Judge Michael Villani. I am the presiding judge of Department 17, and you've been summoned here as potential jurors for this case. This is a criminal case and it's, as I mentioned, State of Nevada v. Brian O'Keefe.

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11.

First off I'd like to thank all of you for showing up. My staff has heard this numerous times, but I think it's important that I tell all of you that, you know, jury service is very important whether it's a civil or criminal case. Our system of justice does not work unless we have people willing to sit as a juror to hear our cases.

This last week we had an automobile accident case, and we needed a jury for that case. This is a criminal case, and we need a jury for this particular case. And I hope all of you accept it as your civic duty.

I'm very mindful that all of you either have a job or are looking for a job and you have family activities, maybe you have some social activities that you would rather attend to. But please understand that we need to have juries for our system to work. As you know, many countries around the world don't even allow -- don't allow juries. They actually don't allow trials, as you know unfortunately.

All of you received a jury summons in the mail, and I'm sure all of you jumped for joy and said, "Great, I get to be on a jury panel," Right? Let me see a show of hands. Well, this jury summons has Michael Villani on it. Judges are

not exempt from jury summons. They're not exempt from serving on a jury.

And I made it -- as you know, you had to call the night before to see if your number was low enough, and all of you, your numbers were low enough. I had to do the same and my number was low enough and I had one of the badges you're wearing. And this jury summons was for October 6th of last year. I went down there, at I think 7:30 or 8:00 in the morning, and they told me and as well as a couple hundred people to come back at 1:00 o'clock to see if we -- you know, if they needed some more jurors.

I came back at 1:00 o'clock. They called my number and they said well, we need you to go to Department, was it 3? To Department 3, and along with 50, 60 other people I was in the second row of the gallery and various jurors were excused. I made it into the jury box, and low and behold on a civil case I case I was selected as a juror. The trial went two and a half weeks long, okay. And so this case is not two and a half weeks long, okay.

But I tell you that because I had to serve and actually, there's another judge in this court, Judge Togliotti, who received a summons I think about three or four years ago, and she was selected. Actually, she was the foreperson of that particular jury. It was a civil case as well. And so we're not exempted.

And during those two and a half weeks I had to continue all my cases. I had get -- on certain matters I had to have a senior judge come in and hear my calendar, certain matters that had to go forward, some trials. Other judges had to pick that up.

And I tell you that because it may not have been that convenient for me -- well, it wasn't. But it was my civic duty and it was important that I serve as a juror. And again, it went two and a half weeks long. It was a civil case. It was two doctors suing each other on some business matters. And so I hope all of you take into consideration when I ask you if it would be an extreme hardship for you to serve.

Because again, you know, it's almost like look to your right, look to your left, if it's not you, then you're saying well, the other person should do it, not me.

In this courtroom, I think it was last year we had a construction defect case, which is -- you may have seen it in the newspaper where, you know, there's problems with roofs or whatever, an entire development. The trial went six months. We had jurors for the six-month trial, okay. This is a one week trial, so all you should be happy that we're not asking you to serve for six months.

And I've got a trial coming up at the end of this year that's going to go six weeks. And so if you're not picked here we'll be more than happy to call you back for that jury.

No, I'm just kidding. We won't do that. All right?

So at this point I'm going to -- we've done a roll call. I'm going to have my clerk swear all of you in, because we're going to through a question process to see if you would be best suited to hear this particular case.

THE CLERK: Please stand. And raise your right hand.

(Prospective jurors sworn)

THE CLERK: Please be seated.

THE COURT: The reason why we put you under oath, ladies and gentlemen, is we go through a process called voir dire, and that's where we seek to find out just use some of your background, your personal information. No one here is trying to delve too deep in your personal background or to embarrass you on any issues.

But it's important that the parties get an understanding of your background and your feelings on certain topics to see if you would be suited for this type of case. And maybe you're suited for a civil case, or maybe you are suited for this type of case. So there's no right or wrong answers. The only right -- the only good answer is a truthful answer.

The process we'll go through as follows: That I will ask the panel general questions, and if you're going to answer yes to the question, you just raise your hand, I'll call upon you. And we need you to stand up. And everytime you're called

upon, please give us your full name and the last three numbers on your badge. As you can see, I think we have about 60 people here, and so it's hard for all of us to try to memorize your names in a short amount of time.

So you may be called upon ten times. Please every time please stand up, give us your name and the last three numbers of your badge. When I direct the questions to the panel here, we'll go first to the jury box area, the gallery here on my right or sort of in front of me, and the gallery to the my left. And so if you're going to answer yes, raise your hand, wait for me to call you, stand up and then we'll go through the process.

If at any time you cannot hear one of the questions, just say, "I didn't hear you." Or sometimes we'll go through halfway through the panel and someone in the gallery, in the jury box area says, 'Oh, I meant say yes. I meant to -- you know, I do -- I am going to answer in the affirmative to a particular question." Just raise your hand and, you know, we'll come back and call upon you, okay? Again, there's no wrong answer. The only wrong answer is if one that's not truthful. So we hope all of you will be truthful.

