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Respondent.

Electronically Filed  
Sep 09 2015 08:34 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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### Counsel for Respondent

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DISTRICT COURT  
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

9

Plaintiff,

CASE NO. C277650-1

10

DEPT. XXIII

11

vs.

12

MICHAEL LEE,

13

Defendant.

14

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

15

MONDAY, AUGUST 4, 2014

16

17

**TRANSCRIPT OF PROCEEDINGS**

18

**JURY TRIAL - DAY 1**

19

**APPEARANCES:**

20

For the State:

DAVID STANTON, ESQ.

Chief District Attorney

21

JOHN L. GIORDANI, III, ESQ.

22

District Attorney

23

For the Defendant:

NADIA VON MAGDENKO, ESQ.

24

STEVEN M. ALTIG, ESQ.

25

RECORDED BY: MARIA GARIBAY, COURT RECORDER

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GAL FRIDAY REPORTING & TRANSCRIPTION  
10180 W. Altadena Drive, Casa Grande, AZ 85194 (623) 293-0249

1 Monday, August 4, 2014 at 1:10 p.m.

2  
3 [Outside the presence of the prospective jury]

4 THE COURT: All right, good afternoon everyone. It looks like the attorneys  
5 are here. Mr. Lee is also present.

6 By the State, I know that you mentioned before we went on the record,  
7 and obviously defense counsel was present the same, is that we need to make  
8 some -- we have some preliminary issues we need to address.

9 MR. STANTON: Yes, Your Honor, and according to your Bailiff, I'm not sure  
10 that it's going to be an issue at least now. The three witnesses are Danny Fico --  
11 Mr. Fico was a witness that was called at the preliminary hearing in this matter. He  
12 is the defendant's good friend at the time of this event and I believe is as we sit here  
13 today.

14 In addition, his mother, Kathleen Burton, and his sister, Jennifer Lee,  
15 have all been served as witnesses for the State. They are adverse to the State as  
16 you could probably imagine. They declined an invitation to meet with us prior to  
17 trial.

18 Normally in these proceedings, especially in light of the defendant's  
19 history, besides the pretrial, I would mention to them certain things that I call third  
20 rail subject matters; the fact that the time of this offense the defendant was on  
21 parole, that he has multiple felony convictions, and that during the operative events  
22 that leading up to and after the death of the victim in this case, there was a number  
23 of discussions through a number of witnesses in this case about talking to attorneys,  
24 not talking to attorneys, and this discussion involved family members of both sides.  
25 The defendant's family members and obviously two of the witnesses meet that

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1 definition.

2 Normally in a pretrial we would advise them do not discuss those  
3 matters whatsoever and any answer that you would give, they're third rail, and since  
4 we didn't have that opportunity, I'm concerned about that. And thus, my request, in  
5 conjunction with the second part of this, is my investigator contacted both -- all three  
6 of these individuals. They were served with subpoenas. They had good operative  
7 phone numbers. When we contacted them this week or last week, my investigator, I  
8 wanted a confirmation that whatever number we used we would have a quick  
9 turnaround for them to respond to those phone calls and then be able to get them  
10 down to court at a reasonable period of time.

11 That didn't occur. So as a result, I directed my investigator to tell all  
12 three witnesses for the reporting instructions to appear today at 1:00, which is what  
13 it says on the subpoena that they were served with, and all three confirmed that they  
14 would be here and I got a confirmatory email from my investigator to that fact.

15 Your Bailiff just called those three names out in the hallway and  
16 indicated none of those witnesses are present. I'm not sure where the confusion  
17 lies, but what I offered to defense counsel is that they could contact these three  
18 individuals this evening, advise them of the situation, but what I do in situations like  
19 this is have those witnesses provide to the court a number that they confirm is a  
20 valid number that they can respond and to tell the court the amount of response time  
21 once they get that phone call of what is needed to get down here to the courtroom.  
22 And also asking the Court's assistance in admonishing them on subject matter that  
23 is not to be discussed unless directly instructed that they can answer those  
24 questions.

25 Once again, they're not here. Defense counsel indicated to me that

-3-



1 they'd accept my invitation to contact them tonight, so maybe this isn't an issue and  
2 they can confirm with me tomorrow that we have them on board and they will  
3 respond when called.

4 THE COURT: You want to bring it up -- address it tomorrow then? Hopefully  
5 all goes well with defense counsel's discussions with these three individuals.

6 [Colloquy between counsel and defendant]

7 MR. ALTIG: I'm sorry, Your Honor.

8 THE COURT: I think Mr. Stanton is hopeful and optimistic that you can get a  
9 hold of these three individuals and encourage them to participate as they should  
10 since they're under subpoena.

11 MR. ALTIG: My client said -- just told me he spoke to at least one of them  
12 yesterday or last -- and he believes that they're under the impression they need to  
13 be here at 1:30 today. And that may be what the problem is.

14 THE COURT: Okay, well if they're here at 1:30 and we have the jury in  
15 before then, I guess we can just talk to them when we have a break --

16 MR. STANTON: Mr. Fico is here and Jennifer Lee is here.

17 THE COURT: Okay, then --

18 MR. STANTON: So we have two out of the three.

19 MS. VON MAGDENKO: And I saw the third one this morning and she told  
20 me she was going to be here today.

21 THE COURT: Okay, Jason, will you bring one in for me?

22 THE MARSHAL: I will, Judge.

23 MR. ALTIG: Sorry, Your Honor.

24 THE COURT: I'm sorry?

25 MR. ALTIG: I said sorry.

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1 THE COURT: For what?

2 MR. ALTIG: I wasn't paying attention when you were talking because I was  
3 talking to --

4 THE COURT: Oh, I already moved on.

5 This young gentleman sitting behind you, is he with your office?

6 MR. STANTON: He is, Your Honor.

7 THE COURT: Okay.

8 Hi, sir. Come on up, please. Yeah, if you just want to stand in the  
9 middle, sir. If you could please put your hands in front of you, sir. Hi, I'm Judge  
10 Stefany Miley and as you're probably aware, you've been subpoenaed by the State  
11 in this case.

12 MR. FICO: Yes.

13 THE COURT: Do you understand that? Okay, the reason we're here is they  
14 were unable to reach you prior to the time of trial to talk to you so I want to make  
15 sure you have some information. Because you're under subpoena, the one thing --  
16 the one thing I don't know is the exact time when you'll be called to testify. What I  
17 need from you is a number where you can be reached and I can get a pretty quick  
18 turnaround in order to get you down here to testify, because the trial kind of ebbs  
19 and flows so sometimes, you know, it may be a relatively short notice on which we  
20 can reach you. So please give me a good number and tell me how long of a lead  
21 time you need.

22 MR. FICO: Anytime.

23 THE COURT: Okay, give me a phone number, please.

24 MR. FICO: 702-250-3405.

25 THE COURT: And is this a cell?

-5-

1 MR. FICO: It's my direct line.

2 THE COURT: Okay, and then just during the course of this trial, I'm going to  
3 request that you please keep that cell nearby --

4 MR. FICO: Absolutely.

5 THE COURT: -- to the extent that you can.

6 Another thing I want to talk to you about -- if you're called to testify,  
7 which it sounds like at this point you will be, there's certain things that you cannot  
8 discuss on the bench -- I mean discuss when you're subject to questioning, okay?

9 MR. FICO: Okay.

10 THE COURT: You can't discuss the fact that Mr. Lee was on parole. You  
11 can't discuss the fact that he has any other criminal charges or convictions of any  
12 kind, okay? And I understand there may have been some discussions following the  
13 events in this case about talking to attorneys, talking to witnesses, you can't talk  
14 about any of that either.

15 MR. FICO: Yes, ma'am.

16 THE COURT: Okay. So it's going to be very important when you're being  
17 questioned to listen to what's being asked of you and to only answer that question,  
18 okay?

19 MR. FICO: Okay.

20 THE COURT: And not just to blurt additional information.

21 MR. FICO: Okay.

22 THE COURT: All right.

23 MR. STANTON: Can I add one thing, Your Honor --

24 THE COURT: Yes.

25 MR. STANTON: -- if I can. Mr. Fico is friends with the defendant. They

1 were -- he was his immediate supervisor in his employment at the time of these  
2 events. Just so Mr. Fico understands, and I hope he does, is that he cannot  
3 mention or infer that when he -- that the defendant got out or was released to  
4 prison.

5 MR. FICO: Okay.

6 MR. STANTON: In other words, any inference that he had ever been in  
7 custody would be improper.

8 MR. FICO: Okay.

9 MR. STANTON: Okay?

10 MR. FICO: I understand.

11 THE COURT: Okay. Got the phone number so you'll be expecting call from  
12 the State sometime, I don't know, probably this -- toward the end of this week?

13 MR. STANTON: Middle towards the end. Yes, Your Honor, or middle.

14 THE COURT: Okay. Thank you, sir. We'll see you then.

15 MR. ALTIG: Mr. Fico, how long will it take you to get here after you're called?

16 MR. FICO: Would be within the hour.

17 MR. ALTIG: Within an hour --

18 MR. FICO: Within an hour I --

19 MR. ALTIG: -- from being called.

20 MR. FICO: Within 30, 40 minutes I can get here.

21 THE COURT: That's good to know.

22 MR. FICO: Yeah.

23 THE COURT: Okay, thank you.

24 MR. ALTIG: Thank you.

25 MS. VON MAGDENKO: Thank you.

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1 THE COURT: Jason, the next one, please.

2 MR. STANTON: Next witness, Judge, is Jennifer Lee. This is the  
3 defendant's sister.

4 THE COURT: Hi, ma'am. What is your -- I'm Judge Stefany Miley. What is  
5 your name, ma'am?

6 MS. LEE: Jennifer Lee.

7 THE COURT: All right, Ms. Lee, the reason you're here is you've been  
8 placed under subpoena by the State as you're probably aware. As some point  
9 during the course of this week, you're going to be called to testify in this case.  
10 What I need from you is a phone number where you can be reached -- I mean, and  
11 I'd like to give you an exact date, but unfortunately I can't because the trial's kind of  
12 art not a science as far as timing.

13 MS. LEE: Okay.

14 THE COURT: So give me a phone number where you can be reached and I  
15 need to know how long -- if the State contacts you to testify, how long -- how much  
16 turnaround time do you need to get down here and testify.

17 MS. LEE: Okay. 702-810-2852 and --

18 THE COURT: Is that a cell?

19 MS. LEE: Correct.

20 THE COURT: And how long would you need if you're called to get down  
21 here and testify?

22 MS. LEE: An hour.

23 THE COURT: Okay. And I'm going to suggest that -- or I'm going to request  
24 that if you could please kind of keep your phones nearby during the course of this  
25 trial so that we can get a hold of you.

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1 Another thing, I know you didn't have an opportunity to speak to the  
2 State prior to being called to testify, but I need to make you aware of a few things.  
3 When you come in to testify, it's going to be very important that you listen to the  
4 questions that are asked of you by both the State and the defense counsel and only  
5 answer what's been asked of you, okay? You cannot talk about the fact that your  
6 brother, Mr. Lee, has been arrested, has been in prison, has been on parole, okay,  
7 nothing that alludes in any way to that fact, okay?

8 Also, you can't talk about, again, any felony convictions or make any  
9 statements that would lead someone to believe he has prior felony convictions.  
10 And I understand there may have been some discussions following the events in  
11 this case with -- regarding about -- regarding talking to attorneys, talking to  
12 witnesses. You can't reference any of those unless specifically asked, okay?

13 MS. LEE: Okay.

14 THE COURT: All right. Anything else I missed?

15 MR. STANTON: No, Your Honor.

16 THE COURT: Thank you, ma'am. We'll probably see you back sometime  
17 middle to end of this week.

18 MS. LEE: Okay. Thank you.

19 THE COURT: Thank you.

20 MR. STANTON: Last one, Your Honor, is Kathleen Burton. That is the  
21 defendant's mother.

22 THE COURT: Okay.

23 THE MARSHAL: Judge, Kathleen has not showed up.

24 THE COURT: Okay.

25 THE MARSHAL: They're under the impression they were supposed to be

1 here at 1:30.

2 THE COURT: Okay. So if she shows up, we'll talk to her over the break.

3 The other thing I just wanted to -- I always like to put on the record  
4 given the *Lafler versus Cooper* decision, is I want to make sure that the offer -- last  
5 offer that was made to the defendant, that the defendant hears it and he indicates  
6 that he did consider it and knowingly chose to -- knowingly chose to refuse to  
7 accept the offer.

8 By the State?

9 MR. STANTON: Yeah, Judge, I don't think they've ever solicited the State for  
10 an offer to be made in this case.

11 THE COURT: Oh. Okay.

12 MS. VON MAGDENKO: There's never been an offer proffered by the  
13 prosecution.

14 THE COURT: Okay. Then we will proceed with trial.

15 Wait, hold on, Jase.

16 Before we bring the jury in, anything else we need to address -- oh,  
17 real quick. I'm sorry, Mr. Stanton's tried cases in here before, but we're changing  
18 the jury method up a little bit.

19 Mr. Altig, I don't know if you've tried -- I don't -- you have not tried a  
20 case in here. I think I do it very similar to Judge Herndon.

21 MR. ALTIG: Okay.

22 THE COURT: Obviously this is my core group of people. When all the  
23 preemptory challenges were -- are exercised, we would have the sufficient number  
24 of jurors sitting over here.

25 When you go up to question the jury, I don't -- I'm pretty liberal on what

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1 you can ask them so long as it's, you know, within the bounds of the law. I don't  
2 care how you question the jury, whether it's one by one, addressing the panel as a  
3 whole or a combination thereof. I simply -- the choice is up to you.

4 For example, if there is a challenge for cause and say the juror in the  
5 number two chair, which is that chair in the back row, if that one is removed for  
6 cause, then we simply put one more person in that exact same chair. I don't do the  
7 whole, you know, musical chair things.

8 MR. ALTIG: Okay.

9 THE COURT: When we are selecting a jury -- I don't -- let me see your sheet  
10 for a second.

11 THE CLERK: Sure.

12 THE COURT: When we're selecting a jury, all I care about is at the end of  
13 the -- end of everything I have the correct number of jurors. So it doesn't matter to  
14 me if you want to strike juror number 10, then juror number 2, it doesn't matter the  
15 order to -- order doesn't matter to me as long as we have the correct number of  
16 jurors when everything's finished. If anyone passes a challenge, then we will  
17 obviously have an extra individual that we need to get rid of and we just strike from  
18 the bottom.

19 MR. ALTIG: Okay.

20 THE COURT: So how many alternates do you have it set up for?

21 THE CLERK: Two.

22 THE COURT: Two? So if we had 15 jurors, then obviously 15 would be the  
23 one stricken and then 1 through 14 would be our jurors and two alternates. As far  
24 as the alternates, the alternates are always the last two individuals, so they're  
25 always number 13 and number 14. I just keep that secret from the jury so they



1 obviously pay attention throughout the course of the trial.

2 Are there any other questions -- as far as -- oh, on the issue of  
3 challenges for cause, I kind of just go with the flow on that one. A lot of times, you  
4 know, I try to give the jury breaks to use the restroom. I try to minimize bench  
5 conferences. Usually over a break if individuals stand out as a challenge for cause,  
6 we can just briefly discuss it at that point.

7 All right. So we can bring in the jury.

8 MR. STANTON: Judge, you want all the general and specifics at the same  
9 time after --

10 THE COURT: That's the other question. With the State, on these ones with  
11 the -- you're going to have a penalty phase on this one, right?

12 MR. STANTON: Potentially, yes, Your Honor.

13 THE COURT: Okay. Well assuming he gets convicted, you're going to have  
14 the jury do it. I was going to ask that the State go ahead and qualify them.

15 MR. STANTON: Okay.

16 THE COURT: Just, you know, basically that they consider the three different  
17 penalties.

18 Is there any objection to that?

19 MR. ALTIG: No, Your Honor.

20 THE COURT: Okay. Did I forget anything else? I think that's everything  
21 unless you gentlemen and ma'am have questions.

22 MR. STANTON: And when we question, do you want us to do it one time;  
23 that is, all the generals and then specific, or are you going to do all the generals  
24 and then go individually -- is the Court then going to ask individual jurors questions  
25 once you have everybody --

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1 THE COURT: I'm just going to ask the basic questions to the entire panel to  
2 make sure they are qualified to sit. And then the only individual questions I ask are  
3 just employment, children, and then you -- counsel can follow up on that.

4 MR. STANTON: Okay. So when we get up, we do them all at the same  
5 time, all our general and specific questions?

6 THE COURT: You can do them however you like.

7 MR. STANTON: Okay.

8 THE MARSHAL: Ready, Judge?

9 THE COURT: I'm ready.

10 THE MARSHAL: All right. Department XXIII jury is present.

11 [Prospective jury in at 1:31 p.m.]

12 THE COURT: Is that everyone, Jason?

13 THE MARSHAL: It is, Judge.

14 THE COURT: All right. Welcome ladies and gentlemen. I'm Judge Stefany  
15 Miley. You've been called into Department XXIII of the Eighth Judicial District  
16 Court. We are here on the case of State of Nevada versus Michael Long (sic)  
17 which is Case C277650.

18 Welcome everyone. All of you are probably going to be in this  
19 courtroom all of today at -- probably. You've already met Jason Dean. He's the  
20 marshal in this department and for a lot of things he is the most important person  
21 for you to get to know. He is the person that's responsible for getting you guys in  
22 and out of the courtroom at breaks and he's also the individual that's responsible for  
23 getting messages to the Court if there's something that you need to convey to me.

24 Sitting to my left over here I have Anntoinette Naumec-Miller and I  
25 have Emma Knauss. Anntoinette is my clerk in this department. She's training

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1 Emma. And what the clerk does is she's really busy during the course of the trial.  
2 She's the one who's responsible for keeping track of all the exhibits and making  
3 sure they get marked and moved into evidence and she does a bunch of other  
4 things as well.

5 Sitting next to her is Maria Garibay. Maria Garibay is the court  
6 recorder. Now for those of you that have not done jury service or you haven't done  
7 it in a really long time, probably what you're used to seeing is a court reporter,  
8 someone who sits between the Court and the jury taking notes throughout the  
9 course of the trial. Now some departments still have court reporters. The other  
10 department, such as myself, we have a court recorder which that means everything  
11 in this department is being recorded. So there's cameras around the courtroom so  
12 we can see you and we can hear you.

13 Now the one thing is even though we have cameras that can see you,  
14 it's real important that whenever you want to respond to a question that you give  
15 me a verbal response, because the camera or I can't always see you nodding your  
16 head, so yes or no please instead of shaking your head.

17 What we're going to do now is I'm going to do a quick roll call. That  
18 way all of you can get credit for being here. When your name is called, please  
19 make some kind of sound so that we count you present.

20 [Clerk calls roll of prospective jury panel]

21 THE COURT: All right, welcome everyone. What we're going to do now is  
22 I'm going to ask that the State please stand up, introduce themselves, and they're  
23 also going to tell you a little bit about this case and they're also going to give you a  
24 list of individuals who may be called to testify in this case. It's very important that  
25 you listen closely to the list of individuals who may be called as witnesses in this

1 case because I'll be asking you some questions. When the State's introduced  
2 themselves, then the defense is going to have a chance to stand up, introduce  
3 themselves and their client, and list any potential witnesses they may have.

4 The State please?

5 MR. STANTON: Thank you, Your Honor.

6 Good afternoon, ladies and gentlemen. My name is David Stanton.  
7 I'm a Deputy District Attorney here in Clark County. My co-counsel is John  
8 Giordani and we are going to be presenting the case, State versus Michael Lee.

9 I'm going to give you some facts briefly about this case and some  
10 witnesses' names. As the Judge indicated, if you believe you know some of these  
11 facts for some reason or any of the witnesses that I am about to read off, the Court  
12 is going to have some questions for you.

13 This case involves the death of Brodie Aschenbrenner who was  
14 murdered on June 15th of 2011. The State alleges that the defendant beat Brodie  
15 Aschenbrenner to death.

16 The mother of Brodie is a woman by the name of Arica Foster. They  
17 lived at 2900 Sunridge Heights in Henderson, Nevada on that date.

18 The following witnesses in this case are Ron Acuna, Dustin  
19 Aschenbrenner, Kami Beckwith, Felicia Benjamin, Kathleen Burton, Amanda Butler,  
20 Candice Carter, Nancy Dahl, Gerry Collins, Danny Fico, Arica Foster, Dr. Lisa  
21 Gavin, Rebecca Henson, Mark Hosaka, Matt Johns, Shannon Krynzel, Jennifer  
22 Lee, Charity McConnell, David McKenna, Chad Mitchell, Brad Moshier, Merridee  
23 Moshier, Alayne Opie, Sandra Pacheco, Monique Panet-Swanson, Anna Pulido,  
24 Todd Rasmussen, Virginia Schwarz, Dr. Hesham Sirsy -- he's a doctor at ABC  
25 Pediatrics -- Nicole Smith, Joseph Tagliavia, Crystal Vega, Christopher White, Taun

1 Yurek, and Joanna Zavala.

2 THE COURT: All right, thank you.

3 And by the defense?

4 MS. VON MAGDENKO: Ladies and gentlemen of the jury, my name is  
5 Attorney Nadia Von Magdenko and this is my co-counsel, Steven Altig, and this is  
6 the defendant, Michael Lee. We plan on calling Dr. Devesh Tiwary, M.D. and Dr.  
7 Jonathan Arden, M.D., and I'm not sure if they mentioned Shannon Krynzel. Thank  
8 you.

9 THE COURT: All right, ladies and gentlemen, we're about to begin the  
10 process called voir dire. Now people from different parts of the country say it  
11 different ways, but what it is, it's the questioning of the jury under oath. I'm going to  
12 ask that you please stand up, raise your right hand to be sworn in as jurors.

13 [The prospective jury panel was sworn in by the clerk]

14 THE COURT: All right. Please sit down, make yourself comfortable.

15 Okay, ladies and gentlemen, and I'll be honest with you, you're  
16 probably going to be here most of today. Hopefully we'll get a jury today. Over the  
17 next several hours, you're going to be asked a series of questions. What's going to  
18 happen is first the Court's going to ask some questions of you guys. The questions  
19 are going to be both very general and very specific.

20 When I'm finished asking you questions, the State and both the -- both  
21 the State and the defense counsel will also have an opportunity ask you questions.  
22 Now again, some of these questions are going to be very general and they'll be  
23 posed to the entire group. Other questions will be a lot more specific and they'll be  
24 posed to specific individuals.

25 Now ladies and gentlemen, we don't really want to pry into your life.

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1 It's not our purpose or intention to be nosey or intrusive in your life, but it is  
2 important that we get certain information from you. What we're trying to figure out  
3 is if you're fit to serve as a juror in this particular case.

4 Now is everyone in here a U.S. citizen?

5 THE PROSPECTIVE JURORS: Yes.

6 THE COURT: All right. Does everyone in here still have the right to vote?

7 THE PROSPECTIVE JURORS: Yes.

8 THE COURT: Does anyone in here know either the Court or the court staff?

9 No hands? All right. Yes. Ms. Pike.

10 PROSPECTIVE JUROR NUMBER 037: Yeah. I practice in the --

11 THE COURT: You're a lawyer, correct?

12 PROSPECTIVE JUROR NUMBER 037: -- Eighth Judicial District Court, yes.

13 And my husband is a chief deputy district attorney in the major violators unit with  
14 Mr. Stanton.

15 THE COURT: Okay, do you know Mr. Stanton?

16 PROSPECTIVE JUROR NUMBER 037: Very well.

17 THE COURT: All right. We're going to excuse you from this jury at this time,  
18 okay?

19 PROSPECTIVE JUROR NUMBER 037: Thank you.

20 THE COURT: Would you call the next juror?

21 THE CLERK: Yes, Your Honor. Badge number 191, Shirley Stover  
22 replacing seat number 14.

23 PROSPECTIVE JUROR NUMBER 191: Yes.

24 THE COURT: Come on up, ma'am. Please fill in the empty seat.

25 All right, let me go back to my question. Does anyone in here know

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1 either of the prosecutors assigned to this case? Okay, no one knows them.

2 And does anyone -- I told you guys to listen closely. Does anyone  
3 know the potential witnesses who may be called by the State?

4 THE PROSPECTIVE JURORS: No.

5 THE COURT: All right. And does anyone know either the defendant or the  
6 defendant's counsel?

7 THE PROSPECTIVE JURORS: No.

8 THE COURT: And does anyone know the individuals that may be called to  
9 testify by the defense?

10 THE PROSPECTIVE JURORS: No.

11 THE COURT: Okay. And does anyone have any like hearing issues or sight  
12 issues that I need to be aware of? Okay. If there comes a point when you have  
13 difficulty seeing, please let me know so we can make accommodations.

14 Same with hearing. If you have difficulty hearing during the course of  
15 the proceedings because sometimes our acoustics are not so great in this particular  
16 courtroom, please let us know because we have headphones that can assist you in  
17 hearing everything. It's real important that you hear and see everything that  
18 proceeds during the course of this trial.

19 Do any of you believe you may have heard or read about this case  
20 prior to coming into court?

21 THE PROSPECTIVE JURORS: No.

22 THE COURT: I have a hand in the back. So I have several hands in the  
23 back. What I'm going to ask is when you respond to a question, again thank you,  
24 please raise your hand, but I need your name and the last digits of your badge  
25 number.

1 So ma'am? Your name please.

2 PROSPECTIVE JUROR NUMBER 194: Stacey Hopwood, 1194.

3 THE COURT: And what do you believe you've heard, ma'am?

4 PROSPECTIVE JUROR NUMBER 194: I believe that I've heard that -- I read  
5 in the newspaper different articles about the person who's being accused of the  
6 crime, that it was involving a child, that there was a lot of bruising on the child,  
7 things like that.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NUMBER 194: I mean just general information --

10 THE COURT: So you believe you've read something about this case and --

11 PROSPECTIVE JUROR NUMBER 194: Yes.

12 THE COURT: -- do you believe it's this particular individual?

13 PROSPECTIVE JUROR NUMBER 194: To be right honest with you, I don't  
14 remember what the individual looked like, but I do remember reading about the  
15 case. I do remember the name.

16 THE COURT: Okay. And well during the course of probably the next two  
17 weeks, if you're selected as a juror in this case, you're going to hear a variety of  
18 testimony and evidence by both the State and by the defense counsel. What we  
19 ask jurors to do is please listen to everything that happens here in court and make  
20 a decision based upon a fair and impartial decision based upon what you hear in  
21 court only. Can you do that?

22 PROSPECTIVE JUROR NUMBER 194: In this case, I honestly don't think I  
23 can. I think I've already, in my head, made up my mind.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 194: And, you know, just being honest



1 with you.

2 THE COURT: That's fine. We'll make note of that. Thank you very much.

3 And I heard -- saw some other hands by Ms. Hopwood.

4 Yes, ma'am, your name and badge number?

5 PROSPECTIVE JUROR NUMBER 239: Jacquelin Thibault, 329 (sic).

6 THE COURT: And do you believe you've heard or read about this case?

7 PROSPECTIVE JUROR NUMBER 239: Excuse me. I do remember the  
8 headline, but that's about it.

9 THE COURT: Okay. And like I indicated to Ms. Hopwood, if you're selected  
10 as a juror in this case, there's going to be lots of evidence and testimony presented  
11 over the next probably two weeks and the only thing you can consider in making a  
12 decision in this case would be the evidence that you hear in court. Do you think  
13 you can listen to the evidence and testimony presented by both the State and the  
14 defense and render a fair and impartial verdict based upon the evidence and  
15 testimony you hear in court only?

16 PROSPECTIVE JUROR NUMBER 239: Yes I do.

17 THE COURT: Thank you.

18 Other than Jacquelin -- another hand. Yes, ma'am.

19 PROSPECTIVE JUROR NUMBER 254: Suzilene McDonald, 254.

20 THE COURT: Yes, ma'am.

21 PROSPECTIVE JUROR NUMBER 254: I do remember hearing about the  
22 case. I did not know the face of the person, but the same as the other lady said  
23 here with the injuries to a child, yes.

24 THE COURT: Okay. And the same question for you: If you're selected as a  
25 juror in this case, can you listen to all the evidence and testimony presented in

1 court and render a fair and impartial verdict based solely upon the evidence you  
2 see and hear in court?

3 PROSPECTIVE JUROR NUMBER 254: Yes.

4 THE COURT: All right. Thank you, Ms. McDonald.

5 Anyone else over there that I missed?

6 All right, anyone else on this question -- thank you.

7 Is there anyone in here who believes that for whatever reason they'd  
8 be unable to serve as a fair and impartial juror in this case? And I'm posing this to  
9 the room as a whole.

10 Sir, your name and badge number?

11 PROSPECTIVE JUROR NUMBER 148: Jared Miller, 1148.

12 THE COURT: All right. Mr. Miller, yes, sir.

13 PROSPECTIVE JUROR NUMBER 148: I have just recently had my record  
14 sealed and I have strong opinions about the system, let's just go there.

15 THE COURT: The system being -- do you have a particular, I don't know,  
16 dislike for the State or the defense?

17 PROSPECTIVE JUROR NUMBER 148: Yeah, kind of prejudice there.

18 THE COURT: Okay. So you'd be prejudiced for whom?

19 PROSPECTIVE JUROR NUMBER 148: Against the State.

20 THE COURT: And again, I don't mean to pry, but --

21 PROSPECTIVE JUROR NUMBER 148: I'm just being honest.

22 THE COURT: -- you don't have any offenses that would prevent you from --  
23 you still -- you have your right to serve as a juror, correct?

24 PROSPECTIVE JUROR NUMBER 148: Yes.

25 THE COURT: Okay. All right. I made note of that. Thank you for your

1 honesty, sir.

2           Anyone else who'd like to respond to this question: Is there anything  
3 that would keep you from being a fair and impartial juror? I have a few more hands.  
4 I have Mr. Burns?

5           PROSPECTIVE JUROR NUMBER 177: One seventy-seven, Larry Burns.

6           THE COURT: Yes, sir.

7           PROSPECTIVE JUROR NUMBER 177: I'm related to a local police officer  
8 and I hear a lot of the shady side -- the bad side shall we say. Things that you  
9 never hear in courts or in the -- in the media. Not the courts, in the media. And I'm  
10 kind of jaded.

11          THE COURT: When you mean the shady side --

12          PROSPECTIVE JUROR NUMBER 177: Okay. Bad choice --

13          THE COURT: -- that's a little --

14          PROSPECTIVE JUROR NUMBER 177: Bad choice of words.

15          THE COURT: -- vague.

16          PROSPECTIVE JUROR NUMBER 177: I apologize. The meaner side of  
17 people. How's that?

18          THE COURT: Okay.

19          PROSPECTIVE JUROR NUMBER 177: And the fact that what people can  
20 do to other people just never ceases to amaze me.

21          THE COURT: Well let me ask it this way: If you're related -- and I'm -- we'll  
22 get to this question in a second. There's probably others who have family, friends  
23 that are in the police department. Every single case is different. Okay, every case  
24 that goes to trial is different, quite frankly, and what a juror is asked is to sit and  
25 listen to the evidence -- evidence and testimony that's presented here in court and

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1 be a fair and impartial juror to both the State and the defense counsel. Can you do  
2 that?

3 PROSPECTIVE JUROR NUMBER 177: I would like to think I can. I'm not  
4 sure I can.

5 THE COURT: Okay. Fair enough. I'm sure there'll be a few more questions.

6 PROSPECTIVE JUROR NUMBER 177: I'm sure.

7 THE COURT: Thanks, Mr. Burns. And well since we're on that subject, are  
8 you related to any of the officers that may be called to testify in this particular case?

9 PROSPECTIVE JUROR NUMBER 177: No, ma'am. My son-in-law is North  
10 Las Vegas.

11 THE COURT: Okay, thank you.

12 And I saw a few other hands around the same section as Mr. Burns.  
13 Sorry I didn't catch you there. Anyone else who wants to respond to this question?

14 All right, ladies and gentlemen, as you probably heard, there may --

15 UNIDENTIFIED SPEAKER: Yes.

16 THE COURT: Oops. I'm sorry, I didn't see you, ma'am. Name and badge  
17 number?

18 PROSPECTIVE JUROR NUMBER 368: Kathleen Fraiser, 1368.

19 THE COURT: Three six eight?

20 PROSPECTIVE JUROR NUMBER 368: Yes, ma'am.

21 THE COURT: Yes, ma'am?

22 PROSPECTIVE JUROR NUMBER 368: I couldn't hear or see something  
23 related to child abuse. I couldn't do that and --

24 THE COURT: Is it the subject matter's disturbing?

25 PROSPECTIVE JUROR NUMBER 368: Yes, ma'am.

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1 THE COURT: Okay. All right, ma'am. And do you think that based upon the  
2 subject matter you'd be unable to be fair to both sides in this particular case?

3 PROSPECTIVE JUROR NUMBER 368: Yes.

4 THE COURT: Okay. I'll make note of that.

5 And anyone else I've missed?

6 All right. And as I started to say, as you probably heard from the  
7 attorneys, there may be some law enforcement officials who will be called to testify  
8 in this case. And I'm going to direct my questions only to these people sitting over  
9 in this box. Would any of you have the -- have the tendency to give more weight or  
10 credence to the testimony of a law enforcement official simply because he or she  
11 was in law enforcement?

12 THE PROSPECTIVE JURORS: No.

13 THE COURT: Everyone says no, they can be fair? Great.

14 And my next question: Are any of you guys in law enforcement?

15 THE PROSPECTIVE JURORS: No.

16 THE COURT: No one? All right.

17 And my next question: Have any of you ever been convicted of a  
18 crime?

19 THE PROSPECTIVE JURORS: No.

20 THE COURT: And sir, Mr. Miller, you raised your hand. But it's sealed,  
21 right?

22 PROSPECTIVE JUROR NUMBER 148: Correct.

23 THE COURT: Can I ask you what --

24 PROSPECTIVE JUROR NUMBER 148: I'd rather not.

25 THE COURT: Okay. Were you prosecuted by the District Attorney's Office?

1 PROSPECTIVE JUROR NUMBER 148: No.

2 THE COURT: Was it in this state?

3 PROSPECTIVE JUROR NUMBER 148: No. No.

4 THE COURT: It was somewhere else?

5 PROSPECTIVE JUROR NUMBER 148: Yeah.

6 THE COURT: Okay. Has anyone been the victim of a crime? I have a few  
7 hands on this one. Okay. So we're going to start with the back and go forward.  
8 Let's start with Mr. Viscarra.

9 Mr. Viscarra, what happened?

10 PROSPECTIVE JUROR NUMBER 488: On 4th -- April the 4th around 9:30  
11 and 9:55 I was at work, I'm a security officer. I was patrolling the parking lot and  
12 some properties on (indiscernible) Parkway. Some African American in his  
13 twenties and thirties, he assaulted me on the (indiscernible) --

14 THE COURT: Were you injured?

15 PROSPECTIVE JUROR NUMBER 488: I didn't complete my shift. I had to  
16 take (indiscernible) ambulance. And they had a x-ray done. It was -- there was a  
17 lot of bruise under the skin and blood. And Metro showed up. They didn't arrest a  
18 suspect. He got away.

19 THE COURT: Okay. Do you -- so no one was prosecuted for that offense?

20 PROSPECTIVE JUROR NUMBER 488: No, but they got the description of  
21 the individual who assaulted me.

22 THE COURT: Okay. The fact that you went through that event in your  
23 personal life, does that affect your ability to be fair to either the State or the defense  
24 counsel -- or the defendant in this particular case?

25 PROSPECTIVE JUROR NUMBER 488: I don't understand. Can you repeat

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1 that?

2 THE COURT: Obviously that was probably a very traumatic event for you.  
3 The fact that you went through that event in your life, can you still be a fair juror in  
4 this case?

5 PROSPECTIVE JUROR NUMBER 488: Yes.

6 THE COURT: Okay. Thank you. And I don't know if you responded. Was  
7 anyone ever prosecuted for that? Were charges ever filed against anyone to your  
8 knowledge?

9 PROSPECTIVE JUROR NUMBER 488: Everything was reported to the  
10 dispatch in the company I work for --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NUMBER 488: -- America's Best Security Services.  
13 I got the Metro (indiscernible) number and two units showed up. Ambulance and  
14 paramedics showed up, but I gave the exact description of the person who  
15 assaulted me to Metro. So I don't know if they did their job or not because nothing  
16 has been done accomplish and nothing.

17 THE COURT: Okay. Thank you very much.

18 I had a few other hands a little bit closer to me.

19 Yes, ma'am, Ms. Nguyen?

20 PROSPECTIVE JUROR NUMBER 178: Yes.

21 THE COURT: And you're number 178?

22 PROSPECTIVE JUROR NUMBER 178: Correct

23 THE COURT: Yes, ma'am, what happened?

24 PROSPECTIVE JUROR NUMBER 178: In North Carolina, I don't remember  
25 exactly what year it was seven -- somewhere around '97, something like that, we

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1 had a home invasion. Three African Americans broke into our house and --  
2 gunpoint and they -- it's on record that I was kidnapped because they took me at  
3 gunpoint into another room. Luckily, who I was with at the time was able to escape  
4 the house and run down the street and they left. And they were never caught.

5 THE COURT: Does that affect your ability to be fair to both sides in this  
6 case?

7 PROSPECTIVE JUROR NUMBER 178: I wouldn't think that it would.

8 THE COURT: Okay, and you think you can sit and listen to evidence and  
9 testimony presented and render a fair and impartial verdict?

10 PROSPECTIVE JUROR NUMBER 178: I think so.

11 THE COURT: All right. Thank you, ma'am.

12 Anyone else other than Ms. Nguyen?

13 Yes, sir, Mr. Burns?

14 PROSPECTIVE JUROR NUMBER 177: We also had a house invasion, but  
15 we were not at home and a lot of property was stolen which was recovered,  
16 majority of it.

