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1 with your grandkids?

2 PROSPECTIVE JUROR NO. 163: Yes.

3 THE COURT: Okay. Have you ever been a juror before?

4 PROSPECTIVE JUROR NO. 163: No.

5 THE COURT: You heard me ask the other prospective  
6 jurors if they'd been victims of crime or accused of a crime.

7 Anything like that happen to you or anyone close to you?

8 PROSPECTIVE JUROR NO. 163: Not myself, but my  
9 daughter when she was 20 was arrested for a DUI --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 163: -- that involved an  
12 accident, yes.

13 THE COURT: Okay. Was that here in town?

14 PROSPECTIVE JUROR NO. 163: No, that was in  
15 Tennessee.

16 THE COURT: Okay. Now, was it a serious accident?

17 PROSPECTIVE JUROR NO. 163: She totaled her car.

18 THE COURT: Okay. Was anybody hurt, seriously  
19 injured, or killed?

20 PROSPECTIVE JUROR NO. 163: No.

21 THE COURT: Okay. Do you know if your daughter was  
22 charged with a misdemeanor or a felony for the DUI?

23 PROSPECTIVE JUROR NO. 163: I don't remember, but I  
24 do know they did handcuff her, take her to jail. We bailed her  
25 out. She went to court. She was put on probation.

1 THE COURT: Okay. And did she have a lawyer?

2 PROSPECTIVE JUROR NO. 163: No.

3 THE COURT: Okay. So it must've been a misdemeanor  
4 then. Have you formed any opinions as to how your daughter was  
5 treated in the system?

6 PROSPECTIVE JUROR NO. 163: The way she should've  
7 been.

8 THE COURT: Okay. All right. Is there anything else  
9 in your background or your family background we should know  
10 about you in making a determination as to whether you would be  
11 a good juror on this type of a case?

12 PROSPECTIVE JUROR NO. 163: I don't know if this has  
13 any influence on it or not, but I was a teacher's assistant in  
14 second grade for five years.

15 THE COURT: Okay. Good.

16 PROSPECTIVE JUROR NO. 163: I did coach my daughter's  
17 soccer team from fifth grade through 11th grade when she was  
18 entering high school.

19 THE COURT: Okay. So you were a teacher's assistant  
20 in the second grade --

21 PROSPECTIVE JUROR NO. 163: Yes.

22 THE COURT: -- level, okay. And you did that for how  
23 long, five years?

24 PROSPECTIVE JUROR NO. 163: Five years.

25 THE COURT: So you have a lot of experience, either

1 through your own family or teaching and coaching, working with  
2 children?

3 PROSPECTIVE JUROR NO. 163: Yes.

4 THE COURT: Now, obviously, you know, no one likes  
5 these kinds of charges. They're offensive to many people. As  
6 you probably heard me tell the other jurors, that's not the  
7 issue here. Can you be fair and impartial to both sides and  
8 basically hold the State to their burden of proof, meaning if  
9 you vote guilty, make sure that it's based on the fact that the  
10 State has proven the defendant's guilt beyond a reasonable  
11 doubt?

12 PROSPECTIVE JUROR NO. 163: I believe I could, but  
13 I've been listening and trying to determine -- because I  
14 realize that they're innocent until proven guilty, but when it  
15 concerns children, it's difficult not to be biased, especially  
16 when you hear the terminology of child pornography.

17 THE COURT: Okay. And, you know, there's no right or  
18 wrong answer -- well, I -- the only wrong answer would be a  
19 dishonest answer.

20 PROSPECTIVE JUROR NO. 163: Right.

21 THE COURT: I mean, as you sit here, can you be fair  
22 to the defense, or do you feel like, you know, the scale is  
23 tipped already against Mr. Shue, and --

24 PROSPECTIVE JUROR NO. 163: To be honest, I feel it's  
25 tipped a little bit in my opinion, yes.



1 THE COURT: Okay. And that's because it involves  
2 children --

3 PROSPECTIVE JUROR NO. 163: Yes.

4 THE COURT: -- as victims -- all right.  
5 Counsel, approach.

6 (Conference at the bench not recorded.)

7 MS. LAVELL: Oh, I'm sorry, Your Honor. Were you  
8 waiting for me to do that now?

9 THE COURT: Yes, you may follow up, State.

10 MS. LAVELL: Thank you.

11 It's Mrs. White?

12 PROSPECTIVE JUROR NO. 163: Yes.

13 MS. LAVELL: So I just really want to talk to you  
14 about the last statement, and, you know, you've been sitting  
15 here. So you've kind of heard the discussion. I think it's  
16 fair to say again that everybody has some concerns when it --  
17 with these sort of allegations because they're involving  
18 children, but it comes down to that the -- the criminal justice  
19 system that we have here is that people are innocent until  
20 proven guilty, and it's Ms. Beverly's and my obligation to  
21 prove to each and every one of you beyond a reasonable doubt  
22 that the defendant committed the crimes charged.

23 You know, I mean, I think you're aware that there are  
24 trials where people are found not guilty?

25 PROSPECTIVE JUROR NO. 163: Correct.

1 MS. LAVELL: All right. So simply because the  
2 defendant is sitting here right now doesn't mean that he's done  
3 anything. It simply means that he's sitting here right now,  
4 and the State is going to try and prove that he's done  
5 something. Would you agree with that?

6 PROSPECTIVE JUROR NO. 163: Yes.

7 MS. LAVELL: Would you hold the State to its burden?  
8 Would you hold the State to having to prove to you beyond a  
9 reasonable doubt each and every element of each and every crime  
10 he's charged with?

11 PROSPECTIVE JUROR NO. 163: Yes.

12 MS. LAVELL: I pass the witness (sic) for cause.

13 THE COURT: All right. Mr. Jackson, you may question  
14 this prospective juror.

15 MR. JACKSON: Just one or two questions, if --

16 THE COURT: All right. That's fine.

17 MR. JACKSON: Well, again we have the fundamental  
18 question. I'm going to ask it maybe a little differently. If  
19 you were sitting where Mr. Shue was sitting, charged with what  
20 he's charged with, serious charges, would you want 12 people in  
21 the state of mind you're in, sitting in the jury box with your  
22 biases and your life experiences, you know, trying as hard as  
23 you could to be fair but still with your normal feelings that  
24 you have based on the life experiences you have with your  
25 children and with what you've gone through in your life,

1 knowing that you're going to have to sit and judge him, would  
2 you want -- would you want to be in that same position as  
3 Mr. Shue, having 12 jurors just like you?

4 PROSPECTIVE JUROR NO. 163: Probably not. To be  
5 quite honest and frank, I feel like I have a little bit of a  
6 bias already.

7 MR. JACKSON: Okay. So you think that he -- for him  
8 to get a fair and impartial juror, he would be better off  
9 having someone else who doesn't have the biases and prejudices  
10 you might have. Even though you would try to be fair, you  
11 don't think you could be totally fair in this case?

12 PROSPECTIVE JUROR NO. 163: I'm not a hundred percent  
13 sure I could be completely fair and -- (Unintelligible.) --

14 THE COURT: How do you think that bias would play  
15 out? I mean, what is your concern about?

16 PROSPECTIVE JUROR NO. 163: I would tend to err on  
17 the side of children is I think my main concern.

18 THE COURT: All right. As I said, you know, there  
19 are 32 departments. Half of them are in civil trials and other  
20 types of criminal trials that involve adults and dead people,  
21 murder trials, you know, DUI-death cases, things of that  
22 nature. So I'm going to go ahead and excuse you from this  
23 department. You need to go back down to jury services for  
24 reassignment to a different department.

25 All right. Thank you. And Officer Hawkes will

1 direct you from the courtroom.

2 Ladies and gentlemen, we're going to go ahead now and  
3 take our lunch break, but before I excuse you for the lunch  
4 break I must give you a couple of admonishments.

5 The first admonishment is during the lunch break  
6 you're not to discuss this case or anything that's transpired  
7 in the courtroom with each other or with anyone else. Anyone  
8 else would include members of your family and your friends.  
9 You may tell them of course that you are participating in jury  
10 selection for a criminal jury trial, but please do not discuss  
11 anything else relating to this matter.

12 Additionally, you're not to read, watch or listen to  
13 any reports of or commentaries on the case, any person or  
14 subject matter relating to the case. You are not to do any  
15 independent research by way of the Internet or any other medium  
16 on any subject matter connected with the trial. You are not to  
17 engage in any social networking, meaning Twitter or Facebook or  
18 anything like that, regarding this case or your service as  
19 jurors until you have been discharged by me, and you are not to  
20 form or express an opinion on the case.

21 Additionally, before I excuse you I must tell you the  
22 attorneys, the defendant, court personnel, other than the  
23 uniformed bailiff, are prohibited from conversing with members  
24 of the jury. So should you see one of these individuals in the  
25 hallway or the elevator, please do not think that they are

1 being unfriendly or antisocial. They are bound by the rules of  
2 ethics not to speak with you. To do so might contaminate your  
3 verdict.

4 I'd like all of you to please remember where you're  
5 seated because we're going to ask you to return to those seats  
6 following the lunch break. Any additional questions on where  
7 to meet or where to go for lunch, please address Officer Hawkes  
8 out in the hallway.

9 We'll see you all back from the lunch recess at  
10 1 o'clock, and please bring -- take all your belongings with  
11 you.

12 (Panel of prospective jurors recessed 11:54 a.m.)

13 THE COURT: Was there anything we needed to discuss  
14 before we take our break?

15 MS. BEVERLY: We were just wondering if you think  
16 that we'll get to any witnesses today? Do you think that  
17 we'll --

18 THE COURT: Boy, I don't think so. I mean, this is  
19 going actually faster than what I anticipated --

20 MS. BEVERLY: Yes.

21 THE COURT: -- but with nine challenges, I kind of  
22 doubt it. Now we're going to have a lot of people that can't  
23 be fair because there are kids. So --

24 MS. BEVERLY: I mean, I could open today if need be.

25 THE COURT: Yes. So, I mean, I'm thinking we won't

1 get to witnesses today.

2 MS. BEVERLY: Okay.

3 MS. LAVELL: What time do we start tomorrow?

4 THE COURT: I haven't looked at the calendar yet. No  
5 earlier than 10:30.

6 MR. JACKSON: Okay.

7 THE COURT: Yes, so 10:30. It's better that he's out  
8 of custody because we'd have to wait for the switch.

9 MS. BEVERLY: Sure. Sure.

10 THE COURT: So we should be able to start earlier.  
11 So if you guys want to keep your stuff here or spread out,  
12 that's fine. The courtroom will be locked.

13 MS. BEVERLY: Okay. Thank you, Judge.

14 MS. LAVELL: Thank you.

15 THE COURT: All right. We'll see you back at 1.

16 (Proceedings recessed 11:56 a.m. to 1:09 p.m.)

17 (Outside the presence of the panel of prospective jurors.)

18 THE COURT: The next in order is Davida Butler, and  
19 just to let you folks know, my bailiff is acquainted with her  
20 but from years ago. She apparently is a caseworker for foster  
21 care and a friend who kind of was like a nonrelated family  
22 member was her charge, and the -- my bailiff went to dinner  
23 with her a few times. So I don't really think that's a  
24 conflict, but I'm just letting you folks know. He's not even  
25 sure she recognizes him.

1 THE MARSHAL: Yeah, I mean, it was probably three,  
2 four years ago.

3 MS. BEVERLY: We don't have an objection to that.

4 MS. LAVELL: The State has no objection.

5 THE COURT: Any problem with that?

6 MR. JACKSON: I might want to question her about it.

7 THE COURT: That's fine.

8 All right. Kenny, bring them in.

9 And she may not remember, but he recognized her.

10 (Panel of prospective jurors entering 1:10 p.m.)

11 THE COURT: All right. Court is now back in session.  
12 The record should reflect the presence of the State through the  
13 deputy district attorneys, the presence of the defendant and  
14 his counsel, the officers of the court and the ladies and  
15 gentlemen of the prospective jury panel.

16 And, Ms. Husted, would you please call up the next  
17 prospective juror.

18 THE CLERK: Yes, Your Honor.

19 Badged 164, Davida Butler.

20 THE COURT: And, Ms. Butler, if you'd come on down  
21 and have that empty chair there, please, in the front row of  
22 the jury box.

23 Good afternoon, Ms. Butler. What do you do for a  
24 living?

25 PROSPECTIVE JUROR NO. 164: I'm a caseworker for the

1 State.

2 THE COURT: And what is -- and what is your, I guess,  
3 assignment as a caseworker?

4 PROSPECTIVE JUROR NO. 164: I'm a social worker. I  
5 work with the intellectually disabled and mentally ill.

6 THE COURT: Okay. And how long have you been doing  
7 that?

8 PROSPECTIVE JUROR NO. 164: 15 years.

9 THE COURT: Okay. Do you have a degree in social  
10 work?

11 PROSPECTIVE JUROR NO. 164: Yes.

12 THE COURT: Is that an MSW?

13 PROSPECTIVE JUROR NO. 164: BSW.

14 THE COURT: Okay. Now, there's a gal also on the  
15 jury who works for Desert Regional Center. Are you an employee  
16 the of that same state division -- division within the state?

17 PROSPECTIVE JUROR NO. 164: Yes.

18 THE COURT: Okay. Do you two know each other?

19 PROSPECTIVE JUROR NO. 164: We -- yes, we do.

20 THE COURT: Okay. Now, if you -- are either one of  
21 you in a supervisory-type capacity over the other?

22 PROSPECTIVE JUROR NO. 164: We work in two different  
23 areas.

24 THE COURT: Okay. Now, is there anything about the  
25 fact that you work together -- if you were both to serve as



1 jurors, is there -- you know, would you, like, automatically  
2 look to her opinion or anything like that or --

3 PROSPECTIVE JUROR NO. 164: No.

4 THE COURT: Could you treat her the same as all of  
5 your other fellow jurors?

6 PROSPECTIVE JUROR NO. 164: Yes.

7 THE COURT: Okay. And I'm going to ask you the same  
8 question. If you were both selected for service, is there  
9 anything about the fact that Ms. White would be a juror that  
10 would cause you to, you know, look to her opinion differently  
11 than you would any other juror?

12 PROSPECTIVE JUROR NO. 158: Ms. Butler.

13 THE COURT: Ms. Butler.

14 PROSPECTIVE JUROR NO. 158: Yeah.

15 THE COURT: I'm sorry.

16 PROSPECTIVE JUROR NO. 158: No, I wouldn't.

17 THE COURT: Okay. So you would treat her the same as  
18 the other fellow jurors?

19 PROSPECTIVE JUROR NO. 158: Yes.

20 THE COURT: Okay. And before your assignments --  
21 your current assignment, did you have another job as a social  
22 worker?

23 PROSPECTIVE JUROR NO. 164: Yes.

24 THE COURT: And what was that job?

25 PROSPECTIVE JUROR NO. 164: I worked with mentally

1 all kids. I worked with Child Protective Services.

2 THE COURT: Okay. And what was your role with Child  
3 Protective Services?

4 PROSPECTIVE JUROR NO. 164: They would remove kids,  
5 and I would go in and put in -- plug in the mental health  
6 services, and I was sometimes -- I was the person they worked  
7 with long-term.

8 THE COURT: Okay. Have you always worked with --

9 MR. JACKSON: Your Honor, can I approach the bench  
10 with counsel?

11 THE COURT: Sure.

12 (Conference at the bench not recorded.)

13 THE COURT: Let's -- I neglected to ask you,  
14 Ms. Butler, do you have any kind of social relationship with  
15 the other DRC employee?

16 PROSPECTIVE JUROR NO. 164: No.

17 THE COURT: Okay. And then so you don't socialize  
18 together, go out to lunch?

19 PROSPECTIVE JUROR NO. 164: It's the first time we've  
20 seen each other.

21 THE COURT: Okay. All right. Okay. So no  
22 interaction? Nothing like that?

23 PROSPECTIVE JUROR NO. 164: (Shook head.)

24 THE COURT: Okay. Now, when you were with Child  
25 Protective Services, did you only deal with children who had

1 mental health or mental disability issues?

2 PROSPECTIVE JUROR NO. 164: Yes.

3 THE COURT: Okay. Have you ever in the course of  
4 your career in social work dealt with children that didn't have  
5 some kind of mental health or mental disability?

6 PROSPECTIVE JUROR NO. 164: Yes.

7 THE COURT: Okay. And was that also with CPS?

8 PROSPECTIVE JUROR NO. 164: No, before CPS.

9 THE COURT: Okay. And what was your job at that  
10 point?

11 PROSPECTIVE JUROR NO. 164: I ran group homes for  
12 kids that were physically and sexually abused.

13 THE COURT: You ran what?

14 PROSPECTIVE JUROR NO. 164: A group home.

15 THE COURT: A group home, okay. And was that here in  
16 Clark County?

17 PROSPECTIVE JUROR NO. 164: Yes.

18 THE COURT: Okay. And were those kids that were  
19 placed in your group home by the state or Child Protective  
20 Services?

21 PROSPECTIVE JUROR NO. 164: Yes.

22 THE COURT: So as your role as a CPS caseworker, did  
23 you deal with children who had been physically or sexually  
24 abused?

25 PROSPECTIVE JUROR NO. 164: Yes.

1 THE COURT: Okay.

2 MR. JACKSON: Your Honor, may I approach the bench

3 again?

4 THE COURT: Sure.

5 (Conference at the bench not recorded.)

6 MR. JACKSON: I want to make a record.

7 THE COURT: Ms. Butler --

8 MR. JACKSON: I want to make a record, Your Honor --

9 THE COURT: -- I just have a --

10 MR. JACKSON: -- on a number of things.

11 THE COURT: Ms --

12 We will in a moment.

13 Ms. Butler, I just have another yes or no question.

14 Obviously you have a lot of experience working with children

15 that have been physically or sexually abused or where there is

16 an allegation. This -- you've heard the nature of the charges

17 in this particular case. Do you feel like you could be fair

18 and impartial to both sides given your work background and your

19 experiences as a social worker?

20 PROSPECTIVE JUROR NO. 164: Yes.

21 THE COURT: You do, okay.

22 PROSPECTIVE JUROR NO. 164: Uh-huh.

23 THE COURT: Okay. Ladies and gentlemen, we're going

24 to take another quick break.

25 Once again, during this quick break you're reminded

1 that you're not to discuss the case or anything relating to the  
2 case with each other or with anyone else. You're not to read,  
3 watch or listen to any reports of or commentaries regarding the  
4 case, any person or subject matter relating to the case, and  
5 please don't form or express an opinion on the trial.

6           Everybody follow the bailiff through the double  
7 doors.

8           (Panel of prospective jurors recessed 1:19 p.m.)

9           THE COURT: All right. I'd like to place something  
10 on the record. Mr. Jackson approached the bench when the  
11 Prospective Juror Davida Butler, who happens to be an  
12 African-American woman, stated that she worked for Child  
13 Protective Services and said he wanted to make a for-cause  
14 challenge, and the fact that she was acquainted with or may be  
15 acquainted my marshal.

16           I said the fact that she worked for CPS in the past  
17 in my view did not necessarily mean that she had to be stricken  
18 for cause, and I would inquire further, number one, and number  
19 two, I was uncertain that she would remember the bailiff,  
20 who -- we would inquire as to that. So I continued to ask the  
21 questions.

22           And then Mr. Jackson approached the bench again and  
23 said he basically didn't want me to ask any more questions  
24 because he felt that that would taint the jury, and I said I  
25 don't feel that my questions have tainted the jury, that I was

1 asking yes or no questions regarding her background and that I  
2 have been doing this for a number of years and that I knew how  
3 to ask a question that would not taint the jury or invite  
4 comment from the prospective jurors so as to prejudice the rest  
5 of the panel.

6 At that point in time I asked Mr. Jackson to step  
7 back, and he said he wanted to make a record, and I said you'll  
8 be allowed to make your record, and I'm going to ask another  
9 question, and then he said he wants me to recuse myself because  
10 he didn't think I was being fair to him. That's essentially my  
11 recollection of the conversation that occurred at the bench.

12 I think the record will bear out that none of my  
13 questions -- nor Ms. Butler's responses -- solicited answers  
14 that in any way would tend to tarnish the panel or prejudice  
15 the panel in any way against Mr. Shue. At that time,  
16 Mr. Jackson -- after I said, Step back -- loudly said he wanted  
17 a hearing or something like that in the presence of the jury.  
18 So I asked one final question as to whether or not she would be  
19 fair and impartial, and then I called for the recess so that  
20 Mr. Jackson can state -- make his record.

21 I would also add that every other for-cause challenge  
22 has been granted up until this time but that I do not feel that  
23 because this woman who, A, is no longer a CPS worker, has been  
24 a CPS worker in the past, mandates a for-cause dismissal at  
25 this time without making a better record.

1           And so in my view, Mr. Jackson, as I've said up here  
2 at the bench, you're putting the cart before the horse, and to  
3 try to preclude the Court from asking questions of her that  
4 were designed to elicit a yes or no response, I think it's  
5 completely out of line. As I said, you know, I've done  
6 hundreds of trials, and I know how to ask a question that does  
7 not call for information that's going to prejudice your client,  
8 and so, you know, make your record.

9           But I have nothing against you. I do have something  
10 against obstreperous conduct, disrespectful conduct and conduct  
11 that's designed to delay the proceedings. So I have nothing  
12 against you personally. I have nothing against your client,  
13 but I don't think that the fact that you don't agree with the  
14 way I handled this last witness (sic), Ms. Butler, is grounds  
15 for recusal. So that's my recollection of what transpired at  
16 the bench.

17           Does that comport with the State's recollection?

18           MS. BEVERLY: Yes, Judge.

19           THE COURT: Mr. Jackson, you may be heard at this  
20 time.

21           MR. JACKSON: Well, with all due respect, Your Honor,  
22 I do respect you, but I disagree with you on this matter, and  
23 I'll tell you why, and I'd like some time to do it.

24           Number one, my client is facing a life sentence. He  
25 is charged with a crime where at least two of the jurors said

1 that they couldn't be fair because the charges are so  
2 reprehensible and so disgusting --

3 THE COURT: And those jurors were dismissed.

4 MR. JACKSON: Well, let me finish. Let me finish --

5 THE COURT: Well, Mr. Jackson, you know, I'm not  
6 going to --

7 MR. JACKSON: I want to make a --

8 THE COURT: Excuse me. You know, I'm not going to  
9 indulge you indefinitely. We already know what the charges  
10 are, and we know what the penalty for the charges are, and we  
11 know what those jurors said, and those jurors were dismissed --

12 MR. JACKSON: All right --

13 THE COURT: -- and the Court deliberately asked --

14 MR. JACKSON: -- but I'm trying --

15 THE MARSHAL: Wait for the Judge to finish, Counsel.

16 THE COURT: Excuse me. The Court deliberately asked  
17 questions in a particular way of Ms. Butler so that she  
18 wouldn't say something that was overly sympathetic to, you  
19 know, child victims or something like that, and we certainly --  
20 if you're concerned about going further, we can question her  
21 privately, and I would be amenable to doing that --

22 MR. JACKSON: With all due respect to the Court, I  
23 asked for individual voir dire of the jurors simply because I  
24 anticipated these kinds of things coming up.

25 Number one, she works helping abused children. These



1 jurors have already judged my client, many of them. Now, she  
2 works --

3 THE COURT: And those people were excused.

4 MR. JACKSON: Yes, but this woman works for an agency  
5 that places children and works with children who have been the  
6 victim of sexual abuse. My client is charged --

7 THE COURT: Not anymore she doesn't.

8 MR. JACKSON: Well, she was working with them, and  
9 she worked with another woman who does that, too. They're both  
10 on the same jury.

11 THE COURT: That's not true. They work with mentally  
12 disabled and mentally ill population.

13 MR. JACKSON: They're counselors that work with  
14 children.

15 THE COURT: We don't know that they're children.  
16 They may be adults. We never covered that.

17 MR. JACKSON: Well, this woman -- this woman herself  
18 stated that she worked with children. Now, in any event, Your  
19 Honor, it was clear that there are multiple reasons to excuse  
20 this woman, and rather than me questioning her in front of all  
21 the jurors -- and Your Honor is a confident Judge looking at  
22 things from the point of view of the State, looking at the  
23 point of view of a prosecution, but you don't understand  
24 necessarily what the defense strategy might be in this case.

25 THE COURT: I understand --

1 MR. JACKSON: Well, no, Your Honor, you haven't  
2 been --

3 THE COURT: Mr. Jackson --

4 MR. JACKSON: You don't know what -- what  
5 attorney-client privilege has revealed to the defense, and you  
6 are not privy to many things the defense knows, and you should  
7 not be. You're to be an impartial arbiter.

8 THE COURT: And I think I am being impartial.

9 MR. JACKSON: Now, when I make an objection, it's not  
10 frivolous. It is for very specific reasons. I approached the  
11 bench. I did not do it because I wanted to contaminate the  
12 jury. I did it because I wanted to protect my client, and I  
13 have a duty to be a zealous advocate for my client.

14 Now, I move to recuse you for a number of reasons.  
15 Number one, you have not granted a single motion for me,  
16 whether they were meritorious or not, since I began this case.  
17 I detected a very, very subtle bias in you, and I have a right  
18 to bring that to your attention. I believe that you are trying  
19 very hard to be fair to my client; however, I have a right to  
20 bring a motion to recuse based upon bias. I have raised this  
21 issue before. Whether I'm right or wrong, I will bring it to  
22 the attention of the Court.

23 THE COURT: All right.

24 MR. JACKSON: If I don't bring it, I waive it.

25 THE COURT: All right. Mr. Jackson --

1           MR. JACKSON: Now, I'm doing -- it's not Mr. Shue who  
2 is making this motion, and you should not prejudice him because  
3 I made the motion. I made the motion because I think it's  
4 necessary for my client to get a fair trial.

5           THE COURT: All right. Mr. Jackson, I don't think  
6 I've done or said anything to indicate that I'm biased towards  
7 the State in this case, number one. Number two, I cannot be  
8 excusing jurors for cause if I don't think that there is a  
9 basis in for cause regardless of whether or not -- you know,  
10 defense strategy and whether you're a prosecutor or a defense  
11 attorney or have been in the past has nothing to do with  
12 whether or not someone should be excused for cause.

13           Now, I understand why you don't want this woman,  
14 quite obviously, and I, you know -- I'm happy questioning her,  
15 and she may be excused for cause at the end of the day. Like I  
16 said, we've already excused every single person that you've  
17 wanted excused for cause; however, you know, we have had police  
18 officers sit on criminal jury trials. It's not an automatic  
19 exclusion just because someone has worked for the state or the  
20 fact that someone has worked with victims of crime. That is  
21 not an automatic for-cause exclusion, and I'm not going to  
22 grant it simply because of her job.

23           So, you know, the Supreme Court, if your client is  
24 convicted or if you want to bring this up in front of the Chief  
25 Judge, they may look at it differently, and that's fine, but I

1 would just say as a legal matter, the fact that she has worked  
2 with abused children in the past does not mandate her dismissal  
3 automatically. Now, we're going to go through the questioning  
4 with her, just like we would any other juror.

5           You know, the fact that you think I'm biased somehow  
6 suddenly or whatever and you think I'm trying hard is all well  
7 and good, but I can tell you I'm not biased against your  
8 client. I don't -- you know, other than the allegations that  
9 have been made here in open court and the motions and  
10 discussions we've had, I don't know anything about your client.  
11 So I don't think there is a basis for recusal.

12           And there certainly isn't a basis for recusal because  
13 you disagree with my questions, which again the record bears  
14 this out. She didn't say anything that could inflame the jury  
15 or prejudice the jury in any way. That is not a basis for  
16 recusal. So you want to take this up with Judge Togliatti,  
17 knock yourself out, but we're going to go forward today with  
18 the jury selection.

