

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

2
3 TROY RICHARD WHITE,)

No. 68632

4 Appellant,)

5 v.)

6 THE STATE OF NEVADA,)

7 Respondent.)

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10 **APPELLANT'S APPENDIX VOLUME III PAGES 424-658**

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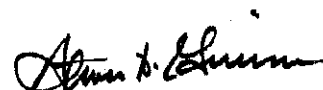
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA

Plaintiff

vs.

TROY RICHARD WHITE

Defendant

CASE NO. C-286357

DEPT. NO. XI

**Transcript of
Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

MONDAY, APRIL 6, 2015

APPEARANCES:

FOR THE STATE:

ELIZABETH MERCER
JEFFREY S. ROGAN
Deputy District Attorneys

FOR THE DEFENDANTS:

SCOTT L. COFFEE
DAVID LOPEZ-NEGRETE
Deputy Public Defenders

COURT RECORDER:

DEBRA WINN
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

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

1 LAS VEGAS, NEVADA, MONDAY, APRIL 6, 2015, 11:02 A.M.

2 (Court was called to order)

3 (Prospective jurors not present)

4 THE COURT: So -- going to have two alternates, so
5 that means I'm going to have 24 people in that box area. You
6 guys four preempts in this case?

7 MR. COFFEE: Eight.

8 THE COURT: Eight. Well, that screws it up. Hold
9 on a second. Let me do math.

10 MR. COFFEE: Unless they would agree to not seek
11 life without. Then we could agree to four.

12 THE COURT: So that means I need 28 people in the
13 box. We're good. Okay. So we're going to have 28 people or
14 so in the box area.

15 I usually have my alternates be blind. We draw the
16 number ahead of time of which of the 14 seats will be
17 alternates, and you'll know and the defendant will know which
18 those are, but we won't tell them till after closings. The
19 way that I do it, it is whoever is left in that number after
20 the execution of the challenges. So who your alternates are
21 you won't know till the last peremptory challenge is executed,
22 because Seat 3 may move if somebody executes a peremptory
23 challenge on Seat 2, because that'll then change what Seat 3
24 is. Seat 3 will be Seat 2.

25 Do you understand? You're looking at me funky, Mr.

1 Coffee. Did you understand it, or do I need to say it a
2 different way?

3 MR. COFFEE: No. I'm sorry. Okay. We're filling
4 in chairs from the audience.

5 THE COURT: Yes. With anybody excused either on
6 hardship or cause.

7 MR. COFFEE: All right. And when we're going to
8 flip the ball or do whatever to do pick the alternates --

9 THE COURT: We do that before anybody hits here.
10 We're going to do that as soon as I have the defendant. Dulce
11 has a cool little coffee can that's going to have 14 poker
12 chips in it.

13 MR. COFFEE: Okay. And it's going to be that chair
14 that's excluded, not the person that's excused?

15 MS. MERCER: That's the alternate.

16 MR. ROGAN: It's the alternate.

17 THE COURT: That will be the alternate.

18 MR. COFFEE: Okay. That's what I mean, not excused.

19 THE COURT: It won't be the chair. It won't be the
20 chair, it will be the order on the sheet of the Arizona
21 method. When we execute the challenges --

22 MR. COFFEE: Okay.

23 THE COURT: -- you will excuse based upon that.

24 MR. COFFEE: Okay.

25 THE COURT: And if the first three people are

1 excused on that list, Number 1 will be the first juror who
2 wasn't excused, Number 2 will be the second. So you won't
3 know who they are till you execute all your peremptory
4 challenges.

5 MR. COFFEE: Okay.

6 THE COURT: Not making sense still.

7 MR. COFFEE: That's okay.

8 THE COURT: It's not the chair.

9 MR. COFFEE: I'll figure it out.

10 THE COURT: It's an order.

11 MR. COFFEE: Okay.

12 THE COURT: It's who in order.

13 MR. COFFEE: Okay.

14 THE COURT: So the fourth person -- if, for
15 instance, the defendant draws --

16 MR. COFFEE: I got you.

17 THE COURT: -- Poker Chip Number 4 out --

18 MR. COFFEE: I got you.

19 THE COURT: -- it will be the fourth person left on
20 the list after the execution of all the peremptory challenge.
21 Did I say it a better way?

22 MR. COFFEE: I've got it. I've got it.

23 THE COURT: Okay.

24 MR. COFFEE: Work from the list, not the chair, but
25 say like --

1 THE COURT: Well, chairs are how I've got to sit
2 them.

3 MR. COFFEE: I get it.

4 THE COURT: And when you start on the list they will
5 be in the order they are sitting in the chairs.

6 MR. COFFEE: Right. But that'll go away very
7 quickly.

8 THE COURT: It will change very quickly.

9 MR. COFFEE: Okay.

10 THE COURT: I have the technology to record bench
11 conferences. It is not perfect technology. So I will tell
12 you that every time you have a bench conference, if you want
13 to make sure that your record is pristine, it is better to at
14 our next break to make a better record. I will try and
15 remember on issues that I think are important to remind you to
16 make that record, and then we can state whatever we need to.
17 But I will tell you I don't always think the same things are
18 important that you do. So if you think something is
19 important, it's incumbent upon you to make an additional
20 record. But we do have the capability to record at the bench,
21 but it's not perfectly understandable and transcribable.

22 Okay. What else?

23 MR. COFFEE: Just so the Court's aware, I have got a
24 cold and have taken some cold medicine to get things, so my
25 hearing isn't perfect today.

1 THE COURT: Do you need coffee, hot tea? I've got
2 allergies, and the wind has really knocked me out. I'm
3 actually surprised I've made it this far today.

4 MR. COFFEE: And it may be allergies. I thought it
5 was a cold. I hope it was a cold because of the back of my
6 throat, but it may be allergies. I'm okay for the time being,
7 but I just -- if I seem a little confused at times, it's -- or
8 more than normally confused, it's because of the medication,
9 probably. I feel fine to go forward, though. I mean, I'm not
10 trying to make that sort of record.

11 THE COURT: No. That's fine. But you're just
12 saying that we may have to repeat things because your ears are
13 clogged up, too.

14 MR. COFFEE: Yeah.

15 THE COURT: All right. Before I start asking
16 questions of jurors I will have each of you -- the State will
17 read their list of witnesses and make a brief factual
18 statement.

19 I will ask the defendant if you have any additional
20 witnesses. Do you want to make a factual statement?

21 MR. COFFEE: Yes.

22 THE COURT: Okay. Then I will give you that
23 opportunity, as well.

24 And then if I run out of all these people and I've
25 got to bring the second group up, we'll have to start that

1 process over, because the new people won't have been exposed
2 to us. And given my CityCenter accommodations, I can't very
3 many people in the audience.

4 MR. COFFEE: Very good. We appreciate the
5 opportunity for you asking that, Judge. Because it's the
6 first time I've ever been asked if I want to make a factual
7 statement. Usually we just have to get up and do it.

8 THE COURT: Well, I've had a couple of defendants
9 who didn't want to, and I'd rather have you tell me you don't
10 want to so I don't ask in front of everybody and have all of
11 us be embarrassed.

12 Anything else you want to tell me? Anybody planning
13 on using a PowerPoint as their opening?

14 MS. MERCER: Yes, Your Honor. The State does intend
15 to use PowerPoint.

16 THE COURT: You will need to give me either a copy
17 on an electronic storage device or a print copy. Have you
18 shown it to Mr. Coffee?

19 MS. MERCER: No, I haven't, Your Honor.

20 THE COURT: Will you show it to him. You don't have
21 to show it to him yet, but before you make it I need you to
22 show it to him.

23 MS. MERCER: Okay.

24 THE COURT: Just in case there's an issue.
25 Are you going to use technology?

1 MR. COFFEE: Probably. We haven't put it together
2 yet.

3 THE COURT: If you're going to use a PowerPoint as
4 any part of the presentation, I need an electronic storage
5 device.

6 MR. COFFEE: Sure.

7 THE COURT: Because I mark them as a Court's
8 exhibit, because there's no good way for me to make a record
9 of what's being shown on the PowerPoint without it.

10 MR. COFFEE: Sure.

11 MR. LOPEZ-NEGRETTE: Your Honor, do you prefer it on
12 a flash drive, or should we email it to your clerk? Does it
13 matter?

14 THE COURT: I don't want you to email it, because I
15 can't put the email in a vault.

16 MR. LOPEZ-NEGRETTE: All right.

17 THE COURT: I can put a thumb drive in a vault, and
18 I can put print in a vault. And I can also put those really
19 cool T drives in a vault. Which is why CityCenter fits in the
20 vault.

21 What else?

22 MR. COFFEE: That's it.

23 MS. MERCER: I think that's it.

24 MR. ROGAN: Nothing until the defendant arrives.

25 THE COURT: Try not to make speaking objections. I

1 know sometimes it's hard as lawyers not to. But try to avoid
2 it. If there's something you need to talk to me about that's
3 a little beyond, I'd rather you come on up to the bench and do
4 it.

5 What else? Any issues about me, concerns? I'm
6 going to tell the jury we'll be off Friday and then next
7 Wednesday, and we'll be done by a week from Friday. This
8 coming Friday they will not be in session.

9 Right? You had a conflict.

10 MS. MERCER: I do, Your Honor.

11 THE COURT: And then I have a conflict next
12 Wednesday.

13 Anything else you want to tell me? Got your
14 exhibits marked? Got any questions for me?

15 MR. ROGAN: We have additional exhibits that we'd
16 like to present to the clerk, but I just need to --

17 THE COURT: How mean are you, Judge? Come on. Are
18 the rumors I've heard about you true, Judge?

19 MR. COFFEE: I do have a question. And it has to do
20 with the introductions. Because we're going to lose I would
21 imagine because of the length of the trial several people, the
22 hardship and whatever else. When we fill the room back up do
23 we do the introductions a second time or how does that work?

24 THE COURT: Yes, we do.

25 MR. COFFEE: Okay.

1 THE COURT: I start just like they hadn't been here.

2 MR. COFFEE: Okay. So we try to clear out -- we're
3 not bringing them in one at a time where we have to do it like
4 20 times?

5 THE COURT: No.

6 MR. COFFEE: That sounds like a silly question,
7 but --

8 THE COURT: Well, because I've had to do a lot of
9 this with my most recent seven-week jury selection, I've got
10 the hang of it. I send those people somewhere else, and I
11 fill up this room with the new people. I do it once, and then
12 I send them to the hallway, bring the old people back in, and
13 then we start filling it in.

14 MR. COFFEE: Perfect.

15 THE COURT: I had the advantage when I did the
16 seven-week jury selection of using either this courtroom or
17 that courtroom the entire time. I don't know that I'm going
18 to have that today. That was just dumb luck last time.

19 What else do you want to ask me? Okay. Then do
20 your exhibit stuff.

21 I didn't get your jury instructions yet.

22 MR. ROGAN: That's because we do have a motion to
23 amend the information, and so it just depends on that, our
24 last final jury instructions.

25 THE COURT: Yeah. Right. Let me know when you're

1 ready for me.

2 (Court recessed at 11:11 a.m., until 11:28 a.m.)

3 (Prospective jurors not present)

4 MR. COFFEE: Now that I've got my thoughts together
5 a little better, is the Court going to inquire as to whether
6 or not anybody's seen news coverage concerning this? This did
7 hit the papers at some point.

8 THE COURT: I will. I will add that to my list
9 right here. Do you want me to -- this is what I've done in
10 the past. If they raise their hands if they have yes, then I
11 usually examine them separately.

12 MR. ROGAN: Sure.

13 MS. MERCER: That's fine.

14 MR. COFFEE: That makes sense.

15 THE COURT: It takes way longer, but you avoid the
16 contamination. I'm going to wait till they're in the box,
17 though, to ask the question.

18 MR. COFFEE: Sure. And the other thing, Judge, is
19 the relationship of the two folks involved here, three folks
20 involved all centers around the Potter's House Church.

21 THE COURT: Who's?

22 MR. COFFEE: Potter's House --

23 THE COURT: Potter's House Church?

24 MR. COFFEE: -- Church. We should probably ask a
25 generic question as to whether anybody's a member of Potter's

1 House, because I guarantee there was scuttlebutt around the
2 church after it happened.

3 THE COURT: Okay.

4 MR. COFFEE: Even -- not just do they know --

5 THE COURT: I'm writing it down.

6 MR. COFFEE: Yeah.

7 THE COURT: Anyone attend, how's that --

8 MR. COFFEE: That'll be fine.

9 THE COURT: -- Potter House Church. Is it Potter's
10 House?

11 MR. ROGAN: Attend or have attended.

12 MR. COFFEE: Yeah.

13 THE COURT: Attend or, yeah, attended Potter's House.

14 MR. COFFEE: Very good.

15 THE COURT: Usually I ask the generic question,
16 anybody know anything about this case other than what you've
17 heard here in court as a wrap, too. So --

18 (Pause in the proceedings)

19 THE COURT: Good morning, sir. How are you doing
20 today?

21 THE DEFENDANT: Good morning, Your Honor.

22 THE COURT: Dulce, have you got your 14 poker chips?

23 THE CLERK: Yes, Judge.

24 THE COURT: Once Mr. Coffee gets his tie on, have
25 him pull one number out.

1 MR. LOPEZ-NEGRETE: One number, Judge?

2 THE COURT: One first. When he gets his tie on,
3 have him pull a number out. And then Mr. Rogan gets to pull
4 the other one.

5 (Pause in the proceedings)

6 THE COURT: Which exhibits are stipulated to?

7 MR. ROGAN: Your Honor, if I could approach your
8 clerk just to verify before we make that record.

9 THE COURT: Sure. I'm just looking for your
10 numbers. We're on the record.

11 Okay. Which exhibits are stipulated to?

12 MR. ROGAN: Your Honor, it's going to be State's
13 Exhibits 1 through 82.

14 THE COURT: Is that correct, Mr. Coffee?

15 MR. ROGAN: And then --

16 MR. COFFEE: If he says so.

17 MR. ROGAN: Yes, it is. And then 84 and 85.

18 THE COURT: So 1 through 82 and 84 through 85 will
19 be admitted.

20 (State's Exhibits 1 through 82 and 84 and 85 admitted)

21 THE COURT: What's the poker chip the defendant
22 pulled for the first alternate?

23 THE MARSHAL: It's Number 9, Judge.

24 THE COURT: So the person remaining as the ninth
25 person on the list after the execution of all peremptory

1 challenges will be your first alternate.

2 Mr. Rogan if you could pull Alternate Number 2.

3 THE MARSHAL: 14.

4 THE COURT: Number 14 will be -- the person
5 remaining in the fourteenth position after the execution of
6 all peremptory challenges will be your second alternate.

7 All right. Is there anything else outside the
8 presence? I know there were some issues about an amended
9 information, as well as some document related to the offers
10 that you wanted to make before we proceeded.

11 MR. ROGAN: Thank you, Your Honor. Before we do
12 that, there's some further stipulations of the parties that we
13 entered into during the preparation of trial. The first is
14 with regard to chain of custody of the decedent, Echo White,
15 that her body bag was sealed and transported to the autopsy
16 without that seal being broken. Secondly was chain of custody
17 of all the DNA swabs that were taken in this particular case,
18 as well as the chain of custody of the bullet that was removed
19 from the decedent, Echo White.

20 THE COURT: Those correct, Mr. Coffee?

21 MR. COFFEE: Those are correct, Judge.

22 MR. ROGAN: The offer that was conveyed in this
23 particular case was for the defendant to plead guilty to two
24 different counts, the first count being first degree murder
25 with use of a deadly weapon. The State would stipulate on

1 that count to 28 years to life. That's including the
2 enhancement for use of a deadly weapon.

3 Additionally, he'd plead guilty to attempt murder
4 with use of a deadly weapon, and both parties would retain the
5 right to argue with regard to the penalty for the attempt
6 murder.

7 That offer was rejected by the defendant.

8 THE COURT: Sir, and you've had an opportunity to
9 discuss those offers with your counsel?

10 THE DEFENDANT: Yes.

11 THE COURT: And you've made the determination that
12 it's in your best interests to go ahead and proceed to trial?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: All right. Anything else?

15 MR. COFFEE: Just briefly, Judge. We also agreed to
16 stipulate to authenticity on some records. There's a Facebook
17 custodian that we're not going to require the State to bring
18 in. I think both parties are going to stipulate to the
19 authenticity of the Facebook records that were obtained by the
20 State.

21 Similarly, there was a phone that was examined. And
22 if there's anything concerning bringing in a custodian from
23 Sprint or something like that, we're going to stipulate that
24 the text messages were kept in the ordinary course of
25 business, the aware found on the phone that was retained from

1 Echo Lucas, that it was her phone. And again those are going
2 to be stipulated. We're not going to debate authenticity on
3 that.

4 MR. ROGAN: That's correct. Thank you, Mr. Coffee.

5 THE COURT: And do those have exhibit numbers?

6 MR. ROGAN: Currently they do.

7 THE COURT: The Facebook or the phone?

8 MR. ROGAN: We have several different exhibits
9 [inaudible] if I can approach your clerk.

10 THE COURT: 86 through 91?

11 MR. ROGAN: Yes, State's Exhibit 86 through 91,
12 which are currently marked as proposed. Those are the
13 Facebook status updates and Facebook messages.

14 State's Exhibit 84 and 85 relate to the cell phone
15 that Mr. Coffee was referring to, and those are admitted by
16 stipulation.

17 THE COURT: So are you going to offer the Facebook
18 now, or do you want to wait till later to deal with it?

19 MR. ROGAN: I believe Mr. Coffee just needs to
20 review the Facebook messages on his own before he's going to
21 decide whether to stipulate or to challenge them during the
22 course of the trial.

23 THE COURT: Okay. They're stipulated to
24 authenticity. I've written that note. And if we get to an
25 issue about relevance or other admissibility, Mr. Coffee will

1 address that.

2 MR. COFFEE: That'd be fine. And I believe the
3 State's stipulating, also, that the document that they
4 provided is authentic.

5 MR. ROGAN: That's correct.

6 THE COURT: Okay. Anything else?

7 MR. ROGAN: Finally, Your Honor, the State does have
8 a second amended information that we're asking leave of Court
9 to file. In preparing the jury instructions for this case the
10 State came across a recent decision from July of 2013, which
11 was after this case --

12 THE COURT: That's not really very recent.

13 MR. ROGAN: No, it's not. However, it is in between
14 the time of the filing of this case and of course today's
15 trial. And based upon our reading of Clay v. State we feel
16 out of an abundance of caution that we should amend the
17 information to include the theory of child abuse that we're
18 proceeding on. By way of brief background, under the child
19 abuse statute, which is NRS 200.508(1), there's five different
20 presumable methods of abuse. And after reading Clay v. State
21 we just want to put on notice in the amended -- second amended
22 information that we're proceeding on a theory of negligent
23 treatment or maltreatment. So we're narrowing it down from
24 five possible theories that we could have argued at trial to
25 one. And I don't think there was any dispute about that,

1 because the remaining were not implicated by the facts of this
2 case. There's nothing about actual physical abuse, there's
3 nothing about sexual exploitation or sexual abuse. It was
4 always under a theory of negligent treatment or maltreatment.
5 And so that's what our second information -- amended
6 information would do, is just put that specifically --

7 THE COURT: That's the only change?

8 MR. ROGAN: It is the only change.

9 THE COURT: Mr. Coffee.

10 MR. COFFEE: I have reviewed the change. I think
11 that is the only change. I think they're tightening up the
12 language on the information. Obviously it's concerning when
13 we get an information the morning that trial's going to start
14 or Friday afternoon, and it's a change that could have been
15 made beforehand. I would submit that if it was not legally
16 pled beforehand in the previous information, if it wasn't
17 sufficient to support a charge, then they shouldn't be allowed
18 to amend at this point. But we'll submit to the Court's
19 discretion. I don't have any further -- I think it's in good
20 faith, too. I don't think there was any gamesmanship here.

21 THE COURT: I'm going to allow the amendment,
22 because it merely fits the charge to the facts of the case..

23 MR. ROGAN: Thank you. May I approach your clerk,
24 Your Honor?

25 THE COURT: You may.

1 MR. ROGAN: And that's all the matters the State has
2 outside the presence, Your Honor.

3 THE COURT: Now, Mr. Coffee, since you had the
4 opportunity to review this most recent amended information,
5 are there any portions of the amended information you do not
6 wish the clerk to read when she reads the information to the
7 jury? I ask this for a reason.

8 MR. COFFEE: Yes. And that's --

9 THE COURT: Because, remember, I'm a paranoid judge.
10 So you want to come up and look at it real quick and see if
11 there's any part that we need to redact from reading.

12 MR. COFFEE: Can I have 20 seconds with my client?

13 THE COURT: You may.

14 (Pause in the proceedings)

15 MR. COFFEE: We're okay with reading it as is.

16 THE COURT: All right. Anything else outside the
17 presence?

18 MR. ROGAN: Not from the State, Your Honor.

19 THE COURT: Kevin, if you would bring the jurors in
20 in their numerical order.

21 It is my practice to stand when they enter and leave
22 the courtroom. Please remember when we get to the cause
23 portion I have those made out loud unless you believe it is a
24 sensitive issue that needs to be made outside the presence of
25 the other jurors.

1 (Prospective jurors are present)

2 THE COURT: Good morning, ladies and gentlemen.

3 First I want to apologize for the delay in getting you.

4 Counsel, you may be seated.

5 I had an emergency matter on one of my civil cases
6 that showed up unexpectedly this morning, and for some reason
7 those lawyers couldn't say what they should in 10 minutes. It
8 took them about an hour. So that has thrown me off this
9 morning, and I apologize for being delayed in getting to you.

10 This is the time set for trial of Case Number
11 C-286357, State of Nevada, plaintiff, versus Troy Richard
12 White, the defendant. The record will reflect the presence of
13 the defendant, his counsel, counsel for the State, all
14 officers of the court.

15 Parties ready to proceed?

16 MS. MERCER: Yes, Your Honor.

17 MR. COFFEE: Yes, Judge.

18 THE COURT: Ladies and gentlemen, you are in
19 Department 11 of the Eighth Judicial District Court. My name
20 is Elizabeth Gonzalez. I am the presiding judge in this
21 department. I want to apologize to all of you for the
22 condition of my courtroom. We were able to take it apart so I
23 could try the CityCenter case in this, but, unfortunately, I
24 can't get anybody to put my courtroom back together. So for
25 those of you who are sitting in the folding chairs, I

1 apologize. We will try and get through the preliminaries and
2 break for lunch fairly quickly.

3 Let me take this opportunity to introduce the court
4 staff with whom you may be coming into contact. Jill Hawkins,
5 on my far left, is the court recorder. She is the individual
6 who makes a digital audio-video recording of everything that
7 happens in the courtroom. For that reason if you need to
8 answer any of the questions as we go through the process, it
9 is important that you give me the last three digits of your
10 badge number, as well as your name. That way if she ever has
11 to make a record about anything that occurred during the
12 proceedings, she will be able to properly identify who was
13 speaking. Since most normal human beings don't identify
14 themselves with a number, if you forget, we will try and
15 remind you.

16 To my immediate left I have Dulce Romea. She is the
17 court clerk. She swears the witnesses, marks the exhibits,
18 and keeps track of evidence and prepares the official record
19 of the court.

20 Kevin Eckhart, who you've already met, is the
21 marshal. He's the individual with whom you will have the most
22 contact during the proceedings. You may also see my law clerk
23 and my judicial executive assistant in the courtroom or
24 assisting us at some points in time.

25 On behalf of the State would you please like to

1 introduce yourself, your co-counsel, and make a brief
2 statement of the nature of the case and state the names of any
3 of the witnesses you may call in this case.

4 MS. MERCER: Thank you, Your Honor.

5 Good morning, ladies and gentlemen. My name is
6 Chief Deputy District Attorney Liz Mercer. I have with me my
7 co-counsel, Chief Deputy District Attorney Jeff Rogan. We are
8 prosecuting the case of State of Nevada versus Troy White.

9 The specific allegations in this case are that on
10 July 27th of 2012 at 325 Altimira, which is in the vicinity of
11 Alta between Buffalo and Rainbow. For those of you not
12 familiar with that area of town I apologize, but that's the
13 best description I can give you. That's the residence where
14 the defendant was residing with his wife and five children
15 prior to their separation.

16 The allegations are that on that date the defendant
17 entered the home and shot and killed Echo White, resulting in
18 a charge of murder with use of a deadly weapon, and that he
19 shot Joseph Averman, resulting in a charge of attempt murder
20 with use of a deadly weapon, and that all of those crimes were
21 committed in the presence of the five children, resulting in
22 five counts of child abuse, neglect, or endangerment.

23 In addition there is an allegation of carrying a
24 concealed weapon, because at the time he entered the home that
25 weapon was concealed. Thank you.

1 The State's witnesses -- and just -- I'm going to
2 list several witnesses. Many of these may not be called, but
3 please listen carefully. It's Joseph Averman; Jayce White;
4 Jodey White; Robert Wilson; Wanda Wilson; Amber Gaines; Mike
5 Gaines; Fernando Diaz; Shayna Break [phonetic], who is a
6 Yavapai County Sheriff's Office deputy, that's in Prescott,
7 Arizona; James Jaeger, who is also with the Yavapai County
8 Sheriff's Office; Herman Allen; Michael Montalto; Bradley
9 Marshall; Clyde Bentley, who is a retired member of the
10 Yavapai County Sheriff's Office; Lieutenant Bolt, also with
11 that office; and then local law enforcement witnesses include
12 potentially Detective Travis Ivey with the Homicide Unit;
13 Officer David Herwitz, he's a patrol officer; Darren Martine,
14 who is also a patrol officer; Matthew O'Brien, who is also a
15 patrol officer; Michael Tortuously, who is also a patrol
16 officer; Sergeant John Scott; Chris O'Brien, who was a
17 detective on the Homicide Unit on the date of this offense but
18 is now a sergeant; Matthew Gillis, who is also a Homicide
19 detective; and Tate Sanborn, who is also a Homicide detective.

20 In addition, you may hear from several crime scene
21 analysts with the Las Vegas Metropolitan Police Department.
22 Those witnesses include Terry Martine or Martin; Louise
23 Renhart; Jeffrey Scott; Danielle -- and I can't pronounce her
24 last name, so I'll spell it for you, it's
25 C-A-R-V-O-U-N-I-A-R-I-S; Tracy Kruze, formerly Tracy Brownly;

1 Jennifer Riner; Moretta McIntire. And then you may hear from
2 some people who are employed with the Forensics Lab at the Las
3 Vegas Metropolitan Police Department, as well. Those
4 witnesses include Julie Marchiner, who is a DNA analyst; Ana
5 Lester, formerly Ana Sago, who is a firearms and ballistics
6 examiner; Marnie Carter, who examines fingerprints and does
7 analysis; and Brad Burghius, who is now an officer at the
8 airport, but at the time he was a forensic examiner, meaning
9 computer equipment and electronics, things of that nature.

10 In addition, you will hear from Dr. Lisa Gavin.
11 She's a medical examiner with the Clark County Coroner's
12 Office.

13 THE COURT: Thank you.

14 Mr. Coffee, would you like to introduce yourself,
15 your client, your co-counsel, make a brief factual statement,
16 and identify any additional anticipated witnesses the defense
17 intends to call.

18 MR. LOPEZ-NEGRETE: Thank you, Your Honor.

19 Good morning, ladies and gentlemen. My name is
20 David Lopez-Negrete. My co-counsel is Mr. Scott Coffee. And
21 this is Mr. Troy White. He's our -- we're representing him,
22 and through the course of this trial you'll get to meet him,
23 and you'll see that he was a family man, happily married for
24 eight years with Echo White and their five children, and at
25 one point one of his closest friends, Joseph Averman, betrayed

1 him, had an affair with his wife. Mr. White was desperate to
2 keep his family together and to save it. And on that fateful
3 day, July 27th, 2012, emotion got the better of him. But he
4 is not a murderer.

5 Mr. Coffee will now read to you the witnesses that
6 we intend to call.

7 MR. COFFEE: The State has listed a number of
8 witnesses for you. If for some reason they decide that they
9 do not want to call one of those witnesses, we might. Also,
10 additionally, the witnesses that they're going to call we're
11 going to ask questions of if we feel it's important.

12 In addition to those witnesses we have some other
13 witnesses we may be calling. They are as follows. Sam Bakke,
14 Rachel Brooks, Dena Cabral, Ruben Garcia, Pete Gullo, Tim
15 Henderson, Roger Hosford, Dorothy Long, Cory Robinson, Misty
16 Todd, and Terry Todd. Thank you.

17 THE COURT: Thank you.

18 Ms. Clerk, if you would please call the roll of
19 panel of prospective jurors.

20 Ladies and gentlemen, when your name is called
21 please answer "present" or "here."

22 (Prospective jury roll called)

23 THE COURT: Is there anyone in my group of
24 prospective jurors whose name was not called?

25 Could you all please stand and raise your right hand

1 to be sworn, please.

2 (Prospective jurors sworn)

3 THE COURT: You may be seated.

4 Ladies and gentlemen, we are about to commence the
5 jury selection process. During this process you will be asked
6 questions bearing upon your ability to sit as fair and
7 impartial jurors in this particular case. To accomplish this
8 questions will be asked of you both by myself and counsel for
9 the parties. On occasion some of the questions may seem
10 somewhat personal. I will tell you they're not intended to
11 embarrass you. They are simply intended for us to be able to
12 make an informed decision about whether you could serve as a
13 fair and impartial juror. If you feel for any reason that an
14 answer to a question needs to be given in private, please let
15 us know. We will try and accommodate that request.

16 It important you know the significance of full,
17 complete, and honest answers to all the questions we are about
18 to ask you. Please do not try to hide or withhold anything
19 which might indicate bias or prejudice of any sort. Should
20 you fail to answer truthfully or if you hide or withhold
21 anything touching upon your qualifications, that fact may tend
22 to contaminate your verdict.

23 I'm going to conduct a general examination of all of
24 you. After those general questions I will then ask some
25 followup questions of those individuals seated in the box

1 area.

2 At some point during the process of selecting a jury
3 the attorneys will have the right to ask that a particular
4 person not serve as a juror. These requests are called
5 challenges. Please do not be offended should you be excused
6 by one of the challenge procedures. They are simply one of
7 the mechanisms under our criminal justice system to insure
8 that everyone is confident that the jury who actually hears
9 the case is one who is fair and impartial.

10 If you wish to respond to a question, please
11 remember I need the last three digits of your badge number and
12 then your name so I can make an adequately record.

13 First, have any of my potential jurors been
14 convicted of a felony?

15 Seeing no hands, I have a universally negative
16 response.

17 Are any of my potential jurors not United States
18 citizens?

19 Seeing no hands, I have a universally negative
20 response.

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

25 Seeing no hands, I have a universally negative

1 response.

2 Are any of you acquainted with the defendant or his
3 attorneys?

4 Seeing no hands, I have a universally negative
5 response.

6 Are any of you acquainted with either of the Deputy
7 District Attorneys?

8 Seeing no hands, I have a universally negative
9 response.

10 Are any of you acquainted with any of the witnesses
11 whose names were previously mentioned by the attorneys?

12 Seeing no hands -- yes, ma'am.

13 PROSPECTIVE JUROR NUMBER 102: I work for the Las
14 Vegas Metropolitan --

15 THE COURT: I need your badge number.

16 PROSPECTIVE JUROR NUMBER 102: Barbara Ruckle.

17 THE COURT: Thank you, Ms. Ruckles.

18 PROSPECTIVE JUROR NUMBER 102: I'm familiar with
19 some of the names of the LVMPD people, because I work for the
20 Department as a civilian.

21 THE COURT: And what do you do as a civilian Metro
22 employee?

23 PROSPECTIVE JUROR NUMBER 102: I'm a supply
24 specialist. I handle the copiers and forms.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR NUMBER 102: You're welcome.

2 THE COURT: Anybody else think you recognize the
3 names of any of the witnesses who were read by either parties?

4 This case is expected to last eight days. We have
5 two days that we will be off during that period of time, and
6 we will finish next Friday, April 17th. Does serving that
7 time act as an undue hardship upon any of you?

8 If you could go to the box area, stop at the top
9 row.

10 PROSPECTIVE JUROR NUMBER 062: Mark Marinelli. I
11 just have a transportation problem. My wife's the only one
12 that works, and I'm trying to seek employment right now.

13 THE COURT: So are you telling me you wouldn't be
14 able to make it to court?

15 PROSPECTIVE JUROR NUMBER 062: It would be really
16 hard.

17 THE COURT: Okay. Why?

18 PROSPECTIVE JUROR NUMBER 062: I only got the truck
19 today and that's it. And then she's the only -- we only have
20 one vehicle.

21 THE COURT: Okay. Thank you, sir.

22 PROSPECTIVE JUROR NUMBER 066: I'm the only person
23 that work in my household, and I have to pay all my bills by
24 myself. I just started a job at Walmart six months ago, and I
25 don't have no transportation. I have to take the bus.

1 THE COURT: All right. So Walmart pays you while
2 you're on jury service, though; right?

3 PROSPECTIVE JUROR NUMBER 066: Yeah. They said they
4 would.

5 THE COURT: Okay. So you're concerned you wouldn't
6 be able to make it to court?

7 PROSPECTIVE JUROR NUMBER 066: It would be hard
8 every day, because I have to take two buses.

9 THE COURT: So you have to take two buses to get
10 here?

11 PROSPECTIVE JUROR NUMBER 066: To get here.

12 THE COURT: All right. Thank you. If you'd pass
13 the mike.

14 PROSPECTIVE JUROR NUMBER 067: Jonathan Leavelle,
15 067. My wife works three days a week graveyard, and she
16 doesn't get home until 7:00 a.m., and my children are home
17 schooled, so I assist in that. But I don't know what time
18 that the case starts in the morning, so I don't know what time
19 I would have to be here.

20 THE COURT: We go from 10:00 to 5:00 with a break
21 about an hour and 15 minutes at lunch. Would that work out
22 with your schedule?

23 PROSPECTIVE JUROR NUMBER 067: Yes, ma'am.

24 THE COURT: All right. Thank you, sir.

25 PROSPECTIVE JUROR NUMBER 069: Brian K. Robinson,

1 069. I am a project manager and general manager of a company
2 called On Stage, and I pretty much run the whole company.
3 Tomorrow morning we're doing a load-in at the Aria. We have
4 people from out of town. And for me to be here for those many
5 days -- I'll still get paid, but my job won't be done.

6 THE COURT: Okay. And what kind of load-in are you
7 doing at the Aria?

8 PROSPECTIVE JUROR NUMBER 069: Oh. I'm sorry. We
9 do A-V so we load in everything, all the gear and put on the
10 show for the Winnebago Company.

11 THE COURT: All right. Thank you, sir.

12 PROSPECTIVE JUROR NUMBER 070: Hi. I'm Vania
13 Ramirez, 070, and I have to watch my nieces this entire week.
14 I'm the only one at the house.

15 THE COURT: And how old are your nieces?

16 PROSPECTIVE JUROR NUMBER 070: Six and nine months.

17 THE COURT: And does the six-year-old go to school?

18 PROSPECTIVE JUROR NUMBER 070: Yes. And I have to
19 pick her up from school.

20 THE COURT: Okay. Thank you.

21 PROSPECTIVE JUROR NUMBER 071: My name is Odalys,
22 and I am 071. I'm the only one working in my home right now,
23 and I'm paying the bills for my mom. And I work at a kiosk,
24 and they don't pay me if I'm not working.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR NUMBER 073: 073, Susan Haase. I
2 would be out a flight -- the cost of a flight. I'm scheduled
3 to go to Milwaukee. So I would be out of that.