17 THE COURT: Was it --

18 PROSPECTIVE JUROR NUMBER 177: And it was --

19 THE COURT: -- here in Las Vegas?

20 PROSPECTIVE JUROR NUMBER 177: Yes, ma'am, North Las Vegas. It  
21 was prosecuted.

22 THE COURT: All right. And I know you have some concerns about sitting  
23 this trial because of your family relationships, but I'm going to ask the same  
24 question: Do you think you could be a fair and impartial juror? I mean what I --  
25 again, I need you to listen to everything that's presented in this case because every

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1 single case is different.

2 PROSPECTIVE JUROR NUMBER 177: I'd like to think I could.

3 THE COURT: Okay. Have I -- yes, ma'am, Ms. Leah (phonetic)?

4 PROSPECTIVE JUROR NUMBER 165: Lea.

5 THE COURT: Yes, ma'am, and you're number 165. Victim of the crime -- of  
6 a crime?

7 PROSPECTIVE JUROR NUMBER 165: I'm not sure if the case involves  
8 molestation. Is that part of what we're going to be (indiscernible)?

9 THE COURT: No.

10 PROSPECTIVE JUROR NUMBER 165: Then I'm good.

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

12 PROSPECTIVE JUROR NUMBER 165: If that's considered crime, yes. If  
13 not, I'm good.

14 THE COURT: Well, yeah, it would probably be considered a crime. Is there  
15 anything with that event in your life that would affect your ability to be fair and  
16 impartial in this case?

17 PROSPECTIVE JUROR NUMBER 165: I think I'm okay. I -- when you were  
18 talking about child abuse, I wasn't sure what form that was going to take. If it was  
19 sexual abuse, I'd probably be biased and have trouble, but if that's not the case,  
20 then I think I --

21 THE COURT: Okay. Then we will make note of that.

22 Anyone else? No one else? Okay.

23 And have any of you guys ever been a juror before? Only one?

24 There's a few more. Okay. So we're going to start with the back and come

25 forward. Anyone on that back row that's been a prior juror? None. Okay. And I

1 saw Mr. Viscarra raise his hand.

2 Yes, Mr. Viscarra, when were you a juror?

3 PROSPECTIVE JUROR NUMBER 488: 2010 I think.

4 THE COURT: Was it here in Las Vegas?

5 PROSPECTIVE JUROR NUMBER 488: Yes.

6 THE COURT: Do you know if it was civil or criminal?

7 PROSPECTIVE JUROR NUMBER 488: Civil.

8 THE COURT: And don't tell me what the verdict was, but was your jury able  
9 to reach a verdict?

10 PROSPECTIVE JUROR NUMBER 488: Yes.

11 THE COURT: Were you the foreperson?

12 PROSPECTIVE JUROR NUMBER 488: Witness. I was called to show up.

13 THE COURT: Were you a juror or were you a witness in a trial?

14 PROSPECTIVE JUROR NUMBER 488: Witness.

15 THE COURT: A witness in a trial. Okay. And it was -- you were a witness in  
16 a civil trial?

17 PROSPECTIVE JUROR NUMBER 488: Civil trial.

18 THE COURT: Okay. What kind of case was it?

19 PROSPECTIVE JUROR NUMBER 488: Was hit and run under the influence  
20 of alcohol, African American.

21 THE COURT: Okay. Have you been a juror in a case?

22 PROSPECTIVE JUROR NUMBER 488: No.

23 THE COURT: Okay. Thank you.

24 Mr. -- anyone else in Mr. Viscarra's row who has been a juror before?

25 All right. What about the next row, Ms. Lacrue's row. Has anyone

1 been a juror before? Ms. Lacrue I guess -- so we have the third row down.

2 Ms. Lacrue, did you have your hand up?

3 PROSPECTIVE JUROR NUMBER 039: No.

4 THE COURT: All right. I thought I saw some hands.

5 Yes, ma'am, Ms. Qualls?

6 PROSPECTIVE JUROR NUMBER 047: Uh-huh.

7 THE COURT: Ma'am, when were you a juror?

8 PROSPECTIVE JUROR NUMBER 047: I'm going to say three years ago.

9 THE COURT: Here in Clark County?

10 PROSPECTIVE JUROR NUMBER 047: Uh-huh.

11 THE COURT: Civil or criminal?

12 PROSPECTIVE JUROR NUMBER 047: Criminal. It was burglary.

13 THE COURT: Criminal. All right, and did your jury reach a verdict?

14 PROSPECTIVE JUROR NUMBER 047: Yes.

15 THE COURT: Were you the foreperson?

16 PROSPECTIVE JUROR NUMBER 047: No.

17 THE COURT: Thank you.

18 Anyone else on that row? I have another hand. Ms. Chen?

19 Ms. Chen, when were you a juror, ma'am?

20 PROSPECTIVE JUROR NUMBER 063: I think probably four years ago.

21 THE COURT: Civil or criminal?

22 PROSPECTIVE JUROR NUMBER 063: I think criminal.

23 THE COURT: Was it here in Las Vegas?

24 PROSPECTIVE JUROR NUMBER 063: Uh-huh.

25 THE COURT: Yes?

1 PROSPECTIVE JUROR NUMBER 063: Yes.  
2 THE COURT: All right. And did your jury reach a verdict?  
3 PROSPECTIVE JUROR NUMBER 063: Yes.  
4 THE COURT: Were you the foreperson?  
5 PROSPECTIVE JUROR NUMBER 063: What does that mean?  
6 THE COURT: The one that's responsible for getting all the votes and --  
7 PROSPECTIVE JUROR NUMBER 063: No.  
8 THE COURT: Okay, no. Thank you very much.  
9       Anyone else on Ms. Chen's row?  
10       The next row up -- Ms. Hall, did you have your hand up, ma'am?  
11 PROSPECTIVE JUROR NUMBER 088: Yeah I did.  
12 THE COURT: When were you a juror, ma'am?  
13 PROSPECTIVE JUROR NUMBER 088: I don't remember exactly. It was  
14 like probably early 2000's.  
15 THE COURT: Okay. Was it here in Las Vegas?  
16 PROSPECTIVE JUROR NUMBER 088: It was.  
17 THE COURT: Civil or criminal?  
18 PROSPECTIVE JUROR NUMBER 088: Criminal.  
19 THE COURT: Did your jury reach a verdict?  
20 PROSPECTIVE JUROR NUMBER 088: Yes.  
21 THE COURT: Were you the foreperson?  
22 PROSPECTIVE JUROR NUMBER 088: No.  
23 THE COURT: All right. Anyone else in Ms. Hall's row?  
24       Yes, ma'am. And you're -- let's see. Katherine?  
25 PROSPECTIVE JUROR NUMBER 116: Yes, ma'am

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1 THE COURT: Katherine Bogle, number 116. All right, Ms. Bogle, when were  
2 you a juror?

3 PROSPECTIVE JUROR NUMBER 116: '06.

4 THE COURT: Here in Las Vegas?

5 PROSPECTIVE JUROR NUMBER 116: Yes, ma'am.

6 THE COURT: Civil or criminal?

7 PROSPECTIVE JUROR NUMBER 116: No, they dismissed it.

8 THE COURT: So you never reached a verdict?

9 PROSPECTIVE JUROR NUMBER 116: Huh-uh.

10 THE COURT: Okay. Have you been a juror any other time?

11 PROSPECTIVE JUROR NUMBER 116: No.

12 THE COURT: Okay. Anyone else on that row?

13 All right, on the row closest to me, have any of you been a juror  
14 before? None? Okay, thank you very much.

15 Can all of you follow this instruction: You must follow all instructions of  
16 the Court on the law, even if they differ from your personal conceptions of what you  
17 think the law ought to be. Can all of you follow that instruction?

18 THE PROSPECTIVE JURORS: Yes.

19 THE COURT: Everyone says yes. Great. And can you follow this  
20 instruction: A person who is accused of committing a crime is presumed to be  
21 innocent in a criminal trial. Can all of you follow that instruction?

22 THE PROSPECTIVE JURORS: Yes.

23 THE COURT: Everyone says yes. Great. And are all of you -- can you  
24 follow this instruction: The defendant does not have to present any evidence in  
25 order for you return a verdict of not guilty. Can all of you follow that instruction?

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1 THE PROSPECTIVE JURORS: Yes.

2 THE COURT: Everyone says yes. Great. And also, can you follow this  
3 instruction: The defendant is presumed innocent until proved -- let's see. No, I'm  
4 sorry, that the State has the burden of proving the defendant guilty beyond a  
5 reasonable doubt. Can all of you follow that instruction?

6 THE PROSPECTIVE JURORS: Yes.

7 THE COURT: All right. Everyone says yes. Thank you.

8 Now at this point I'm going to ask questions of each of you individually,  
9 and I'm going to start with Ms. Dobard, number 083.

10 Good afternoon, ma'am.

11 PROSPECTIVE JUROR NUMBER 083: Good afternoon.

12 THE COURT: Are you employed?

13 PROSPECTIVE JUROR NUMBER 083: Yes I am.

14 THE COURT: What do you do for a living?

15 PROSPECTIVE JUROR NUMBER 083: I'm a medical technologist at UMC.

16 THE COURT: Okay. How long have you done that job?

17 PROSPECTIVE JUROR NUMBER 083: Well over 30 years.

18 THE COURT: So please describe some of your job duties.

19 PROSPECTIVE JUROR NUMBER 083: I'm actually the supervisor of the  
20 blood bank, and the blood bank is the one who supplies the blood for anybody who  
21 needs a blood transfusion.

22 THE COURT: Okay. And what kind of credentials do you have to get into  
23 that field of work?

24 PROSPECTIVE JUROR NUMBER 083: You have to have a four-year  
25 degree to be a medical technologist. We do have a two-year degree, but to work in

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1 this department, you have to have a four-year degree.

2 THE COURT: It's called medical technology is the degree?

3 PROSPECTIVE JUROR NUMBER 083: Yes. I think now it's clinical lab  
4 scientist.

5 THE COURT: Clinical lab scientist, so have you always been in the blood  
6 bank department or have you had other roles at the hospital?

7 PROSPECTIVE JUROR NUMBER 083: Not at this particular hospital and --  
8 and since I've lived in Las Vegas for 22 years, I've been a straight blood banker, but  
9 before that I was a generalist where we work in all areas of the department.

10 THE COURT: Okay, so when you're --

11 PROSPECTIVE JUROR NUMBER 083: Hematology chemistry.

12 THE COURT: Okay, so tell me a little bit when you're a generalist, what are  
13 your job duties?

14 PROSPECTIVE JUROR NUMBER 083: Having done this over 30 years, I've  
15 gone the whole route from drawing the blood, coming back running the blood, you  
16 do hematology for your complete blood counts, urinalysis, chemistry -- course  
17 chemistry has a lot of instruments -- instrumentation that we run everything on,  
18 microbiology -- I've even done blood gases and EKGs, but that was a long time  
19 ago.

20 THE COURT: Okay. And there's a couple doctors who may be called to  
21 testify. Do you know those doctors?

22 PROSPECTIVE JUROR NUMBER 083: I don't. I -- neither of those were  
23 familiar to me.

24 THE COURT: Okay. And are you married?

25 PROSPECTIVE JUROR NUMBER 083: No.

1 THE COURT: Do you have children?

2 PROSPECTIVE JUROR NUMBER 083: No.

3 THE COURT: And how long have you been in Clark County, Nevada?

4 PROSPECTIVE JUROR NUMBER 083: I think it's 22 years this year.

5 THE COURT: Thank you very much, ma'am.

6 We're going to move on to Ms. Petty. Ms. Petty, are you employed?

7 PROSPECTIVE JUROR NUMBER 116: Yes.

8 THE COURT: What do you do, ma'am?

9 PROSPECTIVE JUROR NUMBER 116: I work at Walgreens.

10 THE COURT: What do you do there?

11 PROSPECTIVE JUROR NUMBER 116: I'm a cashier and a shelf stocker.

12 THE COURT: How long have you been there?

13 PROSPECTIVE JUROR NUMBER 116: A year.

14 THE COURT: Okay, did you have a job before that one?

15 PROSPECTIVE JUROR NUMBER 116: Yeah, a few years prior. I've done  
16 some nanny jobs and some fast food jobs.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR NUMBER 116: No.

19 THE COURT: Do you have children?

20 PROSPECTIVE JUROR NUMBER 116: No.

21 THE COURT: And how long have you been in Clark County, Nevada?

22 PROSPECTIVE JUROR NUMBER 116: Seven years.

23 THE COURT: Thank you very much, Ms. Petty.

24 All right. Ms. Jacques.

25 PROSPECTIVE JUROR NUMBER 162: Yes.



1 THE COURT: Ma'am, are you employed?  
2 PROSPECTIVE JUROR NUMBER 162: Yes, I --  
3 THE COURT: And you are, hold on, badge number 162.  
4 PROSPECTIVE JUROR NUMBER 162: I'm badge 162.  
5 THE COURT: And where do you work?  
6 PROSPECTIVE JUROR NUMBER 162: I work for McCarthy Kaster CPA  
7 firm.  
8 THE COURT: And what do you do there?  
9 PROSPECTIVE JUROR NUMBER 162: I'm the receptionist.  
10 THE COURT: How long have you been there?  
11 PROSPECTIVE JUROR NUMBER 162: Four years.  
12 THE COURT: And did you have a job prior to that one?  
13 PROSPECTIVE JUROR NUMBER 162: Yes, I drove a school bus for Clark  
14 County.  
15 THE COURT: How long did you do that job?  
16 PROSPECTIVE JUROR NUMBER 162: Fourteen years.  
17 THE COURT: And did you have a job prior to that one?  
18 PROSPECTIVE JUROR NUMBER 162: Worked for Southwest Gas.  
19 THE COURT: And what did you do there?  
20 PROSPECTIVE JUROR NUMBER 162: Was a forms processing supervisor.  
21 THE COURT: All right. Are you married?  
22 PROSPECTIVE JUROR NUMBER 162: No.  
23 THE COURT: Do you have children?  
24 PROSPECTIVE JUROR NUMBER 162: I have a 30-year-old son.  
25 THE COURT: And how long have you been in Clark County?

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1 PROSPECTIVE JUROR NUMBER 162: Fifty-five years.

2 THE COURT: Thank you very much. All right, let's move to Ms. Lea.

3 Ms. Lea, are you employed? And you're badge number 165.

4 PROSPECTIVE JUROR NUMBER 165: Yes, badge 165 and I'm self-  
5 employed.

6 THE COURT: What do you do for a living?

7 PROSPECTIVE JUROR NUMBER 165: I am the founder and CEO of  
8 In12Days, a non-profit --

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR NUMBER 165: I'm the founder and CEO of a  
11 non-profit called In12Days.

12 THE COURT: What kind of non-profit is it?

13 PROSPECTIVE JUROR NUMBER 165: A really special one. Actually we  
14 help families who have lost a parent, especially children who have lost a parent, to  
15 find hope again in their lives through a series of 12 days of surprises at Christmas  
16 related to the 12 Days of Christmas song.

17 THE COURT: Well that's neat. Are you married?

18 PROSPECTIVE JUROR NUMBER 165: Widow.

19 THE COURT: Widow. And how long were you at -- let me see, how long  
20 ago did you establish that non-profit?

21 PROSPECTIVE JUROR NUMBER 165: Five years.

22 THE COURT: And then before you established the non-profit, did you have a  
23 different job?

24 PROSPECTIVE JUROR NUMBER 165: Full time stay-at-home mom.

25 THE COURT: And I -- I'm sorry about your husband, but when he was still

1 with us, what did he do for a living?

2 PROSPECTIVE JUROR NUMBER 165: He was a stagehand and he was  
3 working -- he was head carpenter for Blue Man Group and had just started working  
4 Cirque du Soleil when he passed.

5 THE COURT: Okay. And you said you have children. How many do you  
6 have?

7 PROSPECTIVE JUROR NUMBER 165: Two.

8 THE COURT: Are they adults or minors?

9 PROSPECTIVE JUROR NUMBER 165: Minors.

10 THE COURT: And may I ask how old they are please?

11 PROSPECTIVE JUROR NUMBER 165: Twelve and 15.

12 THE COURT: All right. Thank you very much, ma'am, and oops, one more  
13 question: How long have you been in Clark County, Nevada?

14 PROSPECTIVE JUROR NUMBER 165: About 20 years.

15 THE COURT: Thank you very much, ma'am.

16 All right, the next one is Mr. Castellanos. Sir, you're number 198. Sir,  
17 are you employed?

18 PROSPECTIVE JUROR NUMBER 198: No.

19 THE COURT: Are you between jobs? Are you retired?

20 PROSPECTIVE JUROR NUMBER 198: I'm a student.

21 THE COURT: Are you -- where are you a student at?

22 PROSPECTIVE JUROR NUMBER 198: UNLV.

23 THE COURT: What is your major?

24 PROSPECTIVE JUROR NUMBER 198: Architecture.

25 THE COURT: What year are you in your degree?

1 PROSPECTIVE JUROR NUMBER 198: First year.  
2 THE COURT: Have you started classes yet?  
3 PROSPECTIVE JUROR NUMBER 198: No.  
4 THE COURT: When do you start classes?  
5 PROSPECTIVE JUROR NUMBER 198: The 25th of this month.  
6 THE COURT: Okay. And before going to school, did you have a profession?  
7 PROSPECTIVE JUROR NUMBER 198: I used to work in a restaurant.  
8 THE COURT: What is your first language, sir?  
9 PROSPECTIVE JUROR NUMBER 198: Spanish.  
10 THE COURT: Spanish. All right. So if you don't understand something,  
11 since English is not your first language, please raise your hand and let me know.  
12 PROSPECTIVE JUROR NUMBER 198: Okay.  
13 THE COURT: I'm assuming because you haven't said anything so far that  
14 everything is -- you're understanding everything just fine?  
15 PROSPECTIVE JUROR NUMBER 198: Sometimes I don't understand  
16 because I don't have vocabulary -- enough vocabulary to understand.  
17 THE COURT: Okay. Were you raised somewhere else?  
18 PROSPECTIVE JUROR NUMBER 198: What was that?  
19 THE COURT: Were you raised in a different country?  
20 PROSPECTIVE JUROR NUMBER 198: Yes.  
21 THE COURT: All right. How long have you been living in the U.S.?  
22 PROSPECTIVE JUROR NUMBER 198: For about 11 years.  
23 THE COURT: Eleven years?  
24 PROSPECTIVE JUROR NUMBER 198: Yes.  
25 THE COURT: Okay. We'll make note of that, sir. Let's see. Are you

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1 married?

2 PROSPECTIVE JUROR NUMBER 198: Yes, I am.

3 THE COURT: Does your spouse work?

4 PROSPECTIVE JUROR NUMBER 198: Yes, she does.

5 THE COURT: What does she do?

6 PROSPECTIVE JUROR NUMBER 198: She works at UMC. She works at  
7 the records.

8 THE COURT: At the where?

9 PROSPECTIVE JUROR NUMBER 198: Records.

10 THE COURT: Records?

11 PROSPECTIVE JUROR NUMBER 198: Uh-huh.

12 THE COURT: How long has she had that job?

13 PROSPECTIVE JUROR NUMBER 198: She's been there for about six years  
14 or five years I think. Five years.

15 THE COURT: Okay. Do you have any children?

16 PROSPECTIVE JUROR NUMBER 198: Yes.

17 THE COURT: How many?

18 PROSPECTIVE JUROR NUMBER 198: One.

19 THE COURT: Minor or adult?

20 PROSPECTIVE JUROR NUMBER 198: Minor.

21 THE COURT: And how old is your child?

22 PROSPECTIVE JUROR NUMBER 198: She's five.

23 THE COURT: And how long have you been in Las Vegas?

24 PROSPECTIVE JUROR NUMBER 198: My entire stay in the States.

25 THE COURT: So 11 years?

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1 PROSPECTIVE JUROR NUMBER 198: Yes.

2 THE COURT: Thank you, Mr. Castellanos.

3 Okay. Mr. Cornell, are you employed?

4 PROSPECTIVE JUROR NUMBER 352: Yes, I am.

5 THE COURT: And you're badge number 352. Mr. Cornell, what do you do  
6 for a living?

7 PROSPECTIVE JUROR NUMBER 352: I'm a pharmacy technician.

8 THE COURT: How long have you done that?

9 PROSPECTIVE JUROR NUMBER 352: Thirteen years.

10 THE COURT: And before becoming a pharmacy tech, did you have any  
11 other careers or jobs?

12 PROSPECTIVE JUROR NUMBER 352: I worked part time at PetSmart  
13 before then for about two years.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NUMBER 352: Yes, I am.

16 THE COURT: Okay, does your wife work?

17 PROSPECTIVE JUROR NUMBER 352: She does. She works at a ramen  
18 house as a waitress.

19 THE COURT: And do you have children?

20 PROSPECTIVE JUROR NUMBER 352: I do.

21 THE COURT: How many?

22 PROSPECTIVE JUROR NUMBER 352: I have three.

23 THE COURT: How old are they?

24 PROSPECTIVE JUROR NUMBER 352: Eight, four and six weeks old.

25 THE COURT: All right. And how long have you been in Clark County,

1 Nevada, sir?

2 PROSPECTIVE JUROR NUMBER 352: All my life.

3 THE COURT: Eighteen years at least, right?

4 PROSPECTIVE JUROR NUMBER 352: Yeah.

5 THE COURT: Okay.

6 Mr. Marmol?

7 PROSPECTIVE JUROR NUMBER 454: Yes.

8 THE COURT: Hi, sir, good morning or good afternoon now. Are you  
9 employed?

10 PROSPECTIVE JUROR NUMBER 454: Yes, I am.

11 THE COURT: What do you do? And you're badge number 454.

12 PROSPECTIVE JUROR NUMBER 454: Yeah. Construction work.

13 THE COURT: Are you currently on a job?

14 PROSPECTIVE JUROR NUMBER 454: Yeah.

15 THE COURT: Okay. And how long have you done that?

16 PROSPECTIVE JUROR NUMBER 454: Construction site -- 17 years.

17 THE COURT: And do you have a particular type of work you do?

18 PROSPECTIVE JUROR NUMBER 454: Currently insurance repair.

19 Basically the reconstruction (indiscernible) flood damage.

20 THE COURT: Oh, okay.

21 PROSPECTIVE JUROR NUMBER 454: Yeah.

22 THE COURT: And are you married?

23 PROSPECTIVE JUROR NUMBER 454: Yes.

24 THE COURT: Does your wife work?

25 PROSPECTIVE JUROR NUMBER 454: Yes.

1 THE COURT: What does she do?  
2 PROSPECTIVE JUROR NUMBER 454: Uniform attendant.  
3 THE COURT: At one of the hotels?  
4 PROSPECTIVE JUROR NUMBER 454: Yeah. At Silverton.  
5 THE COURT: And do you have children?  
6 PROSPECTIVE JUROR NUMBER 454: Yes.  
7 THE COURT: How many?  
8 PROSPECTIVE JUROR NUMBER 454: Two.  
9 THE COURT: Minors or adults?  
10 PROSPECTIVE JUROR NUMBER 454: Minors.  
11 THE COURT: How old are they?  
12 PROSPECTIVE JUROR NUMBER 454: Six and 12.  
13 THE COURT: And how long have you been in Clark County, Nevada, sir?  
14 PROSPECTIVE JUROR NUMBER 454: Thirteen years.  
15 THE COURT: Thank you very much.  
16 We're going to move to Efrén Viscarra.  
17 Mr. Viscarra, sir, are you employed?  
18 PROSPECTIVE JUROR NUMBER 488: Yes.  
19 THE COURT: Where do you work?  
20 PROSPECTIVE JUROR NUMBER 488: For Veteran Security.  
21 THE COURT: How long have you been with the security company, sir?  
22 PROSPECTIVE JUROR NUMBER 488: I just started recently, a month and  
23 a half. Two months. Two months and a half.  
24 THE COURT: Before working for the security company, did you have a  
25 different job?

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1 PROSPECTIVE JUROR NUMBER 488: Yes. I was --

2 THE COURT: What --

3 PROSPECTIVE JUROR NUMBER 488: I was working with Americas Best  
4 Security Services.

5 THE COURT: How long were you with America's?

6 PROSPECTIVE JUROR NUMBER 488: Sixteen months.

7 THE COURT: And then prior to that job, did you have a different job?

8 PROSPECTIVE JUROR NUMBER 488: After that I got terminated and I  
9 started Veteran Security.

10 THE COURT: Okay. So have you been in security for a long time?

11 PROSPECTIVE JUROR NUMBER 488: Yes, a long time.

12 THE COURT: Okay. And are you married?

13 PROSPECTIVE JUROR NUMBER 488: No.

14 THE COURT: Kids?

15 PROSPECTIVE JUROR NUMBER 488: No.

16 THE COURT: How long have you been in Clark County, Nevada, sir?

17 PROSPECTIVE JUROR NUMBER 488: 1993.

18 THE COURT: Thank you. Thank you very much.

19 All right. Ms. Alvarez.

20 PROSPECTIVE JUROR NUMBER 662: Yes.

21 THE COURT: Ma'am, are you employed?

22 PROSPECTIVE JUROR NUMBER 662: Yes, ma'am.

23 THE COURT: What do you do?

24 PROSPECTIVE JUROR NUMBER 662: I work housekeeping status four.

25 THE COURT: How long have you done that?

1 PROSPECTIVE JUROR NUMBER 662: Ten years.  
2 THE COURT: One of the hotels?  
3 PROSPECTIVE JUROR NUMBER 662: Mandalay Bay.  
4 THE COURT: Okay. And what -- did you have a job prior to that one?  
5 PROSPECTIVE JUROR NUMBER 662: I've been with the company for 21  
6 years.  
7 THE COURT: Long time.  
8 PROSPECTIVE JUROR NUMBER 662: Which I start in status and then  
9 Mandalay Bay and then I was TRA casino porter and now status four operator.  
10 THE COURT: So kind of all the similar type of work?  
11 PROSPECTIVE JUROR NUMBER 662: Yeah, just housekeeping basically.  
12 THE COURT: Okay. And are you married?  
13 PROSPECTIVE JUROR NUMBER 662: Yes.  
14 THE COURT: Does your husband work?  
15 PROSPECTIVE JUROR NUMBER 662: Yes.  
16 THE COURT: What does he do?  
17 PROSPECTIVE JUROR NUMBER 662: He's a cook.  
18 THE COURT: And do you have children?  
19 PROSPECTIVE JUROR NUMBER 662: Yes.  
20 THE COURT: How many?  
21 PROSPECTIVE JUROR NUMBER 662: Three.  
22 THE COURT: How old are they?  
23 PROSPECTIVE JUROR NUMBER 662: Twenty, 25 and 28.  
24 THE COURT: And how long have you been in Clark County, Nevada,  
25 ma'am?

1 PROSPECTIVE JUROR NUMBER 662: Twenty-one years.

2 THE COURT: Thank you very much.

3 Victor Solano, you're badge number 766. Sir, are you employed?

4 PROSPECTIVE JUROR NUMBER 766: Not at the moment.

5 THE COURT: Are you between jobs?

6 PROSPECTIVE JUROR NUMBER 766: I'm looking for --

7 THE COURT: Okay. Your prior employment, what'd you do for a living?

8 PROSPECTIVE JUROR NUMBER 766: I was a -- I was the pastry chef at  
9 the Palms Hotel and Casino.

10 THE COURT: How long did you do that?

11 PROSPECTIVE JUROR NUMBER 766: Well I've been doing that for like 21  
12 years.

13 THE COURT: Always a -- you've been a pastry chef?

14 PROSPECTIVE JUROR NUMBER 766: Always been a pastry --

15 THE COURT: Okay. Are you married?

16 PROSPECTIVE JUROR NUMBER 766: Divorce.

17 THE COURT: Do you have kids?

18 PROSPECTIVE JUROR NUMBER 766: Three.

19 THE COURT: How old are they?

20 PROSPECTIVE JUROR NUMBER 766: One is 22, the other one is 19, and  
21 the last one is 13.

22 THE COURT: Thirteen. And how long have you been in Clark County,  
23 Nevada?

24 PROSPECTIVE JUROR NUMBER 766: Twenty.

25 THE COURT: All right, thank you, Mr. Solano.

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1           We have Mr. Lenehan. You're badge number 016.  
2       PROSPECTIVE JUROR NUMBER 016: Yes.  
3       THE COURT: Sir, how long -- are you employed?  
4       PROSPECTIVE JUROR NUMBER 016: Yes, I am.  
5       THE COURT: What do you do?  
6       PROSPECTIVE JUROR NUMBER 016: I'm a printer.  
7       THE COURT: How long have you done that?  
8       PROSPECTIVE JUROR NUMBER 016: Eight years.  
9       THE COURT: I think that kind of speaks for itself. Prior to becoming a  
10     printer, did you have a different job?  
11     PROSPECTIVE JUROR NUMBER 016: No.  
12     THE COURT: Are you married?  
13     PROSPECTIVE JUROR NUMBER 016: No, single.  
14     THE COURT: Kids?  
15     PROSPECTIVE JUROR NUMBER 016: No kids.  
16     THE COURT: How long have you been in Clark County, Nevada?  
17     PROSPECTIVE JUROR NUMBER 016: Twenty-eight years.  
18     THE COURT: Thank you very much.  
19           Ms. Minarchan?  
20     PROSPECTIVE JUROR NUMBER 020: Yeah.  
21     THE COURT: You are badge number 020.  
22     PROSPECTIVE JUROR NUMBER 020: Yes.  
23     THE COURT: Hold on. Ma'am, are you employed?  
24     PROSPECTIVE JUROR NUMBER 020: Yes.  
25     THE COURT: What do you do?

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1 PROSPECTIVE JUROR NUMBER 020: I'm a dance teacher.  
2 THE COURT: How long have you done that?  
3 PROSPECTIVE JUROR NUMBER 020: Fifteen years.  
4 THE COURT: What type of dance?  
5 PROSPECTIVE JUROR NUMBER 020: All types. Tap, jazz, everything,  
6 ballet.  
7 THE COURT: All right. Did you have any jobs prior to that one?  
8 PROSPECTIVE JUROR NUMBER 020: I waitressed in college.  
9 THE COURT: Are you married?  
10 PROSPECTIVE JUROR NUMBER 020: Yes.  
11 THE COURT: Does your husband work?  
12 PROSPECTIVE JUROR NUMBER 020: Yes.  
13 THE COURT: What does he do?  
14 PROSPECTIVE JUROR NUMBER 020: He's a valet.  
15 THE COURT: Do you have children?  
16 PROSPECTIVE JUROR NUMBER 020: Yes.  
17 THE COURT: How many?  
18 PROSPECTIVE JUROR NUMBER 020: Two.  
19 THE COURT: How old?  
20 PROSPECTIVE JUROR NUMBER 020: Five and seven.  
21 THE COURT: And how long have you been in Clark County, Nevada?  
22 PROSPECTIVE JUROR NUMBER 020: Eighteen years.  
23 THE COURT: Thank you very much.  
24 And Mr. Domingo, number 036.  
25 PROSPECTIVE JUROR NUMBER 036: Yes, ma'am, ten thirty-six.

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1 THE COURT: Is it ten thirty-six? Yeah. All right. So I just need the last  
2 three digits.

3 PROSPECTIVE JUROR NUMBER 036: Okay.

4 THE COURT: Mr. Domingo, are you employed?

5 PROSPECTIVE JUROR NUMBER 036: Yes, ma'am.

6 THE COURT: What do you do?

7 PROSPECTIVE JUROR NUMBER 036: Electronic technician.

8 THE COURT: How long have you done that?

9 PROSPECTIVE JUROR NUMBER 036: About a year.

10 THE COURT: And then before that job, did you have a different job?

11 PROSPECTIVE JUROR NUMBER 036: Part-time retail.

12 THE COURT: And before that any other jobs?

13 PROSPECTIVE JUROR NUMBER 036: No.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NUMBER 036: No.

16 THE COURT: Children?

17 PROSPECTIVE JUROR NUMBER 036: No.

18 THE COURT: How long in Clark County, Nevada?

19 PROSPECTIVE JUROR NUMBER 036: Five years.

20 THE COURT: Thank you very much.

21 And -- oh, I don't have a cheat sheet for your name, ma'am, since --

22 PROSPECTIVE JUROR NUMBER 191: One nine one.

23 THE COURT: One nine one. Your last name is what?

24 PROSPECTIVE JUROR NUMBER 191: Stover, S-t-o-v-e-r. Shirley.

25 THE COURT: Thank you. Ma'am -- let me -- all right, ma'am, are you

1 employed?

2 PROSPECTIVE JUROR NUMBER 191: Yes.

3 THE COURT: What do you do?

4 PROSPECTIVE JUROR NUMBER 191: I am a casino supervisor.

5 THE COURT: How long have you done that?

6 PROSPECTIVE JUROR NUMBER 191: Thirty years.

7 THE COURT: So always in the casino industry?

8 PROSPECTIVE JUROR NUMBER 191: Pretty much, yes. I also have my  
9 own business. I housesit and take care of dogs, animals, and that so --

10 THE COURT: Okay. Thank you very much. Are you married?

11 PROSPECTIVE JUROR NUMBER 191: No, ma'am.

12 THE COURT: Do you have children?

13 PROSPECTIVE JUROR NUMBER 191: No.

14 THE COURT: And how long have you been in Clark County, Nevada?

15 PROSPECTIVE JUROR NUMBER 191: Thirty-five years.

16 THE COURT: Thank you very much, Ms. Stover.

17 Ms. Lacrue.

18 PROSPECTIVE JUROR NUMBER 039: Yes.

19 THE COURT: Hi, ma'am. Are you employed?

20 PROSPECTIVE JUROR NUMBER 039: Yes.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR NUMBER 039: Electronic engineer at the Venetian.

23 THE COURT: How long have you had that job?

24 PROSPECTIVE JUROR NUMBER 039: At the Venetian I've been in this  
25 position one year, but I've been in electronics for 10 years.

1 THE COURT: Has that always been the type of industry you worked in?  
2 PROSPECTIVE JUROR NUMBER 039: Not always, just the past 10 years.  
3 THE COURT: What'd you do before?  
4 PROSPECTIVE JUROR NUMBER 039: Was a manager at the Girl Scout  
5 Council in Monterey, California, and a reserve firefighter.  
6 THE COURT: Now as a firefighter, did you have to take any training as a  
7 paramedic?  
8 PROSPECTIVE JUROR NUMBER 039: EMT.  
9 THE COURT: EMT. So you become an EMT before --  
10 PROSPECTIVE JUROR NUMBER 039: To be a firefighter, yes.  
11 THE COURT: Okay. Are you married?  
12 PROSPECTIVE JUROR NUMBER 039: Engaged.  
13 THE COURT: Your fiancé, what does he do for a living?  
14 PROSPECTIVE JUROR NUMBER 039: He does construction for Local 13,  
15 Bricklayers Union.  
16 THE COURT: Do you have children?  
17 PROSPECTIVE JUROR NUMBER 039: I have four. He has two.  
18 THE COURT: So combined six kids.  
19 PROSPECTIVE JUROR NUMBER 039: Yes.  
20 THE COURT: Okay. Do you know the ages of all of them?  
21 PROSPECTIVE JUROR NUMBER 039: All of them are over 18 except one  
22 who turns 18 on the 10th.  
23 THE COURT: Okay. And how long have you been in Clark County,  
24 Nevada?  
25 PROSPECTIVE JUROR NUMBER 039: Ten years.

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1 THE COURT: Thank you very much. If you could please pass it to Ms.  
2 Qualls, 047.

3 Ms. Qualls, are you employed?

4 PROSPECTIVE JUROR NUMBER 047: Unemployed.

5 THE COURT: Unemployed?

6 PROSPECTIVE JUROR NUMBER 047: Uh-huh.

7 THE COURT: Are you between jobs?

8 PROSPECTIVE JUROR NUMBER 047: Yes.

9 THE COURT: Okay. Last time you were employed, what did you do?

10 PROSPECTIVE JUROR NUMBER 047: I was a part owner of a bar.

11 THE COURT: And how long did you do that?

12 PROSPECTIVE JUROR NUMBER 047: Ten years.

13 THE COURT: And before that, did you have a different job?

14 PROSPECTIVE JUROR NUMBER 047: I was a bartender.

15 THE COURT: Are you married?

16 PROSPECTIVE JUROR NUMBER 047: Yes.

17 THE COURT: Does your husband work?

18 PROSPECTIVE JUROR NUMBER 047: No.

19 THE COURT: Do you have kids?

20 PROSPECTIVE JUROR NUMBER 047: Two grown, one grandbaby.

21 THE COURT: How old's your grandbaby?

22 PROSPECTIVE JUROR NUMBER 047: Eighteen months.

23 THE COURT: And how long have you been in Clark County, Nevada,  
24 ma'am?

25 PROSPECTIVE JUROR NUMBER 047: Twenty years.

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1 THE COURT: Thank you very much.

2 Okay, Ms. Hundley. You are badge number 052. Are you employed?

3 PROSPECTIVE JUROR NUMBER 052: Yes.

4 THE COURT: What do you do?

5 PROSPECTIVE JUROR NUMBER 052: I'm a nanny and a student.

6 THE COURT: Are you a student at UNLV?

7 PROSPECTIVE JUROR NUMBER 052: Yes.

8 THE COURT: What year are you?

9 PROSPECTIVE JUROR NUMBER 052: I'm going into my junior year so my

10 third year.

11 THE COURT: So you must have declared a major?

12 PROSPECTIVE JUROR NUMBER 052: Yes, kinesiology.

13 THE COURT: So what do you want to do when you get out of school?

14 PROSPECTIVE JUROR NUMBER 052: I want -- be an occupational

15 therapist and work with special needs kids.

16 THE COURT: That is a profession that always seems to be in demand. Are

17 you married?