19           And, you know, I will say this. If you detect a  
20 bias, it's not against your client, but sometimes it's  
21 difficult, Mr. Jackson, when you repeat the same -- and I do  
22 it. I say the same things over and over again. You repeat  
23 yourself, and maybe I seem impatient with that, and I'm sorry  
24 if I do, but, you know, that's not a basis for recusal because  
25 you may find a lawyer's presentation, you know, long-winded,

1 or -- you know, if I recused myself for every lawyer that I  
2 didn't think made a good argument, I'd be sitting in back  
3 chambers twiddling my thumb all day long. So unfortunately  
4 that's not the standard for you, and if it's appeared as bias,  
5 I'm sorry.

6 Now, the fact that, you know, I didn't grant all your  
7 motions, I did have the evidentiary hearing that you wanted,  
8 and in fact that showed quite clearly that there was no basis  
9 to the allegations you were making, and that was I think over  
10 the State's objection, that didn't think we should have an  
11 evidentiary hearing, and as I said over and over again, I'm  
12 very glad we did have that evidentiary hearing because I think  
13 that just, you know, made a really clear record relating to all  
14 of these allegations. So that motion was granted, at least in  
15 part, as to holding the hearing. I of course didn't know what  
16 was going to be said at the hearing.

17 So, you know, I don't know off the top of my head  
18 what other motions you're talking about. I know there was  
19 other pretrial motions, one related to the photos themselves.  
20 I remember that one, but I don't have a perfect recollection of  
21 every motion that's been filed in the history of the case.

22 I mean, obviously you're doing a good job, zealously  
23 advocating for your client, filing the appropriate motions,  
24 making the appropriate challenges, and I do appreciate that as  
25 a lawyer, and I recognize that that's your obligation. So if

1 you think I've demonstrated any bias against you, I'm sorry for  
2 that, but certainly I don't feel any bias against your client,  
3 and it hasn't been my intention, and I -- you know, I rule the  
4 way I think is the right way to rule, regardless of what the  
5 charges are or what I feel about the charges or what I feel  
6 about the lawyer, quite frankly.

7 So really I think it's very rude for you to open up  
8 your flip phone --

9 MR. JACKSON: I was trying to shut it off.

10 THE COURT: -- and be texting or doing whatever  
11 you're doing.

12 MR. JACKSON: I was trying to shut it off.

13 THE COURT: Well, Mr. Jackson, that should've been  
14 shut off before you walked into the courtroom.

15 MR. JACKSON: I thought it was shut off.

16 THE COURT: All right.

17 MR. JACKSON: Now, I want one -- to say one last  
18 thing, and then I'll submit my motion to recuse. The one thing  
19 that really disturbed me was when we were at calendar call, and  
20 we were being shifted to another court, and you said, well, you  
21 hadn't read my trial brief, and, you know, I thought, Well, I  
22 did work -- you know, whether it was a good brief, not a good  
23 brief or not, you had chosen not to read it.

24 THE COURT: Mr. Jackson, I hadn't read your trial  
25 brief before calendar call because I was aware that we had the

1 murder case that was in the No. 1 position, and so what is the  
2 point if it's not going to go? We wait until we see where  
3 everything stacks up. So that has nothing to do with anything  
4 in my view.

5 MR. JACKSON: Well, it suggested to me that the case  
6 either was not important to you or you had chosen not to  
7 consider it.

8 THE COURT: Okay. Well, Mr. Jackson --

9 MR. JACKSON: So I'll simply --

10 THE COURT: -- unfortunately, as you well know, this  
11 is not our only trial, and as you sat through the calendar call  
12 here, you know that there was a murder trial --

13 MR. JACKSON: I know that.

14 THE COURT: -- that -- that came in first, before  
15 this trial, and you may not know this, but this Court took  
16 steps to find a Judge who I thought was more than competent to  
17 hear this trial, and then when it appeared that the murder  
18 trial was going to resolve, I took the trial back. I could've  
19 kept the trial with Judge Wiese and said nothing until this  
20 morning, oh, our trial dealt, but I didn't do that because I  
21 felt that it was my obligation to handle the cases assigned to  
22 me.

23 So I'm sorry that you quibble with my timing in  
24 reading your brief. Unfortunately, Mr. Jackson, given our  
25 caseload, we don't have the luxury as Judges to read things far

1 in advance. We have to read -- just like you as a defense  
2 attorney have to prepare for those trials that are coming up,  
3 we have to read for the cases that are up right away, and  
4 that's the way I do things.

5 Now, you know, maybe some other Judges who have fewer  
6 cases, are in the federal system or whatever, maybe, you know,  
7 they can read way ahead of time. I unfortunately don't have  
8 that luxury because of the volume of the cases that I handle,  
9 and I think that was quite evident at the calendar call, and  
10 actually, interestingly, that was quite a small calendar.  
11 Usually we have even bigger calendars if you want to comment on  
12 caseload. So, you know, I wish that I could be reading things  
13 weeks ahead of time, but unfortunately I don't have that luxury  
14 because of our caseload.

15 That doesn't mean that I don't care about this case.  
16 That doesn't mean that I don't do everything to, in my view,  
17 prepare as much as I can, but, you know, that's certainly not  
18 grounds for recusal. So, you know, I think we've made our  
19 record.

20 My proposal going forward is to have Ms. Butler -- if  
21 you would like, and this will be defense request, if you would  
22 like -- come in, and we'll question her privately out of the  
23 presence of the other jurors to see whether or not she can be  
24 fair and impartial given her background.

25 MR. JACKSON: I would like that.



1 THE COURT: All right. Does the State have anything  
2 they would like to add to complete this record?

3 MS. BEVERLY: No -- Judge, just to make the record  
4 clear on our position on the motion to recuse, we certainly  
5 object to that for several reasons. First and foremost, before  
6 we could even complete -- Your Honor could complete the  
7 questions about what she did for a living, Mr. Jackson asked to  
8 approach and asked for a for-cause challenge.

9 We also heard information from this juror that she  
10 has been working in her current position for over 15 years.  
11 She has not been with CPS for, again, the last 15 years.  
12 Additionally, we have people on juries -- people who serve as  
13 jurors who have been victims of sex assault in a sex-assault  
14 trial, and so we had -- there's too many things that people  
15 have in their lives that would excuse them for cause if we  
16 allow just someone's job to excuse them for cause.

17 Additionally, we followed up by asking -- well Your  
18 Honor followed up by asking whether she can be fair and  
19 impartial despite her previous employment, and she seemed to  
20 say -- and she said that she could, unequivocally. She also --  
21 it's kind of hard for the record to reflect this, but her  
22 demeanor was very calm. She did not seem to have any type of  
23 emotional reaction when talking about these children that she  
24 works with.

25 Additionally, in terms of the motion to recuse, it's

1 inaccurate that counsel is saying that Your Honor has never  
2 granted any of his motions. In fact, I have printed all of the  
3 minutes from every hearing that we've had with us, and in one  
4 of the motions, he filed a motion in limine to prevent the  
5 State from talking about this as a sex-assault investigation,  
6 and that motion was granted.

7           Additionally, in terms of the allegations of the  
8 State providing gifts and those matters, the State objected to  
9 having an evidentiary hearing based upon many conversations  
10 that we've had. That was also granted in Mr. -- the  
11 defendant's favor. So just to make that clear, that's -- we'll  
12 submit it on that.

13           MR. JACKSON: I was inaccurate on that. I am  
14 inaccurate on the granting of those motions.

15           THE COURT: All right.

16           MR. JACKSON: I'll stipulate to that.

17           THE COURT: The record speaks for itself.

18           MR. JACKSON: Yes.

19           THE COURT: And if your client is convicted, a  
20 reviewing court will be able to look at the questions that I  
21 asked Ms. Butler prior to our recess, and they can evaluate  
22 whether those were questions that were designed to elicit some  
23 kind of prejudicial information. I don't think mainly a  
24 yes-or-no question really is, but maybe. If your client is  
25 convicted -- obviously if he's acquitted, nobody ever looks at

1 this. If he's convicted, then a reviewing court can make that  
2 determination.

3 So, Mr. Jackson, then, so we're very clear on the  
4 record, is it your request that we question Ms. Butler out of  
5 the presence of the other jurors?

6 MR. JACKSON: Yes, please.

7 THE COURT: All right. Kenny, bring in Ms. Butler.

8 I'm going to tell Ms. Butler -- if nobody has any  
9 objection -- that the reason that she's being questioned  
10 privately is to encourage her to speak openly about her work  
11 background.

12 Is that acceptable with you, Mr. Jackson?

13 THE COURT: Yes, Your Honor. Thank you.

14 THE COURT: All right.

15 (Prospective Juror No. 164 entering 1:40 p.m.)

16 THE COURT: Now, Ms. Butler, I don't want you to  
17 think you're being picked on or anything. The reason that we  
18 wanted you to come in here privately, out of the presence of  
19 the other prospective jurors, is so that you can speak openly  
20 about your background at CPS --

21 PROSPECTIVE JUROR NO. 164: Okay.

22 THE COURT: -- and your background with the group  
23 home and everything like that.

24 PROSPECTIVE JUROR NO. 164: Okay.

25 THE COURT: And I think my last question was, you

1 know, you felt that you could be fair and impartial; is that  
2 correct?

3 PROSPECTIVE JUROR NO. 164: Yes.

4 THE COURT: Do you feel like you would be sort of  
5 more biased towards the purported victim, the individual that's  
6 making the allegations in this case, automatically because of  
7 your history, or how do you think that would come into play, if  
8 at all?

9 PROSPECTIVE JUROR NO. 164: Not necessarily. I  
10 can -- I see both sides. I've had a lot of cases that I've  
11 worked with a victim, and I find out the victim is not being  
12 honest.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 164: So I've seen both sides  
15 of it, but most of my clients are legitimately victims, but I  
16 feel like I could be biased, but again I would have to know  
17 what the evidence is.

18 THE COURT: Do you mean biased or fair?

19 PROSPECTIVE JUROR NO. 164: I'm sorry. Fair.

20 THE COURT: Okay. So you've worked with victims or  
21 purported victims who've actually made false allegations?

22 PROSPECTIVE JUROR NO. 164: Oh, yes.

23 THE COURT: Okay. And you say, Oh, yes, with no  
24 hesitation; is that true?

25 PROSPECTIVE JUROR NO. 164: Yes, very true.

1 THE COURT: Okay. Now, are you working -- and I  
2 didn't clear this up with the other gal. Are you working with  
3 children currently or adults?

4 PROSPECTIVE JUROR NO. 164: Currently, adults.

5 THE COURT: Adults, okay. So disabled -- mentally  
6 disabled adults?

7 PROSPECTIVE JUROR NO. 164: Correct.

8 THE COURT: Okay. And then when you were with CPS,  
9 obviously you were working with children?

10 PROSPECTIVE JUROR NO. 164: Yes. I was with the  
11 State, but we worked alongside CPS. So we did the mental  
12 health.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 164: The county is the one  
15 that does child welfare.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 164: And so we worked together  
18 though.

19 THE COURT: Okay. Can you kind of explain what the,  
20 I guess, interface is between your job at the state and --

21 PROSPECTIVE JUROR NO. 164: The county.

22 THE COURT: -- what CPS does, how you work together  
23 or how that came -- you know, came to be.

24 PROSPECTIVE JUROR NO. 164: The county is child  
25 welfare. The state is mental health. So we all worked in the

1 same office building, and so when they would have cases where  
2 kids would be removed or go to Child Haven or wherever, then  
3 the state, we would come in and do the mental health. So I was  
4 first responder, where if it was a child death, sexual abuse,  
5 physical abuse, anything like that, go in, do an assessment on  
6 the kids and see what they need, and then plug in all the  
7 services. So we work side by side.

8 THE COURT: Okay. So am I correct that your role was  
9 more placement oriented and service oriented than investigation  
10 oriented?

11 PROSPECTIVE JUROR NO. 164: Correct. We didn't do  
12 the investigation. The child welfare or the county would do  
13 the placement, but we would just do the mental health, whether  
14 it was therapy or wrap-around services, psychiatric medicine,  
15 or sometimes I would hospitalize kids.

16 THE COURT: Okay. With extreme psychiatric problems?

17 PROSPECTIVE JUROR NO. 164: Yes. Uh-huh.

18 THE COURT: Okay. I understand now. And is that  
19 kind of what you do in your job currently, find services for  
20 people with disabilities?

21 PROSPECTIVE JUROR NO. 164: It's a little different.  
22 Now my clients are -- some of them are in a group home. Some  
23 of them are with their families. They're adults. All of them  
24 have intellectual disabilities. So I do plug in all the  
25 services, and I manage their entire life though. So it's a

1 little different, but there are abuse as well, but I don't do  
2 the investigations.

3 THE COURT: Okay. So some of your clients may have  
4 been abused, and some of your clients haven't been abused?

5 PROSPECTIVE JUROR NO. 164: Yes. Correct.

6 THE COURT: Okay. And then so you would, like, find  
7 okay, this is a group -- good group home for this particular  
8 person or maybe help them figure out how to get to and from  
9 work, that sort of thing?

10 PROSPECTIVE JUROR NO. 164: Yes.

11 THE COURT: Okay. Those kinds of services?

12 PROSPECTIVE JUROR NO. 164: Yes.

13 THE COURT: So more social -- real social work?

14 PROSPECTIVE JUROR NO. 164: Yes.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 164: But we do report abuse  
17 and neglect, and I do deal with the police often on those  
18 cases.

19 THE COURT: Okay. So you would be a mandatory  
20 reporter then, correct?

21 PROSPECTIVE JUROR NO. 164: Absolutely.

22 THE COURT: Okay. All right. And those would be  
23 adult people, vulnerable -- I guess it's now abuse of a  
24 vulnerable person?

25 PROSPECTIVE JUROR NO. 164: Yes.

1 THE COURT: Okay. Those would be the types of things  
2 you'd be reporting?

3 PROSPECTIVE JUROR NO. 164: Yes, because a lot of my  
4 people in my caseload now are nonverbal. So they cannot  
5 protect themselves.

6 THE COURT: Okay. All right. So you would make the  
7 referral to Metro or whichever law enforcement agency?

8 PROSPECTIVE JUROR NO. 164: Yes.

9 THE COURT: Okay. And are your clients primarily Las  
10 Vegas, or do you have clients in Henderson and North Las Vegas  
11 where you'd be working with those jurisdictions?

12 PROSPECTIVE JUROR NO. 164: All -- yeah, North Las  
13 Vegas, Henderson, Las Vegas. It's, yeah, everywhere.

14 THE COURT: Okay. All right. And are you married?

15 PROSPECTIVE JUROR NO. 164: No.

16 THE COURT: Any children?

17 PROSPECTIVE JUROR NO. 164: No.

18 THE COURT: Okay. Have you ever been a juror before?

19 PROSPECTIVE JUROR NO. 164: No.

20 THE COURT: All right. And you heard the other  
21 questions, victims of crimes, accused of a crime, you or anyone  
22 in your family; anything like that we should know about you?

23 PROSPECTIVE JUROR NO. 164: No.

24 THE COURT: Okay. And when you worked for the state,  
25 when you were kind of working with or coordinating with CPS,



1 what, I guess, office of the state or division were you with?

2 PROSPECTIVE JUROR NO. 164: Division of Child and  
3 Family Services, DCFS.

4 THE COURT: Okay. But the state one as opposed to  
5 the county one?

6 PROSPECTIVE JUROR NO. 164: That's the state one, the  
7 Division of Child --

8 THE COURT: Oh, that is the state one?

9 PROSPECTIVE JUROR NO. 164: Uh-huh. County is  
10 Department of Family Services. State is Division of Child and  
11 Family Services.

12 THE COURT: Oh, okay. All right. I think I just in  
13 my mind combined the two, and I never -- I learned --

14 PROSPECTIVE JUROR NO. 164: Yeah, they're separate.

15 THE COURT: I learned a couple of new things today  
16 because I never realized the difference between the county and  
17 the state one.

18 PROSPECTIVE JUROR NO. 164: Yeah, they're separate.

19 THE COURT: All right. Thank you. I don't have any  
20 other questions for you.

21 But the State can follow up.

22 MS. LAVELL: Thank you.

23 Is it Ms. Butler?

24 PROSPECTIVE JUROR NO. 164: Yes.

25 MS. LAVELL: Okay. You've been sitting here. So

1 you've heard the majority of the questions.

2 PROSPECTIVE JUROR NO. 164: Uh-huh.

3 MS. LAVELL: In regards to any of the questions I  
4 asked previously, is there anything that I need to know about  
5 you -- or not necessarily me -- that we need to know about you  
6 that would make you not such a great pick for this jury?

7 PROSPECTIVE JUROR NO. 164: I don't think so.

8 MS. LAVELL: Okay. I'm -- I think you may be the  
9 young lady that -- are you familiar with --

10 THE COURT: Oh, thank you.

11 MS. LAVELL: Are you familiar with this gentleman  
12 over here?

13 PROSPECTIVE JUROR NO. 164: With who?

14 MS. LAVELL: This handsome young man over here?

15 THE MARSHAL: Thank you.

16 MS. LAVELL: You're welcome.

17 PROSPECTIVE JUROR NO. 164: He looks familiar. I  
18 don't know.

19 MS. LAVELL: Okay.

20 THE COURT: He thinks he may recognize you because a  
21 friend of his was a client of yours in the past. Do you  
22 recognize him? Kenny Hawkes is his name.

23 PROSPECTIVE JUROR NO. 164: No.

24 MS. LAVELL: Okay.

25 THE COURT: No, okay.

1 MS. LAVELL: So that's a no. So the fact that you  
2 don't recognize him, no way will he have any influence on how  
3 you decide in this case if you're selected for the jury?

4 PROSPECTIVE JUROR NO. 164: (Shook head.)

5 MS. LAVELL: Pass for cause.

6 THE COURT: Mr. Jackson.

7 MR. JACKSON: Just a couple questions.

8 How long did you work for the Department of -- DCFS?

9 PROSPECTIVE JUROR NO. 164: Uh-huh.

10 MR. JACKSON: How long did you work there?

11 PROSPECTIVE JUROR NO. 164: I worked there eight  
12 years.

13 MR. JACKSON: Okay. And when exactly was that? What  
14 years?

15 PROSPECTIVE JUROR NO. 164: I just transferred to  
16 Desert Regional Center last year.

17 MR. JACKSON: So you worked there the preceding eight  
18 years before? That's when you worked there?

19 PROSPECTIVE JUROR NO. 164: Uh-huh.

20 MR. JACKSON: And you were a caseworker there working  
21 with abused children --

22 PROSPECTIVE JUROR NO. 164: Uh-huh.

23 MR. JACKSON: -- that were -- now, did you do home  
24 visits as part of your job?

25 PROSPECTIVE JUROR NO. 164: I did.

1 MR. JACKSON: So you went into the actual homes of  
2 children that were abused; is that right?

3 PROSPECTIVE JUROR NO. 164: Yes.

4 MR. JACKSON: And you saw them in the condition when  
5 they were most in need of your services; is that right?

6 PROSPECTIVE JUROR NO. 164: Yes.

7 MR. JACKSON: And I imagine you saw some pretty  
8 terrible situations where children were pretty badly abused; is  
9 that right?

10 PROSPECTIVE JUROR NO. 164: Yes.

11 MR. JACKSON: Did that also include both physical and  
12 sexual abuse?

13 PROSPECTIVE JUROR NO. 164: Yes.

14 MR. JACKSON: Did you ever have to testify in Family  
15 Court or in Juvenile Court concerning what you saw?

16 PROSPECTIVE JUROR NO. 164: I did in Family Court.

17 MR. JACKSON: And were you -- you testified on behalf  
18 of the district attorney's office; isn't that correct? They'd  
19 call you as a witness?

20 PROSPECTIVE JUROR NO. 164: Yes.

21 MR. JACKSON: And when you were called by them, you'd  
22 try to give your best testimony to basically help the State in  
23 their prosecution of cases against parents that weren't -- you  
24 know, that shouldn't have kids; isn't that right? That were  
25 doing a bad job taking care of their kids or abusing their

1 kids; isn't that right?

2 PROSPECTIVE JUROR NO. 164: Yes.

3 MR. JACKSON: And most of the time -- most of the  
4 time when you were called as a witness it was because the  
5 parents had done something really awful; isn't that right?

6 PROSPECTIVE JUROR NO. 164: Yes.

7 MR. JACKSON: Now, my client Mr. Shue was charged  
8 with an offense of child pornography. Did you have any cases  
9 involving parents either charged with making pornography or  
10 being in possession of pornography or anything like that when  
11 you were working for the agency -- the state agency you were  
12 working for?

13 PROSPECTIVE JUROR NO. 164: Yes.

14 MR. JACKSON: Well, now, you worked with the DA's  
15 office on a regular basis in those cases then; is that right?

16 PROSPECTIVE JUROR NO. 164: I wouldn't say regular  
17 basis, no.

18 MR. JACKSON: Did you work with any of the DAs we  
19 have here?

20 PROSPECTIVE JUROR NO. 164: No.

21 MR. JACKSON: Any other DAs in the DA's office in  
22 Juvenile Court or in Family Court?

23 PROSPECTIVE JUROR NO. 164: In Family Court.

24 MR. JACKSON: Okay. And it --

25 THE COURT: Was that --

1 And I'm sorry to interrupt you.  
2 Just to be clear, was that in the criminal division  
3 or the abuse, neglect --  
4 PROSPECTIVE JUROR NO. 164: Abuse, neglect.  
5 THE COURT: So, like, where they're trying to  
6 terminate parental rights, is that where you would --  
7 PROSPECTIVE JUROR NO. 164: Yes.  
8 THE COURT: -- be called in as a witness?  
9 PROSPECTIVE JUROR NO. 164: Yes.  
10 THE COURT: Okay.  
11 MR. JACKSON: But it was still run by Mr. Wolfson's  
12 office; is that correct, the DA's office?  
13 PROSPECTIVE JUROR NO. 164: Yes.  
14 MR. JACKSON: Your Honor, I think there is a --  
15 THE COURT: Okay. Well, Mr. Jackson, we can --  
16 MR. JACKSON: I'm sorry. I'm sorry.  
17 THE COURT: -- discuss this later.  
18 MR. JACKSON: I --  
19 THE COURT: How many times would you say were you  
20 called to testify in an abuse-neglect hearing in Family Court?  
21 PROSPECTIVE JUROR NO. 164: I only testified once,  
22 for a TPR trial.  
23 THE COURT: Okay. And I'm not -- I'm sorry. I never  
24 did family law.  
25 PROSPECTIVE JUROR NO. 164: Termination of parental

1 rights.

2 THE COURT: Okay. Termination of parental rights.

3 So you only actually testified once?

4 PROSPECTIVE JUROR NO. 164: Yes, the rest of it was  
5 mostly I would attend court, and I would give an update if I  
6 needed to or send in a court report, and they would get updates  
7 from my reports, but I didn't have to testify.

8 THE COURT: Okay. Who ordered those reports? Is it  
9 the DA's office says, Send in a report? Or does the Family  
10 Court Judge direct the state? Because I'm really unfamiliar  
11 with this. Does the Family Court Judge tell you, Hey, state of  
12 Nevada, DCFS, I need a report, or who's directing you to do  
13 those reports? Do you know?

14 PROSPECTIVE JUROR NO. 164: Most of the time it was  
15 the Judge.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 164: They would mostly look at  
18 the county worker or the foster care worker's reports because  
19 they were the legal guardian and ones responsible.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 164: And so they would pull in  
22 our reports if they needed to, but most of our documents had to  
23 be court ordered because of HIPPA.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 164: And because it was a lot

1 of times during therapy sessions, which we cannot release  
2 unless court ordered. So.

3 THE COURT: Okay. So you were more dealing with the  
4 therapy and the mental health aspects?

5 PROSPECTIVE JUROR NO. 164: Strictly.

6 THE COURT: Okay. And then you said you testified  
7 actually one time from the witness stand?

8 PROSPECTIVE JUROR NO. 164: Yes.

9 THE COURT: In a TPR proceeding. And do you recall  
10 about when that was?

11 PROSPECTIVE JUROR NO. 164: Oh, gosh. That had to  
12 be -- that was before I was even with the state. I was with a  
13 private agency. So I think it was around 2006. 2005, 2006,  
14 somewhere in there.

15 THE COURT: I'm sorry. But I --

16 One more question, Mr. Jackson.

17 And why were you called -- what private agency was  
18 that that you were working with?

19 PROSPECTIVE JUROR NO. 164: Olivecrest Foster Care  
20 and Adoption Agency.

21 THE COURT: Okay. And why were you called as a  
22 witness to testify?

23 PROSPECTIVE JUROR NO. 164: I was working with a mom  
24 who was trying to reunify with her children, and I was the  
25 primary person working with her.



1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 164: And they were terminating  
3 her rights and needed my testimony to terminate her.

4 THE COURT: Okay. Were you testifying against  
5 termination or in favor of termination?

6 PROSPECTIVE JUROR NO. 164: In favor.

7 THE COURT: Okay. Thank you.

8 Go on, Mr. Jackson.

9 MR. JACKSON: All right. Now, so basically your job  
10 on many occasions though was to prepare reports about parents  
11 that were basically doing bad things to their children; isn't  
12 that correct?

13 PROSPECTIVE JUROR NO. 164: No, my job was to prepare  
14 reports just strictly about the child and their needs.

15 MR. JACKSON: Okay. But those reports would  
16 sometimes be used in court proceedings, in litigation  
17 concerning the parental rights of the parents if their parental  
18 rights were being challenged by one party or the other, either  
19 the state or someone else that wanted to terminate their  
20 rights?

21 PROSPECTIVE JUROR NO. 164: Yes.

22 MR. JACKSON: All right. And of course you -- you  
23 saw very many -- very many terrible things when you were doing  
24 this work; is that correct?

25 PROSPECTIVE JUROR NO. 164: Yes.

1 MR. JACKSON: Do you think you can be fair to my  
2 client under all the circumstances?

3 PROSPECTIVE JUROR NO. 164: I think so.

4 MR. JACKSON: Would you want 12 people in the same  
5 state of mind as you to sit in my client's -- if you were in  
6 the same position as my client, would you want 12 people on the  
7 jury just like you?

8 PROSPECTIVE JUROR NO. 164: Yes, because I've seen  
9 both sides.

10 MR. JACKSON: I have no further questions.

11 THE COURT: All right. Ma'am, thank you. I'm going  
12 to ask you to return out with the other jurors.

13 PROSPECTIVE JUROR NO. 164: Okay.

14 THE COURT: But before I do I must admonish you that  
15 you're not to discuss what's just transpired with the other  
16 jurors.

17 PROSPECTIVE JUROR NO. 164: Okay.

18 THE COURT: They may want to know what did they ask  
19 you, but you're to tell them that you can't discuss anything.

20 PROSPECTIVE JUROR NO. 164: Okay.

21 THE COURT: All right. Thank you very much.

22 PROSPECTIVE JUROR NO. 164: Sure.

23 THE COURT: And just follow the bailiff through the  
24 double doors.

25 (Prospective Juror No. 164 recessed 1:54 p.m.)

1           THE COURT: All right. She said over and over again  
2 she could be fair. She saw both sides. She's seen false  
3 allegations. She's seen true allegations. She's only  
4 testified one time on behalf of the state, and that was not as  
5 a state employee. It was actually when she was working for a  
6 private adoption agency. She has prepared reports but that  
7 sounds like it's more needs-assessment-type reports and how  
8 victims are progressing through therapy, and she even talked  
9 about hospitalization placements with some victims. So I don't  
10 see a reason to strike her for cause.

11           I understand that you're continuing your motion,  
12 Mr. Jackson, but your motion is denied for the reasons I've  
13 just stated.

14           MR. JACKSON: Okay. I renew my motion to challenge  
15 for cause. I renew my motion to recuse for the same reasons  
16 stated before.