4 I also have a house closing on the 17th.

5 THE COURT: And when are you travelling to
6 Milwaukee?

7 PROSPECTIVE JUROR NUMBER 073: On the 16th.

8 THE COURT: All right. Thank you.

9 PROSPECTIVE JUROR NUMBER 083: Hi. My name's Joerg
10 Kleutgens, 083. I had surgery two weeks ago, and I have three
11 post-op doctor's appointments this week and physical therapy.
12 I had another injury last week, work related, which I'm going
13 to see a doctor about, too, within the next week.

14 THE COURT: Okay. And when are your medical
15 appointments this week that you have?

16 PROSPECTIVE JUROR NUMBER 083: The first one is
17 tomorrow at 9:00, the second one, the day after, at 10:00.
18 And then I'm supposed to get a call from the third doctor for
19 this week.

20 THE COURT: And what time are your physical therapy
21 appointment scheduled for?

22 PROSPECTIVE JUROR NUMBER 083: They will be
23 scheduled by the doctor tomorrow.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 083: They're usually in

1 between 10:00 and 12:00 in the morning.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR NUMBER 077: Hi. Shirley Hampton,
4 077. Savage-Hampton. I have to care for a mentally disabled
5 brother. And I'm the only one caring for him.

6 THE COURT: Okay. Thank you.

7 PROSPECTIVE JUROR NUMBER 075: Hi. 075, Rizza
8 Tawatao. I have a mandatory class that I'm required to take
9 on Friday, the 17th, to keep my job at the hospital I work
10 for.

11 THE COURT: Which hospital do you work for?

12 PROSPECTIVE JUROR NUMBER 075: Summerlin Hospital
13 and Southern Hills Hospital.

14 THE COURT: Okay. Thank you.

15 PROSPECTIVE JUROR NUMBER 074: 074. My name is Lynn
16 White. I am the organizing director for California Tribal
17 Gaming, and I work primarily out of town. I have a couple of
18 campaigns that are going on right now that are about to go
19 public.

20 THE COURT: Okay. So what does that mean about your
21 travel schedule or your work schedule?

22 PROSPECTIVE JUROR NUMBER 074: My travel schedule,
23 I'm scheduled to leave again tomorrow morning to Sacramento,
24 California. I have postponed it because I was under the
25 impression that I thought the -- it would be three to five

1 days, so I thought possibly just for the week. But next week
2 I have some public campaigns going on in Ontario, so I won't
3 be able to be here.

4 THE COURT: So Ontario, California?

5 PROSPECTIVE JUROR NUMBER 074: Ontario next week,
6 yes.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR NUMBER 090: 090, Ramiro
9 Rodriguez-Alvarez. I'm -- I work graveyard the whole week.
10 I'm paying all my bills -- like I pay all the bills on my
11 house, so I'm not sure if the company will pay, because like I
12 get like a salary. I'm a technician.

13 THE COURT: Where do you work, sir?

14 PROSPECTIVE JUROR NUMBER 090: Carmax. And I also
15 like have -- it would be hard for me. Like have to come like
16 after work, after working all night and then after that come
17 to the court. So --

18 THE COURT: And do you feel that you would have to
19 work at your job even though we were in trial and so you
20 wouldn't be able to pay attention when you got here?

21 PROSPECTIVE JUROR NUMBER 090: Yeah. Because I
22 actually get off like at 6:00 a.m., and then it would be --
23 I'll be really tired and also have trouble sleeping.

24 THE COURT: Okay. Thank you, sir.

25 PROSPECTIVE JUROR NUMBER 091: Clara Hernandez-

1 Gonzalez. I have a six-month-old baby with whom I am breast
2 feeding right now, and I have a three-year-old son who goes to
3 school. I would have big problems having somebody to take
4 care of them.

5 THE COURT: And do you work outside the home, ma'am?

6 PROSPECTIVE JUROR NUMBER 091: No, I do not. My
7 husband just started working, so --

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

9 PROSPECTIVE JUROR NUMBER 091: -- I have them with
10 me today.

11 THE COURT: There was somebody else in that row,
12 Kevin.

13 PROSPECTIVE JUROR NUMBER 094: Hi, Your Honor. I'm
14 Roxann Green, 094. I teach nursing at Nevada State College,
15 and I have two clinicals this week on Wednesdays and Fridays
16 that there is not anybody to take place. If you can, that
17 would be great. I'd love to be here. But it's just not
18 possible.

19 THE COURT: And what time are your clinical
20 sessions?

21 PROSPECTIVE JUROR NUMBER 094: 7:00 to 7:00. 7:00
22 a.m. to 7:00 p.m.

23 THE COURT: So they're full days?

24 PROSPECTIVE JUROR NUMBER 094: Yes.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR NUMBER 094: Thank you.

2 PROSPECTIVE JUROR NUMBER 095: Hello. I'm 095, Mark
3 Dilisio. I just will have a conflict on Wednesdays to
4 Fridays, because I work graveyard and my wife works day shift,
5 12:00 to 8:00, and I've got two children. And my daughter's
6 out on track break, so I have nobody to watch them.

7 THE COURT: So you have childcare obligations for
8 one of your children?

9 PROSPECTIVE JUROR NUMBER 095: Yeah. Actually both.

10 THE COURT: And how old --

11 PROSPECTIVE JUROR NUMBER 095: My son's at school.
12 He gets home at like 3:30.

13 THE COURT: And your daughter who's on track break,
14 how old?

15 PROSPECTIVE JUROR NUMBER 095: She's seven.

16 THE COURT: All right. Thank you, sir.

17 PROSPECTIVE JUROR NUMBER 096: Hello. My name is
18 Nancy. I'm 096. I won't be able to do the jury just because
19 I'm leaving to Colorado this Thursday 4:00 p.m.

20 THE COURT: So you're moving away?

21 PROSPECTIVE JUROR NUMBER 096: No. I'm just going
22 for four days.

23 THE COURT: Okay. So what time do you leave on
24 Thursday?

25 PROSPECTIVE JUROR NUMBER 096: 4:00 p.m.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR NUMBER 096: You're welcome.

3 PROSPECTIVE JUROR NUMBER 098: My name is Elizabeth

4 Krein. I'm 098. I have two special needs children that I

5 adopted from the State, and one of them is not doing well

6 right now. It's an option of hospitalizing him or doing

7 weekly doctor visits. So it depends on what day you're going

8 to be off. He has an appointment this Wednesday.

9 THE COURT: We were going to be off this Friday, the

10 10th, and next Wednesday, the 15th.

11 PROSPECTIVE JUROR NUMBER 098: Okay.

12 THE COURT: So if you have an appointment this

13 Wednesday, what time is it?

14 PROSPECTIVE JUROR NUMBER 098: It's at 2:00, so --

15 THE COURT: Okay. Thank you, ma'am.

16 PROSPECTIVE JUROR NUMBER 100: Hi. I'm Cathlyn

17 Dettrey, Number 100. I home school my 11-year-old son and my

18 10-year-old daughter, and there's really no one to take my

19 place if I'm not there.

20 THE COURT: Okay. Thank you, ma'am.

21 PROSPECTIVE JUROR NUMBER 101: I'm Abriella Stone,

22 101, and I'm a clinical research coordinator, and I have

23 patients for the next few days. And if I'm not there, there's

24 no one else to see them.

25 THE COURT: And who's your employer, ma'am?

1 PROSPECTIVE JUROR NUMBER 101: Jerry Whitson
2 Dermatology & Associates.
3 THE COURT: Okay. Thank you.
4 PROSPECTIVE JUROR NUMBER 103: I'm Badge 103, Al
5 Kopatschek. And basically I drive a truck, and I get paid by
6 the mile. So I can probably stay here for a week and maybe
7 collect a vacation pay, but that's about all. I sure wasn't
8 expecting to be here for two weeks.
9 THE COURT: So you don't get paid unless you drive a
10 truck?
11 PROSPECTIVE JUROR NUMBER 103: Yeah. Right.
12 Exactly.
13 THE COURT: You drive locally, or over the road?
14 PROSPECTIVE JUROR NUMBER 103: Over the road.
15 THE COURT: Thank you, sir.
16 PROSPECTIVE JUROR NUMBER 104: 104, Dana Espiritu.
17 I watch a friend's baby who is five months old, and she
18 wouldn't have anyone to watch him.
19 THE COURT: And what hours do you watch the baby?
20 PROSPECTIVE JUROR NUMBER 104: 7:30 to 4:00.
21 THE COURT: Thank you, ma'am.
22 PROSPECTIVE JUROR NUMBER 106: 106, Peter Thompson.
23 I drive for Whittlesea Taxi, and I wouldn't get paid if I'm --
24 THE COURT: Thank you, sir.
25 PROSPECTIVE JUROR NUMBER 108: Malka Yogel, 108. My

1 husband just had open heart surgery. He was 13 days in
2 intensive care. He's not driving now. Now he's all by
3 himself because I'm here. I have to take him to a lot of
4 test. In the end of the month he's having another two
5 surgeries, and there is a lot of test before it. I have all
6 the documents here.

7 THE COURT: Okay. If you would hand those to the
8 marshal, please.

9 PROSPECTIVE JUROR NUMBER 110: 110, Steve Oliai. I
10 work for a software development company, and this would put a
11 few projects in jeopardy for us.

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

13 PROSPECTIVE JUROR NUMBER 110: I'm the senior
14 director of our data services group, so I manage teams of
15 architects and database engineers.

16 THE COURT: And what's the name of the company you
17 work for?

18 PROSPECTIVE JUROR NUMBER 110: EBIX, E-B-I-X,
19 Incorporated.

20 THE COURT: Thank you, sir.

21 PROSPECTIVE JUROR NUMBER 112: Hi. My badge number
22 is 112. Kevin Lieu. I actually run a neurology clinic for a
23 doctor. I'm the office manager, but I also do all the
24 diagnostic testing in the office, so I'm not sure if he -- we
25 would be able to reschedule all of our patients for the next

1 two weeks. I actually had to reschedule everybody for today,
2 so --

3 THE COURT: You rescheduled everybody even though
4 you were here and the doctor is there?

5 PROSPECTIVE JUROR NUMBER 112: We had to reschedule
6 everybody today because I'm not there to do the testing. I do
7 nerve tests, so -- I do nerve conduction studies.

8 THE COURT: Okay. Thank you. So like EMG testing?

9 PROSPECTIVE JUROR NUMBER 112: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER 113: Holly Harris, 113. I
12 just started my job on Thursday. I work full time from 9:00
13 to -- from 9:00 to 5:00, and my schedule varies. They're
14 going to -- I just finished training, so they want to start me
15 tomorrow from -- I guess from 12:00 to close -- or 2:00 to
16 close. And I have a two-month-old newborn that I'm breast
17 feeding now, so I'm away from her enough as it is.

18 THE COURT: Who do you work for, ma'am?

19 PROSPECTIVE JUROR NUMBER 113: DiGucci Development.

20 THE COURT: And what do you do?

21 PROSPECTIVE JUROR NUMBER 113: I'm a sales
22 associate.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 114: Hi. Badge 114.
25 Angelita Fairbanks. I'm one of the CEOs of Action Coach

1 Business Coaching, a multi-international company, which we're
2 running a business excellence forum in Portugal from the 11th
3 to the 27th, so I'll be travelling to Portugal.

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

5 Is there anyone who believes for any other reason
6 than what I've heard so far that you couldn't serve on this
7 jury for through next Friday?

8 Yes, ma'am.

9 PROSPECTIVE JUROR NUMBER 073: 073, Susan Haase. I
10 don't feel I could honestly do this. I've been through a
11 situation where I left my first husband after being beaten,
12 and I would not be impartial.

13 THE COURT: All right, ma'am.

14 PROSPECTIVE JUROR NUMBER 069: Yes. This is B.K.
15 Robinson, 069. I have to be honest. From hearing what the
16 case was about and I probably would have a bias based on -- do
17 I have to say it?

18 THE COURT: Well, you've got to tell me why, sir.

19 PROSPECTIVE JUROR NUMBER 069: Well, because I kind
20 of -- I guess I can say I empathize or sympathize with the
21 defendant.

22 THE COURT: All right. We may ask you some more
23 questions in a little bit without the other jurors, okay.

24 PROSPECTIVE JUROR NUMBER 069: Thank you.

25 THE COURT: Anybody else want to tell me something

1 that you feel like I need to know before I get to the next --

2 Yes, ma'am. Ms. Diaz.

3 PROSPECTIVE JUROR NUMBER 096: 096. I wouldn't be
4 able to stay here just 'cause I'm very emotional to hear this.

5 THE COURT: Okay. My job as a judge in a case --

6 Yes, ma'am. Ms. Ruckles.

7 PROSPECTIVE JUROR NUMBER 102: 102, Barbara Ruckle.
8 Working with the police department and coming from -- my
9 father was also an investigator, I don't think I could be
10 impartial. When we get to this point I think the damage is
11 done. That's just my opinion.

12 THE COURT: Thank you, ma'am.

13 PROSPECTIVE JUROR NUMBER 101: 101, Abriella Stone.
14 And I feel as though I couldn't -- I couldn't be impartial
15 about it because I've kind of already made my decision without
16 even hearing anything, which is not so good. And I don't know
17 if I would change that.

18 THE COURT: Okay. Thank you.

19 PROSPECTIVE JUROR NUMBER 106: Peter Thompson. I
20 was involved in a domestic situation. I don't think I'd be
21 impartial.

22 THE COURT: Thank you, sir.

23 All right. My job as the judge in any case is to
24 give you the instructions on the law as it applies to a
25 particular case. If you're chosen as a juror is there anyone

1 who believes you would not be able to follow the law as I give
2 it to you in the jury instructions?

3 Seeing no hands, I have a universally negative
4 response.

5 Your job as a juror if you're selected is to make
6 determinations about the facts. That means you listen to the
7 witnesses who sit in the witness stand and testify, look at
8 the exhibits that are admitted, and then along with the other
9 jurors who are chosen make a determination about what actually
10 happened. Does anyone have a problem acting as a fact finder?

11 PROSPECTIVE JUROR NUMBER 087: 087, Joseph
12 Rodriguez. I just -- I go off what I hear. I don't really
13 look at the facts that well. I'm just -- yeah.

14 THE COURT: Okay. Thank you, sir.

15 Anybody else think they might have problems acting
16 as a fact finder, listening to the evidence and making a
17 decision with the other jurors?

18 Under our system certain principles of law apply in
19 every criminal trial. There are that the information filed in
20 the case is a mere accusation and is not evidence of guilt,
21 that the defendant is presumed innocent, and the State must
22 prove the defendant guilty beyond a reasonable doubt.

23 Does anyone not believe in those basic precepts of
24 our justice system?

25 Seeing no hands, I have a universally negative

1 response.

2 Can you wait in forming your opinion as to the guilt
3 or innocence of the defendant until all of the evidence has
4 been heard and after you receive instructions from me?
5 Anybody have a problem with that?

6 Seeing no hands, I have a universally positive
7 response.

8 Does anyone know anything about this case other than
9 what's been stated in the courtroom? And if you raise your
10 hand, I'm just going to get your number for now. Anybody know
11 anything about this case?

12 I've got Seat Number 62, Mr. Marinelli.

13 PROSPECTIVE JUROR NUMBER 062: Yes, 062.

14 THE COURT: All right. Hold on, sir. We're not
15 going to ask any questions yet. I'm just going to write a
16 note.

17 Anybody else think they know anything about this
18 case?

19 All right. Counsel, can I see you at the bench,
20 please.

21 Ladies and gentlemen, you're going to hear some
22 white noise. The reason you hear this white noise is I can do
23 some work with counsel without sending you out and then
24 bringing you back in, which will take a half hour.

25 (Bench Conference)

1 THE COURT: Okay. Usually in a case that is like
2 this I will excuse those people who have a financial hardship,
3 as well as childcare and school issues. Does anyone have a
4 problem with that?

5 MR. ROGAN: No.

6 THE COURT: Okay. Let me go through the ones I
7 think that -- and then we also have some transportation issues
8 that I'm concerned about.

9 MR. COFFEE: I'm concerned about one who'd possibly
10 show up.

11 THE COURT: Badge Number 70 is a childcare. Badge
12 Number 73 is a travel. 74 is a travel. Badge Number 77 is a
13 child care. Badge Number 83 is a health issue. Badge Number
14 91 was a childcare. 95 is a childcare. 94 is a school issue.
15 96 is a travel issue. 98 is a childcare issue. 100 is a
16 childcare issue. 104 is a childcare issue. 108 is a medical
17 issue for the husband. If anybody wants to look at the
18 documents, she brought it, but I believe her. And 114 was a
19 travel issue. Those are all of mine without going into the
20 pay missed. Does anybody have a concern with any of those
21 being excused?

22 MR. COFFEE: No.

23 MR. ROGAN: No.

24 THE COURT: Okay. Let me go to the ones who think
25 they aren't -- I have two who say they can't get here because

1 they've got transportation problems. That's 62 and 66.
2 MR. COFFEE: First time it's ever happened to me, by
3 the way.
4 THE COURT: What?
5 MR. COFFEE: That they said I've got a bus issue.
6 THE COURT: Oh, I've had a lot. I actually had a
7 marshal one day who would get the guy to and from the bus
8 because he -- we were concerned. It was when he had to go to
9 the [inaudible].
10 Any concern with those two who have transportation
11 issues being excused? They're the only two who've mentioned
12 it, which meant that apparently nobody else is smart enough to
13 pick up on that as a reason.
14 Badge Number 71 is a financial hardship. If we go
15 down that path, I'm going to excuse all the people with
16 financial hardships. But I've got another 45. Remember, I've
17 got a total of 90.
18 MR. ROGAN: How many financial hardships do we think
19 we have?
20 THE COURT: I think I have four.
21 MR. COFFEE: I'm okay with letting them go.
22 MR. ROGAN: So that's Badge Numbers 69, 71.
23 THE COURT: And then I've got 103 is a financial.
24 MR. ROGAN: All right. And then on the last one
25 106.

1 THE COURT: And we have a taxi driver who's 106
2 who's financial.

3 MR. COFFEE: Who's the fourth financial?

4 THE COURT: We only have three.

5 MR. COFFEE: Oh. Great. Okay.

6 THE COURT: Any problem excusing those folks I just
7 discussed?

8 MR. ROGAN: No.

9 MR. COFFEE: No.

10 THE COURT: All right. Were there -- let me give
11 you those numbers, and then you can tell me if there's any
12 others you just want to get rid of and you both agree.

13 The total -- and this is all of them we're excusing
14 on hardship or financial, transportation, childcare, things
15 like that. Badge 62, Mr. Marinelli; 66, Ms. Maddox; 70, Ms.
16 Ramirez; 71, Ms. Castillo; 73, Ms. Haase; 74, Ms. White; 77,
17 Ms. Savage; 83, Mr. Kleutgens; 91, Ms. Hernandez; 94, Ms.
18 Green; 95, Mr. Diliso; 96, Ms. Diaz; 98, Ms. Krein; 100, Ms.
19 Dettry; 103, Mr. Kopatschek; 104, Ms. Espiritu; 106, Mr.
20 Thompson; 108, Ms. Yogel; 114, Ms. Fairbanks.

21 MR. ROGAN: We just want to inquire further of those
22 people that they some special bias.

23 THE COURT: Well, are there any others that both of
24 you want to get rid of, like the lady from Metro, either of
25 the people who've already said they have a bias?

1 MR. ROGAN: I think we need to question them
2 further.
3 MR. COFFEE: Yeah. That's fine. I guess somebody's
4 got three doctor's appointment this week, '83.
5 THE COURT: I'm letting him go.
6 MR. ROGAN: Yeah.
7 MR. COFFEE: Oh. I'm sorry.
8 THE COURT: He's not -- he's [inaudible].
9 MR. ROGAN: Okay. There's one that's not up here
10 yet. It's on Stephen Stubbs, the attorney. It's Badge Number
11 171.
12 THE COURT: I think we should make him suffer
13 through sitting in the back row for three days with his bow
14 tie on.
15 MR. ROGAN: As much as I would like to do that --
16 it's up to the Court. We don't care.
17 THE COURT: Do you think he's ready to go?
18 MR. COFFEE: I dealt with him at the legislature
19 last Friday, and I'm fine with him going.
20 MR. ROGAN: Our office prosecuted him last week,
21 so --
22 THE COURT: No. Wasn't it longer than that? Was it
23 just last week.
24 MR. ROGAN: He was exonerated. That's correct. He
25 may hold some hard feelings.

1 THE COURT: But they don't have him coming -- which
2 number is he?

3 MR. ROGAN: 171.

4 THE COURT: He's not coming back till 2:00. They
5 gave them lunch.

6 MR. ROGAN: Okay.

7 THE COURT: But when they see him they'll let him
8 know he's excused.

9 Any others that you want to talk about excusing, Mr.
10 Coffee, based on their responses?

11 MR. COFFEE: I'm just running down my notes one more
12 time.

13 THE COURT: For those people who said they're
14 biased, if you want me to ask them questions individually, or
15 just have them as a group, the people who've said they're
16 biased, I'm happy to keep them together. I can excuse
17 everybody but those.

18 MR. ROGAN: Yeah, that's a good idea.

19 THE COURT: Because they've figured out how to get
20 out of jury duty. They're just very good at it yet. Okay?

21 MR. ROGAN: Thank you, Your Honor.

22 THE COURT: Kevin, may I see you.

23 (End of bench conference)

24 THE COURT: All right. Ladies and gentlemen, I'm
25 going to excuse the following jurors on hardship. What that

1 means is you're being excused today, but you're going to be
2 subject to recall sooner than those jurors who stay with me
3 for the rest of the process. So when I read your name and
4 number wait till I've finished, and then go down to the third
5 floor, tell them you've been excused on hardship, and they'll
6 put you back in the system to get recalled.

7 So the following individuals are excused on
8 hardship. Badge Number 62, Mark Marinelli; Badge Number 66,
9 Rita Maddox; Badge Number 70, Vania Ramirez; Badge Number 71,
10 Odalys Castillo; Badge Number 73, Susan Haase; Badge Number
11 74, Lynn White; Badge Number 77, Shirley Savage-Hampton; Badge
12 Number 83, Joerg Kleutgens; Badge Number 91, Clara Hernandez-
13 Gonzalez; Badge Number 94, Roxann Green; Badge Number 95, Mark
14 Dilisio; Badge Number 96, Nancy Diaz; Badge Number 98,
15 Elizabeth Krein; Badge Number 100, Cathlyn Dettry; Badge
16 Number 103, Alberto Kopatschek; Badge 104, Dana Espiritu;
17 Badge Number 106, Peter Thompson; Badge Number 108, Malka
18 Yogel; and Badge Number 114, Angelita Fairbanks.

19 If you would all go down to the third floor and tell
20 them you have been excused on hardship.

21 MR. ROGAN: Your Honor, may we approach briefly?

22 THE COURT: Yes.

23 (Bench conference)

24 THE COURT: Yes?

25 MR. ROGAN: Also agreeing on Badge 113, Holly

1 Harris. She's the woman that started a new job and is breast
2 feeding her newborn.

3 THE COURT: Okay.

4 (End of bench conference)

5 THE COURT: And I missed one. Ms. Harris, Badge
6 Number 113. You go down to the third floor and process out.

7 Now, ladies and gentlemen, I'm going to read
8 something I wouldn't usually read you until further along.
9 But since I'm a little behind schedule, I'm going to read this
10 to you now, and then I'm going to have you leave and come back
11 at 1:30.

12 During the course of this trial the attorneys for
13 both sides, the parties, the witnesses, and court personnel,
14 other than the marshal, are not permitted to converse with
15 members of the jury. These individuals are not being
16 antisocial; they are bound by ethics and the law not to talk
17 to you. To do so might contaminate your verdict.

18 You are admonished additionally that you are not to
19 visit the scene of any of the acts or occurrences made mention
20 of during this trial unless specifically directed to do so by
21 the Court. Please don't investigate this case or anyone who
22 has anything to do with this case on your own, which includes
23 Internet research. Do not undertake any legal or factual
24 research of any sort or tweet or blog or text about this case
25 during our break.

1 During this recess you're admonished not to talk or
2 converse among yourselves or with anyone else on any subject
3 connected with this trial, or read, watch, or listen to any
4 report of or commentary on the trial or any person connected
5 with this trial by any medium of information, including,
6 without limitation, social media, texts, newspapers,
7 television, the Internet, and radio, or form or express any
8 opinion on any subject connected with the trial until the case
9 is finally submitted to you.

10 If you could come back at 1:30. Please remember
11 where you're sitting, and meet the marshal outside Courtroom
12 14A, which is the courtroom at the other end of the hallway.
13 We'll see you at 1:30.

14 I would like, please, to have Badge Numbers 69, 101,
15 and 102 please remain.

16 (Outside the presence of prospective jury panel)

17 THE COURT: Mr. Robinson, you indicated earlier --
18 and you're Badge Number 69 -- that you might have a bias or
19 sympathize with the defendant in this case. Can you tell us a
20 little bit more about that so we can make a decision about
21 what we should do on our side.

22 PROSPECTIVE JUROR NUMBER 069: Yes. First of all,
23 for the Court, I mean, I'm not trying to shirn [sic] my
24 responsibility, because I think it's something we all should
25 do. In this case I've been I want to say part of it, not

1 personally, but I've had family members that were on both
2 sides of a situation like this. And one of them was a pretty
3 close friend of mine, and he was in a situation pretty much of
4 what happened with our defendant here to where he was, you
5 know, married and a friend of his basically took his wife and
6 family. And I was one of the guys sitting with him trying to
7 talk him -- do I need to say the whole thing? It's okay?

8 THE COURT: Yeah. I think you told -- tell us as
9 much as you feel comfortable. We may have to ask you some
10 more questions, but I'm just trying to get the flavor of it
11 from you so we get an idea about what we should do on our
12 side.

13 PROSPECTIVE JUROR NUMBER 069: I just wanted to be
14 honest that I really did -- I felt for him, because I was the
15 guy sitting there crying with my friend, you know, while he
16 was telling me this and while I was telling him to not do what
17 he was saying he's going to do. And, of course, he didn't,
18 and his life spiraled to nothing. He's no longer with us
19 today basically from the residuals of that. And I kinda feel
20 I'm not responsible. I'm glad I told him what I told him, but
21 I was there. I kinda don't want to relive it. And I really
22 felt -- I felt that he should have done something, but I'm
23 glad he didn't. And I'm just being honest about it, that's
24 all.

25 THE COURT: So do you think you could set aside

1 those personal experiences that you had and listen to this
2 case without worrying about what happened with your friend?

3 PROSPECTIVE JUROR NUMBER 069: Okay. Yes, I know I
4 can. I thought about that, because I think every case is
5 different. And I'm a pretty fairly intelligent and, you know,
6 well-read guy, so I'm fair and honest. But for me personally
7 I kinda feel -- I feel that there's an injustice that was done
8 to the defendant, and I would have to be -- it'd have to be
9 proven to me that it wasn't. You know.

10 THE COURT: Well, and that's what the standard is.
11 You know, the State has that burden already.

12 PROSPECTIVE JUROR NUMBER 069: Right.

13 THE COURT: But I wanted to ask you these questions
14 outside the presence of the other jurors because you seemed a
15 little uncomfortable when I asked.

16 PROSPECTIVE JUROR NUMBER 069: Yeah. I didn't --

17 THE COURT: It's okay. I can accommodate it. It's
18 not easy but I can accommodate it. So we just wanted to ask
19 you those questions outside the presence of the other jurors.

20 Does the State want to inquire on any issues related
21 to this outside the presence of the other jurors?

22 MR. ROGAN: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. ROGAN: Mr. Robinson, so you had a situation
25 where a close friend was essentially cheated on and that

1 caused his life to spiral into nothing.

2 PROSPECTIVE JUROR NUMBER 069: Actually more than

3 once.

4 MR. ROGAN: More than once.

5 PROSPECTIVE JUROR NUMBER 069: Yeah.

6 MR. ROGAN: The same guy?

7 PROSPECTIVE JUROR NUMBER 069: More than one -- no.

8 Separate.

9 MR. ROGAN: Okay. All right. So you've just

10 mentioned to the Court that you could put that aside and

11 evaluate the facts and circumstances of this case independent

12 of that person's experience.

13 PROSPECTIVE JUROR NUMBER 069: Yeah. And the

14 emotional ties I can [inaudible].

15 MR. ROGAN: Yet you felt you had a need to bring it

16 to the Court's attention.

17 PROSPECTIVE JUROR NUMBER 069: Yeah. Because when

18 -- once again, since we're being honest here, and I have to

19 be, when the attorney spoke of what he said in his opening,

20 which wasn't argument, of course, his statement, and then

21 right then I shook. I didn't plan on coming here and saying

22 that. And then once I heard him say what he said I was like,

23 you know, almost like yeah. I mean, honestly and nothing

24 against the person who this happened to, I don't think no one

25 should be killed, whatever, but I felt, yeah. Like yeah. I

1 couldn't say that I wouldn't do it.

2 MR. ROGAN: All right. Now, you understand that the
3 scales of justice are equal.

4 PROSPECTIVE JUROR NUMBER 069: Yes.

5 MR. ROGAN: Do you think based upon your experience
6 that the scales of justice are in favor of the defendant just
7 because of your past experience?

8 PROSPECTIVE JUROR NUMBER 069: No. The way I feel
9 about that is I feel the scales of justice they always tilt.
10 You know, I'm just looking at it honestly, they always
11 tipping. Sometime you can be guilty and be found not guilty
12 or not guilty and found guilty. And in this case who's to say
13 what the guilt is? I mean, I'm not a lawyer here, but I feel
14 if I'm a juror my opinion would matter. And I don't want to
15 be sitting here in the jury room with the rest of the jurors
16 having a bias, saying to myself, well, I think the guy did
17 right, and then I'm in here trying to convince these guys of
18 that. I don't think that would be right for me to do.

19 MR. ROGAN: Okay. So in your mind right now do you
20 have a bias in favor of the defendant like you said?

21 PROSPECTIVE JUROR NUMBER 069: Kind of.

22 MR. ROGAN: Kind of. And you can't put that aside?

23 PROSPECTIVE JUROR NUMBER 069: I don't think I can
24 honestly say that.

25 MR. ROGAN: Judge, I'd move for cause.

1 THE COURT: Did you want to ask any questions of Mr.
2 Robinson?
3 MR. COFFEE: If I might.
4 THE COURT: You may.
5 MR. COFFEE: Understand that we have to bring people
6 in with a variety of life experience. That's the idea of the
7 jury system. And we're going to have people who've been in
8 situations that may be similar. You understand that, also?
9 PROSPECTIVE JUROR NUMBER 069: Yeah.
10 MR. COFFEE: But you wanted to make sure everybody
11 was aware of it?
12 PROSPECTIVE JUROR NUMBER 069: Yeah, I wanted to.
13 And I didn't want to say it front of the other jurors just in
14 case you guys -- oh. I'm sorry. I didn't want to say it in
15 front of the other jurors just in case I got picked, you know.
16 I didn't want them to be looking at me, like, hey, this guy is
17 thinking this way.
18 MR. COFFEE: Understood. But let me ask you this.
19 You've heard that the State has charged Mr. White here with
20 first degree murder.
21 PROSPECTIVE JUROR NUMBER 069: Yes.
22 MR. COFFEE: They charged him by way of
23 deliberation, premeditation --
24 PROSPECTIVE JUROR NUMBER 069: Yes.
25 MR. COFFEE: -- malice aforethought.

1 PROSPECTIVE JUROR NUMBER 069: Yes.

2 MR. COFFEE: If they come in and prove that beyond a
3 reasonable doubt, to your satisfaction, would you convict him
4 of that?

5 PROSPECTIVE JUROR NUMBER 069: I don't think so.

6 MR. COFFEE: Okay.

7 PROSPECTIVE JUROR NUMBER 069: And I'm just -- once
8 again, please, I'm being honest.

9 THE COURT: That's what we want you to do. That's
10 why we're doing this.

11 PROSPECTIVE JUROR NUMBER 069: And I can answer why,
12 if you'd like me to.

13 MR. COFFEE: Yes, please.

14 PROSPECTIVE JUROR NUMBER 069: Because of being a
15 man, of having those emotions felt of the betrayal of it.
16 We're people, so we handle situations differently. And who's
17 to say that I wouldn't? And I couldn't see myself convicting
18 a man of something I might have done myself. And I'm a law-
19 abiding guy. I mean, I got kids, I got a family. I don't
20 know what I would do if that situation came upon me. So I
21 don't think I'm a fair guy to pass judgment on.

22 MR. COFFEE: You bring up an interesting question,
23 because emotional state does matter in these things. Or it
24 might matter. The Judge will tell us about that later. The
25 point being you're saying emotions may come into things and

1 that may cause you to think something different than first
2 degree murder?

3 PROSPECTIVE JUROR NUMBER 069: Exactly.

4 MR. COFFEE: But, again, let's assume the State
5 proves the case, that we don't have one of those reduced
6 emotional states. Follow me?

7 PROSPECTIVE JUROR NUMBER 069: Uh-huh.

8 MR. COFFEE: That we don't have heat of passion,
9 that we have just a case where he plans it and he does it.
10 Plans it. In that case you wouldn't convict on first degree
11 murder?

12 PROSPECTIVE JUROR NUMBER 069: No. Because -- yeah,
13 to me --

14 MR. COFFEE: No more questions. And thank you, sir.

15 THE COURT: Thank you, sir. We appreciate your
16 honesty. I know how hard it is to talk about it. The
17 challenge for cause is granted.

18 Sir, I'm going to excuse you and ask you to go to
19 the third floor. They may have another trial they need you
20 in, although I doubt it at this point in the day. But thank
21 you very much for your honesty. Have a nice day.

22 PROSPECTIVE JUROR NUMBER 069: Okay. I'm really --
23 I'm willing to come to another panel.

24 THE COURT: I know, sir.

25 PROSPECTIVE JUROR NUMBER 069: Totally willing.

1 THE COURT: I understand that. Thank you very much.
2 MR. COFFEE: Thank you, sir.
3 THE COURT: So if we could please now, Ms. Stone.
4 Stay where you are. We're going to hand you the microphone.
5 And, sir, you can go. Thank you very much.
6 PROSPECTIVE JUROR NUMBER 069: Thank you, ma'am.
7 I'm sorry for wasting the Court's time.
8 THE COURT: Oh, you weren't wasting my time. Thank
9 you for your honesty, sir.
10 Ma'am, you indicated that because of a personal
11 situation that you'd had you thought you might have a bias in
12 favor of one side or the other. Can you tell me a little bit
13 more about that.
14 PROSPECTIVE JUROR NUMBER 101: Sure. So I thought
15 it was kind of unfair that right off the bat of hearing the
16 case in my head I already made a decision. And because of my
17 background, I'm a medical student, soon to be a physician, and
18 I took the Hippocratic Oath saying that I believe in
19 prolonging life and I -- I mean, I don't believe in murder in
20 any sort of shape, way, or form. It's just not in my belief
21 system. So I don't think that I'm a fair juror. Just being
22 honest.
23 THE COURT: Okay. Does the State wish to inquire of
24 Ms. Stone?
25 MR. ROGAN: Yes. Thank you, Your Honor.

1 Ms. Stone, I think most people don't believe in
2 murder, whether you're a physician or a store clerk. Isn't
3 that fair to say? So what is your bias, then? I'm a little
4 bit unclear as to that.

5 PROSPECTIVE JUROR NUMBER 101: Well, I think my bias
6 is that I've just -- I've already made a decision without
7 hearing things, which is really unfair. Like if I was the
8 defendant, I would want someone who wasn't already decided
9 before even hearing my case. And I kind of already am.

10 MR. ROGAN: And you made your decision based upon
11 what?

12 PROSPECTIVE JUROR NUMBER 101: Just your partner who
13 spoke of the situation.

14 MR. ROGAN: All right. So is it fair to say that
15 you're biased in favor of the State of Nevada and against the
16 defendant?