18 PROSPECTIVE JUROR NUMBER 052: No.

19 THE COURT: Do you have children?

20 PROSPECTIVE JUROR NUMBER 052: No.

21 THE COURT: And how long have you been in Clark County, Nevada?

22 PROSPECTIVE JUROR NUMBER 052: Twenty years.

23 THE COURT: Thank you very much. And pass it on down.

24 Mr. Forbes, you're 060. Are you employed, sir?

25 PROSPECTIVE JUROR NUMBER 060: Yes, I am.

1 THE COURT: What do you do?  
2 PROSPECTIVE JUROR NUMBER 060: Paint cars at Gerber Collision.  
3 THE COURT: How long have you done that?  
4 PROSPECTIVE JUROR NUMBER 060: Eighteen, 19 years.  
5 THE COURT: Has that -- okay, did you have jobs prior to that?  
6 PROSPECTIVE JUROR NUMBER 060: Yeah, but doing the same thing.  
7 THE COURT: So that's -- that's really your career is --  
8 PROSPECTIVE JUROR NUMBER 060: That's my trade, yeah.  
9 THE COURT: Okay, your trade, that -- that's what I was looking for, actually.  
10 All right. Are you married?  
11 PROSPECTIVE JUROR NUMBER 060: Yes.  
12 THE COURT: Does your spouse work?  
13 PROSPECTIVE JUROR NUMBER 060: Yes.  
14 THE COURT: What does she do?  
15 PROSPECTIVE JUROR NUMBER 060: She's a schoolteacher.  
16 THE COURT: What age kids?  
17 PROSPECTIVE JUROR NUMBER 060: Early childhood special education.  
18 THE COURT: Do you have children of your own?  
19 PROSPECTIVE JUROR NUMBER 060: Yes, two.  
20 THE COURT: How old are they?  
21 PROSPECTIVE JUROR NUMBER 060: Fourteen and 16.  
22 THE COURT: And how long have you been in Clark County, Nevada, sir?  
23 PROSPECTIVE JUROR NUMBER 060: Forty-two years. I was born here.  
24 THE COURT: Thank you very much. If you pass it down to Ms. Chen.  
25 Ms. Chen, you're badge number 063. And ma'am, are you employed?

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1 PROSPECTIVE JUROR NUMBER 063: Yes.  
2 THE COURT: What do you do?  
3 PROSPECTIVE JUROR NUMBER 063: Accountant.  
4 THE COURT: How long have you been an accountant?  
5 PROSPECTIVE JUROR NUMBER 063: Ten years.  
6 THE COURT: And prior to becoming an accountant, what else did you do?  
7 PROSPECTIVE JUROR NUMBER 063: Stay-home mom.  
8 THE COURT: Does -- are you married?  
9 PROSPECTIVE JUROR NUMBER 063: Yes.  
10 THE COURT: Does your husband work?  
11 PROSPECTIVE JUROR NUMBER 063: Yes.  
12 THE COURT: What does your husband do?  
13 PROSPECTIVE JUROR NUMBER 063: The professor of UNLV.  
14 THE COURT: What kind of professor of what subject?  
15 PROSPECTIVE JUROR NUMBER 063: Mechanical engineer.  
16 THE COURT: Do you have children, ma'am?  
17 PROSPECTIVE JUROR NUMBER 063: Two kids.  
18 THE COURT: How old?  
19 PROSPECTIVE JUROR NUMBER 063: Twenty-six and 23.  
20 THE COURT: And how long have you been in Clark County, Nevada,  
21 ma'am?  
22 PROSPECTIVE JUROR NUMBER 063: Twenty-one.  
23 THE COURT: Twenty-one years?  
24 PROSPECTIVE JUROR NUMBER 063: Uh-huh.  
25 THE COURT: Thank you. Ms. Chen, if you could pass it to Mr. McIntosh.

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1 Mr. McIntosh, sir, are you employed? And you're badge number 079:

2 PROSPECTIVE JUROR NUMBER 079: Yes, retired Navy and currently a  
3 management consultant.

4 THE COURT: Okay, retired Navy. When you were in the Navy, what was  
5 your area of expertise, sir?

6 PROSPECTIVE JUROR NUMBER 079: I was a criminal law paralegal.

7 THE COURT: And how long did you do that?

8 PROSPECTIVE JUROR NUMBER 079: Probably from 1983 to until I retired.  
9 That was 1998.

10 THE COURT: Okay, and did you have to have any type of particular  
11 schooling to get into that area, or was it learned on the job?

12 PROSPECTIVE JUROR NUMBER 079: Well in the military there's a justice  
13 school training program and you -- you know, you learn administrative law and  
14 military justice.

15 THE COURT: And you said you're a consultant now. What do you do?

16 PROSPECTIVE JUROR NUMBER 079: Yes. I plan, organize and structure  
17 businesses, and there's an analysis for growth or expansion.

18 THE COURT: And are you married?

19 PROSPECTIVE JUROR NUMBER 079: Yes.

20 THE COURT: Does your spouse work?

21 PROSPECTIVE JUROR NUMBER 079: Yes, she currently works for the  
22 Clark County Voter Registrar. She's a supervisor over there.

23 THE COURT: Voter registrar?

24 PROSPECTIVE JUROR NUMBER 079: That's correct.

25 THE COURT: Okay. And do you have children?

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1 PROSPECTIVE JUROR NUMBER 079: Yes, three --

2 THE COURT: How -- three? How old are they?

3 PROSPECTIVE JUROR NUMBER 079: Three girls. Thirty-eight, 28 and 23.

4 THE COURT: And how long have you been in Clark County, Nevada, sir?

5 PROSPECTIVE JUROR NUMBER 079: Five years.

6 THE COURT: Thank you very much, Mr. McIntosh, if you can pass it on  
7 down to Mr. Alston.

8 And you're badge number 082.

9 PROSPECTIVE JUROR NUMBER 082: Yes, Your Honor.

10 THE COURT: Mr. Alston, sir, are you employed?

11 PROSPECTIVE JUROR NUMBER 082: Yes, I am.

12 THE COURT: I can barely see you back there. What do you do for a living?

13 PROSPECTIVE JUROR NUMBER 082: I do home healthcare for Nuclear  
14 Care Partners.

15 THE COURT: How long have you done that?

16 PROSPECTIVE JUROR NUMBER 082: Since February of 2013, so about a  
17 year and six months.

18 THE COURT: So what kind of training did you have to get into that job?

19 PROSPECTIVE JUROR NUMBER 082: CPR training, just took -- I was  
20 considered a home health aide, so I just kind of took training from the actual nurses  
21 that was there.

22 THE COURT: Okay, so what are some of your job duties?

23 PROSPECTIVE JUROR NUMBER 082: Changing a person, bathing,  
24 administering medicine, that type of thing, feeding.

25 THE COURT: Okay, and before that career, what did you do before then?

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1 PROSPECTIVE JUROR NUMBER 082: I was the bar-back slash  
2 dishwasher, waiter.

3 THE COURT: Okay, any other careers, sir?

4 PROSPECTIVE JUROR NUMBER 082: No.

5 THE COURT: And are you married?

6 PROSPECTIVE JUROR NUMBER 082: Single.

7 THE COURT: Do you have children?

8 PROSPECTIVE JUROR NUMBER 082: One kid.

9 THE COURT: How old?

10 PROSPECTIVE JUROR NUMBER 082: Ten years old.

11 THE COURT: And how long have you been in Clark County, Nevada?

12 PROSPECTIVE JUROR NUMBER 082: Thirty-one years.

13 THE COURT: Thank you very much.

14 PROSPECTIVE JUROR NUMBER 082: Thank you.

15 THE COURT: We need to pass all the way down to Ms. Stephanie Hall,  
16 who's badge number 088.

17 Ms. Hall, are you employed?

18 PROSPECTIVE JUROR NUMBER 088: Yes.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR NUMBER 088: I'm a structural engineer.

21 THE COURT: We have a lot of engineers this time. And how long have you  
22 done that?

23 PROSPECTIVE JUROR NUMBER 088: I did it from '99 until '08 and then I  
24 stayed home with my kids and I started again last year and I also taught high  
25 school two years in there.

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1 THE COURT: Okay. And are you married?  
2 PROSPECTIVE JUROR NUMBER 088: Yes.  
3 THE COURT: Does your spouse work?  
4 PROSPECTIVE JUROR NUMBER 088: Yes.  
5 THE COURT: What does he do?  
6 PROSPECTIVE JUROR NUMBER 088: He teaches high school.  
7 THE COURT: What subject?  
8 PROSPECTIVE JUROR NUMBER 088: Math.  
9 THE COURT: And how old are you children?  
10 PROSPECTIVE JUROR NUMBER 088: We have a six year old a 10 year  
11 old and almost 14.  
12 THE COURT: And how long have you been in Clark County, Nevada?  
13 PROSPECTIVE JUROR NUMBER 088: Fifteen years, but I also grew up  
14 here so I guess like 25 total.  
15 THE COURT: All right. Thank you. If you can pass it to Ms. Roman, please.  
16 Ms. Roman, you're badge number 104. Are you employed?  
17 PROSPECTIVE JUROR NUMBER 104: Yes.  
18 THE COURT: What do you do?  
19 PROSPECTIVE JUROR NUMBER 104: I am an instructional aide.  
20 THE COURT: For the school district?  
21 PROSPECTIVE JUROR NUMBER 104: No, a charter school, Somerset  
22 Academy.  
23 THE COURT: How long have you done that?  
24 PROSPECTIVE JUROR NUMBER 104: Like a year.  
25 THE COURT: Did you have a job before that one?



1 PROSPECTIVE JUROR NUMBER 104: Stay-home mom and then  
2 professional volunteer.

3 THE COURT: Professional volunteer?

4 PROSPECTIVE JUROR NUMBER 104: Yep.

5 THE COURT: Okay. Are you married?

6 PROSPECTIVE JUROR NUMBER 104: I am.

7 THE COURT: Does your spouse work?

8 PROSPECTIVE JUROR NUMBER 104: Yes.

9 THE COURT: And what does your spouse do?

10 PROSPECTIVE JUROR NUMBER 104: He's a superintendent for a flood  
11 response company.

12 THE COURT: Is he busy this week?

13 PROSPECTIVE JUROR NUMBER 104: Oh yes.

14 THE COURT: All right. And you have children you said?

15 PROSPECTIVE JUROR NUMBER 104: I do.

16 THE COURT: How many?

17 PROSPECTIVE JUROR NUMBER 104: I have two girls. I have a 10 year  
18 old and a 14 year old.

19 THE COURT: And how long have you been in Clark County, Nevada?

20 PROSPECTIVE JUROR NUMBER 104: Eighteen years.

21 THE COURT: Thank you very much. You'll pass it to Ms. Mackenzie, who's  
22 badge number 107.

23 PROSPECTIVE JUROR NUMBER 107: Yes.

24 THE COURT: Yes, your employed.

25 PROSPECTIVE JUROR NUMBER 107: Yes, I am.

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1 THE COURT: And yes what -- and what do you do for a living?  
2 PROSPECTIVE JUROR NUMBER 107: I'm an account executive.  
3 THE COURT: For whom?  
4 PROSPECTIVE JUROR NUMBER 107: Lotus Broadcasting, and I also do  
5 marketing for a lawyer here in town.  
6 THE COURT: Which lawyer?  
7 PROSPECTIVE JUROR NUMBER 107: Half Price Lawyers, Mr. Truitt.  
8 THE COURT: Okay. And do you have any type of legal background?  
9 PROSPECTIVE JUROR NUMBER 107: No.  
10 THE COURT: All right. And are you married?  
11 PROSPECTIVE JUROR NUMBER 107: No, I'm not.  
12 THE COURT: Do you have children?  
13 PROSPECTIVE JUROR NUMBER 107: Yes, I do.  
14 THE COURT: How many?  
15 PROSPECTIVE JUROR NUMBER 107: One.  
16 THE COURT: How old?  
17 PROSPECTIVE JUROR NUMBER 107: She's eight months.  
18 THE COURT: And how long have you been in Clark County, Nevada?  
19 PROSPECTIVE JUROR NUMBER 107: About 21 years.  
20 THE COURT: Thank you very much.  
21 All right. And Ms. Bogle.  
22 PROSPECTIVE JUROR NUMBER 116: Yes.  
23 THE COURT: Are you employed? And you're badge number 116.  
24 PROSPECTIVE JUROR NUMBER 116: No, ma'am.  
25 THE COURT: Okay. Are you retired?

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1 PROSPECTIVE JUROR NUMBER 116: Student.  
2 THE COURT: Student. Where are you a student?  
3 PROSPECTIVE JUROR NUMBER 116: CSN.  
4 THE COURT: How long have you been at CSN?  
5 PROSPECTIVE JUROR NUMBER 116: Two years now.  
6 THE COURT: Do you have an area of study?  
7 PROSPECTIVE JUROR NUMBER 116: Business degree.  
8 THE COURT: And before going to CSN, did you work?  
9 PROSPECTIVE JUROR NUMBER 116: Yes, ma'am.  
10 THE COURT: What'd you do?  
11 PROSPECTIVE JUROR NUMBER 116: A food server at the Orleans Casino  
12 for 11 years.  
13 THE COURT: Are you married?  
14 PROSPECTIVE JUROR NUMBER 116: Yes, ma'am.  
15 THE COURT: Does your husband work?  
16 PROSPECTIVE JUROR NUMBER 116: No.  
17 THE COURT: Is he retired, between jobs?  
18 PROSPECTIVE JUROR NUMBER 116: Between jobs.  
19 THE COURT: And what did he do before?  
20 PROSPECTIVE JUROR NUMBER 116: Food server.  
21 THE COURT: Do you have children?  
22 PROSPECTIVE JUROR NUMBER 116: Three.  
23 THE COURT: How old?  
24 PROSPECTIVE JUROR NUMBER 116: Twelve, nine and eight.  
25 THE COURT: And how long have you been in Clark County, Nevada?

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1 PROSPECTIVE JUROR NUMBER 116: Eleven years.  
2 THE COURT: Thank you very much. If you pass it down to Mr. Segundo.  
3 PROSPECTIVE JUROR NUMBER 120: Yes, ma'am.  
4 THE COURT: And you are badge number 120. Sir, are you employed?  
5 PROSPECTIVE JUROR NUMBER 120: Yes.  
6 THE COURT: What do you do for a living, sir?  
7 PROSPECTIVE JUROR NUMBER 120: I'm an RN.  
8 THE COURT: And do you work at a hospital?  
9 PROSPECTIVE JUROR NUMBER 120: I work at the surgery center.  
10 THE COURT: Is it one of the day patient surgery centers?  
11 PROSPECTIVE JUROR NUMBER 116: Yes -- yes, Your Honor.  
12 THE COURT: So do you just prep them for the procedure, take their blood  
13 pressure, get the IV in?  
14 PROSPECTIVE JUROR NUMBER 116: Take care of the patient while under  
15 surgery.  
16 THE COURT: Okay. Do you actually go into the surgical room too?  
17 PROSPECTIVE JUROR NUMBER 116: Yeah.  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR NUMBER 116: That's my job.  
20 THE COURT: Oh, okay. And how long have you been doing this?  
21 PROSPECTIVE JUROR NUMBER 116: (Indiscernible) 20 years.  
22 THE COURT: And is it -- what type of -- is there a particular doctor do you  
23 work with or it is just a bunch of different surgeries with different doctors?  
24 PROSPECTIVE JUROR NUMBER 116: Different surgery.  
25 THE COURT: Okay. And what type of training -- I mean you had your

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1 nursing training, and then did you have to take additional training?

2 PROSPECTIVE JUROR NUMBER 116: I was just assigned in the operating  
3 room and that's where I got my training (indiscernible) graduation.

4 THE COURT: Okay. And are you married?

5 PROSPECTIVE JUROR NUMBER 116: No, single.

6 THE COURT: Do you have children?

7 PROSPECTIVE JUROR NUMBER 116: No.

8 THE COURT: And how long have you been in Clark County, Nevada, sir?

9 PROSPECTIVE JUROR NUMBER 116: Around 17 years.

10 THE COURT: Thank you very much, sir. You could please pass it to Mr.  
11 Tricase.

12 PROSPECTIVE JUROR NUMBER 142: Yes, Your Honor.

13 THE COURT: Hi, sir, good -- good afternoon and you're badge number 142.  
14 Are you employed, sir?

15 PROSPECTIVE JUROR NUMBER 142: I been retired five years.

16 THE COURT: What did you retire from?

17 PROSPECTIVE JUROR NUMBER 142: Dealing. Thirty-eight years.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR NUMBER 142: Yes.

20 THE COURT: Does your spouse still work?

21 PROSPECTIVE JUROR NUMBER 142: She just quit last week and she was  
22 casino supervisor.

23 THE COURT: And do you have children?

24 PROSPECTIVE JUROR NUMBER 142: No kids.

25 THE COURT: And how long have you been in Clark County, Nevada, sir?

1 PROSPECTIVE JUROR NUMBER 142: Going on 43 years.  
2 THE COURT: Thank you very much, sir.  
3 All right, Mr. Miller.  
4 PROSPECTIVE JUROR NUMBER 148: Yes, ma'am.  
5 THE COURT: Are you employed, sir? And you're badge number 148.  
6 PROSPECTIVE JUROR NUMBER 148: Correct.  
7 THE COURT: Are you employed?  
8 PROSPECTIVE JUROR NUMBER 148: Yes.  
9 THE COURT: What do you do?  
10 PROSPECTIVE JUROR NUMBER 148: Plumber.  
11 THE COURT: And how long have you done that job, sir?  
12 PROSPECTIVE JUROR NUMBER 148: About 20 years.  
13 THE COURT: Do you -- are you married?  
14 PROSPECTIVE JUROR NUMBER 148: Yes.  
15 THE COURT: Does your spouse work?  
16 PROSPECTIVE JUROR NUMBER 148: No, she's stay-home mom.  
17 THE COURT: And I'm assuming you have children?  
18 PROSPECTIVE JUROR NUMBER 148: Four.  
19 THE COURT: How old are they?  
20 PROSPECTIVE JUROR NUMBER 148: Twelve, ten, nine and seven.  
21 THE COURT: And how long have you lived in Clark County, Nevada?  
22 PROSPECTIVE JUROR NUMBER 148: About 20 years.  
23 THE COURT: Thank you very much. We need to pass --  
24 PROSPECTIVE JUROR NUMBER 148: Also --  
25 THE COURT: Yeah.

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1 PROSPECTIVE JUROR NUMBER 148: -- you had asked me -- or you had  
2 asked before if we knew any of the prosecution and all that. I believe I know Steve.

3 THE COURT: Altig?

4 PROSPECTIVE JUROR NUMBER 148: Back in 2007 I did some work on his  
5 office at Seventh and Gas.

6 MR. ALTIG: Yeah, I just --

7 PROSPECTIVE JUROR NUMBER 148: He drives a big monster truck.

8 MR. ALTIG: I just recognized him as well, Your Honor, I'm sorry.

9 PROSPECTIVE JUROR NUMBER 148: Anyhow.

10 THE COURT: Well let me ask this: Are you still -- I mean I don't know if  
11 you're friends or not, but do you hang out, do you chat regularly?

12 PROSPECTIVE JUROR NUMBER 148: No, he's -- I just know him. He's --  
13 not that well just, you know, nice guy, what can I say?

14 THE COURT: Okay. He is a nice guy. Okay. So would the fact that you  
15 know Mr. Altig at some stage in your life, would that affect your ability to be fair to  
16 both the State and the defense?

17 PROSPECTIVE JUROR NUMBER 148: No, just helped me pay my bills.

18 THE COURT: That's always good too. Thank you for letting me know.

19 Okay. So Ms. Erickson. There you are. And you're badge number  
20 169. What are you -- are you employed?

21 PROSPECTIVE JUROR NUMBER 169: I'm not.

22 THE COURT: Are you retired, between jobs?

23 PROSPECTIVE JUROR NUMBER 169: Just not working right now.

24 THE COURT: Was there ever at time when you were employed?

25 PROSPECTIVE JUROR NUMBER 169: Yes. Uh-huh.

1 THE COURT: What'd you do?  
2 PROSPECTIVE JUROR NUMBER 169: Yeah, I worked for a visitor center  
3 and a gift shop and I was a cashier at a ski resort and I worked for a pizza place.  
4 THE COURT: And are you married?  
5 PROSPECTIVE JUROR NUMBER 169: Yes.  
6 THE COURT: Does your spouse work?  
7 PROSPECTIVE JUROR NUMBER 169: Yes, he works for the test site.  
8 THE COURT: And what does he do there, to the extent you can say?  
9 PROSPECTIVE JUROR NUMBER 169: I know he does packaging for  
10 buildings they're building. They have to make sure all the parts are there and  
11 things like that.  
12 THE COURT: Okay. And do you have children?  
13 PROSPECTIVE JUROR NUMBER 169: Yes, we have six.  
14 THE COURT: How old are they?  
15 PROSPECTIVE JUROR NUMBER 169: They're all adults.  
16 THE COURT: And how long have you been in Clark County, Nevada?  
17 PROSPECTIVE JUROR NUMBER 169: Eight years.  
18 THE COURT: Thank you very much. If you want to pass it to Mr. Burns,  
19 who's badge number 177.  
20 Mr. Burns, sir, are you employed?  
21 PROSPECTIVE JUROR NUMBER 177: Retired.  
22 THE COURT: What'd you retire from, sir?  
23 PROSPECTIVE JUROR NUMBER 177: Sales and management.  
24 THE COURT: What kind of sales?  
25 PROSPECTIVE JUROR NUMBER 177: Everything from working for Coors

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1 Brewing Company to a warehouse plumbing store here in Vegas, all over the  
2 country. I've traveled a lot.

3 THE COURT: Okay. And now that you're retired, you're retired?

4 PROSPECTIVE JUROR NUMBER 177: I retired.

5 THE COURT: No other professions?

6 PROSPECTIVE JUROR NUMBER 177: I take my grandsons to school.

7 THE COURT: And are you married?

8 PROSPECTIVE JUROR NUMBER 177: Yes.

9 THE COURT: Is your wife retired?

10 PROSPECTIVE JUROR NUMBER 177: No, she's got a couple years to go  
11 yet.

12 THE COURT: All right. What does she do?

13 PROSPECTIVE JUROR NUMBER 177: She's a office manager for a  
14 financial planner in Summerlin.

15 THE COURT: And you obviously have children because you have  
16 grandchildren.

17 PROSPECTIVE JUROR NUMBER 177: Yeah, we got two -- I got -- we have  
18 two children and then we have three grandchildren. Two of them live right across  
19 the street from us.

20 THE COURT: I'm assuming your children are adults?

21 PROSPECTIVE JUROR NUMBER 177: Yes, ma'am. One's 43. The other  
22 one's 36.

23 THE COURT: Okay. And how long have you lived in Clark County, Nevada,  
24 sir?

25 PROSPECTIVE JUROR NUMBER 177: Fourteen years.

1 THE COURT: Thank you very much, Mr. Burns.  
2 Ms. Nguyen, you're badge number 178. Are you employed?  
3 PROSPECTIVE JUROR NUMBER 178: Yes.  
4 THE COURT: What do you do?  
5 PROSPECTIVE JUROR NUMBER 178: I'm a mortgage banker.  
6 THE COURT: And how long have you done that?  
7 PROSPECTIVE JUROR NUMBER 178: About 10 years.  
8 THE COURT: And did you have a job prior to that one?  
9 PROSPECTIVE JUROR NUMBER 178: Yes. I worked for Blue Rhino, the  
10 exchange tanks for your gas grills.  
11 THE COURT: Uh-huh. The propane tanks?  
12 PROSPECTIVE JUROR NUMBER 178: Uh-huh. Yes.  
13 THE COURT: What'd you do for them?  
14 PROSPECTIVE JUROR NUMBER 178: I ran their customer service  
15 department.  
16 THE COURT: How long did you do that?  
17 PROSPECTIVE JUROR NUMBER 178: About two years.  
18 THE COURT: Any other jobs?  
19 PROSPECTIVE JUROR NUMBER 178: (No audible response.)  
20 THE COURT: Are you married?  
21 PROSPECTIVE JUROR NUMBER 178: Yes.  
22 THE COURT: Does your spouse work?  
23 PROSPECTIVE JUROR NUMBER 178: Yes.  
24 THE COURT: What does he do?  
25 PROSPECTIVE JUROR NUMBER 178: He's an engineer for the water

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1 district.

2 THE COURT: Lot of engineers on this panel. And do you have children?

3 PROSPECTIVE JUROR NUMBER 178: Yes.

4 THE COURT: How many?

5 PROSPECTIVE JUROR NUMBER 178: Two, ages six and four.

6 THE COURT: And how long have you been in Clark County, Nevada?

7 PROSPECTIVE JUROR NUMBER 178: About 10 years.

8 THE COURT: Thank you very much.

9 Ms. Dhindsa?

10 PROSPECTIVE JUROR NUMBER 182: Dhindsa. Yes.

11 THE COURT: Are you're badge number 182. Ma'am, are you employed?

12 PROSPECTIVE JUROR NUMBER 182: No, I'm a stay-at-home mom right

13 now.

14 THE COURT: Before that job, did you work outside the home?

15 PROSPECTIVE JUROR NUMBER 182: I did. I taught for a few years first  
16 graders.

17 THE COURT: And how many children do you have?

18 PROSPECTIVE JUROR NUMBER 182: I have a seven year old and a five  
19 week old baby.

20 THE COURT: I don't mean to pry. Are you able -- are you nursing? I mean  
21 do --

22 PROSPECTIVE JUROR NUMBER 182: Yes.

23 THE COURT: Can you be away from the child for a period of time?

24 PROSPECTIVE JUROR NUMBER 182: Yeah, I made arrangements today  
25 but yeah, I am nursing and that's why I'm -- I didn't know how long this would be.

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1 That's why I'm like looking --

2 THE COURT: Probably till five.

3 PROSPECTIVE JUROR NUMBER 182: Till five? Okay.

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NUMBER 182: Yes, I'm nursing and she's five  
6 weeks old.

7 THE COURT: Okay. Not trying to pry, but I'm just trying --

8 PROSPECTIVE JUROR NUMBER 182: I know.

9 THE COURT: -- to figure out how often you had to be there.

10 PROSPECTIVE JUROR NUMBER 182: Right.

11 THE COURT: Okay. So are you married?

12 PROSPECTIVE JUROR NUMBER 182: Yes.

13 THE COURT: And does your husband work?

14 PROSPECTIVE JUROR NUMBER 182: Yes, he's a physician in town.

15 THE COURT: What kind of doctor?

16 PROSPECTIVE JUROR NUMBER 182: He's a radiologist.

17 THE COURT: And you heard there may be some doctors called to testify.  
18 Do you know any of them?

19 PROSPECTIVE JUROR NUMBER 182: Yes, I'm familiar with the names  
20 because being in the medical society like Dr. Sirsy as well and just, you know,  
21 being in the --

22 THE COURT: Are you just familiar with the names or do you know them  
23 personally?

24 PROSPECTIVE JUROR NUMBER 182: No, not personally but --

25 THE COURT: Okay. And you said you have one child. Just one?

1 PROSPECTIVE JUROR NUMBER 182: No, I have a seven-year-old son  
2 and a five-week-old baby girl.

3 THE COURT: And how long have you been in Clark County, Nevada?

4 PROSPECTIVE JUROR NUMBER 182: About 12 years now.

5 THE COURT: Thank you very much, ma'am.

6 All right, so that is everybody at this point. Ladies and gentlemen, at  
7 this stage, I'm going to turn you guys over to the State for questioning, but Mr.  
8 Stanton, I'm going to give the jury just a very brief break because I want you guys  
9 to be fresh for the attorneys' questions.

10 Now please look and see where you're seated because you're going to  
11 have to sit in the exact same seats when you come back in. And you're going to  
12 hear this at every break: You're admonished not to converse amongst yourself or  
13 with anyone on any subject connected with this trial, do not reach, watch or listen to  
14 any report of or commentary on this trial, and do not form or express an opinion on  
15 this case. Please come back at 2:45 and sit in the exact same seats, and everyone  
16 does have to leave the courtroom.

17 [Prospective jury out at 2:36 p.m.]

18 THE MARSHAL: Judge, that Kathleen --

19 MR. STANTON: Kathleen Burton.

20 THE MARSHAL: -- Kathleen showed up.

21 THE COURT: Oh good. Real quick before we call her in here, is there  
22 anyone else -- anyone who stands out? The only -- I am kind of concerned about  
23 that last juror. She has a newborn that has to nurse.

24 MR. ALTIG: Your Honor, the only other issue is that one of the witnesses  
25 that the State's listed I believe has worked for UMC for about 30 years herself as a

1 nurse.

2 THE COURT: Uh-huh.

3 MR. ALTIG: And there was -- one of the jurors said that she also had worked  
4 at UMC for about 30 years, so maybe -- I don't know if that witness just missed the  
5 name. They may not know each other, I don't know, but if they're both working for  
6 the same hospital for a 30-year period of time, I would imagine that there's a  
7 likelihood that they will have met each other or know each other.

8 THE COURT: Well, you know, they will -- if they're selected, they'll receive  
9 instructions prior to trial saying if, you know, you happen to look at someone and  
10 realize that you know them, that they're instructed to let us know. At this point no  
11 one's indicated that they know the person or have a conflict.

12 Other than -- you know, I was going to let the last juror, like I said,  
13 number 182, Dhindsa, go simply because if she has a newborn and she's nursing,  
14 she probably can't be away from the baby for prolonged period of time.

15 MR. STANTON: State has no objection, Your Honor.

16 THE COURT: Any objections by the defense?

17 MS. VON MAGDENKO: No, Your Honor.

18 THE COURT: Okay. So we'll put a new juror in there. Any other individuals  
19 at this stage stand out? I think I had one I was concerned about the English.

20 MR. STANTON: Yes, I do have a -- same concern as the juror, Mr. Viscarra,  
21 488, and also I'd like to inquire of Mr. Miller outside the presence of the other jurors  
22 -- he's juror number 148 -- about his prior record or the offenses that he had sealed.  
23 He did not -- he preferred not to speak about it. I'm presuming that that's in front of  
24 others, but I'd like to inquire.

25 THE COURT: Yeah, we'll ask Mr. Miller -- okay. Do you have any objections

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1 to Mr. Viscarra? I mean I -- he -- sounds like he's trying, but I think -- he's at the  
2 end, second row down. I think he's having some English difficulties. He is -- he  
3 works for the security company.

4 MR. ALTIG: Yeah, Your Honor, I did write in my notes does not understand  
5 English very well. The --

6 THE COURT: And I'm -- I have feeling there's going to be technical  
7 language in this case.

8 MR. ALTIG: And the only thing that I thought of was he had been a juror --  
9 no, he was a witness before. He misunderstood that word.

10 THE COURT: Yeah.

11 MR. ALTIG: That's right.

12 THE COURT: He didn't understand that.

13 MR. ALTIG: Yeah --

14 THE COURT: Any objections to letting him go --

15 MR. ALTIG: No.

16 THE COURT: -- since English is an issue? So we'll let Viscarra also go for  
17 cause since English seems to be difficult for him. So at that point we've only let two  
18 go. And then give them the replacement jurors, please.

19 THE CLERK: Yes, Your Honor. Badge number 192, Denise Defranco, is  
20 going to go into seat number eight. And then badge number 194, Stacey Hopwood,  
21 is going to go into seat number 32.

22 THE COURT: I'm sorry, I didn't write that down. Could you do mine?

23 THE CLERK: Of course.

24 THE COURT: Okay. Jason, first matter, let's call in that other witness,  
25 please.

1 MS. VON MAGDENKO: Can we bring in the father? Can he sit and watch  
2 since he's out there, or no? He's not being --

3 THE COURT: Is he going to be a witness?

4 MS. VON MAGDENKO: No.

5 THE COURT: He can't --

6 MR. STANTON: He's a potential witness, Your Honor. We don't anticipate  
7 calling him, but then again, I haven't even heard the defense's opening arguments.

8 THE COURT: Then he can't.

9 MS. VON MAGDENKO: Okay.

10 THE COURT: Has he been subpoenaed?

11 MR. STANTON: We have not served him, no, Your Honor.

12 THE COURT: But he's listed as a potential witness?

13 MR. STANTON: Yes.

14 THE COURT: Hi, ma'am, good morning --

15 MS. BURTON: Hi.

16 THE COURT: -- or good afternoon. I'm Judge Stefany Miley. And may I  
17 have your name, please?

18 MS. BURTON: Kathleen Burton.

19 THE COURT: Hi, Ms. Burton. You have been subpoenaed as a potential  
20 witness in this case, as you're probably aware, and what I need to get from you is --  
21 the timing of trial is kind of an art, not a science. There is a good possibility you're  
22 going to be called to testify sometime this week, probably toward the middle or end  
23 of this week, and I need to get a good phone number from you where you can be  
24 reached because, you know, you'll be contacted to testify and then we need for you  
25 to come down to court. So may I have a good phone number, please?

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1 MS. BURTON: Sure, 702-542-6858.

2 THE COURT: And is this a cell?

3 MS. BURTON: It's a cell phone.

4 THE COURT: And I'm going to ask because you'll be called to testify at  
5 some point that you please keep your cell on you --

6 MS. BURTON: Okay.

7 THE COURT: -- during the day someplace where it's close. If you're to be  
8 called to testify, how long would you need to get down to the courthouse?

9 MS. BURTON: Roughly probably an hour with parking.

10 THE COURT: Okay. And I need to go over this with you: When you're  
11 called to testify, it's very important that you listen and answer solely the questions  
12 that are posed to you, okay? That you -- I mean keep your responses, you know,  
13 narrow and tailored to the question. It's real important that you don't mention parole  
14 or anything to indicate Mr. Lee's prior criminal record; that he's been in prison, been  
15 in jail, that he's been arrested. Nothing along that line can you mention, okay?

16 MS. BURTON: Okay.

17 THE COURT: Also, my -- and you cannot mention any convictions for other  
18 criminal offenses. Also my understanding is there may have been some  
19 discussions with witnesses following the incident in question and, you know, talking  
20 about attorneys, talking about witnesses. It's real important that you don't get into  
21 those topics unless you're specifically asked.

22 MS. BURTON: I don't understand.

23 THE COURT: Okay, if there's any discussions about this case following it --

24 MS. BURTON: Oh, okay.

25 THE COURT: -- don't talk about it.

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1 MS. BURTON: Gotcha.

2 THE COURT: Okay, there may be a scenario where you're asked particular  
3 question, but don't just offer anything that's not directly related to the question,  
4 okay?

5 MS. BURTON: (No audible response.)

6 THE COURT: All right. So you'll probably get a call sometime the middle or  
7 end of this week.

8 MS. BURTON: Okay.

9 THE COURT: Thank you very much.

10 MS. BURTON: Thanks.

11 MR. ALTIG: I'm sorry, Your Honor. May I ask your clerk who the second  
12 witness or the second juror was that we filled in?

13 THE CLERK: So badge number 192, Denise Defranco, she went into seat  
14 number eight.

15 MR. ALTIG: Okay.

16 THE CLERK: And then badge number 194, Stacey Hopwood, went into seat  
17 number 32.

18 MR. ALTIG: Thank you.

19 THE COURT: Okay, and I'm sorry, I forgot to tell that you can't talk to them.  
20 I'll tell them at the next -- when they come back in. You guys want go the restroom  
21 real quick. And then we'll call Mr. Miller in.

22 MR. ALTIG: Thank you.

23 MS. VON MAGDENKO: Do we use the restroom back here or up there?

24 THE COURT: Jason has very particular instructions for you.

25 [Off the record at 2:42 p.m.]

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1 [Proceedings resumed at 2:55 p.m.]

2 [Outside the presence of the prospective jury]

3 THE COURT: Mr. Altig, are you ready, sir?

4 MR. ALTIG: Yes, ma'am.

5 THE COURT: Okay. I'm sorry, I don't know your name.

6 UNIDENTIFIED SPEAKER: Sandra --

7 THE COURT: Sandra? Thank you. Would you go on the record, please?

8 We need to bring Mr. Miller in please.

9 MS. VON MAGDENKO: Your Honor, can I make an objection on the record  
10 for Mr. Miller before he comes in?

11 THE COURT: Sure.

12 MS. VON MAGDENKO: Or after he's in, I don't care.

13 THE COURT: (Nods in the affirmative.)

14 MS. VON MAGDENKO: We'd object to canvassing regarding his records  
15 seal. It's my understanding the statute once it's sealed, there's no questioning  
16 about that; it's as if it never happened. So we would object to any questions about  
17 that.

18 MR. STANTON: Well, counsel said the statute. I believe his response was  
19 that that occurred another state so I'm not sure what statute counsel's referring to,  
20 number one. Number two, I believe the statute refers to employment; that you can  
21 answer your employment as if the conviction never occurred.

22 In this case it's different. Number one, it's jury selection. Number two,  
23 he's already expressed that he has difficulty being fair to both sides. And thus, I'm  
24 not sure how I can conduct meaningful inquiry as to whether or not he is  
25 challengeable for cause whatsoever based upon the circumstances of how he has

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1 formed that opinion.

2 THE COURT: I'm going to ask him the -- I don't see where it'd be prejudicial  
3 to the defense. In fact, it may give you all more information that you need to decide  
4 whether or not he is acceptable juror for this particular case.

5 So would you ask Mr. Miller to come in?

6 Hi, Mr. Miller. If you just want to go ahead and get in your seat.

7 PROSPECTIVE JUROR NUMBER 148: Okay.

8 THE COURT: You know, and I -- I'm not trying to call you out, not trying to  
9 embarrass you or anything. The only reason we have you in here without the other  
10 jurors is -- again, the only thing I'm trying to figure out is if you're acceptable juror  
11 for this particular case with this particular set of facts and evidence and everything  
12 else. I need a little bit more information on your -- whatever you had sealed.