17           THE COURT: All right. That's denied, and  
18 Mr. Jackson, you know, I'm sure there are going to be many  
19 rulings that you don't agree with, and I don't think every  
20 ruling against you invites a renewed motion to recuse --

21           MR. JACKSON: I won't --

22           THE COURT: -- however --

23           MR. JACKSON: I won't do that.

24           THE COURT: -- however, you know, if that's the way  
25 you want to play this, that -- that's fine. Like I said, I'm

1 not biased, and it doesn't meet the standards for recusal  
2 simply because you don't agree with my decisions.

3 MR. JACKSON: I understand that, and I won't make  
4 another motion unless I think it's warranted.

5 THE COURT: All right. Kenny, bring them in.

6 (Panel of prospective jurors entering 1:57 p.m.)

7 THE COURT: All right. Court is now back in session.  
8 The record should reflect the State, the defendant and his  
9 counsel, the officers of the court and the ladies and gentlemen  
10 of the prospective jury panel.

11 And the defense may make its first challenge.

12 MR. JACKSON: We'd ask the Court to thank and excuse  
13 Davida Brown.

14 THE COURT: Butler.

15 MR. JACKSON: Excuse me. Davida Butler.

16 THE COURT: Ms. Butler, thank you very much for being  
17 here and your willingness to serve as a juror. You are excused  
18 at this time.

19 PROSPECTIVE JUROR NO. 164: Thank you.

20 THE COURT: And if the clerk would please call up the  
21 next prospective juror.

22 THE CLERK: Yes, Your Honor.

23 Badge 165, Paul Neilsen Dungo.

24 THE COURT: Is it Dungo?

25 PROSPECTIVE JUROR NO. 165: Yes.

1 THE COURT: Sir, have a seat there. Take that empty  
2 chair there, please, in the front row.

3 Good afternoon. What do you do for a living, sir?

4 PROSPECTIVE JUROR NO. 165: I work in human  
5 resources.

6 THE COURT: For what kind of a business or company?

7 PROSPECTIVE JUROR NO. 165: For the Venetian and  
8 Palazzo.

9 THE COURT: Okay. And how long have you been doing  
10 that?

11 PROSPECTIVE JUROR NO. 165: I've been working for the  
12 Venetian Palazzo for 14 years.

13 THE COURT: Okay. And are you married, or do you  
14 have a significant other?

15 PROSPECTIVE JUROR NO. 165: Single.

16 THE COURT: All right.

17 PROSPECTIVE JUROR NO. 165: No kids.

18 THE COURT: How many?

19 PROSPECTIVE JUROR NO. 165: No kids.

20 THE COURT: No kids. Have you ever been a juror  
21 before?

22 PROSPECTIVE JUROR NO. 165: I have not.

23 THE COURT: You heard me ask the other jurors if  
24 they'd been victims of crime or accused or arrested for crimes.  
25 Anything like that in your background?

1 PROSPECTIVE JUROR NO. 165: No.  
2 THE COURT: Okay. What about anyone close to you?  
3 PROSPECTIVE JUROR NO. 165: Yes, my sister and my  
4 brother, mid- probably 2000s, they were arrested for domestic  
5 violence.  
6 THE COURT: Okay. Also then -- was it one incident?  
7 PROSPECTIVE JUROR NO. 165: Separate incidents,  
8 right.  
9 THE COURT: Okay. Your sister, where did that occur?  
10 PROSPECTIVE JUROR NO. 165: North Las Vegas.  
11 THE COURT: Okay. And --  
12 PROSPECTIVE JUROR NO. 165: My brother, here in  
13 Metro.  
14 THE COURT: Okay. Now, the situation with your  
15 sister, was that another family member, or was that a  
16 boyfriend?  
17 PROSPECTIVE JUROR NO. 165: It was a boyfriend.  
18 THE COURT: Okay. And did you follow her case or  
19 her --  
20 PROSPECTIVE JUROR NO. 165: I did not.  
21 THE COURT: Okay. And what about with your brother,  
22 was that a spouse or a --  
23 PROSPECTIVE JUROR NO. 165: It was a girlfriend.  
24 THE COURT: A girlfriend, okay. And have you formed  
25 any -- well, let me ask you this. Do you know what happened

1 with those cases? Did they go to trial in front of a Judge  
2 or --

3 PROSPECTIVE JUROR NO. 165: No, I know that they were  
4 both worked out. They didn't go to trial or anything like  
5 that. It was just worked out.

6 THE COURT: Okay. Have you formed any opinions as to  
7 how your brother or your sister were treated in the justice  
8 system, whether it was the police or the lawyers or --

9 PROSPECTIVE JUROR NO. 165: I did not.

10 THE COURT: Okay. Anything else in your background  
11 or your family background that we should know about you in  
12 making a determination as to whether or not you'd be a good  
13 juror on this type of a case?

14 PROSPECTIVE JUROR NO. 165: No.

15 THE COURT: Can you be fair and impartial to both  
16 sides if you are selected to serve?

17 PROSPECTIVE JUROR NO. 165: Yes.

18 THE COURT: All right. State, you may follow up with  
19 Mr. Dungo.

20 MS. LAVELL: Pass for cause.

21 THE COURT: Mr. Jackson, you may follow up with Mr.  
22 Dungo.

23 MR. JACKSON: Just a few questions.

24 Mr. Dungo, how long have you been here in Las Vegas?

25 PROSPECTIVE JUROR NO. 165: Born and raised here,

1 Mr. Jackson.

2 MR. JACKSON: And before -- you've been working as a  
3 manager for how long?

4 PROSPECTIVE JUROR NO. 165: Well, I was promoted to  
5 manager probably in 2005.

6 MR. JACKSON: What did you do before working in your  
7 present position?

8 PROSPECTIVE JUROR NO. 165: Well, I've been in human  
9 resources for about 15 years. So as a manager I was promoted  
10 in 2006, but before that I was a specialist for training and  
11 development.

12 MR. JACKSON: Training and development. What kind of  
13 training and development?

14 PROSPECTIVE JUROR NO. 165: That would be basic  
15 leadership skills for supervisors, managers.

16 MR. JACKSON: Have you ever been in the military?

17 PROSPECTIVE JUROR NO. 165: No, sir.

18 MR. JACKSON: I don't know if you were asked. Were  
19 you ever on a jury before?

20 PROSPECTIVE JUROR NO. 165: I was asked, and I have  
21 not.

22 MR. JACKSON: Okay. Now, we asked the other jurors  
23 the big question, whether the nature of the charge itself would  
24 affect them in such a way that it would be difficult for them  
25 to be fair. Would the nature of the charge itself here, which



1 is child pornography and related charges, child abuse, things  
2 like that, would that charge itself be so difficult for you  
3 that you think it would be difficult for you to be fair?

4 PROSPECTIVE JUROR NO. 165: It would not be difficult  
5 for me to be fair, sir.

6 MR. JACKSON: Do you think you can be fair to both  
7 sides --

8 PROSPECTIVE JUROR NO. 165: Yes, sir.

9 MR. JACKSON: -- both the state of Nevada and the  
10 defendant and listen to all the evidence before you made up  
11 your mind?

12 PROSPECTIVE JUROR NO. 165: Yes, sir.

13 MR. JACKSON: As my client sits here today, do you  
14 believe he's presumed innocent?

15 PROSPECTIVE JUROR NO. 165: Yes, sir.

16 MR. JACKSON: You haven't heard any evidence to the  
17 contrary so far?

18 PROSPECTIVE JUROR NO. 165: That's correct. I've not  
19 heard of anything.

20 MR. JACKSON: Do you believe you can work well with  
21 the other jurors and listen to what they have to say before  
22 making up your mind to decide this case?

23 PROSPECTIVE JUROR NO. 165: Yes, sir.

24 MR. JACKSON: You can follow all the Judge's  
25 instructions before deciding this case?

1 PROSPECTIVE JUROR NO. 165: Yes, sir.

2 MR. JACKSON: Okay. Is there anything that either I  
3 or the prosecutor or the Judge hasn't asked you that you think  
4 I should know or you think the prosecutor should know or the  
5 Judge should know that would impact your ability to be a fair  
6 juror?

7 PROSPECTIVE JUROR NO. 165: I think you've asked all  
8 the questions, sir.

9 MR. JACKSON: Okay. Pass the juror for cause.

10 THE COURT: All right. Thank you.

11 I believe we're on State's second.

12 MS. LAVELL: Yes, Your Honor. And I apologize ahead  
13 of time. I think I'm going to probably pronounce the last name  
14 wrong, but the State would like to thank and excuse Badge  
15 No. 0139, Jennifer Zeemla -- Zemla.

16 PROSPECTIVE JUROR NO. 139: Zemla.

17 THE COURT: Ma'am, thank you very much for being here  
18 and your willingness to serve as a juror. You're excused at  
19 this time.

20 And the clerk will call the next prospective juror.

21 THE CLERK: Yes, Your Honor.

22 Badge 168, Matthew Babb.

23 THE COURT: Good afternoon, Mr. Babb. What do you do  
24 for a living, sir?

25 PROSPECTIVE JUROR NO. 168: I'm a gunsmith and

1 armorer instructor.

2 THE COURT: All right. A gunsmith and an armorer  
3 instructor. Do you have your own company, or do you work for  
4 somebody?

5 PROSPECTIVE JUROR NO. 168: Both.

6 THE COURT: Okay. And tell me what you mean.

7 PROSPECTIVE JUROR NO. 168: I have my own business  
8 doing consulting.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 168: And also I work under  
11 contract as a US government contractor training armorers for  
12 the government.

13 THE COURT: Okay. And how long have you been doing  
14 that type of work?

15 PROSPECTIVE JUROR NO. 168: For about 12 years.

16 THE COURT: Do you work -- so you're a US government  
17 contractor?

18 PROSPECTIVE JUROR NO. 168: Yes.

19 THE COURT: Okay. Do you work with -- so do you work  
20 with the military or law enforcement or --

21 PROSPECTIVE JUROR NO. 168: All.

22 THE COURT: Purchasing or -- kind of what is your  
23 interaction with -- I guess with federal law enforcement, if  
24 any?

25 PROSPECTIVE JUROR NO. 168: Federal law enforcement,

1 I train their armorers in repair and maintenance of both  
2 domestic and foreign weapons.

3 THE COURT: Okay. So are you actually working with,  
4 like, federal agents and that sort of thing in training?

5 PROSPECTIVE JUROR NO. 168: I work with various  
6 federal agencies, local agencies as well as military.

7 THE COURT: Oh, okay. So you also are a supplier,  
8 or, what, a consultant to, say, local law enforcement?

9 PROSPECTIVE JUROR NO. 168: Yes.

10 THE COURT: Okay. Would that include Metro?

11 PROSPECTIVE JUROR NO. 168: Yes.

12 THE COURT: Okay. What kind of, I guess, has your  
13 role been in working with Metro. Can you kind of be a  
14 little -- just in a nutshell, tell us what you do, like what  
15 your job would entail?

16 PROSPECTIVE JUROR NO. 168: Apart from local  
17 officers, repair of their basic weapons, I also have open  
18 contracts with Metro SWAT for the repair and maintenance of  
19 their weapons.

20 THE COURT: Okay. Now, obviously this is a criminal  
21 case, and there may be testimony from police officers, members  
22 of law enforcement. Is there anything about the fact that you  
23 work with members of law enforcement, both federal and local,  
24 that would cause you to favor the State against the defense or  
25 would cause you to consider the testimony of a police officer

1 differently than you would the testimony of any other witness?

2 PROSPECTIVE JUROR NO. 168: No.

3 THE COURT: Okay. Can -- now, when a police officer  
4 or member of law enforcement testifies, can you keep an open  
5 mind and evaluate the testimony critically, like you would the  
6 testimony of any other witness?

7 PROSPECTIVE JUROR NO. 168: Yes.

8 THE COURT: Okay. Now, we talked before with some of  
9 the other jurors about the fact that the State has the burden  
10 of proof in this case, and unless the State proves the  
11 defendant's guilt beyond a reasonable doubt, the defendant is  
12 entitled to a verdict of not guilty. Do you have any problem  
13 with that concept?

14 PROSPECTIVE JUROR NO. 168: No.

15 THE COURT: Okay. Now, if you're a member of this  
16 jury and after you listen to all the testimony and hear the  
17 instructions on the law and you go in the back and you talk  
18 about it with the other jurors and you think, you know what,  
19 they just didn't prove it to me, do you have any problem  
20 raising your hand and voting not guilty?

21 PROSPECTIVE JUROR NO. 168: No.

22 THE COURT: Do you have any problem then, you know,  
23 if you're working with the SWAT team or whatever, telling them,  
24 Hey, I was on a criminal jury, and I acquitted the person? I  
25 mean, would there be anything in your job that would cause you

1 to feel uncomfortable or anything like that?

2 PROSPECTIVE JUROR NO. 168: No.

3 THE COURT: Okay. Are you married, or do you have a  
4 significant other?

5 PROSPECTIVE JUROR NO. 168: I'm married.

6 THE COURT: And what does your wife do?

7 PROSPECTIVE JUROR NO. 168: She is a trainer with  
8 a -- a large restaurant chain.

9 THE COURT: Okay. So she trains, what, management  
10 staff or wait staff?

11 PROSPECTIVE JUROR NO. 168: All staff and opens.

12 THE COURT: Okay. Any children?

13 PROSPECTIVE JUROR NO. 168: No children.

14 THE COURT: All right. Have you ever been a juror  
15 before?

16 PROSPECTIVE JUROR NO. 168: No.

17 THE COURT: All right. You or anyone close to you  
18 ever been arrested, charged, accused of a crime or the victim  
19 of a crime?

20 PROSPECTIVE JUROR NO. 168: Many.

21 THE COURT: Okay. Let's start with the arrests.  
22 Let's start with you.

23 PROSPECTIVE JUROR NO. 168: No.

24 THE COURT: Nothing for you, okay. What about  
25 close -- people close to you, family members, just --

1 PROSPECTIVE JUROR NO. 168: No family members, no.

2 THE COURT: Okay. Well, you're thinking of somebody.

3 So tell me what you're thinking of.

4 PROSPECTIVE JUROR NO. 168: In this business, you  
5 meet a lot of people who go afoul of law enforcement with  
6 firearms.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 168: And who have gone to  
9 prison and have done the wrong things.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 168: Just as -- not as  
12 associates, but it's just people we know in this business.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 168: So it's a hazard.

15 THE COURT: Okay. And I'm not really sure how  
16 you're -- how you would be interacting with those people in  
17 your line of work. Can you tell me.

18 PROSPECTIVE JUROR NO. 168: As felons, they're  
19 forbidden from interacting with me.

20 THE COURT: Okay. All right. Do you ever come  
21 across them or --

22 PROSPECTIVE JUROR NO. 168: No.

23 THE COURT: Okay. All right. So they're kind of  
24 obviously forbidden from having firearms. So you wouldn't  
25 be --

1 PROSPECTIVE JUROR NO. 168: Correct.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 168: And for that reason I  
4 wouldn't associate with them.

5 THE COURT: Okay. And then what about the flip side  
6 of that, have you ever yourself been the victim of a crime?

7 PROSPECTIVE JUROR NO. 168: No.

8 THE COURT: And what about anyone close to you? Has  
9 anyone close to you been the victim of a crime?

10 PROSPECTIVE JUROR NO. 168: No.

11 THE COURT: Anything else in your background or your  
12 family background that we should know about you in making a  
13 determination as to whether or not you would be a good juror on  
14 this type of a case?

15 PROSPECTIVE JUROR NO. 168: The only thing that might  
16 cause a problem is, with the company that I'm currently a  
17 contractor with, an instructor, I replaced their previous  
18 instructor who was arrested and convicted for underage sex with  
19 a child.

20 THE COURT: Okay. Now, did you know that person?

21 PROSPECTIVE JUROR NO. 168: Knew him, worked with him  
22 on occasion, was not around when he was arrested and convicted,  
23 and he was convicted again in the state of Tennessee.

24 THE COURT: Okay. Did you work with him here in  
25 Clark County?



1 PROSPECTIVE JUROR NO. 168: Yes.

2 THE COURT: Okay. Did he have family back in  
3 Tennessee or --

4 PROSPECTIVE JUROR NO. 168: Yes.

5 THE COURT: Okay. So was the -- if you know, was the  
6 allegation, did it involve a family member?

7 PROSPECTIVE JUROR NO. 168: No.

8 THE COURT: Okay. But the crime was committed in  
9 Tennessee?

10 PROSPECTIVE JUROR NO. 168: Yes.

11 THE COURT: Okay. Now, were you social friends with  
12 this person? I mean, did you, like, go out for beers or out  
13 for lunch, that kind of thing, or was it more you just --

14 PROSPECTIVE JUROR NO. 168: Never.

15 THE COURT: -- saw him at the workplace?

16 PROSPECTIVE JUROR NO. 168: Just the workplace.

17 THE COURT: Okay. Did you ever talk to this person  
18 about the fact that he was -- you know, his case or his --

19 PROSPECTIVE JUROR NO. 168: No.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 168: He was arrested when he  
22 was out of the area.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 168: Brought up on charges,  
25 never saw him again. So no contact has ever been made.

1 THE COURT: Was there any talk at the workplace, kind  
2 of office scuttlebutt about the case or anything like that?

3 PROSPECTIVE JUROR NO. 168: A lot of people working  
4 for the company were much more upset than I was.

5 THE COURT: Okay. Upset that he was charged or upset  
6 that they worked with him, or what were they upset about?

7 PROSPECTIVE JUROR NO. 168: The general shock that  
8 occurs with a case like that.

9 THE COURT: Okay. Can you set all that aside and  
10 base your verdict if you're selected in this case solely upon  
11 the evidence that's presented during this trial?

12 PROSPECTIVE JUROR NO. 168: Yes.

13 THE COURT: Now, you knew this person a little bit,  
14 but you didn't know the victim in the case, correct?

15 PROSPECTIVE JUROR NO. 168: No.

16 THE COURT: Did you yourself when you heard it, like,  
17 have any opinions of true or not true, anything like that?

18 PROSPECTIVE JUROR NO. 168: The usual. You start  
19 with disbelief and then shock and then anger. Go through all  
20 the steps.

21 THE COURT: Okay. Why were you angry?

22 PROSPECTIVE JUROR NO. 168: Because it would've  
23 occurred.

24 THE COURT: Okay. Did you think, Oh, it must have  
25 occurred, or did you think that after you already knew he'd

1    been convicted?

2               PROSPECTIVE JUROR NO. 168: One of those, you can't  
3   believe it. Anger, then you -- once you've realized it, oh,  
4   wait a minute. You know, did it happen? Did it not? And then  
5   after the conviction -- after the trial and conviction, that it  
6   was --

7               THE COURT: So that person -- so that person actually  
8   went to trial?

9               PROSPECTIVE JUROR NO. 168: Oh, yes, and is currently  
10  serving in prison.

11              THE COURT: All right. Okay. All right. Thank you.  
12   So you kind of benefited in a way by it because you got this  
13   job. All right. Thank you.

14              And, State, you can follow up.

15              MS. LAVELL: Mr. Babb?

16              PROSPECTIVE JUROR NO. 168: Yes, ma'am.

17              MS. LAVELL: Just one quick question. Do you have  
18   nieces and nephews or --

19              PROSPECTIVE JUROR NO. 168: Yes.

20              MS. LAVELL: You do. And do you interact with them?

21              PROSPECTIVE JUROR NO. 168: Yes, whenever I can.

22              MS. LAVELL: Okay. Thank you.

23              Nothing further. I'll pass for cause.

24              THE COURT: Pass for cause.

25              Mr. Jackson.

1 MR. JACKSON: Thank you. How long have you been in  
2 the Las Vegas area did you say?  
3 PROSPECTIVE JUROR NO. 168: Since '91.  
4 MR. JACKSON: And before that you lived back in  
5 Tennessee?  
6 PROSPECTIVE JUROR NO. 168: No, I lived in  
7 California.  
8 MR. JACKSON: Okay. And this person that was  
9 convicted, did he live in Tennessee, or did he just happen to  
10 get arrested back there?  
11 PROSPECTIVE JUROR NO. 168: Lived in Tennessee.  
12 MR. JACKSON: Now, I'm looking at your juror sheet,  
13 and it said that you were in the military; is that correct?  
14 PROSPECTIVE JUROR NO. 168: Yes, sir.  
15 MR. JACKSON: What branch of the service were you in?  
16 PROSPECTIVE JUROR NO. 168: The United States Army.  
17 MR. JACKSON: And what rank did you achieve in the  
18 United States Army?  
19 PROSPECTIVE JUROR NO. 168: E4.  
20 MR. JACKSON: And did you ever serve in combat?  
21 PROSPECTIVE JUROR NO. 168: Yes.  
22 MR. JACKSON: Which war or conflict were you in?  
23 PROSPECTIVE JUROR NO. 168: Desert Storm.  
24 MR. JACKSON: Okay. And how long were you in the  
25 service?

1 PROSPECTIVE JUROR NO. 168: I was in the service  
2 initially '86 to -- '86 to '89, regular army; California Guard,  
3 got out in '91 after Desert Storm.

4 MR. JACKSON: Now, did you ever have any law  
5 enforcement training while in the military?

6 PROSPECTIVE JUROR NO. 168: Yes.

7 MR. JACKSON: And what type of training was that?

8 PROSPECTIVE JUROR NO. 168: Military police.

9 MR. JACKSON: And so during the five or six years you  
10 were in the military, how much time was spent in the military  
11 police?

12 PROSPECTIVE JUROR NO. 168: Military police time was  
13 spent with the California National Guard.

14 MR. JACKSON: Oh, okay. Now, while you were in  
15 military police, did you ever testify in court or in military  
16 court at any time?

17 PROSPECTIVE JUROR NO. 168: No, there are different  
18 branches. We are not -- we were combat military police.

19 MR. JACKSON: Okay.

20 PROSPECTIVE JUROR NO. 168: We were not law  
21 enforcement or CID.

22 MR. JACKSON: In your current job, you have  
23 substantial contact with law enforcement; is that correct?

24 PROSPECTIVE JUROR NO. 168: Yes.

25 MR. JACKSON: You supply them with weapons, and do

1 you also teach them at times?

2 PROSPECTIVE JUROR NO. 168: Yes.

3 MR. JACKSON: So you have regular contact with many  
4 law enforcement officers; is that correct?

5 PROSPECTIVE JUROR NO. 168: Yes.

6 MR. JACKSON: Do you count among law enforcement some  
7 friends? Do you have some close acquaintances or friends who  
8 are law enforcement personnel?

9 PROSPECTIVE JUROR NO. 168: Yes.

10 MR. JACKSON: Would you say more than five or more  
11 than 10 individuals would be considered friends of yours that  
12 are law enforcement people?

13 PROSPECTIVE JUROR NO. 168: Friends, two to three.

14 MR. JACKSON: Okay. People that you might meet after  
15 work or socialize with or have a beer with or meet them on the  
16 weekend to watch football with, something like that?

17 PROSPECTIVE JUROR NO. 168: No.

18 MR. JACKSON: Just people that you maybe meet  
19 casually or something like that or just talk to them on the  
20 phone?

21 PROSPECTIVE JUROR NO. 168: People that I know from  
22 the business, no one I associate with.

23 MR. JACKSON: Do you ever go to their house and visit  
24 them at their house --

25 PROSPECTIVE JUROR NO. 168: No.

1 MR. JACKSON: -- these friends -- okay. Do you ever  
2 talk to them about any of their cases? Like, do they tell you,  
3 Wow, I got a real interesting case that I'm working on, and,  
4 you know, I really -- this is real interesting? I want to tell  
5 you about this. Do you ever talk to them about cases like  
6 that?

7 PROSPECTIVE JUROR NO. 168: No, we're in a discrete  
8 business.

9 MR. JACKSON: Okay. I saw you -- I think I saw that  
10 you brought a book in with you. What's -- did you bring in a  
11 book of anything relating to the law?

12 PROSPECTIVE JUROR NO. 168: No.

13 MR. JACKSON: What was the book you brought in with  
14 you, just out of curiosity?

15 PROSPECTIVE JUROR NO. 168: History of Firearms  
16 Design by General S. Hatcher.

17 MR. JACKSON: So this is kind of work related or just  
18 for fun?

19 PROSPECTIVE JUROR NO. 168: Something to pass the  
20 time.

21 MR. JACKSON: Okay. Are you an avid reader?

22 PROSPECTIVE JUROR NO. 168: Yes.

23 MR. JACKSON: And is most of your reading connected  
24 with your work, or is firearms kind of a hobby with you as well  
25 as work?

1 PROSPECTIVE JUROR NO. 168: Firearms is work and  
2 life.

3 MR. JACKSON: Okay. So you would say it's a big part  
4 of your life then?

5 PROSPECTIVE JUROR NO. 168: I like what I do.

6 MR. JACKSON: Okay. That's good. Is there any --  
7 you mentioned I think some -- is there some possible difficulty  
8 with you sitting on this jury because of time constraints --

9 PROSPECTIVE JUROR NO. 168: No.

10 MR. JACKSON: -- that would prevent you from giving  
11 full attention to this -- to this case?

12 PROSPECTIVE JUROR NO. 168: No, my week is free.

13 MR. JACKSON: Okay. Is there anything about the  
14 nature of the charges -- and you've heard what they are -- that  
15 would make it difficult for you to sit on this jury?

16 PROSPECTIVE JUROR NO. 168: As with any other juror,  
17 the charges are something that I would not like, but it does  
18 not stop me from sitting on the jury.

19 MR. JACKSON: Do you believe you can be fair to the  
20 defendant and to the state of Nevada as well?

21 PROSPECTIVE JUROR NO. 168: Yes.

22 MR. JACKSON: Pass the juror for cause.

23 THE COURT: All right. Thank you. I believe we're  
24 on the defendant's second challenge.

25 MR. JACKSON: Court's indulgence for a moment.



1 THE COURT: All right.

2 MR. JACKSON: Your Honor, we'd asked the Court to

3 thank and excuse Juror No. 6.

4 THE COURT: The juror in Chair 6?

5 MR. JACKSON: Yes.

6 THE DEFENDANT: We forgot the badge number. Sorry.

7 THE COURT: All right. That's you.

8 PROSPECTIVE JUROR NO. 158: That's me?

9 THE COURT: I don't remember your badge number.

10 PROSPECTIVE JUROR NO. 158: 158

11 THE COURT: Badge No. 158, is that right,

12 Mr. Jackson?

13 MR. JACKSON: Yes.

14 THE COURT: All right. Ma'am, thank you very much

15 for being here and your willingness to serve as a juror. You

16 are excused at this time.

17 And, Ms. Husted, please call up the next prospective

18 juror.

19 THE CLERK: Yes, Your Honor.

20 Badge 170, Albert Brown.

21 THE COURT: Good afternoon, Mr. Brown. What do you

22 do for a living, sir?

23 PROSPECTIVE JUROR NO. 170: I'm a 3-D artist.

24 THE COURT: A 3-D artist?

25 PROSPECTIVE JUROR NO. 170: That's correct.

1 THE COURT: Okay. And do you work -- do you have  
2 your own business, or do you work for a company?

3 PROSPECTIVE JUROR NO. 170: I do have my own  
4 business. I freelance, but mostly I do work full-time for a  
5 major hotel resort.

6 THE COURT: Okay. And how long have you been doing  
7 that type of work?

8 PROSPECTIVE JUROR NO. 170: Since 2003.

9 THE COURT: Okay. For a while. And are you married,  
10 or do you have a significant other?

11 PROSPECTIVE JUROR NO. 170: Yes, I'm married.

12 THE COURT: Okay. What does your wife do?

13 PROSPECTIVE JUROR NO. 170: She's a homemaker.

14 THE COURT: All right. Children?

15 PROSPECTIVE JUROR NO. 170: I have two kids and one  
16 grandchild.

17 THE COURT: All right. So both kids are grown?

18 PROSPECTIVE JUROR NO. 170: My son is 23. My  
19 daughter is 28.

20 THE COURT: Okay. And one grandchild. And how old  
21 is your grandchild?

22 PROSPECTIVE JUROR NO. 170: She's 10 years old.

23 THE COURT: Okay. Have you ever been a juror before?

24 PROSPECTIVE JUROR NO. 170: No.

25 THE COURT: Okay. You or anyone close to you ever

1 been arrested, charged or accused of a crime?