17 PROSPECTIVE JUROR NUMBER 101: Yes.

18 MR. ROGAN: And you've already made up your mind
19 that he's guilty of first degree murder?

20 PROSPECTIVE JUROR NUMBER 101: Yes.

21 MR. ROGAN: You don't even -- you don't even know
22 what the elements of first degree murder are right now; right?

23 PROSPECTIVE JUROR NUMBER 101: Yeah. And it's
24 unfair. I'm -- I understand the point that you're getting at.
25 But yes.

1 MR. ROGAN: So is there any possibility that you
2 could wait until you hear all the evidence? I mean, there
3 might be something that comes in that sways your mind. Isn't
4 that fair to say?

5 PROSPECTIVE JUROR NUMBER 101: I think -- I think
6 you want me to say yes, but my answer is still kind of no.

7 MR. ROGAN: Okay. Nothing further, Your Honor.

8 THE COURT: Mr. Coffee?

9 MR. COFFEE: Judge, we would challenge for cause.

10 THE COURT: Challenge for cause granted.

11 Ma'am, thank you again for your honesty. Go down to
12 the third floor. They may have another trial they need you
13 on. Thank you very much.

14 Ms. Ruckle.

15 PROSPECTIVE JUROR NUMBER 102: Yes, ma'am.

16 THE COURT: Because of where you work I'm guessing
17 you think you might have a bias. Tell me a little bit about
18 that.

19 PROSPECTIVE JUROR NUMBER 102: I -- my father in the
20 CID for the Army, so I've heard a lot of stories from him
21 growing up. And then I went into law enforcement as a
22 civilian, and I talk at the officers. And basically in my
23 mind once you get to a certain point -- I know our officers do
24 a lot of hard work before they bring somebody in, so if you've
25 gotten this far, then case closed in my mind.

1 THE COURT: Even though you haven't heard any of the
2 evidence at all?

3 PROSPECTIVE JUROR NUMBER 102: I believe there's
4 murder of some sort. And whether it was, you know,
5 premeditated or anything like that I don't know. But
6 obviously there was a murder, and the police -- and to me it's
7 already closed my mind. It may be a different range of the
8 guiltiness, but there's guilt.

9 THE COURT: All right. Thank you.

10 Would the State like to inquire?

11 MR. ROGAN: That may be all that you're here to
12 decide, though. Do you understand that? You may not be here
13 to decide whether Mr. White did it. You may just be here to
14 decide whether this is a crime or whether it's first degree
15 murder or second degree murder, voluntary manslaughter or
16 involuntary manslaughter. Could you do that after listening
17 to all the evidence?

18 PROSPECTIVE JUROR NUMBER 102: Yeah, I could do
19 that.

20 MR. ROGAN: Okay. All right. But right now you
21 feel as though because the defendant was arrested that he must
22 have committed some crime.

23 PROSPECTIVE JUROR NUMBER 102: Correct.

24 MR. ROGAN: And there's no way to disabuse you of
25 that?

1 PROSPECTIVE JUROR NUMBER 102: Nope.

2 MR. ROGAN: So do you think that police sometimes

3 arrest people who turn out to be -- turn out to be innocent?

4 PROSPECTIVE JUROR NUMBER 102: Oh, yeah. Oh, yeah.

5 MR. ROGAN: Okay. And that could be the situation;

6 right?

7 PROSPECTIVE JUROR NUMBER 102: A 1 percent chance.

8 MR. ROGAN: Right. I mean, it's very few that that

9 actually happens; correct? So this could be that 1 percent

10 chance?

11 PROSPECTIVE JUROR NUMBER 102: It could be.

12 MR. ROGAN: And you have to wait and listen based

13 upon the evidence to determine whether in fact he is guilty or

14 innocent.

15 PROSPECTIVE JUROR NUMBER 102: That's correct.

16 MR. ROGAN: And you could do that?

17 PROSPECTIVE JUROR NUMBER 102: I could do that.

18 MR. ROGAN: All right. Nothing further.

19 THE COURT: Mr. Coffee.

20 MR. COFFEE: -- talk to you about one of the basic

21 precepts, innocent till proven guilty. You heard that.

22 PROSPECTIVE JUROR NUMBER 102: Yeah.

23 MR. COFFEE: We're playing a different game here,

24 though.

25 PROSPECTIVE JUROR NUMBER 102: Right. Right. I

1 know.

2 MR. COFFEE: The game you want to play is guilty
3 unless I can prove that he's innocent.

4 PROSPECTIVE JUROR NUMBER 102: Correct.

5 MR. COFFEE: So all things being out there, the
6 evidence comes to an end, it's kind of wishy-washy, we're not
7 sure, too bad, Mr. White, guilty. Is that kind of the
8 attitude that you've got?

9 PROSPECTIVE JUROR NUMBER 102: Well, with today's
10 technology, DNA and everything, it's kind of hard to -- I know
11 it's possible. Very remote. It's not like the '70s, you
12 know. But --

13 MR. COFFEE: You understand my point, though, which
14 is I'm going to have to prove that he's innocent to you, as
15 opposed to State having to prove it? It kind of shifts the
16 burden a little bit, doesn't it?

17 PROSPECTIVE JUROR NUMBER 102: It does.

18 MR. COFFEE: And if you were sitting in the spot
19 that Mr. White's sitting in, my guess is you probably wouldn't
20 want 12 jurors like yourself sitting on a panel judging you,
21 would you?

22 PROSPECTIVE JUROR NUMBER 102: Darn right. That's
23 why I'm letting you know.

24 MR. COFFEE: Judge, I can go further, if you'd like,
25 but we'd challenge for cause.

1 THE COURT: No. We appreciate your time.
2 Would you like to traverse?
3 MR. ROGAN: Can you be fair and impartial, ma'am?
4 PROSPECTIVE JUROR NUMBER 102: Yes, I can.
5 MR. ROGAN: And you heard Mr. Coffee talk about the
6 burden of proof.
7 PROSPECTIVE JUROR NUMBER 102: Yes.
8 MR. ROGAN: Do you know what that is right now?
9 PROSPECTIVE JUROR NUMBER 102: No, I understand what
10 it is. Right now -- the burden of proof right now is on you
11 guys to show that he did do it.
12 MR. ROGAN: And some people come in and they don't
13 know that, and they expect the defense to put up a case. And
14 that's not what the law says.
15 PROSPECTIVE JUROR NUMBER 102: Right.
16 MR. ROGAN: And you understand that?
17 PROSPECTIVE JUROR NUMBER 102: I understand.
18 MR. ROGAN: So if you're instructed that the burden
19 of proof is the State has to prove its case beyond a
20 reasonable doubt, will you do that?
21 PROSPECTIVE JUROR NUMBER 102: Yes.
22 THE COURT: Anything else?
23 MR. ROGAN: I'm sorry. One more thing, Judge.
24 And if you heard no evidence -- like right now
25 you've heard no evidence, what would your verdict be?

1 PROSPECTIVE JUROR NUMBER 102: With no evidence I
2 would say guilty.

3 MR. ROGAN: Why?

4 PROSPECTIVE JUROR NUMBER 102: Because I have a lot
5 of faith in the law enforcement community. It's not just one
6 person who made that decision to arrest him. Teams of people
7 made the decision to arrest him, and they have -- you know,
8 you don't just go arrest somebody on a whim. You have to have
9 evidence, you have to have information.

10 MR. ROGAN: And that leads to probable cause to
11 arrest; right?

12 PROSPECTIVE JUROR NUMBER 102: Yes.

13 MR. ROGAN: Okay. But right now we're determining
14 whether there's proof beyond a reasonable doubt that he
15 committed the offense. If you heard no evidence of that, what
16 would your verdict have to be now that you know what the
17 burden of proof is?

18 PROSPECTIVE JUROR NUMBER 102: Well, I'd have to say
19 not guilty.

20 MR. ROGAN: Thank you.

21 THE COURT: The challenge for cause I granted.

22 Thank you very much, ma'am, for your honesty. They
23 may have another jury that they need you to serve on.

24 MR. ROGAN: Thank you, Your Honor.

25 THE COURT: All right, guys. We're shooting for

1 1:30. My problem is I'm only going to fill seats back up to
2 12 until my jurors come back from lunch. And the Jury
3 Commissioner told them not to come back till 2:00, which
4 creates an issue for me, but I can start with the -- we can
5 start with the individual questioning. We have 12 spots in a
6 row that'll be -- wait. We have 14 spots in a row that will
7 have jurors sitting in them.

8 MR. COFFEE: Okay.

9 MR. COFFEE: Judge, does the Court do panel method,
10 or do we do individual voir dire?

11 THE COURT: I use a mixed method --

12 MR. COFFEE: Okay.

13 THE COURT: -- which is I'm going to ask a bunch of
14 questions -- well, not a bunch, but I will ask several
15 questions to the group which include the Potter's House issue,
16 the media coverage. I tried to sort of hit the media coverage
17 without asking it directly. But then Kevin has a card he
18 passes to each juror individually to give us a little bit of
19 background information from them. And so they will then tell
20 us a little bit about their education, employment, their
21 spouse and what kind of other stuff they've done, if they've
22 ever served on a jury. And then we may ask some additional
23 followups. I'm going to ask about their involvement with
24 either law enforcement, victims of crime, and things like
25 that, as well.

1 MR. COFFEE: Okay. And then when you turn it over
2 to us we can address the panel and focus down, or --
3 THE COURT: However you feel appropriate.
4 MR. COFFEE: Perfect.
5 MR. ROGAN: This might be a stupid question, but are
6 we qualifying for penalty?
7 THE COURT: There are no stupid questions.
8 MR. ROGAN: Are we qualifying for penalty, or is the
9 Court going to handle that?
10 THE COURT: I think you should.
11 What else?
12 MR. COFFEE: Nothing. I was going to say I think we
13 should.
14 THE COURT: I think you should. I'm not going to do
15 it.
16 Anything else?
17 MR. COFFEE: Thank you, Judge.
18 THE COURT: See you about 1:30, which is a little
19 more than a half hour. Maybe if you're here at 1:40 we'll be
20 okay, but I know the jurors won't all be here on time, because
21 they never are.
22 (Court recessed at 12:50 p.m., until 1:33 p.m.)
23 (Prospective jurors not present)
24 THE COURT: Anything outside the presence while we
25 wait for one missing juror?

1 MR. COFFEE: Not from the defense.
2 MS. MERCER: I'm sorry. What was the question, Your
3 Honor?
4 THE COURT: Anything outside the presence?
5 MS. MERCER: No.
6 THE COURT: Okay.
7 MR. ROGAN: I do have something just for the record.
8 I did run into Mr. Stubbs on the elevator. He started
9 speaking with me. I told him he was a panelist on our jury
10 and it was agreed to pick him. And he -- we stopped talking
11 at that point. But I just wanted to make that record.
12 THE COURT: I was glad he stopped talking to you at
13 that point.
14 MR. ROGAN: Well --
15 THE COURT: Soon as we get him up here with the next
16 group we'll handle that issue.
17 MR. ROGAN: Thank you.
18 (Pause in the proceedings)
19 THE COURT: Kevin, do I have all my people that are
20 left?
21 THE MARSHAL: Yes, Judge.
22 THE COURT: Bring them in and ask them to sit in the
23 chairs they were in before.
24 THE MARSHAL: Yes, Judge.
25 THE COURT: Thank you.

1 (Prospective jurors reconvened at 1:39 p.m.)
2 THE COURT: Counsel, you may be seated.
3 Ladies and gentlemen, thank you for coming back. If
4 I could ask Guy Haney, Badge Number 99, to go sit in Chair
5 Number 1 on the top row, please.
6 And Sarah Ingmanson, Badge Number 105, if you could
7 sit in Chair Number 5 on the top row.
8 Mark Thompson, Badge Number 107, if you could sit in
9 Chair Number 8 on the top row.
10 Robert O'Grady, Badge Number 109, if you could go
11 sit in Seat Number 9 on the top row.
12 Steven Oliai, Badge Number 110, if you could sit
13 Seat Number 10, please.
14 Wilfredo Navarro, if you could sit in Seat Number
15 11, Badge Number 111.
16 And Kevin Lieu, if you could come sit in Seat Number
17 12, which is the end on the second row here.
18 Now, ladies and gentlemen, you will see there are a
19 number of gaps in between you. We are waiting for our next
20 group of jurors to get back from the lunch break the Jury
21 Commissioner sent them on. As soon as they're back I'm going
22 to send you on a break while I do the introductory things that
23 we did with you and then fill in the spaces.
24 In the meantime, Kevin, do you have your microphone?
25 THE MARSHAL: I do, Judge.

1 THE COURT: And do you have your handy card? If you
2 would please hand your card to Mr. Haney.

3 Mr. Haney, you have -- are the guinea pig. This is
4 the easiest way I've found to find out background information
5 from jurors. So you have the microphone. If you could tell
6 us a little bit about yourself using the items on that card as
7 a guide. And if you miss anything, I'll follow up with you.

8 PROSPECTIVE JUROR NUMBER 99: I've lived in Clark
9 County for one and a half years. Before this I lived in
10 Omaha, Nebraska. I have a nursing degree, 20 years of
11 college. I am employed at St. Rose DeLima Hospital. I'm an
12 RN. I'm single. I don't have any children. I've not served
13 as a juror before. And I don't know of any reason why I
14 couldn't be completely fair and impartial.

15 THE COURT: Thank you, sir. If you would pass the
16 microphone to Ms. Means.

17 PROSPECTIVE JUROR NUMBER 063: My name is Debra
18 Means, and I've lived in Clark County for going on eight
19 years. We moved here from West Virginia. I have a -- I'm
20 sorry. I have a degree in cosmetology. At this time I'm not
21 employed. I had -- for 15 years had a wedding video business
22 that I did with my cousin back home. I'm married. I have
23 three children, and two of them live out here with us, and a
24 grandson. And they're both self employed, the ones that live
25 out here. My daughter is a manager at a Kroger. I have not

1 served on a jury before, and I have no reason why I can't be
2 fair or impartial.

3 THE COURT: Ma'am, you said you were married.
4 Before you pass the mike, what does your husband do for a
5 living?

6 PROSPECTIVE JUROR NUMBER 063: At this time he's
7 working for an HOA, but until a couple months ago he was
8 working for Caesars Palace until they did away with their
9 concierge department.

10 THE COURT: Okay. And I'm sorry. You said two of
11 your kids live out here with you and they're self employed.
12 What kind of work do they do?

13 PROSPECTIVE JUROR NUMBER 063: My son does booking
14 for nightclubs and things like that. He had previously worked
15 for a bigger company out here. And my other son is in real
16 estate. And then, like I said, my daughter's a manager at a
17 Kroger's, like a Smith's.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NUMBER 063: But she's not living
20 out here. She's still in West Virginia.

21 THE COURT: And you said you had one grandchild.
22 Does that grandchild still go to school, or do they w?

23 PROSPECTIVE JUROR NUMBER 063: Oh, he's a baby.

24 THE COURT: All righty.

25 PROSPECTIVE JUROR NUMBER 063: Yeah. He just turned

1 one.

2 THE COURT: And you have never served on a jury
3 before?

4 PROSPECTIVE JUROR NUMBER 063: No, ma'am.

5 THE COURT: Thank you. If you would please pass the
6 mike to Mr. Martin.

7 PROSPECTIVE JUROR NUMBER 064: I've lived here 29
8 years. I've just finished high school. I worked at Caesars
9 Palace in Facilities. I am married. My wife watches people's
10 animals while they go on vacation. She's a petsitter. I have
11 three kids. Two of them are still with me. The other one's
12 in the Coast Guard. I have not been selected to be on a jury
13 before. And, no, I don't know any reason why I won't be fair.

14 THE COURT: And you said you had three kids. One
15 was in the Coast Guard. What do the other two do?

16 PROSPECTIVE JUROR NUMBER 064: One of them just goes
17 to school and works part time at a shoe place. And my other
18 daughter works at Supreme Lobster.

19 THE COURT: Okay. Thank you. If you'd pass the
20 mike to Ms. Albietz.

21 PROSPECTIVE JUROR NUMBER 065: I've lived in Clark
22 County for 25 years. I have undergraduate in nursing and a
23 Masters degree in hospital administration. I am the CEO of a
24 hospital here in town, Kindred Hospital. And my late husband
25 was a Metro police officer. And so I'm widowed and not

1 married. I have two adult children. One lives in Scottsdale,
2 going to school at ASU, and sells State Farm Insurance. My
3 other son is also a student. He lives with me at the moment
4 and also goes to ASU aerospace engineering. And, yes, I've
5 served as a juror before several times, and, yes, a verdict
6 was reached, and I was not the foreperson. But I have other
7 criminal legal experience due to a situation with my husband.

8 THE COURT: Okay. Let's set that aside for a minute
9 and let's talk about your prior jury service.

10 PROSPECTIVE JUROR NUMBER 065: Yes.

11 THE COURT: Did you serve on any civil juries?

12 PROSPECTIVE JUROR NUMBER 065: It was criminal.

13 THE COURT: So how many times did you serve on
14 criminal juries?

15 PROSPECTIVE JUROR NUMBER 065: Once.

16 THE COURT: Okay. And would you be able to follow
17 the instructions I give you in this case even though they may
18 be different than the instructions you received in that case?

19 PROSPECTIVE JUROR NUMBER 065: Yes, ma'am.

20 THE COURT: All right. Before you pass the mike
21 tell me a little bit about your exposure to the criminal
22 justice system because of your husband's work.

23 PROSPECTIVE JUROR NUMBER 065: My husband was
24 actually killed by a drunk driver, and it was a long criminal
25 proceedings, and he was convicted of that crime and sent to

1 jail. And I was a witness in that case several times.

2 THE COURT: And did the Clark County District
3 Attorney's Office prosecute that case?

4 PROSPECTIVE JUROR NUMBER 065: Yes, ma'am, they did.

5 THE COURT: And that case was prosecuted here in
6 the Eighth Judicial District Court?

7 PROSPECTIVE JUROR NUMBER 065: Yes, ma'am, it was.

8 THE COURT: All right. We may ask you some more
9 questions about that in a minute. If you'd please pass the
10 mike.

11 And Ms. Ingmanson.

12 PROSPECTIVE JUROR NUMBER 105: Yes. Hi. I've lived
13 in Clark County for nine years. My undergraduate degrees are
14 in quantitative economics and international relations, and my
15 graduate degrees are in business administration and
16 international affairs. I'm currently partially employed. I
17 am a group fitness instructor at LVAC and U.S. Fitness. I was
18 recently laid off from Morgan Stanley. I am divorced. I do
19 not have any adult children. I have two smaller children, so
20 they do not work. One is in high school, and one is 11 months
21 old. I have served as a juror before, but it was in San
22 Francisco, where I lived prior to this. And it was a civil
23 case, and a verdict was reached.

24 THE COURT: Okay. Do you understand -- hold on a
25 second. Do you understand that the burden of proof in a civil

1 case is different than that in a criminal case?

2 PROSPECTIVE JUROR NUMBER 105: I understand that.

3 THE COURT: Will you be able to follow the
4 instructions I give you in this case?

5 PROSPECTIVE JUROR NUMBER 105: Yes.

6 THE COURT: All right. Sorry for interpreting you.
7 If you could keep going.

8 PROSPECTIVE JUROR NUMBER 105: I think that's -- I
9 was not the foreperson. There's nothing in that experience
10 that would affect my ability to sit here as a fair and
11 impartial juror. And I cannot think of any other reason why I
12 couldn't be a completely fair and impartial juror if selected.

13 THE COURT: What'd you do at Morgan Stanley?

14 PROSPECTIVE JUROR NUMBER 105: I was an investment
15 banker specializing in Japan.

16 THE COURT: Okay. Thank you very much. If you
17 could please pass the microphone to Mr. Leavelle.

18 PROSPECTIVE JUROR NUMBER 067: I've lived in Clark
19 County 20-plus years. I was second year CSN for international
20 business. I'm employed with Cornerstone Protection Services.
21 It like a security specialist, personal security, martial
22 arts. I am married. My wife is a respiratory therapist. We
23 have five children. They're home schooled, so they're not
24 adults yet. I've never served as a juror. I don't think --
25 there's not any reason that I couldn't be a completely fair

1 and impartial juror if I was selected.

2 THE COURT: What's your class schedule at CSN?

3 PROSPECTIVE JUROR NUMBER 067: I'm no longer --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NUMBER 067: I'm no longer

6 enrolled. I went up to the second year.

7 THE COURT: So you've finished that part of your

8 schooling?

9 PROSPECTIVE JUROR NUMBER 067: No. I'm going to go

10 back.

11 THE COURT: Oh. You're going to go back.

12 PROSPECTIVE JUROR NUMBER 067: Yes, ma'am.

13 THE COURT: Okay. But you're not going this

14 semester?

15 PROSPECTIVE JUROR NUMBER 067: No, ma'am.

16 THE COURT: All right. Thank you very much, sir.

17 If you could pass the mike.

18 Ms. Luciano.

19 PROSPECTIVE JUROR NUMBER 068: Hi. My name's Diane

20 Luciano. I've lived here my entire life. I was born and

21 raised, live in Henderson. If you want to know how many

22 years, I can tell you, but it's over 40. I just have my high

23 school diploma. I work for the Clark County School District.

24 I'm a senior claims examiner in the property, crime, and

25 liability section. I am divorced with two daughters. One is

1 a sophomore at the University of Arizona in Tucson, the other
2 one is a junior in high school. I have not served as a juror
3 before, and I see no reason why I couldn't be a completely
4 fair and impartial juror.

5 THE COURT: Thank you very much, ma'am. If you
6 could please pass the mike.

7 And you're Mr. Thompson?

8 PROSPECTIVE JUROR NUMBER 107: Yes.

9 THE COURT: Thank you, sir.

10 PROSPECTIVE JUROR NUMBER 107: My name is Mark
11 Thompson. I'm born and raised here. Lived here 43 years.
12 I'm just a high school graduate. I work for Century Link.
13 I've been with them for 21 years. I install phone systems for
14 business, government, Internet. I'm not legally married.
15 I've been domestically partnered for five years in a 14-year
16 relationship. No children. Never served as a juror before. I
17 don't know of any reason why I wouldn't be impartial.

18 THE COURT: And what kind of work does your domestic
19 partner do?

20 PROSPECTIVE JUROR NUMBER 107: He also works at
21 Century Link.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NUMBER 107: He's a warehouse
24 supervisor.

25 THE COURT: All right. Thank you very much, sir.

1 If you'd please pass the mike to Mr. O'Grady.

2 PROSPECTIVE JUROR NUMBER 109: Oh. Robert O'Grady.
3 I've lived here 20 years. I do have a high school degree, one
4 year of college. And, fortunately, I retired two weeks ago,
5 so I'm unemployed. And been married for 42 years, and my
6 other half, she's a sales manager at a furniture store here in
7 town. And I have two adult children. One's in Colorado.
8 That's my son. And then my daughter lives out here with her
9 husband and a grandson. And I've never been on a jury before.
10 And I see no reason to where -- I've got nothing to be
11 impartial about.

12 THE COURT: Sir, what did you do before you retired?

13 PROSPECTIVE JUROR NUMBER 109: I was in the concrete
14 construction field. I was a dispatcher here in the valley for
15 20 years. The last two and a half I've been in California as
16 a batch man and dispatcher. And finally was time to give it
17 up.

18 THE COURT: All right. And then you said you have
19 two adult children who live in town. What do they do?

20 PROSPECTIVE JUROR NUMBER 109: One lives in Denver,
21 Colorado.

22 THE COURT: Oh. Okay.

23 PROSPECTIVE JUROR NUMBER 109: That's the oldest.
24 And my daughter lives here, her and her husband. She works
25 for a tax accounting firm in Henderson, and I hate to say it,

1 he's Metro, and my grandson's just a pain in the butt.

2 THE COURT: And your son who lives in Denver, what
3 kind of work does he do?

4 PROSPECTIVE JUROR NUMBER 109: He's a computer tech,
5 computer geek is what we call him.

6 THE COURT: Okay. Thank you very much, sir. If you
7 could please pass the mike. Thank you, sir.

8 PROSPECTIVE JUROR NUMBER 110: Yeah. I've lived in
9 Clark County for six years. Before that various parts of Los
10 Angeles, Glendora, Pasadena area and the San Fernando Valley,
11 as well. Some college. Never got a degree. Dropped out
12 senior year. Working for a software development company.
13 Been there for 16 years. I'm married. My wife is a cage
14 cashier. No kids. I've never been a juror. And I don't see
15 any reason why I wouldn't be impartial.

16 THE COURT: Before you pass the mike let me ask a
17 couple questions. You mentioned earlier that you had some
18 projects that were being worked on.

19 PROSPECTIVE JUROR NUMBER 110: Right.

20 THE COURT: If you're chosen to sit on the jury how
21 would that impact the work obligations you have?

22 PROSPECTIVE JUROR NUMBER 110: I would be working at
23 night.

24 THE COURT: So you'd have to go in to work and --

25 PROSPECTIVE JUROR NUMBER 110: I work from home.

1 THE COURT: -- work at night even though you were
2 chosen?

3 PROSPECTIVE JUROR NUMBER 110: Yeah. My company is
4 based in Atlanta. My home office is based in Pasadena. And I
5 work from home. So I would be working from my home office at
6 night.

7 THE COURT: So you'd go home, work on the projects
8 that you're trying to get finished until you finish whatever
9 hour that is --

10 PROSPECTIVE JUROR NUMBER 110: Uh-huh.

11 THE COURT: -- get whatever sleep you can, and then
12 come back in to us?

13 PROSPECTIVE JUROR NUMBER 110: That's correct.

14 THE COURT: Okay. Thank you, sir. If you could
15 please pass the mike.

16 PROSPECTIVE JUROR NUMBER 111: I'm Alfredo Navarro,
17 Number 111. I live here for seven years already. But I live
18 in San Francisco for around 25 years. I finish my degree as a
19 engineer, mechanical engineer. I'm retired already. I work
20 for Sheraton Fishermans Wharf for 25 years. I'm married for
21 40 years. My wife is an RN. We got two adult children, and I
22 got two grandson. I serve as a juror twice already in San
23 Francisco. I don't see any reason why I should be unfair, and
24 I think that's it.

25 THE COURT: Let me go back and ask you about your

1 kids. Your two adult kids, what kind of work do they do?
2 PROSPECTIVE JUROR NUMBER 111: My eldest, he lives
3 in San Francisco, and he also is a mechanical engineer and
4 work for Holiday Inn as stationary engineer, like me.
5 THE COURT: Okay. And then your other child?
6 PROSPECTIVE JUROR NUMBER 111: Oh. My other child
7 is here, and he's employed also as a -- what they call this
8 one -- x-ray tech.
9 THE COURT: Okay. And then you sat on a jury in San
10 Francisco two times?
11 PROSPECTIVE JUROR NUMBER 111: Two times already.
12 THE COURT: Did you do any civil cases, or were they
13 all criminal?
14 PROSPECTIVE JUROR NUMBER 111: I think it was
15 criminal, also.
16 THE COURT: Okay. So did you sit on one of each?
17 PROSPECTIVE JUROR NUMBER 111: Yeah.
18 THE COURT: Okay. Will you be able to follow the
19 jury instructions that I give you in this case even if they're
20 different from the instructions you received in San Francisco?
21 PROSPECTIVE JUROR NUMBER 111: I believe I could.
22 THE COURT: Okay. Thank you very much, sir. If you
23 could hand the mike to the marshal.
24 PROSPECTIVE JUROR NUMBER 112: Hi. My name is Kevin
25 Lieu, Badge Number 112. I've lived in Clark County for a

1 little bit over nine years. And before living here I was
2 living in Pasadena, California. I have a degree in nursing.
3 I'm currently working for a neurologist as the nurse, the
4 office manager, the technician, et cetera. And I am not
5 legally married, but I do have a domestic partner for eight
6 years. Don't have any children. And I have never served as a
7 juror before. And I don't see any reason why I couldn't be
8 fair or impartial.

9 THE COURT: And what kind of work does your domestic
10 partner do?

11 PROSPECTIVE JUROR NUMBER 112: Nail technician.

12 THE COURT: Okay. Thank you, sir. If you could
13 possess the mike to Ms. Tawatao. Did I get it close?

14 PROSPECTIVE JUROR NUMBER 075: Yes.

15 THE COURT: All right.

16 PROSPECTIVE JUROR NUMBER 075: My name is Rizza
17 Tawatao. 075. I've lived in Clark County for 19 years. I
18 used to live in San Diego. I am -- I have my Associates
19 degree in nursing. I'm currently at Nevada State College to
20 get my Bachelors degree. I am employed as an RN. I am a NICU
21 nurse. I am married. My husband is also a nurse. I don't
22 have any adult children. I have three children. Two are in
23 school, and a three-year-old. Never served as a juror. And I
24 don't have any reason why I can't be fair or impartial.

25 THE COURT: Okay. Let me ask you a couple

1 questions. You said you're going to Nevada State College to
2 get your Bachelors in nursing?

3 PROSPECTIVE JUROR NUMBER 075: Yes, ma'am.

4 THE COURT: What is your class schedule?

5 PROSPECTIVE JUROR NUMBER 075: I'm currently online,
6 but I am in my last semester, so I do have community service
7 hours that I need to do.

8 THE COURT: So there's not a set time you have to
9 sign in to take the classes?

10 PROSPECTIVE JUROR NUMBER 075: No, ma'am.

11 THE COURT: All right. And the community services
12 hours, when do you have to have those completed?

13 PROSPECTIVE JUROR NUMBER 075: I have to have them
14 completed before I believe the 26th of this month.

15 THE COURT: Okay. And how many more hours do you
16 have to go?

17 PROSPECTIVE JUROR NUMBER 075: I have -- I believe I
18 have three more scheduled dates with the American Lung
19 Association.

20 THE COURT: So are those 8-hour scheduled dates?

21 PROSPECTIVE JUROR NUMBER 075: They're 4 to 6 hours.

22 THE COURT: Okay. So three more sessions --

23 PROSPECTIVE JUROR NUMBER 075: Yes.

24 THE COURT: -- of volunteer service to do. And you
25 mentioned earlier you have a class at your employer that you

1 need to take. What is that class?

2 PROSPECTIVE JUROR NUMBER 075: It's the neonatal
3 resuscitation. I was recently on leave for two months, and
4 when I came back to sign up for the class I found out that
5 they only offer the class once a month now, which happens to
6 fall on April 17th. My other employer doesn't offer it until
7 April 30th, but my primary employer is requiring me to have it
8 done by the 23rd.

9 THE COURT: Okay. And how many hours is that class?

10 PROSPECTIVE JUROR NUMBER 075: It is three hours.
11 It's a recertification for neonatal resuscitation.

12 THE COURT: And when during the day does that class
13 go?

14 PROSPECTIVE JUROR NUMBER 075: It's between -- it's
15 scheduled for 9:00 to 12:00.

16 THE COURT: And which hospital does your husband
17 work at?

18 PROSPECTIVE JUROR NUMBER 075: Valley Hospital.

19 THE COURT: All right. Thank you. If you could
20 please pass the microphone to Mr. Bosshardt.

21 PROSPECTIVE JUROR NUMBER 076: I'm a native Las
22 Vegas. I've lived here 63 years. I went to high school. No
23 college. I'm retired. I worked as an engineer at Caesars
24 Palace, and 20 years as a pipefitter. I am married. My wife
25 works for the School District. She works for the juvenile

1 court system.

2 THE COURT: So is she in the truancy program?

3 PROSPECTIVE JUROR NUMBER 076: Yes.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR NUMBER 076: I have one daughter.
6 She's a schoolteacher, [unintelligible] Downey. I've never
7 served as a juror before. And there's no reason why I would
8 be impartial [inaudible].

9 THE COURT: All right. Thank you very much, sir.

10 And you're Mr. Reid?

11 PROSPECTIVE JUROR NUMBER 081: Yes, sir, I am.

12 THE COURT: All right.

13 PROSPECTIVE JUROR NUMBER 081: I was born and raised
14 in Clark County. I only went through high school. Employed.
15 I'm a UPS driver. I am married. My wife is a homemaker. We
16 have three kids, two are in school, and one stays at home. I
17 have served as a juror one time. A criminal case. Yes, they
18 reached a verdict. I was not the foreperson. And I don't see
19 any reason I wouldn't be fair or impartial.

20 THE COURT: Okay. And is there anything about the
21 instructions that were given in that case that would cause you
22 to believe you couldn't follow the instructions I give you in
23 this case?

24 PROSPECTIVE JUROR NUMBER 081: No.

25 THE COURT: All right. Thank you, sir. If you

1 could please pass the mike to Mr. Hendricks.

2 PROSPECTIVE JUROR NUMBER 082: Yeah. Juror Number
3 82. And just with respect to the Court, I contacted my
4 employer while I was on break, and they don't pay while we
5 serve. I work for Preventative Pest Control.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NUMBER 082: I've lived in Clark
8 County for over 20 years. Undergrad was in accounting. Like
9 I said, I'm employed for a pest control company. I also do
10 marketing for a startup company. I am divorced. I do not
11 have any children. I've never served on a jury before. And
12 there's no reason why I would be -- not be impartial or not be
13 fair if I was selected in the case.

14 THE COURT: Thank you very much, sir.

15 PROSPECTIVE JUROR NUMBER 082: You're welcome.

16 THE COURT: And are you Ms. Bonilla?

17 PROSPECTIVE JUROR NUMBER 084: Yes.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NUMBER 084: Okay. Jury 0084.
20 I've lived here for approximately 10 years. I moved from
21 Vista, Georgia. I have three and a half years in college for
22 business administration. I go online, so I won't miss
23 anything. I am employed. I work for MGM Resorts as a
24 manager. I do have a domestic partner. I have two children
25 that are not in school, they're three and four. And I've

1 never been a juror. I don't see any reason that I won't be
2 fair or impartial.

3 THE COURT: What kind of work does your domestic
4 partner do?

5 PROSPECTIVE JUROR NUMBER 084: He's a bellman.

6 THE COURT: Okay. And what area do you manage for
7 MGM Resorts?

8 PROSPECTIVE JUROR NUMBER 084: I'm housekeeping.

9 THE COURT: Okay. Thank you, ma'am. Can you pass
10 the mike to Mr. Bosnic -- or, I'm sorry. Mr. Rodriguez.
11 Sorry.

12 PROSPECTIVE JUROR NUMBER 087: Juror Number 087.
13 I've lived in Clark County for nine years. Before moving here
14 I lived in California. I have some college under me, three
15 semesters. I am employed. I work at David Wilson's Las Vegas
16 Toyota. I asked them, as well. They don't pay my -- for me
17 being here. I'm not married. I do not have any children, I
18 hope. And I have never served as a juror before.

19 THE COURT: Any reason you couldn't be fair and
20 impartial, sir?

21 PROSPECTIVE JUROR NUMBER 087: No.

22 THE COURT: Okay. You mentioned earlier that it's
23 hard for you to look at evidence, but you listen to it, you
24 hear orally, but not visually.

25 PROSPECTIVE JUROR NUMBER 087: Yes.

1 THE COURT: Can you tell me a little bit about that.
2 PROSPECTIVE JUROR NUMBER 087: I kinda just -- when
3 I hear something I kind of [inaudible]. I'm easily persuaded
4 or indecisive about things, so [inaudible] beneficial to the
5 case or anything like that. [Inaudible].
6 THE COURT: So if we have a bunch of different
7 people come and testify from the witness stand are you going
8 to be able to listen to all of them?
9 PROSPECTIVE JUROR NUMBER 087: Probably not.
10 THE COURT: Okay. Why not?
11 PROSPECTIVE JUROR NUMBER 087: Like I said, I'm
12 really indecisive. I'll probably listen and then I'll this
13 kind of has a good point, this kind of has a good point, and
14 won't be able to like, oh, this is right, this is wrong.
15 THE COURT: Okay. Thank you very much, sir. If
16 you'd hand the microphone to the marshal, please, who will
17 then take it down to Mr. Bosnic.
18 PROSPECTIVE JUROR NUMBER 089: My name is Zoran
19 Bosnic, Badge Number 089. I live in Clark County for 21 year.
20 Before that formerly Yugoslavia, or exactly Bosnia
21 [unintelligible]. I got a college degree, three years over
22 there in Europe. I work now for Monte Carlo for 18 years as a
23 bellman. I'm married, no kids. She works at the Sam's Club
24 maintenance. Never served as a juror. And not any reason to
25 be unfair or impartial.