13 PROSPECTIVE JUROR NUMBER 148: Okay.

14 THE COURT: And again, it won't be for the other jurors. It's just for my --

15 PROSPECTIVE JUROR NUMBER 148: Sure.

16 THE COURT: -- edification.

17 PROSPECTIVE JUROR NUMBER 148: As far as convictions, because it  
18 was kind of a difficult thing there, convictions, the only thing I've ever been  
19 convicted of is a traffic ticket, speeding.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 148: But I got accused of something  
22 when I was 18 and they mess -- even though the judge threw it out, you know,  
23 dismissed the case, the court system messed up in recording it and they put me  
24 down as a convicted felon. So when I went to register a handgun in North Las  
25 Vegas and it happened to be right at holiday season and all that, I was a guest of

1 the state for four days and I saw some of the worst violations to other inmates -- I  
2 kept my head down, but I saw beatings, I saw --

3 THE COURT: You're talking when you're over the jail --

4 PROSPECTIVE JUROR NUMBER 148: When I was in North Las Vegas --

5 THE COURT: -- here in Las Vegas? Oh, North Las Vegas?

6 PROSPECTIVE JUROR NUMBER 148: -- in the jail, I saw all kinds of  
7 horrible things and after keeping your ears open and talking with other people,  
8 heard even more.

9 Now my younger brother is also a police officer and I consider him a  
10 really upstanding person, but I hear a lot of things from him and to be honest, I  
11 don't know the case, I don't know any of this, but I have -- I don't have a lot of  
12 respect for a lot of police officers, at least the ones I've come in contact with, and as  
13 far as -- I don't want to say I distrust everything they say, but I have an inclination to  
14 go that way.

15 THE COURT: So sounds like you have an inclination to find for the defense?

16 PROSPECTIVE JUROR NUMBER 148: I don't know --

17 THE COURT: I mean --

18 PROSPECTIVE JUROR NUMBER 148: I don't know the situation --

19 THE COURT: -- there's a distinction here in that --

20 PROSPECTIVE JUROR NUMBER 148: Yeah.

21 THE COURT: And again, I'm just trying to see if you can sit in this case. I  
22 mean the distinction is here there may have been things that gone on when you  
23 were in jail --

24 PROSPECTIVE JUROR NUMBER 148: Sure.

25 THE COURT: -- okay, they're not related to this case. What it comes down

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1 to in this case is the State has filed charges against the -- Mr. Lee in this particular  
2 case and what a juror's ultimately asked to decide is whether based upon the facts  
3 and the evidence, they find Mr. Lee guilty or not guilty of the charges.

4 PROSPECTIVE JUROR NUMBER 148: Well --

5 THE COURT: So there's kind of a distinction from what you're telling me.  
6 Can you do that?

7 PROSPECTIVE JUROR NUMBER 148: The question can I be fair in his  
8 individual if I believed the evidence that I was receiving, yes, but I'll --

9 THE COURT: But I need for you be able to be fair to the State and the  
10 defense.

11 PROSPECTIVE JUROR NUMBER 148: I -- well let me put it this way: I've  
12 seen worse crimes committed by police than I've ever seen other people commit.  
13 So I really am prejudiced against police and I try to just, you know, go my own way  
14 and just keep my head down. That's the only way -- but I can honestly say I've  
15 seen more horrible things done by police than I've ever seen other people do to  
16 each other. Certain jobs attract certain people as well and --

17 THE COURT: So you'd probably just start out with a bad taste your mouth if  
18 any --

19 PROSPECTIVE JUROR NUMBER 148: Oh, horrible.

20 THE COURT: -- officers testified. Is that what you're saying?

21 PROSPECTIVE JUROR NUMBER 148: If you want to be fair about it, yes.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 148: I have --

24 THE COURT: That's fair enough. I want --

25 PROSPECTIVE JUROR NUMBER 148: -- real distain for --

1 THE COURT: -- the truth.

2 PROSPECTIVE JUROR NUMBER 148: -- a lot of police officers.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NUMBER 148: Well pretty much most of them that  
5 wear a uniform.

6 THE COURT: Okay. I appreciate your truthfulness. If you could just please  
7 step outside. Thank you.

8 PROSPECTIVE JUROR NUMBER 148: Sure.

9 No offense.

10 UNIDENTIFIED SPEAKER: None taken.

11 THE COURT: All right. Would you guys like further questioning of Mr.  
12 Miller?

13 MR. STANTON: No, Your Honor, but we would challenge him for cause,  
14 Juror 148.

15 THE COURT: Any objections?

16 MS. VON MAGDENKO: Yes, Your Honor, I'd object to that. He didn't  
17 actually say whether or not he could be fair and impartial in this case. And I think if  
18 we do that for him, we should do the same thing for Mr. Burns. I mean he kind of  
19 alluded that, you know, he may or may not be impartial. I put them in the same  
20 category. So we object.

21 THE COURT: Are you asking for further questioning of Mr. Miller see if you  
22 can rehabilitate him?

23 MS. VON MAGDENKO: Yes, we can do further questioning.

24 THE COURT: All right. At this point I'll defer on that request. Anything else  
25 we need to address before I bring the jury back in?

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1 MR. STANTON: Not on behalf of the State, Your Honor.

2 MR. ALTIG: No, Your Honor.

3 THE COURT: Okay. Let's bring the jury in, please.

4 THE MARSHAL: Department XXIII jury is present.

5 [Pause]

6 THE COURT: Mr. Stanton, I'm going to need to just voir dire those two new  
7 individuals real quick.

8 MR. STANTON: Sure.

9 [Prospective jury in at 3:04 p.m.]

10 THE COURT: All right, looks like we have everyone. All right, ladies and  
11 gentlemen of the jury, welcome back. At this time I'm going to thank and excuse  
12 Juror Number 488, Efren Viscarra, and I'm also going to thank and excuse Juror  
13 Number 182, Sunjat Dahinsa (phonetic)?

14 PROSPECTIVE JUROR NUMBER 182: Dhindsa.

15 THE COURT: Yeah. Both of you are excused from jury service today.  
16 Before you leave the building, make sure you go back down to the third floor and  
17 check out with the jury commissioner.

18 PROSPECTIVE JUROR NUMBER 182: That's where we were at the start,  
19 right?

20 THE COURT: Exactly where you started today. Thank you.

21 PROSPECTIVE JUROR NUMBER 182: Thank you.

22 THE CLERK: Badge number 192, Denise Defranco, replacing seat number  
23 eight. Badge number 194, Stacey Hopwood, replacing seat number 32.

24 THE COURT: All right, Ms. Hopwood and Ms. Defranco, I have some  
25 questions for just the two of you. Did -- have either of you ever been on a jury

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1 before? Ms. Defranco or Ms. Hopwood, have --  
2 PROSPECTIVE JUROR NUMBER 194: No.  
3 THE COURT: -- either of you been on juries before?  
4 PROSPECTIVE JUROR NUMBER 194: No.  
5 THE COURT: No?  
6 THE MARSHAL: Ma'am, you have to answer yes or no.  
7 THE COURT: Have you ever been on a jury before?  
8 PROSPECTIVE JUROR NUMBER 192: No.  
9 THE COURT: Okay. So both say no. Have -- would either of you have the  
10 tendency to give more weight or credence to the testimony of a law enforcement  
11 official simply because he or she was in law enforcement?  
12 PROSPECTIVE JUROR NUMBER 194: No.  
13 PROSPECTIVE JUROR NUMBER 192: No.  
14 THE COURT: And are either of you in law enforcement yourself?  
15 PROSPECTIVE JUROR NUMBER 194: My fiancé is.  
16 THE COURT: Fiancé? Where does he work?  
17 PROSPECTIVE JUROR NUMBER 194: He works for the prison, High  
18 Desert State Prison, as a correctional officer.  
19 THE COURT: How long has he been there?  
20 PROSPECTIVE JUROR NUMBER 194: Seven years I believe.  
21 THE COURT: Okay. And I don't know if he comes home and tells you  
22 stories about anything, but would you be able listen to the facts and testimony  
23 presented in this case and be a fair and impartial juror to both the State and the  
24 defense?  
25 PROSPECTIVE JUROR NUMBER 194: I'm honestly not real sure --

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 194: -- based on the information I've  
3 already read about it that I knew from before.

4 THE COURT: Okay. And what about you, ma'am? Are you in law  
5 enforcement or any close friends or family in law enforcement?

6 PROSPECTIVE JUROR NUMBER 192: My brother-in-law was. He's now  
7 retired.

8 THE COURT: And was he here in Las Vegas?

9 PROSPECTIVE JUROR NUMBER 192: Yes, he was a North Las Vegas  
10 policeman.

11 THE COURT: Did he have any type of specialty when he was still a police  
12 officer? I mean did he work homicide, did he work gang?

13 PROSPECTIVE JUROR NUMBER 192: I think it was gang.

14 THE COURT: Okay. And the fact that your brother-in-law was an officer,  
15 does that affect your ability listen to all the witnesses and all the testimony and  
16 evidence and be fair to both the State and the defense?

17 PROSPECTIVE JUROR NUMBER 192: No, it doesn't affect it.

18 THE COURT: Thank you. And have either of you ever been the victim of a  
19 crime?

20 PROSPECTIVE JUROR NUMBER 192: No.

21 THE COURT: And have either of you been accused of committing a crime?

22 PROSPECTIVE JUROR NUMBER 194: No.

23 PROSPECTIVE JUROR NUMBER 192: No.

24 THE COURT: And can both of you follow this instruction: You must follow all  
25 instructions of the Court on the law, even if they differ from your personal

1 conceptions of what you think the law ought to be. Can you follow that instruction?

2 PROSPECTIVE JUROR NUMBER 192: Yes.

3 PROSPECTIVE JUROR NUMBER 194: Yes.

4 THE COURT: Yes. Both say yes, great. And do -- can both of you follow  
5 this instruction: A person is accused of committing a crime is presumed to be  
6 innocent in a criminal trial. Can both of you follow that instruction?

7 PROSPECTIVE JUROR NUMBER 194: Yes.

8 PROSPECTIVE JUROR NUMBER 192: Yes.

9 THE COURT: Okay. And if anyone has their cell phone on, can you please  
10 turn it off?

11 UNIDENTIFIED SPEAKER: Sorry.

12 THE COURT: It messes up our recording equipment. Thank you.

13 And can you follow this instruction: The defendant does not have to  
14 present any evidence in order for you to return a verdict of not guilty. Can you  
15 follow that instruction?

16 PROSPECTIVE JUROR NUMBER 192: Yes.

17 PROSPECTIVE JUROR NUMBER 194: Yes.

18 THE COURT: Both say yes, great. And can you follow this instruction: It's  
19 the State that has the burden of proving the defendant guilty beyond a reasonable  
20 doubt. Can both of you follow that instruction?

21 PROSPECTIVE JUROR NUMBER 194: Yes.

22 PROSPECTIVE JUROR NUMBER 192: Yes.

23 THE COURT: Okay, great. And starting with Ms. Defranco, are you  
24 employed?

25 PROSPECTIVE JUROR NUMBER 192: Yes, I am.

1 THE COURT: What do you do?

2 PROSPECTIVE JUROR NUMBER 192: I'm a registered nurse.

3 THE COURT: And where do you work?

4 PROSPECTIVE JUROR NUMBER 192: I work currently for Clark County  
5 School District. I'm a school nurse.

6 THE COURT: How long have you done that?

7 PROSPECTIVE JUROR NUMBER 192: I've been there now 13 years. Prior  
8 to that I worked for Sunrise Hospital as a neonatal intensive care nurse for about  
9 almost 20 years.

10 THE COURT: Okay, any other areas of nursing you've worked in?

11 PROSPECTIVE JUROR NUMBER 192: Emergency room at Valley Hospital  
12 for one year.

13 THE COURT: Okay. And are you married?

14 PROSPECTIVE JUROR NUMBER 192: I'm divorced.

15 THE COURT: Your prior husband, do you know what he did for a living or?

16 PROSPECTIVE JUROR NUMBER 192: He's a physician.

17 THE COURT: Physician. And what type of doctor?

18 PROSPECTIVE JUROR NUMBER 192: Cardiologist.

19 THE COURT: And as you probably heard, there are some doctors that may  
20 be called to testify in this case. Do you know any of the doctors?

21 PROSPECTIVE JUROR NUMBER 192: I didn't recognize any of their  
22 names.

23 THE COURT: Okay. And do you have children, ma'am?

24 PROSPECTIVE JUROR NUMBER 192: Yes, I do. I have one daughter.  
25 She's 36.

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1 THE COURT: And how long have you been in Clark County, Nevada,  
2 ma'am?

3 PROSPECTIVE JUROR NUMBER 192: Thirty-three years.

4 THE COURT: Thank you very much, ma'am.

5 And Ms. Hopwood, are you employed, ma'am?

6 PROSPECTIVE JUROR NUMBER 194: Yes.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR NUMBER 194: I'm a massage therapist.

9 THE COURT: Massage therapist. And your badge number is 194.

10 PROSPECTIVE JUROR NUMBER 194: Yes.

11 THE COURT: How long have you done that, ma'am?

12 PROSPECTIVE JUROR NUMBER 194: Seven years.

13 THE COURT: Did you have a job prior to that one?

14 PROSPECTIVE JUROR NUMBER 194: Yes.

15 THE COURT: What'd you do?

16 PROSPECTIVE JUROR NUMBER 194: I worked for local TV stations and  
17 several different advertising agencies here in town.

18 THE COURT: So what'd you do for the TV stations?

19 PROSPECTIVE JUROR NUMBER 194: I was the person who sent people  
20 out to get new stories.

21 THE COURT: Okay. And you said you had one other job you --

22 PROSPECTIVE JUROR NUMBER 194: I worked for advertising agencies.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR NUMBER 194: No, engaged.

25 THE COURT: Your -- you said your significant other works at --

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1 PROSPECTIVE JUROR NUMBER 194: He's a correctional officer for the  
2 state.

3 THE COURT: -- at the prison. All right. And do you have children?

4 PROSPECTIVE JUROR NUMBER 194: No.

5 THE COURT: And how long have you been in Clark County, Nevada?

6 PROSPECTIVE JUROR NUMBER 194: Twenty-six years.

7 THE COURT: Thank you very much, ma'am.

8 I'm going to turn the panel over to the State at this time.

9 MR. STANTON: Thank you, Your Honor.

10 Ladies and gentlemen, I'm going to be asking questions of the panel  
11 up here, as is defense counsel, here in the next stage of the voir dire process. It  
12 will expedite things immensely if you either make mental or written notes of any  
13 question that we ask up here that you believe is important or relevant that you  
14 would ask affirmatively during this process.

15 First set of questions I have, ladies and gentlemen, are to all of you on  
16 the prospective panel, and this question is -- seems somewhat rudimentary, but it  
17 happened to me one trial so now I ask it. Do -- does anybody here on the  
18 prospective panel know one another?

19 THE PROSPECTIVE JURORS: No.

20 PROSPECTIVE JUROR NUMBER 165: Question.

21 MR. STANTON: Yes, ma'am. That's -- you are Ms. Lea?

22 PROSPECTIVE JUROR NUMBER 165: Yes.

23 MR. STANTON: And that's badge number 165.

24 PROSPECTIVE JUROR NUMBER 165: Yes. I didn't catch the name of the  
25 lady that's working for Lotus Broadcasting.

1 MR. STANTON: Okay.

2 PROSPECTIVE JUROR NUMBER 165: I can't see her face.

3 You don't know me?

4 PROSPECTIVE JUROR NUMBER 107: No.

5 PROSPECTIVE JUROR NUMBER 165: Okay.

6 MR. STANTON: Thank you.

7 PROSPECTIVE JUROR NUMBER 165: You have somebody in your  
8 company that looks a little bit like you from the back.

9 MR. STANTON: By a show of hands, can you tell me whether you or your  
10 significant other -- that is when you're at home at night or during the day -- watch on  
11 television any shows that are CSI, Law & Order or something to do with criminal  
12 justice or the court system? Just raise your hand. Okay.

13 For those of you that do, this question is for you: Do all of you or is  
14 there anybody here that has raised their hand not understand that that's television,  
15 that that's not reality what you watch? Okay.

16 There is no forensic science currently available that at autopsy, the  
17 physician can take a laser and slice the rear of your cornea and determine what it is  
18 the last thing the decedent saw before they died. That's just not possible. And in  
19 the area of CSI, eight of the top 30 shows are of that format. A lot of people watch  
20 them.

21 Does anybody here, now being called for a criminal case, a murder  
22 case, believe that there has to be a certain amount or type of forensic evidence  
23 presented in the case? Does anybody feel like that? That a certain forensic-type  
24 evidence has to be admitted in a criminal case?

25 Now, looking out into the sea of faces, I know very little about each and

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1 everyone of you, but nowadays with the internet and social media, there's one thing  
2 that you cannot do in a case if you're selected as a juror. And Judge Miley will  
3 admonish you each and every day about what -- that you cannot discuss or  
4 deliberate this case until it is submitted to you.

5 There's an additional thing that you cannot do, ladies and gentlemen,  
6 and that is you cannot do independent research about this case on the internet or  
7 any other form of information accessible to you; Google, social media. You can't  
8 put out there that you're now sitting as a juror and what your impressions are every  
9 day as you sit as a juror in a case.

10 The reason why I'm telling you that is because people have done that.  
11 As much as you want to do your own detective work, you cannot do it. You can't go  
12 to the crime scene. You can't research terms, issues or the history of this case.  
13 Can everybody comply with that?

14 THE PROSPECTIVE JURORS: Yes.

15 MR. STANTON: At the beginning of this afternoon, Judge Miley talked to you  
16 about can you follow this instruction of law and the instruction of law that she gave  
17 you is kind of the cornerstone, or at least one of them, dealing with criminal justice,  
18 criminal cases, and that is the presumption of innocence. And that is as this  
19 defendant sits before you today, he's presumed innocent and you all indicated you  
20 could follow that.

21 Equally as important as that concept is, is this concept: That if the  
22 State, Mr. Giordani and myself, meet that burden of proving the defendant beyond  
23 a reasonable doubt of committing first degree murder, the right that we have is that  
24 the verdict be guilty. Does everybody agree with that right?

25 THE PROSPECTIVE JURORS: Yes.

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1 MR. STANTON: Does anybody disagree with it?

2 Does anybody here on the prospective panel have any moral,  
3 philosophical or religious beliefs that would cause them or impede their ability to  
4 perform their functions as a juror? There are some religions, one in particular that  
5 believes that they cannot sit in judgment of others, and so for religious reasons,  
6 they cannot fulfill the obligation of a juror. Does anybody have that difficulty or  
7 problem?

8 THE PROSPECTIVE JURORS: No.

9 THE COURT: Has anybody here by a show of hands served in the military?

10 Okay. Out of those three people, did you all receive honorable  
11 discharge?

12 UNIDENTIFIED SPEAKER: Yes.

13 PROSPECTIVE JUROR NUMBER 079: Yes.

14 MR. STANTON: Did anyone of you serve -- and other than possibly you, sir  
15 -- in a referral for a court marshal or somehow involved in a court marshal process?

16 PROSPECTIVE JUROR NUMBER 079: Yes.

17 MR. STANTON: And sir, let me go to you. That would be Mr. McIntosh and  
18 your badge number is 079. Was that part of your paralegal duties as -- involved in  
19 that process?

20 PROSPECTIVE JUROR NUMBER 079: Yes.

21 MR. STANTON: Did you make any formal referrals for discipline or court  
22 marshal?

23 PROSPECTIVE JUROR NUMBER 079: Well, I have to think back. It's been  
24 some time but yes, I did make referrals.

25 MR. STANTON: And when you worked in the paralegal process of the Navy,

1 you said --

2 PROSPECTIVE JUROR NUMBER 079: Sure.

3 MR. STANTON: -- it was the criminal paralegal process; is that correct?

4 PROSPECTIVE JUROR NUMBER 079: Not only the criminal, but there are  
5 other areas in the legal area.

6 MR. STANTON: I'm not an expert in military law, but as I understand it, the  
7 JAGs, the attorneys that are involved in the military --

8 PROSPECTIVE JUROR NUMBER 079: Sure.

9 MR. STANTON: -- are somewhat similar to you; that is that they -- they're  
10 very rarely specialists but they handle all different types of matters.

11 PROSPECTIVE JUROR NUMBER 079: Exactly, I worked closely with the  
12 JAG Corps.

13 MR. STANTON: And is that kind of what you did is that you worked on  
14 several different subject matters as a paralegal?

15 PROSPECTIVE JUROR NUMBER 079: That is correct.

16 MR. STANTON: Okay.

17 Ladies and gentlemen, in this case, I'll represent to you one of the  
18 functions of a juror is to evaluate what the facts are. That's the compelling power of  
19 jurors of the jury system in our country. You sit in the trier of facts. You're the ones  
20 that determine the evidence coming through this witness chair, what you hear is  
21 testimony in this courtroom, photographs and exhibits.

22 I'll represent to you as I think a fair characterization of the evidence this  
23 case is that there are going to be a number of photographs that are very gruesome  
24 in nature. They are evidence not only to tell you who killed Brodie but how and  
25 why. Does anybody believe that they would have a problem as a juror listening and

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1 seeing evidence for its evidentiary value in this case?

2 Okay. Let me start in back and work my way forward. Is that Mr.  
3 Cornell?

4 PROSPECTIVE JUROR NUMBER 352: Yes.

5 MR. STANTON: Mr. Cornell, your badge number is 352, correct?

6 PROSPECTIVE JUROR NUMBER 352: Yes.

7 MR. STANTON: Mr. Cornell, let me ask you a couple questions. Is it the  
8 such that -- and I'll represent I don't think anybody would enjoy looking at these  
9 photographs, but they are indeed photographs of evidence in this case that Brodie  
10 won't testify here, but he'll, through his body and in particular medical procedure  
11 called an autopsy, will have a significant amount of information about how he died  
12 and who did it to him. Can you do that?

13 PROSPECTIVE JUROR NUMBER 352: Can you repeat that?

14 MR. STANTON: Certainly. The photographs in particular and some  
15 testimony that accompanies them shows a series of injuries. I would think it's fair to  
16 say that they're graphic in nature. Are you the type of person that can look at those  
17 photographs for what they are; that is, evidence to assist you in making your  
18 decision?

19 PROSPECTIVE JUROR NUMBER 352: Yes, I can.

20 MR. STANTON: Okay.

21 Anybody else in the back row? We stay in the back row. I think that's  
22 Ms. Petty?

23 PROSPECTIVE JUROR NUMBER 116: Yeah.

24 MR. STANTON: Badge number 116. Ms. Petty, do you have some  
25 concerns in that area?

1 PROSPECTIVE JUROR NUMBER 116: It just would be hard to look at for  
2 me. I have a queasy stomach so --

3 MR. STANTON: I don't think there's anybody that would characterize it as  
4 any different than being difficult to look at. They will be. But you understand the  
5 role of a juror is to listen to evidence and you can see in the type of case that's in  
6 this courtroom right now, that is critical evidence in this case. I'm sure you can  
7 appreciate that.

8 PROSPECTIVE JUROR NUMBER 116: Uh-huh.

9 MR. STANTON: Now it's not something that you would have to stare at and  
10 look at for long periods of time. You just have to be open to it to be able to hear the  
11 evidence, digest what it means to you, and then from that evidence make a  
12 decision; that is, your verdict. Do you think you can do that?

13 PROSPECTIVE JUROR NUMBER 116: (No audible response.)

14 MR. STANTON: I appreciate that. For the record, Ms. Petty is nodding her  
15 head --

16 PROSPECTIVE JUROR NUMBER 116: Yes.

17 MR. STANTON: -- in the affirmative.

18 PROSPECTIVE JUROR NUMBER 116: Fine.

19 MR. STANTON: Thank you.

20 Okay, let me go to the second row. Does anybody have any concerns  
21 in the second row?

22 Okay. And let me see, that's Mr. Solano?

23 PROSPECTIVE JUROR NUMBER 766: Yes.

24 MR. STANTON: What are your concerns, sir?

25 PROSPECTIVE JUROR NUMBER 766: My concerns is about the looking at

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1 the pictures like (indiscernible) like scary pictures. I mean like I cannot see myself  
2 looking at a kid being beat up or bruises in the face and -- I don't know, I got kind of  
3 like a -- this type of personality like I love kids so much and I have one of my own  
4 and I might try, but I don't think I can handle seeing those kind of pictures.

5 MR. STANTON: Okay. Fair enough. Let me suggest this: With these  
6 photographs there will be companion testimony that will be medical in nature in  
7 some cases, and the nature of that testimony adds light to what you're looking at in  
8 the photographs. And once again, you do not have to look at these photographs for  
9 a long period of time. Anything that's admitted as evidence is available to you as  
10 jurors to review should any of you desire to. So documents, photographs, all those  
11 in.

12 So they'll be displayed on that large television to the left of you and if  
13 you're the type of person -- after you've seen it for whatever period of time, you can  
14 certainly look away, still listening to the testimony as to what they're describing and  
15 what importance it has in this case. With that as a framework, do you think you can  
16 do that, sir?

17 PROSPECTIVE JUROR NUMBER 766: I might be able to do that.

18 MR. STANTON: Okay, I appreciate it very much.

19 How about the -- anybody else in the second row? Let me shift down  
20 to the third row.

21 Ms. Chen?

22 PROSPECTIVE JUROR NUMBER 063: Yes. I really don't want you think I  
23 try to avoid this service, but when the Judge the first -- when she mentioned about  
24 this is a murder case, my heart start to pumping and I start to shaking. And  
25 especially my husband right now is out of country -- for this months I'm alone so I

1 really don't think I can watch the picture. I -- every time I watch any news, even the  
2 cat, a dog that dies, I will cry so --

3 MR. STANTON: Okay. Thank you, Ms. Chen.

4 Is there anybody else in that row?

5 Okay, let me go down -- see if I can get this in order. Would that be  
6 Ms. Hundley?

7 PROSPECTIVE JUROR NUMBER 052: Yes.

8 MR. STANTON: And you're badge number 52. Do you have some  
9 concerns?

10 PROSPECTIVE JUROR NUMBER 052: Yeah, being a nanny and working  
11 with kids every day, I don't think I would emotionally be able to be stable seeing  
12 pictures like that.

13 MR. STANTON: Okay.

14 THE COURT RECORDER: Can somebody pass the microphone to her,  
15 please?

16 MR. STANTON: It's the karaoke mic. You said -- could you repeat your  
17 answer just so we have it for the record?

18 PROSPECTIVE JUROR NUMBER 052: Being a nanny, I don't -- and seeing  
19 kids every day, I don't think I emotionally could be stable seeing pictures.

20 MR. STANTON: Okay. As you heard me explain to Mr. Solano, this process  
21 is -- it's evidence. It's admitted in as evidence. Could you then avert your eyes and  
22 listen to the testimony and be able to absorb what's occurring?

23 PROSPECTIVE JUROR NUMBER 052: I don't think so, because I'm a very  
24 emotional person especially when it comes to children.

25 MR. STANTON: Is it your concern that if you see the photographs it would

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1 impair your ability to be fair and impartial?

2 PROSPECTIVE JUROR NUMBER 052: Yes, sir.

3 MR. STANTON: And you understand that the burden is still on Mr. Giordani  
4 and myself to prove the defendant's guilt beyond a reasonable doubt?

5 PROSPECTIVE JUROR NUMBER 052: Yes.

6 MR. STANTON: If you took an oath as a juror, you would be required to  
7 follow that; that is, to hold the State to its burden. You take that oath seriously I  
8 would presume?

9 PROSPECTIVE JUROR NUMBER 052: Yes, absolutely.

10 MR. STANTON: And just because you saw these photographs, would you  
11 automatically presume that the defendant did it and was guilty?

12 PROSPECTIVE JUROR NUMBER 052: Probably not, but I think it would be  
13 hard for me to pay attention with something like that happening.

14 MR. STANTON: Well I guess the point is if you didn't look at the  
15 photographs, could you listen to the testimony?

16 PROSPECTIVE JUROR NUMBER 052: Yes.

17 MR. STANTON: Okay. And are you the type of person that could do that in  
18 this case if you found that it was uncomfortable to you to focus on the photographs  
19 to then avert your eyes and focus on the testimony?

20 PROSPECTIVE JUROR NUMBER 052: I'm not really sure. I think so.

21 MR. STANTON: Okay. And the children that you care for, what are their  
22 ages?

23 PROSPECTIVE JUROR NUMBER 052: Eight and 10.

24 MR. STANTON: And so you, unlike some people that haven't been around  
25 children much, have seen and been around children and the injuries that they

1 sustain in kind of the accidental nature of life?

2 PROSPECTIVE JUROR NUMBER 052: Yes.

3 MR. STANTON: Thank you very much, ma'am. And I think if you'd pass it to  
4 Ms. Qualls?

5 PROSPECTIVE JUROR NUMBER 047: Uh-huh.

6 MR. STANTON: And Ms. Qualls, your badge is 047. What concerns do you  
7 have regarding photographs?

8 PROSPECTIVE JUROR NUMBER 047: The same. I have a small  
9 grandchild. I would listen to testimony, but I won't look at the pictures.

10 MR. STANTON: Okay. And you could do the same thing as I described  
11 before, avert your eyes and listen to the testimony when that subject matter came  
12 up?

13 PROSPECTIVE JUROR NUMBER 047: Yes.

14 MR. STANTON: And if for some reason in your deliberations you felt it was  
15 necessary or for you individually to see some of the photographs or a particular  
16 photograph to resort back to testimony, do you feel you could do that?

17 PROSPECTIVE JUROR NUMBER 047: No. Those things -- those things  
18 stay with you for a long time.

19 MR. STANTON: Okay. Do you believe that your -- it would impair your  
20 ability to sit as a juror? In other words, prevent you from performing your duties as  
21 a juror?

22 PROSPECTIVE JUROR NUMBER 047: No, not as long as I don't have to  
23 look at the pictures.

24 MR. STANTON: Okay. Anybody else in that row?

25 Next row. Anybody in that row?

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1 And finally the front row.

2 PROSPECTIVE JUROR NUMBER 178: I don't know that I could look at the  
3 pictures.

4 MR. STANTON: Okay, and let me just stop you there. That's Ms. Nguyen?

5 PROSPECTIVE JUROR NUMBER 178: Yes.

6 MR. STANTON: And for the same reasons as previously indicated?

7 PROSPECTIVE JUROR NUMBER 178: Yeah.

8 MR. STANTON: Now there's a demarcation -- I think we're kind of flushing it  
9 out -- about your ability to absorb evidence and your -- and to sit as a juror to be the  
10 people that make that assessment about what facts are. And in this particular  
11 case, what it means, because you're going to hear testimony about that from  
12 doctors and witnesses about specific injuries. You feel comfortable in listening to  
13 the testimony?

14 PROSPECTIVE JUROR NUMBER 178: Yes.

15 MR. STANTON: And you believe that you could avert your eyes and  
16 continue to absorb the testimony on those that you found --

17 PROSPECTIVE JUROR NUMBER 178: Yes.

18 MR. STANTON: -- you (sic) unable to look at for extended period of time; is  
19 that correct?

20 PROSPECTIVE JUROR NUMBER 178: Yes.

21 MR. STANTON: Okay.

22 Anybody else that I missed?

23 And ladies and gentlemen, under Nevada law, under the offense that  
24 Mr. Lee is charged with; that is, murder in the first degree, the punishment for that  
25 offense, if he is found guilty, is decided by a jury and it would be the same jury.

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1 Immediately after the guilt phase of the trial there would be a penalty phase of the  
2 trial.

3 In that phase of the trial, there are three sentencing options to the jury.  
4 Once again, this is only if the defendant is found guilty of murder in the first degree.  
5 And those three sentencing options are life without the possibility of parole, life with  
6 the possibility of parole and a term of years. And so my question is does anybody  
7 in the jury panel have any difficulty making that decision?

8 UNIDENTIFIED SPEAKER: No.

9 MR. STANTON: Anybody here would have -- find that task they would be  
10 unable to do in the penalty phase?

11 At the end of the trial, Judge Miley gives the instructions of law to the  
12 jury. Those are the law that you would then apply to the facts of this case. And  
13 then you go back to the jury room, 12 of you, to deliberate on this case.

14 There is no jury instruction that tells you about how to select a  
15 foreperson. One of the 12 is going to be elected by the jury as the foreperson. And  
16 their vote does not count more or less than any other jury, or any other juror, but  
17 they have one function that no other juror does. They sign the verdict form. And so  
18 my question to you as a whole is if any of you are selected in this jury and the  
19 fellow jurors select you as the foreperson, does anybody here find it impossible that  
20 they could not sign the verdict form, both in the guilt phase and the penalty phase,  
21 as it relates to that man right there?

22 Now I'm hopefully going to do this in a expedited fashion and that is I'm  
23 going to go along with just a couple questions to each of the jurors, at least those  
24 that I have some, and I'd like to begin with Ms. Dobard, 083. You were a medical  
25 tech at UMC for 30 years?

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1 PROSPECTIVE JUROR NUMBER 083: I've been --

2 MR. STANTON: I'm sorry.

3 PROSPECTIVE JUROR NUMBER 083: I've been in the profession for over  
4 30 years. I've been at UMC for 13 and I was at Sunrise for 10.

5 MR. STANTON: Okay, and in your form of employment, both at UMC and  
6 other places, did you deal with children?

7 PROSPECTIVE JUROR NUMBER 083: Yes.

8 MR. STANTON: What age of children did you deal with?

9 PROSPECTIVE JUROR NUMBER 083: We deal with all of -- right now I  
10 don't deal with the patients face to face, so it would have been in previous years 20  
11 years before.

12 MR. STANTON: Okay.

13 PROSPECTIVE JUROR NUMBER 083: And that was just drawing their  
14 blood and it was all ages -- we draw all ages of patients.

15 MR. STANTON: Okay. And so now you're not so much face to face with the  
16 patient --

17 PROSPECTIVE JUROR NUMBER 083: We're not.

18 MR. STANTON: Okay. You indicated that you have no children. In your  
19 career or adult life, have you ever cared for minor children?

20 PROSPECTIVE JUROR NUMBER 083: I have nieces and nephews. I have  
21 two nieces and they each have a child, one nephew, one niece.

22 MR. STANTON: And did you care or were around them for protracted period  
23 of time when they were --

24 PROSPECTIVE JUROR NUMBER 083: Yes, I was.

25 MR. STANTON: -- zero to say five years of age?

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1 PROSPECTIVE JUROR NUMBER 083: Absolutely.

2 MR. STANTON: So you'd be familiar what would be common bumps and  
3 bruises that a child would get at that age?

4 PROSPECTIVE JUROR NUMBER 083: Absolutely.

5 MR. STANTON: Thank you very much, ma'am, if you could pass it to your  
6 next potential juror.

7 And that's Ms. Petty?

8 PROSPECTIVE JUROR NUMBER 116: Yes.

9 MR. STANTON: Ms. Petty, I need you to answer out loud --

10 PROSPECTIVE JUROR NUMBER 116: Yes, sorry.

11 MR. STANTON: -- like you're singing a song at a karaoke bar. Ms. Petty,  
12 you indicated that you had something called nanny jobs in the past; is that correct?

13 PROSPECTIVE JUROR NUMBER 116: Yeah, I did a lot of babysitting jobs  
14 and nanny -- part-time nanny jobs.

15 MR. STANTON: You don't have any children of your own; is that --

16 PROSPECTIVE JUROR NUMBER 116: No.

17 MR. STANTON: But what age of children did you supervise?

18 PROSPECTIVE JUROR NUMBER 116: A variety of ages, actually,  
19 anywhere from teenage to infants.

20 MR. STANTON: Were you around any of the children say from zero, infants,  
21 to five or six years of age for a protracted period of time, and by that I mean more  
22 than 24 to 48 hours?

23 PROSPECTIVE JUROR NUMBER 116: Usually just a certain amount of  
24 hours during the day, not for 24-hour period.

25 MR. STANTON: Do you feel that based upon your experience with children

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1 that you've been around children enough to know about the common-day bumps  
2 and bruises that children have?

3 PROSPECTIVE JUROR NUMBER 116: Yes.

4 MR. STANTON: Thank you very much. If you could pass it to Ms. Jocks  
5 (phonetic), Jacques?

6 PROSPECTIVE JUROR NUMBER 162: Jacques is fine.

7 MR. STANTON: Okay. I apologize. You indicated that you have one child  
8 who's 30 years of age currently?

9 PROSPECTIVE JUROR NUMBER 162: That is correct.

10 MR. STANTON: I don't mean to pry into your personal life, but back when  
11 your child was young, from a newborn to five, I'm assuming that you had an active  
12 role in his or her life?

13 PROSPECTIVE JUROR NUMBER 162: Absolutely.

14 MR. STANTON: And so you were around your child quite frequently?

15 PROSPECTIVE JUROR NUMBER 162: Yes, I'm -- I've only been divorced  
16 about 10 years so --

17 MR. STANTON: Okay. But when your child was very young, you were very  
18 active in raising him?

19 PROSPECTIVE JUROR NUMBER 162: Yes, I was.

20 MR. STANTON: Okay. Thank you very much. If you could pass it to Ms.  
21 Laya (phonetic), Leeah (phonetic)?

22 PROSPECTIVE JUROR NUMBER 165: Lea.

23 MR. STANTON: Lea. Ms. Lea, two children, 12 and 15. Once again, I  
24 apology for prying into the raising of your children, but from newborn to five or six,  
25 were you active in their -- raising those children?

1 PROSPECTIVE JUROR NUMBER 165: Yes.

2 MR. STANTON: Were you a stay-at-home mom at that time?

3 PROSPECTIVE JUROR NUMBER 165: Yes.

4 MR. STANTON: And your non-profit, is that dealing with just adults, the loss  
5 of an adult figure within the family?

6 PROSPECTIVE JUROR NUMBER 165: It's geared towards children.

7 MR. STANTON: But the loss that the children that you deal with is an adult?

8 PROSPECTIVE JUROR NUMBER 165: Not necessarily. We do work with  
9 suicide and murder.

10 MR. STANTON: Okay.

11 PROSPECTIVE JUROR NUMBER 165: We do sometimes help families that  
12 have lost a sibling. Specifically babies, that seems to be something that has  
13 happened a lot in Vegas, not that we were targeting them but families came forth.

14 MR. STANTON: And how young of a child would you have helped in your  
15 non-profit in that regard? How -- what age?

16 PROSPECTIVE JUROR NUMBER 165: Well we serve children from -- if  
17 we're targeting the child to lift up, it's 5 to 18. And if the family has lost a child, it  
18 can be any age of child from zero actually, you know, all the way up through 18.