2 PROSPECTIVE JUROR NO. 170: No.

3 THE COURT: Okay. What about the victim of a crime?

4 PROSPECTIVE JUROR NO. 170: No, not really, not  
5 anything serious. I had a neighbor drive his car into my wall  
6 in my home, and I called the police, and they came over. I was  
7 a little frustrated that I couldn't -- even though I had his  
8 license plate in my backyard I was not able to obtain a name or  
9 contact information so that I could get my insurance company to  
10 follow up.

11 THE COURT: Okay. Did -- did he drive into the wall  
12 and then run away or drive away?

13 PROSPECTIVE JUROR NO. 170: Yeah, basically. I mean,  
14 I was in my backyard at the time.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 170: The story was that the  
17 neighbor said that wasn't him, and my neighbor said that his  
18 car got stolen, and the person that stole his car did donuts  
19 in the street.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 170: And then the car went  
22 into the side of my house, and then he drove away. That --  
23 that was his --

24 THE COURT: Okay. Now, the license plate in the  
25 backyard, did the license plate fall off the car in the

1 collision?

2 PROSPECTIVE JUROR NO. 170: Yeah, it did.

3 THE COURT: Okay. And so you called -- was it Metro  
4 that came out?

5 PROSPECTIVE JUROR NO. 170: Yes.

6 THE COURT: Okay. And you reported this to them, and  
7 did you confront the neighbor, or they confronted the neighbor,  
8 or what happened?

9 PROSPECTIVE JUROR NO. 170: I -- I did not confront  
10 the neighbor. I didn't feel comfortable doing that directly.  
11 That's why it thought maybe the officer could, you know, give  
12 me the information, and I don't know if it's the law that  
13 they're not supposed to tell me or what have you, but as it  
14 turns out, I -- you know, it was just easier for me to just pay  
15 for the damage myself and then not deal with the system.

16 THE COURT: Okay. Do you feel -- it sounds a little  
17 bit like you feel that the police didn't do an adequate job or  
18 should've done more. Is that your feeling, or what is your  
19 feeling?

20 PROSPECTIVE JUROR NO. 170: No, not that they  
21 should've done more. I guess I was a little shocked by the  
22 situation and frustrated, and I felt like it should've been  
23 maybe a little bit easier for me, like maybe the officers  
24 could've said, for example, Oh, here, call this number, and  
25 you'll get the report, and they'll be able to help you get the

1 information you need for the insurance company, and it just  
2 didn't work out that way. Like, there was no information in  
3 the report. It was kind of just a dead end. So.

4 THE COURT: Did -- Metro actually came out, and did  
5 they do any kind of, I guess, investigation there or take  
6 pictures or do anything like that, or did they just talk to you  
7 and take a report, or what did they do?

8 PROSPECTIVE JUROR NO. 170: No one took pictures.  
9 They were there on the spot, and, you know, they witnessed the  
10 damage. They interviewed me and the neighbor.

11 THE COURT: Okay. Let me ask you this. Is there  
12 anything else in your background or your family background we  
13 ought to know about you in making a determination as to whether  
14 or not you would be a good juror on this kind of case?

15 PROSPECTIVE JUROR NO. 170: (Unintelligible.)

16 THE COURT: Do you think you can be fair and  
17 impartial to both sides?

18 PROSPECTIVE JUROR NO. 170: (Nodded head.)

19 THE COURT: Okay. You kind of had a bad experience  
20 or maybe not a totally positive experience with the police in  
21 that case. Have you had any more positive experiences with  
22 police, or was that kind of the extent of your police  
23 interaction, I guess, in your life?

24 PROSPECTIVE JUROR NO. 170: That's -- that's the  
25 extent really, yeah.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 170: I mean, I guess more  
3 recently --

4 THE COURT: I guess that's lucky, right?

5 PROSPECTIVE JUROR NO. 170: Yeah. I don't know if  
6 you'd call it positive, but, I mean, not too long ago I noticed  
7 several police cars gathering, like, right across the street  
8 from my home, and I was leaving my house and coming out through  
9 the garage, and, you know, I pulled over to ask them, you know,  
10 What's going on? You know, Is there something I should know  
11 about? And, you know, they were very polite, and there was --  
12 there was a lot of cops out there, but they seemed really  
13 relaxed, like it wasn't a big deal that they were there, and  
14 they said I had nothing to worry about.

15 They said they can't really tell me anything because  
16 of the nature, but, you know, you're not in any danger. So  
17 it's okay. So, I mean, they were very nice. They were polite.  
18 They were just out there looking for somebody is what they told  
19 me.

20 THE COURT: Okay. We talked about the incident with  
21 your wall. Anybody in your family or anybody that you're close  
22 with who has been the victim of a crime?

23 PROSPECTIVE JUROR NO. 170: No.

24 THE COURT: Okay. And how long have you lived here  
25 in Clark County?

1 PROSPECTIVE JUROR NO. 170: Since '89.  
2 THE COURT: Okay. All right. Thank you.  
3 State, you may follow up.  
4 MS. LAVELL: Thank you, Your Honor.  
5 I just have a couple of quick questions. You  
6 indicated that you have a 23 and a 28 year old?  
7 PROSPECTIVE JUROR NO. 170: Yes.  
8 MS. LAVELL: Boy or girl?  
9 PROSPECTIVE JUROR NO. 170: 23 is the boy, yeah.  
10 MS. LAVELL: Okay. And the 28 year old. Who has the  
11 grandbaby?  
12 PROSPECTIVE JUROR NO. 170: They all live with us.  
13 She is -- my daughter is divorced, and so --  
14 MS. LAVELL: So your daughter and her baby, your  
15 grandchild, live with you?  
16 PROSPECTIVE JUROR NO. 170: Uh-huh. That's correct.  
17 MS. LAVELL: Do you interact a lot with your  
18 grandchild?  
19 PROSPECTIVE JUROR NO. 170: Very much, yeah.  
20 MS. LAVELL: Enjoy him?  
21 PROSPECTIVE JUROR NO. 170: Every day.  
22 THE COURT: Boy or girl?  
23 PROSPECTIVE JUROR NO. 170: Girl.  
24 MS. LAVELL: Little girl, okay. Thank you.  
25 Nothing further.

1 THE COURT: Mr. Jackson, you may follow up.

2 MR. JACKSON: Can you be fair to both sides in this  
3 case?

4 PROSPECTIVE JUROR NO. 170: Yes.

5 MR. JACKSON: And nothing you've heard in the  
6 questions of the other jurors that would make you think you  
7 can't be fair?

8 PROSPECTIVE JUROR NO. 170: No, nothing I've heard.

9 THE COURT RECORDER: I'm sorry. I'm not -- I didn't  
10 hear --

11 MR. JACKSON: I'm sorry. I'll speak up louder.

12 THE COURT RECORDER: No, I didn't hear the --

13 THE COURT: I think it's the --

14 THE COURT RECORDER: -- the juror.

15 PROSPECTIVE JUROR NO. 170: No. I'm sorry. No,  
16 there's nothing I've heard that --

17 MR. JACKSON: And of course the most important  
18 question is whether the nature of the charges themselves would  
19 be such that they would impact your ability to be fair?

20 PROSPECTIVE JUROR NO. 170: I have to agree with what  
21 I think a lot of the other jurors have mentioned, that I don't  
22 like the subject matter of the case. I do have certain  
23 feelings about that, but, you know, I haven't seen any evidence  
24 yet.

25 MR. JACKSON: You'd do the best to be fair to both



1 sides; is that right?

2 PROSPECTIVE JUROR NO. 170: That's right.

3 MR. JACKSON: You wouldn't automatically believe the  
4 testimony of any witness just because they take the witness  
5 stand?

6 PROSPECTIVE JUROR NO. 170: No, absolutely not.

7 MR. JACKSON: And if a child took the witness stand,  
8 you wouldn't automatically assume that she was telling the  
9 whole truth; is that right?

10 PROSPECTIVE JUROR NO. 170: That's correct.

11 MR. JACKSON: The same thing for a police officer, if  
12 a police officer testified, you wouldn't automatically believe  
13 that he was telling the truth?

14 PROSPECTIVE JUROR NO. 170: No, I would not.

15 MR. JACKSON: You would listen to everything he said  
16 and give him whatever weight his testimony you thought was --  
17 it was worth; is that correct?

18 PROSPECTIVE JUROR NO. 170: Yes, that's correct.

19 MR. JACKSON: Based on the instructions the Judge  
20 gave you and based on all the other evidence; is that correct?

21 PROSPECTIVE JUROR NO. 170: Yes, sir, that's correct.

22 MR. JACKSON: It's the same thing if the defendant  
23 chose to testify. You would give his testimony whatever weight  
24 you thought it was worth based on all the other evidence; is  
25 that correct?

1 PROSPECTIVE JUROR NO. 170: Yes.

2 MR. JACKSON: You would basically follow the Judge's

3 instructions and try to render a true and fair verdict for all

4 the parties in this case, the State of Nevada and the

5 defendant?

6 PROSPECTIVE JUROR NO. 170: Yes.

7 MR. JACKSON: And you believe you can do that?

8 PROSPECTIVE JUROR NO. 170: Yes.

9 MR. JACKSON: Fairly and impartially?

10 PROSPECTIVE JUROR NO. 170: Yes.

11 MR. JACKSON: And you're willing to accept that

12 responsibility?

13 PROSPECTIVE JUROR NO. 170: Yes, I am.

14 MR. JACKSON: We'll pass the juror for cause.

15 THE COURT: All right. Thank you. I believe we are

16 on State's third.

17 THE CLERK: Yes, Your Honor.

18 MS. LAVELL: Your Honor, we'll waive our next

19 perempt.

20 THE COURT: All right. Defendant's third.

21 MR. JACKSON: The State caught me by surprise. I

22 need a minute or two to reflect.

23 THE COURT: That's fine.

24 May I see counsel at the bench for a moment.

25 (Conference at the bench not recorded.)

1 THE COURT: All right. Mr. Jackson, you may have a  
2 moment to consider your next challenge.

3 MR. JACKSON: Your Honor, I'd like the Court to thank  
4 and excuse Juror No. 168, Mr. Matthew Babb.

5 THE COURT: Sir, thank you very much for being here,  
6 Mr. Babb, and your willingness to serve as a juror. You're  
7 excused at this time, and the bailiff will direct you from the  
8 courtroom.

9 And ladies and gentlemen, we're going to take another  
10 recess until 2:50.

11 During this next recess you're reminded that you're  
12 not to discuss the case or anything relating to the case with  
13 each other or with anyone else. You're not to read, watch or  
14 listen to any reports of or commentaries on the case, any  
15 person or subject matter relating to the case. Don't do any  
16 independent research by way of the Internet or any other  
17 medium, and please do not form or express an opinion on the  
18 trial.

19 If you would all please follow the bailiff through  
20 the double doors.

21 (Panel of prospective jurors recessed 2:31 p.m.)

22 THE COURT: All right. As I said at the bench,  
23 Mr. -- the next prospective juror, Mr. Davis, approached my  
24 bailiff and told him that he had -- didn't feel comfortable  
25 discussing something -- we don't know what -- in the presence

1 of the other jurors and asked if we could voir dire him  
2 individually. I informed the lawyers of that at the bench.  
3 Neither side had an objection to voir diring him individually.

4 Is that correct, Ms. Beverly?

5 MS. BEVERLY: Yes, Judge.

6 THE COURT: Is that correct, Mr. Jackson?

7 MR. JACKSON: Yes, Your Honor.

8 THE COURT: All right. What I would propose then is  
9 let's all of us take, like, a two- or three-minute break if  
10 anyone needs to use the restroom or anything like that, and  
11 then Kenny will get Mr. Davis, and we'll question him out of  
12 the presence of the other jurors.

13 (Proceedings recessed 2:33 p.m. to 2:41 p.m.)

14 (Outside the presence of the panel of prospective jurors)

15 THE COURT: All right. Bring Mr. Davis in.

16 And just to remind you, Mr. Jackson, you've already  
17 exercised your challenge on Chair 6. So now all of your  
18 challenges have to be on the regular jurors because that was  
19 your alternate challenge.

20 MR. JACKSON: Oh, I didn't -- all right. Well,  
21 whatever.

22 THE COURT: It's better for you.

23 (Prospective Juror No. 171 entering 2:41 p.m.)

24 THE COURT: Mr. Davis, come on in and have a seat  
25 just anywhere in the jury box, and, Mr. Davis -- go ahead and

1 sit down -- the reason we brought you in here by yourself is  
2 because you apparently had expressed to my bailiff that you  
3 didn't feel comparable being questioned in front of the other  
4 jurors; is that correct?

5 PROSPECTIVE JUROR NO. 171: Yes, ma'am.

6 THE COURT: Okay. And is there something -- I'm just  
7 going to cut to the chase. Is there something in your  
8 background that you didn't feel comfortable talking about in  
9 front of the other jurors?

10 PROSPECTIVE JUROR NO. 171: Yes, I have a history of  
11 child abuse, being a victim of child abuse --

12 THE COURT: Okay. I'm going to --

13 PROSPECTIVE JUROR NO. 171: -- sexual child abuse.

14 THE COURT: I'm going to -- I'm sorry for this. I'm  
15 going to need to give you the microphone because, again, we  
16 have to record all of this.

17 PROSPECTIVE JUROR NO. 171: I understand.

18 THE COURT: It has to go in the record, and I don't  
19 mean to pry, and I know this is difficult for you to talk  
20 about, but you indicated you have a history of being the victim  
21 of child abuse?

22 PROSPECTIVE JUROR NO. 171: Yes, Your Honor.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 171: I'll just speak louder.  
25 I'm sorry. This is just really hard.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 171: I just don't think I  
3 would be a good candidate. I'd be happy to serve on any other  
4 jury. I've served on other juries. The last one I was on, we  
5 came to a verdict. I've been on several cases.

6 THE COURT: Okay. But you just feel like you still  
7 have too many feelings of your own to be fair and impartial in  
8 this case; is that --

9 PROSPECTIVE JUROR NO. 171: The thought of looking at  
10 those images just makes my skin crawl.

11 THE COURT: Submitted?

12 MS. BEVERLY: Yes.

13 THE COURT: Submitted, Mr. Jackson?

14 MR. JACKSON: Yes, Your Honor.

15 THE COURT: All right. Well, Mr. Davis, we're going  
16 to go ahead -- and I'm sorry you had to -- this had to bring  
17 this up, but obviously you can understand why we have to talk  
18 about these things to make sure both sides have a fair jury.  
19 So I am going to excuse you from this department, and I think  
20 you need to go back out and check out again through jury  
21 services.

22 All right. Thank you, sir.

23 PROSPECTIVE JUROR NO. 171: Thank you for not putting  
24 me through that and the rest of it.

25 MS. LAVELL: Thank you, sir.

1 PROSPECTIVE JUROR NO. 171: Thank you.

2 (Prospective Juror No. 171 excused 2:44 p.m.)

3 THE COURT: All right. I think we can bring them in.

4 So next up is Joann Ratner.

5 MS. BEVERLY: Oh, did we get rid of Bobbi Dragone?

6 THE COURT: I'm sorry? Bobbi Dragone was excused  
7 because she was a college student.

8 MS. BEVERLY: Oh, I'm sorry.

9 (Panel of prospective jurors entering 2:44 p.m.)

10 THE COURT: I guess we actually -- well, we're  
11 missing a couple of prospective jurors, but we can probably  
12 just get started with the --

13 MS. BEVERLY: With Ms. Ratner.

14 THE COURT: -- with the next juror.

15 Counsel, approach.

16 (Conference at the bench not recorded.)

17 THE COURT: The clerk will call the next prospective  
18 juror.

19 THE CLERK: That's 175, Luzanne -- no --

20 THE COURT: Isn't it Ms. Ratner?

21 THE CLERK: I'm sorry. You're right, Judge.

22 Joann Ratner, 173.

23 THE COURT: Ms. Ratner, come on down.

24 And which chair is she in?

25 THE CLERK: Seat 11.

1 THE COURT: All right. Have that empty chair there,  
2 please, in the middle, next to the gentleman -- well, they're  
3 all wearing blue -- other chair, other man in blue.

4 All right. Good afternoon. What do you do for a  
5 living?

6 PROSPECTIVE JUROR NO. 173: I don't work.

7 THE COURT: All right. Have you ever worked or --

8 PROSPECTIVE JUROR NO. 173: Yes.

9 THE COURT: Okay. What type of work did you do?

10 PROSPECTIVE JUROR NO. 173: I was a manager at the  
11 Golden Nugget for 17 years.

12 THE COURT: Okay. And are you retired from that?

13 PROSPECTIVE JUROR NO. 173: (Nodded head.)

14 THE COURT: Okay. And are you married, or do you  
15 have a significant other?

16 PROSPECTIVE JUROR NO. 173: Married.

17 THE COURT: What does your husband do?

18 PROSPECTIVE JUROR NO. 173: He's the Vice President  
19 of Regulations for the UFC and the Commissioner of Nevada  
20 Official Sports.

21 THE COURT: Okay. And any children?

22 PROSPECTIVE JUROR NO. 173: Yes.

23 THE COURT: How many and the age range?

24 PROSPECTIVE JUROR NO. 173: Two, 25 and 26.

25 THE COURT: Any grandchildren?



1 PROSPECTIVE JUROR NO. 173: No.  
2 THE COURT: Okay. Have you ever been a juror before?  
3 PROSPECTIVE JUROR NO. 173: No.  
4 THE COURT: Have you or anyone close to you ever been  
5 arrested, charged or accused of a crime?  
6 PROSPECTIVE JUROR NO. 173: My brother.  
7 THE COURT: Okay. Tell me about that, please.  
8 PROSPECTIVE JUROR NO. 173: He was arrested a few  
9 times for drugs.  
10 THE COURT: Okay.  
11 PROSPECTIVE JUROR NO. 173: And went into recovery  
12 and got out of it.  
13 THE COURT: Got out of drugs you mean?  
14 PROSPECTIVE JUROR NO. 173: (No audible response.)  
15 THE COURT: Okay. Where was that that he was -- was  
16 it here in Clark County?  
17 PROSPECTIVE JUROR NO. 173: In Buffalo, New York.  
18 THE COURT: Buffalo, New York, okay. Were you living  
19 in that area when he was having his problems with law  
20 enforcement?  
21 PROSPECTIVE JUROR NO. 173: No, I've been here for 35  
22 years.  
23 THE COURT: Okay. Did you ever talk to your brother  
24 when all of that was going on?  
25 PROSPECTIVE JUROR NO. 173: Yes.

1 THE COURT: Okay. And have you formed any opinions  
2 as to how your brother was treated in the system?

3 PROSPECTIVE JUROR NO. 173: Well.

4 THE COURT: Okay. Do you know if he took plea deals,  
5 or did he ever go to trial?

6 PROSPECTIVE JUROR NO. 173: He went to jail.

7 THE COURT: Okay. Do you know though if he pled  
8 guilty to charges, or did he have a jury trial? Do you know?

9 PROSPECTIVE JUROR NO. 173: No, I don't.

10 THE COURT: Okay. So he went to jail, and then he  
11 wound up going to recovery, and that helped him, and he's off  
12 the drugs?

13 PROSPECTIVE JUROR NO. 173: Yes.

14 THE COURT: Okay. Let me ask you about the flip side  
15 of that. Have you ever been the victim of a crime?

16 PROSPECTIVE JUROR NO. 173: No.

17 THE COURT: Has anyone close to you been the victim  
18 of a crime?

19 PROSPECTIVE JUROR NO. 173: No.

20 THE COURT: Okay. You've heard all of the other  
21 questions that I've asked and the lawyers have asked. Did you  
22 hear any questions that we've asked any of the other jurors or  
23 anything that any of the other jurors said that you thought,  
24 oh, yes, I have to raise my hand? That's happened to me, or  
25 that -- I have a similar experience, anything like that?

1 PROSPECTIVE JUROR NO. 173: No, but the defendant is  
2 familiar to me.

3 THE COURT: Okay. You mean he looks familiar to you?

4 PROSPECTIVE JUROR NO. 173: He looks like I've met  
5 him before, but I can't place him.

6 THE COURT: Okay. May I see counsel at the bench.

7 (Conference at the bench not recorded.)

8 THE COURT: All right. So just on your visual  
9 inspection he looks familiar to you?

10 PROSPECTIVE JUROR NO. 173: Immediately he looked  
11 familiar.

12 THE COURT: Okay. But as you sit here, you don't  
13 know where you might know him from?

14 PROSPECTIVE JUROR NO. 173: I can't place him. I  
15 don't know whether it's sports or something. I don't know.

16 THE COURT: Okay. So you might go to the same  
17 grocery store; you don't know?

18 PROSPECTIVE JUROR NO. 173: I don't know.

19 THE COURT: Okay. But fair to say whatever your  
20 connection with him, if in fact you do recognize him, it would  
21 be like a, you know, superficial kind of a thing? You don't  
22 know him to the best of --

23 PROSPECTIVE JUROR NO. 173: I don't know whether I  
24 would know whether -- where I had met him through the  
25 witnesses.

1 THE COURT: Through -- I'm sorry?

2 PROSPECTIVE JUROR NO. 173: I mean, if I am involved  
3 in the jury, then I would probably see other people.

4 THE COURT: Right.

5 PROSPECTIVE JUROR NO. 173: Right?

6 THE COURT: You mean the witnesses?

7 PROSPECTIVE JUROR NO. 173: Yes.

8 THE COURT: So you're afraid you might recognize one  
9 of the witnesses?

10 PROSPECTIVE JUROR NO. 173: I don't -- yeah. I don't  
11 want to know.

12 THE COURT: Okay. So -- but you didn't recognize the  
13 names of any of the witnesses, correct?

14 PROSPECTIVE JUROR NO. 173: No.

15 THE COURT: Okay. But -- and so you're involved in  
16 your work that we talked about already or what you did before,  
17 and now you don't -- you work in the home I guess, and your  
18 husband is involved with youth sports, correct?

19 PROSPECTIVE JUROR NO. 173: Yeah, my husband works  
20 for the UFC and is in charge of all officials, like referees  
21 for high school sports and things like that.

22 THE COURT: Okay. Just high school sports?

23 PROSPECTIVE JUROR NO. 173: Yes.

24 THE COURT: So do, you know, go and watch the games  
25 and --

1 PROSPECTIVE JUROR NO. 173: Yes.

2 THE COURT: -- that sort of thing?

3 PROSPECTIVE JUROR NO. 173: Yes.

4 THE COURT: Okay. So that would be your involvement  
5 with local, I guess, sports, correct?

6 PROSPECTIVE JUROR NO. 173: Yeah, and my son -- my  
7 son played big in Las Vegas here.

8 THE COURT: Okay. Through his high school --

9 PROSPECTIVE JUROR NO. 173: Yeah.

10 THE COURT: -- or was it city league or what?

11 PROSPECTIVE JUROR NO. 173: All through middle school  
12 and high school.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 173: And -- and is -- he's --  
15 my son is involved also with Fellowship of Christian Athletes  
16 and goes to the high schools and talks to them. We go to  
17 things like that.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 173: So, I mean, I don't know.

20 THE COURT: Okay. Well, no, we just need to explore  
21 this.

22 PROSPECTIVE JUROR NO. 173: Yeah.

23 THE COURT: It may be, you know -- if he's somebody  
24 that maybe you guys had -- you know, you might've seen him at  
25 the grocery store or something like that, you know, but you

1 don't know him other than that --

2 PROSPECTIVE JUROR NO. 173: No, I can't pinpoint  
3 anything.

4 THE COURT: Okay. Now, let me -- just in case it  
5 may jog something in the defendant's mind, and then he can  
6 inform his lawyer of that if he knows you. You go to the  
7 games. Your son was involved in sports. What sport did your  
8 son play?

9 PROSPECTIVE JUROR NO. 173: Basketball.

10 THE COURT: Basketball, okay. And that was at his  
11 high school as well as for the city -- city-league-type thing?

12 PROSPECTIVE JUROR NO. 173: (No audible response.)

13 THE COURT: Okay. And what schools did your son go  
14 to?

15 PROSPECTIVE JUROR NO. 173: Schofield Middle School  
16 and Silverado High School.

17 THE COURT: Okay. All right. And then normally I  
18 don't get into this, but you mentioned your son goes out and  
19 talks to high schools as part of a Christian fellowship?

20 PROSPECTIVE JUROR NO. 173: Yeah, he's a pastor.

21 THE COURT: Okay. Same church that you go to?

22 PROSPECTIVE JUROR NO. 173: I go to a couple.

23 THE COURT: Okay. So you're involved in a religious  
24 community?

25 PROSPECTIVE JUROR NO. 173: Yes.

1 THE COURT: Like I said, normally I would never ask  
2 that, but --

3 PROSPECTIVE JUROR NO. 173: Yes, definitely.

4 THE COURT: Okay. All right. And it says here you  
5 live in Henderson; is that correct?

6 PROSPECTIVE JUROR NO. 173: Yes.

7 THE COURT: Is that old -- for those of us who are --

8 PROSPECTIVE JUROR NO. and 73: Saint Rose Parkway and  
9 Eastern.

10 THE COURT: Okay. So new Henderson, not old  
11 Henderson, okay. All right. Is there anything at all in your  
12 background or your family background, anything at all that  
13 would impact your ability to be fair and impartial to both  
14 sides if you're selected as a juror in this case?

15 PROSPECTIVE JUROR NO. 173: No.

16 THE COURT: Okay. Can you be fair -- so you can be  
17 fair to both sides?

18 PROSPECTIVE JUROR NO. 173: Yes.

19 THE COURT: All right. Thank you.

20 State, you may follow up.

21 MS. LAVELL: I appreciate that you indicated that you  
22 recognized him immediately but you can't place him. As you sit  
23 here over the next couple of days, if you're selected as a  
24 juror, listening to testimony, are you going to be able to  
25 concentrate on the testimony, or is it going to be driving you

1 crazy trying to figure out how you know the defendant?

2 PROSPECTIVE JUROR NO. 173: It's been driving me  
3 crazy.

4 THE COURT: Okay. So are you -- are you going to be  
5 able to --

6 PROSPECTIVE JUROR NO. 173: I don't want to recognize  
7 anyone else.

8 MS. LAVELL: Okay.

9 THE COURT: Right.

10 MS. LAVELL: And I appreciate that.

11 THE COURT: And you understand -- and this goes for  
12 everyone -- if somebody comes in and you do recognize them,  
13 even if it's, you know, you take your pet to the same groomer,  
14 you do need to disclose that to the Court by telling --

15 PROSPECTIVE JUROR NO. 173: Yeah.

16 THE COURT: -- by telling the bailiff.

17 PROSPECTIVE JUROR NO. 173: Yeah.

18 MS. LAVELL: Are you going to be able to pay  
19 attention though and focus on the testimony and the witnesses  
20 on the witness stand and the various pieces of evidence --

21 PROSPECTIVE JUROR NO. 173: Yeah.

22 MS. LAVELL: -- that we're going to ask you to look  
23 at and not be thinking, Gosh, where do I know him?

24 PROSPECTIVE JUROR NO. 173: Yeah.

25 MS. LAVELL: And do you promise when that lightbulb



1 goes off you don't jump up and scream, Okay, I know where I  
2 know him from?

3 PROSPECTIVE JUROR NO. 173: No.

4 MS. LAVELL: You may jump up?

5 PROSPECTIVE JUROR NO. 173: I don't promise.

6 MS. LAVELL: Okay. Thank you.

7 I'll pass for cause.

8 THE COURT: All right. Thank you.

9 Mr. Jackson.

10 MR. JACKSON: Well, just a couple quick questions.

11 I've lived here about 60 years, and about 50 years  
12 ago I played basketball, but nobody remembers me.

13 My client thinks he might've recognized you  
14 somewhere. He's lived here in town a long time, but he doesn't  
15 know exactly where, but are you sure that wouldn't impact your  
16 decision? Because he wants someone not going to decide the  
17 case based on he -- you know, Well, I may have seen this person  
18 somewhere or whatever. He wants someone that's going to be  
19 totally impartial and unbiased in deciding the case.

