PROSPECTIVE JUROR NO. 976: I settle disputes from
8 customers calling in about lost packages, their program is not
9 working correctly, they have complaints about our agents are
10 rude to them. I also settle disputes between my employees who
11 report in to me. I have 42 that personally report to me and
12 we have 600 in the building.

13 Generally, I have to listen to all sides of the
14 story. If -- if it's with a customer and one of my agents, I
15 do check to see if the call has been recorded so I can go back
16 and review both sides, especially if the customer is saying
17 our agent was rude. Really, I do rely on other facts because
18 we do have systems that can track the package, find out where
19 it's gone, what -- what's happened to it. With the agents,
20 it's a lot of he said/she said, so it's definitely relying on
21 other employees around who can corroborate?

22 MS. SCHIFALACQUA: Corroborate? There we go.

23 PROSPECTIVE JUROR NO. 976: That's the word.

24 MS. SCHIFALACQUA: Got it.

25 PROSPECTIVE JUROR NO. 976: One side or the other.

1 I also do have to -- because I've worked with them for so
2 long, I can see if there's patterns and their attitudes and
3 things like that from the past as well.

4 MS. SCHIFALACQUA: And with regard to kind of some
5 of those tools, ultimately are you responsible with making a
6 decision?

7 PROSPECTIVE JUROR NO. 976: In a lot of cases, yes.
8 About 85 percent of the time, I have to make the final
9 decision, whether it's to refund stuff back to our customers,
10 whether it's to put our employees on a type of performance
11 plan if it's -- if it's found that they've done something
12 that's against the rules. There are occasions where it has to
13 go up higher through HR or my manager, but if that happens,
14 I'm always part of the process as well there.

15 MS. SCHIFALACQUA: Are you comfortable, then, being
16 able to take in facts and make a determination?

17 PROSPECTIVE JUROR NO. 976: Yes. Probably more
18 comfortable than most.

19 MS. SCHIFALACQUA: Do you think you can use those
20 same types of tools if you're chosen to sit on this jury?

21 PROSPECTIVE JUROR NO. 976: Definitely.

22 MS. SCHIFALACQUA: You'll be able to kind of weigh
23 the evidence as it comes before you, wait till the end and --
24 to make a final determination?

25 PROSPECTIVE JUROR NO. 976: Yes.

1 MS. SCHIFALACQUA: Okay. Now with regard to your
2 non-profit, do you -- did you start that up yourself or how
3 did that work?

4 PROSPECTIVE JUROR NO. 976: Yeah. I started that up
5 myself. I've been doing medieval recreation for going on 20
6 years now and it kind of spun from that. I was in some state
7 productions and I met a group of actors who wanted to get into
8 that kind of thing and I said, hey, I play a pirate. And it
9 kind of started by accident with my going to my kid's school,
10 they had a Nevada reading week.

11 MS. SCHIFALACQUA: Sure.

12 PROSPECTIVE JUROR NO. 976: And they asked me to --
13 well, my son asked me to come and read for his class, I said
14 sure. He goes, well, can you dress as your pirate? I was
15 like, I don't know. So I had to --

16 MS. SCHIFALACQUA: Coolest dad in the world?

17 PROSPECTIVE JUROR NO. 976: Yeah. Basically, I had
18 to go through the school, so the school was really excited
19 about that. I ended up reading for the entire school that
20 year. And then the next year, they asked me to come back. I
21 told my actor friends what I was doing. They were like, hey,
22 can we come along. So two of them came along as well. They
23 dressed like pirates. And the librarian really liked our,
24 quote/unquote, "act" that we literally threw together that
25 morning and he started passing out our contact information and

1 more and more schools kind of started getting a hold of us.
2 And just this last year is when we officially formed the non-
3 profit to actually be able to do more stuff.

4 MS. SCHIFALACQUA: Let me ask you this. Are you
5 married?

6 PROSPECTIVE JUROR NO. 976: Yes, I am.

7 MS. SCHIFALACQUA: And what is it again that your
8 spouse does?

9 PROSPECTIVE JUROR NO. 976: She's a homemaker.

10 MS. SCHIFALACQUA: I want to turn your attention, I
11 know you said you had friends that were victims of a crime,
12 correct?

13 PROSPECTIVE JUROR NO. 976: Yes. They -- their
14 apartment was broken into and vandalized and robbed recently.

15 MS. SCHIFALACQUA: Okay. And by robbed, were they
16 home at the time?

17 PROSPECTIVE JUROR NO. 976: They were not home at
18 the time. They came home to the apartment which they called
19 the police and pretty much all their electronics were taken
20 and a lot of their furniture was destroyed.

21 MS. SCHIFALACQUA: Was it Metro that responded or
22 some other jurisdiction?

23 PROSPECTIVE JUROR NO. 976: I do not know. It -- I
24 honestly can't tell you where they live.

25 MS. SCHIFALACQUA: Okay, fair. Did -- you know,

1 obviously you talk to your friends and they might have a bend
2 on kind of what happened or a view on what happened. Were
3 they satisfied with whatever jurisdiction kind of came out to
4 their house or did they come out to the house?

5 PROSPECTIVE JUROR NO. 976: They did come out and
6 they said that the police were very thorough, asked them a lot
7 of questions, took as much information as they could. They've
8 gotten a couple of follow up calls, but it's one of those that
9 they've yet to catch the guy or recover any of the stolen
10 electronics.

11 MS. SCHIFALACQUA: Thank you. Can I have you, thank
12 you, pass the mike on down to Ms. -- is it Ayoub?

13 PROSPECTIVE JUROR NO. 958: Yes. Good morning.

14 MS. SCHIFALACQUA: Good morning. Or afternoon, I
15 think --

16 PROSPECTIVE JUROR NO. 958: Afternoon all ready.

17 MS. SCHIFALACQUA: Let me ask you this. You -- you
18 indicated that at some point you had worked with a
19 correctional youth facility; is that right?

20 PROSPECTIVE JUROR NO. 958: Yes, I did, back in El
21 Paso, Texas.

22 MS. SCHIFALACQUA: Okay. Can you describe for me
23 what it is you did there and what was the time frame?

24 PROSPECTIVE JUROR NO. 958: It was -- I worked there
25 for almost -- about two years and my job was to teach the

1 inmates their GED and make sure that they would graduate with
2 their high school diploma.

3 MS. SCHIFALACQUA: Okay. And did you leave
4 voluntarily after two years? Did you move? Did -- what
5 was --

6 PROSPECTIVE JUROR NO. 958: No. What happened, I
7 was going through school to get my Bachelor's degree in
8 teaching and once I finished that, I went ahead and started
9 teaching.

10 MS. SCHIFALACQUA: Okay. Is there anything you --
11 and this was with juveniles?

12 PROSPECTIVE JUROR NO. 958: Yes.

13 MS. SCHIFALACQUA: Not the --

14 PROSPECTIVE JUROR NO. 958: Yes.

15 MS. SCHIFALACQUA: Right, they weren't --

16 PROSPECTIVE JUROR NO. 958: Yes.

17 MS. SCHIFALACQUA: They were young kids, is that --

18 PROSPECTIVE JUROR NO. 958: Yeah. They were -- I
19 think it was like 16 and below.

20 MS. SCHIFALACQUA: Okay. Is there anything about
21 that experience that would have you pause to sit on this jury?

22 PROSPECTIVE JUROR NO. 958: No.

23 MS. SCHIFALACQUA: Do you have any particular views
24 with regard to -- I mean, in this case, it was a correctional
25 facility for youth; is that right?