19 MR. STANTON: And some --

20 PROSPECTIVE JUROR NUMBER 165: We --

21 MR. STANTON: I'm -- I apologize. I didn't mean to cut you off.

22 PROSPECTIVE JUROR NUMBER 165: We have specifically one -- you're  
23 talking about ages zero to five. We have one in the past and we are going to be  
24 lifting up one this Christmas as well.

25 MR. STANTON: And does that lifting up process also involve the loss of

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1 someone by criminal means? I think you said murder.

2 PROSPECTIVE JUROR NUMBER 165: Yes. Though I can't really comment  
3 on this years because I have a sub-team that's working on that so I don't have the  
4 specifics on the case.

5 MR. STANTON: Okay. Thank you, Ms. Lea, if you could pass it to Mr.  
6 Castellanos.

7 Mr. Castellanos, is English your primary language?

8 PROSPECTIVE JUROR NUMBER 198: No.

9 MR. STANTON: Spanish?

10 PROSPECTIVE JUROR NUMBER 198: Yes.

11 MR. STANTON: Is there anything that you've had difficulty understanding  
12 here today?

13 PROSPECTIVE JUROR NUMBER 198: I had difficulties understanding the  
14 disclosure that the Judge says at the beginning.

15 MR. STANTON: Okay. I'll represent to you that you're going to hear medical  
16 testimony in this case, obviously from the witness list and the questions by Judge  
17 Miley involving doctors, nurses. Do you believe that you're comfortable in  
18 absorbing that kind of testimony?

19 PROSPECTIVE JUROR NUMBER 198: Meaning like what?

20 MR. STANTON: Understanding it -- your knowledge and understanding of  
21 English, is it sufficient enough that you think you could understand that type of  
22 testimony if it gets somewhat medical at times?

23 PROSPECTIVE JUROR NUMBER 198: If it is too technical, I might not  
24 but --

25 MR. STANTON: Okay. Well then let me ask you the following question, Mr.

1 Castellanos: I don't know you or anything about your personality or character, but if  
2 -- are you the type of person that if you heard a doctor up here talking about a  
3 particular organ or particular medical phenomenon that occurs inside your  
4 abdominal cavity and you didn't understand it and the witness didn't explain it,  
5 would you the type of person that could raise your hand and draw the Judge's  
6 attention and say I didn't understand what that word meant? Could you do that?

7 PROSPECTIVE JUROR NUMBER 198: I might do it. I'm -- I don't -- I tend  
8 not do it. I kind of shy --

9 MR. STANTON: Okay.

10 PROSPECTIVE JUROR NUMBER 198: -- sometimes.

11 MR. STANTON: Well if the Judge tells you that you should do it, would you  
12 do it?

13 PROSPECTIVE JUROR NUMBER 198: Yes.

14 MR. STANTON: Okay. And you have one child that's currently five years of  
15 age?

16 PROSPECTIVE JUROR NUMBER 198: Yes.

17 MR. STANTON: And were you active in raising your child from birth to his  
18 current age?

19 PROSPECTIVE JUROR NUMBER 198: Yes.

20 MR. STANTON: You've been around him quite a bit?

21 PROSPECTIVE JUROR NUMBER 198: Around my child?

22 MR. STANTON: Yes.

23 PROSPECTIVE JUROR NUMBER 198: Yes.

24 MR. STANTON: Okay. You're comfortable with the types of bumps and  
25 bruises that your child gets on a daily basis?



1 PROSPECTIVE JUROR NUMBER 198: Repeat that.

2 MR. STANTON: Sure. Are you comfortable with knowing what kinds of  
3 bumps and bruises your child gets on a daily basis?

4 PROSPECTIVE JUROR NUMBER 198: Yes.

5 MR. STANTON: Thank you very much, sir, if you could pass it to Mr. Cornell.

6 Mr. Cornell, pharmacy tech, did you get any medical training besides  
7 what I kind of would presume would be the -- kind of the traditional pharmacy  
8 pharmaceutical background?

9 PROSPECTIVE JUROR NUMBER 352: No.

10 MR. STANTON: You have three children, one relatively close to a newborn.  
11 Are you around and active in raising those children?

12 PROSPECTIVE JUROR NUMBER 352: Yes.

13 MR. STANTON: Are you familiar with the types of bumps and bruises that  
14 your child or your children get on a regular basis?

15 PROSPECTIVE JUROR NUMBER 352: Yes.

16 MR. STANTON: Thank you, sir.

17 Mr. Marmol?

18 PROSPECTIVE JUROR NUMBER 454: Yes.

19 MR. STANTON: My same question about you and your two children. Were  
20 you actively involved and around your children when they were raised from  
21 newborn to five years of age?

22 PROSPECTIVE JUROR NUMBER 454: Yes. All the time.

23 MR. STANTON: And you're familiar with the bumps and bruises that your  
24 child -- your children get?

25 PROSPECTIVE JUROR NUMBER 454: Absolutely.

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1 MR. STANTON: Thank you very much, sir. Think it comes back down --  
2 we're kind of in this row, so if you could bring it all the way back down to Ms.  
3 Defranco.

4 Am I pronouncing that correct, Ms. Defranco?

5 PROSPECTIVE JUROR NUMBER 192: Yes.

6 MR. STANTON: You're a nurse.

7 PROSPECTIVE JUROR NUMBER 192: Yes.

8 MR. STANTON: So my questions are a little bit different but the same  
9 subject matter. You were involved in assignments as a nurse in what I consider the  
10 mosh pit of hospitals where things are going on very active and very traumatically.  
11 I'm assuming in your employment history that you have been around children as  
12 the patients that you've been presented and assisting; is that --

13 PROSPECTIVE JUROR NUMBER 352: Well currently I'm the school nurse  
14 and I have two elementary schools, so yes. I see children every day with bruises.

15 MR. STANTON: Both as a school nurse and also you've seen as an ER  
16 nurse and --

17 PROSPECTIVE JUROR NUMBER 352: And that was just one year and that  
18 was probably about 15 years ago now.

19 MR. STANTON: Okay. And the neonatal and intensive care, how long were  
20 you with that assignment?

21 PROSPECTIVE JUROR NUMBER 352: That was 15 years ago, but that  
22 would be as -- those are newborn babies.

23 MR. STANTON: Right. And what hospital was that at?

24 PROSPECTIVE JUROR NUMBER 352: That was Sunrise.

25 MR. STANTON: And you have one child. I'm assuming that you were active

1 around the raising of that child in the age frame that I've described here?

2 PROSPECTIVE JUROR NUMBER 352: Yes, yes I was.

3 MR. STANTON: And you're comfortable not only with your own child but the  
4 children that you work around and with as a nurse about what's normal bumps and  
5 bruises --

6 PROSPECTIVE JUROR NUMBER 352: Yes.

7 MR. STANTON: -- for a child of that age?

8 PROSPECTIVE JUROR NUMBER 352: Yes.

9 MR. STANTON: Thank you very much.

10 Ms. --

11 PROSPECTIVE JUROR NUMBER 662: Carmen. Carmen.

12 MR. STANTON: Carmen?

13 PROSPECTIVE JUROR NUMBER 662: Yes.

14 MR. STANTON: Okay. And I have it as Carmen Alvarez; is --

15 PROSPECTIVE JUROR NUMBER 662: Yes, correct.

16 MR. STANTON: Okay. Ma'am, you have three children. Were you --

17 PROSPECTIVE JUROR NUMBER 662: Yes.

18 MR. STANTON: -- active --

19 PROSPECTIVE JUROR NUMBER 662: Yes.

20 MR. STANTON: -- in raising your children from when they were newborns to  
21 five?

22 PROSPECTIVE JUROR NUMBER 662: Yes, I was.

23 MR. STANTON: And I'm assuming that you're familiar with the normal  
24 bumps and bruises that a -- your three children had?

25 PROSPECTIVE JUROR NUMBER 662: Yes.

1 MR. STANTON: Thank you very much.

2 Mr. Solano?

3 PROSPECTIVE JUROR NUMBER 766: Yes.

4 MR. STANTON: You have three children they're all relatively spaced out as  
5 far as age. Were you actively involved in the raising of your children from  
6 newborns the age of six?

7 PROSPECTIVE JUROR NUMBER 766: Yes.

8 MR. STANTON: You comfortable with how your children had bumps and  
9 bruises and injuries when they were raised at that age?

10 PROSPECTIVE JUROR NUMBER 766: Yes.

11 MR. STANTON: Thank you, sir.

12 And then it's Lenehan?

13 PROSPECTIVE JUROR NUMBER 016: Yes, sir.

14 MR. STANTON: Am I pronouncing that correctly, sir?

15 PROSPECTIVE JUROR NUMBER 016: Correct.

16 MR. STANTON: You have no children. Let me ask you have you ever been  
17 around children of that age?

18 PROSPECTIVE JUROR NUMBER 016: No.

19 MR. STANTON: Okay. And you have any siblings of your own, or siblings  
20 within your family, any brothers and sisters?

21 PROSPECTIVE JUROR NUMBER 016: Yes.

22 MR. STANTON: Are they older or younger than you?

23 PROSPECTIVE JUROR NUMBER 016: Older.

24 MR. STANTON: So you have no experience about being around kids  
25 whatsoever?

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1 PROSPECTIVE JUROR NUMBER 016: I do not.

2 MR. STANTON: Okay. So if I were to say what are the normal bumps and  
3 bruises that a two year old or three year old has, you would have no idea?

4 PROSPECTIVE JUROR NUMBER 016: I mean, you know, excessive is  
5 excessive, you know what I mean? If you see a kid --

6 MR. STANTON: I know what you mean.

7 PROSPECTIVE JUROR NUMBER 016: -- black and blue on his whole body,  
8 you know, you can start to raise concerns I guess, but --

9 MR. STANTON: Thank you, sir.

10 PROSPECTIVE JUROR NUMBER 016: -- I don't have any child experience.

11 MR. STANTON: Okay. Thank you. I appreciate it.

12 And why don't you tell me how to correctly pronounce your last name.

13 PROSPECTIVE JUROR NUMBER 020: Minarchan.

14 MR. STANTON: Minarchan.

15 PROSPECTIVE JUROR NUMBER 020: Uh-huh.

16 MR. STANTON: Ms. Minarchan, same thing about your children. I know  
17 you're employed --

18 PROSPECTIVE JUROR NUMBER 020: Yes.

19 MR. STANTON: -- but I would assume you're actively involved in your  
20 children and they're in the age range I'm talking about. You comfortable knowing  
21 their bumps and bruises?

22 PROSPECTIVE JUROR NUMBER 020: Yes.

23 MR. STANTON: Thank you very much, ma'am.

24 Mr. Domingo, no kids?

25 PROSPECTIVE JUROR NUMBER 036: No, sir.

1 MR. STANTON: Have you ever been around for a period of time -- I'm  
2 talking about 24 to 48 hours -- of children between newborns to six years of age?  
3 PROSPECTIVE JUROR NUMBER 036: No.  
4 MR. STANTON: Do you have any siblings, brothers and sisters?  
5 PROSPECTIVE JUROR NUMBER 036: Younger sister.  
6 MR. STANTON: How much younger than you?  
7 PROSPECTIVE JUROR NUMBER 036: Three years. She's about 20.  
8 MR. STANTON: Okay. When you were growing up, do you remember  
9 anything about your sister and raising her if you did at all been -- being around her?  
10 PROSPECTIVE JUROR NUMBER 036: No.  
11 MR. STANTON: You were never the babysitter for her because you were so  
12 close in age?  
13 PROSPECTIVE JUROR NUMBER 036: No. No.  
14 MR. STANTON: Is there anything that would cause you to be unable to  
15 listen to that type of testimony in this case?  
16 PROSPECTIVE JUROR NUMBER 036: Not at all.  
17 MR. STANTON: Thank you very much.  
18 Ms. Lacrue?  
19 PROSPECTIVE JUROR NUMBER 191: Ms. Stover.  
20 MR. STANTON: I'm sorry. That's where we --  
21 PROSPECTIVE JUROR NUMBER 191: One nine one.  
22 MR. STANTON: Ms. Stover, my same question to you about children. Have  
23 you ever been around children of that age for a protracted period of time?  
24 PROSPECTIVE JUROR NUMBER 191: Not really, no.  
25 MR. STANTON: Do you have any siblings?

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1 PROSPECTIVE JUROR NUMBER 191: No, I do not.

2 MR. STANTON: Is there anything that would cause you a problem to listen  
3 to testimony based upon what you know about the case so far?

4 PROSPECTIVE JUROR NUMBER 191: No.

5 MR. STANTON: Thank you very much. If you could pass that microphone  
6 back down.

7 And Ms. Lacrue, you have prior training as an EMT; is that correct?

8 PROSPECTIVE JUROR NUMBER 039: That's correct.

9 MR. STANTON: Was that in the state of Nevada?

10 PROSPECTIVE JUROR NUMBER 039: State of California.

11 MR. STANTON: And were you certified in any way in that process?

12 PROSPECTIVE JUROR NUMBER 039: I was certified EMT, yes.

13 MR. STANTON: It was a certification process that you had to test for and  
14 study and then the State of California or some sub-entity certified you to be an  
15 EMT?

16 PROSPECTIVE JUROR NUMBER 039: That is correct.

17 MR. STANTON: Did you in ever in your employment -- how long did you --  
18 were you an EMT?

19 PROSPECTIVE JUROR NUMBER 039: For about two years, a volunteer  
20 firefighter for four, and then once I became active on the force, that's when I had to  
21 have my EMT. So two years with the EMT.

22 MR. STANTON: Okay. And did you have any exposure to cases of child  
23 abuse while you were working in that form of employment?

24 PROSPECTIVE JUROR NUMBER 039: No, I did not.

25 MR. STANTON: You have four children?

1 PROSPECTIVE JUROR NUMBER 039: Yes.

2 MR. STANTON: During the ages of newborns to five and six, were you  
3 actively involved in raising them?

4 PROSPECTIVE JUROR NUMBER 039: Yes.

5 MR. STANTON: You're familiar with their normal bumps and bruises?

6 PROSPECTIVE JUROR NUMBER 039: Yes.

7 MR. STANTON: Thank you very much, ma'am.

8 Ms. Qualls?

9 PROSPECTIVE JUROR NUMBER 047: Uh-huh.

10 MR. STANTON: Same question about you. I know your two children are  
11 grown. Were you actively involved in raising those children when they were that  
12 age?

13 PROSPECTIVE JUROR NUMBER 047: Yes.

14 MR. STANTON: You're comfortable with what their normal bumps and  
15 bruises were?

16 PROSPECTIVE JUROR NUMBER 047: Yes.

17 MR. STANTON: Thank you very much. And other than the -- the answer  
18 that you previously gave, there's no other impediment to you serving in this case; is  
19 that correct?

20 PROSPECTIVE JUROR NUMBER 047: No.

21 MR. STANTON: And Ms. Hundley?

22 PROSPECTIVE JUROR NUMBER 052: Yes.

23 MR. STANTON: You don't have any kids but you're around kids a lot.

24 PROSPECTIVE JUROR NUMBER 052: Yes.

25 MR. STANTON: What age children are you around as part of your



1 profession?

2 PROSPECTIVE JUROR NUMBER 052: Eight and 10, and then I babysit a  
3 six year old and I know a four year old and a two year old as well.

4 MR. STANTON: Okay, when you say six, four and two --

5 PROSPECTIVE JUROR NUMBER 052: Yes.

6 MR. STANTON: -- that you know them, are you around them a significant  
7 period of time?

8 PROSPECTIVE JUROR NUMBER 052: I would say maybe like once a  
9 month.

10 MR. STANTON: Do you have any siblings?

11 PROSPECTIVE JUROR NUMBER 052: Yes.

12 MR. STANTON: Older or younger?

13 PROSPECTIVE JUROR NUMBER 052: Older.

14 MR. STANTON: Have you ever been around children of the ages that I've  
15 been describing for protracted period of time, 24 to 48 hours?

16 PROSPECTIVE JUROR NUMBER 052: Not 24 to 48 hours.

17 MR. STANTON: Do you think you're familiar with the normal bumps and  
18 bruises of children that age?

19 PROSPECTIVE JUROR NUMBER 052: What age?

20 MR. STANTON: Newborn to six?

21 PROSPECTIVE JUROR NUMBER 052: I would say probably yes.

22 MR. STANTON: And other than your answer to my previous question, is  
23 there any other impediment to you serving as a juror in this case?

24 PROSPECTIVE JUROR NUMBER 052: I don't know if I'm comfortable  
25 hearing stories about a child that was killed, but I think I could try and do it, yeah.

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1 MR. STANTON: Okay.

2 PROSPECTIVE JUROR NUMBER 052: Okay.

3 MR. STANTON: Thank you, ma'am.

4 And is it Mr. Hundley?

5 PROSPECTIVE JUROR NUMBER 060: Forbes.

6 MR. STANTON: Forbes. Sorry. Mr. Forbes, you have two children that are  
7 past the age frame that I'm talking about, but were you active in raising and being  
8 around them when they were newborns to six?

9 PROSPECTIVE JUROR NUMBER 060: Yes, I was.

10 MR. STANTON: Are you comfortable in your mind with the normal bumps  
11 and bruises that your children --

12 PROSPECTIVE JUROR NUMBER 060: Yeah.

13 MR. STANTON: -- had when they were that age?

14 PROSPECTIVE JUROR NUMBER 060: Yes.

15 MR. STANTON: Thank you very much, sir.

16 And Ms. Chen, were you active with your children, being around them  
17 and raising them, during that age period, newborn to six?

18 PROSPECTIVE JUROR NUMBER 063: Yes.

19 MR. STANTON: You're comfortable with the types of bumps and bruises --

20 PROSPECTIVE JUROR NUMBER 063: Yes.

21 MR. STANTON: -- that they had at that time?

22 PROSPECTIVE JUROR NUMBER 063: Yes.

23 MR. STANTON: Thank you very much, Ms. Chen.

24 And Mr. McIntosh, is it fair to say in your past criminal law experience  
25 did you -- were you involved in the prosecution of people for crimes in the Navy?

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1 PROSPECTIVE JUROR NUMBER 079: Yes.

2 MR. STANTON: Were you also involved in the defense of people in crimes  
3 in the Navy?

4 PROSPECTIVE JUROR NUMBER 079: I never worked in defense.

5 MR. STANTON: Your three children are about over 10 years apart. Were  
6 you actively involved in raising them during the time periods I'm talking about,  
7 newborn to six?

8 PROSPECTIVE JUROR NUMBER 079: My first daughter, I was -- I had  
9 joined the Navy at the time and gone quite a bit, but the second two, yes.

10 MR. STANTON: Okay. When -- she's 38, your --

11 PROSPECTIVE JUROR NUMBER 079: That's correct.

12 MR. STANTON: And you were on active duty deployments?

13 PROSPECTIVE JUROR NUMBER 079: Yes.

14 MR. STANTON: Okay. And that takes you pretty much all over the world?

15 PROSPECTIVE JUROR NUMBER 079: That is correct.

16 MR. STANTON: Okay. You comfortable in knowing the bumps and bruises  
17 that your children had from that time frame?

18 PROSPECTIVE JUROR NUMBER 079: Yes.

19 MR. STANTON: Okay. Thank you very much.

20 Mr. Alston?

21 PROSPECTIVE JUROR NUMBER 082: Yes, sir.

22 MR. STANTON: You have one child. Were you actively involved in that child  
23 from newborn to six?

24 PROSPECTIVE JUROR NUMBER 082: Yeah, since he was four days old.

25 MR. STANTON: Okay. And are you comfortable with recalling during that

1 time period the normal bumps and bruises that your child would get?

2 PROSPECTIVE JUROR NUMBER 082: Yes, sir.

3 MR. STANTON: Thank you very much, sir. Oh, one other thing before you  
4 pass that down. You've had CPR training?

5 PROSPECTIVE JUROR NUMBER 082: Yes, I wasn't certified, but I do know  
6 actively can give CPR.

7 MR. STANTON: Okay, and so you've received some medical training as part  
8 of that, kind of the standard things you would think about, the anatomy and  
9 respiratory functions and so forth?

10 PROSPECTIVE JUROR NUMBER 082: Yes, sir.

11 MR. STANTON: Thank you very much.

12 And I think if we go all the way down am I correct with Ms. Hall?

13 PROSPECTIVE JUROR NUMBER 088: That's correct.

14 MR. STANTON: Ms. Hall, your three children, we have one still in the  
15 window that I'm talking about. Were you actively involved in raising --

16 PROSPECTIVE JUROR NUMBER 088: Yes.

17 MR. STANTON: -- your children? Comfortable with the normal bumps and  
18 bruises that they sustain?

19 PROSPECTIVE JUROR NUMBER 088: Yes.

20 MR. STANTON: Thank you very much.

21 And Ms. Roman?

22 PROSPECTIVE JUROR NUMBER 104: Yep.

23 MR. STANTON: Ten and 14. Were you actively involved in your two  
24 children's lives?

25 PROSPECTIVE JUROR NUMBER 104: I was and I'm a Sunday school

1 teacher for kindergarteners right now.

2 MR. STANTON: Okay. And what's the age frame of the children that you  
3 instruct at that charter school?

4 PROSPECTIVE JUROR NUMBER 104: At the charter school I -- when I first  
5 started was kindergarten, so five, and now it's up to tenth graders.

6 MR. STANTON: And so you have the experience of interacting with those  
7 children as well?

8 PROSPECTIVE JUROR NUMBER 104: Yes.

9 MR. STANTON: Thank you very much.

10 Ms. Mackenzie?

11 PROSPECTIVE JUROR NUMBER 107: Yes.

12 MR. STANTON: You have an eight month old.

13 PROSPECTIVE JUROR NUMBER 107: Correct.

14 MR. STANTON: Is that the only child that you have been around for the  
15 period of time I'm talking about, 24 to 48 hours, from newborn to six months (sic)?

16 PROSPECTIVE JUROR NUMBER 107: Yes.

17 MR. STANTON: Is your child able to walk?

18 PROSPECTIVE JUROR NUMBER 107: Not yet.

19 MR. STANTON: Okay. Crawling?

20 PROSPECTIVE JUROR NUMBER 107: Getting there.

21 MR. STANTON: Okay. Is it a boy or girl?

22 PROSPECTIVE JUROR NUMBER 107: It's a girl.

23 MR. STANTON: Thank you very much.

24 And it's Ms. Bogle?

25 PROSPECTIVE JUROR NUMBER 116: Yes.

1 MR. STANTON: Ms. Bogle, you have three children just past the time frame  
2 I'm talking about. Were you actively involved in your children and raising them  
3 during that time period?

4 PROSPECTIVE JUROR NUMBER 116: Two of them, yes.

5 MR. STANTON: Okay. Which one of the -- were you not around?

6 PROSPECTIVE JUROR NUMBER 116: The 12 --

7 MR. STANTON: The older one?

8 PROSPECTIVE JUROR NUMBER 116: Yes.

9 MR. STANTON: Okay. Are you comfortable at least with the two children  
10 about what was normal bumps and bruises for them during --

11 PROSPECTIVE JUROR NUMBER 116: Yes.

12 MR. STANTON: -- that time period? Thank you, ma'am.

13 Mr. Segundo, you don't have any children; is that correct?

14 PROSPECTIVE JUROR NUMBER 120: Yes, sir.

15 MR. STANTON: But you are a registered nurse in a surgery center. Have  
16 you ever had an assignment as an RN that dealt in a pediatric or at least with  
17 children?

18 PROSPECTIVE JUROR NUMBER 120: Yes, sir.

19 MR. STANTON: How long ago was that?

20 PROSPECTIVE JUROR NUMBER 120: Right now.

21 MR. STANTON: Okay, so --

22 PROSPECTIVE JUROR NUMBER 120: At present.

23 MR. STANTON: So surgery involves all ages that you're involved in; is that  
24 correct?

25 PROSPECTIVE JUROR NUMBER 120: Yes, sir.

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1 MR. STANTON: Have you ever been involved in situations where children  
2 have been presented to you that have been suspected of being abused physically?

3 PROSPECTIVE JUROR NUMBER 120: Not yet.

4 MR. STANTON: Okay. Have you been around any children from newborn to  
5 the age of six for protracted period of time?

6 PROSPECTIVE JUROR NUMBER 120: Yes, sir.

7 MR. STANTON: Okay. Thank you very much.

8 Is it Tricase?

9 PROSPECTIVE JUROR NUMBER 142: Yes.

10 MR. STANTON: And Mr. Tricase, you have no children. Have you ever  
11 been in a situation either with family, relatives or --

12 PROSPECTIVE JUROR NUMBER 142: Not for that long length of time, no.

13 MR. STANTON: Okay. Couple days?

14 PROSPECTIVE JUROR NUMBER 142: Yes, but not 24 hours, you know,  
15 maybe couple hours.

16 MR. STANTON: Here and there?

17 PROSPECTIVE JUROR NUMBER 142: Yes.

18 MR. STANTON: Is that with family?

19 PROSPECTIVE JUROR NUMBER 142: Yes.

20 MR. STANTON: Okay.

21 PROSPECTIVE JUROR NUMBER 142: Nephew and nieces.

22 MR. STANTON: Is there anything about the subject matter of this case; that  
23 is, a case involving the physical abuse of a child where the child dies, that would  
24 cause you a problem to sit as a juror?

25 PROSPECTIVE JUROR NUMBER 142: No, sir.

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1 MR. STANTON: Thank you very much, sir.

2 And Mr. Miller.

3 PROSPECTIVE JUROR NUMBER 148: Yes, sir.

4 MR. STANTON: Your four children.

5 PROSPECTIVE JUROR NUMBER 148: Yes.

6 MR. STANTON: Were you actively involved in -- when they were those  
7 ages; that is, a newborn to the age of six?

8 PROSPECTIVE JUROR NUMBER 148: Oh yeah.

9 MR. STANTON: And you're comfortable with the types of bruises that a child  
10 of that age would get?

11 PROSPECTIVE JUROR NUMBER 148: And the father.

12 MR. STANTON: Okay. You indicated before some comments about law  
13 enforcement officers. Do you recall that?

14 PROSPECTIVE JUROR NUMBER 148: Correct.

15 MR. STANTON: Is there anything in addition to what you've previously told  
16 us that you'd like to add at this juncture?

17 PROSPECTIVE JUROR NUMBER 148: No, I think I covered it all.

18 MR. STANTON: Okay. Thank you very much.

19 Is it Ms. Erickson?

20 PROSPECTIVE JUROR NUMBER 169: Yes.

21 MR. STANTON: Ms. Erickson, you have one child?

22 PROSPECTIVE JUROR NUMBER 169: Six.

23 MR. STANTON: Oh I'm sorry, six children.

24 PROSPECTIVE JUROR NUMBER 169: They're all adults now though.

25 MR. STANTON: I thought that was the age. And were you actively involved

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1 in raising those children from newborn to the age of six?

2 PROSPECTIVE JUROR NUMBER 169: Yes, I was. I was a stay-home  
3 mom when they were little --

4 MR. STANTON: Okay, so you were full time at home?

5 PROSPECTIVE JUROR NUMBER 169: -- kids.

6 MR. STANTON: Okay. Yeah. And I would assume, based upon what you  
7 just told me but I want to make sure, that you're comfortable with the types of  
8 bumps and bruises that your children would get --

9 PROSPECTIVE JUROR NUMBER 169: Yes.

10 MR. STANTON: -- when they were that age?

11 PROSPECTIVE JUROR NUMBER 169: Yes.

12 MR. STANTON: Thank you very much, ma'am.

13 Mr. Burns, when we all first saw your name we thought we had the  
14 sheriff candidate as part of the panel here today, but you are clearly not it. You do  
15 have some law enforcement friends or associates; is that correct?

16 PROSPECTIVE JUROR NUMBER 177: My son-in-law.

17 MR. STANTON: Okay. And you had two children. When they were that  
18 age, newborn to the age of six, were you actively involved in raising those children?

19 PROSPECTIVE JUROR NUMBER 177: The youngest one I was, yes.

20 MR. STANTON: Okay. And so you're comfortable from the ages that I've  
21 mentioned as a newborn to the age of six --

22 PROSPECTIVE JUROR NUMBER 177: With normal bumps and bruises,  
23 yeah.

24 MR. STANTON: Yes. Thank you very much, sir.

25 And Ms. Nguyen, the same question to you about your two children.

1 They're obviously directly in that age frame that I'm referring to now.

2 PROSPECTIVE JUROR NUMBER 178: Yes.

3 MR. STANTON: I'm assuming that you're actively involved in their care?

4 PROSPECTIVE JUROR NUMBER 178: Yes.

5 MR. STANTON: And you're familiar with the normal bumps and bruises  
6 obtained by your children?

7 PROSPECTIVE JUROR NUMBER 178: Yes.

8 MR. STANTON: Thank you very much.

9 And finally is it --

10 PROSPECTIVE JUROR NUMBER 194: Hopwood.

11 MR. STANTON: Ms. Hopwood.

12 PROSPECTIVE JUROR NUMBER 194: Yes.

13 MR. STANTON: Thank you. Ms. Hopwood, you don't have any children.

14 PROSPECTIVE JUROR NUMBER 194: No.

15 MR. STANTON: Have you ever been around children of that age frame?

16 PROSPECTIVE JUROR NUMBER 194: No.

17 MR. STANTON: Is there anything about the subject matter of that -- of the  
18 age and that it's a child and the charges here that would cause you a problem?

19 PROSPECTIVE JUROR NUMBER 194: I think it's disturbing, yes, but --

20 MR. STANTON: Hopefully everybody would think that, but my question more  
21 is would it impair your ability to be anything but a fair and impartial juror?

22 PROSPECTIVE JUROR NUMBER 194: Honestly, I don't know that the child  
23 part of it would be that. It would be the part of what I've already read in the past  
24 that keeps coming into my head that might be the problem.

25 MR. STANTON: Okay.

1 PROSPECTIVE JUROR NUMBER 194: But I'm trying to put it to the side  
2 but, you know --

3 MR. STANTON: Yeah, and --

4 PROSPECTIVE JUROR NUMBER 194: -- it's there.

5 MR. STANTON: That's my final question to you is we're not going to ask you  
6 about what it is, so please don't volunteer that, but there's something that you've  
7 read in the past about this case.

8 PROSPECTIVE JUROR NUMBER 194: Yes.

9 MR. STANTON: And you've kind of hit the nail on the head about what we  
10 would ask of you if you could serve, and that is, whatever you may read in the  
11 newspaper or see on the television is not facts and testimony under oath from that  
12 witness chair.

13 PROSPECTIVE JUROR NUMBER 194: Of course not.

14 MR. STANTON: You understand that.

15 PROSPECTIVE JUROR NUMBER 194: Of course.

16 MR. STANTON: And you understand that what is in television and the  
17 newspaper may not always be true.

18 PROSPECTIVE JUROR NUMBER 194: Of course.

19 MR. STANTON: Okay. And can you put whatever it is you know about this  
20 case aside and make the decision solely on what happens in this room?

21 PROSPECTIVE JUROR NUMBER 194: That I'm not sure.

22 MR. STANTON: You're not sure --

23 PROSPECTIVE JUROR NUMBER 194: I got to be honest with you.

24 MR. STANTON: Okay.

25 PROSPECTIVE JUROR NUMBER 194: I'm not 100 percent certain that I

1 can.

2 MR. STANTON: I want you to be honest. Is there -- is it something that you  
3 feel so strongly about that you don't feel that you can put that aside --

4 PROSPECTIVE JUROR NUMBER 194: I think so. I think I just feel like --  
5 I've got it in my head that I've read so much about this case in the past and that it's  
6 something that stuck in my head because it happened quite a while ago. This isn't  
7 a recent case. It's something that stuck in my head and when I heard the name, it  
8 popped up and I remembered it immediately so --

9 MR. STANTON: Okay.

10 PROSPECTIVE JUROR NUMBER 194: -- I'm just being honest here. I don't  
11 know that I can put that aside.

12 MR. STANTON: Okay. And at the end of day what Judge Miley and I and  
13 the defense attorneys need to know is whether you can.

14 PROSPECTIVE JUROR NUMBER 194: And like I said, I don't know at this  
15 point, and I don't know that there's a way to know until you're already into it --

16 MR. STANTON: Right.

17 PROSPECTIVE JUROR NUMBER 194: -- and that -- that's not a fair position  
18 to put anybody in.

19 MR. STANTON: Okay. Thank you very much, ma'am.

20 No further questions at this time, Your Honor.

21 THE COURT: All right. By the defense?

22 MS. VON MAGDENKO: Yes, Your Honor, thank you.

23 THE COURT: And actually I didn't ask, are you passing the panel for cause?

24 MR. STANTON: Yes, based upon my questions, Your Honor, I am.

25 THE COURT: All right. Thank you.

1 Counsel, ma'am.

2 MS. VON MAGDENKO: Thank you.

3 I'm just going to ask a couple questions to everyone first. Does  
4 anyone here think that because Michael is sitting there that he's guilty? Anyone  
5 actually think that? Everyone believes he's innocent until proven guilty by the  
6 State?

7 Does anyone believe there's a certain way that Michael should act or  
8 should not act during trial? That he should be jumping up and down if a witness or  
9 not. Does anyone have any preconceived notions about how someone guilty or  
10 someone innocent should actually look? No? Okay.

11 And is everyone aware that Michael doesn't have to actually take the  
12 stand during trial? Would anyone hold it against him or think well I think he's guilty  
13 because he doesn't get on the stand?

14 UNIDENTIFIED SPEAKER: No.

15 MS. VON MAGDENKO: No one thinks that?

16 UNIDENTIFIED SPEAKER: No.

17 MS. VON MAGDENKO: Okay. Okay, Mr. Lenehan. You --

18 PROSPECTIVE JUROR NUMBER 016: I mean, I think if somebody doesn't  
19 get on the stand, I mean if you're here defending your freedom basically in a major  
20 case, I mean I would feel that you'd want to go up there and plead your case to the  
21 jury.

22 MS. VON MAGDENKO: And you believe that 100 percent?

23 PROSPECTIVE JUROR NUMBER 016: That's right.

24 MS. VON MAGDENKO: Okay. Let me just (indiscernible) make a note of  
25 that.

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1 Does anyone share Mr. Lenehan's position?

2 Yes, Ms. Lea?

3 PROSPECTIVE JUROR NUMBER 165: Yeah, I think -- I think it's wonderful  
4 to take the stand if you're innocent and you can speak for yourself.

5 MS. VON MAGDENKO: Okay. But you would think if someone was guilty  
6 they wouldn't take the stand, right? Based on what you're telling me? Only an  
7 innocent person would take the stand?

8 PROSPECTIVE JUROR NUMBER 016: Are you asking me?

9 MS. VON MAGDENKO: No, I'm sorry --

10 PROSPECTIVE JUROR NUMBER 016: Oh.

11 MS. VON MAGDENKO: -- I'm talking to Ms. Lea.

12 PROSPECTIVE JUROR NUMBER 165: I mean, it's probably not as specific  
13 as that, but if someone had the choice to take the stand and chose not to, I would --  
14 I would sway that against their favor I guess.

15 MS. VON MAGDENKO: So you agree with Mr. Lenehan. If someone does  
16 not take the stand, they are guilty?

17 PROSPECTIVE JUROR NUMBER 165: No, I --

18 PROSPECTIVE JUROR NUMBER 016: I mean, no if they are, but you know  
19 what I mean?

20 PROSPECTIVE JUROR NUMBER 165: Yeah, I can't -- I wouldn't say okay,  
21 he's guilty because he didn't take the stand. I would listen to evidence but it  
22 certainly would be -- it would be a dissuading factor.

23 MS. VON MAGDENKO: So the evidence -- it would tilt you one way?

24 PROSPECTIVE JUROR NUMBER 165: Slightly.

25 MS. VON MAGDENKO: And Mr. Lenehan, would -- what would it do?

1 PROSPECTIVE JUROR NUMBER 016: It would just make me think that,  
2 you know, like a strike against him type thing, you know what I mean? Like it's just  
3 not good, you know?

4 MS. VON MAGDENKO: Okay.

5 PROSPECTIVE JUROR NUMBER 016: You know, because you would want  
6 to get up there and plead your case and especially if you know you're innocent, you  
7 know.

8 MS. VON MAGDENKO: Okay. I see people nodding their heads.

9 PROSPECTIVE JUROR NUMBER 063: Yes.

10 MS. VON MAGDENKO: Like you. I see you nodding your head.

11 PROSPECTIVE JUROR NUMBER 063: For me, I won't say if he is -- he  
12 don't go there is guilty, but for me if I know I'm innocent, for sure I will go there.

13 MS. VON MAGDENKO: So let me ask you if -- would you want to be -- if you  
14 were -- if you were in that position and somebody thought -- and you decided not to  
15 take the stand and someone like you was on a jury, would you want that person on  
16 the jury?

17 PROSPECTIVE JUROR NUMBER 016: Probably not.

18 MS. VON MAGDENKO: No, you wouldn't want yourself on a jury then.

19 Would you, Ms. Lea?

20 PROSPECTIVE JUROR NUMBER 165: Well, are you assuming the  
21 person's innocent?

22 MS. VON MAGDENKO: Yes, I'm assuming the person is innocent but  
23 chooses not to take the stand for whatever reason, due to nervousness or because  
24 it's his right -- the defense doesn't have to ask a single question. They don't have  
25 to present a single witness. Is -- does everyone -- is everyone aware of that?

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1 UNIDENTIFIED SPEAKER: Uh-huh.

2 UNIDENTIFIED SPEAKER: Yes.

3 MS. VON MAGDENKO: Does anyone disagree with that?

4 PROSPECTIVE JUROR NUMBER 177: Yeah.

5 MS. VON MAGDENKO: Mr. Burns.

6 PROSPECTIVE JUROR NUMBER 177: That's ridiculous.

7 MS. VON MAGDENKO: Yeah.

8 PROSPECTIVE JUROR NUMBER 177: I mean if he's guilty -- I'm sorry, if  
9 he's innocent -- I know if I was innocent, I would get up there and tell people, you  
10 know, that I was innocent. I wouldn't want to -- I see what you're saying though.  
11 It's hard to say --

12 MS. VON MAGDENKO: We just want a fair jury and if you don't --

13 PROSPECTIVE JUROR NUMBER 177: Yeah.

14 MS. VON MAGDENKO: -- feel that you can be fair if he chooses at the time  
15 not to testify, do you --

16 PROSPECTIVE JUROR NUMBER 177: I just know how I would feel; that if I  
17 was -- you know, that I would want to say hey, I did -- I am innocent. In other  
18 words, he's putting all his eggs in your basket.