20 PROSPECTIVE JUROR NO. 173: Well, I don't -- I don't  
21 want to know -- I hope I don't know him.

22 MR. JACKSON: Now --

23 PROSPECTIVE JUROR NO. 173: I don't know if that's  
24 not -- I don't know.

25 MR. JACKSON: He has someone sitting in here who is a

1 family member. Now, do you recognize anyone in the courtroom  
2 who may be a family member of his?

3 PROSPECTIVE JUROR NO. 173: No.

4 MR. JACKSON: Okay. So you don't know anybody -- you  
5 don't know him through any kind of family association?

6 PROSPECTIVE JUROR NO. 173: No, I can't -- I can't  
7 give any more than what I've already said.

8 MR. JACKSON: Okay. That's all I wanted to know.  
9 Because if you recognize his mother who's sitting in the  
10 courtroom, then it would show that you maybe knew him fairly  
11 well.

12 PROSPECTIVE JUROR NO. 173: No. No, I don't think  
13 it's, like -- I would -- if it was closer, I would know. I  
14 think it would have hit me.

15 MR. JACKSON: Right. You've heard the charges that  
16 have been discussed in this case. Is there anything about the  
17 nature of those charges that would make it difficult for you to  
18 be fair and impartial?

19 PROSPECTIVE JUROR NO. 173: No.

20 MR. JACKSON: You -- you worked -- you work in the  
21 gaming industry, or you worked at the Golden Nugget?

22 PROSPECTIVE JUROR NO. 173: Yeah, I worked at the  
23 Golden Nugget.

24 MR. JACKSON: Did you do any -- have you ever worked  
25 in the gaming industry?

1 PROSPECTIVE JUROR NO. 173: No.

2 MR. JACKSON: Your husband works at UFC. That's the  
3 fighters. What's exactly his position in that? He's a vice  
4 president of that organization?

5 PROSPECTIVE JUROR NO. 173: My husband works for --  
6 first, for 14 years for the state of Nevada as the director of  
7 the Nevada State Athletic Commission, and then he left there,  
8 and he's been working for the UFC, which is Ultimate Fighting,  
9 for six or seven years now.

10 MR. JACKSON: When he was working for the state  
11 athletic commission, it was basically supervising high school  
12 athletics; is that what --

13 PROSPECTIVE JUROR NO. 173: No, he was in charge of  
14 all boxing.

15 MR. JACKSON: Oh, boxing, okay. So basically that's  
16 a pretty big-time sport in Las Vegas; is that right?

17 PROSPECTIVE JUROR NO. 173: Yes, it --

18 THE COURT: Used to be.

19 PROSPECTIVE JUROR NO. 173: It has been, but the UFC  
20 has taken it over.

21 THE COURT: All right. Now, when he was -- did he  
22 have any connection when he was working for either organization  
23 with law enforcement? Did he have regular contact with Metro  
24 or with the sheriff's department or with --

25 PROSPECTIVE JUROR NO. 173: Yes.

1 THE COURT: So they would, you know, come in and  
2 supervise the fights or come in and supervise the UFC?

3 PROSPECTIVE JUROR NO. 173: They still do.

4 THE COURT: I'm sorry. I didn't hear you.

5 PROSPECTIVE JUROR NO. 173: They still do.

6 MR. JACKSON: They still do.

7 PROSPECTIVE JUROR NO. 173: You can't have events  
8 like that without them.

9 MR. JACKSON: So he'd have to meet with them  
10 beforehand or afterwards and discuss upcoming events and things  
11 like that?

12 PROSPECTIVE JUROR NO. 173: Rules and regulations.

13 MR. JACKSON: Okay.

14 THE COURT: Is your husband Mark Ratner?

15 PROSPECTIVE JUROR NO. 173: Yes, ma'am.

16 THE COURT: Okay. I just know that name from the  
17 newspaper.

18 MR. JACKSON: All right. So basically he would have  
19 a pretty close relationship, would it be fair to say, with the  
20 sheriff and the undersheriffs and the top people in law  
21 enforcement? Would that be fair to say?

22 PROSPECTIVE JUROR NO. 173: Yes, sir.

23 MR. JACKSON: Now, would that in any way make it  
24 difficult for you to be a fair and impartial juror? Some of  
25 the witnesses that are going to sit in that chair are going to

1 be police officers that are employed by the state of Nevada,  
2 employed by the sheriff's department, employed by Metro. In  
3 fact, I think half a dozen of the witnesses for the State are  
4 going to be Metro employees or related to Metro in -- coming  
5 into court to testify in this case.

6 PROSPECTIVE JUROR NO. 173: No, but I have met some.

7 MR. JACKSON: Okay. Are any of them -- are any of  
8 the Metro officers that you've met, are they close family  
9 friends or close acquaintances of you or your husband?

10 PROSPECTIVE JUROR NO. 173: Not family friends.

11 MR. JACKSON: Are they close business associates of  
12 your husband?

13 PROSPECTIVE JUROR NO. 173: Not business.

14 THE COURT: Are they the kind of people that you  
15 might have over for a barbecue at your house, or you might go  
16 to their house for a barbecue or a, you know, holiday, Fourth  
17 of July party, that kind of close, or is it more just people  
18 you might see at a political event or a fight or something like  
19 that?

20 PROSPECTIVE JUROR NO. 173: It's people that come up  
21 to him everywhere, wherever --

22 THE COURT: Okay. But, I mean, are any of these law  
23 enforcement members, are they people that have come to your  
24 home, or you've gone to their homes, anything like that?

25 PROSPECTIVE JUROR NO. 173: I haven't.

1 THE COURT: Okay.

2 MR. JACKSON: All right. Well, let me ask you this,  
3 and I don't mean to pry, and the Judge will tell me if I  
4 shouldn't ask this question, but does your husband regularly  
5 make political contributions to law-enforcement-type people,  
6 like the sheriff or people like that? Don't tell me any  
7 amounts or anything like that.

8 MS. LAVELL: I'm going to object to that question.

9 THE COURT: Yes, that's sustained.

10 MR. JACKSON: All right. I think it goes to bias,  
11 but I understand the Court sustaining that. It's probably a  
12 First Amendment issue.

13 You don't believe there is anything in your  
14 background or in your work experience or your husband's work  
15 experience that would make you an unfair juror in this case?

16 PROSPECTIVE JUROR NO. 173: No.

17 MR. JACKSON: If you were sitting where my client is  
18 sitting, do you think having 12 members on the jury with the  
19 same background you would provide my client a fair jury?

20 PROSPECTIVE JUROR NO. 173: Yes.

21 MR. JACKSON: I have no further questions. Pass the  
22 juror.

23 THE COURT: All right. Thank you. Pass for cause.  
24 I believe we're on State's fourth.

25 MS. LAVELL: Thank you, Your Honor. The State waives

1 State's fourth.

2 THE COURT: Defense's fourth.

3 MR. JACKSON: We challenge Ms. Ratner.

4 THE COURT: All right. Ms. Ratner, thank you for  
5 being here and your willingness to serve. You are excused at  
6 this time.

7 And, Ms. Husted, please call up the next prospective  
8 juror.

9 THE CLERK: Yes, Your Honor.

10 Badge 175, Luzanne Ermita.

11 THE COURT: Good afternoon. What do you do for a  
12 living?

13 PROSPECTIVE JUROR NO. 175: I'm a full-time dental  
14 student at the UNLV School of Dental Medicine.

15 THE COURT: Okay. And how far along are you in your  
16 studies? What year are you?

17 PROSPECTIVE JUROR NO. 175: I just finished my first  
18 year. So I'll be starting in a week my second year.

19 THE COURT: Okay. So we have to finish by Friday?

20 PROSPECTIVE JUROR NO. 175: Yes.

21 THE COURT: All right. And obviously you're hoping  
22 to become a dentist, correct?

23 PROSPECTIVE JUROR NO. 175: Yes.

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

1 PROSPECTIVE JUROR NO. 175: For 20 years.  
2 THE COURT: Okay. So you went to high school, and  
3 did you go to UNLV for college?  
4 PROSPECTIVE JUROR NO. 175: Yes.  
5 THE COURT: Okay. Are you married?  
6 PROSPECTIVE JUROR NO. 175: No.  
7 THE COURT: A significant other?  
8 PROSPECTIVE JUROR NO. 175: No.  
9 THE COURT: Any children?  
10 PROSPECTIVE JUROR NO. 175: No.  
11 THE COURT: Have you ever been a juror before?  
12 PROSPECTIVE JUROR NO. 175: No.  
13 THE COURT: Have you or anyone close to you ever been  
14 arrested, charged or accused of a crime?  
15 PROSPECTIVE JUROR NO. 175: No.  
16 THE COURT: What about the victim of a crime?  
17 PROSPECTIVE JUROR NO. 175: No.  
18 THE COURT: Okay. Is there anything in your  
19 background or your family background that we should know about  
20 you in making a determination if you would be a good juror for  
21 this kind of a case?  
22 PROSPECTIVE JUROR NO. 175: I guess I'd be a little  
23 bit biased only -- I don't know if it's within the same subject  
24 as child pornography, but I have, like, a repressed memory --  
25 well, I know that for a fact that it happened -- of child



1     molestation.  So I'm a victim of -- (Unintelligible.) --

2             THE COURT:  Okay.  All right.

3             PROSPECTIVE JUROR NO. 175:  I think that is related.

4             THE COURT:  But you said it was a repressed memory?

5             PROSPECTIVE JUROR NO. 175:  It's not so much -- I  
6     think I remember more now, but it happened long ago.

7             THE COURT:  Okay.

8             PROSPECTIVE JUROR NO. 175:  And so I guess, like, it  
9     comes back every so often.

10            THE COURT:  Okay.  So you believe that you were the  
11   victim of something?

12            PROSPECTIVE JUROR NO. 175:  Yes, and -- well, yes,  
13   and also because it's -- it's, like, a family member as well.  
14   It didn't happen here, but it's a family member in the  
15   Philippines.

16            THE COURT:  Okay.

17            PROSPECTIVE JUROR NO. 175:  And so also my cousins  
18   have witnessed it, too, and never spoke of it until, like, a  
19   couple years ago.

20            THE COURT:  Okay.  Now, do you think -- and I -- that  
21   you could set aside what you remember happening to yourself and  
22   base this -- your verdict, if you're selected, only upon the  
23   evidence of this case, or do you feel as you sit here you kind  
24   of favor the prosecutors, or you feel like you bring your own  
25   experiences into your deliberations, or what do you think?

1 PROSPECTIVE JUROR NO. 175: I think -- yeah, I think  
2 I'm a little -- I'm feeling a little bit biased, and I think  
3 because I'm kind of siding one side on that only based upon  
4 personal experience.

5 THE COURT RECORDER: I'm sorry. I didn't hear the  
6 end of --

7 THE COURT: Based on her personal experience.  
8 State, do you want to follow up?

9 MS. BEVERLY: No, Your Honor.

10 THE COURT: Submitted?

11 MS. BEVERLY: Yes.

12 THE COURT: Challenge?

13 MR. JACKSON: Yes.

14 THE COURT: Submitted?

15 MR. JACKSON: Yes.

16 THE COURT: All right. We're going to go ahead and  
17 excuse you Ms. Ermita. Again, there are many other types of  
18 trials that you might be more suitable for. All right. Thank  
19 you.

20 And, Ms. Husted, please call up the next prospective  
21 juror.

22 THE CLERK: Yes, Your Honor.

23 Badge 178, Vonell Becker.

24 THE COURT: Ms. Becker, come on down and have that  
25 empty chair there in the middle of the jury box.

1 Good afternoon. What do you do for a living?  
2 PROSPECTIVE JUROR NO. 178: I work with PSI.  
3 THE COURT: What does that mean? What's PSI?  
4 PROSPECTIVE JUROR NO. 178: Anyone that wants to be  
5 in construction, if you want to do nails, if you want to work  
6 for the FAA, all kinds of stuff, we schedule your exams.  
7 THE COURT: Are you nervous, or --  
8 PROSPECTIVE JUROR NO. 178: No, I just went to the  
9 bathroom.  
10 THE COURT: Oh, okay.  
11 PROSPECTIVE JUROR NO. 178: I was running back here.  
12 THE COURT: So you're -- okay.  
13 PROSPECTIVE JUROR NO. 178: Yeah.  
14 THE COURT: So you're just out of breath from that?  
15 PROSPECTIVE JUROR NO. 178: Yeah. Yeah. Yeah.  
16 THE COURT: So you -- do you do the background check,  
17 or what does your job involve?  
18 PROSPECTIVE JUROR NO. 178: No, basically they'll  
19 call us, and we'll take a payment, and we'll schedule their  
20 exam for whatever state or wherever they live.  
21 THE COURT: Oh. Is it, like, their technical exam to  
22 see if they're competent? Is that what you do, or is it, like,  
23 a health exam?  
24 PROSPECTIVE JUROR NO. 178: It's actually for them to  
25 get their license.

1 THE COURT: Okay. So what kind of an exam is it?  
2 PROSPECTIVE JUROR NO. 178: Well --  
3 THE COURT: Like, is that their written exam to make  
4 sure that they've -- they have enough skill or expertise --  
5 PROSPECTIVE JUROR NO. 178: Exactly.  
6 THE COURT: -- to do whatever the job is?  
7 PROSPECTIVE JUROR NO. 178: Yeah. If it's nails, you  
8 got to take a practical.  
9 THE COURT: Right.  
10 PROSPECTIVE JUROR NO. 178: Then you got to do a  
11 theory, which is the written.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR NO. 178: That's just nails, but  
14 there's a whole bunch of exams.  
15 THE COURT: Okay. And then for construction,  
16 obviously it's a different thing?  
17 PROSPECTIVE JUROR NO. 178: Yeah.  
18 THE COURT: All right. Okay. All right. How long  
19 have you been doing that type of work?  
20 PROSPECTIVE JUROR NO. 178: I just celebrated a year  
21 anniversary at this company.  
22 THE COURT: Okay. And what did you do before that?  
23 PROSPECTIVE JUROR NO. 178: Timeshare.  
24 THE COURT: Okay. Were you selling timeshares?  
25 PROSPECTIVE JUROR NO. 178: Actually, I was doing

1 reservations for timeshares.

2 THE COURT: Okay. And was that --

3 PROSPECTIVE JUROR NO. 178: There's Wyndham Diamond  
4 Resorts.

5 THE COURT: Here in town?

6 PROSPECTIVE JUROR NO. 178: Uh-huh.

7 THE COURT: Okay. And are you married, or do you  
8 have a significant other?

9 PROSPECTIVE JUROR NO. 178: I'm married.

10 THE COURT: And what does your husband do?

11 PROSPECTIVE JUROR NO. 178: He works for the Paris at  
12 banquet waiting.

13 THE COURT: Okay. Any children?

14 PROSPECTIVE JUROR NO. 178: Two.

15 THE COURT: And how old are they?

16 PROSPECTIVE JUROR NO. 178: 26 and 30.

17 THE COURT: Any grandchildren?

18 PROSPECTIVE JUROR NO. 178: Not by my kids. He's got  
19 many.

20 THE COURT: Okay. Do you spend a lot of times with  
21 your, I guess, stepgrandkids?

22 PROSPECTIVE JUROR NO. 178: Yeah, he babysits a lot.

23 THE COURT: Okay. And how old are the grandkids that  
24 are -- you're babysitting and are around you?

25 PROSPECTIVE JUROR NO. 178: There's four of them --

1 three of them. I think Nate's 2. Layvon is 7 months. Sage is  
2 2 and a half.

3 THE COURT: So little kids?

4 PROSPECTIVE JUROR NO. 178: Yeah, they're babies.  
5 They're babies, yeah.

6 THE COURT: They're little kids, okay. Have you ever  
7 been a juror before?

8 PROSPECTIVE JUROR NO. 178: No.

9 THE COURT: You heard me ask the other jurors if  
10 they've been victims of crime, accused of a crime, anything  
11 like that had happened with anyone they're close to. Anything  
12 like that in your background or the background of anyone you're  
13 close with?

14 PROSPECTIVE JUROR NO. 178: How far do I have to go  
15 back?

16 THE COURT: Well, if it's you, go back all the way.

17 PROSPECTIVE JUROR NO. 178: Okay. I'm 51. I've been  
18 here since I was 6. So I grew up here.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 178: Got in a little bit of  
21 trouble when I was like 18, 19, no felonies, nothing like that.

22 THE COURT: Okay. What type of trouble? Like drug  
23 trouble --

24 PROSPECTIVE JUROR NO. 178: A little bit of drug  
25 trouble, yeah.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 178: And then my main thing I  
3 got in trouble for was no insurance on my car.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 178: Believe it or not.

6 THE COURT: Okay. So no felonies. Any -- you know,  
7 I'm not going to go over the specifics of each thing, but any  
8 opinion as to how you were treated in the system?

9 PROSPECTIVE JUROR NO. 178: About all I know, the  
10 Judges were great.

11 THE COURT: What?

12 PROSPECTIVE JUROR NO. 178: The Judges. I had to see  
13 this Judge every month faithfully.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 178: They were fine. They  
16 treated me fine.

17 THE COURT: And you were an adult for all your  
18 troubles?

19 PROSPECTIVE JUROR NO. 178: Yeah, I was less than 25.

20 THE COURT: Okay. But you weren't handled in the  
21 juvenile system?

22 PROSPECTIVE JUROR NO. 178: Oh, no, nothing like  
23 that. I never got into trouble then.

24 THE COURT: Anything that -- anything -- anybody that  
25 you're close with that's been charged with any kinds of crimes,

1 you know, DUI -- anything from a DUI to something more serious?

2 PROSPECTIVE JUROR NO. 178: The only thing I can  
3 think of was my daughter was dating my -- a friend of ours from  
4 school. Anyway, he came and broke our windows down at our  
5 house on New Year's Day, 2012. So they brought out CSI. Cops  
6 came, everything. It was a big ordeal.

7 THE COURT: Okay. What was the jurisdiction of that  
8 investigation?

9 PROSPECTIVE JUROR NO. 178: They never caught him  
10 because they could ping him on the phone because he kept  
11 calling. He was stalking, and they never caught him. He just  
12 went away. So.

13 THE COURT: Okay. But was it Metro they came out to  
14 your house?

15 PROSPECTIVE JUROR NO. 178: Oh, yeah. Yeah.

16 THE COURT: Okay. And it sounds like you -- what did  
17 they do, dust for prints or pictures?

18 PROSPECTIVE JUROR NO. 178: Uh-huh.

19 THE COURT: All that stuff, okay.

20 PROSPECTIVE JUROR NO. 178: Took pictures, the whole  
21 deal, and my husband's sister, she's married to a Metro cop.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 178: He's a captain here.

24 THE COURT: Your husband's sister --

25 PROSPECTIVE JUROR NO. 178: Sister's husband, yeah.



1 THE COURT: So your kind of brother-in-law --  
2 PROSPECTIVE JUROR NO. 178: Right. Right.  
3 THE COURT: -- is a Metro cop, and do you know what  
4 he does with Metro?  
5 PROSPECTIVE JUROR NO. 178: He's, like, a captain.  
6 THE COURT: Oh, he is. Okay.  
7 PROSPECTIVE JUROR NO. 178: Yeah. I'm sure -- I  
8 won't mention any names, but, yeah.  
9 THE COURT: Okay. So he's high up with Metro. Now,  
10 do you socialize with him at all? Do -- I mean, like the  
11 family barbecue, that kind of thing?  
12 PROSPECTIVE JUROR NO. 178: Yeah, we used to do a lot  
13 of that until his sister and my husband got into it. So.  
14 They're Italian; they fight a lot. I don't know what's wrong  
15 with them. I'm just saying they fight a lot.  
16 THE COURT: I'm married to an Italian.  
17 PROSPECTIVE JUROR NO. 178: Right. You know exactly  
18 what I'm going through.  
19 THE COURT: In any event, so they're kind of  
20 estranged right now --  
21 PROSPECTIVE JUROR NO. 178: Right.  
22 THE COURT: So you're not seeing this brother-in-law  
23 captain, okay. Did he talk about his work very much with you  
24 or not really?  
25 PROSPECTIVE JUROR NO. 178: No, we would just be over

1 there, and he'd come in just -- you know, in his --

2 THE COURT: In the Metro uniform?

3 PROSPECTIVE JUROR NO. 178: Yeah.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 178: And so it was kind of,  
6 Yeah, hey. All right.

7 THE COURT: Now, assuming you're a juror, you  
8 understand that the State has the burden of proving the  
9 defendant's guilt beyond a reasonable doubt, and if they don't,  
10 the defendant is entitled to a verdict of not guilty. Do you  
11 have any problem with that concept or holding the State to the  
12 burden?

13 PROSPECTIVE JUROR NO. 178: No, the only problem I  
14 really have is I don't want to see any pictures.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 178: I couldn't stomach that.

17 THE COURT: Now, if that's the evidence in the case,  
18 you understand you have to look at them. Would you be able to  
19 do that? Just like any other evidence, if it's a document,  
20 you've got to look at that. You know, if that's the  
21 evidence -- and, you know, sometimes in, you know, like, cases  
22 there might be, say, a DUI-death case, or it could be autopsy  
23 pictures --

24 PROSPECTIVE JUROR NO. 178: Right.

25 THE COURT: -- people don't like to look at that, but

1 it's one of the things, you know, as a juror you'd have to look  
2 at the evidence. Can you do that even if it's unpleasant for  
3 you?

4 PROSPECTIVE JUROR NO. 178: If I had to, I would do  
5 it.

6 THE COURT: Okay. All right. Any reason you can't  
7 be fair and impartial to both sides?

8 PROSPECTIVE JUROR NO. 178: Truthfully?

9 THE COURT: All we want is the truth.

10 PROSPECTIVE JUROR NO. 178: Okay. I mean, the  
11 whole -- I don't know. I don't know if I could just -- I don't  
12 know. I don't know. I don't think I could do that.

13 THE COURT: Okay. Why not? Is it the nature of the  
14 charges?

15 PROSPECTIVE JUROR NO. 178: Nature, yeah. It's just  
16 a little, you know -- I don't know. Something in my mind. I  
17 don't know, and I don't want to say too much about it, but, you  
18 know, earlier in my life I did have an episode where something  
19 happened to me when I was a child. So I'm just going to leave  
20 it at that.

21 THE COURT: Okay. So you were the victim of some  
22 kind of -- was it sexual or physical abuse?

23 PROSPECTIVE JUROR NO. 178: Yes, sexual.

24 THE COURT: Okay. May I see counsel at the bench.

25 (Conference at the bench not recorded.)

1 THE COURT: All right. Ms. Becker, we're going to  
2 excuse you from these proceedings. Again, there are many  
3 different types of trials that you might be more suited for,  
4 including other criminal cases. So you're eligible for  
5 reassignment to another criminal department or a civil  
6 department. All right.

7 PROSPECTIVE JUROR NO. 178: What does that mean?

8 THE COURT: That means that there are other kinds of  
9 charges, criminal charges. You could sit on that kind of a  
10 jury or a civil jury, where, you know, people are fighting over  
11 a contract or a personal injury case or that sort of thing.

12 PROSPECTIVE JUROR NO. 178: Does that mean I have to  
13 go back downstairs right now?

14 THE COURT: It does.

15 PROSPECTIVE JUROR NO. 178: Okay. All right.

16 THE COURT: All right. Thank you.

17 PROSPECTIVE JUROR NO. 178: Thank you.

18 THE COURT: Ms. Husted, would you please call the  
19 next prospective juror.

20 THE CLERK: Yes, Your Honor.

21 Badge 179, James Nguyen.

22 THE COURT: All right. Mr. Nguyen, good afternoon.  
23 What do you do for a living?

24 PROSPECTIVE JUROR NO. 179: I'm a manicurist.

25 THE COURT: Okay. And how long have you been here in

1 Clark County?

2 PROSPECTIVE JUROR NO. 179: Less than five years.

3 THE COURT: Okay. And you're from -- are you from  
4 Vietnam?

5 PROSPECTIVE JUROR NO. 179: Yes.

6 THE COURT: Okay. I guessed that based on your name.  
7 How long have you lived in the United States?

8 PROSPECTIVE JUROR NO. 179: 22 years.

9 THE COURT: Okay. Where did you live when you first  
10 came here?

11 PROSPECTIVE JUROR NO. 179: Cali. California.

12 THE COURT: Okay. Were you a manicurist there?

13 PROSPECTIVE JUROR NO. 179: No, I was student.

14 THE COURT: A student, okay. And did you do your  
15 beauty training -- beauty college, did you do that here in the  
16 United States?

17 PROSPECTIVE JUROR NO. 179: Yes, in Cali.

18 THE COURT: And then obviously you're licensed as a  
19 manicurist. You had to do the test and all of that?

20 PROSPECTIVE JUROR NO. 179: Yeah.

21 THE COURT: Okay. All right. Are you married, or do  
22 you have a significant other?

23 PROSPECTIVE JUROR NO. 179: Married two years, and  
24 one son just turn 1.

25 THE COURT: Okay. And what does your wife do?

1 PROSPECTIVE JUROR NO. 179: She manicurist as well.  
2 THE COURT: Okay. And you said your son is how old,  
3 21?  
4 PROSPECTIVE JUROR NO. 179: No just turn 1.  
5 THE COURT: Just turned 1. I thought you looked  
6 awful young, but, you know. Have you ever been a juror before?  
7 PROSPECTIVE JUROR NO. 179: No.  
8 THE COURT: You or anyone close to you ever been  
9 arrested, charged or accused of a crime?  
10 PROSPECTIVE JUROR NO. 179: No.  
11 THE COURT: Have you ever been the victim of a crime?  
12 PROSPECTIVE JUROR NO. 179: Just a minor, just  
13 somebody hit the -- backed up and hit my car in back bumper,  
14 and they -- I parked my car in the parking lot, and then they  
15 hit my back bumper, and they left.  
16 THE COURT: Okay. Did you report that to the police?  
17 PROSPECTIVE JUROR NO. 179: I called them, and says,  
18 like, person was private property. So:  
19 THE COURT: Oh, it was on private property?  
20 PROSPECTIVE JUROR NO. 179: Yeah.  
21 THE COURT: So they didn't come out and do anything?  
22 PROSPECTIVE JUROR NO. 179: No.  
23 THE COURT: Okay. Anything else in your background  
24 or your family background that we should know about you in  
25 making a determination as to whether or not you would be a good

1 juror in this case?