1 PROSPECTIVE JUROR NO. 958: Yes.

2 MS. SCHIFALACQUA: Okay. Did you kind of make up or
3 have any particular views with regard to the justice system,
4 at least in Texas, with regard to the youth?

5 PROSPECTIVE JUROR NO. 958: Well, my job had nothing
6 to do with actually the law or anything like that. It was
7 just talking to these kids and teaching them the basics to get
8 their GED. So as far as the -- their crimes or whatever they
9 did or the reason they were there, I had no knowledge of it.
10 My only purpose of it or objective of it was to get them ready
11 for their GED, their high school diploma so they'd be able to
12 have a shot at getting a good job once they got out.

13 MS. SCHIFALACQUA: There wasn't anything about kind
14 of how it is they got there --

15 PROSPECTIVE JUROR NO. 958: No, no.

16 MS. SCHIFALACQUA: -- that you really developed or
17 had any knowledge of?

18 PROSPECTIVE JUROR NO. 958: No, there wasn't.

19 MS. SCHIFALACQUA: Thank you. Let me ask you to
20 pass the mike. Is it Ms. Aguilar?

21 PROSPECTIVE JUROR NO. 954: Yes.

22 MS. SCHIFALACQUA: Okay. How are you today?

23 PROSPECTIVE JUROR NO. 954: I'm pretty good, thank
24 you.

25 MS. SCHIFALACQUA: Good. I know that you've talked

1 about working, you know, the -- at your night -- the night
2 shifts?

3 PROSPECTIVE JUROR NO. 954: Yes.

4 MS. SCHIFALACQUA: With regard to that, do you
5 understand that if you're picked for this jury, you wouldn't
6 be able -- and I know the Judge obviously said he would make
7 some calls, but you wouldn't be able to work at night and then
8 have to sit through --

9 PROSPECTIVE JUROR NO. 954: Correct.

10 MS. SCHIFALACQUA: Okay. I just wanted to make sure
11 there wasn't -- I've had people that have kind of tried to
12 still work and come and they're falling asleep and, you know,
13 it causes problems. You don't have any problem with that,
14 that if you're picked on this jury, that you wouldn't be able
15 to work during those time frames?

16 PROSPECTIVE JUROR NO. 954: As long as my employer
17 will allow me to do it, then I will do it.

18 MS. SCHIFALACQUA: Well, I think that we'll refer to
19 Judge Cory with that.

20 PROSPECTIVE JUROR NO. 954: Yeah.

21 MS. SCHIFALACQUA: And I'm pretty sure --

22 THE COURT: We -- we have spoken to your employer
23 today.

24 PROSPECTIVE JUROR NO. 954: Okay.

25 THE COURT: So if you have any further questions or

1 problems with your employment, just let us know.

2 PROSPECTIVE JUROR NO. 954: All right. Thank you,
3 sir.

4 THE COURT: We would love to have a second chat.

5 MS. SCHIFALACQUA: See, I knew that was -- that's
6 good, thank you. I just wanted to make sure. Can you pass
7 the mike to Ms. Kuhlman, please. Ms. Kuhlman, how are you
8 today?

9 PROSPECTIVE JUROR NO. 991: I'm fantastic, how are
10 you?

11 MS. SCHIFALACQUA: I'm here. No, I'm just kidding,
12 I'm good. Let me ask you, because I -- obviously you work for
13 the District Attorney's Office, you've indicated that you know
14 myself and Ms. Pieper in a limited capacity with regard to
15 kind of a committee we were on. I want to make sure that
16 there isn't anything about that that would give you pause to
17 sit on this jury?

18 PROSPECTIVE JUROR NO. 991: No, absolutely not.

19 MS. SCHIFALACQUA: Okay. Is there anything about
20 that that would have you not be able to weigh the evidence as
21 it came before you?

22 PROSPECTIVE JUROR NO. 991: No.

23 MS. SCHIFALACQUA: And do you think you can be fair
24 and impartial with regard to the evidence?

25 PROSPECTIVE JUROR NO. 991: Oh, completely.

1 MS. SCHIFALACQUA: Okay. And specifically, you work
2 in a separate division than the criminal division; is that
3 right?

4 PROSPECTIVE JUROR NO. 991: That's correct.

5 MS. SCHIFALACQUA: Okay. Now with regard to the --
6 your home being broken into and being a victim of a crime, one
7 of the two persons were apprehended in that; is that right?

8 PROSPECTIVE JUROR NO. 991: Yes.

9 MS. SCHIFALACQUA: Okay. With regard to -- was it
10 Metro that responded, let me ask?

11 PROSPECTIVE JUROR NO. 991: It was.

12 MS. SCHIFALACQUA: With regard to the work that
13 Metro did, were you satisfied with the work that they did?

14 PROSPECTIVE JUROR NO. 991: Yes.

15 MS. SCHIFALACQUA: Okay. Is there anything about
16 not having caught the other perpetrator of that crime that
17 would have you -- you have any pause to sit on this jury?

18 PROSPECTIVE JUROR NO. 991: No, not at all.

19 MS. SCHIFALACQUA: Okay. Thank you, Ms. Kuhlman.
20 Let me ask Ms. Martin. How are you today?

21 PROSPECTIVE JUROR NO. 993: Good, thank you.

22 MS. SCHIFALACQUA: Good. I -- you know, you
23 indicated that obviously you have close family members that
24 were a victim of a crime, your uncle having been murdered.
25 Was it Metro's jurisdiction that did the investigation?

1 PROSPECTIVE JUROR NO. 993: It was not.

2 MS. SCHIFALACQUA: What jurisdiction?

3 PROSPECTIVE JUROR NO. 993: I don't remember.

4 MS. SCHIFALACQUA: Henderson, North Las Vegas?

5 PROSPECTIVE JUROR NO. 993: Towards Lake Mead.

6 MS. SCHIFALACQUA: Yeah, I think it -- Metro or --

7 PROSPECTIVE JUROR NO. 993: Is it?

8 MS. SCHIFALACQUA: Yeah, I think it probably is

9 Metro.

10 PROSPECTIVE JUROR NO. 993: Okay. I'm sorry.

11 MS. SCHIFALACQUA: With regard to that case, you

12 indicated that it was prosecuted, correct?

13 PROSPECTIVE JUROR NO. 993: Yes.

14 MS. SCHIFALACQUA: By our --

15 PROSPECTIVE JUROR NO. 993: Yes.

16 MS. SCHIFALACQUA: By our office?

17 PROSPECTIVE JUROR NO. 993: Yes.

18 MS. SCHIFALACQUA: Okay. Did you follow it closely?

19 PROSPECTIVE JUROR NO. 993: Yes.

20 MS. SCHIFALACQUA: Did you have communications with

21 the police directly in that case or were you more of an

22 observer with regard to your family?

23 PROSPECTIVE JUROR NO. 993: Besides a hello and

24 thank you, there was no other communications.

25 MS. SCHIFALACQUA: Okay. What about with the

1 prosecution?

2 PROSPECTIVE JUROR NO. 993: Same thing.

3 MS. SCHIFALACQUA: So is there anything about that,
4 that our office prosecuted it or that, you know, that it
5 occurred, that you followed it that would give you any pause
6 to sit on -- on this particular jury?