19 MS. VON MAGDENKO: Right.

20 PROSPECTIVE JUROR NUMBER 177: Sure he hired you to speak for him,  
21 but he has to -- in my mind, he has to speak for himself.

22 MS. VON MAGDENKO: And if he doesn't speak for himself, that would sway  
23 you to think he's guilty?

24 PROSPECTIVE JUROR NUMBER 177: That would sway me bigtime, yeah.

25 MS. VON MAGDENKO: So do you think you can be fair and impartial then?

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1 PROSPECTIVE JUROR NUMBER 177: Doubtful.

2 MS. VON MAGDENKO: Doubtful. Not that I could ever forget you, but I'm  
3 just going to make a note.

4 I guess go back to you, Ms. Chen. Could you be fair and impartial if he  
5 chose not to take the stand?

6 PROSPECTIVE JUROR NUMBER 063: Me?

7 MS. VON MAGDENKO: Yes.

8 PROSPECTIVE JUROR NUMBER 063: Just like he says, I will question --

9 MS. VON MAGDENKO: So no, you could not be fair and impartial? We just  
10 need a verbal response for the court reporter.

11 PROSPECTIVE JUROR NUMBER 063: Oh, because I cannot say it very  
12 correctly. What's --

13 MS. VON MAGDENKO: Just -- I mean do you agree with my statement you  
14 could not be fair and impartial?

15 PROSPECTIVE JUROR NUMBER 063: I could --

16 MS. VON MAGDENKO: Okay.

17 And Mr. Lenehan, I guess that goes for you, too. You cannot be fair  
18 and impartial if he chose not to take the stand?

19 PROSPECTIVE JUROR NUMBER 016: No.

20 MS. VON MAGDENKO: And Ms. Lea? Could you be fair and impartial or  
21 no?

22 PROSPECTIVE JUROR NUMBER 165: Do you mind if I ask his age?

23 MS. VON MAGDENKO: His age?

24 PROSPECTIVE JUROR NUMBER 165: Uh-huh.

25 THE COURT: Of the defendant?

1 MS. VON MAGDENKO: Yes.

2 PROSPECTIVE JUROR NUMBER 165: I mean if he's -- you have a  
3 beautiful youthful face. If he's 16 --

4 MR. ALTIG: Thank you, Your Honor.

5 PROSPECTIVE JUROR NUMBER 165: -- and he feels he can't do it and  
6 you're there for him, that might be different, and if he's 27 and he's not saying  
7 anything, yeah, I have -- I would definitely be swayed.

8 MS. VON MAGDENKO: So depending on his age would determine whether  
9 or not you'd be fair and impartial if he chose not to take the stand when that time  
10 came?

11 PROSPECTIVE JUROR NUMBER 165: Yes, if he was -- I could see you  
12 saying you know what, this person is -- he's a minor, he's vulnerable, he's -- he  
13 could be swayed, he could be emotionally manipulated, we protect him, whereas if  
14 he's a full-grown man, yeah, I think -- you know, I -- I stood up for myself before. I  
15 think we all have. I think he should speak.

16 MS. VON MAGDENKO: He's over 18. So knowing that he's an adult and not  
17 a child, if he -- when the time came if he chose not to take the stand, could you be  
18 fair and impartial?

19 PROSPECTIVE JUROR NUMBER 165: Would we have a -- be given a  
20 reason why?

21 MS. VON MAGDENKO: No, there would be no reason. No reason. You  
22 would not be given any reason by me or my co-counsel or by the client. He would  
23 not -- if he chose not to take the stand, he wouldn't get up and say I'm not going to  
24 take the stand and these are the reasons why.

25 PROSPECTIVE JUROR NUMBER 165: We're all getting grilled over details

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1 for the exact same thing. The least we could do is ask the same. I wouldn't mind it  
2 if you were to say, you know, he's feeling extremely nervous or whatever, but for no  
3 explanation just okay, we're just -- he's not taking the stand for anything, yeah, I  
4 would have a problem with it.

5 MS. VON MAGDENKO: So I guess my -- then the question I need to ask is  
6 he's entitled to fair and impartial people sitting in that box, not people who are not  
7 fair and impartial. If he chose not to take the stand without any explanation, could  
8 you be fair and impartial?

9 PROSPECTIVE JUROR NUMBER 165: Probably not because I would have  
10 never really heard his perspective or point of view.

11 MS. VON MAGDENKO: Does anyone else feel that if Michael Lee chose not  
12 to take the stand, that they could not --

13 PROSPECTIVE JUROR NUMBER 082: Just because he takes the stand  
14 doesn't make him guilty or innocent.

15 MS. VON MAGDENKO: Right.

16 PROSPECTIVE JUROR NUMBER 082: You know, if he doesn't take the  
17 stand, you know, it doesn't make him automatically guilty. You know, he could --  
18 like I said, he has lawyers to talk for him. You know, the -- he can say the wrong  
19 thing and he's going away for the rest of his life, you know, so --

20 MS. VON MAGDENKO: So you think you can be fair and impartial --

21 PROSPECTIVE JUROR NUMBER 082: Yes.

22 MS. VON MAGDENKO: Does anyone feel they cannot be fair and impartial if  
23 he does not take the stand? Okay. All right. No.

24 There -- this is a court of law and there are rules that we have to abide  
25 by, and the Court, the Judge is going to give you those rules. And I'm going to ask

1 generally a continuum of when following rules -- by a show of hands, I'm going to  
2 do a continuum here. Is there a group of people -- and wait to raise your hand  
3 because I want to go piecemeal -- that feels that rules should be followed all the  
4 time? And then in the middle a continuum of rules are generally meant to be  
5 followed, but occasionally given the circumstances they can be broken, or at the  
6 other end of the spectrum instead of rules should always be followed no matter  
7 what, that, you know, rules are meant to be broken?

8 So is anyone in the category, by showing of hands, that rules were  
9 made to be broken? No one believes it? Okay.

10 Is anyone in the middle, just by a show of hands, that rules should  
11 generally be followed but exceptions should be made? Okay, just hold your hand  
12 up because I just want to put a circle by your name. So that is -- and when I call  
13 your name out, you can put it down.

14 PROSPECTIVE JUROR NUMBER 178: Are we talking specifically in a court  
15 of law or just in general?

16 MS. VON MAGDENKO: I'm talking in general.

17 In general, if in general you believe that rules can occasionally be  
18 broken --

19 PROSPECTIVE JUROR NUMBER 165: Big rules? Little rules?

20 MS. VON MAGDENKO: Any rules. Any rule. Any rule. Any rule. Raise  
21 your hand if you're in that camp. All right, so we have Ms. Petty. When I call your  
22 name, you can put your hand down. Ms. Lea?

23 PROSPECTIVE JUROR NUMBER 165: Undecided.

24 MS. VON MAGDENKO: Okay. All right. We have Mr. Cornell. We have Mr.  
25 Marmol.

1 PROSPECTIVE JUROR NUMBER 454: Yes.

2 MS. VON MAGDENKO: We have Ms. Carmen Alvarez.

3 PROSPECTIVE JUROR NUMBER 662: Yes.

4 MS. VON MAGDENKO: We have Mr. Solano.

5 PROSPECTIVE JUROR NUMBER 766: Yes.

6 MS. VON MAGDENKO: Okay. All right. We have Mr. Lenehan. We have  
7 Ms. Minarkin (phonetic). I apologize if I pronounced that wrong. Mr. Domingo. Ms.  
8 Stover.

9 PROSPECTIVE JUROR NUMBER 191: Correct.

10 MS. VON MAGDENKO: Thank you. And then we have Ms. Lacrue. And  
11 then we have Ms. Kaai-Qualls.

12 PROSPECTIVE JUROR NUMBER 047: Uh-huh.

13 MS. VON MAGDENKO: Ms. Hundley. Mr. Forbes. Mr. Alston. We have  
14 Ms. Hall, Ms. Roman, and Ms. Mackenzie. Ms. Bogle. Mr. Tricase. Mr. Burns.  
15 Ms. -- is it Nguyen?

16 PROSPECTIVE JUROR NUMBER 178: Nguyen.

17 MS. VON MAGDENKO: Okay. And Ms. Dhindsa and I apologize if I  
18 pronounced that --

19 PROSPECTIVE JUROR NUMBER 194: Hopwood.

20 MS. VON MAGDENKO: Oh. Oh no. I apologize. Okay.

21 Okay. Now I want to talk to the people who did not raise their hand to  
22 that question, the people who believe that rules should always be followed. And  
23 that would be Ms. -- we'll start with you, Ms. Dobard. And I want to talk to you  
24 about why -- why do you believe rules should be followed?

25 PROSPECTIVE JUROR NUMBER 083: That governs my life and my

1 position. If I don't follow the rules, I can kill somebody in my job.

2 MS. VON MAGDENKO: Okay.

3 PROSPECTIVE JUROR NUMBER 083: And if you don't -- if nobody ever  
4 followed the rules -- I mean if everybody decided yeah, you can break them every  
5 now and then, it would be chaos like the new movie The Purge or something. You  
6 know, it would just be chaos. But that's just --

7 MS. VON MAGDENKO: Ms. Jacques, why do you believe rules should be  
8 followed?

9 PROSPECTIVE JUROR NUMBER 162: I'm a firm believer in the rules.  
10 They're there for a purpose and when we get to lax, that's when bad things happen.

11 MS. VON MAGDENKO: And Ms. -- Juan? Why do you believe rules should  
12 be followed?

13 PROSPECTIVE JUROR NUMBER 198: Because they're there because  
14 somebody thought they were (indiscernible) and we must follow I -- I have a firm  
15 belief that we must follow the rules.

16 MS. VON MAGDENKO: Does everyone who said rules should be followed  
17 agree with what Mr. Castellanos, Ms. Jacques and Ms. Dobard said? Does anyone  
18 who believes in following rules disagrees with their reasons? Do they have a  
19 different reason? No? Yes.

20 PROSPECTIVE JUROR NUMBER 079: I -- as --

21 PROSPECTIVE JUROR NUMBER 060: I think I got confused on the  
22 question --

23 PROSPECTIVE JUROR NUMBER 079: Yes, it's a tough question, but I think  
24 it's based on circumstances.

25 MS. VON MAGDENKO: Okay, so you --

1 PROSPECTIVE JUROR NUMBER 079: If you come to a red light, you have  
2 a -- an emergency --

3 UNIDENTIFIED SPEAKER: No.

4 PROSPECTIVE JUROR NUMBER 079: -- you don't stop and wait for it to  
5 turn green, you get to the hospital.

6 MS. VON MAGDENKO: Okay.

7 PROSPECTIVE JUROR NUMBER 079: At this --

8 MS. VON MAGDENKO: So in an emergency situation, you believe it should  
9 be -- okay.

10 PROSPECTIVE JUROR NUMBER 060: I mean did I say that you  
11 shouldn't --

12 PROSPECTIVE JUROR NUMBER 079: If it's to save a life or whatever.

13 PROSPECTIVE JUROR NUMBER 060: -- follow rules? Is that what I just  
14 said?

15 MS. VON MAGDENKO: No, no, no --

16 PROSPECTIVE JUROR NUMBER 060: Because that's not what I meant.

17 MS. VON MAGDENKO: No, no, no, no, no. Generally you do follow rules,  
18 but there can be exceptions.

19 PROSPECTIVE JUROR NUMBER 060: Right, okay, then --

20 MS. VON MAGDENKO: Okay. So everyone did understand the question?

21 PROSPECTIVE JUROR NUMBER 060: Yeah.

22 PROSPECTIVE JUROR NUMBER 079: Now I do.

23 MS. VON MAGDENKO: Does anyone actually believe if there -- and there  
24 will be, there's no if. There are horrific photographs that will be shown to the jurors  
25 in this case showing a child who's died. There is no dispute about the death of a

1 child in this case. There's actually no dispute the photos show bruising all over the  
2 child. Does anyone actually believe that the photos will actually show who inflicted  
3 those injuries? So no one actually believes that.

4 And I don't want to call you out, but Ms. Nguyen, I noticed you've been  
5 crying some times during this trial. Is there a reason?

6 PROSPECTIVE JUROR NUMBER 178: No. I just think it would be very -- I  
7 don't know, I have two small children and I just don't care to see anything like that.

8 MS. VON MAGDENKO: Okay. Okay. All right.

9 And Ms. Hopwood, you had said that, you know, you've sort of already  
10 made up your mind.

11 PROSPECTIVE JUROR NUMBER 194: Uh-huh.

12 MS. VON MAGDENKO: Is that a yes just for the court reporter?

13 PROSPECTIVE JUROR NUMBER 194: Yes.

14 MS. VON MAGDENKO: Okay. And you don't believe you can be fair and  
15 impartial in this case?

16 PROSPECTIVE JUROR NUMBER 194: I am not 100 percent certain that I  
17 can.

18 MS. VON MAGDENKO: You --

19 PROSPECTIVE JUROR NUMBER 194: I mean there's a possibility I could  
20 be, but in the same token, it's not till I can hear the actual evidence, but in the same  
21 token, there's always what I've read in the back of my head and it's going through  
22 my head.

23 MS. VON MAGDENKO: And is that fair to the defendant?

24 PROSPECTIVE JUROR NUMBER 194: That is not fair to him.

25 MS. VON MAGDENKO: Okay. And the same --



1 PROSPECTIVE JUROR NUMBER 194: It is not.

2 MS. VON MAGDENKO: Okay. The same for you, Mr. Burns.

3 PROSPECTIVE JUROR NUMBER 177: Uh-huh.

4 MS. VON MAGDENKO: Do you think it's fair to the defendant for you to be  
5 on this jury?

6 PROSPECTIVE JUROR NUMBER 177: No.

7 MS. VON MAGDENKO: You were asked questions and all of you said you  
8 know the normal bumps and bruises on a child. I just want to -- and talk to you one  
9 by one about what's not normal. Okay?

10 So, Ms. Dobard, have you ever -- you have nieces and nephews. Do  
11 any of your nieces and nephews have any -- did they ever have tubes put in their  
12 ears?

13 PROSPECTIVE JUROR NUMBER 083: No.

14 MS. VON MAGDENKO: For balance problems. Did any of your nieces and  
15 nephews have any balance problems?

16 PROSPECTIVE JUROR NUMBER 083: No.

17 MS. VON MAGDENKO: Did --

18 PROSPECTIVE JUROR NUMBER 083: But I'm aware of that situation.

19 MS. VON MAGDENKO: Okay. So you have been around children with  
20 balance problems?

21 PROSPECTIVE JUROR NUMBER 083: Yes.

22 MS. VON MAGDENKO: Okay. And that's different from normal children,  
23 right?

24 PROSPECTIVE JUROR NUMBER 083: Correct.

25 MS. VON MAGDENKO: Okay.

1 PROSPECTIVE JUROR NUMBER 083: My niece is 12 and she can't  
2 balance for anything. Doesn't mean she falls a lot though.

3 MS. VON MAGDENKO: Okay. Have you ever been around a child that fell a  
4 lot?

5 PROSPECTIVE JUROR NUMBER 083: No.

6 MS. VON MAGDENKO: Okay. Are you aware that there are some children  
7 who aren't normal who fall a lot?

8 PROSPECTIVE JUROR NUMBER 083: Yes, I am.

9 MR. STANTON: Your Honor, may we approach?

10 THE COURT: Yes.

11 [Bench conference begins at 4:14 p.m.]

12 MR. STANTON: I'm going to object to the form of the question that it violates  
13 ECTR 7.70. It's interjecting the facts of the case.

14 MS. VON MAGDENKO: Your Honor, he asked every single jury (sic) about  
15 what they found as normal --

16 THE COURT: So when you ask it, if you can ask it a different way. Because  
17 okay, you're telling them are you aware. He said are you familiar with the bumps  
18 and bruises that children have, so if you could rephrase it.

19 MS. VON MAGDENKO: Okay, are you familiar then? Because that would  
20 be the same way -- the same form that he asked.

21 THE COURT: The phraseology makes a big difference because one -- yours  
22 suggest information to them. His just asked a question, open-ended questioning.

23 MS. VON MAGDENKO: Okay, are you --

24 THE COURT: Do you see the distinction?

25 MR. ALTIG: Uh-huh.

1 MS. VON MAGDENKO: Wait --

2 THE COURT: If you could just rephrase it.

3 MR. STANTON: My question at no point interjected any facts of the case,  
4 other than are you aware or have you been around a child of this age.

5 THE COURT: I understand --

6 MR. STANTON: She's talking about tubes and unbalanced and things like  
7 that.

8 THE COURT: I understand. It's -- it needs to be open-ended.

9 MS. VON MAGDENKO: Okay.

10 THE COURT: You can't interject facts. You can ask questions of them, but  
11 you can't give the response is kind of what I'm saying.

12 MS. VON MAGDENKO: Okay. Okay.

13 [Bench conference ends at 4:15 p.m.]

14 MS. VON MAGDENKO: Ms. Dobard, have you ever been around children  
15 who've suffered injuries that required anything more than a Band-Aid?

16 PROSPECTIVE JUROR NUMBER 083: In my personal life -- in my --

17 MS. VON MAGDENKO: Or were --

18 PROSPECTIVE JUROR NUMBER 083: -- in my job?

19 MS. VON MAGDENKO: Yeah, in your job.

20 PROSPECTIVE JUROR NUMBER 083: In my work, yes. I worked in -- I  
21 lived in New Orleans for seven years and -- you know, with ER and of course I'm at  
22 the UMC trauma right now and even though we don't see them, every now and  
23 then we go down there. So yes, I have.

24 MS. VON MAGDENKO: Okay. And that's -- is that part of your work, too?

25 PROSPECTIVE JUROR NUMBER 083: To deal with them? No, but --

1 MS. VON MAGDENKO: Yeah.

2 PROSPECTIVE JUROR NUMBER 083: -- we're part -- I mean all we would  
3 do is go in and draw the blood.

4 MS. VON MAGDENKO: Oh, okay --

5 PROSPECTIVE JUROR NUMBER 083: But you see it.

6 MS. VON MAGDENKO: And you -- you work at UMC and one of the  
7 witness's names was Merridee Moshier. She actually works at UMC.

8 PROSPECTIVE JUROR NUMBER 083: You know, it sounds familiar, but I  
9 don't -- does she work there now?

10 MS. VON MAGDENKO: I think so. I'm not sure.

11 PROSPECTIVE JUROR NUMBER 083: I don't know her.

12 MS. VON MAGDENKO: Okay, you don't know her. Okay. I just wanted to  
13 make --

14 PROSPECTIVE JUROR NUMBER 083: When I heard that, I thought that  
15 sounds really familiar but I don't know her.

16 MS. VON MAGDENKO: Okay. And that wouldn't -- and just because she  
17 may have worked there or worked there, it would not affect your ability to be --

18 PROSPECTIVE JUROR NUMBER 083: No.

19 MS. VON MAGDENKO: -- fair and impartial? Okay. Okay.

20 I'll just ask this generally to the jury: Is it -- does anyone disagree with  
21 the statement that children are different; that some children may be normal and  
22 some children abnormal?

23 UNIDENTIFIED SPEAKER: Yeah.

24 PROSPECTIVE JUROR NUMBER 178: Yes.

25 MS. VON MAGDENKO: Is there anyone who disagrees with that statement?

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1 Okay. All right.

2 Ms. Dobard, do you have occasion to care for your nieces and  
3 nephews?

4 PROSPECTIVE JUROR NUMBER 083: My 12-year-old niece has lived with  
5 me almost her whole life or except for about two months.

6 MS. VON MAGDENKO: Okay. And what's your parenting philosophy  
7 basically as the substitute parent?

8 PROSPECTIVE JUROR NUMBER 083: I try to teach her the right way to do  
9 things, to be a good person and to be accountable for what she does, and protect  
10 her at the same time, but not coddle her, you know -- she's my baby.

11 MS. VON MAGDENKO: Thank you.

12 Okay. Ms. Petty, you don't have any children, but you used to be a  
13 nanny.

14 PROSPECTIVE JUROR NUMBER 116: Yes.

15 MS. VON MAGDENKO: As a nanny, did you have a certain philosophy  
16 about how you would care for the children?

17 PROSPECTIVE JUROR NUMBER 116: Just try to help raise them right, try  
18 to supervise so -- make sure they do what they're supposed to during the day. I  
19 don't know what you're -- exactly what you're looking for, just the normal trying to  
20 teach them and help them.

21 MS. VON MAGDENKO: Okay. No, I understand.

22 PROSPECTIVE JUROR NUMBER 116: Sorry.

23 MS. VON MAGDENKO: I just -- no, that's okay. Okay.

24 And Ms. Jacques, you have one child?

25 PROSPECTIVE JUROR NUMBER 162: Yes.

1 MS. VON MAGDENKO: Thirty year old.

2 PROSPECTIVE JUROR NUMBER 162: And a grandson, too.

3 MS. VON MAGDENKO: Oh, and how old is your grandson?

4 PROSPECTIVE JUROR NUMBER 162: Ten months.

5 MS. VON MAGDENKO: Oh wow. And did you have a parenting style when  
6 you were raising your son?

7 PROSPECTIVE JUROR NUMBER 162: I believe so.

8 MS. VON MAGDENKO: And what would -- how would you describe that  
9 style?

10 PROSPECTIVE JUROR NUMBER 162: It's to do the right thing. Right --  
11 there's wrong and rights and when you do something wrong, you own up to it.

12 MS. VON MAGDENKO: Okay.

13 And Ms. Lea, you have two young children. Do you have a parenting  
14 style?

15 PROSPECTIVE JUROR NUMBER 165: Lead by example. Give discipline.  
16 Speak to them like friends.

17 MS. VON MAGDENKO: How do you reconcile giving discipline versus  
18 speaking to them like friends? How does that come up if you have to discipline  
19 them?

20 PROSPECTIVE JUROR NUMBER 165: They're my best friends and we talk  
21 candidly about everything, but if they're going to run the street when a car's about  
22 to hit them, I will grab them and say don't run into the street and if they do, I'll spank  
23 them (indiscernible) --

24 MS. VON MAGDENKO: No -- no, no, now that you -- that's a good point that  
25 you brought up.

1 Does anyone here believe in spanking? Okay. So just keep your  
2 hands up raised high because I just want to see. So almost everyone believes in  
3 spanking, so -- you can put your hands down. For the people -- well obviously, we  
4 know people don't believe in spanking so --

5 PROSPECTIVE JUROR NUMBER 194: I don't have children.

6 MS. VON MAGDENKO: Okay.

7 PROSPECTIVE JUROR NUMBER 194: That's my reason why. I don't have  
8 children, so I don't feel like I would know when that would be appropriate at this  
9 point.

10 MS. VON MAGDENKO: And I know some of the people who actually don't  
11 have children also had the same response. Is that why? Because you don't have  
12 children?

13 PROSPECTIVE JUROR NUMBER 191: That's correct.

14 MS. VON MAGDENKO: Okay. Does everyone else who doesn't believe in  
15 speaking, is that the reason why?

16 PROSPECTIVE JUROR NUMBER 063: I have kids, but I don't believe  
17 spanking is work.

18 MS. VON MAGDENKO: You don't think it's effective?

19 And you?

20 PROSPECTIVE JUROR NUMBER 148: I missed something. I didn't catch  
21 what you were saying there.

22 MS. VON MAGDENKO: Do you believe in speaking or not? You do. Okay.

23 PROSPECTIVE JUROR NUMBER 148: For direct defiance, that's usually --  
24 other than that I'm into marathon lecture. That's --

25 MS. VON MAGDENKO: That'll be enough for them to stop doing whatever

1 they were doing.

2 Yes, go ahead.

3 PROSPECTIVE JUROR NUMBER 047: I don't have children, but I don't  
4 believe you should ever hit a child, so I would never spank --

5 THE COURT RECORDER: Can you pass the microphone, please?

6 PROSPECTIVE JUROR NUMBER 047: Do you want me to repeat that?

7 MS. VON MAGDENKO: Yeah, just repeat it for her because she didn't hear  
8 you.

9 PROSPECTIVE JUROR NUMBER 047: Okay. I don't have children, but I  
10 don't believe you should ever lay your hands on a child.

11 MS. VON MAGDENKO: Okay. And you can give the microphone to Mr.  
12 Solano behind you to your right.

13 PROSPECTIVE JUROR NUMBER 766: Okay.

14 MS. VON MAGDENKO: And why do you not believe in spanking?

15 PROSPECTIVE JUROR NUMBER 766: Well I have -- I have three kids and  
16 if I remember in 21 years, 22 years there's -- which is the older, maybe I spank him  
17 once, but I regret doing that. I don't believe in spanking is because that's why there  
18 is ways to talk to people. So like -- like she said, you can talk to them as a friend  
19 and at the same -- at the same time, you can show them how to respect the dad  
20 and the mom. There's not necessarily spanking.

21 MS. VON MAGDENKO: Okay. I'm going to ask a -- actually a question since  
22 -- for time purposes to everyone in generally and this is another raise your hand  
23 kind of question for parenting style. The people who are parents and people who  
24 have been nannies and the people who have nieces and nephews or even if you  
25 don't have children, if you did or if you were around -- or if you're out in public and

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1 you see children behaving a certain way. How many people would be of the  
2 philosophy that it's kind of laissez-faire? You let a child grow up and you're there to  
3 monitor, but it's generally kind of up to them if they're going to play with, you know,  
4 Legos one day or Play-Doh another. Who has that kind of attitude towards  
5 parenting? No one?

6 UNIDENTIFIED SPEAKER: Can you be more specific?

7 UNIDENTIFIED SPEAKER: Well I don't know --

8 UNIDENTIFIED SPEAKER: That's a kid.

9 MS. VON MAGDENKO: Okay. Do you believe that -- I guess the -- well I'll  
10 do it the other way. Do you think a child should be very structured in their day as  
11 far as being, you know, as a parent?

12 PROSPECTIVE JUROR NUMBER 178: Yes.

13 MS. VON MAGDENKO: Anyone who -- who believes that? Who's raised  
14 their hands? Who thinks that it should be very structured?

15 UNIDENTIFIED SPEAKER: What's the -- what is (indiscernible) --

16 UNIDENTIFIED SPEAKER: I mean there's a difference --

17 UNIDENTIFIED SPEAKER: They should be structured (indiscernible) --

18 UNIDENTIFIED SPEAKER: Yeah.

19 UNIDENTIFIED SPEAKER: -- their own person too.

20 UNIDENTIFIED SPEAKER: Yes and no.

21 MS. VON MAGDENKO: Right, no, no --

22 UNIDENTIFIED SPEAKER: So it's --

23 UNIDENTIFIED SPEAKER: Like do they get up at the same time --

24 PROSPECTIVE JUROR NUMBER 766: But then you're going to be raising a  
25 wallflower.

1 UNIDENTIFIED SPEAKER: -- do they brush their teeth at the same time.

2 UNIDENTIFIED SPEAKER: Yeah, yeah, you don't want to be too structured.

3 UNIDENTIFIED SPEAKER: They can play whatever, but they should play at  
4 a certain time.

5 PROSPECTIVE JUROR NUMBER 766: You'd be raising a --

6 UNIDENTIFIED SPEAKER: You know what I mean, take a nap at a certain  
7 time.

8 PROSPECTIVE JUROR NUMBER 766: You're not showing your kids how  
9 can --

10 THE COURT: Hold on.

11 PROSPECTIVE JUROR NUMBER 766: -- they can be friend with a --

12 THE COURT: Ladies and gentlemen of the jury, I know that a lot of you want  
13 to respond to a question, but because we're making a record, I need for you guys to  
14 go one at a time. That way we know which juror is speaking and again, it's real  
15 important that we identify which juror is speaking, okay? Thank you.

16 MS. VON MAGDENKO: Okay. So the question just was raise your hand if  
17 you believe that a child's day should generally be structured? Generally.

18 UNIDENTIFIED SPEAKER: Generally.

19 MS. VON MAGDENKO: Generally. Not every single second, but most of the  
20 time. Okay. I just want -- if you can just hold your hands up because I -- and then  
21 when I call your name out, put your hands down because I just want to mark that.  
22 So that's Ms. Petty, Ms. Jacques, Ms. Lea, Mr. Cornell, Mr. Marmol, Ms. Carmen  
23 Alvarez, Mr. Lenehan, Ms. Minamoran (sic) -- I apologize -- Ms. Lacrue, Ms. Kaai-  
24 Qualls, Ms. Hundley, Mr. Forbes, Ms. Chen, Mr. McIntosh, Mr. Alston, Ms. Hall, Mr.  
25 Tricase, Mr. Miller, Mr. Burns, Ms. Nguyen.

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1 Did you raise your hand?  
2 PROSPECTIVE JUROR NUMBER 178: (Indiscernible) --  
3 MS. VON MAGDENKO: Okay. (Indiscernible) indulgence, please.  
4 [Colloquy between counsel]  
5 MS. VON MAGDENKO: That's all the questions I have. Thank you.  
6 THE COURT: Are you passing the panel for cause?  
7 MR. ALTIG: No.  
8 THE COURT: No?  
9 Counsel, do you want to approach?  
10 MS. VON MAGDENKO: Approach.  
11 [Bench conference begins at 4:26 p.m.]  
12 THE COURT: Okay. I think -- do you have some challenges for cause?  
13 MR. ALTIG: Yes, Your Honor. I didn't write down the juror numbers, I'm  
14 sorry, but one would be Ms. Hopwood.  
15 THE COURT: Which one?  
16 MR. ALTIG: Hopwood.  
17 MS. VON MAGDENKO: She's one one nine -- one nine four.  
18 THE COURT: Oh yeah. She's the one with a lot of pretrial information.  
19 MR. ALTIG: The pretrial information --  
20 MS. VON MAGDENKO: Yeah.  
21 MR. ALTIG: -- yes. And she said she could not a hundred percent say that  
22 she would be impartial. And then --  
23 THE COURT: Hold on a second. On Hopwood, that's the one who knew  
24 about the case.  
25 MR. STANTON: Yeah, I don't have any objection (indiscernible) to excuse

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1 her.

2 THE COURT: Okay, I'll grant that one. Okay.

3 MR. ALTIG: And there were -- the four that were questioned about not taking  
4 the stand, if they could hold it against him, they all said they would hold it against  
5 the defendant and that would be Burns, Chen, Lea, and Lenehan.

6 MR. STANTON: I have no objection on Chen, 063, or to (indiscernible)  
7 Lenehan, (indiscernible) and Burns.

8 THE COURT: Okay. That's fine.

9 MR. ALTIG: Those are all of them.

10 THE COURT: Okay. So why -- right now why don't we let go Chen but not  
11 (indiscernible)?

12 MR. STANTON: Let go of her?

13 THE COURT: Yeah.

14 MR. STANTON: Sure.

15 THE COURT: I mean we can do it -- why don't we -- you know, for the sake  
16 of ease, why don't you go ahead and go back over Lenehart (sic), Lea and Burns  
17 and then we'll let them go --

18 MR. STANTON: Okay.

19 THE COURT: -- after you do that.

20 MR. STANTON: Okay.

21 THE COURT: And then I'll make a decision.

22 MR. STANTON: Okay.

23 THE COURT: Okay.

24 MR. ALTIG: Sorry, you're going to go back over who?

25 MR. STANTON: Pardon me?

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1 THE COURT: He's going to ask them some more questions.

2 MR. ALTIG: You're going to ask who, Lea and --

3 MR. GIORDANI: And Burns.

4 MR. STANTON: Right.

5 MR. ALTIG: Okay.

6 [Bench conference ends at 4:27 p.m.]

7 THE COURT: All right. I believe the State has a few more questions for the  
8 jurors.

9 MR. STANTON: This series of questions goes to Ms. Lea, Mr. Lenehan and  
10 to Mr. Burns. One of the things -- in a criminal case, we talk about jury instructions  
11 and that is the law that all of you must follow if selected as a juror in this case. One  
12 of those instructions is going to be about a defendant's right not to testify in a  
13 criminal case, and that instruction is that it is not evidence for you to consider at all.  
14 You can't consider it, you can't deliberate with your fellow jurors -- it does not exist  
15 as a fact to be considered in a criminal trial.

16 So the question then becomes based upon your previously expressed  
17 ideas, and they're not uncommon ones, is whether or not you could abide by that  
18 based upon the rules that you're given by this Court and your oath to follow the  
19 rules? So let me start in the back and work forward.

20 Ms. Lea, with that as a framework and the karaoke mic, can you tell  
21 me, putting those aside, can you abide by the rule that says that's not evidence and  
22 you may not consider it?

23 PROSPECTIVE JUROR NUMBER 165: So the point is if -- if he has people  
24 representing him that are then taking what they know and -- and creating their  
25 reality for it, you're asking me if I can accept that as fact?

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1 MR. STANTON: No. What I'm telling you is the rule of law says you cannot  
2 consider whether or not a defendant chooses or elects not to take the stand in a  
3 criminal trial as evidence against him. You can't deliberate and you can't interject  
4 that into the determination of whether the defendant's guilty or not.

5 PROSPECTIVE JUROR NUMBER 165: Yeah, I don't think I would see it as  
6 evidence against him, but I don't know if I could honestly come to a conclusion that  
7 I would feel would be valid without having his perspective.

8 MR. STANTON: Okay. Well, I'm telling you what the rule of law is, that you  
9 can't consider it under any circumstances. Can you abide by that rule of law?

10 PROSPECTIVE JUROR NUMBER 165: I can abide by the law, but I don't  
11 know if I would feel that I honestly came to the correct conclusion.

12 MR. STANTON: Okay. Thank you very much.

13 Mr. Lenehan? You were nodding your head. I think you understand  
14 the distinction I'm trying to draw. What's the answer to my question for you?

15 PROSPECTIVE JUROR NUMBER 016: I would say no.

16 MR. STANTON: You could not?

17 PROSPECTIVE JUROR NUMBER 016: No, I could not.

18 MR. STANTON: Thank you very much, sir.

19 Mr. Burns?

20 PROSPECTIVE JUROR NUMBER 177: No.

21 MR. STANTON: Thank you very much.

22 Judge, as to all three, I'd concur.

23 THE COURT: All right. Ladies and gentlemen of the jury, at this time I'm  
24 going to thank and excuse Hopwood, Chen, Lenehand (sic), and Burns.

25 Ladies and gentlemen, before you leave the building, please go down

1 to jury services and check out. Thank you.

2 THE CLERK: Badge number 195, Terry Thomas, replacing seat number 11.  
3 Badge number 196, Michael Cordova, replacing seat number 19. Badge number  
4 199, Courtney Hinton, replacing seat number 30. And badge number 217, Jung  
5 Park, replacing seat number 32.

6 THE COURT: All right, welcome --

7 MR. ALTIG: Your Honor --

8 THE COURT: Yes.

9 MR. ALTIG: Your Honor, may we approach briefly?

10 THE COURT: Yes.

11 MR. ALTIG: Thank you.

12 [Bench conference begins at 4:31 p.m.]

13 MR. ALTIG: I moved to remove for cause Juror Lea. State concurred. She's  
14 still sitting.

15 THE COURT: Oh then I left her off my list.

16 MR. GIORDANI: She -- you said her name, she just didn't hear --

17 MR. ALTIG: Okay.

18 THE COURT: No, I didn't. It was my mistake.

19 MR. ALTIG: Okay.

20 MR. GIORDANI: Oh? All right.

21 THE COURT: Thank you.

22 MR. ALTIG: Thank you.

23 [Bench conference ends at 4:31 p.m.]

24 THE COURT: At this time I'm also going to thank and excuse Ms. Lea.  
25 Again, please check in at jury services.

1 THE CLERK: Badge number 218, Ashley Roberts, replacing seat number  
2 four.

3 THE COURT: Okay, I'm going to address these questions only to my new  
4 individuals. Of my new individuals, have any of you ever been a juror before?

5 UNIDENTIFIED SPEAKER: No.

6 UNIDENTIFIED SPEAKER: No.

7 THE COURT: No. Okay. And do any of you have close friends or family  
8 members who are involved in law enforcement?

9 UNIDENTIFIED SPEAKER: No.

10 THE COURT: Are any of you involved in law enforcement yourself?

11 UNIDENTIFIED SPEAKER: No.

12 UNIDENTIFIED SPEAKER: No.

13 THE COURT: And would any of you have the tendency to give more weight  
14 or credence to the testimony of a law enforcement official simply because he or she  
15 was in law enforcement?

16 UNIDENTIFIED SPEAKER: No.

17 THE COURT: And have any of you ever been accused of committing a  
18 crime?

19 UNIDENTIFIED SPEAKER: Yes.

20 THE COURT: All right. So there's a couple people. We'll start at the back.

21 Ma'am, your name and badge number?

22 PROSPECTIVE JUROR NUMBER 218: Ashley Roberts, 218.

23 THE COURT: And, ma'am, if you would, tell me what happened?

24 PROSPECTIVE JUROR NUMBER 218: As a minor, I was charged with  
25 assault and battery.

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1 THE COURT: And were you prosecuted for that offense?  
2 PROSPECTIVE JUROR NUMBER 218: Yes.  
3 THE COURT: Were you prosecuted by the District Attorney's Office?  
4 PROSPECTIVE JUROR NUMBER 218: I'm not sure, honestly.  
5 THE COURT: Was it here in Las Vegas?  
6 PROSPECTIVE JUROR NUMBER 218: Yes.  
7 THE COURT: Okay. And that was when you were a minor?  
8 PROSPECTIVE JUROR NUMBER 218: Yes.  
9 THE COURT: And what came of that?  
10 PROSPECTIVE JUROR NUMBER 218: Two felonies. Two misdemeanors,  
11 I'm sorry.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NUMBER 218: And I was on house arrest.  
14 THE COURT: I'm sorry, I didn't hear you?  
15 PROSPECTIVE JUROR NUMBER 218: House arrest --  
16 THE COURT: House arrest.  
17 PROSPECTIVE JUROR NUMBER 218: -- and that was it.  
18 THE COURT: Okay. Any other events in your life?  
19 PROSPECTIVE JUROR NUMBER 218: No.  
20 THE COURT: Okay. And I had a hand up here. Ma'am? Your name and  
21 badge number?  
22 PROSPECTIVE JUROR NUMBER 199: Courtney Hinton, four nine nine  
23 (sic).  
24 THE COURT: What is it?  
25 PROSPECTIVE JUROR NUMBER 199: Four nine nine.