1 THE COURT: Thank you very much, sir. If you'd
2 please pass the microphone.
3 And Mr. Rodriguez.
4 PROSPECTIVE JUROR NUMBER 090: Yes. My badge number
5 is 090. I live in Clark County for about 13 years. Before
6 that I live in Mexico. I have an Associates degree in
7 automotive technology. I'm an automotive technician at
8 Carmax. There for like three years. I'm marry. And I have a
9 seven-months daughter. And I never serve as a juror before.
10 And I don't have any reason why I could be completely fair and
11 impartial juror if settled in this case.
12 THE COURT: And, sir, are you aware of whether
13 Carmax pays while you're on jury duty?
14 PROSPECTIVE JUROR NUMBER 090: I'm not sure about
15 it, but I'm pretty sure they don't pay for it.
16 THE COURT: Okay. We're going to take a break now,
17 because I have my next group of jurors up here. While we're
18 on our break could you please call your HR department, Mr.
19 Rodriguez, and find out if they pay.
20 PROSPECTIVE JUROR NUMBER 090: Yes, I'll call them.
21 THE COURT: All right. During this recess you're
22 admonished not to talk or converse among yourselves or with
23 anyone else on any subject connected with this trial, or read,
24 watch, or listen to any report of or commentary on the trial
25 or any person connected with this trial by any medium of

1 information, including, without limitation, social media,
2 texts, newspapers, television, the Internet, and radio, or
3 form or express any opinion on any subject connected with the
4 trial until the case is finally submitted to you.

5 John's going to switch with Kevin, so Kevin's going
6 to take you outside for a short break, a restroom break. If
7 you would like to go downstairs and get some coffee, the
8 cafeteria down there is open until 3:00 o'clock. Please come
9 right back up, because Kevin's going to have you sit in the
10 courtroom next door so that you're in a more comfortable
11 location than the hallway. So we'll see you in a little bit.

12 (Prospective jurors recessed at 2:12 p.m.)

13 (Pause in the proceedings)

14 THE COURT: Do you want me to let Mr. Stubbs know
15 he's excused as soon as we've taken roll?

16 MR. ROGAN: Yes, please.

17 THE COURT: All right.

18 (Pause in the proceedings)

19 (Second batch of prospective jurors is present)

20 THE COURT: Counsel, you can be seated.

21 We are waiting on one more, Kevin. So when they
22 come in just stick them at the end there.

23 Good afternoon, ladies and gentlemen. First I want
24 to apologize for the delay in getting to you. And for those
25 of you sitting in the really uncomfortable chairs I apologize

1 for the condition of my courtroom. I have been unable to get
2 it put back together after CityCenter. They were able to rip
3 it apart to try that case, but they can't get it back
4 together. So I apologize.

5 My name is Elizabeth Gonzalez, and I am the
6 presiding judge here in Department 11 of the Eighth Judicial
7 District Court.

8 This is the time set for the trial of Case Number
9 C-286357, State of Nevada versus Troy Richard White. The
10 record will reflect the presence of the defendant, his
11 counsel, counsel for the State, and all officers of the court.

12 Are the parties ready to proceed?

13 MS. MERCER: Yes, Your Honor.

14 MR. COFFEE: Court's indulgence.

15 THE COURT: Yes.

16 MR. COFFEE: Just a logistical accommodation.

17 THE COURT: It's okay.

18 (Pause in the proceedings)

19 MR. COFFEE: Ready to proceed, Judge.

20 THE COURT: Are the parties ready to proceed?

21 MR. COFFEE: Yes.

22 MS. MERCER: Yes, Your Honor.

23 THE COURT: Thank you.

24 Ladies and gentlemen, let me take this opportunity
25 to introduce the court staff with whom you may be coming into

1 contact. To my far left is Jill Hawkins. She is the court
2 recorder. She takes down everything that occurs on an audio-
3 video digital recording system. For that reason it is very
4 important that if you need to answer a question that you give
5 me the last three digits of your badge number, as well as your
6 name. That way if she ever has to make a transcription of
7 what actually happened in the courtroom she will be able to
8 properly identify the individual speaking.

9 To my near left is Dulce Romea. She is the court
10 clerk. She swears the witnesses, marks exhibits, keeps track
11 of the evidence, and prepares the official record of the
12 court.

13 Kevin Eckhardt is the marshal, and John is our
14 marshal from next door. They are the individuals with whom
15 you will be having the most contact during this trial.

16 On behalf of the State could you please introduce
17 yourself, your co-counsel, make a brief statement of the
18 nature of the case, and state the names of the witnesses you
19 anticipate will be called.

20 MS. MERCER: Yes. Thank you, Your Honor.

21 Good afternoon, ladies and gentlemen. My name is
22 Chief Deputy District Attorney Liz Mercer. My co-counsel is
23 Chief Deputy District Attorney Jeff Rogan. We represent the
24 State of Nevada in State of Nevada versus Troy White.

25 The crimes alleged in this case occurred at 325

1 Altimira. That is in a neighborhood off of Alta between
2 Buffalo and Rainbow.

3 The specific allegations in this case are that on
4 July 27th of 2012 the defendant, Troy White, went to the home
5 of -- well, it was the family home at some point. But he and
6 his wife were separated. The wife was in the home on the date
7 of the offense with the five children and her new boyfriend.

8 On July 27th, 2012, he's alleged to have gone to the
9 home and shot and killed Echo White. And for that he is
10 charged with murder with use of a deadly weapon.

11 In addition, he shot Joseph Averman, and for that
12 crime he's charged with attempt murder with use of a deadly
13 weapon.

14 Both of those crimes were committed in front of the
15 five children that were in the home at the time of the
16 offenses, and for those facts he is charged with child abuse
17 and neglect or endangerment as to each of the children.

18 In addition, he was in possession of a concealed
19 firearm just before this offense and when he entered the home.
20 For that he is charged with carrying a concealed weapon.

21 The witnesses that the State may call, you're not
22 likely to hear from all of these people, but please listen
23 closely to their names to see if you recognize any of them.
24 Joseph Averman; Jayce White; Jodey White; Robert Wilson; Wanda
25 Wilson; Amber Gaines; Mike Gaines; Fernando Diaz; Shayna

1 Break, she's with the Yavapai County Sheriff's Office in
2 Prescott, Arizona; James Jaeger, he's also with the Yavapai
3 County Sheriff's Office; Herman Allen; Michael Montalto;
4 Bradley Marshall; Clyde Bentley, also with the Yavapai County
5 Sheriff's Office; Lieutenant Bolt, also with that office.

6 The local law enforcement witnesses that you may
7 hear from are with the Las Vegas Metropolitan Police
8 Department and include Homicide Detective Travis Ivey; Patrol
9 Officer David Herwitz; Patrol Officer Darren Martine; Patrol
10 Officer Matthew O'Brien; Patrol Officer Michael Tortuously;
11 Sergeant John Scott, who at the time of this offense was on
12 the Homicide Unit, as well; Chris O'Brien, who was at the time
13 assigned to the Homicide Unit as detective, but is now a
14 sergeant; Detective Matthew Gillis; and Detective Tate
15 Sanborn. Both of them are with the Homicide Unit, as well.

16 In addition, you may hear from several crime scene
17 analysts employed by the Las Vegas Metropolitan Police
18 Department. Their names include Terry Martin, Louise Renhart,
19 Jeffrey Scott, Danielle -- and I'm going to spell her last
20 name, because I have a really difficult time pronouncing it,
21 and it's C-A-R-V-O-U-N-I-A-R-I-S, Tracy Kruze, formerly Tracy
22 Brown, Jennifer Riner, Moretta McIntire, and Jay Smith.

23 You may also hear from some people who are employed
24 with the Forensics Lab at Metro, and they include Julie
25 Marchiner, who is a DNA analyst; Ana Lester, formerly Ana

1 Sago, she is a firearms examiner; Marnie Carter, she is in
2 Latent Print Detail; and Brad Burghius, who was at the time a
3 computer forensics person, he analyzed cell phones, computers,
4 things of that nature. He's now assigned to the airport.

5 Last you will hear from Dr. Lisa Gavin. She is with
6 the Clark County Medical -- Clark County Coroner's Office, and
7 she's employed as a medical examiner.

8 THE COURT: Thank you.

9 On behalf of the defense please introduce yourself,
10 your co-counsel, your client, make a brief statement of the
11 case, and identify any additional witnesses you intend to
12 call.

13 MR. COFFEE: Thank you, Judge.

14 Good afternoon, ladies and gentlemen. This is Troy
15 White. My co-counsel is David Lopez-Negrete, and I am Scott
16 Coffee.

17 You've heard a bit about what the State expects to
18 present. We expect this is going to be a case where you're
19 going to see that Mr. White was a dedicated family man,
20 somebody willing to do anything he could to save his family,
21 that his wife had taken up with one of his best friends, and
22 eventually his emotions got the better of him. It's not a
23 case of murder. We're going to be arguing this is a case of
24 heat of passion.

25 We've got some witnesses we're going to call. Mr.

1 Negrete's going to read those in just a moment. The State
2 gave you a list of witnesses --

3 PROSPECTIVE JUROR NUMBER 122: Argue that it's a
4 case of what?

5 MR. COFFEE: The heat of passion.

6 PROSPECTIVE JUROR NUMBER 122: Oh.

7 MR. COFFEE: Heat of passion.

8 PROSPECTIVE JUROR NUMBER 122: Thank you.

9 MR. COFFEE: Yes.

10 Mr. Negrete's going to read those. In addition to
11 anything that he reads we might call some of the witnesses
12 that the State listed, and we're going to ask those witnesses
13 questions. I'm going to let Mr. Negrete read the additional
14 witnesses now.

15 MR. LOPEZ-NEGRETE: Thank you.

16 Sam Bakke, Rachel Brooks, Dena Cabral, John Dumas,
17 Pete Gullo, Melissa Henderson, Tim Henderson, Dorothy Long,
18 Joanna Rens, Cory Robinson, Misty Todd, and Terry Todd.

19 THE COURT: Thank you.

20 Ladies and gentlemen, the clerk is now going to call
21 the roll of the panel of prospective jurors. When your name
22 is called if you will please answer "present" or "here." And
23 I apologize in advance if we mispronounce your name. Please
24 feel free to correct us.

25 (Prospective juror roll called)

1 THE COURT: Any of my prospective jurors, did we not
2 call your name? And your name is, Miss?

3 PROSPECTIVE JUROR NUMBER 126: Jesenia Coomer.

4 THE COURT: And you're Badge Number 126?

5 PROSPECTIVE JUROR NUMBER 126: 126.

6 THE COURT: Thank you.

7 Would you all please rise and raise your right hand.

8 (Prospective jury panel sworn)

9 THE COURT: Thank you. You may be seated.

10 Ladies and gentlemen, we are about to commence the
11 jury selection process. During this process you will be asked
12 questions bearing upon your ability to sit as a fair and
13 impartial juror in this particular case. To accomplish this I
14 will ask you some questions and counsel for both parties will
15 have the opportunity to ask you questions. On occasion some
16 of the questions may seem somewhat personal. I will tell you
17 they're not intended to embarrass you. They are simply to
18 insure that the jury that's actually selected in this case is
19 one that can serve fairly and impartially. If for any reason
20 you believe that the answer to a particular question needs to
21 be given in private, please let me know, and we will try and
22 accommodate your request.

23 It important you know the significance of full,
24 complete, and honest answers to all the questions we are about
25 to ask you. Please do not try to hide or withhold anything

1 which might indicate bias or prejudice of any sort. If you
2 fail to answer truthfully or if you hide or withhold anything
3 touching upon your qualifications, that fact may tend to
4 contaminate your verdict.

5 I'm going to conduct a general examination of all of
6 you, and then I'm going to combine you with my group of jurors
7 who we've been talking to since this morning.

8 At some point during the process of selecting a jury
9 the attorneys will have the right to ask that a particular
10 person not serve as a juror. This process is called a
11 challenge. Please do not be upset if you are excused by one
12 of the challenge processes. It is simply part of our system
13 to insure that everyone is confident that the jury that is
14 actually seated in this case is one who can serve fairly and
15 impartially.

16 Remember, if you wish to respond to a question, it's
17 important you give me the last three digits of your badge
18 number. If you forget, I will try and remind you.

19 First, has anyone in my group of jurors been
20 convicted of a felony?

21 Seeing no hands, I have a universally negative
22 response.

23 Is anyone in my group of jurors not a United States
24 citizen?

25 Seeing no hands, I have a universally negative

1 response.

2 Is there anyone who has such a sympathy, prejudice,
3 or bias relating to age, religion, race, gender, sexual
4 orientation, or national origin that feels it would affect
5 their ability to be fair and impartial?

6 Seeing no hands, I have a universally negative
7 response.

8 Are any of you acquainted the defendant or his
9 attorneys?

10 Mr. Stubbs.

11 PROSPECTIVE JUROR NUMBER 171: Yes, Your Honor.

12 THE COURT: Good morning -- or good afternoon. I
13 take it you probably know most of the attorneys in the room.

14 PROSPECTIVE JUROR NUMBER 171: I know two of the
15 attorneys in the room.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR NUMBER 171: Oh. Excuse me. 171,
18 Stephen Stubbs.

19 THE COURT: Thank you.

20 Anyone else besides Mr. Stubbs recognize any of the
21 attorneys for the defendant?

22 Anyone besides Mr. Stubbs recognize the Deputy
23 District Attorneys?

24 Are any of you acquainted with any of the witnesses
25 whose names were read by any of the attorneys?

1 Seeing no hands, I have a universally negative
2 response.

3 This case is expected to last eight days, and we
4 will be finished on Friday, April 17th, 2015. Would serving
5 that period of time represent an undue hardship upon any of
6 you?

7 And as the marshal is walking up to the top row, Mr.
8 Stubbs, based upon my communications with the attorneys, we're
9 going to go ahead and excuse you given your contact with the
10 District Attorneys previously. Thank you very much for
11 coming. We appreciate your time. Go process out on the third
12 floor.

13 PROSPECTIVE JUROR NUMBER 115: Fagnoli, Kathleen.

14 THE COURT: Okay, ma'am. Tell me how this would be
15 a hardship for you.

16 PROSPECTIVE JUROR NUMBER 115: I have airline
17 tickets to leave on Wednesday for a wedding in New York on
18 Friday.

19 THE COURT: Wednesday as in a couple days from now?

20 PROSPECTIVE JUROR NUMBER 115: Yes.

21 THE COURT: Okay. Thank you, ma'am.

22 PROSPECTIVE JUROR NUMBER 116: 116, Thompson. I'm a
23 contract recruiter in the midst of two significant searches,
24 one of which has an important deadline this week, and one has
25 an important deadline next week. I don't get paid if I don't

1 do the work.

2 THE COURT: What's a contract recruiter, ma'am?

3 PROSPECTIVE JUROR NUMBER 116: I work for a retained
4 search firm, and I'm only paid for work that I actually
5 execute on searches. So, for example, the search that I'm
6 doing is a chief human resource officer search for a company
7 in Connecticut, and then I have a CEO search for a company in
8 Georgia.

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

10 PROSPECTIVE JUROR NUMBER 123: Hi. 123,
11 Johannessen. And I home school my son, so eight days would
12 delay his curriculum significantly.

13 THE COURT: And how old is your son?

14 PROSPECTIVE JUROR NUMBER 123: He's 15.

15 THE COURT: Thank you, ma'am.

16 PROSPECTIVE JUROR NUMBER 124: 124, Donald Ball. My
17 wife's handicapped, and I do a lot of the work around the
18 house and make sure she gets where she needs to go.

19 THE COURT: And if you're not there, somebody isn't
20 there to do it as a backup?

21 PROSPECTIVE JUROR NUMBER 124: No. It's just my
22 wife and myself. All the kids are gone, so --

23 THE COURT: All right. Thank you, sir.

24 PROSPECTIVE JUROR NUMBER 128: 128, Justl. I have a
25 blood disorder that I require infusions from time to time. It

1 may not require one within this period of time. I'm supposed
2 to have a blood draw tomorrow, so I'm not sure.

3 THE COURT: What time is your blood draw tomorrow?

4 PROSPECTIVE JUROR NUMBER 128: 10:30.

5 THE COURT: Okay. Thank you, sir.

6 PROSPECTIVE JUROR NUMBER 130: Number 130. My name
7 is Payam Hamzahi. You know, English is my second language.
8 Maybe I'm not understanding real some parts. And it's not
9 going to be fair for --

10 THE COURT: How long have you lived in the U.S.,
11 sir?

12 PROSPECTIVE JUROR NUMBER 130: Ten years.

13 THE COURT: Okay. And what kind of work do you do?

14 PROSPECTIVE JUROR NUMBER 130: I have my own shop.
15 I'm the owner business [unintelligible].

16 THE COURT: What kind of business do you do?

17 PROSPECTIVE JUROR NUMBER 130: Smokeshop. Cactuses
18 Smoke Shop.

19 THE COURT: Okay. Thank you, sir.

20 PROSPECTIVE JUROR NUMBER 132: Ricky Gulati, Number
21 132. I'm a pharmaceutical consultant. I cover Las Vegas and
22 L.A., and half my territory is in that area, so I frequently
23 fly into that area. So I don't know if that qualifies, but
24 just wanted to disclose that.

25 THE COURT: Okay. And who's your employer, sir?

1 PROSPECTIVE JUROR NUMBER 132: Allergan.
2 THE COURT: Okay. Thank you, sir.
3 PROSPECTIVE JUROR NUMBER 144: 144, Hausey. I'm not
4 sure if it's a hardship, but I am a Clark County Child
5 Protective Services investigator. I have a high caseload of
6 cases that I have to investigate each day, and it would
7 probably be very hard for me to be here for eight days with
8 the cases I already have, investigating.
9 THE COURT: Thanks, ma'am.
10 Anybody else in that second row?
11 PROSPECTIVE JUROR NUMBER 143: Leah Dowd-Hayne.
12 143. I'm a single mom, and I have a one-year-old and two-
13 year-old daughter and son, and it'd be hard for me to get a
14 babysitter.
15 THE COURT: Do you work outside the home, ma'am?
16 PROSPECTIVE JUROR NUMBER 143: No.
17 THE COURT: Okay. Thank you.
18 PROSPECTIVE JUROR NUMBER 141: Nadia Williams, 141.
19 I'm not a hundred percent positive, but I have 100 percent
20 custody of my nine-year-old daughter, and I have to drop her
21 off and pick her up from school and daycare. The hours are a
22 long stretch of time, but I don't know what times you would
23 need us, so I don't know what that would be.
24 THE COURT: We're here between 10:00 and 5:00 with a
25 break at lunch. So would that give you time to do your child

1 pickup issues?

2 PROSPECTIVE JUROR NUMBER 141: No, that wouldn't
3 interfere with that.

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

5 PROSPECTIVE JUROR NUMBER 134: My name's Jeannette
6 Vettiger. My number is 134. And I work on a commission basis
7 doing nails, and I don't get paid if I'm not working and doing
8 clients.

9 THE COURT: Thank you, ma'am.

10 PROSPECTIVE JUROR NUMBER 148: 148, Donald Sobieray.
11 I own my own business, and it's a parking lot sweeping
12 service.

13 THE COURT: So how many employees do you have, sir?

14 PROSPECTIVE JUROR NUMBER 148: None.

15 THE COURT: So you do all the work and contracting
16 yourself?

17 PROSPECTIVE JUROR NUMBER 148: Yes.

18 THE COURT: Okay. And what hours do you usually do
19 the sweeping at the parking lots?

20 PROSPECTIVE JUROR NUMBER 148: All evening.

21 THE COURT: So they're mostly evenings. And if you
22 were chosen on the jury, would you have to do that work in the
23 evenings even though you were here serving during the day?

24 PROSPECTIVE JUROR NUMBER 148: Yes. Because the
25 parking -- I can only be there when parking lots are empty.

1 THE COURT: All right. Thank you, sir.

2 PROSPECTIVE JUROR NUMBER 149: 149, Gary Paulsen.
3 I'm the only one in our family who drives. My wife has
4 asthma. She's off today and tomorrow, but her 94-year-old
5 father lives with us, and her 31-year-old son lives with us,
6 and he's autistic. And if she goes -- I take her to work and
7 pick her up. And if she's at work, we can't just leave her
8 94-year-old father with the autistic son, because he kind of
9 goes in and out. And so I kind of take care of both of them.
10 I do the cooking and the cleaning and the washing and
11 everything.

12 THE COURT: Thank you, sir.

13 PROSPECTIVE JUROR NUMBER 151: Venera Burchivan,
14 151. I have two very important medical appointments. One of
15 them is a surgeon I have to see. And I also have an important
16 physical therapy, three therapies in one week. So it would be
17 a really hardship for me.

18 THE COURT: When is your appointment with the
19 surgeon?

20 PROSPECTIVE JUROR NUMBER 151: It's this Wednesday.

21 THE COURT: At what time?

22 PROSPECTIVE JUROR NUMBER 151: It's at 11:00 a.m.

23 THE COURT: Okay. And then when are the physical
24 therapy appointments?

25 PROSPECTIVE JUROR NUMBER 151: They're different

1 days, Thursday, Friday, and then it is a Monday.

2 THE COURT: Okay. And what time are those?

3 PROSPECTIVE JUROR NUMBER 151: 2:30 on Thursday,

4 11:00 a.m. on Friday, and 4:30 p.m. on the Monday.

5 THE COURT: Thank you, ma'am.

6 PROSPECTIVE JUROR NUMBER 158: Badge 158, Graham

7 Mooy. I'm an emergency medicine physician at a few local

8 hospitals here, and it'd be difficult to find coverage for our

9 group to provide services on those days.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NUMBER 157: 157, Henry Ng. I'm a

12 single dad on call on various workplaces, so my call time

13 would be different hours to try and get a shift every day.

14 THE COURT: What kind of work do you do, sir?

15 PROSPECTIVE JUROR NUMBER 157: I'm a banquet server.

16 THE COURT: And is that through the union? Through

17 the union, sir?

18 PROSPECTIVE JUROR NUMBER 157: Some are union, some

19 un-union.

20 THE COURT: Okay. And you don't get paid unless you

21 show up for the call that you've received?

22 PROSPECTIVE JUROR NUMBER 157: Yes, ma'am.

23 THE COURT: All right. Thank you.

24 PROSPECTIVE JUROR NUMBER 153: 153, Tomiko Madoff.

25 I'm a freelance worker, and I basically book different

1 individual jobs, and I have five bookings next week and one
2 this Friday at 10:00 o'clock in the morning. And without -- I
3 get paid that way. I don't have a regular job.

4 THE COURT: Okay. What -- tell me -- sort of like
5 the lady I asked before. I don't understand your job.

6 PROSPECTIVE JUROR NUMBER 153: Oh. I'm an actress.
7 So I work with individual different photographers and
8 videographers, and I work on commercials. So they're all like
9 individual jobs like that.

10 THE COURT: And when do you have appointments
11 scheduled this week?

12 PROSPECTIVE JUROR NUMBER 153: This week it's Friday
13 from 10:00 a.m. to 4:00 p.m., and then next week I have a gig
14 Monday through Friday.

15 THE COURT: And what time are those?

16 PROSPECTIVE JUROR NUMBER 153: It depends on call
17 times. So they usually let me know the night before, so it
18 could be in the morning -- it's so random when you work on a
19 set.

20 THE COURT: Okay. And those are to shoot
21 commercials?

22 PROSPECTIVE JUROR NUMBER 153: Yes.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR NUMBER 159: Badge 159, Dan
25 Curtis. I'm a practicing radiation oncologist with Las Vegas

1 Cyberknife and Comprehensive Cancer Centers of Nevada. I'm
2 the only doctor in the office. I'm in the middle of planning
3 cancer patients, coordinating with chemotherapy. I've got
4 physicians I had to pull in today to cover me, and I had to
5 pull them away from other practices to be here today. And
6 there's -- not too many of us have the skill to do what I do,
7 especially with the cyberknife, and it would be a burden for
8 my patients basically.

9 THE COURT: So if you were serving here, you would
10 have to cancel the appointments for your patients that are
11 scheduled?

12 PROSPECTIVE JUROR NUMBER 159: It would be very,
13 very difficult. I'd have to pull other doctors away from
14 their patients. So it would be probably cancelling quite a
15 few of them.

16 THE COURT: All right. Thank you, sir.

17 PROSPECTIVE JUROR NUMBER 160: Badge Number 160,
18 Jazmine. I'm a school speech therapist, and it's not the end
19 of the school year, and there's no one to sub for me.

20 THE COURT: So you give speech therapy to students
21 in the Clark County School District?

22 PROSPECTIVE JUROR NUMBER 160: Nye County School
23 District.

24 THE COURT: Nye County?

25 PROSPECTIVE JUROR NUMBER 160: Yes.

1 THE COURT: Okay. Thank you.

2 PROSPECTIVE JUROR NUMBER 166: Gene Castroverde,
3 166. I'm a sole provider for the home. I have two kids. My
4 wife is a stay-at-home mom, and I'm an on-call server and I
5 work on tips, and that's my majority of my income. And
6 missing those -- majority of those days will definitely be a
7 hardship.

8 THE COURT: Thank you, sir.

9 PROSPECTIVE JUROR NUMBER 167: Juror Number 167,
10 Jamie Richardson. I'm the president of a small software
11 company located here in Las Vegas, and we have a big software
12 launch coming up in a week and a half, and we have 125,000
13 lines of code to debug, and I'm integral in that process.
14 Every day of delay is ten to \$20,000 for my company. And I'm
15 also the witness and a victim in a current felony case in the
16 Eighth District.

17 THE COURT: Okay. And are you working with the
18 D.A.'s Office, sir?

19 PROSPECTIVE JUROR NUMBER 167: I assume so. I've
20 been contacted. I have witness paperwork in my pocket right
21 now. I don't know what Assistant D.A.s have been assigned to
22 it.

23 THE COURT: Could you hand the paperwork to the
24 marshal, please. Thanks. And if you could pass the mike down
25 to the next person.

1 PROSPECTIVE JUROR NUMBER 170: Yvette Conte, 170. I
2 have two daughters. Just making arrangements for them -- they
3 go to two different schools, so dropping off and picking up is
4 -- would be kind of tricky for eight days. I had to make
5 arrangements with a friend and my mom. So eight days of this,
6 I don't know.

7 THE COURT: What time are the pickup times?

8 PROSPECTIVE JUROR NUMBER 170: 8:30, 9:30, and then
9 12:30 and 3:30.

10 THE COURT: So you have like a kindergartner and an
11 elementary student.

12 PROSPECTIVE JUROR NUMBER 170: A preschooler and a
13 first grader. Two schools.

14 THE COURT: Thank you, ma'am.

15 PROSPECTIVE JUROR NUMBER 175: 175, Gloria Larin. I
16 am a retail store manager, and with the late notice I
17 unfortunately can't get my shifts covered, and I staff 22
18 employees. So my presence is required 45 hours a week, so I
19 cannot get my shifts covered.

20 THE COURT: Who do you work for, ma'am?

21 PROSPECTIVE JUROR NUMBER 175: I work for Aldo
22 Shoes.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR NUMBER 126: Badge Number 126,
25 Jesenia Coomer. I have two small children, and my husband is

1 the sole provider. He is on commission only, and he actually
2 had to take the day off today. If he takes any more days off,
3 he doesn't get paid for anything that he doesn't work. I also
4 have a -- I'm a high-risk -- I'm pregnant, and it's a high-
5 risk pregnancy, and my prenatal is actually only available
6 certain days of the month. My appointment's actually coming
7 up next Tuesday. And if I miss it, I probably would have to
8 skip any time to see him again. And I'm seeing him every four
9 weeks.

10 THE COURT: Okay. And what time is the appointment
11 next Tuesday?

12 PROSPECTIVE JUROR NUMBER 126: It's at I believe
13 1:30.

14 THE COURT: Thank you, ma'am.

15 Other than the discussions I've currently had with
16 everyone, is there any other reason that anyone feels they
17 would be unable to serve on this case?

18 PROSPECTIVE JUROR NUMBER 134: Jeannette Vettiger,
19 Badge Number 134. My mom just recently passed away, and I
20 don't know if I would be a good clear head for some -- a case
21 like this.

22 THE COURT: So are you distracted because of that
23 tragedy?

24 PROSPECTIVE JUROR NUMBER 134: Yes.

25 THE COURT: All right. So it wouldn't be easy for

1 you to concentrate?

2 PROSPECTIVE JUROR NUMBER 134: Yes.

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

4 PROSPECTIVE JUROR NUMBER 149: 149, Gary Paulsen. I

5 have one more thing. My grandson was just convicted in a

6 murder case about three or four months ago, and he's in prison

7 now. So that would make this very hard on me.

8 THE COURT: And was that here in Clark County, sir?

9 PROSPECTIVE JUROR NUMBER 149: Yes.

10 THE COURT: Okay. And did this District Attorney's

11 Office prosecute your grandson?

12 PROSPECTIVE JUROR NUMBER 149: Yes.

13 THE COURT: Okay. We may ask you some more

14 questions about that in a little bit.

15 Any more things that anybody wants to tell me about

16 issues that you may have with being able to serve as a juror?

17 All right. My job as a judge in a case is to

18 provide you with the instructions on the law if you are

19 selected as a juror. Does anyone believe you would not

20 believe you would not be able to follow the instructions as I

21 give them to you?

22 Seeing no hands, I have a universally negative

23 response.

24 If you're chosen as a juror, your job is, along with

25 the other jurors, to listen to the witnesses who testify from

1 the witness stand, then look at the exhibits that are admitted
2 into evidence, and then as a group make a decision about what
3 actually happened. Does anyone believe they would have a
4 problem acting as a fact finder if you're chosen as a juror?

5 Seeing no hands, I have a universally negative
6 response.

7 Under our system certain principles of law apply in
8 every criminal case. They are that the information filed in
9 this case is a mere accusation and is not evidence of guilt,
10 the defendant is presumed innocent, and the State must prove
11 the defendant guilty beyond a reasonable doubt. Does anyone
12 not believe in those basic precepts of our system?

13 Seeing no hands, I have a universally negative
14 response.

15 Can all of you wait in forming an opinion about the
16 guilt of the defendant until after you've heard all the
17 evidence if you are chosen as jurors?

18 Seeing no hands, I have a universally positive
19 response.

20 Does anyone know anything about this case other than
21 what you've heard in the courtroom today? And if you do, just
22 give me your number.

23 I have a universally negative response.

24 Counsel, can you approach the bench.

25 Ladies and gentlemen, you're going to hear some

1 white noise. The reason we do it this way is it takes me
2 about 10 minutes to talk to the attorneys, and if I send you
3 out and then bring you back in, it takes me a half hour. So
4 give me a few minutes.

5 (Bench conference)

6 THE COURT: Well, we're on a roll, guys. Okay. I
7 don't -- this is the letter from the guy who says he's a
8 witness. It looks like your letterhead.

9 MR. ROGAN: Could be anybody's. It's not mine,
10 that's for sure.

11 THE COURT: So let's go. Number 115 is a travel
12 issue. I'm going to excuse her. 123 is childcare, 124 is a
13 care, 126 is a care, 128 is a medical issue, 134 is financial,
14 143 is childcare, 149 is care, 151 is medical, 157's
15 financial, 158 and 159 are both physicians, they have patient
16 needs, 166 is financial, 170 is a childcare issue, and that
17 was the end, unless you guys want to talk about this.

18 MS. MERCER: Did you say 128? I'm sorry, Your
19 Honor.

20 MR. ROGAN: Yeah. He's --

21 THE COURT: I'm sorry I go so fast. I did say 128.
22 I said that was a medical issue, he has a doctor's appointment
23 tomorrow morning at 11:00.

24 MR. COFFEE: Which -- this is -- I think we --

25 THE COURT: This is the person I wrote a W by, 169.

1 MS. MERCER: Jamie?
2 MR. COFFEE: I've got no objection.
3 MR. ROGAN: I think he should go...lose ten, \$20,000
4 a day.
5 THE COURT: Okay.
6 MR. COFFEE: Yeah.
7 MS. MERCER: It's 167?
8 THE COURT: I've put him down as financial. Who's
9 169 -- or no --
10 MR. ROGAN: That was 167.
11 THE COURT: 167. Anybody else that you guys --
12 MR. COFFEE: Court's indulgence for just a second.
13 THE COURT: Like how I got rid of Mr. Stubbs?
14 Didn't even let him talk. Just threw him out of here.
15 MR. ROGAN: Mr. Hamzehi, 130. I don't know whether
16 he's being honest about his level of English, but it's --
17 MS. MERCER: And owns a business.
18 MR. ROGAN: Yeah.
19 MR. COFFEE: But it's a smokeshop, so who knows?
20 MS. MERCER: Well, that's true.
21 THE COURT: Yeah. I'll let you guys ask some more
22 questions.
23 MR. ROGAN: And 132 I wasn't quite sure if he was
24 indicating he that has to travel or --
25 MS. MERCER: Yeah, I wasn't sure, either.

1 THE COURT: He didn't say he had to.
2 MR. ROGAN: Yeah. Just that he --
3 THE COURT: He does.
4 MR. ROGAN: Yeah. I'll ask him about that.
5 MR. COFFEE: I'm a little sympathetic to 160, also,
6 which is the speech therapist. If they were here in Clark, I
7 wouldn't be so sympathetic. But being in Nye County I can't
8 imagine --
9 THE COURT: No. They don't have any extras in Nye
10 County.
11 MR. COFFEE: My guess is they probably only have one
12 or two, and --
13 MR. ROGAN: I'm sorry?
14 THE COURT: 160, the Nye County speech therapist.
15 MR. ROGAN: Yeah. I have no problem with that.
16 MS. MERCER: That's fine.
17 MR. COFFEE: Like I said, if it was Clark --
18 THE COURT: Well, Clark has extras, despite what
19 they always say. And I'm not excusing the lady from Child
20 Services, PCS.
21 MR. COFFEE: No. I didn't ask.
22 MR. ROGAN: If you could just check the last two.
23 MR. COFFEE: Okay.
24 THE COURT: Is that okay?
25 MR. COFFEE: Yeah. You want the numbers again?

1 MS. MERCER: I think we -- I think we got them. If
2 not, I'll mark them off as we go.

3 THE COURT: Okay. I'll try and go slow as I give
4 their names.

5 (End of bench conference)

6 THE COURT: All right. Ladies and gentlemen, I'm
7 going to read the names and numbers of those jurors who are
8 being excused for hardship. For those of you who are being
9 excused on hardship, you will be put back in the queue to get
10 recalled as a juror sooner than those jurors who actually
11 serve in the trial, but you'll be able to go today.

12 I need you after I finish calling all the names if
13 you're called to go down to the third floor, tell them you've
14 been excused on hardship, and they will process you out. And
15 wait till I get through the whole list before you get up so
16 everybody can hear.

17 Badge Number 115, Kathleen Fagnoli. Badge Number
18 123, Heather Johannessen. Badge Number 124, Donald Ball.
19 Badge Number 126, Jesenia Coomer. Badge Number 128, Peter
20 Justl. Badge Number 134, Jeannette Vettiger. Badge Number
21 143, Leah Dowd. Badge Number 149, Gary Paulsen. Badge Number
22 151, Venera Burchivan. Badge Number 157, Henry Ng. Badge
23 Number 158, Graham Mooy. Badge Number 159, Danny Curtis.
24 Badge Number 160, Jasmine Morrow. Badge Number 166, Gene
25 Castroverde. Badge Number 167, Jamie Richardson. Badge

1 Number 170, Yvette Conte.

2 If those of you would please go down to the third
3 floor and process out, please.

4 All right. I think I can now combine the two
5 groups, and everybody can be in the room at the same time. I
6 think I've got -- I'm under fire code.