7 PROSPECTIVE JUROR NO. 993: No.

8 MS. SCHIFALACQUA: Okay. Specifically, and it might
9 be difficult, I mean, but if you get chosen to be on this
10 jury, it is a murder case. My concern is that -- that you're
11 okay and kind of have thought through that there wouldn't be
12 any reason that you couldn't be fair and impartial?

13 PROSPECTIVE JUROR NO. 993: Sure, yes.

14 MS. SCHIFALACQUA: Anything at all that would give
15 you pause?

16 PROSPECTIVE JUROR NO. 993: No.

17 MS. SCHIFALACQUA: How about -- I know you also
18 talked about your brother serving time. You indicated he was
19 treated fairly. Did you follow your brother as well?

20 PROSPECTIVE JUROR NO. 993: Not as closely, no.

21 MS. SCHIFALACQUA: Okay. So you much more closely
22 followed your uncle being a victim of a crime than your
23 brother being prosecuted?

24 PROSPECTIVE JUROR NO. 993: Correct.

25 MS. SCHIFALACQUA: And let me just ask you for the

1 -- I mean, were you close with your brother, you weren't or --

2 PROSPECTIVE JUROR NO. 993: Yes, and still am.

3 MS. SCHIFALACQUA: Okay.

4 PROSPECTIVE JUROR NO. 993: Still am.

5 MS. SCHIFALACQUA: But to the extent that you
6 followed it, you felt that the system itself had done what it
7 needed to do in that case?

8 PROSPECTIVE JUROR NO. 993: Correct.

9 MS. SCHIFALACQUA: Okay.

10 PROSPECTIVE JUROR NO. 993: Yes.

11 MS. SCHIFALACQUA: Thank you. Let me have you pass
12 that down to Mr. Cortez. Hi, how are you?

13 PROSPECTIVE JUROR NO. 005: I'm okay, thank you.

14 MS. SCHIFALACQUA: You can hear me --

15 PROSPECTIVE JUROR NO. 005: Yes, I can hear you
16 perfectly.

17 MS. SCHIFALACQUA: Okay, wonderful. Because I can
18 be loud if you need -- no? Okay. At least I'm told I can be
19 loud. Let me talk to you about your work experience. You
20 also had some work experience for incarcerated youth; is that
21 right?

22 PROSPECTIVE JUROR NO. 005: Yes.

23 MS. SCHIFALACQUA: Okay. Describe what your
24 position was and what location, what jurisdiction.

25 PROSPECTIVE JUROR NO. 005: It was in State of

1 California.

2 MS. SCHIFALACQUA: Okay.

3 PROSPECTIVE JUROR NO. 005: The Juvenile
4 Correctional facility in Stockton. I was the
5 teacher/librarian over there.

6 MS. SCHIFALACQUA: Okay.

7 PROSPECTIVE JUROR NO. 005: So I worked mostly with
8 kids that are continuing with their education and trying to
9 pass their GED.

10 MS. SCHIFALACQUA: And did you -- what types of
11 interactions? Just teaching with the incarcerated?

12 PROSPECTIVE JUROR NO. 005: Yes. They came to the
13 library, borrow books and --

14 MS. SCHIFALACQUA: Okay. Now you -- it was all
15 youth or were there any adults?

16 PROSPECTIVE JUROR NO. 005: No, youth only.

17 MS. SCHIFALACQUA: With regard to that, you said
18 something yesterday about having sympathy for incarcerated
19 youth. Can you kind of describe to me what -- what you meant
20 by that?

21 PROSPECTIVE JUROR NO. 005: Well, I -- sometimes I
22 heard their story and I feel sorry for them, at the age of
23 that -- at that age, they are still -- you know, they lost
24 their freedom already. So I kind of sympathized with them. I
25 thought that they should have done other things instead of

1 what they're accused of.

2 MS. SCHIFALACQUA: You think that the system should
3 have done something else for them or that they should have
4 made better choices in their life?

5 PROSPECTIVE JUROR NO. 005: Yes. I think they
6 should have made better choices.

7 MS. SCHIFALACQUA: And so you -- when you say you
8 had sympathy for them, it was because of hearing their stories
9 from a personal level?

10 PROSPECTIVE JUROR NO. 005: Yes.

11 MS. SCHIFALACQUA: Okay. Is there anything about,
12 kind of, the justice system in general that you think is
13 broken?

14 PROSPECTIVE JUROR NO. 005: No, there's nothing
15 broken.

16 MS. SCHIFALACQUA: Do you think that any sympathy or
17 feelings of sympathy that you have with regard to working with
18 juveniles, do you think anything about that would have you be
19 able to not sit on this jury and fairly assess the evidence?

20 PROSPECTIVE JUROR NO. 005: No.

21 MS. SCHIFALACQUA: Okay. Do you think that if the
22 evidence is presented to you, that you can listen to what's
23 being presented and then make a determination?

24 PROSPECTIVE JUROR NO. 005: Yes.

25 MS. SCHIFALACQUA: Do you think that if the Judge

1 tells you that your role is to not have any sympathy, do you
2 think you can follow that?

3 PROSPECTIVE JUROR NO. 005: Yes.

4 MS. SCHIFALACQUA: Okay. And when you talked about
5 kind of having -- and look, everyone has real life experience
6 with people, when you talked about having that connection with
7 youth, is there anything about that that you would think back
8 to or maybe even have with the defendant if you're chosen on
9 this jury?

10 PROSPECTIVE JUROR NO. 005: No.

11 MS. SCHIFALACQUA: Okay. Do you think that you can
12 assess the testimony and the evidence as it comes before you?

13 PROSPECTIVE JUROR NO. 005: Yes. I've done that two
14 times already.

15 MS. SCHIFALACQUA: Okay.

16 PROSPECTIVE JUROR NO. 005: When I was in a jury in
17 California.

18 MS. SCHIFALACQUA: Okay. And when your -- had jury
19 service in California, let me look, if that was -- did you
20 have both criminal or was it civil and criminal?

21 PROSPECTIVE JUROR NO. 005: One civil and one
22 criminal.

23 MS. SCHIFALACQUA: Okay. Mr. Cortez, you
24 understand, then, that there's a difference between the burden
25 of civil and criminal?

1 PROSPECTIVE JUROR NO. 005: Yes.

2 MS. SCHIFALACQUA: Okay, thank you. Let me have you
3 pass the mike to Ms. -- is it Cholke?

4 PROSPECTIVE JUROR NO. 006: Cholke.

5 MS. SCHIFALACQUA: Cholke, okay. Hi, Ms. Cholke,
6 how are you today?

7 PROSPECTIVE JUROR NO. 006: Good.

8 MS. SCHIFALACQUA: Good. I wanted to just talk to
9 you briefly. I know the Judge had talked to you about your
10 son being a -- a Trooper?

11 PROSPECTIVE JUROR NO. 006: Yes.

12 MS. SCHIFALACQUA: Okay. Do you ever talk about
13 cases with him?

14 PROSPECTIVE JUROR NO. 006: No.

15 MS. SCHIFALACQUA: Okay. So with regard to his
16 work, does he ever come home and kind of share stories of what
17 happened?

18 PROSPECTIVE JUROR NO. 006: No. There's just times
19 I ask him, you know, like, when I see things on TV, like, what
20 -- what happened here.