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1 THE COURT: One nine nine. What happened with you, ma'am?

2 PROSPECTIVE JUROR NUMBER 199: Do I have to say in front of all these  
3 people?

4 THE COURT: Well let me ask this: You still have your right to vote, right?

5 PROSPECTIVE JUROR NUMBER 199: Yes.

6 THE COURT: You still have the right to serve as a juror?

7 PROSPECTIVE JUROR NUMBER 199: Yes, ma'am.

8 THE COURT: Okay. And I should -- let me go back with Ms. Roberts. I  
9 should have asked this question of you, then I'll ask you the same question. The  
10 fact that you went through that yourself as far as being accused of committing a  
11 crime, does that affect your ability to be fair to both the State and the defense  
12 counsel and defendant in this particular case?

13 PROSPECTIVE JUROR NUMBER 218: No.

14 THE COURT: All right. And same with you, ma'am. As far as going through  
15 that event in your life, do you have the ability to be fair to both sides in this case?

16 PROSPECTIVE JUROR NUMBER 199: Yes, ma'am.

17 THE COURT: Okay. And have either of you been the victim of a crime, or  
18 have any of my new people been a victim of a crime?

19 PROSPECTIVE JUROR NUMBER 218: No.

20 THE COURT: No one? Okay.

21 And can you guys follow this instruction: You must follow all  
22 instructions of the Court on the law even if they differ from your personal  
23 conceptions of what you think the law ought to be. Can you follow that instruction?

24 UNIDENTIFIED SPEAKER: Yes.

25 THE COURT: All right. And can you also follows this instruction that a

1 person who's accused of committing a crime is presumed to be innocent in a  
2 criminal trial. Can all of you follow that instruction?

3 UNIDENTIFIED SPEAKER: Yes.

4 THE COURT: All right. And are all of you aware the defendant does not  
5 have to present any evidence in order for you to return a verdict of not guilty? Can  
6 all of you follow that instruction?

7 UNIDENTIFIED SPEAKER: Yes.

8 UNIDENTIFIED SPEAKER: Yes.

9 THE COURT: And are all of you aware and can you follow the instruction  
10 that the State has the burden of proving the defendant guilty beyond a reasonable  
11 doubt? Can all of you follow that instruction?

12 UNIDENTIFIED SPEAKER: Yes.

13 UNIDENTIFIED SPEAKER: Yes.

14 THE COURT: Okay, great, everyone says yes. I'm going to start with I  
15 believe it's Ms. Roberts?

16 PROSPECTIVE JUROR NUMBER 218: Yes.

17 THE COURT: Ms. Roberts, ma'am, your badge number again?

18 PROSPECTIVE JUROR NUMBER 218: Two one eight.

19 THE COURT: Two one eight. Are you employed?

20 PROSPECTIVE JUROR NUMBER 218: Yes.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR NUMBER 218: Supervisor, retail.

23 THE COURT: How long have you done that?

24 PROSPECTIVE JUROR NUMBER 218: About a year and a half.

25 THE COURT: And prior to that job, did you have other jobs?

1 PROSPECTIVE JUROR NUMBER 218: Just retail. I'm in school as well.

2 THE COURT: Are you at UNLV, CSN?

3 PROSPECTIVE JUROR NUMBER 218: CSN.

4 THE COURT: And have you selected a major?

5 PROSPECTIVE JUROR NUMBER 218: Elementary education.

6 THE COURT: You want to be a teacher?

7 PROSPECTIVE JUROR NUMBER 218: Yes.

8 THE COURT: Are you married?

9 PROSPECTIVE JUROR NUMBER 218: No.

10 THE COURT: Do you have any children?

11 PROSPECTIVE JUROR NUMBER 218: No.

12 THE COURT: And how long have you been in Clark County, Nevada,

13 ma'am?

14 PROSPECTIVE JUROR NUMBER 218: Twenty-four years.

15 THE COURT: Thank you very much.

16 Let's move over to Mr. Thomas, Terry Thomas, number 195. Sir, are  
17 you employed?

18 PROSPECTIVE JUROR NUMBER 195: Yes, Your Honor.

19 THE COURT: What do you do, sir?

20 PROSPECTIVE JUROR NUMBER 195: I work -- excuse me -- Clark County  
21 Department of Aviation at Henderson Executive Airport.

22 THE COURT: How long have you done that?

23 PROSPECTIVE JUROR NUMBER 195: Going on eight years.

24 THE COURT: And what is your job description there?

25 PROSPECTIVE JUROR NUMBER 195: It's a line service representative.

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1 We work on marshaling the airplanes in, refueling, customer assistance.  
2 THE COURT: Okay. And did you have a job prior to that one?  
3 PROSPECTIVE JUROR NUMBER 195: At McCarran Airport for 27 years.  
4 THE COURT: Similar type of job description?  
5 PROSPECTIVE JUROR NUMBER 195: Similar, yeah.  
6 THE COURT: Are you married?  
7 PROSPECTIVE JUROR NUMBER 195: Yes.  
8 THE COURT: Does your spouse work?  
9 PROSPECTIVE JUROR NUMBER 195: Yes.  
10 THE COURT: What does she do?  
11 PROSPECTIVE JUROR NUMBER 195: She takes care of the vital records  
12 at Southern Nevada Health District.  
13 THE COURT: Do you have children?  
14 PROSPECTIVE JUROR NUMBER 195: Everybody.  
15 THE COURT: I'm sorry, do you have children?  
16 PROSPECTIVE JUROR NUMBER 195: Oh, excuse me. Yes, I have two  
17 children.  
18 THE COURT: Are they -- how old are they?  
19 PROSPECTIVE JUROR NUMBER 195: My daughter's 27 and my son's 25.  
20 THE COURT: And how long have you been in Clark County, Nevada, sir?  
21 PROSPECTIVE JUROR NUMBER 195: Going on 54 years.  
22 THE COURT: Thank you very much, sir.  
23 PROSPECTIVE JUROR NUMBER 195: Okay.  
24 THE COURT: All right, let's pass it to the gentleman in front of you, Mr.  
25 Cordova.

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1           Where are you, sir? There you are. Mr. Cordova, you are badge  
2 number 196. Mr. Cordova, are you employed?

3           PROSPECTIVE JUROR NUMBER 196: No, I'm not. I'm retired.

4           THE COURT: What'd you retire from?

5           PROSPECTIVE JUROR NUMBER 196: From doing maintenance for a  
6 company for almost 20 years.

7           THE COURT: And was that your sole career; did you have a career before  
8 that?

9           PROSPECTIVE JUROR NUMBER 196: I worked a lot of -- for homebuilders  
10 here in town.

11          THE COURT: Are you married?

12          PROSPECTIVE JUROR NUMBER 196: No, I'm not.

13          THE COURT: Are you -- do you have children?

14          PROSPECTIVE JUROR NUMBER 196: I have two; one boy and one girl.

15          THE COURT: Are they adults?

16          PROSPECTIVE JUROR NUMBER 196: Yes, they are; one's 46 and one's

17 32.

18          THE COURT: All right. And how long have you been in Clark County,  
19 Nevada?

20          PROSPECTIVE JUROR NUMBER 196: About 42 years.

21          THE COURT: Thank you very much.

22                Let's go all the way to the front with Ms. Hitton -- Hinton.

23          PROSPECTIVE JUROR NUMBER 199: Yes.

24          THE COURT: You could pass the microphone up to her, she's sitting right  
25 there.

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1 Ms. Hitton (sic), are you employed, ma'am?  
2 PROSPECTIVE JUROR NUMBER 199: Yes, ma'am.  
3 THE COURT: What do you do?  
4 PROSPECTIVE JUROR NUMBER 199: Table games dealer.  
5 THE COURT: How long have you done that?  
6 PROSPECTIVE JUROR NUMBER 199: Twelve years.  
7 THE COURT: Did you have a job before that one?  
8 PROSPECTIVE JUROR NUMBER 199: Like working at McDonalds and  
9 Subway.  
10 THE COURT: Food industry. Okay. Are you married?  
11 PROSPECTIVE JUROR NUMBER 199: No.  
12 THE COURT: Children?  
13 PROSPECTIVE JUROR NUMBER 199: Yes, ma'am.  
14 THE COURT: How many?  
15 PROSPECTIVE JUROR NUMBER 199: Three.  
16 THE COURT: How old?  
17 PROSPECTIVE JUROR NUMBER 199: Ten, nine and 20 months.  
18 THE COURT: And how long have you been in Clark County, Nevada?  
19 PROSPECTIVE JUROR NUMBER 199: Thirty-three years.  
20 THE COURT: Thank you very much. And then pass it down to Ms. Park.  
21 Ms. Park, ma'am, are you employed?  
22 PROSPECTIVE JUROR NUMBER 217: Yes.  
23 THE COURT: What do you do?  
24 PROSPECTIVE JUROR NUMBER 217: Activity. The day -- adult daycare  
25 center.

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1 THE COURT: You work at a daycare center?  
2 PROSPECTIVE JUROR NUMBER 217: Yeah.  
3 THE COURT: What age children do you take care of?  
4 PROSPECTIVE JUROR NUMBER 217: Two.  
5 THE COURT: Two year olds?  
6 PROSPECTIVE JUROR NUMBER 217: I have two children.  
7 THE COURT: Oh, you have two children? You run a daycare center?  
8 PROSPECTIVE JUROR NUMBER 217: No, just adult daycare center.  
9 THE COURT: Okay.  
10 PROSPECTIVE JUROR NUMBER 217: I'm working at the adult daycare  
11 health center. Adult.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NUMBER 217: Yeah.  
14 THE COURT: And you have two children?  
15 PROSPECTIVE JUROR NUMBER 217: Yeah.  
16 THE COURT: Are you married?  
17 PROSPECTIVE JUROR NUMBER 217: Yes.  
18 THE COURT: Does your husband work?  
19 PROSPECTIVE JUROR NUMBER 217: Yes.  
20 THE COURT: What does he do for a living?  
21 PROSPECTIVE JUROR NUMBER 217: Taxi driver.  
22 THE COURT: What is your main language, ma'am?  
23 PROSPECTIVE JUROR NUMBER 217: Korean. Korean.  
24 THE COURT: Korean?  
25 PROSPECTIVE JUROR NUMBER 217: Yeah.

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1 THE COURT: And how long have you lived in Las Vegas?

2 PROSPECTIVE JUROR NUMBER 217: Nineteen years.

3 THE COURT: Ma'am, are you having some difficulty understanding  
4 everything?

5 PROSPECTIVE JUROR NUMBER 217: No.

6 THE COURT: No. You can understand everything fine?

7 PROSPECTIVE JUROR NUMBER 217: No, no.

8 THE COURT: No?

9 PROSPECTIVE JUROR NUMBER 217: No.

10 THE COURT: Okay. Ma'am, at this time I'm going to dismiss you from jury  
11 duty. So what I need for you to do is go downstairs to the third floor and check out,  
12 okay? Back down where you started, okay?

13 UNIDENTIFIED SPEAKER: You go ahead.

14 PROSPECTIVE JUROR NUMBER 217: I go?

15 THE COURT: Yeah. Downstairs. To third floor. Okay. Thank you.

16 THE CLERK: Badge number 225, Cornelia Lopez, replacing seat number  
17 32.

18 THE COURT: Put that down as English.

19 All right, Ms. Lopez, looks like it's just you and me on these questions.  
20 Have you ever been a juror before?

21 PROSPECTIVE JUROR NUMBER 225: No.

22 THE COURT: All right, and are you in law enforcement?

23 PROSPECTIVE JUROR NUMBER 225: No.

24 THE COURT: Close friends or family that are in law enforcement?

25 PROSPECTIVE JUROR NUMBER 225: No.

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1 THE COURT: Would you give more weight or credence the testimony of a  
2 law enforcement official simply because he or she was in law enforcement?

3 PROSPECTIVE JUROR NUMBER 225: No.

4 THE COURT: Have you ever been convicted of a crime?

5 PROSPECTIVE JUROR NUMBER 225: No.

6 THE COURT: Well accused of a crime?

7 PROSPECTIVE JUROR NUMBER 225: No.

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

9 PROSPECTIVE JUROR NUMBER 225: No.

10 THE COURT: And can you follow this instruction: You must follow all  
11 instructions of the Court on the law even if they differ from your personal  
12 conceptions of what you think the law ought to be. Can you follow that instruction?

13 PROSPECTIVE JUROR NUMBER 225: Yes, I can.

14 THE COURT: And can you follow this instruction: A person who's accused  
15 of committing a crime is presumed to be innocent in a criminal trial. Can you follow  
16 that instruction?

17 PROSPECTIVE JUROR NUMBER 225: Yes.

18 THE COURT: And can you follow this instruction: The defendant does not  
19 have to present any evidence in order for you to return a verdict of not guilty. Can  
20 you follow that instruction?

21 PROSPECTIVE JUROR NUMBER 225: Yes.

22 THE COURT: And can you also follow this instruction: It's the State's  
23 burden of proving the defendant guilty beyond a reasonable doubt. Can you follow  
24 that instruction?

25 PROSPECTIVE JUROR NUMBER 225: Yes.

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1 THE COURT: And ma'am, are you employed?

2 PROSPECTIVE JUROR NUMBER 225: I'm not employed. I'm married. I  
3 been in -- in the Clark -- Clark County for the last 12 years. My -- I don't have  
4 children.

5 THE COURT: You were listening to the questions, weren't you? I appreciate  
6 you speeding it up here. Okay. Quick question though. So you're not employed  
7 now. Have you --

8 PROSPECTIVE JUROR NUMBER 225: No, no.

9 THE COURT: -- ever been employed?

10 PROSPECTIVE JUROR NUMBER 225: Yes. I currently have a real estate  
11 license. I do not practice by choice because I'm looking for a career change.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NUMBER 225: I was a previous job -- in a previous  
14 job was a community college tutor in Pasadena, California.

15 THE COURT: Okay. What'd you tutor?

16 PROSPECTIVE JUROR NUMBER 225: What do I do?

17 THE COURT: No, no, what subject did you tutor?

18 PROSPECTIVE JUROR NUMBER 225: I tutor legal assistant. Not criminal.  
19 Mainly civil. There are people who have trouble understanding for instance  
20 (indiscernible) mainly probate.

21 THE COURT: Okay. What kind of training did you have to be able to do that  
22 job?

23 PROSPECTIVE JUROR NUMBER 225: I was a student at the time, but I -- I  
24 develop affinity for this profession and I sort of read more than other students and I  
25 was able to explain them concepts they were not able to grasp in the classroom.

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 225: Through my understanding in my  
3 own studying.

4 THE COURT: Okay. And what does your husband do for a living?

5 PROSPECTIVE JUROR NUMBER 225: He's retired from Los Angeles  
6 Superior Court.

7 THE COURT: What did he do with the court --

8 PROSPECTIVE JUROR NUMBER 225: He was the traffic commissioner.  
9 He did mainly traffic.

10 THE COURT: Is he a lawyer?

11 PROSPECTIVE JUROR NUMBER 225: He was a lawyer licensed in  
12 California. Not Nevada.

13 THE COURT: Did he ever do any criminal work?

14 PROSPECTIVE JUROR NUMBER 225: I believe so.

15 THE COURT: And how old are your kids?

16 PROSPECTIVE JUROR NUMBER 225: I don't have children.

17 THE COURT: Oh I'm sorry, you said that you -- you told me faster than I  
18 could write that down.

19 PROSPECTIVE JUROR NUMBER 225: Sorry about that.

20 THE COURT: That's all the questions I have for you. The State I'm sure has  
21 a question -- some questions for the new individuals.

22 MR. STANTON: Thank you, Your Honor.

23 Ms. Roberts, I want to start with you. Based on -- the Judge asked you  
24 about the incident that you were involved in law enforcement when you were a  
25 minor?

1 PROSPECTIVE JUROR NUMBER 218: Uh-huh.

2 MR. STANTON: And the Judge asked you whether or not the District  
3 Attorney's Office prosecuted it.

4 PROSPECTIVE JUROR NUMBER 218: Uh-huh.

5 MR. STANTON: There's a lot of people that are in the system that have no  
6 idea the distinction, but what I want to ask you is if it's a misdemeanor and it occurs  
7 within a city, the city attorney's office prosecutes misdemeanor matters within the  
8 city limits.

9 PROSPECTIVE JUROR NUMBER 218: Okay.

10 MR. STANTON: Does that help you at all? If it is a felony matter, no matter  
11 where --

12 PROSPECTIVE JUROR NUMBER 218: It was -- I believe it was a felony  
13 and got dropped down to two misdemeanors.

14 MR. STANTON: Okay. And how long ago was that?

15 PROSPECTIVE JUROR NUMBER 218: I couldn't tell you. I'm 24 and it was  
16 when I was in high school so junior, sophomore year.

17 MR. STANTON: Mr. Giordani and myself work for the Clark County District  
18 Attorney's Office. It probably would have been that office that prosecuted your  
19 case. Let me ask you a couple questions about it. Number one, do you think you  
20 were treated fairly?

21 PROSPECTIVE JUROR NUMBER 218: No.

22 MR. STANTON: Was there a particular cog in the machine that you felt was  
23 the part or number of cogs that you felt treated you unfairly? And by that I mean  
24 police, court system, prosecutors, defense attorneys, judges, the whole thing.

25 PROSPECTIVE JUROR NUMBER 218: I mean I was -- I was very young,

1 honestly, so I think it was just overwhelming, but from my experience there, they  
2 didn't really want anything to do with us. I was guilty until proven innocent pretty  
3 much.

4 MR. STANTON: Okay. And you felt that the people within the system felt  
5 that way?

6 PROSPECTIVE JUROR NUMBER 218: Right.

7 MR. STANTON: The police felt that way?

8 PROSPECTIVE JUROR NUMBER 218: Correct.

9 MR. STANTON: The prosecutors?

10 PROSPECTIVE JUROR NUMBER 218: Yes.

11 MR. STANTON: And did the court feel the same way in your opinion?

12 PROSPECTIVE JUROR NUMBER 218: I believe so.

13 MR. STANTON: And so ultimately the Judge asked you is there anything  
14 about that experience that would cause you to be anything but fair and impartial in  
15 this case and your answer was no.

16 PROSPECTIVE JUROR NUMBER 218: Right.

17 MR. STANTON: I'm assuming because of that you feel that hey what  
18 happened to me is a separate and distinct thing and I can put that aside and judge  
19 this case?

20 PROSPECTIVE JUROR NUMBER 218: Correct.

21 MR. STANTON: You don't have any children. Have you ever been around  
22 children from the age of newborn to the age of six?

23 PROSPECTIVE JUROR NUMBER 218: Yes, not for more than 24, 48 hours.

24 MR. STANTON: Okay. Is that family members?

25 PROSPECTIVE JUROR NUMBER 218: Friends, family members, yes.

1 MR. STANTON: Thank you very much.

2 PROSPECTIVE JUROR NUMBER 218: Uh-huh.

3 MR. STANTON: If you could pass that right down in front of you to Mr.  
4 Thomas.

5 Mr. Thomas, were you actively involved in the raising of your two  
6 children?

7 PROSPECTIVE JUROR NUMBER 195: Yes, sir, all the way.

8 MR. STANTON: Were they boys or girls?

9 PROSPECTIVE JUROR NUMBER 195: One boy and one girl. I have two  
10 grandsons right now.

11 MR. STANTON: What are --

12 PROSPECTIVE JUROR NUMBER 195: One 10 years old, one eight months  
13 old.

14 MR. STANTON: And are you active in their lives, been around them a lot?

15 PROSPECTIVE JUROR NUMBER 195: Yes, sir.

16 MR. STANTON: Thank you very much, Mr. Thomas. Is there anything about  
17 what you've heard the questions that I've asked or defense counsel asked while  
18 you've been sitting out in the audience this afternoon that you'd like to bring to our  
19 attention?

20 PROSPECTIVE JUROR NUMBER 195: No. I agreed with everything that  
21 you guys were saying, like the -- the defense's taking the stand and all that. It's up  
22 to the lawyers.

23 MR. STANTON: Okay.

24 PROSPECTIVE JUROR NUMBER 195: That is I don't have nothing against  
25 the criminal or anything like that that, you know, the lawyers are supposed to take

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1 care of what's going on.

2 MR. STANTON: And you can judge this -- if selected as a juror in this case,  
3 you could judge and render your verdict based upon what you hear in this  
4 courtroom?

5 PROSPECTIVE JUROR NUMBER 195: Yes, sir.

6 MR. STANTON: And nothing about the punishments and the penalty phase  
7 causes you a problem?

8 PROSPECTIVE JUROR NUMBER 195: No, sir.

9 MR. STANTON: And the subject matter of what this case is; that is, the  
10 murder of a child?

11 PROSPECTIVE JUROR NUMBER 195: I don't like it. I have to have the  
12 evidence first --

13 MR. STANTON: Right.

14 PROSPECTIVE JUROR NUMBER 195: -- before I can make a decision.

15 MR. STANTON: Absolutely. And you'd wait till all the evidence was in  
16 before you make an informed verdict in this case?

17 PROSPECTIVE JUROR NUMBER 195: Yes, sir.

18 MR. STANTON: Thank you very much, Mr. Thomas. If you can pass it down  
19 to the gentleman below you, I believe that's Mr. Cordova.

20 Mr. Cordova, you said you were in maintenance. What type of  
21 maintenance are we talking about?

22 PROSPECTIVE JUROR NUMBER 196: Apartment maintenance mostly.

23 MR. STANTON: Okay.

24 PROSPECTIVE JUROR NUMBER 196: Do a lot of air conditioning.

25 MR. STANTON: And you had two children. Were you actively involved



1 when they were raised from the ages of a newborn to six years of age?

2 PROSPECTIVE JUROR NUMBER 196: Just my daughter.

3 MR. STANTON: Okay. Would that be the younger or older one?

4 PROSPECTIVE JUROR NUMBER 196: Younger.

5 MR. STANTON: Are you pretty comfortable with what you remember -- I  
6 know it's been a few years since she was, you know, in that age bracket. Are you  
7 pretty comfortable remembering what it was like when you were raising her up?

8 PROSPECTIVE JUROR NUMBER 196: Yes, because I've been around a lot  
9 of nephews and nieces so --

10 MR. STANTON: Okay, great. Are you still around younger children right  
11 now?

12 PROSPECTIVE JUROR NUMBER 196: When I go to Colorado, I am.

13 MR. STANTON: Okay. Anything about the questions that I've asked this  
14 afternoon that causes you a concern that you wanted to raise your hand in the back  
15 when you were hearing this process?

16 PROSPECTIVE JUROR NUMBER 196: No.

17 MR. STANTON: Okay. No reason why you couldn't be anything but a fair  
18 and impartial juror in this case?

19 PROSPECTIVE JUROR NUMBER 196: No.

20 MR. STANTON: And you'd wait till all the evidence comes in before you  
21 render your verdict?

22 PROSPECTIVE JUROR NUMBER 196: Yes, sir.

23 MR. STANTON: Thank you very much, sir. If you can pass that down I  
24 guess to Ms. Hinton is the --

25 PROSPECTIVE JUROR NUMBER 199: Thank you.

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1 MR. STANTON: And Ms. Hinton, obviously your children and to include your  
2 youngest one, you're actively involved in their lives?

3 PROSPECTIVE JUROR NUMBER 199: Yes, sir.

4 MR. STANTON: And were in your 10 and nine year old in the time frames  
5 I'm speaking about?

6 PROSPECTIVE JUROR NUMBER 199: Yes.

7 MR. STANTON: You think you're pretty comfortable remembering what the  
8 normal bumps and bruises were of a child during that time period?

9 PROSPECTIVE JUROR NUMBER 199: Yes, sir.

10 MR. STANTON: You're a dealer was -- where are you a dealer at? I'm  
11 sorry, I didn't --

12 PROSPECTIVE JUROR NUMBER 199: Stratosphere.

13 MR. STANTON: Stratosphere. Okay.

14 PROSPECTIVE JUROR NUMBER 199: Yes.

15 MR. STANTON: Is there anything about the subject matter of this trial that  
16 causes you concern?

17 PROSPECTIVE JUROR NUMBER 199: To have something happen to a  
18 child is disturbing, but other than that, no.

19 MR. STANTON: And you understand that as a juror, your role is to evaluate  
20 the evidence that's heard in this courtroom?

21 PROSPECTIVE JUROR NUMBER 199: Yes, sir.

22 MR. STANTON: You can do that?

23 PROSPECTIVE JUROR NUMBER 199: Yes, sir.

24 MR. STANTON: Even those photographs that I mentioned that are graphic  
25 in nature, you can look at them for what their evidentiary value is?

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1 PROSPECTIVE JUROR NUMBER 199: Yes, sir.

2 MR. STANTON: Tells you about what happened to that child and who did it?

3 PROSPECTIVE JUROR NUMBER 199: Yes, sir.

4 MR. STANTON: Thank you very much. If you could pass it down -- Ms.  
5 Lopez.

6 Your husband was a traffic commissioner in superior court in --

7 PROSPECTIVE JUROR NUMBER 225: Los Angeles

8 MR. STANTON: Los Angeles?

9 PROSPECTIVE JUROR NUMBER 225: Yes.

10 MR. STANTON: And during -- prior to his appointment as a traffic  
11 commissioner, he was a lawyer --

12 PROSPECTIVE JUROR NUMBER 225: Yes.

13 MR. STANTON: -- in general practice?

14 PROSPECTIVE JUROR NUMBER 225: Yes.

15 MR. STANTON: Was his practice mostly criminal law?

16 PROSPECTIVE JUROR NUMBER 225: I do not know. I was living in  
17 another country at that time. So I just met him when he was on the bench.

18 MR. STANTON: Okay.

19 PROSPECTIVE JUROR NUMBER 225: So I'm not aware.

20 MR. STANTON: Okay. So at the time that your husband -- prior to him  
21 being a traffic commissioner, you weren't married to him?

22 PROSPECTIVE JUROR NUMBER 225: I was living in Romania at the time.  
23 I'm native of Romania.

24 MR. STANTON: So you didn't know anything about his practice?

25 PROSPECTIVE JUROR NUMBER 225: Not at all, nothing about the legal

1 system, about the presumption of innocence, a lot of things.

2 MR. STANTON: Okay. Did your husband -- once you met and were  
3 married, did he ever talk about his practice prior to him becoming a traffic  
4 commissioner?

5 PROSPECTIVE JUROR NUMBER 225: No, at that time I was just taking  
6 English and computer courses like immigrant school sort of classes so no, I had no  
7 idea what he was doing.

8 MR. STANTON: Okay. But since you've been married, have you -- has he  
9 ever discussed with you what his practice was like or cases that he handled when  
10 he was a criminal defense lawyer?

11 PROSPECTIVE JUROR NUMBER 225: Not that I remember.

12 MR. STANTON: Okay. Have you been around children? By children I mean  
13 for purposes of my question, newborns to six years of age?

14 PROSPECTIVE JUROR NUMBER 225: Slightly yes. I have a younger sister  
15 four years younger. I have cousins who are 10 years younger. I had to babysit  
16 them when I lived in Romania. I -- when I was in college going to UNLV, I babysat  
17 twins nine years old for about three hours a day between 5:30 in the morning to  
18 9:00 a.m. I would drive them to school Monday to Friday for entire year.

19 MR. STANTON: And as far as the amount of time that you spent babysitting  
20 family members in Romania, you were around them for significant periods of time?

21 PROSPECTIVE JUROR NUMBER 225: Yes.

22 MR. STANTON: Okay. Is there anything about the subject matter of this trial  
23 that you've heard that causes you concern to be a juror in this case?

24 PROSPECTIVE JUROR NUMBER 225: Absolutely not.

25 MR. STANTON: You think you can be a fair and impartial juror?

1 PROSPECTIVE JUROR NUMBER 225: Yes.

2 MR. STANTON: You would wait till all the evidence is in before you made a  
3 verdict?

4 PROSPECTIVE JUROR NUMBER 225: Yes.

5 MR. STANTON: Thank you very much.

6 Pass for cause, Your Honor.

7 THE COURT: Counsel, we only have a couple minutes. So I don't know  
8 how long your questions are going to last.

9 MS. VON MAGDENKO: Not long.

10 THE COURT: Like literally we have probably three minutes before I have to  
11 let my staff off the clock.

12 MS. VON MAGDENKO: Okay. Just you -- you all heard the question before  
13 about rules, just for the new people. Does -- do any of you feel that rules should be  
14 strictly followed? The new people. No one. Raise your hand if you feel rules  
15 should be strictly followed, the new people (indiscernible).

16 And the new people -- Mr. Thomas, you've already answered this but  
17 aside from you for the new people, do any of you believe that if Mr. Lee doesn't  
18 take the stand, that should be held against him?

19 PROSPECTIVE JUROR NUMBER 225: No.

20 MS. VON MAGDENKO: No? Any -- okay. Those are all the questions I  
21 have.

22 THE COURT: All right. Pass for cause?

23 MS. VON MAGDENKO: Yes, Your Honor.

24 MR. ALTIG: Yes, Your Honor.

25 THE COURT: All right, they're ready to select a jury.

1 All right, ladies and gentlemen, they're -- we're going to begin the  
2 process where the attorneys for both sides select a jury. Just make yourself  
3 comfortable over the next couple minutes. It'll probably take maybe 10 minutes to  
4 complete this process. Talk to your neighbor, do whatever you'd like.

5 UNIDENTIFIED SPEAKER: Can we stand up?

6 THE COURT: You can stand -- it's hard to sit in those chairs for long periods  
7 of time.

8 [Pause/peremptory challenge]

9 THE COURT: All right, ladies and gentlemen, Anntoinette's going to call  
10 names. If your name is called, please stand up move to the back of the room,  
11 however do not leave the courtroom yet.

12 Anntoinette.

13 THE CLERK: Badge number 116, Shaunda Petty. Badge number 218,  
14 Ashley Roberts. Badge number 352, Justin Cornell. Badge number 662, Carmen  
15 Alvarez. Badge number 766, Victor Solano. Badge number 039, Kelly Lacrue.  
16 Badge number 047, Janet Kaai-Qualls. Badge number 606, Robert Forbes. Badge  
17 number 088, Stephanie Hall. Badge number 104, Jasmine Roman. Badge number  
18 107, Victoria Mackenzie. Badge number 116, Katherine Bogle. Badge number  
19 142, Leonard Tricase. Badge number 148, Jared Miller. Badge number 169, Joy  
20 Erickson. Badge number 199, Courtney Hinton. Badge number 178, Suzanne  
21 Nguyen. Badge number 225, Cornelia Lopez.

22 THE COURT: All right, Jason, please get them in their seats.

23 [Pause/jury seated]

24 THE MARSHAL: Oscar should be in seat one?

25 THE CLERK: Seat one should be Joyce Dobard.

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1 THE MARSHAL: Yes.

2 THE CLERK: Two, Cindy Jacques. Three, Juan Castellanos. Four, Oscar  
3 Marmol. Five, Denise Defranco. Six, Terry Thomas.

4 THE MARSHAL: Got it.

5 [Pause/jury seated]

6 THE COURT: Counsel for the State, counsel for the defense, is this the jury  
7 you selected?

8 MR. STANTON: Yes, Your Honor.

9 MR. ALTIG: Yes, Your Honor.

10 THE COURT: All right, ladies and gentlemen, if you're in the back of the  
11 room as well as everyone else who's seated back there, thank you and you are  
12 excused. Please make sure you go down to the third floor to check out.

13 Ladies and gentlemen, as you're probably aware by now, you've been  
14 selected as a jury in this case. I'm going to quickly have you stand up and be  
15 sworn in as jurors. Please stand up and raise your right hand.

16 [The jury panel was sworn in by the clerk]

17 THE COURT: All right, ladies and gentlemen, I don't need for you to sit down  
18 yet. We're going to excuse you today. I'm going to ask that you please come back  
19 tomorrow at 1:00. Jason, as you're leaving, will give you instructions as far as  
20 parking and what the schedule's going to be like during the course of this trial.

21 You're going to hear the same admonishment every time you guys  
22 leave the courtroom. You're admonished not to converse amongst yourselves or  
23 with anyone on any subject connected with the trial. Do not read, watch or listen to  
24 any report of or commentary on the trial. Do not form or express an opinion on this  
25 case and remember you cannot go on social media regarding this case and you

1 cannot do any independent research.

2 Please look and see where you're seated because you'll have to sit in  
3 the exact same seat throughout the course of the trial. Have a wonderful evening.

4 [Jury out at 5:14 p.m.]

5 THE COURT: I've got to go. If we have any issues we need to address, we  
6 can just do it at the start of trial tomorrow.

7 MR. STANTON: Okay.

8 MS. VON MAGDENKO: Thank you, Your Honor.

9 MR. ALTIG: Thank you.

10 THE COURT: Have a wonderful evening.

11 MR. GIORDANI: At 1 p.m.?

12 THE COURT: Thank you.

13 MR. GIORDANI: Judge, 1 p.m. tomorrow?

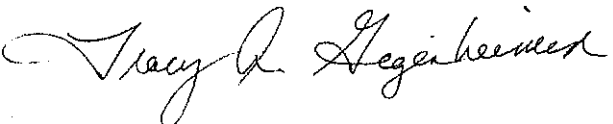
14 THE COURT: One? Is that what you asked me?

15 MR. GIORDANI: Yes.

16 THE COURT: One o'clock. See you then.

17 [Proceedings concluded at 5:15 p.m.]

18 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
19 proceedings in the above-entitled case to the best of my ability.

20 

21  
22 Tracy A. Gegenheimer, CER-282, CET-282  
23 Court Recorder/Transcriber

24

25



1 TRAN

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DISTRICT COURT  
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

CASE NO. C277650-1

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vs.

DEPT. XXIII

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12

MICHAEL LEE,

13

Defendant.

14

15

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

16

TUESDAY, AUGUST 5, 2014

17

**TRANSCRIPT OF PROCEEDINGS**

18

**JURY TRIAL - DAY 2**

19

**APPEARANCES:**

20

For the State:

DAVID STANTON, ESQ.

21

Chief District Attorney

22

JOHN L. GIORDANI, III, ESQ.

District Attorney

23

For the Defendant:

NADIA VON MAGDENKO, ESQ.

24

STEVEN M. ALTIG, ESQ.

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RECORDED BY: MARIA GARIBAY, COURT RECORDER

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1 Tuesday, August 5, 2014 at 1:11 p.m.

2  
3 [Outside the presence of the jury]

4 THE COURT: We're back on the record in the State of Nevada versus  
5 Michael Lee, Case C277650.

6 As a preliminary matter, it's my understanding that an offer was  
7 extended to the defendant?

8 MR. ALTIG: Yes, Your Honor, we were going to put that on the record today.

9 THE COURT: Please do so.

10 MR. ALTIG: There is an offer extended to the defense yesterday evening.  
11 The offer was that Mr. Lee can plead guilty to first degree murder, stipulate to life  
12 with the possibility of parole. I've explained that offer to Mr. Lee and he rejects the  
13 offer.

14 THE COURT: Okay. And I just want to make sure, Mr. Lee, that -- obviously  
15 whatever decision you make going to trial, taking a deal, that is entirely up to you,  
16 but I want to make sure that you had a chance to discuss the offer with your lawyer.  
17 Did you?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And you had opportunity to speak with your lawyer regarding  
20 the strengths and weaknesses of the case?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: And is it your decision to reject the offer and proceed with  
23 trial?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Okay. Anything else we need to address before we bring --

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1 MR. ALTIG: Yes, Your Honor.

2 THE COURT: -- the jury in?

3 MR. ALTIG: When Ms. Von Magdenko and myself were coming up the  
4 elevator from the bottom floor, one of the jurors stopped and spoke with us. It was  
5 just they were asking us what floor they needed to go to.

6 THE COURT: I will admonish them.

7 MR. ALTIG: Ms. Von Magdenko did tell him what floor. That was the extent  
8 of the conversation, but we let the State know and we're letting Your Honor know  
9 that was what happened; that's the extent of the conversation that --

10 THE COURT: Okay. And I -- you know, I'm going to go over some  
11 instructions anyways and I'll -- they'll be instructed they can't speak to any of you  
12 guys.

13 MR. STANTON: One other brief matter on behalf of the State. I advised  
14 counsel this morning via email that we have elected not to admit the rather brief  
15 statement of the defendant in this case. Therefore, I don't believe it's proper to  
16 refer to it either in opening or as a comment to any witness during the course of this  
17 trial.

18 THE COURT: Okay. Is there anything else we need to address because I'll  
19 probably give my admonishments and then we'll go right into openings.

20 MR. STANTON: Not on behalf of the State, Your Honor.

21 THE COURT: And we probably won't take a break till probably between  
22 State's and defense's opening

23 MR. ALTIG: Okay.

24 THE COURT: Okay. So with that, if there's nothing else outside the  
25 presence, then let's bring the jury in.

1 Jase, we're ready for the jury whenever you are.

2 THE MARSHAL: Okay, Judge.

3 [Pause]

4 THE MARSHAL: Department XXIII jury is present.

5 [Jury in at 1:14 p.m.]