7 So, Kevin, if you would take everybody outside and
8 line them all back in.

9 For those of you who are currently in here, you're
10 going to be at the back of the line, which means most of you
11 are going to be in the uncomfortable chairs. I apologize in
12 advance again. And then we're going to pull you into the
13 seats up here in the front as we go through a numerical
14 process. So we'll see you in a few minutes, as soon as the
15 marshals get you guys in the right order.

16 (Pause in the proceedings)

17 (Prospective jurors re-entered courtroom.)

18 THE COURT: And Kevin, Mr. Rodriguez is the one with
19 the mike. Where's my new jurors? Kevin, where's my new
20 jurors? My new jurors want to be in those chairs.

21 THE MARSHAL: Okay, be right back, Judge.

22 THE COURT: While they're coming in, sir, did you
23 get a chance to talk to your H.R. department over our break?

24 PROSPECTIVE JUROR NUMBER 087: Yes. Actually they
25 pay for the jury duty.

1 THE COURT: And they don't make you go to work
2 either, right?

3 PROSPECTIVE JUROR NUMBER 087: No.

4 THE COURT: Okay. So with that, are you okay
5 serving as a juror if you're selected?

6 PROSPECTIVE JUROR NUMBER 087: Yes.

7 THE COURT: Okay. Thank you, sir. If you would
8 pass the microphone to Ms. Starker, and the card.

9 You can sit down until they bring the next batch in
10 and then I'll stop again.

11 PROSPECTIVE JUROR NUMBER 093: My badge number --

12 THE COURT: Ma'am, if you'd tell us a little bit
13 about yourself.

14 PROSPECTIVE JUROR NUMBER 093: Yes. Can you hear
15 me?

16 THE COURT: I can.

17 PROSPECTIVE JUROR NUMBER 093: My number is 093.
18 I've lived in Clark County for 56 years in Las Vegas. I have
19 a high school degree. I have some college. I'm self-employed
20 as a realtor for 36 years up in Sun City. I'm divorced. I
21 have two adult children, a son in California and a daughter in
22 Las Vegas.

23 THE MARSHAL: Would you speak right into the mike.
24 Testing, testing, can you hear me?

25 THE COURT: I can. Thank you.

1 PROSPECTIVE JUROR NUMBER 093: I have served as a
2 juror once before in a criminal case. The jury did reach a
3 verdict. I think I'm able to sit as a fair and impartial
4 juror for this trial, too.

5 THE COURT: Thank you, ma'am. Were you the foreman
6 of the jury you sat on?

7 PROSPECTIVE JUROR NUMBER 093: No.

8 THE COURT: And is there anything about the
9 instructions in that case that would lead you to believe you
10 couldn't follow the instructions I give you in this case?

11 PROSPECTIVE JUROR NUMBER 093: No.

12 THE COURT: And you said you have two adult children?

13 PROSPECTIVE JUROR NUMBER 093: Correct.

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

15 PROSPECTIVE JUROR NUMBER 093: I have a daughter
16 that works for the school district as a counselor and she's
17 been appointed as a state representative for the teacher's
18 union. And I have a son in California that has disability and
19 doesn't work.

20 THE COURT: Okay, thank you, ma'am. If you could
21 pass the mike and the card forward to Ms. Avitia. Did I get
22 close on your name, ma'am?

23 PROSPECTIVE JUROR NUMBER 097: Yeah, Avitia.

24 THE COURT: Avitia.

25 PROSPECTIVE JUROR NUMBER 097: Yeah, thank you.

1 My badge number is 097. I was born here in Vegas but I was
2 raised in Mexico. I did middle school and elementary school.
3 Came back to finish high school and college. I'm currently
4 still pursuing a career in college. I am employed. I work
5 for Ralph Lauren. I'm not married, I'm single. Don't have
6 any children. I do have an older and a younger sister. And
7 I have never served as a juror before. And I don't see why
8 there should be a reason why I shouldn't be fair in this case.

9 THE COURT: Tell me a little bit about your current
10 college experience or schooling that you're doing now.

11 PROSPECTIVE JUROR NUMBER 097: Well, I was doing --
12 I started my career as nursing, but I changed my mind and I'm
13 pursuing a career as an H.R. I'm currently working at Ralph
14 Lauren and I'm under the pyramid of human resources, and we're
15 in charge of interviewing and training people.

16 THE COURT: Okay, thank you very much, ma'am.

17 PROSPECTIVE JUROR NUMBER 097: You're welcome.

18 THE COURT: Okay, now I've got to fill in some
19 spots. Thank you for joining us. If I could have Ms.
20 Thompson come sit in Seat Number 15, and that's in the second
21 row in the middle there, ma'am. And if I could have Gerald
22 Jones come sit in Seat Number 18. The marshal will point that
23 out. There we go. And if I could have Ms. Mansfield come sit
24 in Seat Number 20.

25 THE CLERK: 23, Judge.

1 THE COURT: 23? You're right, 23. Sorry. James
2 Roe, if you could please come sit in Seat Number 25. If I
3 could have Mr. Hamzehi come sit in Seat Number 26. And Mr.
4 Andorfer, if you could come sit in Seat Number 27.

5 Now, Kevin, if you could please take the microphone
6 up and hand it to Ms. Thompson and give her the card.

7 And for those of you sitting in the back, you don't
8 have to stay in order. If you want to find a chair, now that
9 there's some open chairs. You're welcome to stay standing up
10 if you'd rather, though.

11 Ms. Thompson, we've handed you a card that outlines
12 a little bit about yourself, some questions that we need to
13 know. You can answer it in whatever order you'd like. If you
14 don't answer all the questions, I will follow up with you and
15 I may follow up anyway.

16 PROSPECTIVE JUROR NUMBER 116: Okay. I moved here
17 December 2001, so that's more than ten years. I have a
18 Bachelor's Degree in Education. I am employed. As I said
19 before, I am a contract recruiter. I work with Advantage
20 Partners and we do retain search work. So we get assignments
21 and I execute those assignments. So, are you married? I am
22 married and my husband is retired. No adult children. Never
23 been a juror. The only reason I would say is many years ago
24 my cousin, who was raised by my mom, was killed by her
25 boyfriend, and that would be the only thing that I would say

1 could have an impact on my judgment.

2 THE COURT: Thank you, ma'am, I appreciate that. I
3 know that was hard to talk about. Can you tell me what kind
4 of work your husband did before he retired?

5 PROSPECTIVE JUROR NUMBER 116: Yeah. He did some
6 security work here, but he worked for Ohio Rubber Company in
7 Ohio.

8 THE COURT: Okay. Thank you very much, ma'am. If
9 you could pass the microphone and the card to Mr. Jones.

10 PROSPECTIVE JUROR NUMBER 121: I've lived in Clark
11 County for about 53 years. School, just through high school.
12 I am currently retired. I worked for the City of Las Vegas
13 Parks Department for 31 years. I'm not currently married,
14 I'm widowed. I have five adult children. The work they do
15 varies. I've got one that works for the City of Las Vegas in
16 the street department. One is a college student. One works
17 for an Internet company. One that works for Walmart. And I'm
18 not sure what the other -- the other one does babysitting. I
19 have served as a juror before in a civil case once. And I
20 have no reason why I couldn't be impartial.

21 THE COURT: On the jury you sat on before, were you
22 the foreman?

23 PROSPECTIVE JUROR NUMBER 121: No, I was not.

24 THE COURT: Did that jury reach a verdict?

25 PROSPECTIVE JUROR NUMBER 121: Yes, it did.

1 THE COURT: And you understand the burden of proof
2 is different in a civil case than a criminal case?

3 PROSPECTIVE JUROR NUMBER 121: Yes.

4 THE COURT: Will you be able to follow the
5 instructions I give you in this case?

6 PROSPECTIVE JUROR NUMBER 121: Yes.

7 THE COURT: Okay. Thank you very much, sir. If you
8 could pass the mike to Ms. Mansfield, who should be in front
9 of you. Thank you, sir.

10 PROSPECTIVE JUROR NUMBER 122: I've lived in Clark
11 County for a little over 12 years. Schooling, I have a
12 Bachelor's Degree and a Master's in Business Administration.
13 I'm currently retired. My prior work could best be summed up
14 simply as accounting type work. I'm married. My spouse is
15 retired. No adult children. I've served as a juror many
16 times. How many times? Five or six, maybe, and in civil and
17 criminal cases. And every time we reached a verdict. I don't
18 think I was the foreperson in any of them, but honestly I
19 don't remember because some of this goes back twenty plus
20 years, so I don't know. No and no to the last questions.

21 THE COURT: Okay. What kind of work did your
22 husband do before he retired?

23 PROSPECTIVE JUROR NUMBER 122: He had his own
24 business as a contractor/builder. Did malls around the
25 country.

1 THE COURT: Okay. He did like tenant improvements
2 in malls?

3 PROSPECTIVE JUROR NUMBER 122: I'm sorry?

4 THE COURT: Like tenant improvements for the shops?

5 PROSPECTIVE JUROR NUMBER 122: A lot of it was that.
6 Other stuff, too.

7 THE COURT: All right. You said you served on both
8 civil and criminal juries.

9 PROSPECTIVE JUROR NUMBER 122: Yes.

10 THE COURT: You understand there's a difference of
11 the burden of proof between civil cases and criminal cases?

12 PROSPECTIVE JUROR NUMBER 122: Yes.

13 THE COURT: Will you be able to follow the
14 instructions that I give you in this case?

15 PROSPECTIVE JUROR NUMBER 122: Yes.

16 THE COURT: Thank you very much, ma'am. If you
17 could please pass the microphone to Mr. Roe.

18 PROSPECTIVE JUROR NUMBER 129: I've lived in Clark
19 County for the past 19 years. Before that I was in San Diego
20 for like 10 years but then I went to high school here for like
21 six years. I have a Bachelor of Science in Civil Engineering.
22 I'm employed with UPS for the last 19 years. And I am married
23 and my wife, she runs a sales corporation that sells ink and
24 toner, stuff like that. I have one adult son and he is
25 graduating medical school next month. And I have served on a

1 jury and it was a civil case and we did reach a verdict. And
2 there's nothing that will affect me on work.

3 THE COURT: Were you the foreman of that prior case,
4 sir?

5 PROSPECTIVE JUROR NUMBER 129: No, I was not.

6 THE COURT: And the standard of proof is different
7 between civil and criminal cases. Will you be able to follow
8 the instructions I give you in this case?

9 PROSPECTIVE JUROR NUMBER 129: Yes, I will.

10 THE COURT: Thank you very much. If you could
11 please pass the mike to Mr. Hamzehi.

12 PROSPECTIVE JUROR NUMBER 130: Yes, Judge.

13 THE COURT: Is that close, sir.

14 PROSPECTIVE JUROR NUMBER 130: Yes. Payam Hamzehi.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR NUMBER 130: Okay. I moved from
17 my country to here December 2004, that's ten years. I started
18 as a casino dealer, pit supervisor. I opened my business one
19 year ago. I just got married a year ago; a year and a half
20 ago. My wife, she just passed a test, she is a real estate
21 agent right now. I opened a little store, a smoke shop. I do
22 all the work, cleaning, sales, everything. And --

23 THE MARSHAL: Sir, hold the mike up.

24 PROSPECTIVE JUROR NUMBER 130: Okay. I don't have
25 any children. And I've never been serving jury before. And

1 any more questions?

2 THE COURT: Let me ask you a question, sir. You
3 mentioned earlier that English is not your first language?

4 PROSPECTIVE JUROR NUMBER 130: Yes.

5 THE COURT: As we've been going through and the
6 other jurors have been talking about themselves, have you been
7 able to understand them as we go through this process?

8 PROSPECTIVE JUROR NUMBER 130: Most, not all of
9 them. Sometimes I have a problem, especially in this case
10 I'm not sure because some words I cannot understand well.

11 THE COURT: Are you concerned that more complicated
12 terminology may cause you problems?

13 PROSPECTIVE JUROR NUMBER 130: Yes, I think so.

14 THE COURT: Okay. Thank you, sir. If you could
15 pass the microphone to Mr. Andorfer.

16 PROSPECTIVE JUROR NUMBER 131: I've lived in Clark
17 County for four years. Moved here from Ft. Wayne, Indiana.
18 Graduated from high school. I'm a part time race and sports
19 book employee at the SunCoast, so I guess I'm semi-retired
20 because I only work part time. My wife is a hairstylist. No
21 adult children; one 13-year-old. I've never served on a jury.
22 I don't see any reason I couldn't be open-minded and fair in
23 anything.

24 THE COURT: Thank you very much, sir.

25 Now, Kevin, if you could take the microphone back.

1 Ladies and gentlemen, I have some questions and
2 they're directed to those of you who are seated in the box
3 area. And for those of you in the audience area, we may have
4 to pull you in and substitute you in, but you're not going to
5 get these questions until you actually get into the box area.

6 So for those of you who are seated in my box area,
7 has anyone ever served in law enforcement or have a friend or
8 close family member who is in law enforcement? And if you
9 could raise your hands, we'll go through you one by one. And
10 remember, I need your badge number first.

11 PROSPECTIVE JUROR NUMBER 110: 110, Steve Oliai.
12 Two of my fraternity brothers in college are in the LAPD.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 109: Robert O'Grady,
15 number 109. And my son-in-law is in the -- a Metro police
16 officer here in Las Vegas.

17 THE COURT: Thank you, sir.

18 PROSPECTIVE JUROR NUMBER 067: 067. My former
19 martial arts instructor. David Payne is a retired marshal for
20 the City of Las Vegas.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NUMBER 065: Minta Albietz, badge
23 065. My late husband was a Metro police officer.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NUMBER 099: Badge 099, Guy Haney.

1 I have a cousin who is a police officer.

2 THE COURT: Thank you, sir.

3 PROSPECTIVE JUROR NUMBER 116, Thompson. My niece
4 and nephew, their father is a retired police lieutenant in
5 Ohio.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR NUMBER 082: I have multiple
8 cousins. They're --

9 THE COURT: Badge number first.

10 PROSPECTIVE JUROR NUMBER 082: Oh, sorry. Badge
11 number 82.

12 THE COURT: Thank you, sir.

13 PROSPECTIVE JUROR NUMBER 082: Multiple cousins that
14 work for Metro and also my previous cousin by marriage was the
15 former Attorney General of Nevada.

16 THE COURT: Okay. Anybody else in the box area, law
17 enforcement, you, close friend, family member? (No response).

18 Okay. And then the flip side of that, have you or
19 anyone close to you been a victim of crime or accused of
20 crime? Either one, victim or accused.

21 PROSPECTIVE JUROR NUMBER 065: Badge number 065
22 again. My husband was a victim of a violent crime.

23 THE COURT: Anybody else in the back row?

24 PROSPECTIVE JUROR NUMBER 068: 068. My brother was
25 -- did time for a crime.

1 THE COURT: Okay. Was that here in Clark County,
2 ma'am?

3 PROSPECTIVE JUROR NUMBER 068: Yes, it was.

4 THE COURT: Anybody else in the back row? Anybody
5 in the second row? Anybody in the row in front of the box?
6 Anyone in the front row in the box area?

7 PROSPECTIVE JUROR NUMBER 089: 089. I've been
8 accused of -- I think it was like robbery or something like
9 that, but it was a misdemeanor.

10 THE COURT: That was here in Clark County, sir?

11 PROSPECTIVE JUROR NUMBER 089: Yes.

12 THE COURT: Okay. And then we had someone else in
13 the box area.

14 PROSPECTIVE JUROR NUMBER 093: My son was arrested
15 for battery, and he has disability.

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

17 MS. MERCER: I'm sorry, Your Honor, which juror was
18 that?

19 PROSPECTIVE JUROR NUMBER 093: 093.

20 THE COURT: That's Ms. Starker, Badge number 93.

21 MS. MERCER: Thank you.

22 THE COURT: Anybody else in the box area? Okay.
23 Does anyone in my box area attend or previously attended a
24 church named the Potter's House? Seeing no hands --

25 UNIDENTIFIED PROSPECTIVE JUROR: Ever attended?

1 I'm sorry.

2 THE COURT: Ever attended, ma'am; now or before.

3 No? Okay. Has anyone in my box area seen any media coverage

4 about this case? Okay, I've got one. And ma'am, your badge

5 number?

6 PROSPECTIVE JUROR NUMBER 122: 122, Mansfield.

7 THE COURT: All right. And we may ask you some more

8 questions about that separately. I just wanted to make sure

9 we identified anybody who had seen media coverage.

10 Anybody else who has seen any media coverage? And

11 that's Ms. Thompson as well, badge number 116?

12 PROSPECTIVE JUROR NUMBER 116: 116, yes. At the

13 time of the case I did see it on the news.

14 THE COURT: Okay. Well, we may ask you some more

15 questions about that, but not yet.

16 Counsel, can I see you at the bench quickly.

17 (Bench conference)

18 THE COURT: Any more questions you want me to ask

19 the group? Because I'm at the end of my general questions.

20 MS. MERCER: I think that was it.

21 THE COURT: I sometimes ask a question about victims

22 of domestic violence specifically, in addition to the accused.

23 If you want me to do that, I will.

24 MR. COFFEE: Yes, I would like that.

25 THE COURT: Okay. Victims or accused?

1 MR. COFFEE: Yes, either one.
2 THE COURT: Okay. All right, bye.
3 (End of bench conference)
4 THE COURT: Ladies and gentlemen, have you or anyone
5 close to you ever been a victim of domestic violence or been
6 accused of domestic violence? I have a couple more hands.
7 If you could --
8 PROSPECTIVE JUROR NUMBER 063: 063, Means. My
9 father had abused my mom.
10 THE COURT: Okay. Thank you, ma'am.
11 PROSPECTIVE JUROR NUMBER 075: 075. My mother-in-
12 law and my sister-in-law were victims of domestic violence.
13 THE COURT: Okay. Thank you, ma'am.
14 PROSPECTIVE JUROR NUMBER 116: 116, Thompson. My
15 cousin was killed.
16 THE COURT: And that was by a boyfriend?
17 PROSPECTIVE JUROR NUMBER 116: By her boyfriend.
18 THE COURT: Thank you, ma'am. Anyone else? We're
19 getting up there, Mr. Roe.
20 PROSPECTIVE JUROR NUMBER 129: My brother was
21 accused of domestic violence and had a restraining order
22 against him.
23 THE COURT: Was that here in Clark County?
24 PROSPECTIVE JUROR NUMBER 129: Yes, it was.
25 MR. ROGAN: What's the number?

1 MR. MARSHAL: What's your number, sir?
2 PROSPECTIVE JUROR NUMBER 129: Oh, sorry. 129.
3 PROSPECTIVE JUROR NUMBER 122: Are you including
4 friends, close friends?
5 THE COURT: Anyone close to you. Some people, the
6 friends influence them a lot and some it doesn't, so it's up
7 to you to describe for me.
8 PROSPECTIVE JUROR NUMBER 122: 122, Mansfield. This
9 has been several years ago, but a woman that I worked closely
10 with for a couple of years was murdered by her husband.
11 THE COURT: Okay. Thank you, ma'am. Anybody else?
12 All right. Would the State like to inquire? Oh,
13 wait, I have one more. Thank you.
14 PROSPECTIVE JUROR NUMBER 105: There was domestic
15 violence in my marriage. I'm sorry, my badge number is 105.
16 THE COURT: One oh which, ma'am? What's your badge
17 number?
18 PROSPECTIVE JUROR NUMBER 105: 105.
19 THE COURT: Thank you. And who close to you?
20 PROSPECTIVE JUROR NUMBER 105: Myself.
21 THE COURT: Okay. And was that here in Clark County,
22 ma'am?
23 PROSPECTIVE JUROR NUMBER 105: Yes.
24 THE COURT: All right, thank you. Anybody else?
25 Would the State like to inquire?

1 MR. ROGAN: Yes, Your Honor. Thank you.

2 Okay. Like the judge, I'm going to ask a few
3 questions of this group as a whole and if you're lucky enough
4 people from this side will be asked those same questions if
5 you're selected. And then I'm probably going to go through
6 most of you with some specific questions that I have based
7 upon answers that you've given to the Court, all right.

8 So my first question is who actually would like to
9 be here sitting as a juror? Raise your hand. I have a few
10 who are raising their hands.

11 Now, I'm going to pick on you, Ms. Means, badge
12 number 63. Why do you want to sit as a juror?

13 PROSPECTIVE JUROR NUMBER 063: Well, it's not a
14 want, it's just the fact that it is a duty and it's also a
15 privilege to be here and be asked. You know, I mean, it's not
16 this specific trial but just to be here in general. So it's
17 not that I -- you know, I'm not dreading it. It's not also
18 something that I'm looking forward to. It's just, you know,
19 something that's -- it's an honor to be, you know, in a
20 country that we have these kind of rights.

21 MR. ROGAN: And that's exactly the point I want to
22 make. It's one obligation that the Constitution puts on us
23 as citizens. We have all these rights and privileges, but one
24 of our obligations is to sit as a juror. Does anyone have a
25 problem with sitting as a juror conceptually? Seeing no

1 hands, negative uniform response, Your Honor.

2 Does anyone here think that the defendant is guilty

3 simply because he's sitting here accused of a crime? Uniform

4 negative response.

5 Now, I represent the State of Nevada, along with

6 Ms. Mercer, and we have the burden of proof here in this case.

7 We're the ones that present the evidence that you will

8 eventually look at and decide whether the defendant has

9 committed the crimes that he's charged with. Does anyone here

10 not understand that the burden of proof lies solely with Ms.

11 Mercer and myself? No.

12 Do you understand that theoretically the defense

13 attorney doesn't have to do a thing, doesn't have to ask a

14 question or present any witnesses or present any evidence?

15 Does anyone not understand that? Everyone gets that? Okay,

16 everyone seems to understand.

17 Who watches "Law and Order," "CSI," any of those

18 other television programs that have to do with the criminal

19 justice system? Okay, it's probably better if I ask this.

20 Anybody who does not watch those shows, raise your hand.

21 Okay, so a fair mix between the two. Does anyone here think

22 that what's presented on those shows is a hundred percent

23 realistic? Seeing no response. All right, I heard --

24 PROSPECTIVE JUROR NUMBER 097: I mean, it could be.

25 MR. ROGAN: Hold on one second. And that's Ms.

1 Avitia?

2 PROSPECTIVE JUROR NUMBER 097: Yes.

3 MR. ROGAN: Badge number 97. We're just waiting for
4 the microphone. So tell me what you mean by it could be real?

5 PROSPECTIVE JUROR NUMBER 097: Well, I mean, a lot
6 of those cases do relate to real life cases that, I mean, have
7 come to light in the news and stuff. So not all of them
8 necessarily may be real, but can relate to reality in some
9 type of way.

10 MR. ROGAN: I see what you mean. So some of the
11 cases are based on true life but they're -- they tell you that
12 it's based upon?

13 PROSPECTIVE JUROR NUMBER 097: Yeah, uh-huh, it's
14 based upon something close; similar.

15 MR. ROGAN: Okay. Do you watch those shows?

16 PROSPECTIVE JUROR NUMBER 097: Not often, but I've
17 seen them once every now -- here and there.

18 MR. ROGAN: Do you watch "CSI"?

19 PROSPECTIVE JUROR NUMBER 097: No. I think the only
20 one that I've had a chance to watch is "Law and Order."

21 MR. ROGAN: Okay. Could you understand that what
22 you see on television is probably not what you're going to see
23 here today --

24 PROSPECTIVE JUROR NUMBER 097: Yeah, definitely.

25 MR. ROGAN: -- or over these next two weeks?

1 PROSPECTIVE JUROR NUMBER 097: Definitely.

2 MR. ROGAN: You'd be able to put aside everything

3 that you see on television --

4 PROSPECTIVE JUROR NUMBER 097: Yes.

5 MR. ROGAN: -- and you're not going to expect Ms.

6 Mercer and I to do exactly what TV lawyers do?

7 PROSPECTIVE JUROR NUMBER 097: No. I know it's not

8 exactly the same thing. I know there's a difference between

9 what's in a TV show and what's in reality.

10 MR. ROGAN: Right. Thanks very much. Does anyone

11 else have an opinion on television lawyers?

12 PROSPECTIVE JUROR NUMBER 131: I agree with her.

13 MR. ROGAN: You agree with her. And that's Mr.

14 Andorfer, Badge 131. All right. What about "CSI," do you

15 watch that television program?

16 PROSPECTIVE JUROR NUMBER 131: No, I don't watch

17 that one. I just basically watch "Law and Order."

18 MR. ROGAN: Okay. Does anyone watch "CSI"? No one

19 watches "CSI"? Don't be afraid, raise your hand if you watch

20 "CSI." It's not a problem. All right. If we could pass the

21 microphone back to -- sorry, is it Ms. Luciano, badge number

22 68? If DNA or fingerprint evidence is presented in this case,

23 are you going to view that evidence in light of what you see

24 on television?

25 PROSPECTIVE JUROR NUMBER 068: Not necessarily.

1 You've got to take into account everything along with whatever
2 evidence that you have that proves one way or the other
3 without a shadow of a doubt.

4 MR. ROGAN: Would you agree that most likely what
5 you see on television with regard to DNA evidence is highly
6 dramaticized?

7 PROSPECTIVE JUROR NUMBER 068: Oh, yes, because I
8 know for the most part you don't turn around in 24 hours to
9 get a lot of the results that they do on TV.

10 MR. ROGAN: Right. And not every time are we going
11 to find fingerprints or DNA?

12 PROSPECTIVE JUROR NUMBER 068: Right.

13 MR. ROGAN: Thank you, ma'am.

14 Does anyone think that the criminal justice system
15 is biased or prejudiced in any way? There's been a lot of
16 news about that recently. Does anyone think that there's a
17 bias or a prejudice in the criminal justice system by the
18 police or by prosecutors, by the courts, anyone?

19 Sir, that's Mr. Hendricks? Badge 82. This is one
20 of those sensitive subjects --

21 PROSPECTIVE JUROR NUMBER 082: Yeah.

22 MR. ROGAN: -- but you've got to tell me what you
23 feel.

24 PROSPECTIVE JUROR NUMBER 082: Just experiencing the
25 judicial system through friends and other things, I don't

1 think -- it's not very cut and dry, so I think a lot of times
2 one person can get one verdict and another can get a different
3 verdict for the exact same thing, and sometimes just based off
4 of how great your attorneys are or something like that. So,
5 yeah, I do feel like sometimes when it comes to cases and
6 thing like that it's not very clear on what's necessarily
7 right or wrong.

8 MR. ROGAN: So sometimes if you can afford a high-
9 priced attorney you think that they get a better deal or a
10 better result?

11 PROSPECTIVE JUROR NUMBER 082: Absolutely.

12 MR. ROGAN: Okay. Does anyone agree with that?
13 Numerous people agree with that. All right. What about other
14 things? What about -- I'll get to all of you if I need to ask
15 an individual question -- what about race or religion,
16 anything like that? Does anyone think the criminal justice
17 system is biased?

18 PROSPECTIVE JUROR NUMBER 082: I can go on if you
19 want.

20 MR. ROGAN: I think we'll share the microphone a
21 little bit.

22 PROSPECTIVE JUROR NUMBER 116: 116 Thompson. I
23 think there's bias and prejudice in the world, and why it
24 would stop at the door of the justice center, I don't know.

25 MR. ROGAN: Okay. Now, there's going to be police

1 officers who testify in this case. Are you going to be able
2 to evaluate their testimony and come to a conclusion about
3 whether they're telling the truth?

4 PROSPECTIVE JUROR NUMBER 116: I don't know.

5 MR. ROGAN: Okay. Well, let me ask in a different
6 way. Do you think that just because the person is a police
7 officer and is testifying that they're biased in any
8 particular way?

9 PROSPECTIVE JUROR NUMBER 116: I don't know because
10 I don't know who they are and what baggage they bring to the
11 table.

12 MR. ROGAN: Right. And I guess we could say that
13 for everyone, correct? So would you be able to view the
14 testimony of that police officer witness and evaluate it just
15 as you would any other person who is testifying?

16 PROSPECTIVE JUROR NUMBER 116: I would hope so.

17 MR. ROGAN: Me, too. Thank you very much.

18 The Court asked you whether you or a close family
19 member or friend was ever the victim of a crime or accused of
20 a crime. My question is going to be a little bit broader than
21 that. Have any of you ever had interactions with the police
22 by calling 9-1-1 or a traffic stop, anything of that nature?
23 Numerous people. Did any one of you that raised your hand
24 have a negative feeling about that?

25 All right, down here in the front. Mr. Andorfer,

1 badge number 131. The microphone is on its way.

2 PROSPECTIVE JUROR NUMBER 131: There's just been
3 times when I've been stopped and I thought the police was
4 unfriendly, you know, and that's about it. As far as the
5 police being able to get away with more than what they can
6 sometimes, I think the common person just thinks, hey, they're
7 the only thing that's between us and the bad guy, you know,
8 so I think the police get away with more than what they should
9 sometimes.

10 MR. ROGAN: Can you elaborate on that point? What
11 do you mean by that?

12 PROSPECTIVE JUROR NUMBER 131: Well, you know, a lot
13 of these police brutality cases, they go to trial and the
14 policemen will get off. And I just think the jurors might
15 think that, hey, they're all that's between us and the bad
16 guys, so I think they get a break in that area, which is --
17 you know, I think that way a little bit, too, you know.
18 They're between us and the bad guys, so, you know, there's
19 kind of a fine line there that they get to cross a little bit,
20 I think.

21 MR. ROGAN: Does your negative experience with the
22 police on your traffic stop, will that affect your judgment of
23 these police officers who come in and testify?

24 PROSPECTIVE JUROR NUMBER 131: No, no. I've had
25 good experiences when I've been stopped, too. You know, I've

1 just been given warnings, I've been given breaks. I got
2 stopped for speeding one time and I said, hey, I'm just in the
3 traffic flow and the guy, he let me go, you know.

4 MR. ROGAN: So there's cops that are nice to you and
5 cops that aren't nice to you?

6 PROSPECTIVE JUROR NUMBER 131: Yeah. You know,
7 they're just doing their job so I don't have any hard feelings
8 or anything, but I just felt sometimes they're a little
9 unfriendly.

10 MR. ROGAN: I understand. Now, your opinion about
11 whether cops get away with more than they should, is that
12 going to affect your judgment at all?

13 PROSPECTIVE JUROR NUMBER 131: No, that's based on
14 what you see on TV and CNN and the news where there's these
15 high profile cases.

16 MR. ROGAN: I see. So if you don't know this
17 witness as having engaged in that type of behavior, then
18 you're not going to hold it against him or her that other
19 police officers have?

20 PROSPECTIVE JUROR NUMBER 131: Right. You know, I'm
21 kind of talking about like the choke hold in New York when the
22 guy got killed. You know, I think he got away with something
23 he shouldn't have got away with.

24 MR. ROGAN: I see. Okay. But you won't hold that
25 against any police officer witnesses here?

1 PROSPECTIVE JUROR NUMBER 131: Oh, no.

2 MR. ROGAN: See, that's all I'm concerned about is

3 that you guys are going to evaluate every witness that comes

4 in here equally. Does anyone think that they'll have a

5 problem with evaluating officer testimony the same as any

6 other witness? No response, Your Honor.

7 Has anyone here ever been a witness to a crime?

8 We'll start in the back row. It's Mr. Oliai.

9 PROSPECTIVE JUROR NUMBER 110: Oliai.

10 MR. ROGAN: Oliai. Badge number --

11 PROSPECTIVE JUROR NUMBER 110: 110.

12 MR. ROGAN: 110.

13 PROSPECTIVE JUROR NUMBER 110: A friend of mine was

14 attacked and I saw the person that did it and I gave just a

15 deposition, I guess, but nothing ever went to trial or

16 anything like that.

17 MR. ROGAN: Did you have to come into court at all?

18 PROSPECTIVE JUROR NUMBER 110: No, I went to a

19 police station and identified the person, you know, by

20 pointing at a picture, and then I gave some testimony to an

21 attorney. That was it.

22 MR. ROGAN: I see. Okay. Thank you very much, sir.

23 Who else? I think there was someone in the second row. Is

24 that Mr. Jones, badge 121?

25 PROSPECTIVE JUROR NUMBER 121: Yes. I was in a

1 grocery store when it was being robbed. The case never went
2 to court. I think he pleaded out before that.

3 MR. ROGAN: Did you have to be interviewed by
4 police?

5 PROSPECTIVE JUROR NUMBER 121: Interviewed by police,
6 give a statement, met with the District Attorney's Office.
7 And everything was set to go to court and at the last minute
8 they accepted a plea deal.

9 MR. ROGAN: Was that here in Clark County?

10 PROSPECTIVE JUROR NUMBER 121: It was.

11 MR. ROGAN: And when about was that?

12 PROSPECTIVE JUROR NUMBER 121: Mid '80's.

13 MR. ROGAN: Thank you, sir. Anyone else in the
14 front? If you could actually pass it to your right, sir.
15 I'm sorry. It's Ms. Bonilla, badge 84?

16 PROSPECTIVE JUROR NUMBER 084: I just used to work
17 in loss prevention, so I would see people steal all the time.

18 MR. ROGAN: Okay. Did you -- were you subpoenaed to
19 come to court?

20 PROSPECTIVE JUROR NUMBER 084: I was, but never had
21 to come.

22 MR. ROGAN: You never had to testify. Okay, thank
23 you very much. Anyone else in that second row? I think it's
24 Ms. Thompson, badge 116.

25 PROSPECTIVE JUROR NUMBER 116: I was subpoenaed and

1 served as a witness for a corporation in a sexual harassment
2 case.

3 MR. ROGAN: In a civil case?

4 PROSPECTIVE JUROR NUMBER 116: In a civil case.

5 MR. ROGAN: Was that here in Clark County?

6 PROSPECTIVE JUROR NUMBER 116: It was not. It was
7 in --

8 MR. ROGAN: It was some other -- I'm sorry, where
9 was it?

10 PROSPECTIVE JUROR NUMBER 116: It was in Georgia.

11 MR. ROGAN: Georgia. Thanks very much.
12 The third row there, Mr. Bosnic.

13 PROSPECTIVE JUROR NUMBER 089: Yes, but in a
14 different country.

15 MR. ROGAN: Different country. Okay, thank you.

16 And in the middle there, Ms. Mansfield, badge 122.

17 PROSPECTIVE JUROR NUMBER 122: I don't know if this
18 would count what you're saying. I observed suspicious
19 behavior and reported it and subsequently that person attacked
20 somebody. And I was asked to identify them from the photo
21 array. So I didn't see the actual incident, but I had
22 reported the person because I thought there was suspicious
23 behavior and it made me nervous.

24 MR. ROGAN: I see. Was that here in Clark County?

25 PROSPECTIVE JUROR NUMBER 122: No, Texas.

1 MR. ROGAN: Texas. Did you ever have to go to court
2 and testify?

3 PROSPECTIVE JUROR NUMBER 122: No. After I did the
4 I.D., which everybody says that witness I.D.'s are always bad,
5 but I was able to identify the person in the photo line-up,
6 but then I never heard anything further so I don't know what
7 happened to it.

8 MR. ROGAN: Okay, thank you very much. Anyone in
9 this front row or fourth row? No. Anyone else that I missed?

10 Has anyone been called to testify in a case other
11 than a criminal trial? Badge number 63, Ms. Means.

12 PROSPECTIVE JUROR NUMBER 063: In divorce court with
13 my brother, and also with one of my friends. But with my
14 brother actually -- I'm trying to think. No, it was just the
15 one day. I was thinking it was two separate days, but it was
16 just the one day, but it was whenever he and his wife were
17 going through their separation and their divorce and I had to
18 testify to some things that I had seen from her when they were
19 doing custody. So it's not really criminal, although her
20 activities were criminal; you know what I mean?