2 PROSPECTIVE JUROR NO. 179: No, nothing.

3 THE COURT: Okay. Can you be fair and impartial to  
4 both sides?

5 PROSPECTIVE JUROR NO. 179: Yes.

6 THE COURT: All right. Thank you.

7 State, you can follow up with, Mr. Nguyen.

8 MS. LAVELL: What's the name of the shop you work at?

9 PROSPECTIVE JUROR NO. 179: In-Style Nails.

10 MS. LAVELL: In-Star?

11 PROSPECTIVE JUROR NO. when 79: In-Style Nails

12 THE COURT: In-Style Nails.

13 MS. LAVELL: In-Style, okay.

14 Nothing further.

15 THE COURT: All right. Mr. Jackson, you may follow

16 up --

17 Oh, pass for cause?

18 MS. LAVELL: Yes, Your Honor.

19 THE COURT: Mr. Jackson, you may follow up with Mr.

20 Nguyen.

21 MR. JACKSON: Just a couple of questions.

22 Where exactly in California are you from?

23 PROSPECTIVE JUROR NO. 179: In the city I live in?

24 MR. JACKSON: I'm sorry. Where?

25 THE COURT: What city do you live in, yes.

1 PROSPECTIVE JUROR NO. 179: (Unintelligible.) --  
2 Pomona --  
3 THE COURT: Pomona area?  
4 PROSPECTIVE JUROR NO. 179: Yeah.  
5 THE COURT: Okay.  
6 MR. JACKSON: You've heard the charges that have been  
7 discussed here, the charge of child pornography, child abuse.  
8 Would sitting on a jury in a case like that present any great  
9 difficulties for you that would make it difficult to decide the  
10 case fairly and impartially?  
11 PROSPECTIVE JUROR NO. 179: No.  
12 MR. JACKSON: You can listen to all the evidence and  
13 wait until you've heard it all before you make a decision?  
14 PROSPECTIVE JUROR NO. 179: Yes.  
15 MR. JACKSON: Do you have any opinion right now  
16 whether Mr. Shue is guilty or innocent at this time?  
17 PROSPECTIVE JUROR NO. 179: No, nothing.  
18 MR. JACKSON: Do you have any close friends or  
19 relatives who have any connection to law enforcement?  
20 PROSPECTIVE JUROR NO. 179: No.  
21 MR. JACKSON: Or any family members that have any  
22 connections to law enforcement?  
23 PROSPECTIVE JUROR NO. 179: No.  
24 MR. JACKSON: Can you think of any reason at all why  
25 you couldn't be a fair juror in this case?



1 PROSPECTIVE JUROR NO. 179: No.  
2 MR. JACKSON: I have no further questions. Pass the  
3 juror for cause.  
4 THE COURT: All right. Thank you.  
5 I believe we're State's fifth.  
6 Is that right?  
7 THE CLERK: Yes, Your Honor.  
8 MS. LAVELL: Your Honor, the State will waive State's  
9 fifth.  
10 THE COURT: Thank you.  
11 Mr. Jackson, defense's fifth.  
12 MR. JACKSON: We'd ask the Court to thank and excuse  
13 Juror No. 8 I believe. That's -- Mr. Villa --  
14 THE COURT: Mr. Villa -- the juror in Chair 8,  
15 Mr. Villacreses.  
16 MR. JACKSON: -- creses, yes.  
17 THE CLERK: Badge 135.  
18 THE COURT: All right. That's Badge No. 135.  
19 Sir, thank you for being here and your willingness to  
20 serve as a juror. You are excused from this department at this  
21 time, and the bailiff will direct you from the courtroom.  
22 And, Ms. Husted, please call up the next prospective  
23 juror.  
24 THE CLERK: Yes, Your Honor.  
25 Badge 180, Donna Miner.

1 PROSPECTIVE JUROR NO. 180: Is there an easier way to  
2 get through?

3 THE COURT: Just the back corner there.

4 Good afternoon, Ms. Miner, what do you do for a  
5 living, ma'am?

6 PROSPECTIVE JUROR NO. 180: Store manager of a  
7 convenience store.

8 THE COURT: Okay. And how long have you been doing  
9 that?

10 PROSPECTIVE JUROR NO. 180: 19 years.

11 THE COURT: Are you married, or do you have a  
12 significant other?

13 PROSPECTIVE JUROR NO. 180: Married.

14 THE COURT: What does your husband do?

15 PROSPECTIVE JUROR NO. 180: Assistant manager of a  
16 convenience store.

17 THE COURT: Same store?

18 PROSPECTIVE JUROR NO. 180: Same company.

19 THE COURT: Okay. And any children?

20 PROSPECTIVE JUROR NO. 180: Yes, I have four children  
21 and one stepdaughter.

22 THE COURT: Okay. What's the age range of your  
23 children and stepdaughter, youngest and oldest?

24 PROSPECTIVE JUROR NO. 180: 14 to 30.

25 THE COURT: Okay. Do you have any grandchildren?

1 PROSPECTIVE JUROR NO. 180: Yes, one.  
2 THE COURT: And how old is your grandchild?  
3 PROSPECTIVE JUROR NO. 180: 6.  
4 THE COURT: Okay. Have you ever been a juror before?  
5 PROSPECTIVE JUROR NO. 180: No.  
6 THE COURT: You or anyone close to you ever been  
7 arrested, charged or accused of a crime or the victim of a  
8 crime?  
9 PROSPECTIVE JUROR NO. 180: Victim.  
10 THE COURT: Okay. Tell me about that.  
11 PROSPECTIVE JUROR NO. 180: Domestic violence in '96  
12 or -7, in that range.  
13 THE COURT: Okay. Were you the victim, or was it  
14 somebody else?  
15 PROSPECTIVE JUROR NO. 180: I was the victim.  
16 THE COURT: Okay. And I don't mean to pry, but did  
17 that happen here in Clark County?  
18 PROSPECTIVE JUROR NO. 180: Yes.  
19 THE COURT: And was it your spouse, or was it another  
20 family member, or --  
21 PROSPECTIVE JUROR NO. 180: Spouse.  
22 THE COURT: And did -- was law enforcement involved?  
23 PROSPECTIVE JUROR NO. 180: Yes.  
24 THE COURT: Was it Las Vegas Metro?  
25 PROSPECTIVE JUROR NO. 180: No.

1 THE COURT: Henderson?  
2 PROSPECTIVE JUROR NO. 180: Yeah.  
3 THE COURT: Okay. Did they take your spouse into  
4 custody?  
5 PROSPECTIVE JUROR NO. 180: Yes.  
6 THE COURT: Okay. And was he ever charged with a  
7 crime, or what happened?  
8 PROSPECTIVE JUROR NO. 180: He was charged with  
9 domestic violence.  
10 THE COURT: Okay. Did he -- was the case resolved,  
11 or did you have a trial in front of a Judge, or what happened?  
12 PROSPECTIVE JUROR NO. 180: He pleaded out and went  
13 to management school, and then he had it expunged.  
14 THE COURT: Okay. Is this the same husband that you  
15 have now?  
16 PROSPECTIVE JUROR NO. 180: No.  
17 THE COURT: A different husband, okay. Any opinions  
18 as to how that case was handled in the system, like how, you  
19 know, Henderson Police handled it when they came out or the  
20 Judge or the prosecutors? I'm assuming it would've been the  
21 Henderson city attorney's office; is that right?  
22 PROSPECTIVE JUROR NO. 180: (Nodded head.)  
23 THE COURT: Is that yes?  
24 PROSPECTIVE JUROR NO. 180: Yes.  
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 180: No, it was all just  
2 pretty simple.

3 THE COURT: Okay. All right. Is there anything else  
4 in your background or your family background that we ought to  
5 know about you in making a determination as to whether or not  
6 you would be a good juror on this type of a case?

7 PROSPECTIVE JUROR NO. 180: Nothing.

8 THE COURT: Okay. Can you be fair and impartial to  
9 both sides?

10 PROSPECTIVE JUROR NO. 180: Yes, I feel I can.

11 THE COURT: Okay. Let me ask you this. You work in  
12 a convenience store, and you have for some time. Now, you  
13 always hear about robberies and thefts and things like that  
14 happening in convenience stores. Has anything like that ever  
15 happened when you were working at a store?

16 PROSPECTIVE JUROR NO. 180: I manage a store that it  
17 has occurred in.

18 THE COURT: Okay. But never with you actually  
19 working there?

20 PROSPECTIVE JUROR NO. 180: No.

21 THE COURT: Okay. Robberies or employee  
22 embezzlement, or what kinds of things have happened at the  
23 store that you manage?

24 PROSPECTIVE JUROR NO. 180: Like I said, I've been  
25 doing this 19 years. So I could pretty much name just about

1 anything you just said. I have had embezzlement, robberies,  
2 cars going through the whole building. I mean, you name it,  
3 I've had it.

4 THE COURT: Have you yourself had to interact with  
5 law enforcement in connection with any of the crimes that have  
6 occurred at convenience stores that you've managed?

7 PROSPECTIVE JUROR NO. 180: Yes.

8 THE COURT: Okay. And your store is -- is that  
9 located in Henderson or Las --

10 PROSPECTIVE JUROR NO. 180: Henderson.

11 THE COURT: Henderson, okay. So again we're talking  
12 about Henderson police?

13 PROSPECTIVE JUROR NO. 180: Yes.

14 THE COURT: Okay. Any feelings as to how the police  
15 had handled the various matters that -- that you've been  
16 involved with at your store?

17 PROSPECTIVE JUROR NO. 180: Some have gone well.  
18 Some of not gone so well.

19 THE COURT: Okay. Do you blame the police for that  
20 or just kind of circumstances, or what are your feelings on  
21 that?

22 PROSPECTIVE JUROR NO. 180: Personally, I think that  
23 some of it is their call volume. A lot of times I don't get a  
24 response --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 180: -- don't get what I need  
2 on one side, but then other times they're right there. So it's  
3 kind of a -- I would say more of a 50/50 chance on whether or  
4 not I'm going to be taken care of or not as a -- I guess a  
5 customer.

6 THE COURT: Okay. All right. Anything about your  
7 experiences, both good and bad, with the Henderson Police  
8 Department that would impact your ability to consider this case  
9 solely upon the evidence that's presented during this trial?

10 PROSPECTIVE JUROR NO. 180: No, I don't have a  
11 problem.

12 THE COURT: Okay. State, any questions?

13 MS. LAVELL: Just a couple.

14 Ma'am, you indicated that you have four children and  
15 a stepchild?

16 PROSPECTIVE JUROR NO. 180: Yes.

17 MS. LAVELL: And is the stepchild a boy or a girl?

18 PROSPECTIVE JUROR NO. 180: Girl.

19 MS. LAVELL: For how many years in your life?

20 PROSPECTIVE JUROR NO. 180: Eight.

21 MS. LAVELL: How old is she?

22 PROSPECTIVE JUROR NO. 180: 16.

23 MS. LAVELL: Do you consider her to be your child?

24 PROSPECTIVE JUROR NO. 180: Yes.

25 MS. LAVELL: The grandchild, do you see the

1 grandchild often?

2 PROSPECTIVE JUROR NO. 180: Yes.

3 MS. LAVELL: Nothing further.

4 THE COURT: All right. Pass for cause.

5 MS. LAVELL: Pass for cause.

6 THE COURT: Mr. Jackson, follow-up?

7 MR. JACKSON: A few questions.

8 Have you ever testified as a witness in court on  
9 these incidents that have happened in your store or any of the  
10 crimes you been a victim of?

11 PROSPECTIVE JUROR NO. 180: No, I've been summoned  
12 but never been called.

13 MR. JACKSON: Okay. Now, your other children, are  
14 they boys or girls, the four children you have?

15 PROSPECTIVE JUROR NO. 180: I have three girls, one  
16 boy.

17 MR. JACKSON: Okay. Have any of your children been  
18 the victims of crimes or assaults or batteries or anything like  
19 that?

20 PROSPECTIVE JUROR NO. 180: No.

21 MR. JACKSON: Okay. And how long did you say you've  
22 lived in the Las Vegas area?

23 PROSPECTIVE JUROR NO. 180: 19 years.

24 MR. JACKSON: Before that, where did you live?

25 PROSPECTIVE JUROR NO. 180: California.



1 MR. JACKSON: Which part?

2 PROSPECTIVE JUROR NO. 180: Southern, High Desert,  
3 Victorville area.

4 MR. JACKSON: Okay. Is that where you grew up?

5 PROSPECTIVE JUROR NO. 180: Yes, born and raised.

6 MR. JACKSON: Now, how far did you go in school?  
7 What's your --

8 PROSPECTIVE JUROR NO. 180: In California?

9 MR. JACKSON: Well, total, what's your education  
10 background?

11 PROSPECTIVE JUROR NO. 180: Total, I have  
12 three degrees.

13 MR. JACKSON: In what?

14 PROSPECTIVE JUROR NO. 180: I have a Bachelor and two  
15 Associates, one in Marketing, Business and General.

16 MR. JACKSON: Did you ever have any degrees in  
17 counseling or anything like that, any -- any of those social  
18 science degrees?

19 PROSPECTIVE JUROR NO. 180: No, I do not.

20 MR. JACKSON: So your degrees are mostly in the  
21 business area?

22 PROSPECTIVE JUROR NO. 180: Yes.

23 MR. JACKSON: And that's where most of your  
24 professional life has been concentrated, in handling the  
25 business or in the business area kinds of work?

1 PROSPECTIVE JUROR NO. 180: Correct.

2 MR. JACKSON: Now, you've heard the charges that have  
3 been discussed in -- concerning this case. Is there anything  
4 about the facts of the case -- it's going to involve child  
5 pornography. It's going to involve looking at pictures. It's  
6 going to involve allegations of child abuse related to the  
7 child pornography. Is that so troubling that it will make it  
8 difficult for you to fairly and impartially consider the  
9 evidence and render a fair verdict to both sides?

10 PROSPECTIVE JUROR NO. 180: It's not difficult at  
11 all.

12 MR. JACKSON: Okay. You can be fair to both sides?

13 PROSPECTIVE JUROR NO. 180: Yes, I can.

14 MR. JACKSON: We'll pass the juror for cause.

15 THE COURT: All right. Thank you.

16 I believe we're on State's sixth.

17 MS. LAVELL: Your Honor, the State will waive State's  
18 sixth.

19 THE COURT: All right. Defense's sixth.

20 MR. JACKSON: Your Honor, we'd ask the court to thank  
21 an excuse Juror No. 4, Susan -- I think it's -- I'm not sure if  
22 I'll pronounce the name right --

23 PROSPECTIVE JUROR NO. 129: Kuckelmann.

24 MR. JACKSON: -- Kuckelmann.

25 THE COURT: Ms. Kuckelmann, thank you very much for

1 being here and your willingness to serve as a juror. You are  
2 excused. The bailiff will direct you from the courtroom.

3 Ms. Husted, please call up the next prospective  
4 juror.

5 THE CLERK: Yes, Your Honor.

6 Badge 181, Gregory Holmes.

7 THE COURT: Mr. Holmes, if you'd have that empty  
8 chair, please, in the front row.

9 Good afternoon.

10 PROSPECTIVE JUROR NO. 181: Thank you.

11 THE COURT: What do you do for a living, sir?

12 PROSPECTIVE JUROR NO. 181: I do plumbing.

13 THE COURT: All right. So you're a plumber?

14 PROSPECTIVE JUROR NO. 181: I wouldn't technically  
15 call myself a plumber, but I do bid work for plumbing.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 181: And sell jobs and oversee  
18 jobs.

19 THE COURT: Okay. So is that more like  
20 construction-type plumbing or repair-type plumbing?

21 PROSPECTIVE JUROR NO. 181: Both construction and  
22 residential -- or commercial and residential.

23 THE COURT: Okay. But you work for a plumbing  
24 company?

25 PROSPECTIVE JUROR NO. 181: Yes, actually a company

1 that has construction, plumbing and electrical.

2 THE COURT: All right. And you go out and you bid  
3 the jobs?

4 PROSPECTIVE JUROR NO. 181: Yes.

5 THE COURT: Okay. How long have you been doing that  
6 type of work?

7 PROSPECTIVE JUROR NO. 181: About 10 years.

8 THE COURT: Okay. And are you married, or do you  
9 have a significant other?

10 PROSPECTIVE JUROR NO. 181: I am married.

11 THE COURT: Married. And what does your wife do?

12 PROSPECTIVE JUROR NO. 181: She's a nanny.

13 THE COURT: Okay. Does she work in somebody else's  
14 home or at a day care center or what?

15 PROSPECTIVE JUROR NO. 181: She works in somebody  
16 else's home.

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

18 PROSPECTIVE JUROR NO. 181: I do, 6.

19 THE COURT: Okay. I'm not going to ask -- how old is  
20 the youngest, and how old is the oldest?

21 PROSPECTIVE JUROR NO. 181: The oldest is 27, and the  
22 youngest is 13.

23 THE COURT: Okay. And do you have any grandchildren?

24 PROSPECTIVE JUROR NO. 181: I do not.

25 THE COURT: Okay. Have you ever been a juror before?

1 PROSPECTIVE JUROR NO. 181: I have not.

2 THE COURT: No, okay. You or anyone close you ever  
3 been arrested, charged or accused of a crime?

4 PROSPECTIVE JUROR NO. 181: No, I have not.

5 THE COURT: Okay. What about any family members,  
6 spouses, anything like that?

7 PROSPECTIVE JUROR NO. 181: No.

8 THE COURT: And then let me ask, have you ever been  
9 the victim of a crime?

10 PROSPECTIVE JUROR NO. 181: No, I have not.

11 THE COURT: Okay. What about people close to you,  
12 anybody that's been the victim of a crime in your family, or  
13 your wife, anything?

14 PROSPECTIVE JUROR NO. 181: Pretty clear, nobody.

15 THE COURT: Okay. Can you think of anything in your  
16 background or in your family background that could impact your  
17 ability to be a fair and impartial juror in this case?

18 PROSPECTIVE JUROR NO. 181: No.

19 THE COURT: Nothing?

20 PROSPECTIVE JUROR NO. 181: Huh-uh.

21 THE COURT: Okay. As you sit here, can you be fair  
22 and impartial to both sides if you're selected?

23 PROSPECTIVE JUROR NO. 181: I believe I can.

24 THE COURT: All right. Thank you.

25 State, you may follow up.

1 MS. LAVELL: Pass for cause.

2 THE COURT: Defense, Mr. Jackson, you may follow up.

3 MR. JACKSON: Court's indulgence.

4 Mr. Holmes, you've been here for the last four hours  
5 or so listening to everybody answer some -- the same questions  
6 over and over, and I don't want to bore you with the same  
7 questions, but it's important. So I'll slug away and ask the  
8 same questions I've asked everybody else.

9 This is a serious case involving serious allegations  
10 against my client. Will the facts of the case, namely that  
11 he's alleged to have been involved in child pornography and  
12 child abuse, be of such serious nature that it'll make it  
13 difficult for you to be fair and impartial?

14 PROSPECTIVE JUROR NO. 181: No.

15 MR. JACKSON: You do have six children, some of them  
16 probably close in age to the alleged victim in this case. That  
17 won't in any way affect your ability to be fair and impartial  
18 in this case?

19 PROSPECTIVE JUROR NO. 181: No. I admit that the  
20 allegations have a bad connotation, but I know nothing of the  
21 law regarding that.

22 MR. JACKSON: All right. And you can put aside any  
23 sympathy you might have for the child victim who's allegedly  
24 somewhere between the ages of 15 and 18 at the time these  
25 incidents happened?

1 MS. LAVELL: And, your Honor, I think we're talking  
2 about some specific facts here that --

3 MR. JACKSON: All right. Well, assuming that the  
4 child is under the age of 18 at the time this happened -- I  
5 think the State would concede that -- would you concede that --  
6 or would you say that you would not be overly influenced merely  
7 because it was a child testifying?

8 PROSPECTIVE JUROR NO. 181: No.

9 MR. JACKSON: Do you have any connections whatever to  
10 law enforcement in this town?

11 PROSPECTIVE JUROR NO. 181: My wife works for some  
12 people that are connected with law enforcement.

13 MR. JACKSON: And how is that? Who does she work for  
14 and in what capacity?

15 PROSPECTIVE JUROR NO. 181: She works as a nanny for  
16 David and Susan Roger.

17 MR. JACKSON: The former deputy district attorney?

18 PROSPECTIVE JUROR NO. 181: Correct.

19 MR. JACKSON: How long has she had that position?

20 PROSPECTIVE JUROR NO. 181: Four years.

21 MR. JACKSON: And so she takes care of the former  
22 district attorney's --

23 PROSPECTIVE JUROR NO. 181: Little daughter.

24 MR. JACKSON: And he in fact is the -- the attorney  
25 for Metropolitan Police Department at this time; isn't that

1 correct?

2 PROSPECTIVE JUROR NO. 181: I think that's where he  
3 went after he resigned.

4 MR. JACKSON: So after he left the DA's office he  
5 became the attorney for Metropolitan Police Department.

6 PROSPECTIVE JUROR NO. 181: Yes.

7 MR. JACKSON: And that's his capacity right now?

8 PROSPECTIVE JUROR NO. 181: Yes.

9 MR. JACKSON: Now, does your wife talk to Mr. Roger?

10 PROSPECTIVE JUROR NO. 181: Every day.

11 MR. JACKSON: Okay. And does Mr. Roger share his  
12 knowledge about the judicial system with her from time to time?

13 PROSPECTIVE JUROR NO. 181: No.

14 MR. JACKSON: Does he ever talk about cases with her  
15 to your knowledge?

16 PROSPECTIVE JUROR NO. 181: No, sir.

17 MR. JACKSON: Your wife never has curiosity about  
18 some cases that occurred in the media?

19 PROSPECTIVE JUROR NO. 181: She did at one time, when  
20 he tried OJ.

21 MR. JACKSON: What about the Binion cases, was your  
22 wife working for him at that time?

23 PROSPECTIVE JUROR NO. 181: No, he -- she was not.

24 MR. JACKSON: But she was interested in the famous OJ  
25 case; is that right?



1 PROSPECTIVE JUROR NO. 181: Yeah, she was.

2 MR. JACKSON: That was one of Mr. Roger's big  
3 victories; is that right?

4 PROSPECTIVE JUROR NO. 181: I guess so. I think he  
5 won.

6 MR. JACKSON: And your wife of course was curious  
7 about that?

8 PROSPECTIVE JUROR NO. 181: Yes, she was interested  
9 in all the --

10 MR. JACKSON: Was she taking care of the kids --

11 PROSPECTIVE JUROR NO. 181: -- the headlines of it.

12 MR. JACKSON: -- at that time?

13 PROSPECTIVE JUROR NO. 181: I don't -- I don't  
14 remember if she was, but they would -- in friendship that they  
15 have, they would talk about that case.

16 THE COURT: And just to give us some perspective, do  
17 you know how old David Roger's child is?

18 PROSPECTIVE JUROR NO. 181: Yes, 3.

19 THE COURT: 3, okay. That gives us a time frame.  
20 You said they were friends before that?

21 PROSPECTIVE JUROR NO. 181: No.

22 THE COURT: Okay. All right.

23 PROSPECTIVE JUROR NO. 181: No, she -- there was a  
24 time when they were searching for a nanny, and she had to go  
25 through a thorough background check to be their nanny.

1 THE COURT: Okay. How did she happen to find this  
2 job? Was it through an employment agency or a friend --

3 PROSPECTIVE JUROR NO. 181: It was a --

4 THE COURT: -- word of mouth? How did she get the  
5 job?

6 PROSPECTIVE JUROR NO. 181: There was a person that  
7 she was working for that worked for the district attorney's  
8 office that told her that they needed a nanny, and so then she  
9 was going to be -- not be using my wife as a nanny anymore, and  
10 so she applied for the position.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 181: And then got the  
13 position.

14 THE COURT: Okay. And then so your wife is a  
15 professional nanny? She's --

16 PROSPECTIVE JUROR NO. 181: Yes, for 25 years.

17 THE COURT: Okay. And then the person at the DA's  
18 office who she worked for previously -- and I apologize if we  
19 covered this, but I didn't hear it -- what kind of job did that  
20 person have at the DA's office?

21 PROSPECTIVE JUROR NO. 181: I don't know. She just  
22 worked for the DA.

23 THE COURT: Okay. Do you know if it was a lawyer, or  
24 was it more a staff --

25 PROSPECTIVE JUROR NO. 181: She was a lawyer.

1 THE COURT: A lawyer, okay.  
2 PROSPECTIVE JUROR NO. 181: Uh-huh.  
3 THE COURT: Okay. Can we have that person's name?  
4 PROSPECTIVE JUROR NO. 181: I can't even remember her  
5 name.  
6 THE COURT: Okay.  
7 PROSPECTIVE JUROR NO. 181: I could find out if you  
8 want.  
9 THE COURT: No, that's okay, but as you sit here you  
10 don't remember the name?  
11 PROSPECTIVE JUROR NO. 181: I don't remember her  
12 name.  
13 THE COURT: Okay. All right. Thank you.  
14 Go on, Mr. Jackson.  
15 MR. JACKSON: It was a female attorney though in the  
16 DA's office; is that correct?  
17 PROSPECTIVE JUROR NO. 181: Correct.  
18 MR. JACKSON: And she recommended your wife to Dave  
19 Roger; is that correct?  
20 PROSPECTIVE JUROR NO. 181: Yes.  
21 MR. JACKSON: And your wife had known this female  
22 attorney for some time then I presume --  
23 PROSPECTIVE JUROR NO. 181: She --  
24 MR. JACKSON: -- and had her confidence; is that  
25 right?

1 PROSPECTIVE JUROR NO. 181: She had worked for her  
2 for a few months.

3 MR. JACKSON: Okay. And of course this attorney  
4 wouldn't have recommended your wife unless she fully trusted  
5 her, I imagine?

6 PROSPECTIVE JUROR NO. 181: Correct.

7 MR. JACKSON: Now, when you're -- when you go home  
8 tonight and see your wife, she'll still be working for Dave  
9 Roger; is that right? She's still working for him?

10 PROSPECTIVE JUROR NO. 181: Yes.

11 MR. JACKSON: And she plans to keep working for him  
12 in the -- for the foreseeable future; is that correct?

13 PROSPECTIVE JUROR NO. 181: Yes.

14 MR. JACKSON: Whatever the results of this trial,  
15 she's going to keep working for him at least in the immediate  
16 future?

17 PROSPECTIVE JUROR NO. 181: Yes.

18 MR. JACKSON: And you don't believe that would  
19 influence you in any way, or would it, however this trial turns  
20 out?

21 PROSPECTIVE JUROR NO. 181: No, I don't think so. I  
22 don't have any contact with David Roger or Susan Roger.

23 MR. JACKSON: Have you ever dropped your wife off at  
24 his house?

25 PROSPECTIVE JUROR NO. 181: No.

1 MR. JACKSON: Have you ever met David Roger?

2 PROSPECTIVE JUROR NO. 181: Yes.

3 MR. JACKSON: When's the last time you saw him?

4 PROSPECTIVE JUROR NO. 181: At a birthday party for  
5 his daughter.

6 MR. JACKSON: So you do go to his house for birthday  
7 parties for the family?

8 PROSPECTIVE JUROR NO. 181: It was at a restaurant.  
9 It wasn't at a home.

10 MR. JACKSON: Okay. But you've been invited to  
11 birthday parties for the family; is that correct?

12 PROSPECTIVE JUROR NO. 181: Only one.

13 MR. JACKSON: Okay. Were there other attorneys from  
14 the DA's office there?

15 PROSPECTIVE JUROR NO. 181: Yes.

16 MR. JACKSON: How many?

17 PROSPECTIVE JUROR NO. 181: I have no idea.

18 MR. JACKSON: But more than one?

19 PROSPECTIVE JUROR NO. 181: I -- yes, I would say  
20 more than one.

21 MR. JACKSON: So it would be fair to say that you  
22 have had substantial contact with members of the DA's office in  
23 the last several years; is that right, including Mr. Roger who  
24 was a former -- the DA and other members of his office,  
25 including a member -- a female member of the DA's office and

1 other members of the DA's office at a birthday party?

2 MS. LAVELL: Your Honor --

3 Excuse me, Mr. Jackson.

4 At this point, I'm --

5 THE COURT: Well --

6 MR. JACKSON: I --

7 MS. LAVELL: He's misstating --

8 THE COURT: Have you had -- okay. Other than what  
9 we've talked about and the birthday party we talked about, have  
10 you had any other contact with members --

11 PROSPECTIVE JUROR NO. 181: That's the only social  
12 interaction I've had with David and Susan.

13 THE COURT: Okay. Now, at this birthday party at the  
14 restaurant, were you visiting with other attorneys, or why do  
15 you think that there were attorneys there? I mean, did you sit  
16 and visit with them or what?

17 PROSPECTIVE JUROR NO. 181: I think because David  
18 knew attorneys, and he had friends that were attorneys and that  
19 worked in the district office.