21 MS. SCHIFALACQUA: Right.

22 PROSPECTIVE JUROR NO. 006: Like big accidents.

23 MS. SCHIFALACQUA: Okay. But other than that, it's
24 not like he --

25 PROSPECTIVE JUROR NO. 006: No.

1 MS. SCHIFALACQUA: -- regularly tells you about work
2 or what goes on?

3 PROSPECTIVE JUROR NO. 006: No.

4 MS. SCHIFALACQUA: Okay. So there's nothing really
5 about him being a Trooper that would have any influence on you
6 being able to weigh testimony that comes before you, right?

7 PROSPECTIVE JUROR NO. 006: No.

8 MS. SCHIFALACQUA: Okay, thank you. Can you pass
9 the mike on over to Mr. Kahler? Is that how you say it, Mr.
10 Kahler?

11 PROSPECTIVE JUROR NO. 014: Yes.

12 MS. SCHIFALACQUA: Okay. How are you today?

13 PROSPECTIVE JUROR NO. 014: I'm okay.

14 MS. SCHIFALACQUA: Okay. Mr. Kahler, I wanted to
15 talk to you because yesterday -- and in part I want to thank
16 you because, you know, people get nervous about saying how
17 they really feel and I think it's important, specifically in
18 such a serious situation, that if you have a view, you're able
19 to express that, okay. And so with regard to your bias on
20 police officers, do you really think that would be a problem
21 if you sat on this jury?

22 PROSPECTIVE JUROR NO. 014: Yes.

23 MS. SCHIFALACQUA: Okay. And you know, no amount of
24 me saying, eh, but it's Metro, right? And that was Boulder
25 City and you're an adult now and at the time you were kid. Is

1 there anything about that that would make you be able to take
2 a step back and actually analyze things?

3 PROSPECTIVE JUROR NO. 014: No.

4 MS. SCHIFALACQUA: Okay.

5 PROSPECTIVE JUROR NO. 014: Like I said before, it
6 ruined my uncle's life. So I don't -- I don't really think I
7 could.

8 MS. SCHIFALACQUA: Okay. And how old were you when
9 you got the story from --

10 PROSPECTIVE JUROR NO. 014: Around seven.

11 MS. SCHIFALACQUA: -- your uncle?

12 PROSPECTIVE JUROR NO. 014: Around seven.

13 MS. SCHIFALACQUA: Okay. So you were very young.

14 PROSPECTIVE JUROR NO. 014: Yeah.

15 MS. SCHIFALACQUA: Was the impact, you would say,
16 might have been great to you because an adult in your life had
17 told you a version of events that really had an impact on his
18 life; is that --

19 PROSPECTIVE JUROR NO. 014: Yes.

20 MS. SCHIFALACQUA: Okay. If we may approach, Judge.

21 THE COURT: Um-hum.

22 (Off-record bench conference)

23 THE COURT: All right. Mr. Kahler, we are going to
24 excuse you at this time. Now if you'll return to the Jury
25 Commissioner's office and they may have a different one that

1 you can do. Thank you. The Clerk will call the name of
2 another juror.

3 THE CLERK: Madeleine Yono.

4 THE COURT: Thank you for joining us, Ms. Yono. Am
5 I pronouncing it right or do you say Yono?

6 PROSPECTIVE JUROR NO. 102: It's Yono.

7 THE COURT: Yono, okay. Is there any reason why you
8 would not be able to sit on this jury for the next two and a
9 half weeks? All right.

10 Would you tell us a little bit about yourself?

11 PROSPECTIVE JUROR NO. 102: My name is Madeleine
12 Yono. I work at a Mediterranean restaurant for my uncle. I
13 am a full-time student, International Business major. I can
14 read, write and speak Arabic.

15 THE COURT: How did you learn that?

16 PROSPECTIVE JUROR NO. 102: My dad's actually Middle
17 Eastern.

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NO. 102: So he's opening the
20 Sultan's Grill across the street from here, next to Anthony's
21 Pizza.

22 THE COURT: From here?

23 PROSPECTIVE JUROR NO. 102: Yeah, next door,
24 Sultan's, too.

25 THE COURT: So, okay. Do they cater? Oh, they're

1 not even open yet.

2 PROSPECTIVE JUROR NO. 102: Yeah. I mean, it's
3 across the street, but we can cater, so.

4 THE COURT: Okay. Write that down, will you. All
5 right. So, you're doing -- what are you going to do with the
6 International Business, do you know?

7 PROSPECTIVE JUROR NO. 102: I don't know. I want to
8 open up a business in Dubia.

9 THE COURT: Really.

10 PROSPECTIVE JUROR NO. 102: Um-hum.

11 THE COURT: We'd all like you to take us with you if
12 you --

13 PROSPECTIVE JUROR NO. 102: Okay.

14 THE COURT: Probably not.

15 PROSPECTIVE JUROR NO. 102: I'll keep that in mind.

16 THE COURT: All right, go ahead, I interrupted.

17 PROSPECTIVE JUROR NO. 102: I live in Summerlin.

18 What else are the questions? I don't remember.

19 THE COURT: Let's see, any spouse or significant
20 other?

21 PROSPECTIVE JUROR NO. 102: No

22 THE COURT: Okay. Any kids that work?

23 PROSPECTIVE JUROR NO. 102: No.

24 THE COURT: Okay. I think that's it.

25 PROSPECTIVE JUROR NO. 102: Okay.

1 THE COURT: Let me ask you these questions, then.
2 Have you ever been convicted of a felony offense?

3 PROSPECTIVE JUROR NO. 102: No.

4 THE COURT: Are you a United States citizen?

5 PROSPECTIVE JUROR NO. 102: Yes.

6 THE COURT: Do you have such a sympathy, prejudice
7 or bias that relates to age, religion, race, gender or
8 national origin that you feel it would affect your ability to
9 be an open-minded, fair and impartial juror?

10 Are you acquainted with the defendant or either of
11 his attorneys or either of the prosecutors or any of the
12 witnesses whose names were read off earlier?

13 PROSPECTIVE JUROR NO. 102: No.

14 THE COURT: Okay. Have you ever been engaged in law
15 enforcement work or do you have a spouse -- oh, you don't have
16 a spouse -- a close relative who's ever been engaged in law
17 enforcement work?

18 Would you be able to follow all of the Court's
19 instructions on the law? And you've heard me explain how the
20 jury's function is to find the facts, but in doing so, they're
21 to follow the Court's instructions. Would you be able to do
22 that?

23 THE COURT RECORDER: If she could answer out loud --

24 THE COURT: Okay. If you could answer a little
25 louder.

1 PROSPECTIVE JUROR NO. 102: Oh, yes, sorry.

2 THE COURT: Because that's how our record is made.

3 PROSPECTIVE JUROR NO. 102: Oh, okay.

4 THE COURT: Thank you. We have principles of law
5 that apply in every criminal trial. They include that the
6 Information or Indictment filed in a case is a mere accusation
7 and it is not evidence. Also, that a defendant is presumed
8 innocent and that the State must prove a defendant is guilty
9 beyond a reasonable doubt. Do you understand and believe in
10 these principles of American justice?