21 MR. ROGAN: I understand. So you were there as a
22 character witness?

23 PROSPECTIVE JUROR NUMBER 063: Correct. Correct.

24 MR. ROGAN: All right. And -- I'm sorry, who was
25 the person?

1 PROSPECTIVE JUROR NUMBER 063: It was my brother.

2 MR. ROGAN: Your brother.

3 PROSPECTIVE JUROR NUMBER 063: It was my brother and
4 my sister-in-law. Uh-huh.

5 MR. ROGAN: All right. Was that difficult for you?

6 PROSPECTIVE JUROR NUMBER 063: Oh, yeah, it was
7 really hard. It was in a magistrate court and so it was at
8 the end of that proceeding of that day when they were trying
9 because she was doing some fishy things that we -- you know
10 what I mean, and we were kind of worried about the safety of
11 the children. And the magistrate himself did not make any
12 kind of a determination of who the children would have been
13 left with, and it turned into a thing of mass chaos after
14 that. It was actually extremely stressful because then you
15 had my sister-in-law grab the one kid and then you had a
16 grandma grab another one, and he wouldn't make any
17 determination who they should go with and then my mom ended
18 up going to jail, which is like really funny if you knew her.
19 It was a really bad experience, actually, like, you know, in
20 a lot of ways, but it was just more on him not doing his job,
21 you know what I mean. Everything -- all everyone else was
22 doing there, the magistrate just let them go with no --
23 nothing decided.

24 MR. ROGAN: Does there anything about that experience
25 affect your ability to be a juror and weigh the testimony of

1 witnesses that come in here?

2 PROSPECTIVE JUROR NUMBER 063: No, because like I
3 said, that really wasn't -- the system is in place on purpose
4 to help you, you know, make these decisions about things and
5 stuff that you don't know any other way. You know, so that
6 you can ask questions and have witnesses and go through the
7 process and stuff to figure out what to do. And really the
8 magistrate was the one who dropped the ball there, not the
9 lawyers, not the -- you know, not even my sister-in-law.

10 MR. ROGAN: I understand.

11 PROSPECTIVE JUROR NUMBER 063: I mean, it was just a
12 really odd thing. That was back in West Virginia like fifteen
13 years ago.

14 MR. ROGAN: Anyone else in that back row testified
15 before? What about the second row, anyone else?

16 PROSPECTIVE JUROR NUMBER 116: Just the one I
17 mentioned.

18 MR. ROGAN: Thank you, Ms. Thompson. Anyone else
19 in the front two rows? Mr. Bosnic, badge number 89.

20 PROSPECTIVE JUROR NUMBER 089: 89, yeah. I was
21 interviewed by International War Crime Tribunal right here in
22 1995, but I never called to testify.

23 MR. ROGAN: And that was back in Bosnia Herzegovina?

24 PROSPECTIVE JUROR NUMBER 089: No, it was right here
25 in Vegas --

1 MR. ROGAN: Oh, it was here.

2 PROSPECTIVE JUROR NUMBER 089: -- 1995, that I came
3 from concentration camp.

4 MR. ROGAN: And that was an international tribunal?

5 PROSPECTIVE JUROR NUMBER 089: War. Yes.

6 MR. ROGAN: Okay.

7 PROSPECTIVE JUROR NUMBER 089: Come from Hague,
8 Netherlands.

9 MR. ROGAN: Thank you very much, sir. Anyone else
10 in the front -- Oh, Ms. Mansfield, badge 122.

11 PROSPECTIVE JUROR NUMBER 122: I've been deposed in
12 cases before and in one of those I was subpoenaed but never
13 called as a witness after the subpoena --

14 MR. ROGAN: Thank you.

15 PROSPECTIVE JUROR NUMBER 122: -- for reasons I don't
16 know.

17 MR. ROGAN: Anything about those experiences that
18 will affect your ability to weigh the testimony of a witness?

19 PROSPECTIVE JUROR NUMBER 122: No.

20 MR. ROGAN: Does anyone here think that they -- does
21 anyone here believe that they wouldn't be able to judge the
22 credibility of a witness? That's one of your jobs as a juror,
23 evaluate the testimony, are they telling the truth, are they
24 not. Are there -- is the person misconceiving what occurred.
25 Does anyone here think that they could not do that?

1 PROSPECTIVE JUROR NUMBER 130: What was -- maybe I
2 do not understand.

3 MR. ROGAN: All right, hold on one second. Mr.
4 Hamzehi, badge number 136 (sic).

5 PROSPECTIVE JUROR NUMBER 130: Yes, sir. Yeah,
6 maybe I -- you know, I miss some parts, so maybe I'm not
7 understanding well. Actually, I did not understand you well
8 some parts.

9 MR. ROGAN: You don't understand what I'm saying?

10 PROSPECTIVE JUROR NUMBER 130: Some questions.

11 MR. ROGAN: Some questions you didn't understand?

12 PROSPECTIVE JUROR NUMBER 130: Yes.

13 MR. ROGAN: All right. And you're afraid that you
14 may not understand what a witness says?

15 PROSPECTIVE JUROR NUMBER 130: Yes. Yes.

16 MR. ROGAN: And then you won't be able to evaluate
17 their --

18 PROSPECTIVE JUROR NUMBER 130: Yeah, I cannot
19 evaluate. But it's not that I would be fair to anybody.

20 MR. ROGAN: Thank you very much, sir. Anyone else?

21 Mr. Rodriguez, I'm going to pick on you for a
22 minute. You're badge number 87?

23 PROSPECTIVE JUROR NUMBER 087: Yeah.

24 MR. ROGAN: You said that you are indecisive. Can
25 you hold that microphone a bit closer?

1 PROSPECTIVE JUROR NUMBER 087: Yeah.

2 MR. ROGAN: Do you think that you will be able,
3 given your indecisive nature, to judge the credibility of a
4 witness?

5 PROSPECTIVE JUROR NUMBER 087: Yeah, I think it
6 would be difficult. I kind of don't believe most people at
7 times, either, so it's kind of just like -- it would be a
8 challenge.

9 MR. ROGAN: So your attitude going in is that a
10 person is untruthful?

11 PROSPECTIVE JUROR NUMBER 087: Yeah.

12 MR. ROGAN: And then they have to prove their
13 truthfulness to you?

14 PROSPECTIVE JUROR NUMBER 087: Uh-huh. Correct.

15 MR. ROGAN: Even if you don't know the person?

16 PROSPECTIVE JUROR NUMBER 087: Right.

17 MR. ROGAN: All right. Does anyone agree with what
18 Mr. Rodriguez is saying? Seeing no hands. Okay, thank you
19 for your honesty, Mr. Rodriguez.

20 If we could just pass that microphone all the way
21 down to Mr. Havey -- Haney.

22 PROSPECTIVE JUROR NUMBER 099: Haney.

23 MR. ROGAN: Haney. Badge number 99. Do you have
24 any military service, sir?

25 PROSPECTIVE JUROR NUMBER 099: No.

1 MR. ROGAN: Do you own a firearm?
2 PROSPECTIVE JUROR NUMBER 099: No.
3 MR. ROGAN: Do you have any opinion as to whether
4 people should own firearms?
5 PROSPECTIVE JUROR NUMBER 099: I do.
6 MR. ROGAN: And what is that?
7 PROSPECTIVE JUROR NUMBER 099: I believe it is
8 important that the -- is it the Second Amendment?
9 MR. ROGAN: Correct.
10 PROSPECTIVE JUROR NUMBER 099: It's vital to the
11 functioning of this country, so that would be my only opinion.
12 MR. ROGAN: Do you agree that it's worthwhile to
13 require people to get a permit from the government to carry
14 a weapon concealed?
15 PROSPECTIVE JUROR NUMBER 099: Absolutely.
16 MR. ROGAN: Thank you very much. Do you -- Have you
17 ever been in a relationship, sir, that ended badly?
18 PROSPECTIVE JUROR NUMBER 099: Yes.
19 MR. ROGAN: And when was that?
20 PROSPECTIVE JUROR NUMBER 099: Seven years ago.
21 MR. ROGAN: Was it a marriage?
22 PROSPECTIVE JUROR NUMBER 099: About ten years ago.
23 MR. ROGAN: Can you tell me about it? Was it a
24 marriage? How did it end, etcetera?
25 PROSPECTIVE JUROR NUMBER 099: She was -- I was

1 living in Europe. She was Spanish. I was American and moving
2 back and it just -- I guess it was bad in that we were not
3 able to stay together.

4 MR. ROGAN: I see. Was it acrimonious at the end?
5 PROSPECTIVE JUROR NUMBER 099: Amicable.
6 MR. ROGAN: Amicable?
7 PROSPECTIVE JUROR NUMBER 099: Yes, very amicable.
8 MR. ROGAN: Were any children involved?
9 PROSPECTIVE JUROR NUMBER 099: No.

10 MR. ROGAN: Okay. The judge told you that you are
11 going to sit as a trier of fact in this particular case and
12 she mentioned that you get to go back and listen -- once
13 you've heard all the evidence and all the exhibits, you get
14 to go back and essentially decide what you believe happened.
15 Do you understand that?

16 PROSPECTIVE JUROR NUMBER 099: Yes.

17 MR. ROGAN: Now, the defendant is charged with
18 murder and murder includes the crime of first degree murder.
19 If that is your verdict, there's a second part of this trial,
20 it's called the guilt phase, where you actually have to decide
21 the penalty that he is going to suffer. That includes three
22 possibilities, life in prison without the possibility of
23 parole, life in prison after twenty years -- life in prison
24 with the possibility of parole after twenty years, and finally
25 fifty years in prison with the possibility of parole after

1 twenty years. Now, knowing that, do you think that you could
2 sit in judgment of the defendant if you found him guilty of
3 first degree murder?

4 PROSPECTIVE JUROR NUMBER 099: Yes.

5 MR. ROGAN: And you can consider all three of those
6 punishments?

7 PROSPECTIVE JUROR NUMBER 099: Yes.

8 MR. ROGAN: Thank you very much. If you could just
9 pass the microphone next to you to Ms. Means.

10 Ms. Means, do you have any military service?

11 PROSPECTIVE JUROR NUMBER 063: No. My brother was
12 in the military, though, my father and my grandfather. But
13 myself, no.

14 MR. ROGAN: All right. Do you own a firearm?

15 PROSPECTIVE JUROR NUMBER 063: No.

16 MR. ROGAN: Same kinds of questions that I asked
17 before, do you believe that an individual has the right to own
18 a firearm?

19 PROSPECTIVE JUROR NUMBER 063: Absolutely. That's
20 a personal choice. I've had a lot of my friends who actually
21 when I was younger were accidentally killed with firearms, so
22 that's just a fear of my own. But I personally, you know,
23 think that you have a right to own them yourself, you know
24 what I mean. But I do know how to fire one. I think that's
25 important, that you should know how to use what you have, you

1 know what I mean.

2 MR. ROGAN: And the same question I asked Mr. Haney,
3 do you believe that it's appropriate that the government
4 requires a person to get a permit before they can carry their
5 weapon concealed?

6 PROSPECTIVE JUROR NUMBER 063: Yes.

7 MR. ROGAN: And do you know the difference between
8 concealed and open?

9 PROSPECTIVE JUROR NUMBER 063: Oh, yes.

10 MR. ROGAN: Okay. So you know that it's legal to
11 carry it outside of your pocket --

12 PROSPECTIVE JUROR NUMBER 063: Right. Right.

13 MR. ROGAN: -- but inside it's not allowed unless
14 you have a permit, right?

15 PROSPECTIVE JUROR NUMBER 063: Right.

16 MR. ROGAN: Okay. You agree with that?

17 PROSPECTIVE JUROR NUMBER 063: Yes.

18 MR. ROGAN: Have you ever endured a bad breakup?

19 PROSPECTIVE JUROR NUMBER 063: When I was younger.
20 I've been married since I was 18 and I graduated when I was
21 17. But the boyfriend I had before my husband was -- he was
22 from a bad home, you know what I mean, and so -- and it was
23 one of those things where he just, you know, liked you so
24 much, you know what I mean, and he just didn't -- you know, so
25 when you wanted to break up and things like that, it was a lot

1 of that pressure. And I know that sounds like a really young
2 age, but that's exactly what it was, you know what I mean.
3 And so for years afterwards, ten, fifteen years later -- well,
4 just recently he tried to friend me on Facebook.

5 MR. ROGAN: He did?

6 PROSPECTIVE JUROR NUMBER 063: Yeah. And I just
7 wrote back, you know, no is really not in your vocabulary.
8 So, you know, yeah, I mean, it's like from that long. That's
9 why I said the boyfriend before then, so thirty-five years
10 ago, we're still dealing with that.

11 MR. ROGAN: So you told him no?

12 PROSPECTIVE JUROR NUMBER 063: No. Yeah.

13 MR. ROGAN: And you broke up with him back then?

14 PROSPECTIVE JUROR NUMBER 063: Oh, yeah. Yeah, that
15 was that. It was just that, you know, kind of controlling,
16 didn't want you to hang out with your friends and just things
17 like that, you know. So it was not something I wanted to, you
18 know what I mean, to stay with and things like that. And he
19 ended up joining the military and leaving, you know what I
20 mean.

21 MR. ROGAN: Okay.

22 PROSPECTIVE JUROR NUMBER 063: So I didn't have to --
23 I've never lived by him again.

24 MR. ROGAN: Well, let me ask you this. Knowing that
25 this case is between a husband and a wife, is anything about

1 your experience with that breakup thirty-five years ago going
2 to affect your ability to sit as a juror?

3 PROSPECTIVE JUROR NUMBER 063: All situations are
4 different, you know what I mean, and you can't -- you know, I
5 know other people who've been in abusive relationships and
6 things like that. Even my own, you know, some of my sons and
7 stuff have had different girlfriends like the one -- you know,
8 when she drank she was a little odd, you know what I mean, and
9 kind of angry and mean. And so, you know, but that was a
10 personal thing between the two of them that, you know, he had
11 to make a decision that, like, you know, if you're going to be
12 around someone who is going to drink and act that way, do you
13 want to stay in, you know what I mean, a relationship like
14 that.

15 MR. ROGAN: Right.

16 PROSPECTIVE JUROR NUMBER 063: So there are all
17 kinds of different relationships. But at this point I don't,
18 you know, know anything else about that except for my own
19 experiences. But it would be really hard to go through life
20 and not know somebody who hasn't been in something along those
21 lines.

22 MR. ROGAN: So to summarize, the answer is no, it
23 wouldn't affect you?

24 PROSPECTIVE JUROR NUMBER 063: I don't think so.

25 MR. ROGAN: Okay.

1 PROSPECTIVE JUROR NUMBER 063: I mean, like I said,
2 it's just a situation just like everything else is, you know
3 what I mean. It's not that specific situation is going to
4 change my opinion about everything else.

5 MR. ROGAN: Now, can you consider whether to
6 sentence the defendant to life in prison without parole if you
7 were to sit as a juror and find him guilty of first degree
8 murder?

9 PROSPECTIVE JUROR NUMBER 063: I believe so, yes.
10 I believe so.

11 MR. ROGAN: You believe so?

12 PROSPECTIVE JUROR NUMBER 063: Uh-huh.

13 MR. ROGAN: Do you think you can do it or is there
14 some hesitation?

15 PROSPECTIVE JUROR NUMBER 063: No, it just -- you
16 know, when you say that about anything, it's just it should
17 give you hesitation to say life in prison about somebody, you
18 know what I mean. You shouldn't just be, oh, yes, I can do
19 that. So I would say the hesitation is just making sure that
20 I answered you truthfully.

21 MR. ROGAN: And you would consider all forms of
22 punishment as well?

23 PROSPECTIVE JUROR NUMBER 063: Correct.

24 MR. ROGAN: Thank you very much. If you could pass
25 it off to Mr. Martin, badge number 64. Sir, do you have any

1 military service?
2 PROSPECTIVE JUROR NUMBER 064: Negative.
3 MR. ROGAN: You answered like a military man, though.
4 Do you own a firearm?
5 PROSPECTIVE JUROR NUMBER 064: Yes.
6 MR. ROGAN: How many firearms?
7 PROSPECTIVE JUROR NUMBER. 064: Three.
8 MR. ROGAN: Do you have a carry concealed weapon
9 permit?
10 PROSPECTIVE JUROR NUMBER 064: I do not.
11 MR. ROGAN: Have you ever considered getting one?
12 PROSPECTIVE JUROR NUMBER 064: Not really.
13 MR. ROGAN: What kind of handguns do you own? I'm
14 sorry, what kind of guns do you own?
15 PROSPECTIVE JUROR NUMBER 064: Revolvers.
16 MR. ROGAN: Three revolvers. Thank you. Do you
17 think it's fair that the government requires people to obtain
18 a permit before carrying a weapon concealed?
19 PROSPECTIVE JUROR NUMBER 064: Yeah, it's probably
20 smart to do.
21 MR. ROGAN: Have you, sir, endured any bad breakups?
22 PROSPECTIVE JUROR NUMBER 064: No, not really.
23 MR. ROGAN: No? Never?
24 PROSPECTIVE JUROR NUMBER 064: I've been married
25 twenty-nine years.

1 MR. ROGAN: Good for you. Good for you. Last
2 question, can you sit in judgment if you found the defendant
3 not (sic) guilty and sentence him to life in prison without
4 the possibility of parole or prison with the possibility of
5 parole?
6 PROSPECTIVE JUROR NUMBER 064: Yeah. Yes.
7 MR. ROGAN: If you could pass the microphone off to
8 -- I'm sorry, I can't pronounce your name.
9 PROSPECTIVE JUROR NUMBER 065: Albietz.
10 MR. ROGAN: Albietz. Badge number 65.
11 PROSPECTIVE JUROR NUMBER 065: No military history.
12 MR. ROGAN: Great. Thank you. My first --
13 PROSPECTIVE JUROR NUMBER 065: Yes, I own handguns.
14 MR. ROGAN: Okay, I'll get to that in just a second.
15 My first --
16 PROSPECTIVE JUROR NUMBER 065: I'm trying to speed
17 things up.
18 MR. ROGAN: I wish I had a card like the judge.
19 PROSPECTIVE JUROR NUMBER 065: Yeah, I know.
20 MR. ROGAN: Your husband was a Metro officer?
21 PROSPECTIVE JUROR NUMBER 065: Yes, sir.
22 MR. ROGAN: And when did he pass?
23 PROSPECTIVE JUROR NUMBER 065: July of 2005, ten
24 years ago.
25 MR. ROGAN: And you said that it was a long process,

1 a court process for the person that killed him?

2 PROSPECTIVE JUROR NUMBER 065: Yes. He was a three
3 time felon and so there were extenuating circumstances that he
4 had guns in his possession, so there was a federal trial as
5 well as a state trial, so.

6 MR. ROGAN: I see. So there were other things going
7 on other than the DUI trial?

8 PROSPECTIVE JUROR NUMBER 065: It was really kind of
9 complex, yes.

10 MR. ROGAN: And you said the District Attorney's
11 Office here in Clark County handled that case?

12 PROSPECTIVE JUROR NUMBER 065: L.J. O'Neal. Yes.

13 MR. ROGAN: And he's retired now, but do you have
14 any negative experiences with the District Attorney's Office
15 based upon L.J.?

16 PROSPECTIVE JUROR NUMBER 065: No.

17 MR. ROGAN: No. Okay. Anyone -- When your husband
18 was alive, did you associate with Metro officers or other
19 people who worked at Metro?

20 PROSPECTIVE JUROR NUMBER 065: They were our other
21 family, yes.

22 MR. ROGAN: And would you give greater deference to
23 a police officer's testimony than the testimony of any person
24 who's not a police officer?

25 PROSPECTIVE JUROR NUMBER 065: They're people. No.

1 MR. ROGAN: And they can make mistakes just as well?
2 PROSPECTIVE JUROR NUMBER 065: Yes, they can.
3 MR. ROGAN: All right. So now on to the firearms.
4 You own firearms. What kind of --
5 PROSPECTIVE JUROR NUMBER 065: I inherited them.
6 MR. ROGAN: From your husband?
7 PROSPECTIVE JUROR NUMBER 065: Yes.
8 MR. ROGAN: And what kind of firearms do you own?
9 PROSPECTIVE JUROR NUMBER 065: Two 9 millimeters,
10 just a revolver, a small Derringer, two long guns.
11 MR. ROGAN: And your opinion on the requirement to
12 carry -- to obtain a permit to carry a concealed weapon?
13 PROSPECTIVE JUROR NUMBER 065: Absolutely.
14 MR. ROGAN: Thank you. Have you endured a bad
15 breakup?
16 PROSPECTIVE JUROR NUMBER 065: Somewhere along the
17 way, but not anything that would impede my judgment.
18 MR. ROGAN: Thank you. And finally, could you
19 consider all forms of punishment if you found --
20 PROSPECTIVE JUROR NUMBER 065: Yes, sir.
21 MR. ROGAN: Thank you very much. If you could pass
22 it along. Miss -- I'm sorry, I can't pronounce your name.
23 PROSPECTIVE JUROR NUMBER 105: Ingmanson.
24 MR. ROGAN: Ingmanson. Badge number 105. You said
25 that you were a victim of domestic violence?

1 PROSPECTIVE JUROR NUMBER 105: Yes.
2 MR. ROGAN: And when was this?
3 PROSPECTIVE JUROR NUMBER 105: Last year.
4 MR. ROGAN: Did you report it to the police?
5 PROSPECTIVE JUROR NUMBER 105: No, I was in
6 Pittsburgh.
7 MR. ROGAN: It happened in Pittsburgh? Did you live
8 there at the time?
9 PROSPECTIVE JUROR NUMBER 105: No.
10 MR. ROGAN: But you felt that you shouldn't report
11 it to the police?
12 PROSPECTIVE JUROR NUMBER 105: I was in a hotel room
13 and I screamed for help and nobody came to the door. When my
14 ex-husband would get angry, it would happen very quickly and
15 it would be over very quickly. And once it was over I was
16 safe and he was very remorseful and upset with himself. So
17 once it was over, I wasn't in any danger.
18 MR. ROGAN: I see. Now, the way you're presenting
19 that it seems as though it happened more than one time.
20 PROSPECTIVE JUROR NUMBER 105: It happened one time
21 physically. Most of the abuse was verbal prior to that.
22 MR. ROGAN: Name calling, put-downs, things of that
23 nature?
24 PROSPECTIVE JUROR NUMBER 105: Yes. Yeah.
25 MR. ROGAN: Would he also isolate you from other

1 people as well?

2 PROSPECTIVE JUROR NUMBER 105: Yes.

3 MR. ROGAN: How long was this relationship on-going?

4 PROSPECTIVE JUROR NUMBER 105: It was on-going for

5 four years (inaudible) three years. Three years.

6 MR. ROGAN: Three years. And it -- from what you're

7 telling me it seems --

8 PROSPECTIVE JUROR NUMBER 105: It's over.

9 MR. ROGAN: Okay. When did it end?

10 PROSPECTIVE JUROR NUMBER 105: I left the day after

11 Thanksgiving.

12 MR. ROGAN: So just in 2014?

13 PROSPECTIVE JUROR NUMBER 105: Yeah.

14 MR. ROGAN: And was that a difficult breakup for you?

15 PROSPECTIVE JUROR NUMBER 105: It was -- it was --

16 yes, I had to leave in hiding because I just wasn't -- you

17 know, just to be safe, and I have a daughter who is now 11

18 months old. But since I've left things are actually very

19 good. We have to obviously co-parent our daughter and I

20 adopted his son, so there's co-parenting on both sides. But

21 I knew that once we were apart things would be amicable and

22 they are.

23 MR. ROGAN: You said that you were in hiding. So

24 did you have to utilize some services here in Clark County

25 to --

1 PROSPECTIVE JUROR NUMBER 105: My older brother.
2 MR. ROGAN: Okay. So you stayed with him?
3 PROSPECTIVE JUROR NUMBER 105: No, I stayed at the
4 MGM for a period --
5 MR. ROGAN: Okay.
6 PROSPECTIVE JUROR NUMBER 105: -- until I moved into
7 my new place.
8 MR. ROGAN: And he didn't know where you were?
9 PROSPECTIVE JUROR NUMBER 105: Exactly.
10 MR. ROGAN: But now things are good?
11 PROSPECTIVE JUROR NUMBER 105: Uh-huh.
12 MR. ROGAN: And you haven't had any problems?
13 PROSPECTIVE JUROR NUMBER 105: Right.
14 MR. ROGAN: So even though you experienced that
15 violence in the past with your spouse or boyfriend, it can
16 end?
17 PROSPECTIVE JUROR NUMBER 105: Right. Yeah.
18 MR. ROGAN: Do you own any firearms?
19 PROSPECTIVE JUROR NUMBER 105: No.
20 MR. ROGAN: Do you agree that it's appropriate that
21 the government requires a permit in order to carry a concealed
22 weapon?
23 PROSPECTIVE JUROR NUMBER 105: Yeah. I'm not that
24 familiar with the nuance of that, but for sure, yeah.
25 MR. ROGAN: You'll learn.

1 PROSPECTIVE JUROR NUMBER 105: Uh-huh.

2 MR. ROGAN: Other than the breakup you just
3 discussed, do you have any other experiences with bad
4 breakups, things of that nature?

5 PROSPECTIVE JUROR NUMBER 105: No.

6 MR. ROGAN: And could you consider all forms of
7 punishment from life in prison without the possibility of
8 parole to a term in prison with parole after twenty years?

9 PROSPECTIVE JUROR NUMBER 105: Yes.

10 MR. ROGAN: Thank you. If you could pass that
11 microphone off to Mr. Leavelle, badge number 67.

12 PROSPECTIVE JUROR NUMBER 067: Yes, sir.

13 MR. ROGAN: Mr. Leavelle, you said that you're a
14 former city marshal?

15 PROSPECTIVE JUROR NUMBER 067: No. No, my martial
16 arts instructor; retired. He was --

17 MR. ROGAN: Oh, a retired martial arts instructor.

18 PROSPECTIVE JUROR NUMBER 067: Yes.

19 MR. ROGAN: Okay. And you work for Cornerside
20 Protective Services?

21 PROSPECTIVE JUROR NUMBER 067: Cornerstone
22 Protective Services.

23 MR. ROGAN: Okay. What does that do? What do you
24 do for that?

25 PROSPECTIVE JUROR NUMBER 067: Just a regular

1 security company. My friend just recently got his security
2 license for his company, so we're still soliciting business.

3 MR. ROGAN: I see. So you don't have any business
4 yet?

5 PROSPECTIVE JUROR NUMBER 067: Well, we have little
6 contracts but nothing major like (indiscernible), working here
7 or something, you know.

8 MR. ROGAN: Okay.

9 PROSPECTIVE JUROR NUMBER 067: We don't have big
10 contracts.

11 MR. ROGAN: Are you the type of person that goes out
12 and finds business or do you actually work as a security
13 officer or security guard?

14 PROSPECTIVE JUROR NUMBER 067: Security, yeah,
15 different little clubs, Latino nightclubs that we have.
16 That's the gist of our jobs right now.

17 MR. ROGAN: I see. Do you carry a firearm in the
18 course of your business?

19 PROSPECTIVE JUROR NUMBER 067: I have firearms, yes.

20 MR. ROGAN: Okay. What kind?

21 PROSPECTIVE JUROR NUMBER 067: Two 9 millimeters.

22 MR. ROGAN: Do you have a carry concealed permit?

23 PROSPECTIVE JUROR NUMBER 067: I do.

24 MR. ROGAN: And how long have you had that for?

25 PROSPECTIVE JUROR NUMBER 067: Six years. Just

1 renewed it, so I'm going on my sixth year.

2 MR. ROGAN: And do you have an opinion as to whether
3 it's appropriate to get that kind of permit?

4 PROSPECTIVE JUROR NUMBER 067: It is.

5 MR. ROGAN: Have you, sir, endured any bad breakups
6 in the course of your life?

7 PROSPECTIVE JUROR NUMBER 067: It turned out to be
8 good.

9 MR. ROGAN: Turned out to be good. Just one?

10 PROSPECTIVE JUROR NUMBER 067: All of them. Yeah.

11 MR. ROGAN: All of them?

12 PROSPECTIVE JUROR NUMBER 067: No, I mean, just like
13 twice, two relationships, but it works out for the best, of
14 course.

15 MR. ROGAN: Okay. Any of those experiences that
16 were extremely difficult, people stalking you, anything like
17 that?

18 PROSPECTIVE JUROR NUMBER 067: Uh-uh.

19 MR. ROGAN: No. All right. Were there any children
20 involved in either of those?

21 PROSPECTIVE JUROR NUMBER 067: Yeah, I have a son.

22 MR. ROGAN: And during that breakup did that
23 complicate things?

24 PROSPECTIVE JUROR NUMBER 067: Initially.

25 MR. ROGAN: Can you tell me just briefly how that

1 complicated things?

2 PROSPECTIVE JUROR NUMBER 067: Sometimes when
3 relationships don't work between the two parents they -- the
4 child gets caught in the middle sometimes, you know, when
5 things don't work out, so the visitation might get a little
6 tense initially until you can communicate properly and, you
7 know, let him know that the child is the important factor and
8 not us.

9 MR. ROGAN: Did that -- were you separated from your
10 children at certain points or child at certain points?

11 PROSPECTIVE JUROR NUMBER 067: Yes.

12 MR. ROGAN: And did that cause you emotional
13 difficulties?

14 PROSPECTIVE JUROR NUMBER 067: (Inaudible).

15 MR. ROGAN: Now, you'll hear in this case that
16 there's children. Do you think you can put aside your
17 personal experience with your breakup and judge what happened
18 here evenly and fairly?

19 PROSPECTIVE JUROR NUMBER 067: Yes, sir, with the
20 facts, of course.

21 MR. ROGAN: Thank you. And sir, do you think that
22 you could sit and judge the defendant if you found him guilty
23 of first degree murder?

24 PROSPECTIVE JUROR NUMBER 067: Yes, sir.

25 MR. ROGAN: And you could impose any one of those

1 three penalties that I discussed before, including life
2 without the possibility of parole?

3 PROSPECTIVE JUROR NUMBER 067: Yes, sir.

4 MR. ROGAN: Okay. If you could pass it along to
5 Ms. Luciano, badge number 68. You mentioned that your brother
6 did some time in jail or prison?

7 PROSPECTIVE JUROR NUMBER 068: Yes, he did.

8 MR. ROGAN: And it was here in Clark County?

9 PROSPECTIVE JUROR NUMBER 068: Yes.

10 MR. ROGAN: I know it's a sensitive subject, but
11 I've got to inquire about it. Did he go to prison or did he
12 stay here in the Clark County Detention Center?

13 PROSPECTIVE JUROR NUMBER 068: He was at High Desert
14 and then he was also in Tonopah at a camp.

15 MR. ROGAN: Okay. What kind of crime was he
16 convicted of?

17 PROSPECTIVE JUROR NUMBER 068: One was drugs and
18 another one was check kiting, checks -- fraudulent.

19 MR. ROGAN: Passing bad checks?

20 PROSPECTIVE JUROR NUMBER 068: Yes.

21 MR. ROGAN: All right. Did the Clark County
22 District Attorney's Office prosecute him?

23 PROSPECTIVE JUROR NUMBER 068: I believe so.

24 MR. ROGAN: Were you involved at all in that process?

25 PROSPECTIVE JUROR NUMBER 068: No. I just went to

1 support, to sit in the courtroom and be moral support for him.
2 MR. ROGAN: At his sentencing --
3 PROSPECTIVE JUROR NUMBER 068: Yes.
4 MR. ROGAN: -- or at different hearings? Okay. Did
5 you have any contact with the Clark County District Attorneys
6 who were prosecuting him?
7 PROSPECTIVE JUROR NUMBER 068: No, I did not.
8 MR. ROGAN: Do you have any negative opinions or
9 positive opinions of the District Attorney's Office based upon
10 what your brother went through?
11 PROSPECTIVE JUROR NUMBER 068: No, no opinions.
12 MR. ROGAN: What about the court system, any
13 opinions on that because of what your brother went through?
14 PROSPECTIVE JUROR NUMBER 068: No, I don't believe
15 so. They were fair. It is what it is.
16 MR. ROGAN: What about his defense attorneys?
17 PROSPECTIVE JUROR NUMBER 068: I believe they were
18 public defenders.
19 MR. ROGAN: And do you think that they did a good
20 job?
21 PROSPECTIVE JUROR NUMBER 068: I believe so.
22 MR. ROGAN: Do you own any firearms, ma'am?
23 PROSPECTIVE JUROR NUMBER 068: No, I do not.
24 MR. ROGAN: Do you agree that it's appropriate that
25 a person must get a permit to carry a concealed weapon?

1 PROSPECTIVE JUROR NUMBER 068: Definitely.

2 MR. ROGAN: Have you endured any bad breakups in
3 your life?

4 PROSPECTIVE JUROR NUMBER 068: Yeah, my divorce.

5 MR. ROGAN: And when was that?

6 PROSPECTIVE JUROR NUMBER 068: It was final in
7 January of 2001.

8 MR. ROGAN: So fourteen years ago?

9 PROSPECTIVE JUROR NUMBER 068: Uh-huh. He moved out
10 prior to that, though.

11 MR. ROGAN: Were there children involved?

12 PROSPECTIVE JUROR NUMBER 068: Yes. Two.

13 MR. ROGAN: And how old were they at the time?

14 PROSPECTIVE JUROR NUMBER 068: Three years old and
15 six months.

16 MR. ROGAN: Did you have to have some sort of shared
17 custody plan at the time of the divorce?

18 PROSPECTIVE JUROR NUMBER 068: He had supervised
19 visitation at my home.

20 MR. ROGAN: Can you describe generally how this
21 breakup -- whether it was difficult or not difficult and how
22 long it took?

23 PROSPECTIVE JUROR NUMBER 068: Any relationship
24 breakup is difficult. He was -- he thought things were better
25 on the other side. He had another girlfriend or, you know, he

1 had another woman, so that's always difficult for you to
2 handle. However, everything is amicable today. We get along
3 well. The kids are fine.

4 MR. ROGAN: When you found out that he had another
5 girlfriend, did he tell you this?

6 PROSPECTIVE JUROR NUMBER 068: Oh, I walked in. I
7 witnessed it.

8 MR. ROGAN: And I'm sure that was very emotional.

9 PROSPECTIVE JUROR NUMBER 068: It was. I was eight
10 months pregnant with my youngest.

11 MR. ROGAN: Okay. And I'm sure you were very upset
12 when you found -- when you saw what was going on?

13 PROSPECTIVE JUROR NUMBER 068: Oh, definitely.

14 MR. ROGAN: But you didn't resort to violence at
15 the time?

16 PROSPECTIVE JUROR NUMBER 068: No. No, and I --
17 you know, I had found out her name. She was married, she had
18 kids. And there was nothing that I -- I did not interfere on
19 that end at all.

20 MR. ROGAN: I see. Now, is there anything about
21 that experience that's going to affect your ability to sit
22 here in court today?

23 PROSPECTIVE JUROR NUMBER 068: Definitely not.

24 MR. ROGAN: Okay. Can you sit in judgment of the
25 defendant if you find him guilty of first degree murder?

1 PROSPECTIVE JUROR NUMBER 068: Yes.

2 MR. ROGAN: And could you put him in prison for life

3 without the possibility of parole?

4 PROSPECTIVE JUROR NUMBER 068: Yes.

5 MR. ROGAN: Thank you. Just pass that off to Mr.

6 Thompson, badge 106.

7 PROSPECTIVE JUROR NUMBER 107: 107.

8 MR. ROGAN: 107. Thank you. It's going to sound

9 strange, but I know you from somewhere, don't I?

10 PROSPECTIVE JUROR NUMBER 107: I think we used to

11 work out under Paul Rosenberg years ago.

12 MR. ROGAN: Ahh. At Real Results. Okay. Do you

13 still go there?