20 THE COURT: Okay. Let me ask you this. Were either  
21 of these lawyers, to your knowledge, at the birthday party?

22 PROSPECTIVE JUROR NO. 181: No. No, they were not.

23 MS. LAVELL: I wasn't invited.

24 THE COURT: Go on, Mr. Jackson.

25 MR. JACKSON: Have you been in any attorneys (sic)

1 where there were criminal defense attorneys present?

2 PROSPECTIVE JUROR NO. 181: I have not.

3 MR. JACKSON: You haven't been in any attorneys where  
4 the Nevada -- in any birthday parties were the Nevada Attorneys  
5 for Criminal Justice were having a birthday party for one of  
6 their children?

7 PROSPECTIVE JUROR NO. 181: Not to my knowledge.

8 MR. JACKSON: All right. I have no further  
9 questions.

10 THE COURT: Let me ask you -- and, you know, your  
11 wife works for David Roger. You understand that if you're  
12 selected as a juror, during the course of the trial you can't  
13 talk about anything relating to the trial with your wife. You  
14 can tell her, I'm on a jury, but you understand you can't go  
15 home and tell her, Oh, this is what we heard today, or this  
16 happened --

17 PROSPECTIVE JUROR NO. 181: Right.

18 THE COURT: -- or that happened. Do you understand  
19 that even though you might want her to go ask Susan Roger, Hey,  
20 what about this, you can't do that? Will you promise me if  
21 you're selected, just like everybody else, you can't -- you  
22 can't talk about anything with your wife?

23 PROSPECTIVE JUROR NO. 181: Yes, I am aware I cannot  
24 do that.

25 THE COURT: All right. May I see counsel at the

1 bench.

2 (Conference at the bench not recorded.)

3 THE COURT: All right. I believe we are now on  
4 State's seventh --

5 Oh, I'm sorry. Did you have something to add?

6 PROSPECTIVE JUROR NO. 181: I did remember the lady's  
7 name that referred my wife to David and Susan. Her name was  
8 Nadine.

9 MR. JACKSON: Do you know the last name?

10 PROSPECTIVE JUROR NO. 181: I don't remember. I just  
11 know her from a first-name basis.

12 THE COURT: The only Nadine I can think of was a  
13 staff person.

14 PROSPECTIVE JUROR NO. 181: Okay.

15 THE COURT: This woman was an attorney, correct?

16 PROSPECTIVE JUROR NO. 181: Yes, she was.

17 MS. BEVERLY: She doesn't work here anymore.

18 THE COURT: Do you know if she -- let me ask you  
19 this. Do you know if she was in the criminal -- there are a  
20 number of divisions within the district attorney's office.  
21 There's civil division, criminal division, family support  
22 division and a juvenile division. Do you know what division  
23 she was in?

24 PROSPECTIVE JUROR NO. 181: I don't. The only people  
25 that I remember at that birthday party was Nadine and Susan and



1 David.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 181: That's the only three  
4 people that I knew of at that time.

5 THE COURT: Okay. So you don't know if she worked in  
6 the adult criminal division or the juvenile division --

7 PROSPECTIVE JUROR NO. 181: No.

8 THE COURT: Okay. All right. Any follow-up based on  
9 the last answers and series of questions from the State?

10 MS. LAVELL: Not from the State, Your Honor.

11 THE COURT: From the defense?

12 MR. JACKSON: Just one question.

13 How long had you known Nadine or your wife known  
14 Nadine?

15 PROSPECTIVE JUROR NO. 181: Two or three months. I  
16 never met Nadine until the birthday party.

17 MR. JACKSON: I have no questions.

18 THE COURT: All right. State's seventh.

19 MS. LAVELL: The State will waive State's seventh.

20 THE COURT: Defense's seventh.

21 MR. JACKSON: Your Honor, we ask the Court to thank  
22 an excuse Juror No. 1, Dornell Brown.

23 THE COURT: The gentleman in Chair No. 1, Mr. Brown.

24 THE CLERK: 126.

25 THE COURT: Mr. Brown, thank you very much for being

1 here and your willingness to serve as a juror.

2 PROSPECTIVE JUROR NO. 126: No, problem.

3 THE COURT: You are excused at this time.

4 All right. Ms. Husted, please call up the next  
5 prospective juror.

6 THE CLERK: Yes, Your Honor.

7 That's Badge 191, Joseph Scarff.

8 THE COURT: Mr. Scarff, if you'd have that chair  
9 right in the corner, please.

10 Good afternoon. What do you do for a living?

11 PROSPECTIVE JUROR NO. 191: I started a new job.  
12 It's brokerage services for a financial company.

13 THE COURT: Okay. What you do?

14 PROSPECTIVE JUROR NO. 191: Basically I take inbound  
15 calls from financial advisors who do maintenance on people's --  
16 basically, like, 401(k)s and mutual funds and whatnot.

17 THE COURT: Okay. When you say maintenance, what  
18 does that mean?

19 PROSPECTIVE JUROR NO. 191: Like, if they have an  
20 issue, like, logging into their account, I figure out why, or  
21 if they didn't get the money in time, I figure out why.

22 THE COURT: So you said you just got that job. What  
23 did you do before?

24 PROSPECTIVE JUROR NO. 191: Retail photography.

25 THE COURT: Okay. Were you one of the guys in the

1 portrait studio that people go to?

2 PROSPECTIVE JUROR NO. 191: That was me.

3 THE COURT: Okay. And are you married, or do you  
4 have a significant other?

5 PROSPECTIVE JUROR NO. 191: I have a significant  
6 other.

7 THE COURT: What does she do?

8 PROSPECTIVE JUROR NO. 191: She works for Metro.

9 THE COURT: Okay. What does she do for Metro?

10 PROSPECTIVE JUROR NO. 191: She works in court  
11 services for calendars.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 191: At CCDC.

14 THE COURT: Okay. So she works at CCDC, the  
15 detention center in court services. Is she Metro -- is she a  
16 civilian employee, or is she a corrections officer?

17 PROSPECTIVE JUROR NO. 191: Civilian.

18 THE COURT: Okay. And so does she do the scheduling,  
19 like, okay, we need two officers to transport this inmate?

20 PROSPECTIVE JUROR NO. 191: Yeah.

21 THE COURT: Okay. All right. And how long have you  
22 been involved with this Metro employee?

23 PROSPECTIVE JUROR NO. 191: Two years.

24 THE COURT: Okay. And does she talk about her work  
25 very much, at the detention center?

1 PROSPECTIVE JUROR NO. 191: A little bit.

2 THE COURT: Okay. Did she -- she never has to go to  
3 court or anything like that?

4 PROSPECTIVE JUROR NO. 191: No.

5 THE COURT: Okay. But she has to keep track of who  
6 needs to be where?

7 PROSPECTIVE JUROR NO. 191: Yes.

8 THE COURT: Okay. And make sure there's enough  
9 officers and that sort of thing; is that what she does?

10 PROSPECTIVE JUROR NO. 191: Yeah, like -- and she  
11 schedules, like, court dates and makes sure the inmates get to  
12 court and whatnot.

13 THE COURT: Okay. All right. Do you socialize with  
14 any of her coworkers?

15 PROSPECTIVE JUROR NO. 191: Well, my -- I was pretty  
16 much raised by my mom's significant other, who is also a Metro  
17 police officer -- or she just retired two weeks ago.

18 THE COURT: Just retired from Metro?

19 PROSPECTIVE JUROR NO. 191: Uh-huh.

20 THE COURT: And when he retired, was he in uniform,  
21 or a detective? What was he doing?

22 PROSPECTIVE JUROR NO. 191: Well, she's a female,  
23 but --

24 THE COURT: Oh, I'm sorry.

25 PROSPECTIVE JUROR NO. 191: No. She was a sergeant

1 in narcotics when she ended up leaving.

2 THE COURT: Okay. Now, that would obviously be the  
3 detective -- well, maybe not obvious to someone who doesn't --  
4 isn't that familiar with the Metro organization, but that's the  
5 detective bureau. Do you know if she had any other jobs  
6 besides narcotics in the detective bureau?

7 PROSPECTIVE JUROR NO. 191: Not in that bureau. She  
8 was patrol before that.

9 THE COURT: Patrol. So uniformed patrol?

10 PROSPECTIVE JUROR NO. 191: Yeah.

11 THE COURT: Okay. And this sergeant, you grew up  
12 with her. She helped to raise you; is that correct?

13 PROSPECTIVE JUROR NO. 191: Yes.

14 THE COURT: Okay. Do you know -- did she talk about  
15 her work very much with you at all?

16 PROSPECTIVE JUROR NO. 191: Nothing too -- too major.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 191: But, you know, different  
19 things, we would talk about it.

20 THE COURT: Okay. Is there anything about the fact  
21 that you grew up with a Metro officer that would cause you to  
22 automatically listen -- to, you know, give more credibility to  
23 a police officer, or when police officers and law enforcement  
24 employees testify, can you keep an open mind and evaluate the  
25 testimony like you would the testimony of any other witness?

1 PROSPECTIVE JUROR NO. 191: Yeah, I mean, I could try  
2 and keep an open mind. I've just, like, grown up around Metro  
3 my whole life. So.

4 THE COURT: Okay. And when you say you can try to  
5 keep an open mind, are you doubtful that you can keep an open  
6 mind, or what do you mean?

7 PROSPECTIVE JUROR NO. 191: Just -- I don't know.  
8 I've always trusted Metro police. So listening to them talk  
9 would -- I don't know.

10 THE COURT: Okay. Well, do you feel like you're kind  
11 of -- would be more likely to favor a police officer or the  
12 state of Nevada over the defense, or what do you think?

13 PROSPECTIVE JUROR NO. 191: Maybe a little bit.

14 THE COURT: Okay. Anything else based on all of our  
15 questions and discussions with the other prospective jurors  
16 that we ought to know about you in making a determination as to  
17 whether or not you would be a good juror in this case?

18 PROSPECTIVE JUROR NO. 191: No.

19 THE COURT: Okay. Any of the questions we asked any  
20 of the jurors that you would have to raise your hand and say,  
21 Oh, yes, that pertains to me or someone close to me?

22 PROSPECTIVE JUROR NO. 191: No.

23 THE COURT: Okay. State, would you like to follow up  
24 with Mr. Scarff?

25 MS. LAVELL: Pass for cause.

1 THE COURT: Defense.

2 MR. JACKSON: Mr. Scarf, how long have you lived in  
3 the Las Vegas area?

4 PROSPECTIVE JUROR NO. 191: I was born and raised  
5 here, sir.

6 MR. JACKSON: And that's how long?

7 PROSPECTIVE JUROR NO. 191: 22 years.

8 MR. JACKSON: And you went to high school here?

9 PROSPECTIVE JUROR NO. 191: Yes.

10 MR. JACKSON: What high school?

11 PROSPECTIVE JUROR NO. 191: Bishop Gorman.

12 MR. JACKSON: And the -- did you go beyond high  
13 school? Did you go to any college here?

14 PROSPECTIVE JUROR NO. 191: Yes, I have gone to  
15 College of Southern Nevada.

16 MR. JACKSON: Now, what did you study at College of  
17 Southern Nevada?

18 PROSPECTIVE JUROR NO. 191: Photography and business.

19 MR. JACKSON: Did you take any law enforcement  
20 classes?

21 PROSPECTIVE JUROR NO. 191: No, sir.

22 MR. JACKSON: Have you ever wanted to be a police  
23 officer?

24 PROSPECTIVE JUROR NO. 191: Maybe as, like, a  
25 childhood dream but not recently, no.

1 MR. JACKSON: Well, you have a number of members in  
2 your family -- your extended family who have made that -- who  
3 have made that a career, which is a very important career, law  
4 enforcement; is that right?

5 PROSPECTIVE JUROR NO. 191: Yes.

6 MR. JACKSON: And you admire those -- those people in  
7 your family that make that sacrifice and serve the community in  
8 law enforcement; is that right?

9 PROSPECTIVE JUROR NO. 191: Yes.

10 MR. JACKSON: And you care about them very much?

11 PROSPECTIVE JUROR NO. 191: Absolutely.

12 MR. JACKSON: Because they're close family members.  
13 You realize that there's both good cops and bad cops; is that  
14 right?

15 PROSPECTIVE JUROR NO. 191: Yeah.

16 MR. JACKSON: Do any of your family members ever tell  
17 you, you know, there's a few cops that don't do their job  
18 right?

19 PROSPECTIVE JUROR NO. 191: I mean, yeah, I guess.

20 MR. JACKSON: Or do they mostly tell you that, you  
21 know, cops get a bad rap from everybody, and we really have it  
22 tough --

23 PROSPECTIVE JUROR NO. 191: A little bit of both.

24 MR. JACKSON: -- and nobody understands it?

25 PROSPECTIVE JUROR NO. 191: A little bit of both.



1 MR. JACKSON: Well, now, a police officer or maybe  
2 more than one, maybe three or four or five police officers are  
3 going to sit in that witness chair and be questioned by the  
4 state of Nevada's representatives, the prosecutors here, and  
5 they're going to have to tell what they know about this case,  
6 and I get the chance to question them, too. Now, you're going  
7 to have to, as a juror, listen to every word they say and try  
8 and determine if they're telling the complete truth, the whole  
9 truth or if maybe they're telling something that's not  
10 completely true; do you understand that?

11 PROSPECTIVE JUROR NO. 191: Yes.

12 MR. JACKSON: Do you think it's possible that a  
13 police officer might on occasion not tell the whole truth?

14 PROSPECTIVE JUROR NO. 191: Yes.

15 MR. JACKSON: Even if he's -- swears -- holds up his  
16 hand, swears to tell the truth and says he's going to tell the  
17 truth as best he can?

18 PROSPECTIVE JUROR NO. 191: Yeah.

19 MR. JACKSON: Do you think it's possible that a  
20 police officer in his zeal to convict the bad guys might  
21 exaggerate the facts or might in some way from his own bias?

22 PROSPECTIVE JUROR NO. 191: Yeah, it's possible.

23 MR. JACKSON: Well, will you listen to all the facts  
24 before you make up your mind in this case?

25 PROSPECTIVE JUROR NO. 191: Yes.

1 MR. JACKSON: Have you made your mind up on this case  
2 right now?

3 PROSPECTIVE JUROR NO. 191: No.

4 MR. JACKSON: Is there anything about the nature of  
5 the charge that would make it difficult for you to be fair and  
6 impartial in this case?

7 PROSPECTIVE JUROR NO. 191: Just basically like  
8 everyone else has said, but, no.

9 MR. JACKSON: I don't remember if you were asked by  
10 the Court or by the prosecutor if you've ever been the victim  
11 of any serious crimes. Have you ever been the victim of any  
12 serious crimes?

13 PROSPECTIVE JUROR NO. 191: Yes.

14 MR. JACKSON: I guess you weren't asked about that.  
15 Can you tell the Court and counsel what type of crimes you've  
16 been the victim of.

17 PROSPECTIVE JUROR NO. 191: It was domestic violence  
18 in 2012.

19 MR. JACKSON: And did that case go to court?

20 PROSPECTIVE JUROR NO. 191: It did.

21 MR. JACKSON: Can you tell me who it was?

22 If you don't want to discuss that in detail, was  
23 anyone convicted in that matter?

24 PROSPECTIVE JUROR NO. 191: It was dropped.

25 MR. JACKSON: It was dropped?

1 PROSPECTIVE JUROR NO. 191: Yeah.

2 MR. JACKSON: Was that at the -- at your request, or  
3 was it dropped because the prosecutor wanted to drop it?

4 PROSPECTIVE JUROR NO. 191: I guess it was my request  
5 at the time.

6 MR. JACKSON: Were you satisfied with the resolution  
7 of that case?

8 PROSPECTIVE JUROR NO. 191: Now, that I look back,  
9 no, but at the time, yes.

10 MR. JACKSON: Well, did anybody influence you  
11 strongly to drop that case?

12 PROSPECTIVE JUROR NO. 191: Yes.

13 MR. JACKSON: Can you tell me who that was that  
14 influenced you strongly?

15 PROSPECTIVE JUROR NO. 191: I don't think that's  
16 really relevant.

17 MR. JACKSON: Well, let me ask you this. Was it the  
18 person that did the action --

19 PROSPECTIVE JUROR NO. 191: Yes.

20 MR. JACKSON: -- that influenced you to drop it --

21 PROSPECTIVE JUROR NO. 191: Yeah.

22 MR. JACKSON: -- without telling me who it was?

23 PROSPECTIVE JUROR NO. 191: Yeah.

24 MR. JACKSON: So it was the person that was the  
25 aggressor or the person that did the criminal act to you that

1     tried to influence you to drop the case?

2             PROSPECTIVE JUROR NO. 191:   Yes.

3             MR. JACKSON:   And you spoke to the prosecutors or  
4     spoke to the police officers or whatever and told them that you  
5     would be okay with them dropping the charges; is that correct?

6             PROSPECTIVE JUROR NO. 191:   No.

7             MR. JACKSON:   Did you speak to anyone from the  
8     prosecutor's office concerning the facts of the case?

9             PROSPECTIVE JUROR NO. 191:   No.

10            THE COURT:   Did you not show up to court, or what  
11     happened?

12            PROSPECTIVE JUROR NO. 191:   Yeah, I didn't show.

13            THE COURT:   You just didn't show up.   And did this  
14     occur in the -- do you know if it was prosecuted by the Clark  
15     County District Attorney's Office or one of the city attorney's  
16     office?

17            PROSPECTIVE JUROR NO. 191:   The DA's office.

18            THE COURT:   So it occurred in the county, not in like  
19     the city of Las Vegas --

20            PROSPECTIVE JUROR NO. 191:   Yes.

21            THE COURT:   -- or the city of Henderson -- okay.  
22     Go on, Mr. Jackson.   Sorry.

23            MR. JACKSON:   Did you ever have any communication  
24     with anybody in the DA's office concerning the facts of this  
25     case?

1 PROSPECTIVE JUROR NO. 191: Yes.

2 MR. JACKSON: Were you happy or unhappy with the way  
3 the DA's office handled it?

4 PROSPECTIVE JUROR NO. 191: I was happy.

5 MR. JACKSON: Would you be more inclined to support  
6 the DA's office in this case than, you know, my side of the  
7 case because of, you know, the positive way the DA's office  
8 treated you?

9 PROSPECTIVE JUROR NO. 191: No. I just know someone  
10 in the DA's office as well.

11 MR. JACKSON: I'm sorry. I didn't hear you.

12 THE COURT: Who do you --

13 PROSPECTIVE JUROR NO. 191: I just know --

14 THE COURT: Who do you know in the DA's office?

15 PROSPECTIVE JUROR NO. 191: Kelly --

16 (Unintelligible.).

17 THE COURT: What does she do?

18 PROSPECTIVE JUROR NO. 191: She's an attorney.

19 THE COURT: Okay. And how do you know her?

20 PROSPECTIVE JUROR NO. 191: She used to babysit me  
21 when I was growing up.

22 THE COURT: Okay. So are you still in contact with  
23 her?

24 PROSPECTIVE JUROR NO. 191: Not really. My father  
25 just works with her father.

1 THE COURT: Okay. So she was your babysitter?  
2 PROSPECTIVE JUROR NO. 191: Yeah.  
3 THE COURT: And then I'm assuming she wasn't a lawyer  
4 at that point?  
5 PROSPECTIVE JUROR NO. 191: No.  
6 THE COURT: Okay. Was she, like, a high school  
7 student --  
8 PROSPECTIVE JUROR NO. 191: Yeah.  
9 THE COURT: -- and you were a little kid?  
10 PROSPECTIVE JUROR NO. 191: Yeah.  
11 THE COURT: Okay. And then she goes to law school  
12 and is now a DA?  
13 PROSPECTIVE JUROR NO. 191: Yeah.  
14 THE COURT: Do you -- and you don't really interact  
15 with her anymore?  
16 PROSPECTIVE JUROR NO. 191: Every now and then, you  
17 know at, like, Christmas parties and whatnot but nothing  
18 significant.  
19 THE COURT: Okay. Does she talk about her work as a  
20 DA with you?  
21 PROSPECTIVE JUROR NO. 191: No.  
22 THE COURT: Okay. And then you said your dad and her  
23 dad work together?  
24 PROSPECTIVE JUROR NO. 191: Yeah.  
25 THE COURT: And what do they do?

1 PROSPECTIVE JUROR NO. 191: They're gynecologists.

2 THE COURT: Okay. And they're friends -- friendly.  
3 Are they partners in a medical practice?

4 PROSPECTIVE JUROR NO. 191: Yeah.

5 THE COURT: Okay. And so they're friendly, or are  
6 these parties more like office parties or what?

7 PROSPECTIVE JUROR NO. 191: Like, when they get  
8 together?

9 THE COURT: Right.

10 PROSPECTIVE JUROR NO. 191: Yeah, just pretty much  
11 office parties and whatnot.

12 THE COURT: Okay. All right. But do your families,  
13 like, socialize together, you know, like, at your house or your  
14 parents' house or her parents' house?

15 PROSPECTIVE JUROR NO. 191: Every once in a while.

16 THE COURT: Okay. Go on, Mr. Jackson.

17 MR. JACKSON: Now, have you ever had any arrests or  
18 convictions in your lifetime?

19 PROSPECTIVE JUROR NO. 191: No.

20 MR. JACKSON: Has any member of your family been  
21 arrested or convicted of any serious criminal offense, aside  
22 from minor traffic offenses?

23 PROSPECTIVE JUROR NO. 191: No.

24 MR. JACKSON: Can you think of anything at all that  
25 would make it difficult for you to be a fair and impartial

1 juror in this case?

2 PROSPECTIVE JUROR NO. 191: No.

3 MR. JACKSON: Pass the juror for cause.

4 THE COURT: All right. Thank you.

5 I believe we're on the State's seventh challenge.

6 MS. BEVERLY: I think we're on the eighth.

7 THE COURT: Oh, I'm sorry. State's eighth.

8 MS. LAVELL: Your Honor, the State waives its eighth  
9 challenge.

10 THE COURT: All right. Defense's eighth.

11 MR. JACKSON: Your Honor, we'd asked the Court to  
12 thank and excuse Juror No. 180.

13 THE COURT: All right. Juror No. 180 is Ms. Miner --

14 MR. JACKSON: No --

15 THE COURT: Oh.

16 MR. JACKSON: -- that's not who I wanted to excuse.

17 THE COURT: Oh, sit down.

18 MR. JACKSON: She's safe.

19 THE DEFENDANT: She got all excited for a second.

20 THE COURT: I'm glad I said something.

21 MR. JACKSON: Juror No. 4 is --

22 THE COURT: Okay. The gentleman in Chair No. 4 --

23 THE MARSHAL: 181.

24 THE COURT: -- is Juror No. 181, Mr. Holmes.

25 MR. JACKSON: Yes.



1 THE COURT: Sir, Mr. Holmes, thank you very much for  
2 being here and your willingness to serve as a juror, sir.

3 PROSPECTIVE JUROR NO. 181: Thank you.

4 THE COURT: You are excused, and the bailiff will  
5 direct you from the courtroom.

6 And, Ms. Husted, if you would please call up the next  
7 prospective juror.

8 THE CLERK: Yes, Your Honor.

9 Badge 193, Jared Wilson.

10 THE COURT: Mr. Wilson, if you'd take that empty  
11 chair there, please, in the front row of the jury box.

12 Good afternoon. What do you do for a living?

13 PROSPECTIVE JUROR NO. 193: I work for promotions at  
14 Station Casinos.

15 THE COURT: Okay. How long have you been doing that?

16 PROSPECTIVE JUROR NO. 193: Nine months.

17 THE COURT: What did you do before that?

18 PROSPECTIVE JUROR NO. 193: I received my MBA degree  
19 last year and been looking for a new industry to get in. So I  
20 got into gaming.

21 THE COURT: Okay. Where did you get your MBA?

22 PROSPECTIVE JUROR NO. 193: Roseman University.

23 THE COURT: Okay. So you did that here in town?

24 PROSPECTIVE JUROR NO. 193: Yes.

25 THE COURT: And where did you go to college?

1 PROSPECTIVE JUROR NO. 193: Online. Western  
2 Governors University.

3 THE COURT: Okay. How long have you lived here in  
4 Clark County?

5 PROSPECTIVE JUROR NO. 193: This -- I've been here  
6 three years. I went to high school here and then went to the  
7 air force after high school, moved all around and been back  
8 here for three years.

9 THE COURT: Okay. And what was your rank in the air  
10 force?

11 PROSPECTIVE JUROR NO. 193: When I got out, E4.

12 THE COURT: Okay. And how long did you spend in the  
13 air force?

14 PROSPECTIVE JUROR NO. 193: Five years.

15 THE COURT: Were you ever military police or anything  
16 like that?

17 PROSPECTIVE JUROR NO. 193: No.

18 THE COURT: Okay. Were you ever in -- where were you  
19 stationed?

20 PROSPECTIVE JUROR NO. 193: I was stationed in  
21 Georgia.

22 THE COURT: Okay. All right. Are you married, or do  
23 you have a significant other?

24 PROSPECTIVE JUROR NO. 193: I have a girlfriend of  
25 three years.

1 THE COURT: What does she do?  
2 PROSPECTIVE JUROR NO. 193: She works in accounting  
3 at Planet Hyundai.  
4 THE COURT: Okay. Any children?  
5 PROSPECTIVE JUROR NO. 193: I have a son, 8 years  
6 old, lives in Tennessee with his mother.  
7 THE COURT: All right. And have you ever been a  
8 juror before?  
9 PROSPECTIVE JUROR NO. 193: I have not.  
10 THE COURT: You or anyone close to you ever been  
11 arrested, charged or accused of a crime?  
12 PROSPECTIVE JUROR NO. 193: No.  
13 THE COURT: Nothing?  
14 PROSPECTIVE JUROR NO. 193: No.  
15 THE COURT: What about the victim of a crime, has  
16 that happened to you or anyone close to you?  
17 PROSPECTIVE JUROR NO. 193: No.  
18 THE COURT: Okay. You've heard all of our questions  
19 and discussions. Can you think of anything in your background  
20 or your family background that could impact your ability to be  
21 a completely fair and impartial juror in this case?  
22 PROSPECTIVE JUROR NO. 193: No.  
23 THE COURT: All right. State, you may follow up with  
24 Mr. Wilson.  
25 MS. LAVELL: Mr. Wilson, how often do you see your

1 son?

2 PROSPECTIVE JUROR NO. 193: Three times a year. He  
3 was just out here all summer.

4 MS. LAVELL: So you get to keep him for the whole  
5 summer?

6 PROSPECTIVE JUROR NO. 193: Yes.

7 MS. LAVELL: Okay. Thank you.

8 Pass for cause.

9 THE COURT: All right. Thank you.

10 Mr. Jackson, you may follow up with Mr. Wilson.

11 MR. JACKSON: You have an MBA. What was your  
12 undergraduate in?

13 PROSPECTIVE JUROR NO. 193: Business.

14 MR. JACKSON: Business?

15 PROSPECTIVE JUROR NO. 193: Yes.

16 MR. JACKSON: Did you ever take any  
17 law-enforcement-related courses?

18 PROSPECTIVE JUROR NO. 193: No.

19 MR. JACKSON: No criminal justice courses? No  
20 courses in those fields?

21 PROSPECTIVE JUROR NO. 193: Just electives,  
22 government.

23 MR. JACKSON: Okay. I can't remember if the Court  
24 asked you -- I'm getting tired. It's late in the day. We all  
25 are. Have you ever served on a jury before?

1 PROSPECTIVE JUROR NO. 193: I have not.

2 MR. JACKSON: I've asked everybody this question.

3 Again, I ask it because of its importance. The nature of the  
4 charges, will they make it difficult for you to be a fair and  
5 impartial juror?