11 PROSPECTIVE JUROR NO. 102: Yes.

12 THE COURT: Do you know anything about this case
13 other than what you've heard?

14 PROSPECTIVE JUROR NO. 102: Nope.

15 THE COURT: Okay. Have you ever served on a jury
16 before?

17 PROSPECTIVE JUROR NO. 102: No.

18 THE COURT: Have you or anyone close to you such as
19 a family member or a friend ever been the victim of a crime?

20 PROSPECTIVE JUROR NO. 102: No.

21 THE COURT: Have you or anyone close to you such as
22 a family member or a friend ever been accused of a crime?

23 PROSPECTIVE JUROR NO. 102: I mean, my uncle had a
24 DUI, but that's about it.

25 THE COURT: Okay. Your uncle you said?

1 PROSPECTIVE JUROR NO. 102: Yeah.

2 THE COURT: Okay. Is there anything about that that
3 would affect your ability to be fair and impartial to both
4 sides in this case?

5 PROSPECTIVE JUROR NO. 102: No.

6 THE COURT: Okay. Would you have a tendency to give
7 more weight or credence, or less weight or credence, to the
8 testimony of a police officer just because he or she is a
9 police officer?

10 PROSPECTIVE JUROR NO. 102: No.

11 THE COURT: You'd be able to judge their credibility
12 the same as any other witness?

13 PROSPECTIVE JUROR NO. 102: Yes.

14 THE COURT: Okay. Can you wait in forming your
15 opinion as to the guilt or innocence of a defendant until all
16 the evidence has been heard and after considering the
17 instructions on the law which I will give you at the end?

18 PROSPECTIVE JUROR NO. 102: Yes.

19 THE COURT: Do you know of any reason why you
20 couldn't be a fair and impartial juror in this case if you
21 were selected?

22 PROSPECTIVE JUROR NO. 102: Nope.

23 THE COURT: All right. Because this is a murder
24 case, the jury also determines the penalty in the event that
25 there is a finding of guilt. There are three different

1 options. One is a term of imprisonment of 20 to 50 years. A
2 second possibility is life with the possibility of parole
3 after 20 years in prison. And the third is life without the
4 possibility of parole. Would you be able to consider all
5 three forms of punishment if the matter --

6 PROSPECTIVE JUROR NO. 102: Yes.

7 THE COURT: -- came to that. All right. We'll go
8 back to Ms. Schifalacqua --

9 MS. SCHIFALACQUA: Thank you, Your Honor.

10 THE COURT: -- further questions.

11 MS. SCHIFALACQUA: Appreciate it. Since you have
12 the mike, I'm going to let you keep it for a second, Ms. Yono.
13 Is that correct? Did I pronounce it right?

14 PROSPECTIVE JUROR NO. 102: Yes.

15 MS. SCHIFALACQUA: All right. With regard to your
16 schedule as a full-time student, describe it for me. What's
17 your schedule like?

18 PROSPECTIVE JUROR NO. 102: I go to school, like,
19 all day on Tuesdays and Thursdays. So I had to miss school
20 today, I wasn't excited about it.

21 MS. SCHIFALACQUA: Can you make up those classes?

22 PROSPECTIVE JUROR NO. 102: Well, my accounting, I
23 don't think I have a test, like, anytime recently. And I
24 have, like a really good friend in that class and so.

25 MS. SCHIFALACQUA: Who can take notes or --

1 PROSPECTIVE JUROR NO. 102: Yeah.

2 MS. SCHIFALACQUA: Okay.

3 PROSPECTIVE JUROR NO. 102: And all -- everything's
4 posted on line. So, I mean, it shouldn't be a problem.

5 MS. SCHIFALACQUA: Okay. Being gone, I mean, as a
6 student, for this amount of time though, is there any -- and I
7 need to know because part -- a couple of reasons. One, I need
8 to know if you can make up classwork if we're going to keep
9 you here because unlike an employer, the teacher teaches it --

10 PROSPECTIVE JUROR NO. 102: Yeah.

11 MS. SCHIFALACQUA: -- you know, kind of one time.
12 But then the other is that if you're missing things that are
13 vital to maybe whatever credits you need, I need you to be
14 able to pay attention when -- you know, obviously it's a very
15 serious case that we would be presenting.

16 PROSPECTIVE JUROR NO. 102: Yeah.

17 MS. SCHIFALACQUA: Is there anything about any of
18 the classes, the length of the time, the scheduling that would
19 be an issue?

20 PROSPECTIVE JUROR NO. 102: Well, the morning on,
21 like, how Tuesdays we don't start till, like, 1:00, like it
22 wouldn't be a big deal. And the Thursdays, like, I have a
23 friend, like I said, in, like, most of my classes and
24 everything's basically online, so.

25 MS. SCHIFALACQUA: So you'll be able to --

1 PROSPECTIVE JUROR NO. 102: Yeah.

2 MS. SCHIFALACQUA: -- either catch up or --

3 PROSPECTIVE JUROR NO. 102: And the work thing, I
4 mean, I work, like, two days a week, four and a half hours.
5 So it's not going to be that big of a deal about the work, so.

6 MS. SCHIFALACQUA: Okay, thank you.

7 PROSPECTIVE JUROR NO. 102: Yeah, it shouldn't be a
8 problem.

9 MS. SCHIFALACQUA: Okay, thank you. Could you pass
10 the mike to Mr. Eslinger. Is that how you say it?

11 PROSPECTIVE JUROR NO. 017: Eslinger.

12 MS. SCHIFALACQUA: Eslinger, okay, thank you. You
13 asked yesterday about, you know, just making sure this wasn't
14 a death penalty case, and it's clearly not. Is there anything
15 about having to sit in judgment and consider the possible
16 penalties that would give you pause to be seated on this jury?

17 PROSPECTIVE JUROR NO. 017: No. With the -- as long
18 as it wasn't the death penalty.

19 MS. SCHIFALACQUA: With regard to the other
20 potential penalties, are there anything that -- reason why you
21 wouldn't be able to consider those?

22 PROSPECTIVE JUROR NO. 017: No.

23 MS. SCHIFALACQUA: Now you are a dealer at the Wynn,
24 right?

25 PROSPECTIVE JUROR NO. 017: Yes.

1 MS. SCHIFALACQUA: Okay. So is it fair to say that
2 you've ever come into contact with some difficult customers?

3 PROSPECTIVE JUROR NO. 017: Yes.

4 MS. SCHIFALACQUA: Or are you like Ms. Smith who
5 gets to pay out everyone and then they're -- you know,
6 everyone's --

7 PROSPECTIVE JUROR NO. 017: Oh, no. No, no.

8 MS. SCHIFALACQUA: No, okay.

9 PROSPECTIVE JUROR NO. 017: I get plenty of --
10 plenty of customers.

11 MS. SCHIFALACQUA: That have maybe had some issues?

12 PROSPECTIVE JUROR NO. 017: Oh, yeah, big ones.

13 MS. SCHIFALACQUA: Okay. Have you had to be in a
14 situation where you've made a determination about a scenario
15 that's before you?

16 PROSPECTIVE JUROR NO. 017: It's not my job to make
17 those decisions.

18 MS. SCHIFALACQUA: Do you have to be one of the
19 persons that gives information to another person so they can
20 make a decision?

21 PROSPECTIVE JUROR NO. 017: Yes, yes. Oh, yes.

22 MS. SCHIFALACQUA: And part of that, are you -- what
23 tools do you use to kind of accurately give information on
24 that to a higher up?