14 PROSPECTIVE JUROR NUMBER 107: Yes, I do.

15 MR. ROGAN: All right.

16 Judge, can we approach, please?

17 THE COURT: You can.

18 (Bench conference)

19 THE COURT: Working out in the same gym is not

20 enough.

21 MR. ROGAN: No, I know. It's a small gym. I just

22 wanted to make the record clear, I don't know him except by

23 his face, so.

24 THE COURT: It's okay. You've seen him at the gym.

25 MR. ROGAN: Yeah.

1 THE COURT: It's a good thing, you work out. I've
2 got four people we're going to talk to when we send everybody
3 else home.

4 MR. ROGAN: Sure.

5 THE COURT: So we're going to break at 4:45 to talk
6 to those four people, unless you have some others you want to
7 think about.

8 MR. ROGAN: What time is it now, 4:07? Yeah.

9 THE COURT: Yeah. Okay, I'm making a list.

10 MR. ROGAN: Okay. I probably won't finish today.

11 THE COURT: I'm aware of that.

12 (End of bench conference)

13 MR. ROGAN: Now, Mr. Thompson, we don't know each
14 other except from that, seeing each other at the gym, and
15 you're not going to favor the State side simply because you've
16 seen me around town?

17 PROSPECTIVE JUROR NUMBER 107: Absolutely not. I
18 don't even know your name. I didn't know your name before
19 today.

20 MR. ROGAN: Okay. Sir, do you own any firearms?

21 PROSPECTIVE JUROR NUMBER 107: I do not.

22 MR. ROGAN: And do you agree that it's appropriate
23 that a person has to get a permit before carrying a concealed
24 weapon?

25 PROSPECTIVE JUROR NUMBER 107: Absolutely.

1 MR. ROGAN: Do you have any experience with bad
2 breakups?

3 PROSPECTIVE JUROR NUMBER 107: A couple in my early
4 20's. I mean, they seemed really bad at the time, but looking
5 back they were just immature silliness.

6 MR. ROGAN: Nothing that turned to violence?

7 PROSPECTIVE JUROR NUMBER 107: No.

8 MR. ROGAN: No stalking or anything of that nature?

9 PROSPECTIVE JUROR NUMBER 107: Nothing.

10 MR. ROGAN: All right. Do you think that you could
11 sit in judgment of the defendant if you found him guilty of
12 first degree murder?

13 PROSPECTIVE JUROR NUMBER 107: Yes, I do.

14 MR. ROGAN: And you could consider all the penalties,
15 including life in prison without the possibility of parole?

16 PROSPECTIVE JUROR NUMBER 107: Yes, I could.

17 MR. ROGAN: Thank you very much. Mr. O'Grady, badge
18 number 109. Your son-in-law works for Metro?

19 PROSPECTIVE JUROR NUMBER 109: Yes.

20 MR. ROGAN: What is his name?

21 PROSPECTIVE JUROR NUMBER 109: Brandon McFarland.

22 MR. ROGAN: Are you close with your son-in-law?

23 PROSPECTIVE JUROR NUMBER 109: Yeah.

24 MR. ROGAN: Does he discuss police matters with you?

25 PROSPECTIVE JUROR NUMBER 109: No, but we have

1 family outings twice or three times a month and, you know, I
2 get to pick up the grandson and take him out. You know, we're
3 close. My daughter is real close with my wife, so we do get
4 together.

5 MR. ROGAN: Okay. Do you think that you'll weigh a
6 police officer's testimony any differently than a lay person's
7 testimony because of your son-in-law?

8 PROSPECTIVE JUROR NUMBER 109: No.

9 MR. ROGAN: You'll treat them both equally and
10 fairly? Yes?

11 PROSPECTIVE JUROR NUMBER 109: Yes.

12 MR. ROGAN: Okay, thank you.

13 PROSPECTIVE JUROR NUMBER 109: I was in the military.

14 MR. ROGAN: All right.

15 PROSPECTIVE JUROR NUMBER 109: I own guns.

16 MR. ROGAN: I've been waiting to ask that question.

17 Thank you.

18 PROSPECTIVE JUROR NUMBER 109: And I own guns.

19 MR. ROGAN: What branch of military did you serve?

20 PROSPECTIVE JUROR NUMBER 109: The only one, the
21 Marine Corps.

22 MR. ROGAN: All right. Were you involved in the
23 military police at all?

24 PROSPECTIVE JUROR NUMBER 109: No.

25 MR. ROGAN: And you said you own guns. How many

1 guns do you own?

2 PROSPECTIVE JUROR NUMBER 109: I own two shotguns
3 that were passed down from my father and my grandmother.

4 MR. ROGAN: Do you use them?

5 PROSPECTIVE JUROR NUMBER: No, they haven't been
6 shot in thirty years and they're wrapped up in the closet.

7 MR. ROGAN: Do you have any opinion as to why we
8 have or whether it's appropriate to carry a concealed weapon
9 with a permit only?

10 PROSPECTIVE JUROR NUMBER: No, I believe in that,
11 permit only, and I'm not for the open holster there to watch
12 somebody walk around, you know, a Denny's Restaurant, you
13 know, showing off any kind of a handgun. I just -- I don't
14 think that's right. I think it ought to be licensed either
15 for the outside or the inside.

16 MR. ROGAN: Thank you, sir. Do you -- I think you
17 said you've been married for quite some time. Forty-two
18 years, is that right?

19 PROSPECTIVE JUROR NUMBER 109: Yes.

20 MR. ROGAN: Do you remember any bad breakups from
21 way back before then?

22 PROSPECTIVE JUROR NUMBER 109: No, I sure don't.

23 MR. ROGAN: Okay. All right. Do you think that you
24 could sit in judgment of the defendant and sentence him to
25 life in prison without the possibility of parole if you find

1 him guilty of first degree murder?
2 PROSPECTIVE JUROR NUMBER 109: Yes.
3 MR. ROGAN: If you could pass the microphone off
4 to --
5 MR. COFFEE: Excuse me. Can we approach?
6 THE COURT: You can.
7 (Bench conference)
8 THE COURT: You've got to say if you find him guilty
9 of first degree murder you can sit in judgment of him.
10 MR. ROGAN: Okay.
11 MR. COFFEE: Yeah.
12 THE COURT: Is that what you were going to say?
13 MR. COFFEE: That was part of it, and I've just got
14 concerns that we keep sending the message that the expected
15 verdict is life without. I've let it go about three or four
16 times and we haven't put the others out.
17 MR. ROGAN: I'll just change it to can sit in
18 judgment and of all three possible punishments.
19 MR. COFFEE: That's fine.
20 THE COURT: That's fine.
21 MR. ROGAN: Okay.
22 THE COURT: But you've just got to get the preface.
23 Okay, we've got people who need a bathroom break.
24 MR. ROGAN: Okay.
25 MR. COFFEE: Okay.

1 MR. ROGAN: We could just break for the day if you
2 want to.

3 THE COURT: I don't want to break for the day.

4 MR. ROGAN: Okay.

5 THE COURT: I'd really like to get through this.

6 (End of bench conference)

7 THE COURT: Hold on a second. The marshal says we
8 have to have a break.

9 Ladies and gentlemen, because we need to take a
10 bathroom break, I'm going to take a short restroom break.
11 During this recess you are admonished not to talk or converse
12 among yourselves or with anyone else on any subject connected
13 with this trial, or read, watch or listen to any report of
14 or commentary on the trial or any person connected with this
15 trial by any medium of information, including without
16 limitation social media, text, newspapers, television, the
17 Internet and radio, or form or express any opinion on any
18 subject connected with the trial until the case is finally
19 submitted to you.

20 If you could gather in about ten minutes outside
21 Courtroom 14A. Please remember approximately where you're
22 sitting, for those of you in the audience, and exactly where
23 you're sitting for those of you in the box.

24 (Colloquy regarding jurors assembling with the marshal)

25 (Prospective jurors not present)

1 THE COURT: All right, you can sit down. We had one
2 who had to leave, so. The jurors that I have decided we're
3 going to talk to afterwards, and if you have some that you
4 think we need to specially inquire outside the presence are
5 82, 87, 116 and 122.

6 MS. MERCER: 116?

7 THE COURT: Uh-huh. 82, 87, 116, 122.

8 MR. COFFEE: Okay, I'm catching up with you.

9 THE COURT: Do you want me to go slower?

10 MR. COFFEE: I don't want to hold you up.

11 THE COURT: (Speaking to the marshal) Why are you
12 confusing my jurors?

13 MR. ROGAN: Juror 67 expressed to me that he was
14 going to have child care issues, I think he said this
15 Wednesday and next Thursday.

16 THE COURT: Well, but he has to tell me, he can't
17 just tell you.

18 MR. ROGAN: He said that he did and then he
19 retracted it.

20 THE COURT: I've asked him both the times.

21 THE MARSHAL: Yeah. And I told him, I'm like, okay,
22 we'll mention it.

23 THE COURT: So I'll write him on my list; 67,
24 Leavelle. What about him?

25 MR. ROGAN: He has childcare issues.

1 THE COURT: He says he has childcare issues.
2 THE MARSHAL: He's got to be home at five o'clock,
3 at 1700 or before that.
4 THE COURT: We don't do 1700.
5 THE MARSHAL: Five o'clock.
6 THE COURT: We break at 1700 and then he goes to get
7 a car and then he drives for a half hour somewhere. That's
8 how it works.
9 MR. ROGAN: And he said he was -- I'm sorry, you
10 said it was Wednesday --
11 THE COURT: That's okay, I've got it written down.
12 MR. ROGAN: Great. Thank you.
13 THE MARSHAL: Yeah, some day this week and one day
14 next week.
15 THE COURT: 67, 82, 87, 116, 122.
16 THE MARSHAL: Can we offer the defendant a bathroom
17 break if he needs it?
18 THE COURT: Mr. White, do you need a restroom break?
19 THE DEFENDANT: No, I'm fine. Thank you.
20 THE COURT: All right, because we're going to break
21 in about a half hour.
22 (Court recessed from 4:14:45 p.m. until 4:19:35 p.m.)
23 (Prospective jurors are present)
24 THE COURT: All right, you can be seated.
25 Mr. Rogan, you may continue.

1 MR. ROGAN: Thank you, Your Honor.
2 Badge number 110, Mr. Oliai.
3 PROSPECTIVE JUROR NUMBER 110: Hello.
4 MR. ROGAN: Hello. You have two friends who are in
5 the LAPD?
6 PROSPECTIVE JUROR NUMBER 110: Right.
7 MR. ROGAN: Do you speak to them regularly?
8 PROSPECTIVE JUROR NUMBER 110: It's been a couple
9 years, but once in awhile we drop each other like an email or
10 something like that.
11 MR. ROGAN: Is your friendship with those police
12 officers going to affect your ability to judge the police
13 officers' testimony in this case?
14 PROSPECTIVE JUROR NUMBER 110: No.
15 MR. ROGAN: Thank you. Do you have any prior
16 military service, sir?
17 PROSPECTIVE JUROR NUMBER 110: No.
18 MR. ROGAN: Do you own any firearms?
19 PROSPECTIVE JUROR NUMBER 110: Not anymore.
20 MR. ROGAN: You had?
21 PROSPECTIVE JUROR NUMBER 110: I had.
22 MR. ROGAN: What kind of firearms did you own?
23 PROSPECTIVE JUROR NUMBER 110: It was a 9 millimeter.
24 MR. ROGAN: Did you ever have a CCW permit?
25 PROSPECTIVE JUROR NUMBER 110: No.

1 MR. ROGAN: Do you think it's reasonable to require
2 people to have a CCW permit?
3 PROSPECTIVE JUROR NUMBER 110: Yes.
4 MR. ROGAN: Okay. Have you endured any bad breakups,
5 sir?
6 PROSPECTIVE JUROR NUMBER 110: Uh, not really, no.
7 MR. ROGAN: No? None whatsoever?
8 PROSPECTIVE JUROR NUMBER 110: I mean, no breakup is
9 great, but nothing, you know, crazy.
10 MR. ROGAN: Okay. And finally, do you think that
11 you could consider all forms of punishment, all three forms of
12 punishment?
13 PROSPECTIVE JUROR NUMBER 110: Yeah.
14 MR. ROGAN: Great. Thank you. If you could pass
15 that on to Mr. Navarro.
16 PROSPECTIVE JUROR NUMBER 111: Go ahead.
17 MR. ROGAN: You're badge number 111?
18 PROSPECTIVE JUROR NUMBER 111: 111. That's right.
19 MR. ROGAN: Thank you. Do you have any prior
20 military service, sir?
21 PROSPECTIVE JUROR NUMBER 111: No.
22 MR. ROGAN: Do you own any firearms?
23 PROSPECTIVE JUROR NUMBER 111: Not at all. I don't
24 have any.
25 MR. ROGAN: Do you agree that it's appropriate to

1 require people to obtain a permit to carry a concealed weapon?

2 PROSPECTIVE JUROR NUMBER 111: I do believe, yes.

3 Yes, I believe in democracy.

4 MR. ROGAN: Okay. Sir, you -- I don't know whether
5 you're married, actually. Are you married?

6 PROSPECTIVE JUROR NUMBER 111: Oh, yeah.

7 MR. ROGAN: And how long --

8 PROSPECTIVE JUROR NUMBER 111: Yeah, for 40 years.

9 MR. ROGAN: Forty years.

10 PROSPECTIVE JUROR NUMBER 111: We were married in
11 1975.

12 MR. ROGAN: Okay, thank you very much. Have you
13 endured any bad breakups?

14 PROSPECTIVE JUROR NUMBER 111: No.

15 MR. ROGAN: No? Can you consider all three forms of
16 punishment if you were to find the defendant guilty of first
17 degree murder?

18 PROSPECTIVE JUROR NUMBER 111: Oh, yeah, yeah, I do
19 believe, but it has to be decided and that's the one that will
20 take more time.

21 MR. ROGAN: I'm sorry, I don't understand you.

22 PROSPECTIVE JUROR NUMBER 111: I mean, I believe in
23 those three punishments, but it has to be upon the jurors to
24 have -- to find out.

25 MR. ROGAN: That's right. So after you've listened

1 to all the evidence --

2 PROSPECTIVE JUROR NUMBER 111: Oh, yeah.

3 MR. ROGAN: -- and after you come to a conclusion.

4 PROSPECTIVE JUROR NUMBER 111: Afterwards. Yeah.

5 MR. ROGAN: There will be a separate proceeding.

6 PROSPECTIVE JUROR NUMBER 111: Uh-huh.

7 MR. ROGAN: And then after that you'll make a
8 determination about the appropriate punishment if you found
9 him guilty of first degree murder.

10 PROSPECTIVE JUROR NUMBER 111: Oh, yeah, I do
11 believe. Yeah.

12 MR. ROGAN: And you could do that?

13 PROSPECTIVE JUROR NUMBER 111: I can do it.

14 MR. ROGAN: Great. Thanks so much.

15 PROSPECTIVE JUROR NUMBER 111: Okay.

16 MR. ROGAN: If we could just -- I guess we can pass
17 it to Mr. Rodriguez, badge number 87.

18 Sir, I'm going back to your indecisive nature. As
19 a juror you have to make a decision after listening to all the
20 evidence.

21 PROSPECTIVE JUROR NUMBER 087: Right.

22 MR. ROGAN: Do you think if you were to consider all
23 the evidence that you could come to a decision?

24 PROSPECTIVE JUROR NUMBER 087: Well, if I have to
25 like choose by myself or with the jury?

1 MR. ROGAN: You have to form your own opinion --
2 PROSPECTIVE JUROR NUMBER 087: Right.
3 MR. ROGAN: -- as to the guilt or innocence of the
4 defendant on all of the charges.
5 PROSPECTIVE JUROR NUMBER 087: Did you say if he was
6 already convicted would I have to choose from those three
7 options?
8 MR. ROGAN: I'm talking about before that.
9 PROSPECTIVE JUROR NUMBER 087: Oh, okay.
10 MR. ROGAN: I'm talking about when you're deciding
11 the guilt or innocence of the defendant on the charges, you
12 have to make a decision.
13 PROSPECTIVE JUROR NUMBER 087: Right.
14 MR. ROGAN: Is he guilty, is he not guilty? Will
15 you be able to do that?
16 PROSPECTIVE JUROR NUMBER 087: I think so, yeah.
17 MR. ROGAN: You think so?
18 PROSPECTIVE JUROR NUMBER 087: Yeah.
19 MR. ROGAN: Even though you're indecisive?
20 PROSPECTIVE JUROR NUMBER 087: Right.
21 MR. ROGAN: Okay. How old are you, sir?
22 PROSPECTIVE JUROR NUMBER 087: Nineteen.
23 MR. ROGAN: Nineteen. And you said that you had
24 some college experience?
25 PROSPECTIVE JUROR NUMBER 087: Yeah.

1 MR. ROGAN: Okay. Is there anything about your
2 background that would make you think that you would be unable
3 to sit and determine whether someone is guilty, the defendant
4 is guilty or not?

5 PROSPECTIVE JUROR NUMBER 087: No.

6 MR. ROGAN: Do you have any military service?

7 PROSPECTIVE JUROR NUMBER 087: No.

8 MR. ROGAN: Do you own a firearm?

9 PROSPECTIVE JUROR NUMBER 087: No.

10 MR. ROGAN: Do you think it's appropriate that we
11 require people to get a permit to carry a concealed weapon?

12 PROSPECTIVE JUROR NUMBER 087: Yes.

13 MR. ROGAN: Have you endured any bad breakups, sir?

14 PROSPECTIVE JUROR NUMBER 087: No.

15 MR. ROGAN: No. Okay. Could you consider all three
16 forms of punishment if you were to find the defendant guilty
17 of first degree murder?

18 PROSPECTIVE JUROR NUMBER 087: Uh-huh.

19 MR. ROGAN: Is that a yes?

20 PROSPECTIVE JUROR NUMBER 087: Yes.

21 MR. ROGAN: All right, thanks so much.

22 Ms. Bonilla, badge number 84. How are you? Good?

23 All right. Any prior military service, ma'am?

24 PROSPECTIVE JUROR NUMBER 084: No.

25 MR. ROGAN: Do you own any firearms?

1 PROSPECTIVE JUROR NUMBER 084: No.

2 MR. ROGAN: Do you think it's appropriate that

3 people have to get a permit to carry a concealed weapon?

4 PROSPECTIVE JUROR NUMBER 084: (Inaudible response).

5 MR. ROGAN: Have you endured any bad breakups?

6 PROSPECTIVE JUROR NUMBER 084: No.

7 MR. ROGAN: No? None whatsoever?

8 PROSPECTIVE JUROR NUMBER 084: None with violence or

9 stalking.

10 MR. ROGAN: None with violence or stalking. What

11 about just a guy that wouldn't leave you alone?

12 PROSPECTIVE JUROR NUMBER 084: Probably.

13 MR. ROGAN: Probably. Okay. Anything about that

14 experience that would affect your ability to sit as a juror in

15 this case?

16 PROSPECTIVE JUROR NUMBER 084: (Inaudible response).

17 MR. ROGAN: Could you consider all three possible

18 forms of punishment if you were to find the defendant guilty

19 of first degree murder?

20 PROSPECTIVE JUROR NUMBER 084: Yes.

21 MR. ROGAN: Yes. Thank you. Would you pass that

22 microphone off to Mr. Jones, badge number 121.

23 Sir, you have been married but you're widowed now?

24 PROSPECTIVE JUROR NUMBER 121: Correct.

25 MR. ROGAN: And how long ago was that?

1 PROSPECTIVE JUROR NUMBER 121: She passed away four
2 years ago.

3 MR. ROGAN: How long were you married?

4 PROSPECTIVE JUROR NUMBER 121: Thirty years.

5 MR. ROGAN: Have you had any prior military service?

6 PROSPECTIVE JUROR NUMBER 121: No.

7 MR. ROGAN: Do you own any firearms?

8 PROSPECTIVE JUROR NUMBER 121: Not currently.

9 MR. ROGAN: You owned some in the past?

10 PROSPECTIVE JUROR NUMBER 121: Yes.

11 MR. ROGAN: Any handguns?

12 PROSPECTIVE JUROR NUMBER 121: Yes.

13 MR. ROGAN: Do you think it's appropriate for a
14 person to have to get a permit to carry a concealed firearm?

15 PROSPECTIVE JUROR NUMBER 121: Yes, I do.

16 MR. ROGAN: Did you ever have a concealed carry
17 permit?

18 PROSPECTIVE JUROR NUMBER 121: No.

19 MR. ROGAN: Have you endured any bad breakups in
20 your life?

21 PROSPECTIVE JUROR NUMBER 121: No.

22 MR. ROGAN: And finally, do you think that you could
23 consider all three possible forms of punishment if you were to
24 find the defendant guilty of first degree murder?

25 PROSPECTIVE JUROR NUMBER 121: Yes.

1 MR. ROGAN: Thank you.
2 Mr. Hendricks, badge number 82.
3 PROSPECTIVE JUROR NUMBER 082: Yes, sir.
4 MR. ROGAN: You're a young guy. Do you have any
5 prior military service?
6 PROSPECTIVE JUROR NUMBER 082: No.
7 MR. ROGAN: No.
8 PROSPECTIVE JUROR NUMBER 082: I'm not that young.
9 MR. ROGAN: You look young. Do you own any firearms?
10 PROSPECTIVE JUROR NUMBER 082: I do.
11 MR. ROGAN: What kind?
12 PROSPECTIVE JUROR NUMBER 082: I own a revolver.
13 MR. ROGAN: Do you have a CCW permit?
14 PROSPECTIVE JUROR NUMBER 082: No, sir.
15 MR. ROGAN: Do you think it's appropriate that a
16 person has to get a CCW permit to carry it concealed?
17 PROSPECTIVE JUROR NUMBER 082: Yes, sir.
18 MR. ROGAN: Have you ever been in a relationship
19 that ended badly?
20 PROSPECTIVE JUROR NUMBER 082: I'm going through a
21 divorce right now.
22 MR. ROGAN: You are?
23 PROSPECTIVE JUROR NUMBER 082: Uh-huh.
24 MR. ROGAN: How long were you married for?
25 PROSPECTIVE JUROR NUMBER 082: Four years.

1 MR. ROGAN: Do you have any children?

2 PROSPECTIVE JUROR NUMBER 082: No. Two dogs.

3 They're like kids.

4 MR. ROGAN: I have two dogs, too.

5 PROSPECTIVE JUROR NUMBER 082: I'd rather have them,
6 though.

7 MR. ROGAN: Before I move on, you also said that you
8 have multiple cousins who are in Metro?

9 PROSPECTIVE JUROR NUMBER 082: Yeah.

10 MR. ROGAN: As police officers?

11 PROSPECTIVE JUROR NUMBER 082: Yeah.

12 MR. ROGAN: Do you speak with them often?

13 PROSPECTIVE JUROR NUMBER 082: Yeah. I consider
14 them all close friends, as family.

15 MR. ROGAN: Do they talk to you about police matters?

16 PROSPECTIVE JUROR NUMBER 082: No, not too much.

17 MR. ROGAN: Anything they've ever said to you, would
18 you take into consideration what they said in forming your
19 opinion of anything that's testified to in this case?

20 PROSPECTIVE JUROR NUMBER 082: No.

21 MR. ROGAN: And you said that you had a cousin who
22 was a former attorney general?

23 PROSPECTIVE JUROR NUMBER 082: Yeah, well, by
24 marriage. She was my aunt, cousin, whatever you want to call
25 it.

1 MR. ROGAN: The Attorney General or --
2 PROSPECTIVE JUROR NUMBER 082: Former. Catherine
3 Cortez Masto.
4 MR. ROGAN: Okay.
5 PROSPECTIVE JUROR NUMBER 082: Yeah.
6 MR. ROGAN: Did you socialize with her?
7 PROSPECTIVE JUROR NUMBER 082: Uh, yeah.
8 MR. ROGAN: Yeah. Did anything about that affect
9 your ability to be a fair and impartial juror in this case?
10 PROSPECTIVE JUROR NUMBER 082: No.
11 MR. ROGAN: Okay. Do you think that you can sit in
12 judgment of the defendant and consider all three possible
13 forms of punishment if in fact he's found guilty of first
14 degree murder?
15 PROSPECTIVE JUROR NUMBER 082: God, no.
16 MR. ROGAN: You can't?
17 PROSPECTIVE JUROR NUMBER 082: Just to be honest.
18 MR. ROGAN: What form of -- what wouldn't you be
19 able to convict to consider?
20 PROSPECTIVE JUROR NUMBER 082: That's -- man, from
21 what you guys have said so far, two years to get to this point
22 and you're telling me in two weeks I have to basically decide
23 the verdict for somebody's life.
24 MR. ROGAN: Well, you may not have to.
25 PROSPECTIVE JUROR NUMBER 082: Okay.

1 MR. ROGAN: I mean, only if you reach the conclusion
2 that he's guilty of first degree murder.

3 PROSPECTIVE JUROR NUMBER 082: Sure.

4 MR. ROGAN: That's the only punishment that you'll
5 consider. Now, I went over them before.

6 PROSPECTIVE JUROR NUMBER 082: Yeah.

7 MR. ROGAN: Twenty years to life, twenty to fifty
8 years or life without the possibility of parole. Which of
9 those three punishments do you think that you couldn't
10 consider?

11 PROSPECTIVE JUROR NUMBER 082: I'm not judging him,
12 but I mean, I think twenty years is pretty much the rest of
13 his life, based off of how old he is.

14 MR. ROGAN: Okay.

15 PROSPECTIVE JUROR NUMBER 082: That's just a lot
16 of time. I'm sorry if that was rude, but I'm just a little
17 uncomfortable. I studied accounting, not --

18 MR. ROGAN: So what you're telling me is you
19 couldn't sit in judgment of the defendant?

20 PROSPECTIVE JUROR NUMBER 082: It would be difficult.
21 That's all I'm saying. It's not hard to, you know, if I'm
22 depicting evidence and trying to find out if somebody is
23 guilty or not. With everybody else I could do that, but, you
24 know, like I said, in two weeks to say the rest of their life
25 would be difficult for me, that's all I'm saying.

1 MR. ROGAN: All right. So do you think there's a
2 possibility that if you had to consider the punishment that he
3 suffers, that you in the deliberation room would say I can't
4 do this?

5 PROSPECTIVE JUROR NUMBER 082: No, I would do it to
6 the best of my ability if I was chosen.

7 MR. ROGAN: Okay. Is there any possibility that
8 that could happen?

9 PROSPECTIVE JUROR NUMBER 082: No. Like I said --

10 MR. ROGAN: So you would buckle down and you would
11 make a decision?

12 PROSPECTIVE JUROR NUMBER 082: I'll do it to the
13 best of my ability. Absolutely.

14 MR. ROGAN: Thank you, Mr. Hendricks. If you could
15 just pass the microphone to Mr. Reid, badge number 81.

16 Sir, do you have any prior military service?

17 PROSPECTIVE JUROR NUMBER 081: No, I do not.

18 MR. ROGAN: Do you own any firearms?

19 PROSPECTIVE JUROR NUMBER 081: I do.

20 MR. ROGAN: What kinds?

21 PROSPECTIVE JUROR NUMBER 081: A revolver, a 9
22 millimeter, a long gun.

23 MR. ROGAN: Okay. Do you have a CCW permit?

24 PROSPECTIVE JUROR NUMBER 081: No.

25 MR. ROGAN: Do you think it's appropriate that we

1 require a person to get a permit to carry a concealed weapon?
2 PROSPECTIVE JUROR NUMBER 081: Yes.
3 MR. ROGAN: Okay. Do you, sir, have any experience
4 with bad breakups? And I know I'm being very general about
5 that, but --
6 PROSPECTIVE JUROR NUMBER 081: Yeah.
7 MR. ROGAN: You do?
8 PROSPECTIVE JUROR NUMBER 081: Sure.
9 MR. ROGAN: Okay, tell me about it.
10 PROSPECTIVE JUROR NUMBER 081: I'm divorced with a
11 kid.
12 MR. ROGAN: How long ago?
13 PROSPECTIVE JUROR NUMBER 081: About ten years.
14 MR. ROGAN: Was child custody split between the two
15 of you during that divorce?
16 PROSPECTIVE JUROR NUMBER 081: Yes.
17 MR. ROGAN: Was it difficult emotionally for you to
18 be apart from your children?
19 PROSPECTIVE JUROR NUMBER 081: Sure.
20 MR. ROGAN: Were there things that you did or said
21 that you regretted during that divorce proceeding?
22 PROSPECTIVE JUROR NUMBER 081: No.
23 MR. ROGAN: No?
24 PROSPECTIVE JUROR NUMBER 081: No.
25 MR. ROGAN: Okay. You acted, in your mind,

1 appropriately during that time?

2 PROSPECTIVE JUROR NUMBER 081: Yes.

3 MR. ROGAN: You understand that it's a very difficult
4 process, though?

5 PROSPECTIVE JUROR NUMBER 081: Sure is.

6 MR. ROGAN: And some people react differently?

7 PROSPECTIVE JUROR NUMBER 081: (Inaudible response).

8 MR. ROGAN: Is that a yes?

9 PROSPECTIVE JUROR NUMBER 081: Yes.

10 MR. ROGAN: All right. Are you going to be able to
11 put aside your personal experience when you're listening to
12 the testimony in this particular case?

13 PROSPECTIVE JUROR NUMBER 081: Yes.

14 MR. ROGAN: Do you think that you can consider all
15 three possible forms of punishment if in fact the defendant is
16 found guilty of first degree murder?

17 PROSPECTIVE JUROR NUMBER 081: Yes.

18 MR. ROGAN: Thank you. If you could pass the
19 microphone to Ms. Thompson. Badge number 116, correct?

20 Ms. Thompson, I need to delve a little bit into your
21 cousin's murder.

22 PROSPECTIVE JUROR NUMBER 116: Okay.

23 MR. ROGAN: When was that?

24 PROSPECTIVE JUROR NUMBER 116: 1971, a long time ago.

25 MR. ROGAN: A long time ago. Were you close with

1 your cousin?

2 PROSPECTIVE JUROR NUMBER 116: Yes. She was raised
3 in part by my mom and there's two years difference in our
4 ages.

5 MR. ROGAN: So you lived together at some point?

6 PROSPECTIVE JUROR NUMBER 116: Yes.

7 MR. ROGAN: How old was she when she was murdered?

8 PROSPECTIVE JUROR NUMBER 116: She was 23.

9 MR. ROGAN: And was her boyfriend prosecuted for
10 that murder?

11 PROSPECTIVE JUROR NUMBER 116: He committed suicide.

12 MR. ROGAN: At the same time or was this later on?

13 PROSPECTIVE JUROR NUMBER 116: No, he killed her and
14 then he killed himself in front of their daughter.

15 MR. ROGAN: So murder-suicide. And that's obviously
16 very emotional still for you forty some odd years later?

17 PROSPECTIVE JUROR NUMBER 116: Well, that's the same
18 reason why I don't watch "CSI" and all those other programs.
19 I get very anxious.

20 MR. ROGAN: Now, listening to what little you know
21 about this case as of right now, are you going to be so
22 anxious that you wouldn't be able to sit and listen to the
23 testimony and consider all the evidence?

24 PROSPECTIVE JUROR NUMBER 116: I don't know. I'm
25 the person who faints --

1 MR. ROGAN: Who faints?
2 PROSPECTIVE JUROR NUMBER 116: -- at the sight of
3 blood. I faint.
4 MR. ROGAN: Okay. All right. There's going to be
5 just a few pictures of some blood.
6 PROSPECTIVE JUROR NUMBER 116: I'm just being honest.
7 MR. ROGAN: Okay. All right. Are you going to be
8 able to be revived easily if we -- (waves arm).
9 PROSPECTIVE JUROR NUMBER 116: Thank you for that.
10 MR. ROGAN: Okay. So I guess my ultimate question
11 is, knowing or having the experience that you have with your
12 cousin, do you think that you should sit as a juror in this
13 case?
14 PROSPECTIVE JUROR NUMBER 116: I don't know. I don't
15 know how I'm going to react. Like I said, I don't watch any
16 of those programs because they make me anxious. I have
17 fainted, I have nightmares, all those kinds of things. But
18 it's just part of me. Sorry
19 MR. ROGAN: Okay. That's your particular life
20 experience that you would take to this.
21 PROSPECTIVE JUROR NUMBER 116: Yeah. It's emotional
22 for me. It causes me to have anxiety.
23 MR. ROGAN: Okay. You also said that your brother-
24 in-law is a retired police officer in Ohio?
25 PROSPECTIVE JUROR NUMBER 116: Uh-huh.

1 MR. ROGAN: Are you close with your brother-in-law?
2 PROSPECTIVE JUROR NUMBER 116: Well, I've been out
3 here for 13 years. And he wasn't my brother-in-law, he was my
4 niece and my nephew's father.
5 MR. ROGAN: Okay.
6 PROSPECTIVE JUROR NUMBER 116: Not to mean that they
7 were married.
8 MR. ROGAN: I understand. Anything about your
9 relationship with that man that's going to affect your ability
10 to judge the credibility of a police officer's testimony?
11 PROSPECTIVE JUROR NUMBER 116: No, he's a great guy.
12 MR. ROGAN: Okay. Any prior military service?
13 PROSPECTIVE JUROR NUMBER 116: No.
14 MR. ROGAN: Do you own any firearms?
15 PROSPECTIVE JUROR NUMBER 116: No way.
16 MR. ROGAN: No way. Okay. What about the CCW
17 permit question, do you think it's appropriate that people
18 have to get one?
19 PROSPECTIVE JUROR NUMBER 116: Oh, sure.
20 MR. ROGAN: Okay. Have you endured any bad breakups
21 in your life?
22 PROSPECTIVE JUROR NUMBER 116: I don't know what you
23 consider a bad breakup. I mean, I was divorced after five
24 years of marriage, but I've now been married for thirty-three
25 years.

1 MR. ROGAN: I left that question specifically
2 general --

3 PROSPECTIVE JUROR NUMBER 116: That's fine.

4 MR. ROGAN: -- so that people would bring up their
5 experiences.

6 PROSPECTIVE JUROR NUMBER 116: That's fine.

7 MR. ROGAN: When you were divorced, was it amicable?

8 PROSPECTIVE JUROR NUMBER 116: Absolutely. I'm a
9 firm believer when things aren't working out, you walk away
10 and you walk away peacefully.

11 MR. ROGAN: I agree with that. Some people don't do
12 that, though.

13 PROSPECTIVE JUROR NUMBER 116: I'm just telling you
14 my belief system.

15 MR. ROGAN: Okay. Do you think that you could sit
16 in judgment of the defendant if he's found guilty of first
17 degree murder and consider all three possible forms of
18 punishment?

19 PROSPECTIVE JUROR NUMBER 116: If he's found guilty,
20 yes.

21 MR. ROGAN: Thank you very much, ma'am.

22 And, I'm sorry, is it -- I'm sorry, I can't
23 pronounce your name. It's badge number --

24 PROSPECTIVE JUROR NUMBER 076: Bosshardt.

25 MR. ROGAN: Thank you. Badge number 76.

1 PROSPECTIVE JUROR NUMBER 076: Right.

2 MR. ROGAN: Mr. Bosshardt, your wife is a juvenile

3 -- in the juvenile court system as a truancy person?

4 PROSPECTIVE JUROR NUMBER 076: No. She works for

5 the school district.

6 MR. ROGAN: Okay, I'm sorry. What is her

7 relationship with the juvenile court system then?

8 PROSPECTIVE JUROR NUMBER 076: She's a secretary.

9 She's actually lead secretary.

10 MR. ROGAN: Okay. Does she come in contact with

11 juvenile offenders at all?

12 PROSPECTIVE JUROR NUMBER 076: Yes, she does.

13 MR. ROGAN: Okay. Anything about that -- well, does

14 she talk to you about her experiences?

15 PROSPECTIVE JUROR NUMBER 076: No, she doesn't.

16 MR. ROGAN: Okay, thank you. Sir, do you have any

17 prior military service?