6 PROSPECTIVE JUROR NO. 193: No.

7 MR. JACKSON: You can evaluate the evidence carefully  
8 and do your best to be fair to all sides?

9 PROSPECTIVE JUROR NO. 193: Yes.

10 MR. JACKSON: We'll pass the juror for cause.

11 THE COURT: All right. Thank you.

12 I believe we're on State's ninth.

13 MS. LAVELL: The State will waive its ninth perempt.

14 THE COURT: All right. Defendant's ninth.

15 MR. JACKSON: May I have the Court's indulgence for a  
16 minute?

17 THE COURT: Sure.

18 MR. JACKSON: Your Honor, we would ask the Court to  
19 thank and excuse Juror No. 5.

20 THE CLERK: 153.

21 THE COURT: All right. That was Badge 193,

22 Mr. Wilson. Thank you very much for being here.

23 MR. JACKSON: That was not --

24 THE DEFENDANT: It's the one next to it.

25 MR. JACKSON: It's No. 5.

1 THE COURT: Oh, I'm sorry. 155.  
2 MS. BEVERLY: 153.  
3 THE COURT: Did you say 155 --  
4 MR. JACKSON: No. No. 5.  
5 THE CLERK: That's Seat 5.  
6 MR. JACKSON: Juror No. 5.  
7 THE COURT: Oh, I'm sorry. Seat 5.  
8 THE CLERK: That's Badge 153.  
9 MS. LAVELL: Ms. Conforti.  
10 THE COURT: All right. Ms. -- thank you, ma'am, for  
11 being here. You are excused at this time.  
12 PROSPECTIVE JUROR NO. 153: Thank you.  
13 THE COURT: Ms. Husted, please call up the next  
14 prospective juror.  
15 THE CLERK: Yes, Your Honor.  
16 Badge 194, Amadeo Quindara.  
17 THE COURT: Good afternoon.  
18 PROSPECTIVE JUROR NO. 194: Good afternoon.  
19 THE COURT: What do you do for a living, sir?  
20 PROSPECTIVE JUROR NO. 194: I retired.  
21 THE COURT: From what type of work?  
22 PROSPECTIVE JUROR NO. 194: A mechanical engineer.  
23 THE COURT: Okay. And do you have a degree in  
24 mechanical engineering?  
25 PROSPECTIVE JUROR NO. 194: Yes.

1 THE COURT: At what level, Bachelor's --  
2 PROSPECTIVE JUROR NO. 194: Bachelor's.  
3 THE COURT: A Bachelor's degree. Where did you get  
4 that?  
5 PROSPECTIVE JUROR NO. 194: In the Philippines.  
6 THE COURT: All right. And how long have you lived  
7 here in Clark County?  
8 PROSPECTIVE JUROR NO. 194: Five years.  
9 THE COURT: Okay. And where did you live before  
10 that?  
11 PROSPECTIVE JUROR NO. 194: I lived in New York for  
12 35 years.  
13 THE COURT: For 35 years. And were you working as a  
14 mechanical engineer in New York?  
15 PROSPECTIVE JUROR NO. 194: At the state university  
16 there.  
17 THE COURT: Okay. Were you teaching mechanical  
18 engineering?  
19 PROSPECTIVE JUROR NO. 194: No.  
20 THE COURT: So you were actually working -- what did  
21 your job involve, just --  
22 PROSPECTIVE JUROR NO. 194: The facilities and  
23 planning, taking care of air conditioning.  
24 THE COURT: Okay. And are you married, or do you  
25 have a significant other?

1 PROSPECTIVE JUROR NO. 194: Married.  
2 THE COURT: And what does your wife do?  
3 PROSPECTIVE JUROR NO. 194: She's a nurse.  
4 THE COURT: She's a nurse?  
5 PROSPECTIVE JUROR NO. 194: Nurse.  
6 THE COURT: That's Court Call that we use for our  
7 calendars for lawyers that are out of the jurisdiction. I do  
8 not know why that is on.  
9 All right. So let's see. Your wife is a nurse or  
10 nursing student?  
11 PROSPECTIVE JUROR NO. 194: She's a nurse.  
12 THE COURT: Okay. A registered nurse?  
13 PROSPECTIVE JUROR NO. 194: Registered nurse and  
14 she's retired also.  
15 THE COURT: Okay. Did she ever work here in Clark  
16 County?  
17 PROSPECTIVE JUROR NO. 194: No.  
18 THE COURT: Okay. So she worked in New York. Did  
19 she work in a hospital setting?  
20 PROSPECTIVE JUROR NO. 194: She work at the Veterans'  
21 Hospital for 37 years and retired.  
22 THE COURT: Okay. In what area?  
23 PROSPECTIVE JUROR NO. 194: Intensive care unit.  
24 THE COURT: In where?  
25 PROSPECTIVE JUROR NO. 194: Intensive care unit.



1 THE COURT: Intensive care, oh, okay. All right. So  
2 she never worked -- did she ever work pediatrics?

3 PROSPECTIVE JUROR NO. 194: She did, yes, for five  
4 years.

5 THE COURT: Okay. And that was back in New York?

6 PROSPECTIVE JUROR NO. 194: Yes.

7 THE COURT: Okay. Do you know if as a pediatric  
8 nurse she ever worked with children who were, like, the victims  
9 of abuse or neglect or anything like that? Did she ever talk  
10 about anything like that with you?

11 PROSPECTIVE JUROR NO. 194: I believe she did work  
12 with children, yes.

13 THE COURT: Okay. All right. Have you ever been  
14 a -- oh, any children yourself? Do you have any children?

15 PROSPECTIVE JUROR NO. 194: I have three.

16 THE COURT: And what's the age range?

17 PROSPECTIVE JUROR NO. 194: 41, 59 and 37.

18 THE COURT: Okay. Any grandchildren?

19 PROSPECTIVE JUROR NO. 194: I got three.

20 THE COURT: Three, okay. And how old are your  
21 grandchildren?

22 PROSPECTIVE JUROR NO. 194: 9, 7 and 1.

23 THE COURT: Okay. Do any of them live here in Clark  
24 County?

25 PROSPECTIVE JUROR NO. 194: Nobody here.

1 THE COURT: Nobody, okay. Have you ever been a juror  
2 before?

3 PROSPECTIVE JUROR NO. 194: No.

4 THE COURT: All right. Have you or anyone close to  
5 you ever been arrested or charged or accused of a crime?

6 PROSPECTIVE JUROR NO. 194: No.

7 THE COURT: Okay. Have you ever been the victim of a  
8 crime?

9 PROSPECTIVE JUROR NO. 194: No.

10 THE COURT: Has anyone close to you ever been the  
11 victim of a crime?

12 PROSPECTIVE JUROR NO. 194: No.

13 THE COURT: Okay. Is there anything in your  
14 background, anything at all that would impact your ability to  
15 be a completely fair and impartial juror if you are selected to  
16 serve?

17 PROSPECTIVE JUROR NO. 194: No.

18 THE COURT: All right. State, you may follow up with  
19 Mr. Quindara.

20 MS. LAVELL: Pass for cause.

21 THE COURT: Defense, you may follow up.

22 MR. JACKSON: You came out to Las Vegas how long ago?

23 PROSPECTIVE JUROR NO. 194: 2009.

24 MR. JACKSON: And that was after you retired?

25 PROSPECTIVE JUROR NO. 194: Yes.

1 MR. JACKSON: You left all your family back in New  
2 York?

3 PROSPECTIVE JUROR NO. 194: Yes.

4 MR. JACKSON: You wanted to escape New York, I guess?

5 PROSPECTIVE JUROR NO. 194: They're all working in  
6 New York. That's why they had to stay back.

7 MR. JACKSON: All right. Do you know any members of  
8 law enforcement here in this community of Las Vegas?

9 PROSPECTIVE JUROR NO. 194: No.

10 MR. JACKSON: Any members of the district attorney's  
11 staff?

12 PROSPECTIVE JUROR NO. 194: No.

13 MR. JACKSON: You've heard what the charges are in  
14 this case. Do you think you can be fair to both sides?

15 PROSPECTIVE JUROR NO. 194: Yes.

16 MR. JACKSON: You don't know any of the witnesses  
17 involved or anybody that has been listed as a potential  
18 witness?

19 PROSPECTIVE JUROR NO. 194: No.

20 MR. JACKSON: Anything you can think of that might in  
21 some way impact your ability to be a fair and impartial juror?

22 PROSPECTIVE JUROR NO. 194: No.

23 MR. JACKSON: You don't have any health problems or  
24 anything like that that would make it difficult for you to sit  
25 through a four-day-long trial?

1 PROSPECTIVE JUROR NO. 194: No.

2 MR. JACKSON: We'll pass the juror for cause.

3 THE COURT: All right. Thank you. Ladies and  
4 gentlemen, all of the peremptory challenges having been either  
5 exercise or waived, you are the 14 members of our jury.

6 To the rest of you, thank you all for being here  
7 today. You are all excused.

8 (Remainder of panel of prospective jurors excused 4:17 p.m.)

9 THE COURT: All right. Ladies and gentlemen, we're  
10 just going to take a quick 10-minute break, and then we'll come  
11 back, and the Court will read you some introductory  
12 instructions before we take our evening recess.

13 So before we take our quick break till 4:30, I must  
14 remind you that you're not to discuss the case or anything  
15 relating to the case with each other or with anyone else.  
16 You're not to read, watch or listen to any reports of or  
17 commentaries on the case, any person or subject matter relating  
18 to the case. Don't do any independent research by way of the  
19 Internet or any other medium. Please don't form or express an  
20 opinion on the trial.

21 And if you would all please follow the bailiff  
22 through the double doors, we'll see you back at 4:30.

23 (Jury recessed 4:18 p.m.)

24 THE COURT: All right. For the record, up here at  
25 the bench Mr. Jackson made a challenge for cause to the juror

1 Gregory Holmes because of his wife working for David Roger, who  
2 is the former district attorney. I denied the for-cause  
3 challenge based on Mr. Holmes's answers and the fact  
4 specifically that Mr. Roger no longer works for the district  
5 attorney's office, although he is an attorney for the Police  
6 Protective Association, the union of Metro police officers.

7 And Mr. Jackson also voiced a challenge based on  
8 Mr. Holmes's attendance at the party where some district  
9 attorneys apparently were guests. I stated that Mr. Roger is  
10 no longer the district attorney and is in fact affiliated with  
11 a defense firm, and I think was previously affiliated with  
12 Mr. Christiansen, and then when Mr. Christiansen joined the  
13 firm, I believe of Eglet, Wall, Mr. Roger affiliated with a  
14 different criminal defense firm. So I didn't feel his past job  
15 as either a deputy district attorney or the elected district  
16 attorney and the fact that Mr. Holmes's wife now works for  
17 Mr. Roger precludes him from -- precluded him from serving on  
18 the jury.

19 Anything else you'd like to add to that record?

20 MR. JACKSON: Yes. I don't think it was on the  
21 record that Mr. Christiansen -- that Mr. Roger was associated  
22 with it, and the Court's knowledge shouldn't be imputed to  
23 whatever this witness knew. What was clear is that the --

24 THE COURT: All I'm saying is that --

25 MR. JACKSON: Well, let me --

1 THE COURT: -- Mr. Roger -- well, you said that  
2 Mr. Roger is now the attorney for the PPA --

3 MR. JACKSON: Right.

4 THE COURT: -- and I said, Well, and he's affiliated  
5 with a defense firm, to the best of my knowledge. The point  
6 being he's no longer affiliated with the district attorney's  
7 office, and he does represent the Metro union of police  
8 officers.

9 MR. JACKSON: That is correct. I also want to make a  
10 few other statements on the record. As everyone knows,  
11 Mr. Roger worked for the district attorney's office for  
12 probably at least 20 years. He was the district attorney for I  
13 think at least eight years until he probably was termed out. I  
14 think at least one of the deputy district attorneys trying this  
15 case worked for Mr. Roger, and also at least one of the  
16 attorneys at the party was working for Mr. Roger.

17 This -- this juror still works for Mr. Roger --

18 MS. LAVELL: No, he does not.

19 MR. JACKSON: -- and he -- well, excuse me.

20 THE COURT: This juror's wife works for Mr. Roger and  
21 Judge Roger.

22 MR. JACKSON: All right. But -- but in any event,  
23 whether the juror is getting paid by the wife or Mr. Roger, I  
24 think it's a matter of semantics. They're taking care of the  
25 3-year-old child of Mr. Roger, and under those circumstances I

1 think it presents a tremendous implied bias.

2 Now, even though he answered the question, I can be  
3 fair, I think anyone looking at in a rational way -- and I  
4 don't mean to impute that the Court is -- is not, you know,  
5 looking at this objectively; however, I think you have to  
6 balance all the factors.

7 And, you know, almost everybody on this jury -- and I  
8 want to make a record of this -- had connections to law  
9 enforcement, had been the victims of crime, especially -- there  
10 were three or four that had been the victims of sexual abuse.  
11 We left some of them on. We didn't have enough challenges --

12 THE COURT: I don't know that that's --

13 MS. BEVERLY: That's not true.

14 THE COURT: We didn't leave any of them on, number  
15 one, and number two, you get the group that's sent up here,  
16 and --

17 MR. JACKSON: Well, I know.

18 THE COURT: -- we excused I think everybody that had  
19 been the victim of sexual abuse because they were, frankly, too  
20 emotional. So we excused all of those people.

21 And I just have to say, in my experience presiding  
22 over numerous trials involving allegations of sexual abuse of  
23 minors, this jury is remarkably free of -- of that. I mean,  
24 we've had some panels where almost everybody there was abused  
25 or had been accused of abuse or had a family member who was

1 abused or something like that. So I think we excused everybody  
2 who had a personal connection with having been --

3 MR. JACKSON: And I appreciate that, Your Honor.

4 THE COURT: -- having been abused. So I just -- you  
5 know, you can make your record, but the record has to be  
6 accurate.

7 MR. JACKSON: The problem is I wanted to do an  
8 individual voir dire from the beginning. The Court gave me the  
9 right to individually voir dire several people, one of whom  
10 contacted the bailiff and said he wanted to do it in private.  
11 There were a couple of others who were reluctant to discuss it,  
12 but they did courageously admit to this difficulty.

13 But this gentleman, you know, he admitted his  
14 connection to Mr. Roger, but he -he stood up in front of the  
15 court and said, Oh, I can be fair. Well, I had to waste a  
16 peremptory challenge on him. There were at least two or three  
17 other individuals that I would have liked to have used the  
18 peremptory challenge on, but I was unable to.

19 I'm confident the jury will do its best to be fair,  
20 but I was forced to use a peremptory challenge because the  
21 Court did not grant my challenge for cause on this individual,  
22 and I think it was merited. I'll submit it with that.

23 THE COURT: Well -- okay.

24 MR. JACKSON: I've been long-winded all day, and I'll  
25 sit down.



1           THE COURT: No. No. Just two things to add that I  
2 think I've already said. Number one, David Roger is no longer  
3 affiliated with the district attorney's office. Number two,  
4 his wife, Judge Pate, is no longer affiliated with the district  
5 attorney's office, and in terms of the Metro connection, she  
6 sits as a Municipal Court Judge and hears cases -- criminal  
7 cases involving Metro police officers every day and is called  
8 upon to be fair and impartial.

9           So to me I don't know why this juror whose wife  
10 currently works for David Roger, who is no longer the district  
11 attorney and his wife who sits as a Municipal Court Judge -- I  
12 don't think that either the wife or Mr. Roger have any interest  
13 in the outcome of this case, and so I don't know why this juror  
14 with a tenuous connection at -- well, at best, I think that --  
15 you know, he has no connection to anyone currently in the  
16 office. I don't see that that's a for-cause challenge. So I  
17 think we've all made our record.

18           Ms. Beverly, is there -- or Ms. Lavell -- anything  
19 else you need to add about that?

20           MS. BEVERLY: No, Judge.

21           THE COURT: Okay. All right. If anyone needs to use  
22 the restroom, let's do it and come back, and then basically  
23 we're not going to open today. I'm going to read the  
24 introductory comments, and then we'll take our evening recess,  
25 okay.

1 MS. BEVERLY: Thank you.

2 (Proceedings recessed 4:26 p.m. to 4:33 p.m.)

3 (In the presence of the jury.)

4 THE COURT: All right. Court is now back in session.

5 And if you would all please rise, the clerk is going  
6 to administer the oath to the jury.

7 (Jury sworn.)

8 THE COURT: All right. Ladies and gentlemen, I'm now  
9 going to take a few minutes to talk to you about what to expect  
10 in this case. My comments are intended to serve as an  
11 introduction to the trial. At the end of the trial, I will  
12 give you more detailed instructions in writing, and those  
13 instructions will control your deliberations.

14 This is a criminal case brought by the State of  
15 Nevada against the defendant. The case is based on an  
16 Information. The clerk will now read that document and state  
17 the plea of the defendant.

18 (Reading of the Information not transcribed.)

19 JUROR: I'm sorry. I can't hear.

20 THE COURT: Okay. Maybe -- Denise, they can't hear  
21 you.

22 THE CLERK: You can't hear me?

23 JUROR: No, I am hard of hearing.

24 THE COURT: Yes, you sound like maybe you have a  
25 little bit of a cold.

1           If you -- if anybody is hard of hearing and does  
2 generally have trouble, we do have headphones that work really  
3 well.

4           So, Denise, why don't you try the hand microphone.

5           And then raise your hand if you're still having --

6           THE CLERK: Maybe this will help. Does this help?

7           THE COURT: All right. Denise is going to try the  
8 microphone. If anybody still has trouble hearing, raise your  
9 hand, and we'll give you the headphones.

10           (Reading of Information not transcribed.)

11           THE COURT: All right. Ladies and gentlemen, you  
12 should distinctly understand that the indictment just read to  
13 you is simply a description of the charges made by the State  
14 against the defendant. It is not evidence of anything. It  
15 does not prove anything; therefore, the defendant starts out  
16 with a clean slate. The defendant has pled not guilty and is  
17 presumed innocent.

18           This is a criminal case, and there are two basic  
19 rules you must keep in mind. First, the defendant is presumed  
20 innocent unless and until proved guilty beyond a reasonable  
21 doubt. The defendant is not required to present any evidence  
22 or prove his innocence. The law never imposes upon a defendant  
23 in a criminal case the burden of calling any witnesses or  
24 introducing any evidence. Second, to convict, the State must  
25 prove beyond a reasonable doubt that the crime was committed

1 and that the defendant is the person who committed the crime.

2           It will be your duty to decide from the evidence to  
3 be presented whether the defendant is guilty or not guilty.  
4 You are the sole judges of the facts. You will decide what the  
5 facts are from the evidence which will be presented. The  
6 evidence will consist of testimony of witnesses, and documents,  
7 and other things received into evidence as exhibits. You must  
8 apply the facts to the law which I shall give you and in that  
9 way reach your verdict. It is important you perform your duty  
10 of determining the facts diligently and conscientiously, for  
11 ordinarily there is no way of correcting an erroneous  
12 determination of facts by the jury.

13           You should not take anything I may say or do during  
14 the trial as indicating my opinion as to how you should decide  
15 the case or to influence you in any way in your determination  
16 of the facts. At times I may ask questions of witnesses. If I  
17 do so, it is for the purpose of bringing out matters which  
18 should be brought out and not in any way to indicate my opinion  
19 about the facts or to indicate the weight or value you should  
20 give to the testimony of a witness.

21           There are two kinds of evidence, direct and  
22 circumstantial. Direct evidence is testimony about what  
23 witness personally saw, heard or did. Circumstantial evidence  
24 is indirect evidence. It is proof of one or more facts from  
25 which one can find another fact.

1           By way of example, if you wake up in the morning and  
2 see the ground, the sidewalks and the streets are all wet and  
3 water is running down the gutters, you may find from those  
4 facts that it rained during the night. It is proof from one or  
5 more facts from which you can find another fact. Conversely,  
6 if you're awake during the night and saw the rainfall, that  
7 would be direct evidence, which is something you personally  
8 saw.

9           You may consider both direct and circumstantial  
10 evidence in deciding this case. The law permits you to give  
11 equal weight or value to both, but it is for you to decide how  
12 much consideration to give to any evidence.

13           Certain things are not evidence, and you must not  
14 consider them as evidence in deciding the facts of this case.  
15 They include: Statements and arguments by the attorneys,  
16 questions and objections of the attorneys, testimony I instruct  
17 you to disregard, and anything you may see or hear if the court  
18 is not in session, even if what you see or hear is done or said  
19 by one of the parties or by one of the witnesses.

20           Remember, evidence is sworn testimony from the  
21 witness stand while the court is in session, and documents, and  
22 other things received into evidence as exhibits.

23           There are rules of law which control what can be  
24 received into evidence. When a lawyer asks a question or  
25 offers an exhibit into evidence and the lawyer on the other

1 side thinks it's not permitted by the rules, that lawyer may  
2 object. If I overrule the objection, the question may be  
3 answered or the exhibit received. If I sustain the objection,  
4 the question cannot be answered, and the exhibit cannot be  
5 received. Whenever I sustain an objection to a question,  
6 ignore the question, and do not guess what the answer might  
7 have been.

8 Sometimes I may order evidence stricken from the  
9 record and tell you to disregard or ignore such evidence. This  
10 means when you are deciding the case you must not consider the  
11 evidence which I have told you to disregard.

12 It is the duty of a lawyer to object to evidence  
13 which the lawyer believes may not be permitted under the rules.  
14 You should not be prejudiced in any way against the lawyer who  
15 makes objections on behalf of the party the lawyer represents.  
16 Also, I may find it necessary to admonish a lawyer. If I do,  
17 you should not be prejudiced toward the lawyer or client  
18 because I have found it necessary to admonish him or her.

19 You are not to concern yourself in any way with the  
20 sentence which the defendant might receive if you should find  
21 the defendant guilty. Your function is to decide whether the  
22 defendant is guilty or not guilty of the charges. If and only  
23 if you find the defendant guilty, then it becomes the duty of  
24 the Court to pronounce sentence.

25 Until this case is submitted to you, do not talk to

1 each other about it or about anyone who has anything to do with  
2 it until the end of the case when you go to the jury room to  
3 decide on your verdict. Do not talk with anyone else about  
4 this case or anyone having to do with it until the trial has  
5 ended and you've been discharged as jurors. Anyone else  
6 includes members of your family and friends. You may tell them  
7 that you are a juror in a criminal case, but don't tell them  
8 anything else about it until after you have been discharged by  
9 me.

10 Do not let anyone talk to you about the case or about  
11 anyone who has anything to do with it. If someone should try  
12 to talk to you, please report it to me immediately by  
13 contacting the bailiff.

14 Do not read any news stories, listen to any radio  
15 broadcasts or watch any television reports about the case or  
16 about anyone who has anything to do with it. Do not do any  
17 research or make any investigation about the case on your own.

18 You may be tempted to visit the crime scene. Please  
19 do not do so. In view of the time that has elapsed since the  
20 case has come to trial, substantial changes may have occurred  
21 at the location in question. Also, in making an unauthorized  
22 visit without the benefit of explanation you may get erroneous  
23 impressions; therefore, please avoid going near or past the  
24 location until after the location has been completed.

25 At the end of the trial you'll have to make your

1 decision based on what you recall of the evidence. You will  
2 not have a written transcript to consult, and it's difficult  
3 and time-consuming for the court reporter to play back lengthy  
4 testimony; therefore, I urge you to pay close attention to the  
5 testimony as it's given.

6 If you wish, you may take notes to help you remember  
7 what witnesses said. If you do take notes, please keep them to  
8 yourself until you and your fellow jurors go to the jury room  
9 to decide the case. Do not let note taking distract you so  
10 that you do not hear other answers by witnesses. You should  
11 rely upon your own memory of what was said and not be overly  
12 influenced by the notes of other jurors.

13 Do not make up your mind about what the verdict  
14 should be until after you've gone to the jury room to decide  
15 the case and you and your fellow jurors have discussed the  
16 evidence. It is important that you keep an open mind.

17 A juror may not declare to a fellow juror any fact  
18 relating to this case of which the juror has knowledge. If any  
19 juror discovers during the trial or after the jury has retired  
20 that that juror or any other juror has personal knowledge of  
21 any fact in controversy in the case, that juror shall disclose  
22 that situation to me in the absence of the other jurors. This  
23 means that if you learn during the course of the trial that you  
24 have personal knowledge of any fact which is not presented by  
25 the evidence in this case, you must declare that fact to me.



1 You communicate to the Court through the bailiff.

2           During the course of this trial the attorneys for  
3 both sides and all court personnel other than the bailiff are  
4 not permitted to converse with members of the jury. These  
5 individuals are not being antisocial. They're bound by ethics  
6 and the law not to talk to you. To do so might contaminate  
7 your verdict.

8           The trial will proceed in the following manner. The  
9 deputy district attorney will make an opening statement, which  
10 is an outline to help you to understand what the State expects  
11 to prove. Next, the defendant's attorney may but does not have  
12 to make an opening statement. Opening statements serve as an  
13 introduction to the evidence which the party making the  
14 statement intends to prove.

15           The State will then present its evidence, and counsel  
16 for the defendant may cross-examine the witnesses. Following  
17 the State's case, the defendant may present evidence, and the  
18 deputy district attorney may cross-examine those witnesses;  
19 however, as I have already said, the defendant is not obligated  
20 to present any evidence or call any witnesses.

21           After all the evidence has been presented I will  
22 instruct you on the law. After the instructions on the law  
23 have been read to you each side has the opportunity to present  
24 oral argument. What is said in closing argument is not  
25 evidence. The arguments are designed to summarize and

1 interpret the evidence. Since the State has the burden of  
2 proving the defendant guilty beyond a reasonable doubt, the  
3 State has the right to both open and close the closing  
4 arguments. After the arguments have been completed, you will  
5 retire to deliberate on your verdict.

6 Jurors are now permitted to ask questions of  
7 witnesses. If you have a question for one of the witnesses, I  
8 ask that you write it down using a full sheet of your notebook  
9 paper, and then wait until the attorneys for both sides have  
10 had an opportunity to question the witness because very often  
11 one of the lawyers will ask your question. If not, either get  
12 my attention or the bailiff's attention, and we will retrieve  
13 the question from you.

14 Please do not be offended if I don't ask one of your  
15 questions. That doesn't mean it's not an interesting question  
16 or something like that, but the questions from the jurors are  
17 governed by the same rules of evidence that control what the  
18 lawyers can ask. So your question could call for hearsay or  
19 some other type of inadmissible evidence, and for that reason,  
20 I may not ask it.

21 Ladies and gentlemen, that concludes my introductory  
22 remarks. We're going to go ahead and take our evening recess.  
23 The Court has a calendar in the morning on various unrelated  
24 matters. So for that reason we will be reconvening at  
25 10:30 tomorrow morning. So if you would all please before I

1 excuse you place your notepads in your chairs.

2 And I do need to again admonish you not to discuss  
3 the case or anything relating to the case with each other or  
4 with anyone else. You're not to read, watch or listen to any  
5 reports of or commentaries on the case, any person or subject  
6 matter relating to the case. Don't do any independent research  
7 by way of the Internet or any other medium. Do not engage in  
8 any social networking, like Twittering or Facebook, on your  
9 jury service or anything relating to the case, and please not  
10 form or express an opinion on the trial.

11 You've been handed blue badges that identify you as  
12 Department 21 jurors. It is important that you wear those  
13 badges in and around the building so people can recognize you  
14 as jurors and someone doesn't inadvertently talk about the case  
15 in your presence. So make sure you put those back on when you  
16 come back to court tomorrow.

17 Place your notepads in your chairs and follow the  
18 bailiff through the double doors, and he'll give you  
19 instructions on where to park and where to meet tomorrow  
20 morning. We'll see you all back here.

21 (Jury recessed 5:17 p.m.)

22 THE COURT: Okay. I don't think there's anything  
23 else we needed to put on the record. So we'll go ahead and  
24 take our break, and we'll see you back tomorrow at 10:30.

25 MS. LAVELL: Thank you, Your Honor.

MS. BEVERLY: Thank you, Judge.

(Proceedings recessed for the evening 5:17 p.m.)

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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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