25 PROSPECTIVE JUROR NO. 017: I -- I just --

1 MS. SCHIFALACQUA: When something happens?

2 PROSPECTIVE JUROR NO. 017: I just explain the
3 facts.

4 MS. SCHIFALACQUA: And then they take your
5 explanation of the facts and they're able to make
6 determinations with that?

7 PROSPECTIVE JUROR NO. 017: Yes.

8 MS. SCHIFALACQUA: Do you think you can use that if
9 you're asked to sit on this jury, be able to assess the facts
10 or what witnesses say before you ultimately make a
11 determination?

12 PROSPECTIVE JUROR NO. 017: Yes.

13 MS. SCHIFALACQUA: Thank you. Mr. Sanchez? How are
14 you today?

15 PROSPECTIVE JUROR NO. 026: Fine.

16 MS. SCHIFALACQUA: Okay, good. We talked briefly,
17 but you had sat on a civil jury case and you indicated, but I
18 don't know if the record picked you up, that you understand
19 that there's a different burden with regard to civil cases and
20 criminal cases?

21 PROSPECTIVE JUROR NO. 026: I understand.

22 MS. SCHIFALACQUA: Okay. And you're able to follow
23 the laws the Judge will provide for us?

24 PROSPECTIVE JUROR NO. 026: I do.

25 MS. SCHIFALACQUA: Thank you. Mr. -- here we go.

1 And I -- my last name is Schifalacqua, so I'm going to do
2 this. I -- you know, and I practiced before I got here today,
3 can you pronounce your last name for me?

4 PROSPECTIVE JUROR NO. 097: Rutananupab.

5 MS. SCHIFALACQUA: Rutananupab? Close?

6 PROSPECTIVE JUROR NO. 097: Yes, yes.

7 MS. SCHIFALACQUA: Okay, thank you. I have a
8 question for you. You indicated approximately six months ago
9 you started as a freelance photographer. How did you get into
10 that?

11 PROSPECTIVE JUROR NO. 097: Actually, I just go to
12 the employers --

13 MS. SCHIFALACQUA: Sure.

14 PROSPECTIVE JUROR NO. 097: -- and I kind of told
15 them that I'm interested of taking people photos as they come
16 visit the location that they're set up. So, actually, pretty
17 much, I love taking to take photographer already, so it kind
18 of match what they're looking for.

19 MS. SCHIFALACQUA: Well, that's great. So it kind
20 of started as a hobby of yours, taking pictures?

21 PROSPECTIVE JUROR NO. 097: Yes.

22 MS. SCHIFALACQUA: And you've been able to work it
23 into being able to get paid for it?

24 PROSPECTIVE JUROR NO. 097: Um-hum.

25 MS. SCHIFALACQUA: Is that a, yes?

1 PROSPECTIVE JUROR NO. 097: Yes, yes.

2 MS. SCHIFALACQUA: Okay. Well, that's a pretty good
3 scenario. You indicated you had some college experience. Are
4 you currently enrolled or did you just have some classes?

5 PROSPECTIVE JUROR NO. 097: I have some classes.

6 MS. SCHIFALACQUA: Okay. Did that include
7 photography?

8 PROSPECTIVE JUROR NO. 097: No. Actually, it's
9 electrical engineering.

10 MS. SCHIFALACQUA: Oh, okay. Is that not a path
11 that you wanted to go down?

12 PROSPECTIVE JUROR NO. 097: Yes.

13 MS. SCHIFALACQUA: Are you still taking classes
14 currently or no?

15 PROSPECTIVE JUROR NO. 097: Currently, yes.

16 MS. SCHIFALACQUA: Okay. What is your schedule like
17 for school then?

18 PROSPECTIVE JUROR NO. 097: Tuesday, Thursday and --
19 or no.

20 MS. SCHIFALACQUA: No problem, I do that all the
21 time, by the way, ladies and gentlemen.

22 PROSPECTIVE JUROR NO. 097: Oh, Tuesday, Thursday
23 and Friday.

24 MS. SCHIFALACQUA: Okay. Tuesday, Thursday and
25 Friday. Like the other students that I've talked with, is --

1 the classes that you have Tuesday, Thursday and Friday, if you
2 miss those, are you going to be able to make them up?

3 PROSPECTIVE JUROR NO. 097: No, because all night
4 classes.

5 MS. SCHIFALACQUA: They're all night. Oh, they're
6 all night classes. How late into the night?

7 PROSPECTIVE JUROR NO. 097: Start at 6:00, end at
8 10:45.

9 MS. SCHIFALACQUA: Okay. So you'll still be able to
10 attend those classes?

11 PROSPECTIVE JUROR NO. 097: Yes.

12 MS. SCHIFALACQUA: Do you have any big exams or
13 papers or projects due in the next couple of weeks?

14 PROSPECTIVE JUROR NO. 097: No. Not until, like,
15 May.

16 MS. SCHIFALACQUA: Okay. As you can imagine, my
17 concern is, is that if you're picked for this jury, do you
18 think you'll be able to fully focus on the witnesses that come
19 before you and the evidence presented to you?

20 PROSPECTIVE JUROR NO. 097: Yes.

21 MS. SCHIFALACQUA: Okay. There's nothing about your
22 classes or even maybe your job that you'll be focused on
23 something other than this particular case?

24 PROSPECTIVE JUROR NO. 097: No.

25 MS. SCHIFALACQUA: Okay. Do you -- I know you

1 indicated you weren't married, correct?

2 PROSPECTIVE JUROR NO. 097: Yes.

3 MS. SCHIFALACQUA: And you didn't have children --

4 PROSPECTIVE JUROR NO. 097: No.

5 MS. SCHIFALACQUA: -- that were adults, right?

6 PROSPECTIVE JUROR NO. 097: No.

7 MS. SCHIFALACQUA: Okay. Do you have brothers and
8 sisters that live locally?

9 PROSPECTIVE JUROR NO. 097: Yes.

10 MS. SCHIFALACQUA: Okay. How many?

11 PROSPECTIVE JUROR NO. 097: One.

12 MS. SCHIFALACQUA: One? Okay. And what does your
13 brother or sister do?

14 PROSPECTIVE JUROR NO. 097: She just taking care of
15 kids at home.

16 MS. SCHIFALACQUA: Oh, okay. Thank you. Let's
17 start, because it's easier, Ms. Hunton?

18 PROSPECTIVE JUROR NO. 093: Yes.

19 MS. SCHIFALACQUA: How are you?

20 PROSPECTIVE JUROR NO. 093: Good, how are you?

21 MS. SCHIFALACQUA: All right. Let me ask you a
22 couple of questions. One, I know you indicated early on that
23 your mom had worked as a dispatcher; is that right?

24 PROSPECTIVE JUROR NO. 093: Yes.

25 MS. SCHIFALACQUA: For a number of years? Yeah?

1 PROSPECTIVE JUROR NO. 093: Yeah.

2 MS. SCHIFALACQUA: Okay. You didn't recognize any
3 of the names listed as Ms. Pieper read that laundry list of
4 names that could come before you, correct?

5 PROSPECTIVE JUROR NO. 093: I'm terrible with names.
6 So honestly, I have to see faces. I don't -- I couldn't tell
7 you.

8 MS. SCHIFALACQUA: Okay. With regard to maybe
9 officers, detectives or otherwise, are there any that you
10 would have been particularly close with anyway?