18 PROSPECTIVE JUROR NUMBER 076: No, I do not.

19 MR. ROGAN: Do you own a firearm?

20 PROSPECTIVE JUROR NUMBER 076: No, I do not.

21 MR. ROGAN: Do you think it's appropriate and fair

22 that a person has to obtain a permit in order to carry a

23 concealed weapon?

24 PROSPECTIVE JUROR NUMBER 076: Yes, I do.

25 MR. ROGAN: Were you ever in a relationship that

1 ended badly?

2 PROSPECTIVE JUROR NUMBER 076: No. I've been
3 married thirty-eight years and nothing before that.

4 MR. ROGAN: Okay. Do you think that you can sit in
5 judgment of the defendant if he's found guilty of first degree
6 murder?

7 PROSPECTIVE JUROR NUMBER 076: Yes, I do.

8 MR. ROGAN: And you can consider all three possible
9 forms of punishment? Yes?

10 PROSPECTIVE JUROR NUMBER 076: Yes.

11 MR. ROGAN: Thank you very much.
12 Badge number 75, Ms. Tawatao.

13 PROSPECTIVE JUROR NUMBER 075: Yes.

14 MR. ROGAN: You're grimacing. I'm sorry.

15 PROSPECTIVE JUROR NUMBER 075: Yeah.

16 MR. ROGAN: Okay. What are you scared of? What
17 are you afraid of right now?

18 PROSPECTIVE JUROR NUMBER 075: I don't know. I
19 don't know, really. I mean, I've been married twenty years.
20 I mean, I got married young. We have kids. We have problems
21 but we're still together and we work it out. So I don't know
22 how I feel about the whole situation.

23 MR. ROGAN: Okay. Can we do this individually?

24 THE COURT: We can.

25 MR. ROGAN: Okay. I'm just going to --

1 THE COURT: Ladies and gentlemen, we're going to
2 break for the evening. And I'm going to ask you to stay,
3 ma'am, and then I have a few other jurors that I'd like to
4 stay. The rest of you, I'd like you to come back -- if you
5 could, be here at 9:45 in the morning outside Courtroom 14A
6 at the other end of the hallway, and then we will continue
7 with our jury selection process.

8 The additional jurors I'd like to stay are badge
9 number 67, Mr. Leavelle, badge number 82, Mr. Hendricks, badge
10 number 87, Mr. Rodriguez, badge number 116, Ms. Thompson, and
11 badge number 122, Ms. Mansfield.

12 So if the rest of you could have a nice evening,
13 and please remember during this recess you are admonished not
14 to talk or converse among yourselves or with anyone else on
15 any subject connected with this trial, or read, watch or
16 listen to any report of or commentary on the trial or any
17 person connected with this trial by any medium of information,
18 including without limitation social media, text, newspapers,
19 television, the Internet and radio, or form or express any
20 opinion on any subject connected with the trial until the
21 case is finally submitted to you.

22 Have a nice evening and we'll see you in the
23 morning.

24 (Prospective jurors exit the courtroom)

25 (Off-record colloquy)

1 THE COURT: Kevin, could you take Ms. Tawatao the
2 box of Kleenex before you go answer all the questions for the
3 people who don't want to leave?

4 THE MARSHAL: Yes, Judge.

5 THE COURT: Okay. So I should have six people in
6 the room. Amazing, it worked out.

7 All right. Mr. Rogan, I'm going to start with Mr.
8 Leavelle and then we're going to end with Ms. Tawatao, okay?

9 MR. ROGAN: Thank you.

10 THE COURT: So, Mr. Leavelle, the marshal mentioned
11 that you might really have some childcare issues, even though
12 when we talked about it earlier you thought you didn't, so
13 tell me about it.

14 PROSPECTIVE JUROR NUMBER 067: Yes, ma'am. My wife
15 works on Wednesday, Thursday, Fridays and she has to be at
16 work by 5:00 p.m., so if I was to be selected then I don't
17 know what time -- how long it's going to last.

18 THE COURT: We don't get out of here until just a
19 few minutes before 5:00, which means you'd get to your car,
20 which luckily is parked across the street in the new garage
21 once you're a juror, but it's still going to take you a half
22 hour to get anywhere. So are you telling me that if you're
23 selected as a juror and you have to stay for a full court day,
24 which we'll say is 4:45 just for discussion purposes, you're
25 still not going to get home in time to do what you need to do?

1 PROSPECTIVE JUROR NUMBER 067: Well, I mean, 4:45
2 I would.
3 THE COURT: Not if you've got to get out of the
4 building, get out of downtown and get home.
5 PROSPECTIVE JUROR NUMBER 067: Oh, okay, no. Yes,
6 ma'am.
7 THE COURT: Not unless you've got one of those
8 Scotty transporter things.
9 PROSPECTIVE JUROR NUMBER 067: Yeah, I won't say how
10 I drive, but okay.
11 THE COURT: All right. So, okay, why don't you sit
12 down for a minute.
13 Mr. Hendricks, talk to me about your financial issue
14 with your financial hardship.
15 PROSPECTIVE JUROR NUMBER 082: I mean, I would love
16 to stay and do my duty to the community and whatnot, but at
17 forty dollars a day. I'm by myself. Like I said, I just got
18 a divorce, so I'm only supported off of my own income here,
19 so there's no way I could live off of forty dollars a day for
20 two weeks. Maybe I could do a couple days, but there's no
21 way.
22 THE COURT: Okay. Pass the mike to Mr. Rodriguez.
23 Mr. Rodriguez, tell me about your financial
24 hardship.
25 PROSPECTIVE JUROR NUMBER 087: Right now my dad's

1 been struggling to pay our mortgage bill, so I've been
2 dropping at least like four hundred to three hundred bucks
3 every paycheck and I only get paid bi-weekly. So I try to,
4 you know, get as much hours as I can while I work.

5 THE COURT: Okay. And if you're here, is it going
6 to put you in a position you're not going to be able to help
7 your dad pay the mortgage?

8 PROSPECTIVE JUROR NUMBER 087: That's correct.

9 THE COURT: Okay. Counsel, can you approach, please.

10 MR. COFFEE: Sure.

11 THE COURT: Turn on my lovely white noise.

12 (Bench conference)

13 THE COURT: I'd love to keep Mr. Leavelle, but
14 there's no way I'm getting home by five o'clock.

15 MR. COFFEE: How old are the children?

16 MS. MERCER: How old are his kids? That's what I
17 was wondering.

18 THE COURT: Okay. What about 82 and 87?

19 MR. ROGAN: I'd say we can let them go.

20 MR. COFFEE: That's fine.

21 MS. MERCER: That's fine.

22 THE COURT: Okay. All right.

23 (End of bench conference)

24 THE COURT: Mr. Hendricks and Mr. Rodriguez, we're
25 going to go ahead and excuse you on hardship. Will you please

1 go down to the third floor and process out.

2 Mr. Leavelle, we've got a couple more questions for
3 you. How old are your kids?

4 PROSPECTIVE JUROR NUMBER 067: The oldest --

5 THE COURT: You don't have to stand up, you can sit
6 down.

7 PROSPECTIVE JUROR NUMBER 067: It's just a habit.
8 I thought you were supposed to do that in court.

9 THE COURT: Well, but we're respecting your service.
10 You're a juror. That's a really important part of the court
11 system.

12 PROSPECTIVE JUROR NUMBER 067: The youngest is four
13 and the oldest is fourteen.

14 THE COURT: Can the 14-year-old watch for fifteen
15 minutes or so while you get home, or is that a tough decision
16 at your house?

17 PROSPECTIVE JUROR NUMBER 067: Well, I have the
18 vehicle. One vehicle is down and the vehicle that she needs
19 to go to work, I have it.

20 THE COURT: Okay, so that's an even more complicating
21 factor.

22 Mr. Coffee, your call. You're last up.

23 PROSPECTIVE JUROR NUMBER 067: If I'm able to be
24 home by 5:30, and I think I probably would if I leave here at
25 4:45.

1 THE COURT: Does your wife -- what time has your
2 wife got to be at work?

3 PROSPECTIVE JUROR NUMBER 067: At 5:45 for sure, but
4 I have to make sure that I'm home at 5:30 so she can make that
5 fifteen minute drive.

6 THE COURT: So can you guys commit we'll be done at
7 4:45 every day so he can get what he needs to do done?

8 MR. ROGAN: Yes, Your Honor.

9 MS. MERCER: Sure.

10 MR. COFFEE: We can.

11 THE COURT: All right. Sir, we'll see you in the
12 morning.

13 PROSPECTIVE JUROR NUMBER 067: All right, no
14 problem. Thank you.

15 THE COURT: And you've got a commitment from them
16 to be done at 4:45 to get you where you need to be every day.

17 PROSPECTIVE JUROR NUMBER 067: Yes, ma'am.

18 THE MARSHAL: 9:45.

19 PROSPECTIVE JUROR NUMBER 067: 9:45.

20 THE COURT: You have a nice evening and thank you
21 again, sir, for working with us.

22 PROSPECTIVE JUROR NUMBER 067: You as well. Thank
23 you.

24 THE COURT: All right. Now what I'm going to ask
25 to do is I'm going to ask Ms. Mansfield and Ms. Tawatao to go

1 with the marshal to the jury deliberation room and we're going
2 to talk for a minute with Ms. Thompson. And then we're going
3 to swap out, as I send people down the hall to gather Kevin.

4 Ms. Thompson, you indicated earlier today, and I
5 can't even remember if it was before lunch or after, that you
6 had seen some media coverage about this at the time the
7 incident occurred. Can you tell me to the best of your
8 recollection what you saw on the media coverage?

9 PROSPECTIVE JUROR NUMBER 116: I was responding to
10 your question about had I seen it, and what I recall is that
11 there was that murder in front of the kids. That's what
12 really struck me because of my own personal situation. So
13 that's about all I recall, and I knew it was on the opposite
14 side of town from where I am.

15 THE COURT: And because it was --

16 PROSPECTIVE JUROR NUMBER 116: So no details other
17 than that.

18 THE COURT: And you don't remember any details about
19 it other than it was in front of the kids. And did that
20 resonate with you because of what had happened with your
21 cousin?

22 PROSPECTIVE JUROR NUMBER 116: Absolutely.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NUMBER 116: Absolutely.

25 THE COURT: Are you going to be able to set that

1 aside if you're chosen to serve and judge this case on its own
2 on the merits?

3 PROSPECTIVE JUROR NUMBER 116: I don't know. I was
4 surprised at how quickly I welled up, you know, after all this
5 time, but it still resonates.

6 THE COURT: Well, you're the only one who can make
7 this call. We can't get inside your head. That's why we're
8 trying to ask you the questions delicately to let you be the
9 one who tells us what you're feeling, because I don't --

10 PROSPECTIVE JUROR NUMBER 116: Right. I hear what
11 you're saying. I mean, my concern is that I do have a strong
12 belief that in relationships no relationship is perfect,
13 whether it's work or personal or whatever, and in those
14 situations you just walk away, you know. And so that didn't
15 happen, obviously, with my cousin and I had just seen her and
16 the baby. The baby was six months old. So the answer is I
17 honestly don't know. I am surprised at myself and disappointed
18 in a way. But it is what I am, who I am.

19 THE COURT: Thank you. I appreciate your honesty
20 and openness.

21 Mr. Rogan, did you wish to inquire further related
22 to Ms. Thompson?

23 MR. ROGAN: No, Your Honor.

24 THE COURT: Mr. Coffee, did you want to ask her any
25 questions outside the presence of the other jurors related to

1 the media issue, which is the main reason I had her come in
2 here separately?

3 MR. COFFEE: Very good. And we can follow up on
4 other things later?

5 THE COURT: You can, unless you have other things
6 you want me to do tonight?

7 MR. COFFEE: Just briefly, if I might, concerning
8 that.

9 THE COURT: Yeah.

10 MR. COFFEE: The media issue, there were some
11 questions earlier about we understand everything we see on
12 TV is not always exactly one-on-one with the truth. Do you
13 remember a question like that from Mr. Rogan about TV shows?

14 PROSPECTIVE JUROR NUMBER 116: I do.

15 MR. COFFEE: The same thing with media coverage,
16 would you agree with that? For example, the newspapers don't
17 always get things right, the TV doesn't always get things
18 right?

19 PROSPECTIVE JUROR NUMBER 116: Oh, yeah, right.
20 Correct. But they report what they report.

21 MR. COFFEE: They report what they report. And they
22 reported in fact in this case that Mr. White had been charged
23 with murder. But I have to tell you, I'm a little concerned
24 when you said there was a murder in front of the kids.

25 PROSPECTIVE JUROR NUMBER 116: That's what I recall.

1 MR. COFFEE: Okay. At some point you're going to be
2 asked to sit in judgment on this case if you make it onto the
3 jury. You understand that?

4 PROSPECTIVE JUROR NUMBER 116: Yes.

5 MR. COFFEE: And you're doing a good job holding it
6 together for us. We appreciate that. But you've also read
7 that there were children. There's been multiple counts of
8 child neglect I think that were outlined because there were
9 children in the home. You understand that also?

10 PROSPECTIVE JUROR NUMBER 116: I understand what I
11 heard.

12 MR. COFFEE: What you heard. Between the media
13 coverage and your background and what you'd heard, you were
14 concerned about whether or not you could be a fair juror, it
15 sounded. Is that fair?

16 PROSPECTIVE JUROR NUMBER 116: I have those
17 concerns.

18 MR. COFFEE: And look, you don't need to live up to
19 anybody's expectations here and there's no judgment involved
20 in any of this, but we do need to figure out whether we can
21 get together a fair panel. Does that make sense?

22 PROSPECTIVE JUROR NUMBER 116: I understand that.

23 MR. COFFEE: Okay. Is there anything about the
24 media coverage or that other background that would, if you
25 were sitting in this gentleman's chair -- let me ask you this.

1 How would you feel about twelve people such as yourself
2 sitting in judgment?

3 PROSPECTIVE JUROR NUMBER 116: How would I feel
4 about them?

5 MR. COFFEE: If you were sitting in his chair, if we
6 had to stack a jury with twelve people like yourself. Do you
7 understand?

8 PROSPECTIVE JUROR NUMBER 116: Okay, I'm not sure I
9 understand what question you're asking me.

10 MR. COFFEE: Okay, my fault. My fault. It wasn't
11 asked very artfully. Let me make it real simple. At the end
12 of the day are you sure that you can be fair for us, or are
13 there still concerns and you just can't answer that?

14 PROSPECTIVE JUROR NUMBER 116: I don't know --

15 MR. COFFEE: Okay.

16 PROSPECTIVE JUROR NUMBER 116: -- because it's an
17 emotionally charged issue for me.

18 MR. COFFEE: Okay.

19 PROSPECTIVE JUROR NUMBER 116: And it's also because
20 I get very skittish. Like I said earlier, I don't watch any
21 of those programs. I'm probably the only person in the world
22 that hasn't seen "Scandal" or "How to Commit Murder."

23 MR. COFFEE: All right.

24 PROSPECTIVE JUROR NUMBER 116: Sorry.

25 MR. COFFEE: No, that's okay. No more questions at

1 this point, Judge.

2 THE COURT: All right, thank you.

3 All right, ma'am, I'm going to have you go and then
4 we'll see you tomorrow morning at 9:45.

5 PROSPECTIVE JUROR NUMBER 116: Okay.

6 THE COURT: And then, Kevin, if you could bring
7 Ms. Mansfield.

8 And, ma'am, thank you again for your honesty, I know
9 that it's not easy.

10 PROSPECTIVE JUROR NUMBER 116: Okay.

11 MR. COFFEE: I hope I didn't get too far afield
12 there, Judge.

13 THE COURT: You were fine. I'm just trying to see
14 if we can cut her loose. And Ms. Mansfield is also a media
15 issue. She identified herself as having seen media coverage.

16 PROSPECTIVE JUROR NUMBER 122: Where should I go?

17 THE COURT: Ms. Mansfield, pick any chair you like,
18 whichever looks most comfortable this late in the afternoon.

19 PROSPECTIVE JUROR NUMBER 122: How about the one
20 downstairs by the door?

21 THE COURT: Soon. Earlier today when I was asking
22 questions about whether anybody saw media coverage, you raised
23 your hand.

24 PROSPECTIVE JUROR NUMBER 122: Yeah.

25 THE COURT: Can you tell me what you remember seeing

1 on media?

2 PROSPECTIVE JUROR NUMBER 122: Is this on? Can you
3 hear me? It doesn't sound like it's on to me.

4 THE COURT: Hold it up close.

5 PROSPECTIVE JUROR NUMBER 122: Can you hear me?

6 THE COURT: Yes.

7 PROSPECTIVE JUROR NUMBER 122: Ahh. Can you hear me
8 now? It's funny because if I hadn't heard the introductory
9 stuff I probably would not have remembered this at all, but
10 some of the facts that were presented about the kids being
11 there and stuff, and you know how the media really hypes
12 things up, goes for the drama. And I don't remember tons of
13 specific details about it, I just -- I just remember it was
14 horrific. I mean, you know, you just -- how does this happen?
15 It doesn't make sense to me, so -- it's just so hard, so sad
16 and so awful.

17 THE COURT: So based on what you recall seeing here
18 -- based upon what you recall seeing before, as you sit here
19 today can you set that aside and give everyone a fair shot at
20 a good, fair and impartial trial?

21 PROSPECTIVE JUROR NUMBER 122: Yeah. I don't think
22 I -- I don't recall like hearing facts or things presented as
23 facts that I would use in this case to make a decision as
24 opposed to what I hear in the courtroom, if that's what you're
25 asking me.

1 THE COURT: That's -- I asked a poor question. Yes,
2 that's exactly what I'm asking.

3 PROSPECTIVE JUROR NUMBER 122: I mean, whatever I
4 heard then, I erased it from my mind from that standpoint.

5 THE COURT: Thank you.

6 Would the State like to inquire?

7 MR. ROGAN: No, Your Honor. Thank you.

8 THE COURT: Mr. Coffee, would you like to inquire?

9 MR. COFFEE: Just briefly. I mean, obviously you
10 said you had heard in the media it was a horrific event. You
11 understand why we would be concerned, starting from behind,
12 so to speak, if you came in with any pre-judgment or anything.
13 Do you understand that concern?

14 PROSPECTIVE JUROR NUMBER 122: Well, of course,
15 yeah. And what I said was I found it to be a horrific event.
16 The media -- not that the media said it was and I'm taking
17 their word for it. I mean, it is a horrific event. I don't
18 know how anyone can say it's not.

19 MR. COFFEE: And nobody would try to. The point is,
20 though, the media may have made some conclusions about what
21 the event was criminally. Does that make sense?

22 PROSPECTIVE JUROR NUMBER 122: Yeah.

23 MR. COFFEE: For example, the media might have
24 tagged this as this is, you know, the worst murder in Nevada
25 history. The media does all kinds of things, the hype

1 machine, as you were saying.

2 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

3 MR. COFFEE: Is that something you can set aside?

4 PROSPECTIVE JUROR NUMBER 122: Yeah. What I
5 remember is my reaction to it. That's what I remember more,
6 and hearing about the kids watching and the boyfriend and the
7 ex-wife or wife, the mother. Those facts are what pulled it
8 together and I remember my reaction to the stories. I don't
9 even remember specific -- a lot of specific details of the
10 reports. I just remember my reaction to it. It just seems
11 like this happens on a daily basis and it makes no sense to
12 me. I mean, it's like they were talking about guns, you know,
13 should you have a concealed carry permit. Well, I think you
14 should have a permit to have a gun, period, if you're a
15 civilian. And I don't think people that are allowed to have
16 guns that are civilians should be out in public with them or
17 in somebody else's home with them. I mean, there's too much
18 of this going on. So it's very -- I don't know, I think it's
19 a societal problem.

20 MR. COFFEE: That's certainly -- we all have views
21 about rights to carry weapons and whatnot. The concern, I
22 suppose, is that because you view this as a societal problem
23 you can't consider some other possibilities, because at some
24 point you may be asked to consider whether this was first
25 degree murder, second degree murder, manslaughter or something

1 else, and the concern is that, you know, you're so angry about
2 guns or so angry about these sorts of facts that you'd say it
3 has to be first degree murder, in my mind. I can't consider
4 the law that the judge might give me, for example. Do you
5 understand?

6 PROSPECTIVE JUROR NUMBER 122: I understand that
7 question. I need to kind of think about it, without having
8 a lot of details about the case or about the law and the
9 differences in first degree, second degree or in the different
10 levels of punishment for first degree, for example. But I do
11 have a problem with people not being accountable and I don't
12 think because somebody gets mad is an excuse for bad behavior.

13 MR. COFFEE: Understood.

14 PROSPECTIVE JUROR NUMBER 122: And I don't think
15 it's a reason why you should get a lesser punishment if you
16 do bad behavior. So until you explain all those details to
17 me, I can't tell you how good I'd be at saying, okay, I can
18 understand a lesser this or that, you know, a lesser -- first
19 versus second degree or manslaughter or whatever they are, or
20 this punishment versus that punishment.

21 MR. COFFEE: And we do these things a little
22 artificially. There were a number of questions, for example,
23 about first degree murder and to a lay person --

24 PROSPECTIVE JUROR NUMBER 122: Yeah.

25 MR. COFFEE: -- you may not understand the

1 intricacies when we ask that question and how important --

2 PROSPECTIVE JUROR NUMBER 122: No, and I don't
3 understand that.

4 MR. COFFEE: And to be honest, some of us attorneys,
5 maybe I grasp at those concepts on occasion. But if the judge
6 gives you law concerning mental state, does that make sense,
7 mental state, what's going on in someone's head? And I can't
8 get into too much detail, so we're kind of --

9 PROSPECTIVE JUROR NUMBER 122: What I have a problem
10 with there is that you can't really know what's going on in
11 somebody's head. And earlier when asked I mentioned that I
12 had worked with a woman for a couple years who was murdered by
13 her husband and I worked pretty closely with her. I went to
14 their wedding. That's how close I had gotten to them. And
15 like a year after their wedding he murdered her. And what was
16 so bizarre about it is -- I mean, after the trial was over,
17 after all that, you know, months later when you're out of the
18 emotion and you're looking back and trying to understand what
19 happened, I had thought he was kind of a quiet, nice guy and,
20 you know, it's like -- and when you're going through the trial
21 you think, well, maybe he just got mad that night or
22 something. But, I mean, it's like, you don't know what was
23 going on. I actually think he was a sociopath. He said the
24 right things. You know, if you asked him a question he'd
25 answer it the right way and come across the right way, but

1 what was really going on in his mind was totally different.
2 And, I mean, to me, you know, he did a very bad thing and
3 there were no extenuating circumstances that should say, well,
4 he shouldn't be held fully accountable for that because he was
5 distressed or something.

6 MR. COFFEE: And full accountability is a very
7 interesting question because I will tell you in the criminal
8 arena when we're talking about murder, first degree murder,
9 second degree murder or manslaughter, mental state does become
10 important. The judge will give you instructions on that. And
11 you may not agree with the instructions, you may not like
12 the way the instructions are written, you may have your own
13 personal feeling that, you know, if somebody gets mad, even
14 though the judge tells me if something was done in passion,
15 I don't see it that way, I don't think that's a valid reason
16 to reduce something. The concern is that you won't consider
17 the instructions and follow the instructions because they
18 don't exactly mesh maybe with what you think the law should
19 be. Do you understand the point?

20 PROSPECTIVE JUROR NUMBER 122: I will follow the
21 instructions. What I'm saying is that I don't know that I
22 would agree that the mental state fits the qualifications for
23 a lesser charge or a lesser penalty because I don't believe
24 you can tell from what's being said what that mental state is.

25 MR. COFFEE: And we're too early to make that

1 decision and nobody is asking you to vote at this point. But
2 the concern is that you think that no mental state would fit
3 the qualifications for some sort of reduction, even if the
4 judge tells you there is a mental state that would do that.
5 Do you understand my question?

6 PROSPECTIVE JUROR NUMBER 122: Yeah. I guess if
7 there was a mental illness, a serious mental illness that
8 had been properly diagnosed and from the testimony I was
9 comfortable that this person really was schizophrenic -- I
10 mean, I'm probably using extreme examples, but I mean and I
11 really believe that so they can't be held accountable, yeah,
12 then I would follow the instructions. I'm not going to say
13 that I'm not going to follow the instructions because they've
14 got to be held accountable.

15 MR. COFFEE: Understood. There's not going to be a
16 criminal mental illness. This is just average, every day
17 person, no mental illness, but mental state may matter in the
18 classification of crimes.

19 PROSPECTIVE JUROR NUMBER 122: I'll follow the
20 instructions. I can't promise that I'll believe that the
21 mental state was sufficient that it should be considered as a
22 strong factor or a weighting factor in lessening the charge.
23 What is -- I don't know the legal terms.

24 MR. COFFEE: I understand. I understand.

25 PROSPECTIVE JUROR NUMBER 122: Everybody has their

1 own opinion of what 0 or their own mindset of what constitutes
2 those grey areas, and I'm kind of -- I guess I'm tough on
3 that.

4 MR. COFFEE: And that's fine. It's fine to be tough
5 on it, but it's not fine to eliminate it. Does that make
6 sense?

7 PROSPECTIVE JUROR NUMBER 122: Yeah, that makes
8 sense.

9 MR. COFFEE: Okay. So, for example, if you say,
10 well, I'll consider everything, but even though I'll consider
11 everything I would never really come to that conclusion, then
12 we might have an issue.

13 PROSPECTIVE JUROR NUMBER 122: I am not saying I'll
14 give it due consideration. No. That's not what I'm saying.

15 MR. COFFEE: Right.

16 PROSPECTIVE JUROR NUMBER 122: No, I mean, I will
17 do my best. I have a problem with the concept, but I will do
18 my best.

19 MR. COFFEE: Okay. Thank you for your honesty, we
20 appreciate it.

21 PROSPECTIVE JUROR NUMBER 122: Okay.

22 THE COURT: Anything else on the media issues
23 outside the presence of the jury?

24 MR. ROGAN: No, Your Honor.

25 THE COURT: Ma'am, thank you very much. We

1 appreciate your time. We'll see you at 9:45 in the morning.
2 Kevin, if you could bring me Ms. Tawatao.
3 THE MARSHAL: Yes, Judge.
4 THE COURT: Thank you.
5 (Off-record colloquy)
6 THE COURT: We're doing okay. We've got a couple
7 more minutes. We're going to ask Ms. Tawatao some questions.
8 Ms. Tawatao, good evening.
9 PROSPECTIVE JUROR NUMBER 075: Hi.
10 THE COURT: We are going to ask you some more
11 questions. Since we understood this was a sensitive issue for
12 you and we wanted to give you the chance to not feel like
13 there were other people watching you as you went through this.
14 PROSPECTIVE JUROR NUMBER 075: Okay, thank you.
15 THE COURT: So if there's other information that you
16 wanted to tell us, similar to what you were talking about with
17 Mr. Rogan at the time we broke, you can either tell us or I
18 can let him start asking the questions again for a few
19 minutes.
20 PROSPECTIVE JUROR NUMBER 075: Well, this is -- this
21 is the thing is, sorry, I might start crying again.
22 THE COURT: It's all right. You've got the box of
23 Kleenex over there?
24 PROSPECTIVE JUROR NUMBER 075: Yes, it's here.
25 Thank you. So I've been married twenty years and there were a

1 couple incidents where either my husband strayed or I strayed.
2 Of course, we were young, but always we seemed to work it out.
3 So I guess just hearing the first part of everything made me
4 realize how blessed I am, is all. So I'm sorry if I'm
5 emotional.

6 THE COURT: It's okay, ma'am.

7 PROSPECTIVE JUROR NUMBER 075: It just -- you just
8 never think of these kind of things, you know, unless you're
9 the person experiencing it. I mean, this is the first time I
10 ever got called for jury service and everyone was like, it's
11 going to be easy, in and out. And then I come in and it's
12 almost 5:00, and it's a sensitive subject, so that's all.
13 That's the only reason why I started crying, you know.

14 THE COURT: Our biggest concern, ma'am, is whether
15 you can be fair and impartial in hearing the evidence and then
16 making a decision at the end. Do you think you can do that,
17 given how you feel about how lucky you are in your life?

18 PROSPECTIVE JUROR NUMBER 075: I guess. I mean,
19 it's really hard to say. I can't totally -- I have to hear
20 everything. I don't know if I'd cast -- if I'd just be
21 judgmental or whatnot. I don't know. You know, my husband
22 has a temper. You know, I think everybody does. But it's
23 never gotten to a point where I felt a danger. Does that make
24 sense? So I don't know if I could be, you know, partial. I
25 don't know.

1 THE COURT: Okay, thank you, ma'am.
2 Mr. Rogan, did you want to inquire further?
3 MR. ROGAN: Thank you. Ms. Tawatao, so how is your
4 relationship today? Is it good?
5 PROSPECTIVE JUROR NUMBER 075: It's good.
6 MR. ROGAN: That's good. So you got over those
7 infidelities?
8 PROSPECTIVE JUROR NUMBER 075: Yes.
9 MR. ROGAN: On both sides?
10 PROSPECTIVE JUROR NUMBER 075: On both sides.
11 MR. ROGAN: And the Court is correct in that both
12 sides want people who are sitting over there listening to the
13 evidence who are fair and impartial to both the State and to
14 Mr. White. And the best that I think we can do is say I will
15 try. Can you try?
16 PROSPECTIVE JUROR NUMBER 075: I will try.
17 MR. ROGAN: And can you listen and evaluate the
18 evidence and the testimony without thinking about what's going
19 on in your own life?
20 MR. ROGAN: Yeah, of course. I mean, as a nurse we
21 always have to separate ourselves from the current situation
22 with our patients.
23 MR. ROGAN: And that's exactly what we're asking you
24 to do here. You can bring in your common sense and experience,
25 but you've got to evaluate the testimony and the evidence

1 that's presented in trial and nothing else. Can you do that?
2 PROSPECTIVE JUROR NUMBER 075: I believe so.
3 MR. ROGAN: And you could come to a conclusion based
4 upon the evidence and the testimony alone?
5 PROSPECTIVE JUROR NUMBER 075: I'll pray about it.
6 I mean, I can't say; you know what I mean?
7 MR. ROGAN: Right. Okay. And do you think that you
8 could sit in judgment of Mr. White and consider all possible
9 forms of punishment, all three possible forms of punishment
10 if he was found guilty of first degree murder?
11 PROSPECTIVE JUROR NUMBER 075: I don't think I can.
12 MR. ROGAN: You don't think that you can. Which one
13 of those three? Do you want me to go over it again?
14 PROSPECTIVE JUROR NUMBER 075: I just don't think
15 it's in my place to judge somebody. It's between him and God.
16 MR. ROGAN: Okay.
17 PROSPECTIVE JUROR NUMBER 075: I just can't. I
18 don't know what the circumstances were, whatever his reasons
19 were. That's between him and God and it's not my place to
20 say, okay, given the facts.
21 MR. ROGAN: Judge, I think both parties are going to
22 stipulate to let Ms. Tawatao go.
23 MR. COFFEE: No objection.
24 THE COURT: All right. Ma'am, we're going to go
25 ahead and excuse you. Thank you very much.

1 PROSPECTIVE JUROR NUMBER 075: I'm sorry.
2 THE COURT: Ma'am, there's no reason to be sorry.
3 MR. COFFEE: No.
4 THE COURT: Thank you for your honesty. We
5 understand how difficult this was.
6 Kevin, I think she can go back to the third floor
7 still and process out.
8 THE MARSHAL: Yes, Judge.
9 THE COURT: Thank you, ma'am.
10 All right, counsel, I should be done at 9:30. I
11 would really like to see the State's jury instructions before
12 I get here.
13 MR. ROGAN: I have them, actually, in my pocket,
14 but I can email them to the Court right now.
15 THE COURT: You've got to email them to my law clerk
16 or my assistant.
17 MR. ROGAN: Okay.
18 THE COURT: Not to me, because I can't have
19 originals, I will lose them.
20 MR. COFFEE: Judge, before we go I need to make a
21 quick record on something.
22 THE COURT: Absolutely.
23 MR. COFFEE: It has to do with Ms. Thompson.
24 THE COURT: Badge number 116.
25 MR. COFFEE: 116. I would move to strike for cause.

1 I think she equivocated at the end of the day.

2 THE COURT: Your request is granted. Thank you.

3 MR. COFFEE: Okay. Oh, I'm sorry, was there

4 anything else the State wanted to say on poor Ms. Thompson?

5 MR. ROGAN: I would disagree with Mr. Coffee's

6 characterization of her answers. I think that she was

7 indicating that she could be fair and impartial, that she just

8 has different life experiences than most other people, given

9 her history.

10 THE COURT: I think given her concerns about how

11 this incident related to her cousin's incident and how it is

12 still affecting her so -- as she said, so dramatically even

13 thirty years later, that the challenge for cause should be

14 granted.October 14, 2015

15 MR. COFFEE: And Judge, it's not been more fully

16 developed, but we've got Ms. Mansfield, also, that was -- I

17 would move to strike for cause because I don't know that she

18 can give adequate consideration to --

19 THE COURT: Let's wait on Ms. Mansfield --

20 MR. COFFEE: That's fine.

21 THE COURT: -- because you're not waiving anything

22 because we're very early in this stage.

23 MR. COFFEE: That's fine, Judge.

24 THE COURT: But with respect to Ms. Thompson, I

25 think there has been a full -- we've done as much as we can

1 to ask her those questions.

2 MR. COFFEE: That's fine. Thank you.

3 MR. ROGAN: Thank you, Your Honor.

4 THE COURT: So I will -- when we come tomorrow then,
5 I will fill Seats 17, 20, and I think it's 15 is what she was
6 in.

7 MR. COFFEE: Very good.

8 THE CLERK: 13, also. 13.

9 THE COURT: Thompson. So I will fill Seats 15, 17,
10 and 20 tomorrow when we start.

11 THE CLERK: And 13.

12 THE COURT: And 13.

13 MR. COFFEE: And my obsessive-compulsive side is
14 probably coming out here, but somebody will tell Ms. Thompson
15 she doesn't need to come back?

16 THE COURT: Well, I don't know if they'll be able to
17 reach her.

18 MR. COFFEE: Oh, she may have left already.

19 THE COURT: She has left already.

20 MR. COFFEE: Okay, I'm sorry. I thought they were
21 behind.

22 THE COURT: That was why I was trying to get you
23 guys to tell me while they were still here.

24 MR. COFFEE: I apologize, my fault then.

25 THE COURT: You guys weren't listening to me when I

1 said I'm trying to see if I can get them out of here tonight.
2 MR. COFFEE: No, I did. I thought they were still
3 in the hallway. My mistake.
4 THE COURT: No, I sent them home. All right,
5 anything else?
6 MR. COFFEE: No.
7 MS. MERCER: What time are we supposed to be here
8 tomorrow?
9 THE COURT: I would really appreciate it if you guys
10 could be here at 9:30 --
11 MS. MERCER: Okay.
12 THE COURT: -- just in case there's something
13 outside the presence that I have to deal with. I have five
14 matters on my 8:30 civil calendar, so I should be done in
15 plenty of time to visit with you at 9:30.
16 MR. COFFEE: Very good.
17 THE COURT: I asked the jurors to be here at 9:45.
18 As you know, that means for juror time that's 10:00 when they
19 all actually show up, so we'll see how we do.
20 MR. COFFEE: Very good.
21 MS. MERCER: Thank you.
22 MR. ROGAN: Thank you, Your Honor.
23 (Court recessed at 5:10 p.m., until the following day
24 April 7, 2015, at 9:45 a.m.)
25

INDEX

EXHIBITS

<u>DESCRIPTION:</u>	<u>ADMITTED</u>
<u>STATE'S EXHIBIT NO.</u>	
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84, 85	13

* * *

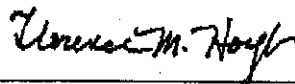
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Las Vegas, Nevada 89146


FLORENCE M. HOYT, TRANSCRIBER

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