6 THE COURT: Okay, welcome back everyone. It appears that we have all  
7 our jurors. Let me just give you guys a quick rundown of what's going to happen  
8 today. I'm going to take a few minutes I'm going to kind of explain the process to  
9 you guys and give you guys a couple rules to keep in mind during the course of the  
10 trial. When I am finished, the State will have the opportunity to present their  
11 opening statements and the defense, if they desire, will also have an opportunity to  
12 present their opening statements. Following the opening statements, the State will  
13 present their first witness.

14 So ladies and gentlemen of the jury, you have been selected as a jury  
15 in this case. I'm going to take a few minutes to talk to you about what to expect in  
16 the case. My comments are intended to serve as an introduction to the trial. At the  
17 end of the trial, I'll give you more detailed instructions in writing and those  
18 instructions will control your deliberations.

19 As you're aware by now, this is a criminal case brought by the State of  
20 Nevada against the defendant. The case is based on a information. The clerk is  
21 going to read the information and state the plea of the defendant.

22 [The clerk read the information aloud]

23 THE COURT: Ladies and gentlemen, you should distinctly understanding that  
24 the information just read to you is simply a description of the charge made by the  
25 State against the defendant. It is not evidence of anything and it does not prove

1 anything. Therefore, the defendant starts out with a clean slate and the defendant  
2 has pled not guilty and is thus presumed innocent.

3 This is a criminal case and there's two basic rules you have to keep in  
4 mind. First, the defendant is presumed innocent unless and until proved guilty  
5 beyond a reasonable doubt. The defendant is not required to present any evidence  
6 or to prove his innocence. The law never imposes upon a defendant in a criminal  
7 case the burden of calling any witnesses or introducing any evidence.

8 Second, in order to convict, the State must prove beyond a reasonable  
9 doubt the crime was committed and that the defendant is the person who committed  
10 the crime.

11 It will be your duty to decide from the evidence to be presented whether  
12 the defendant is guilty or not guilty. You are the sole judges of the facts. You will  
13 decide what the facts are from the evidence which will be presented.

14 The evidence will consist of testimony of witnesses and documents and  
15 other things received into evidence as exhibits. You must apply the facts and the  
16 laws which I shall give you and in that way you will reach your verdict. It is important  
17 that you perform your duty of determining the facts diligently and conscientiously, for  
18 ordinarily there is no way of correcting an erroneous determination of facts by the  
19 jury.

20 You should not take anything I may say or do during the trial as  
21 indicating my opinion as to how you should decide the case or to influence you in  
22 any way in your determination of the facts. At times, I may even ask questions of  
23 witnesses. If I do so, it is for the purpose of bringing out matters which should be  
24 brought out and not in any way to indicate my opinion about the facts or to indicate  
25 the weight or value you should give to the testimony of a witness.

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1 In deciding the facts of this case, you may have to decide which  
2 witnesses to believe and which witnesses not to believe. You may believe  
3 everything a witness says or only part of it or none of it at all.

4 In considering the weight or value of the testimony of any witness, you  
5 may consider the appearance, attitude and behavior of the witness when testifying,  
6 and a number of other things, including the witness's ability to see or hear or know  
7 the things the witness testifies to, the quality of the witness's memory, the inclination  
8 of the witness to speak truthfully, whether or not the witness has any interest in the  
9 outcome of the case or any motive, bias or prejudice, whether the witness is  
10 contradicted by anything the witness said or wrote before the trial, and how  
11 reasonable is the witness's testimony when considered with other evidence which  
12 you believe.

13 In deciding whether or not to believe a witness, keep in mind people  
14 sometimes forget things. You need to consider whether a contradiction is an  
15 innocent lapse of memory or an intentional falsehood, and that may depend on  
16 whether it has to do with an important fact or only a small detail.

17 The weight or value of evidence does not necessarily depend on the  
18 number of witnesses testifying for one side. You must consider all the evidence and  
19 you may decide the testimony of a smaller number of witnesses on one side has  
20 more weight or value than that presented by the larger number of witnesses on the  
21 other side.

22 There's going to be two kinds of evidence, direct and circumstantial  
23 evidence. Direct evidence is testimony about what the witness personally saw,  
24 heard or did. Circumstantial evidence is indirect evidence. It is proof of one or more  
25 facts from which you can find another fact.

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1 For example, if you wake up in the morning and see the ground, the  
2 sidewalks and the streets are all wet and water is running down the gutters, you may  
3 find from those facts that it rained during the course of the night. It is proof of one or  
4 more facts from which you can find another fact. In contrast, if you're awake during  
5 the night and actually saw the rain fall, that would be direct evidence which is  
6 something you personally saw.

7 You may consider both direct and circumstantial evidence in deciding  
8 this case. The law permits you to give equal weight or value to both, but is for you  
9 to decide how much consideration to give to any evidence.

10 Certain things are not evidence and you must not consider them as  
11 evidence in deciding the facts of this case; statements and arguments by the  
12 attorney, questions and objections of the attorneys, testimony I instruct you to  
13 disregard, and anything you may see or hear if the court is not in session, even if  
14 what you see or hear is said or done by one of the parties or by one of the  
15 witnesses. Remember, evidence is sworn testimony by a witness while court is in  
16 session and documents and other things received into evidence as exhibits.

17 There's rules of law which control what can be received into evidence.  
18 When a lawyer asks a question or offers an exhibit into evidence and the lawyer on  
19 the other side thinks that it's not permitted by the rules, that lawyer may object.

20 If I overrule the objection, the question may be answered or the exhibit  
21 received. If I sustain the objection, the question cannot be answered and the exhibit  
22 cannot be received.

23 Whenever I sustain an objection to a question, ignore the question and  
24 do not guess what the answer might have been. Sometimes I may order evidence  
25 stricken from the record and tell you to disregard or ignore such evidence. This

1 means when you're deciding the case, you must not consider the evidence which  
2 I've told you to disregard.

3           It is the duty of a lawyer to object to evidence which the lawyer believes  
4 may not be permitted under the rules. You should not be prejudiced in any way  
5 against the lawyer who makes objections on behalf of the party the lawyer  
6 represents. Also, I may find it necessary to admonish a lawyer. If I do, you should  
7 not be prejudiced toward the lawyer or client because I found it necessary to  
8 admonish that lawyer.

9           Until this case is submitted to you, do not talk to each other about it or  
10 about anyone who has anything to do with it until the end of the case when you go  
11 to the jury room to decide upon your verdict.

12           Do not talk with anyone else about this case or anyone who has  
13 anything to do with it until the trial has ended and you've been discharged as jurors.  
14 Anyone else includes members of your family and your friends. You may tell them  
15 that you are a juror in a criminal case, but don't tell them anything else about it until  
16 after you've been discharged by me.

17           Do not let anyone talk to you about the case or about anyone who has  
18 anything to do with it. If someone should try to talk to you, please report that to me  
19 immediately by telling the marshal.

20           Do not read any news stories, listen to any radio broadcast or watch  
21 any television reports about the case or about anyone who has anything to do with  
22 it.

23           Do not do any research on your own or make any investigation of the  
24 case on your own.

25           You may be tempted to visit the crime scene. Please do not do so. In

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1 view of the time that has elapsed since the case has come to trial, substantial  
2 changes may have occurred at the location in question. Also, making an  
3 unauthorized visit without the benefit of explanation, you may get erroneous  
4 impressions. Therefore, please avoid going near or past the location until after this  
5 case has been completed.

6 And ladies and gentlemen, you are not allowed to post anything on any  
7 type of social media talking about your participation in this case.

8 At the end of the trial, you'll have to make your decision based on what  
9 you recall of the evidence. You will not have a written transcript to consult and is  
10 difficult and time consuming for the recorder to read back lengthy testimony. I urge  
11 you to pay close attention to the testimony as it is given.

12 If you wish, you may take notes to help you remember what witnesses  
13 said. If you do take notes, please keep them to yourself until you and your fellow  
14 jurors have gone to the jury room to decide the case.

15 Do not let note taking distract you so that you do not hear other  
16 answers by witnesses. You should rely upon your own memory of what was said  
17 and not be overly influenced by the notes of other jurors.

18 Do not make up your mind about what the verdict should be until after  
19 you've gone to the jury room to decide the case and you and your fellow jurors have  
20 discussed the evidence. It is important that you keep an open mind.

21 A juror may not declare to a fellow juror any fact relating to this case of  
22 which the juror has knowledge. If any juror discovers during the trial or after the jury  
23 has retired that the juror or any other juror has personal knowledge of any fact in  
24 controversy in the case, the juror shall disclose the situation to me in the absence of  
25 the other jurors. This means if you learn during the course of the trial you have

1 personal knowledge of any fact which is not presented by the evidence in this case,  
2 you must let the Court know. Again, you communicate to the Court through the  
3 marshal.

4 Remember, during the course of the trial, the attorneys for both sides,  
5 as well as all court personnel, other than the marshal, are not permitted to converse  
6 with members of the jury. These individuals are not being antisocial. They are  
7 bound by ethics and the law not to talk to you because doing so may contaminate  
8 your verdict.

9 This trial is going to proceed in the following manner:

10 First, the Deputy District Attorney will make an opening statement which  
11 is an outline to help you understand what the State expects to prove.

12 Next, the defendant's attorney may, but does not have to, make an  
13 opening statement. Opening statements serve as an introduction to the evidence  
14 which the party making the statement intends to prove.

15 The State will then present its evidence and counsel for the defendant  
16 may cross-examine the witnesses.

17 Following the State's case, the defendant may present evidence and  
18 the Deputy District Attorney may cross-examine the witnesses. However, as I've  
19 previously said, the defendant is not obligated to present any evidence.

20 After all the evidence has been presented, I will instruct you on the law.

21 After the instructions on the law have been read to you, each side has  
22 the opportunity to present oral argument. What is said in closing argument is not  
23 evidence. The arguments are designed to summarize and interpret the evidence.

24 Since the State has the burden of proving the defendant guilty beyond a  
25 reasonable doubt, the State has the right to open and close the arguments.

1 After the arguments have been completed, you'll retire to deliberate  
2 upon your verdict.

3 Ladies and gentlemen, I'm now going to turn over to the State for  
4 openings.

5 MR. GIORDANI: Thank you, Your Honor.

6 OPENING STATEMENT BY THE STATE  
7 BY MR. GIORDANI:

8 Good afternoon, ladies and gentlemen. As you know by now, we, the  
9 State of Nevada, have charged that man, Michael Lee, with the murder of Brodie  
10 Aschenbrenner. Brodie was two and a half around the time he died. That's Brodie  
11 there with his mom. That's Arica Foster. You will hear from her probably tomorrow,  
12 and to understand how Brodie died, you have to understand the last few months  
13 leading up to his death.

14 Generally, Arica knew the defendant's family growing up. Her sister,  
15 Amanda -- that's Arica's sister -- was friends with the defendant's sister, Jennifer  
16 Lee. They lost touch for a while, but ultimately came together in 2010 in October  
17 and began dating.

18 A short time thereafter, Arica needed someone to watch Brodie, so she  
19 asked Jen Lee. Jen is the defendant's sister. They had an okay relationship, so she  
20 began to watch Brodie when Arica worked and other times when she wanted to go  
21 out have some fun.

22 During that time period while the defendant and Arica are dating, he's  
23 not alone with Brodie very much. They're getting to know each other. The  
24 defendant has no children of his own. So they're establishing a relationship, but  
25 he's not watching Brodie.

1           However, at some point the defendant offers to watch him. He says,  
2 well, he's over at my sister's house, I can pick him up, I can bring him home for you.  
3 Arica also worked on Mondays, so there's a four-hour period where she needed  
4 someone to watch him when Jen couldn't.

5           Around March of 2011, the defendant started to watch Brodie on  
6 Mondays and pick him up from Jennifer's house.

7           Around April of 2011, Brodie started to bruise. I say mysteriously  
8 because there are some bruises that Brodie got all the time. His nickname was  
9 Bambam. He was a rough and tumble kid. He ran around, he jumped on things, he  
10 was a typical little boy. But there were other bruises that started to appear that were  
11 just completely unexplained.

12           Arica was concerned about those bruises. She couldn't quite figure out  
13 what was going on. She thought a number of different things. They had a dog. She  
14 thought the dog was knocking the kid over. Jennifer Lee has two kids, two boys.  
15 She thought that maybe Jen's kids are beating up on Brodie. A number of different  
16 things that are explainable. She was trying to figure out what was going on with her  
17 son.

18           At some point in May of 2011, tension began to build between the  
19 defendant and Arica, Brodie's mom. There was a strange jealousy dynamic that  
20 started to develop between Brodie and the defendant. Arica obviously put her son  
21 first, wanted them to get along. She loved the defendant as well. But there was  
22 tension rising because they just couldn't reconcile Brodie and the defendant's  
23 relationship.

24           There was a point during that month where Brodie just would not be  
25 around the defendant. If he came around, Brodie would throw tantrums, he would

1 freak out, he would cry. Arica couldn't explain it. She just thought it was a jealousy  
2 thing; new man in my life, maybe Brodie doesn't like him, maybe Brodie's jealous.

3 On May 13th of 2011, Arica finally opens up to her family. She tells her  
4 sister, Amanda, hey Brodie is bruising in weird places and weird ways, I can't figure  
5 it out. She asked Amanda at that time to take over babysitting. So she knew where  
6 Brodie was at almost all times. Arica knew that's my sister, I can pick her (sic) up  
7 myself, she won't mind if I'm a little late because of work. She wanted to put Brodie  
8 in a bubble is her words.

9 Bruising subsided for about two weeks there when Amanda took over.  
10 Arica thought well there you go, I solved the problem, maybe it was the kids, maybe  
11 it was the dog over at Jen's house, maybe it was something going on over there  
12 that's explainable.

13 But then in June, the bruising started to appear again. Now remember  
14 that at this point Amanda's watching Brodie. Arica has a good lock on where Brodie  
15 is at most times.

16 Another important fact that you should pay attention to -- you'll hear  
17 from a number of witnesses that Brodie was potty training during that time. He was  
18 two and a half like I said. He was still in diapers and was doing his best to get potty  
19 trained. Arica would put him in bed in diapers every night and mysteriously Brodie  
20 started to wake up in underwear and she couldn't figure it out. She would ask the  
21 defendant. Defendant would say yeah, I went in there, I woke him up to go pee, and  
22 then I threw underwear on him; we got to get him potty trained. Arica said I'm not  
23 babying him, it'll happen, relax, let it go, we're trying. There was tension that arose  
24 because of the potty training as well.

25 Now June 1st -- we're talking about early June -- Arica began to

1 suspect something wasn't right because of the bruising reappearing. She began  
2 looking for nanny cams on the internet. She figured she's got to keep an eye on  
3 Brodie at all times even when he's watched, so she started to look for nanny cams.

4 She also started to look for apartments because of the issues going on  
5 with the defendant and Brodie. She wanted to cover her back and watch out for her  
6 kid and if it didn't work out with the defendant, she was going to move out.

7 Fast forward about 10 days to Friday, June 10th. Arica drops Brodie off  
8 at Merridee Moshier and Brad Moshier's house. That is Arica's parents. Well,  
9 Merridee is her mom. Brad is her stepdad. They're all very close.

10 You'll hear from Merridee, you'll hear from Brad. Merridee is unique in  
11 that she was a UMC trauma nurse for 20 years. So she has some medical  
12 background.

13 Brodie at the time he was dropped off that weekend -- and remember  
14 he died on Wednesday, June 15th, so we're getting close to the time period there.  
15 Brodie had what we call Bambam injuries. He had a couple scrapes and bumps.  
16 Nothing significant. He's dropped off at Merridee's house. Merridee doesn't show  
17 concern. Brad doesn't show concern. This is little Brodie with a couple bumps and  
18 bruises.

19 Now, during that weekend, Brodie's obviously out of the house. There's  
20 some alone time finally for Arica and the defendant. On Saturday, tensions kind of  
21 hit a head. There's a conversation that goes on between the defendant and Arica  
22 and she basically confronts him about his jealousy issues and his issue with Brodie.  
23 What she says is, that's my priority, you guys got to figure it out. So he's on notice  
24 at that point there's an issue here and he knows at that point that Brodie's coming in  
25 between them. He mentioned or said that he'd do anything to stay with her. Arica



1 ended up sleeping in Brodie's room that night. That's how bad the argument was.

2 Now the next morning, Sunday, in the morning, the defendant wakes  
3 Arica up. They talk. They essentially make up. Although the issues aren't resolved,  
4 they're okay. They're on neutral ground at this point.

5 Arica went to work that day and got off at 6:30. She went straight over  
6 to her mom's house, she picked Brodie up, and you'll hear from -- or Merridee and  
7 you'll hear from Alayne Opie who is another sister of Arica. They had just given  
8 Brodie a bath. They called it tubby time.

9 There's another -- there's a niece involved. Her name is Lilly. And they  
10 would put Brodie and Lilly in the bathtub. They'd yell tubby time. They'd go running  
11 up there. They would take their bath, jump around, and obviously, Merridee and  
12 Alayne see Brodie butt naked, full nude. They don't notice anything of note, no  
13 significant injuries, just a couple that we talked about. And then they turn Brodie  
14 over to Arica, she goes home.

15 I should mention also that while she's still there, Arica discusses the  
16 argument between her and the defendant, and they suggest to her that she should  
17 really start looking at those apartments.

18 So Arica goes home. Everything's okay with Brodie. Minor injuries.

19 Monday, June 13th, there's a pool day scheduled where Brodie and  
20 Arica and the defendant are going to go to the pool with Jen, his sister, and her two  
21 kids. They go to the pool that day. They're there until about 2:30. Arica realizes  
22 crap, I'm running late for work. They rush home. Arica worked from four to eight  
23 and came home, checked on Brodie, and discovered a bruise on his forehead that  
24 she hadn't seen before.

25 Remember she's been at the pool with him all day. You don't swim in

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1 your full clothes. She didn't notice the bruise up until that point and she will tell you  
2 that.

3 She went out, confronted the defendant about that bruise. He claims  
4 oh, we went over to my buddy Danny's house tonight to watch the Yankee game  
5 and when we were leaving, Brodie fell on the rocks out front. Also present at the  
6 game were Jen Lee, his sister, Danny Fico who owns the home, and some of  
7 Danny's family members.

8 Arica thinks okay, he fell, he's a kid, whatever. Wakes up the next day.  
9 Shocked. She'll tell you she's shocked when she sees the bruising to Brodie's face.  
10 She realizes that the bruise on the forehead must have been new, it developed  
11 overnight, it was darker, there's bruising on his face on the cheek area, and she  
12 becomes suspicious.

13 She also will tell you that during that day Brodie was anti-Mike is her  
14 words, anti-Mike, the defendant, from the moment he woke up. Brodie would throw  
15 fits. He didn't want anything to do with him. He didn't want the defendant near him  
16 at any point.

17 So Arica confronts the defendant about the bruising. He says I told  
18 you, you know, he fell last night at Danny's house. Arica is suspicious and is pissed  
19 and she'll tell you that, but she's trying to make this thing work. She still doesn't  
20 know what's really going on.

21 So she goes on the internet and she finds Shark Reef, the one at  
22 Mandalay Bay. She said Brodie's old enough to go to Mandalay Bay at this point,  
23 let's take him. The defendant says you can't take him out in public; people are going  
24 to think we beat him up; look at him. She says I have nothing to hide; Michael, we're  
25 taking him; get ready, let's go.

1           On the way to Shark Reef, they stopped at the defendant's work. You'll  
2 hear from a number of witnesses that he worked at America's Mart. It's a  
3 convenience store and also a car wash. He worked in the car wash portion, and  
4 then there's a little store inside where Danny Fico, his best friend, works as the clerk  
5 and manager.

6           They go inside to America's Mart. But before they get in, Mike says  
7 don't -- the defendant says don't bring him in there; people are going to think  
8 someone beat him. She says I don't care; we're going in. And he, the defendant,  
9 starts to walk over to the car wash area where he works, his day to day.

10          Arica tries to follow. He again says no, don't bring him over where my  
11 people are. And she says all right, we're going in the store.

12          She goes inside to the store, runs into Danny Fico, and there's a  
13 conversation about the bruising on Brodie's face.

14          So they get to Shark Reef at about 10 a.m. Brodie's fussy. Brodie  
15 doesn't want to be around the defendant. He'll go near him at a couple points  
16 throughout the day and you'll hear that, but generally he has -- he wants nothing to  
17 do with the defendant.

18          They leave Shark Reef. They go to Circus Circus.

19          At Circus Circus, apparently there's a McDonald's there. They try to  
20 take Brodie in to eat because he was being fussy about food. He didn't want to eat.  
21 For some reason he had no appetite.

22          So they go in and Arica lifts him out of his car seat, realizes that he's  
23 wet himself really bad. He's soaked through his diaper and she realizes that point  
24 she put a swimming diaper -- a swimming diaper apparently doesn't hold as much  
25 urine. He had soaked it through.

1           The defendant becomes pissed for lack of a better term. There's  
2 arguments there. Brodie -- he's not a baby anymore; potty train this kid; what's he  
3 doing?

4           Arica cleans him up. She does her best, grab some napkins, cleans  
5 him up, and they rush out. At some point the defendant says let's go, let's get out of  
6 here, and they rush out.

7           They had a couple more errands to run that day. You'll hear about the  
8 specific timeline later. But they stopped at a hair salon. Arica had gotten her hair  
9 done the day before and they overcharged her so they stopped by to pick up 40 or  
10 50 bucks that they overcharged her.

11           Pay attention when you hear that testimony. Pay attention when you  
12 hear the testimony about the hair salon.

13           Arica gets out of the car. The defendant's driving. Brodie's in the  
14 center back seat in a car seat facing forward.

15           Arica gets out. She'll tell you she closes the door real softly so she  
16 doesn't wake Brodie. She goes in. She'll tell you five minutes max she's inside.

17           She comes back out, opens the door, and Brodie is screaming bloody  
18 murder at the top of his lungs. Arica says what happened; he was passed out when  
19 I went inside. And the defendant says well, when you closed the door, he woke up.

20           Arica still isn't completely clued in. She says okay. They go to Best  
21 Buy, another errand they wanted to run.

22           She'll tell you at Best Buy, Brodie's anti-Mike. He won't go near him.  
23 He'll freak out when Mike comes near him. So they leave.

24           When they get home, Arica feeds Brodie lasagna. Want you to pay  
25 attention when you hear about that as well, because she'll tell you that Brodie didn't

1 really have an appetite. In fact, she'll tell you that she had to force feed lasagna to  
2 him. She -- the kid had to eat. He hadn't eaten his nuggets at McDonald's. He had  
3 to eat so she kind of force feeds him lasagna.

4 She puts him to bed that night and is going to get a sippy cup for him of  
5 milk and she realizes they're out of milk. So the defendant leaves for a little bit. He  
6 goes to work, does whatever he does, comes back about an hour later, and she tells  
7 him hey Mike, I got to go run errands; we're out of milk and I got to fax some papers  
8 at my mom's house.

9 He becomes frustrated; why didn't she do this before. She said sorry I  
10 didn't do it; I'll be back within an hour.

11 Arica is very specific when it comes to this timeline because she'll tell  
12 you she timed it to the minute. She'll say she was gone for 56 minutes. She was  
13 kind of doing it as a joke to say hey, told you I'll be back in an hour. She's gone 56  
14 minutes the defendant is alone with Brodie.

15 That night, unfortunately, Arica did not check on Brodie before she went  
16 to bed. She went to bed around 10:30. The door was still cracked. She had left  
17 Brodie's door cracked open so she went to bed thinking he's okay.

18 Early morning hours of Wednesday, June 15th, Arica woke up. She's  
19 not sure about the timing. It was around midnight or one and the defendant's not in  
20 bed with her. She'll tell you almost instantaneously the defendant walks in the door  
21 to their -- from their hallway into their bedroom. She says what are you doing? He  
22 tells her I went out to go pee to the restroom in Brodie's room, not the restroom in  
23 his own room, and he smelled something bad. He knew it was vomit. He checked  
24 on Brodie. Brodie's throwing up everywhere.

25 Arica jumps out of bed. She runs in, check on Brodie, and sure

1 enough, there's vomit everywhere. She'll say the walls were painted, the ceiling, the  
2 bed, it was all over the place.

3 So she cleans Brodie up. She strips the sheets, she throws them in the  
4 washer, and puts Brodie out on the couch on a towel. She lays next to him for a  
5 minute, kisses him on the forehead, says I love you, puts on Bob the Builder, a  
6 cartoon movie, DVD, and goes to bed.

7 Next thing she remembers is the defendant waking her up or waking up  
8 to the defendant putting Brodie in bed with her, wrapped in a towel. She can't really  
9 recall if she said anything to Brodie, if she said I love you, if she kissed him, but  
10 she'll tell you that the next thing that happened was that she woke up, touched  
11 Brodie's back, and he was ice cold.

12 Arica obviously calls police. She calls 911, frantic, hysterical, and you'll  
13 hear that 911 call as well. They try to get her to do CPR. She tries but she tells  
14 them you don't understand, you don't understand, he's cold, and the investigation  
15 begins.

16 Henderson is where this went down so paramedics and fire from  
17 Henderson respond; Henderson police department, Henderson homicide detectives,  
18 and a coroner's investigator. So the coroner's office will send out an investigator to  
19 the scene of a dead body and specifically the body of a child. Those investigators  
20 are looking for a number of different things.

21 Number one, they always -- number one they want to do is determine  
22 whether it's accidental or non-accidental. So they come out to the scene. They're  
23 surveying the scene. They're talking to people. They're looking at the injuries,  
24 trying to figure out what went on. Sometimes kids just die. There's SIDS, there's  
25 other things that go on. Sometimes it happens, rarely. But they come out to do that.

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1 She's surveys the scene, goes into the back bedroom where Brodie's  
2 lying on the floor where Arica attempted CPR, and she can see him lying on his  
3 back and sees on the front and the face that there are a number of injuries. She will  
4 tell you that she was immediately suspicious this is not accidental trauma, I need to  
5 dig further, so she flips Brodie over. She sees more injuries and is even more  
6 concerned.

7 I'll briefly show you a few photos. I pared them down as much as I  
8 could. This is Brodie as they found him on scene where Arica tried to give him CPR.  
9 You'll see some blue things on him. Those are for medical intervention.

10 That's a close-up of Brodie's face and the bruising.

11 And that's Brodie's back.

12 So Nancy Dahl, the coroner's investigator, does her job. She goes out,  
13 interviews whoever's there. She talks to Arica. She elicits background, general  
14 information. She asked down to what type of birth is it, what hospital, were you  
15 smoking cigarettes when he was in your womb. She goes in detail about his history.

16 Now mind you Arica at this point is probably regretting things, doesn't  
17 really understand, and is trying to explain things the best she can. She's trying to  
18 run through her mind and find out what went on here.

19 She explains Bambam. She explains that he was just a rough and  
20 tumble kid. He had bruises all the time. She thinks back a few weeks to -- a week  
21 or so to a Power Wheels accident that Brodie had. Arica will tell you that they were  
22 on his -- they were out in the neighborhood walking the dog, Brodie was on a little  
23 red Power Wheels. He tried to jump a curb kind of sideways and fell off and hit his  
24 check on the front fender, leaving a small bruise, and you'll hear more about that.

25 She talked about his ear infections. He had tubes in his ears. He was

1 kind of sick when it came to that.

2 She talked about a fender bender they had been in. Three weeks prior,  
3 Arica was driving down the road and Brodie was in his car seat in the back and they  
4 got rear ended. Her foot was off the brake at the time so they rolled around 20 feet.

5 She explained that. She also explained I took him to the pediatrician  
6 right after that. She was freaked out. She's a doting mom. She took him to the  
7 pediatrician.

8 So the coroner's investigator does her due diligence and she goes out  
9 and actually obtains records, records of the pediatrician visits. And come to find out  
10 you'll hear from the doctor, the pediatrician himself, and some of the nurses there.  
11 Brodie had been in there 12 times -- 11 times in the last seven months of his life.

12 She took him for his ears. She took him for a stuffy nose. She took him  
13 for pinkeye. One -- at one point, he had fallen in the park and got stitches in his eye.  
14 She took him to UMC and then follow up at the pediatrician.

15 So she goes through this entire history with Arica. Based upon what  
16 she gets from Arica and the scene, she determines we need to do an autopsy,  
17 there's something going on here.

18 Dr. Lisa Gavin will testify likely today. You'll hear from her. She's a  
19 coroner from the Clark County Coroner's Office. She's the person who actually  
20 does the autopsy, and she'll survey the injuries for you. I put them all up there. I'm  
21 not going to read that list because it's long. There are a number of external injuries,  
22 a number of internal injuries.

23 Most importantly, she determines the cause of death. She'll tell you it's  
24 acute peritonitis due to a transected duodenum due to blunt force trauma to the  
25 abdomen. So plain and simple, he had a severed duodenum, completely severed,



1 which is a tube that goes from your stomach to your esophagus and your intestines  
2 is completely severed. Peritonitis is when that fluid drips into your cavity because  
3 it's not going where it should and your body reacts in an inflammatory way and fights  
4 it and it's fatal at some point.

5 She'll also tell you Brodie had mild traumatic brain injury. That was a  
6 contributing factor to his death. Although the acute peritonitis and the transected  
7 duodenum were the primary factor, the blunt force trauma to the head also  
8 contributed.

9 Most importantly, she'll tell you that this was a homicide. This was child  
10 abuse. Someone inflicted these wounds. This isn't accidental.

11 She'll also give you -- and this is very important -- a timeline of the  
12 injuries. In general -- there's a number of injuries obviously. She'll say that there  
13 are some in various stages of healing. But in general, most of the injuries occurred  
14 within a 72-hour window. The head injuries that were significant and contributed to  
15 his death occurred within a 24-hour window and the transected duodenum and the  
16 peritonitis was within four to seven hours. So very close in time to his death.

17 Based on Dr. Gavin's findings, Detective Gerry Collins comes out to the  
18 scene. He's the lead detective you'll also hear from in this case. He interviews  
19 several witnesses and now he has this information from Dr. Gavin, his goal is to  
20 piece together the last 72 hours. And it helps to have the timeline I gave you before,  
21 the general, but he wants to narrow it down and get to the bottom of what happened  
22 in the last 72 hours; who was this kid alone with, who was he supervised by, what  
23 was going on.

24 So he goes -- he interviews Merridee Moshier who's grandma, Brad  
25 Moshier's who's grandpa, and Alayne Opie who is Arica's sister. They talk about

1 tubby time. They tell him yeah, there were a couple of injuries. That small cheek  
2 bruise that I mentioned from the Power Wheels accident, they notice that. And he  
3 had a chapped lip. Apparently Brodie would go like that, suck on his bottom lip so it  
4 would chap. And they noticed that. Again, he's fully nude and they look at his body  
5 all over.

6 So we know that's kind of a general timeline. We have no significant  
7 injuries at 8 p.m. on Sunday night.

8 So they talk to Arica, talk about Sunday night into Monday morning.  
9 She had picked Brodie up, obviously, like I told you. She noticed the same minor  
10 injuries.

11 They move to Monday, June 13th. They talk to Arica. They attempt to  
12 talk to Jennifer Lee about that pool day. They're unsuccessful with regard to  
13 Jennifer Lee. In fact, they ring her doorbell about -- I think it's 26 times and no one  
14 answers. But you'll hear from Jennifer Lee and she'll testify that on pool day -- and  
15 mind you this is the defendant's sister. On pool day on Monday, Brodie didn't have  
16 any significant injuries. They saw him shirtless. He wasn't beaten up. So you get to  
17 narrow that window a little further.

18 That evening when Arica gets home from work, she finds Brodie  
19 wrapped up and kind of tumbled up in his curtains in his room. She says the  
20 curtains are wrapped around his leg -- legs. He has a small scratch on his back and  
21 she'll describe that scratch to you. She -- I think she calls it chapped or dried out. It  
22 was just a scraping -- a scrape on his back. So you know that injury -- the source of  
23 that injury.

24 You move to Monday night. And remember, Tuesday morning is when  
25 Arica wakes up to the significant bruising, so Monday night's important. Monday is

1 when the defendant said I was at Danny's house. Brodie fell coming out. You'll  
2 hear from Jennifer Lee and you'll hear from Danny Fico that they didn't see a fall.  
3 Jennifer was there the whole time. She didn't see a fall. Nothing happened with  
4 Brodie, he was fine. So you get to narrow that window a little further.

5 Tuesday morning. Remember, the bump on the forehead is a lot  
6 worse. There's bruises to his face. Arica will describe a black eye. To be fair, he  
7 had pinkeye during the time and she will say that he was rubbing his eye at the pool.  
8 Take that for what it's worth. I don't know how that causes a black eye, but that's for  
9 you to decide.

10 And then that cheek bruise that was subsiding from the Power Wheels  
11 accident is back. It's significant. And Arica will tell you all of that.

12 Tuesday, June 14th, we talked about that a little bit. The face bruising  
13 is significant. This is when the defendant's saying we're not bringing him out in  
14 public; he looks like he got beat.

15 As I told you before, I want you to pay attention when you get to the hair  
16 salon incident of Brodie in the car seat in the back. He's alone with the defendant  
17 for that period of time.

18 Tuesday night, alone with the defendant again when Arica goes to run  
19 errands and she doesn't check on him thereafter.

20 You know what happens on Wednesday morning.

21 Want you to pay very close attention today when you hear from Dr.  
22 Gavin. Obviously timeline's going to be important in the case.

23 Want you to pay very close attention when you hear from Arica. That'll  
24 probably be tomorrow.

25 At the end of this trial, we're going to ask you to find the defendant

1 guilty of first degree murder for beating Brodie and causing his death. Thank you.

2 THE COURT: By the defense, do you wish to present now?

3 MS. VON MAGDENKO: Yes, Your Honor.

4 THE COURT: All right, please.

5 OPENING STATEMENT BY THE DEFENSE

6 BY MS. VON MAGDENKO:

7 Ladies and gentlemen of the jury, you just heard from the prosecution it  
8 is undisputed that Brodie Aschenbrenner was found dead on Wednesday, June 15th  
9 of 2011. And I'm just going to put that here. It's Wednesday, June 15th. And the  
10 prosecution said at 8:50 in the morning.

11 At 8:50 in the morning, according to the prosecution, Arica's going to  
12 testify that she wakes up and Brodie is in the bed with her and he's unresponsive  
13 and is later found to be dead. Where is Michael during this time period?

14 Arica's going to testify that Michael's at work and that at approximately  
15 5 a.m., that's when Brodie's put in the bed with her alive. So five to nine, that's four  
16 hours.

17 What happened that night in their apartment? They had a two-bedroom  
18 apartment. Typical. Brodie actually didn't have his own bathroom. It was a hall  
19 bathroom. Not inside. That's what Arica's going to testify to.

20 Arica was a single, unwed mother. Michael is not the father of Brodie.  
21 Brodie was a full-speed-ahead, rambunctious boy. Arica relied on family and friends  
22 to help care for him. She would regularly have Brodie at her grandparents from  
23 Sunday morning – rather Saturday morning, spend the night Saturday night, and  
24 then all day Sunday and then she'd pick him up again Sunday night.

25 Brodie had a lot of nicknames. In addition to Bambam, he was also

1 called the bruiser. That's a nickname that his own family gave him, the bruiser.

2 According to Arica, he was constantly falling and that he always had  
3 bruises on his forehead. This is what the mother's going to testify to.

4 You've already seen an autopsy photo and you've seen that there's  
5 something it's called modeling. That reddish discoloration is there in addition to the  
6 bruises.

7 The State says during their opening, and this is what the coroner's  
8 going to testify to, that in the four to seven hours prior to that, Brodie was beaten to  
9 death and that's when these internal -- I'm just going to call them intestinal injuries  
10 happened. So that puts it at 2 a.m. So some time during this time period.

11 The pictures -- do they show who killed Brodie? Do the pictures show  
12 when the bruises were there? Or do the pictures even show if it was death by killing  
13 or by an accident?

14 Prosecution mentioned during their opening that just days prior to his  
15 death he was on an ATV and fell.

16 [Colloquy between counsel and the court recorder]

17 MS. VON MAGDENKO: And I'll show you a picture of this ATV that he had.

18 Just going to create a little calendar here. This is Friday, Saturday,  
19 Sunday, Monday, Tuesday, Wednesday, Thursday.

20 Two weeks prior to death, prosecution mentioned it. This is May 27th.  
21 Bruising easily. Arica takes him to the doctor because he's bruising too easily. Two  
22 weeks prior to death.

23 He dies on this day, the 15th. His quad accident is the 10th. This is the  
24 accident. ATV. Just days prior to that he falls off his ATV and hits -- she's either  
25 going to testify he hit his head or he hit his cheek either on the ATV or on the

1 concrete, trying to jump a curb.

2 Maria, is this on?

3 THE COURT RECORDER: Yes.

4 MS. VON MAGDENKO: And it's -- this is a photo. I'll zoom in. That's his  
5 ATV. Just days prior to his death.

6 Arica does take him to the doctor that day, but does she take him  
7 before or after the fall? He has pinkeye. She takes him for pinkeye. Do the medical  
8 records even show that he had fallen in his ATV accident?

9 His last full day was Tuesday. How was Brodie feeling that day?  
10 Arica's going to testify Tuesday morning Brodie woke up and said his head hurt.

11 The prosecution said that when he was at Circus Circus he peed his  
12 pants. Arica's going to testify he actually peed his pants three times while at Circus  
13 Circus.

14 It's undisputed he died of internal injuries. The coroner's going to say  
15 there are symptoms. What are some of these symptoms? Inability to control your  
16 bowels, vomiting, a loss of appetite.

17 On Tuesday, prosecution just said it, he wouldn't eat his McDonald's  
18 and he wouldn't eat his lasagna. That's Tuesday. He wakes up Tuesday morning  
19 and says my head hurts.

20 Coroner says this injury happened four to seven hours prior to death.  
21 At 1 a.m. is when Arica says the vomiting happened. At 2 a.m. is the seven-hour  
22 window.

23 Defense is going to call an expert witness. He's a surgeon. His name  
24 is Dr. Tiwary. He's going to get on the stand and he's going to say when you have  
25 this type of internal injury, it's a delayed presentation. He's going to testify you don't

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Respondent.

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BY [Signature]  
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