11 PROSPECTIVE JUROR NO. 093: There's quite a few.

12 MS. SCHIFALACQUA: Okay.

13 PROSPECTIVE JUROR NO. 093: Yeah.

14 MS. SCHIFALACQUA: And, you know, if you're picked
15 on this jury and you were to see an officer that you knew, is
16 there anything about that that would make you pause and not be
17 able to weigh the testimony of that officer against all the
18 other testimony?

19 PROSPECTIVE JUROR NO. 093: No.

20 MS. SCHIFALACQUA: Okay. So even if you knew a
21 familiar face --

22 PROSPECTIVE JUROR NO. 093: Yeah.

23 MS. SCHIFALACQUA: -- do you think you could be fair
24 and impartial?

25 PROSPECTIVE JUROR NO. 093: Yes.

1 MS. SCHIFALACQUA: Okay. Now with regard to your
2 mom being a victim of a crime, when -- what was the timing of
3 that?

4 PROSPECTIVE JUROR NO. 093: It was around -- I think
5 it was -- it was night, so I think it was around 9:00 o'clock
6 at night, I believe, because I'd just got home from practice.

7 MS. SCHIFALACQUA: And what -- what year was it, did
8 this occur?

9 PROSPECTIVE JUROR NO. 093: I want to say -- I can't
10 remember if it was 2013 or 2012.

11 MS. SCHIFALACQUA: Okay.

12 PROSPECTIVE JUROR NO. 093: It was one of those.

13 MS. SCHIFALACQUA: So it was pretty recent.

14 PROSPECTIVE JUROR NO. 093: Yeah.

15 MS. SCHIFALACQUA: Is that a, yes?

16 PROSPECTIVE JUROR NO. 093: Yes, sorry.

17 MS. SCHIFALACQUA: Okay, thank you. When you got
18 home, you indicated -- did you actually go to the backyard?

19 PROSPECTIVE JUROR NO. 093: I was actually inside my
20 room and the backdoor was open. I was sitting there and I
21 just decided to turn off my TV. As soon as I turned it off, I
22 started hearing yelling and I thought my parents were watching
23 a loud action movie and I just wanted them to turn it down.
24 So I opened up the door, and when I opened up the door, I
25 heard it coming from this side and this was where my backdoor

1 was and my dad was asleep in the room. So I ran outside, I
2 saw what was going on, I ran back down the hallway, my dad
3 jumped up and we both ran outside to go get her. And he
4 noticed that we came back out, he put the gun away and then
5 jumped over the wall and ran off.

6 MS. SCHIFALACQUA: Okay. When you first ran out and
7 observe your mother, this person had a gun to her person?

8 PROSPECTIVE JUROR NO. 093: He actually was trying
9 to pull it out, but it got stuck on his drawstring, so he
10 couldn't get it out of his pants. And she threw herself back
11 in the pool and was splashing him so he couldn't see what he
12 was doing. So that's when I ran back down the hallway.

13 MS. SCHIFALACQUA: And was able to get your father?

14 PROSPECTIVE JUROR NO. 093: Um-hum.

15 MS. SCHIFALACQUA: Police responded?

16 PROSPECTIVE JUROR NO. 093: Yes.

17 MS. SCHIFALACQUA: Were they -- they weren't able to
18 catch him however?

19 PROSPECTIVE JUROR NO. 093: No, not at all.

20 MS. SCHIFALACQUA: Did you give a full report
21 though?

22 PROSPECTIVE JUROR NO. 093: Yes, I did.

23 MS. SCHIFALACQUA: Did you do a handwritten
24 statement or did you do a taped statement or did you just talk
25 to the police?

1 PROSPECTIVE JUROR NO. 093: We just talked to them.
2 My mom did a handwritten.

3 MS. SCHIFALACQUA: Okay. And they weren't able to
4 find that perpetrator. Did you -- was it Metro that arrived?

5 PROSPECTIVE JUROR NO. 093: Honestly, I don't
6 remember. I'm pretty sure it was Metro.

7 MS. SCHIFALACQUA: And when they arrived, did you
8 feel like they did everything they could given the situation?

9 PROSPECTIVE JUROR NO. 093: Yes.

10 MS. SCHIFALACQUA: Okay. Anything about that
11 scenario, obviously a firearm's used and that it was pretty
12 close in time, that would give you pause to sit on this jury
13 and listen to the facts in this case?

14 PROSPECTIVE JUROR NO. 093: Yes.

15 MS. SCHIFALACQUA: What -- can you describe it?

16 PROSPECTIVE JUROR NO. 093: What do you mean?

17 MS. SCHIFALACQUA: Would you be hesitant to sit on
18 this jury?

19 PROSPECTIVE JUROR NO. 093: Oh, no, no, I wouldn't
20 be hesitant. No, there would be no problem.

21 MS. SCHIFALACQUA: So you'll be able to kind of
22 separate maybe what happened and be able to view this
23 completely separately?

24 PROSPECTIVE JUROR NO. 093: Yes.

25 MS. SCHIFALACQUA: Okay. You also indicated, and I

1 was a little bit confused about you indicated that you were a
2 victim a domestic violence?

3 PROSPECTIVE JUROR NO. 093: Yes.

4 MS. SCHIFALACQUA: How is it -- you said that the
5 police did all they could, but kind of -- it didn't go
6 forward. Describe -- describe that for me. What year was
7 that, first of all?

8 PROSPECTIVE JUROR NO. 093: That 2013 in February.

9 MS. SCHIFALACQUA: Okay. And you were actually the
10 victim?

11 PROSPECTIVE JUROR NO. 093: Yes.

12 MS. SCHIFALACQUA: And you knew the perpetrator?

13 PROSPECTIVE JUROR NO. 093: Yeah, he was my
14 boyfriend at that time.

15 MS. SCHIFALACQUA: Okay. And how is it -- was that
16 -- that wasn't prosecuted?

17 PROSPECTIVE JUROR NO. 093: Honestly, I don't really
18 know what happened because when they got -- when he got picked
19 up because he left, they caught him within two minutes of
20 leaving my house. Once they picked him up, they brought him
21 back, I did a handwritten statement, they talked to me, I got
22 checked out by the ambulance, everything. After that
23 happened, a couple weeks past and they said I had to go to
24 court.

25 MS. SCHIFALACQUA: Sure.

1 PROSPECTIVE JUROR NO. 093: And I looked -- and I
2 was following it, I was looking up his case, making sure he
3 was going to get charged and everything.

4 MS. SCHIFALACQUA: Right.

5 PROSPECTIVE JUROR NO. 093: They said that he was
6 going to have three -- three felonies charged against him --

7 MS. SCHIFALACQUA: Okay.

8 PROSPECTIVE JUROR NO. 093: -- because it was like
9 attempted robbery and stuff like that was going on with it.
10 But when I went to court, they said it was dismissed, they
11 paid me and I left and I have no idea what happened.

12 MS. SCHIFALACQUA: Did you ever contacted by the
13 prosecution at all?

14 PROSPECTIVE JUROR NO. 093: Not that I remember.

15 MS. SCHIFALACQUA: And you actually showed up to
16 court and it was dismissed?

17 PROSPECTIVE JUROR NO. 093: Yeah. I showed up to
18 court and they said that it was dropped and dismissed and they
19 just paid me and I left.

20 MS. SCHIFALACQUA: Did you ever do any other follow
21 up with that?

22 PROSPECTIVE JUROR NO. 093: No.

23 MS. SCHIFALACQUA: With regard to -- was that our
24 office that prosecuted it or was it some other -- was it like
25 the City?

1 PROSPECTIVE JUROR NO. 093: It was -- I had to come
2 here.

3 MS. SCHIFALACQUA: Okay. You came to the Regional
4 Justice Center.

5 PROSPECTIVE JUROR NO. 093: Yeah.

6 MS. SCHIFALACQUA: Did -- well, let me ask you with
7 that, have you had any particular views with regard to that
8 situation?

9 PROSPECTIVE JUROR NO. 093: No.

10 MS. SCHIFALACQUA: And that it was dismissed?

11 PROSPECTIVE JUROR NO. 093: No. I mean, it
12 happened, whatever happened, happened. I just didn't want to
13 have to deal with it. So whenever it was dismissed, I just
14 didn't even care to look anything else up. I just wanted to
15 be done.

16 MS. SCHIFALACQUA: So you -- you were at the point,
17 as a victim, that you just kind of wanted to move on?

18 PROSPECTIVE JUROR NO. 093: Yeah.

19 MS. SCHIFALACQUA: And is it fair to say that if
20 you're chosen to be on this jury panel, anything that happened
21 in that case, you won't -- it won't make you not be able to
22 listen and fairly assess the evidence that comes before you?

23 PROSPECTIVE JUROR NO. 093: No, that should be no
24 problem.

25 MS. SCHIFALACQUA: Thank you. Ms. Lynch, hi, how

1 are you?

2 PROSPECTIVE JUROR NO. 093: I just -- I'm sorry,
3 yesterday, I forgot to tell you guys, because I did tell you,
4 I'm in school.

5 MS. SCHIFALACQUA: Correct.

6 PROSPECTIVE JUROR NO. 093: I have class Mondays
7 through Thursdays.

8 MS. SCHIFALACQUA: Oh, okay. Let me go back and ask
9 you about that. Monday through Thursday, well, I remember you
10 being a hostess at Crush because the Judge wanted us to get
11 catering.

12 PROSPECTIVE JUROR NO. 093: Yes.

13 MS. SCHIFALACQUA: No, but I see, you've got a
14 Bachelor in Science -- Bachelor of Arts and Science. Where --
15 Monday through Thursday, what are your -- what's your
16 schedule?

17 PROSPECTIVE JUROR NO. 093: On Mondays I go from --
18 Mondays is 12:30 to 1:50. Tuesdays and Thursdays are 9:30
19 till 10:50. And Wednesdays, 12:30 to 1:50.

20 MS. SCHIFALACQUA: So if you have to, on those days,
21 that -- as the Judge indicated, the one Wednesday that we
22 start at 9:00 a.m., the -- obviously our other days, if we
23 start at 1:00, and the other days that we start at 9:00 a.m.,
24 can you make up your classes?

25 PROSPECTIVE JUROR NO. 093: I -- I'm not too sure.

1 The ones on Mondays and Wednesdays, I don't believe I'll be
2 able to because we have to turn everything in, in person and
3 we learn everything that day in class and we have a project
4 due every single week.

5 MS. SCHIFALACQUA: Every week?

6 PROSPECTIVE JUROR NO. 093: Yes.

7 MS. SCHIFALACQUA: Okay. If you cannot make up
8 those classes, how does that affect your being able to get the
9 credits for that class?

10 PROSPECTIVE JUROR NO. 093: I haven't spoke to my
11 teacher about it. I had to miss class yesterday and today.

12 MS. SCHIFALACQUA: Okay. And it's not as, you know,
13 like some of our other students where there's things online
14 and that you can make it up?

15 PROSPECTIVE JUROR NO. 093: Yeah, no. Everything is
16 turned in in person. The only thing that's online is just my
17 syllabus.

18 THE COURT: Any objection to excusing this juror?

19 MS. SCHIFALACQUA: Yeah, I was just going to ask,
20 Your Honor.

21 THE COURT: No objection?

22 MR. OTTO: No objection.

23 THE COURT: All right. We'll -- we'll go ahead and
24 excuse you, ma'am, thank you. You'll need to go back and
25 check -- check out through the Jury Commissioner's office.

1 The Clerk will call the name of another juror.

2 MR. OTTO: Well, Your Honor, could we have a break?
3 Could we -- up 90 minutes or so.

4 THE COURT: Sure. We'll go ahead and take our
5 break.

6 MS. SCHIFALACQUA: (Inaudible).

7 THE COURT: While we're on a ten-minute recess,
8 ladies and gentlemen, I'd like you all to please remember the
9 Court's admonition not to discuss among yourselves or with
10 anyone else any subject or person connected with this trial.
11 Please do not read, watch, or listen to any news account about
12 the trial. Please do not form or express any opinion on any
13 subject connected with the trial until the case is finally
14 submitted to you.

15 I remind you all that none of us who are involved
16 with this trial, not the attorneys, not the Judge, not the
17 witnesses, no one of them can speak to you. So if you happen
18 to see anybody in the hall, please don't think anybody's being
19 rude or anti-social. We are obligated not to speak to you.
20 So with that, we'll take a ten-minute recess.

21 (Court recessed at 2:38 p.m. until 3:01 p.m.)

22 (In the presence of the prospective jurors)

23 THE COURT: The Clerk will call the name of another
24 juror.

25 THE CLERK: Julie Diaz.

1 THE COURT: Ms. Diaz. Thank you for joining us, Ms.
2 Diaz. If you'll hold that microphone up real close. Is there
3 any reason why you would not be able to serve on a jury for
4 the next two and a half weeks?

5 PROSPECTIVE JUROR NO. 107: I am a music minor and
6 we have a concert next Thursday and we rehearse -- I mean,
7 sorry, Tuesdays, Thursdays and Fridays at 8:30 and I can't
8 really miss the rehearsals.

9 THE COURT: What if -- what if we just gave you time
10 off for the concert? I'm kidding. What do you -- do you sing
11 or play?

12 PROSPECTIVE JUROR NO. 107: Yes, I'm a
13 percussionist.

14 THE COURT: Percussionist. The big -- all the big
15 drums?

16 PROSPECTIVE JUROR NO. 107: Yes.

17 THE COURT: Those great big kettle drums?

18 PROSPECTIVE JUROR NO. 107: Sure, any drum
19 basically.

20 THE COURT: Okay. And that's your minor?

21 PROSPECTIVE JUROR NO. 107: Yes.

22 THE COURT: Is your grade --

23 PROSPECTIVE JUROR NO. 107: Yes. If I miss
24 rehearsals, I get marked off.

25 THE COURT: Have you --

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

2
3 MATTHEW WASHINGTON,
4 Appellant,
5 vi.
6 THE STATE OF NEVADA,
7 Respondent.

No. 65998

8 **APPELLANT'S APPENDIX VOLUME V PAGES 888-1104**

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14
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16 **CERTIFICATE OF SERVICE**

17 I hereby certify that this document was filed electronically with the Nevada
18 Supreme Court on the 18 day of June, 2015 Electronic Service of the
19 foregoing document shall be made in accordance with the Master Service List as follows:

20 CATHERINE CORTEZ MASTO
21 STEVEN S. OWENS

HOWARD S. BROOKS
SHARON DICKINSON

22 I further certify that I served a copy of this document by mailing a true and
23 correct copy thereof, postage pre-paid, addressed to:

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BY

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