And at this point I'm just going to have the attorneys introduce themselves. One of deputy district attorneys here will give you a very brief statement of the type of case we have. They're not going to argue the case right

now. Just a very brief statement. They'll introduce their co-counsel and any potential witnesses that may be called in this case. Please listen very carefully to these names because I'm going to ask you if you know any of these individuals, and we'll do the same with the defense here. They'll do the same. So please listen very carefully.

MR. SMITH: Good morning, everyone. My name is

Philip Smith. This is Stephanie Graham. We are the deputy

district attorneys assigned to prosecute this case on behalf of

the State of Nevada. To give you guys a brief synopsis of this

case, it's a homicide case. The State of Nevada has charged

the defendant with the crime of murder.

We have alleged that on November 5th, 2008, at approximately 11:00 o'clock p.m., the defendant killed his on again, off again girlfriend. Pursuant to that duty we have a bunch of witnesses, and there's about 20 of them that we anticipate calling throughout the course of this trial.

They are a Dr. Jacqueline Benjamin, who is one of the Clark County coroners. A Chris Hutcherson who is an officer from Metro. Russell Shoemaker (phonetic), who is a sergeant with Metro. Marty Wildemann, who is a homicide detective with Metro. Daniel Ford, who is a crime scene analyst for Metro. Chris Bunn, who is a homicide detective for Metro. Dan Newberry (phonetic), who's a sergeant in the homicide division of Metro. Jocelyn Maldonado, who is a crime scene analyst.

Brian Santarossa who's a patrol officer with Metro. Todd Conn, also a patrol officer with Metro. Jeremiah Ballejos, again a patrol officer with Metro. Sean Taylor, who's also a patrol officer for Metro.

Palm?

An individual named Charles Toliver, his wife Joyce Toliver. Todd Armbruster, a Jimmy Hatchcos, Cheryl Morris, a John Stallings, who is a coroner investigator for the coroner's office. Robbie Dahn who is a crime scene analyst for Metro. Jennifer Bas who is a forensic scientist at Metro. And Edward Guenther who is also a forensic scientist for Metro. And I believe that is it. Thank you.

THE COURT: All right, thank you. Mr. Pike or Ms.

MR. PIKE: Thank you very much, your Honor. I'm kind of trapped in here. Let me come around. May it please the Court, counsel, prospective jurors, my name's Randy Pike. I'm with the Clark County Special Public Defender's Office. This is my co-counsel, Patricia Palm, who's a deputy with my office. And this is my client Brian O'Keefe. Brian O'Keefe stand up so jury can -- and part of this is -- thank you very much.

And part of this is -- thank you very much -- and part of this process is to find out if you know any of us or if you know any of the witnesses, so that's the reason that we're doing this. And Ms. Palm and myself are fortunate enough to have been assigned this case and to represent Brian in this

case.

These are a list of the witnesses that the defense may be calling during the time of this trial. You'll notice that some of the witness names are the same as the State's. The witnesses are our witnesses, and they may be called by us or by the State, and it's a testimony that we -- are important. So forgive me if I say some of the same names.

And the potential witnesses for the defense are Todd Armbruster, Jeremiah Ballejos, Jacqueline Benjamin, Keith Valasco (phonetic), Christopher Bunn who is with Metro. Chelsea Collins, also with Metro. Tracy Berger, Todd Conn.

Custodian of records, they may either be called in person or just by way of an affidavit to verify documentation.

And that would be the custodian of records of Las Vegas

Metropolitan Police Communications. Custodian of records of Las Vegas Metropolitan Police records. Custodian of records of Monte Vista Hospital, and custodian of records of Clark County Detention Center, and custodian of records of Southern Nevada Adult Mental Health Services.

Officer Daniel Ford, Officer Richard Fombuena

(phonetic), Jimmy Hatchcos, Christopher Hutcherson, custodian

of records of IDEW Plus Credit Union, Officer Travis Ivy

(phonetic), Officer Teresa Kieger (phonetic), Robin Kulzic

(phonetic). I'm probably pronouncing that wrong. Elaine

Lourinepp (phonetic), Jocelyn Maldonado, Detective Clifford

Mogg, Cheryl Morris, CSA George Schiro, Dr. Tawni Christiansen, 1 an ER physician here in Las Vegas, Nevada. Officers Kate 2 Murphy (phonetic), Daniel Newberry, Dean O'Kelly (phonetic). 3 Officers Eduardo Pasos (phonetic), Dean Reyes (phonetic), Brian Santarossa, Russell Shoemaker and Sean Taylor. 5 Robert Paisano (phonetic), a counselor here in Las 6 Vegas, Norma Tenyo (phonetic), the Tolivers. You've heard 7 Charles and Joyce. Martin Wildemann, a Detective Wildemann. 8 Robert Wilson, Natalie Aulstin (phonetic), Elizabeth O'Keefe, Shawn O'Keefe, Thomas O'Keefe, Patricia O'Keefe, and Joseph 10 Perez, who is an investigator from our office. 11 As I read that list it seemed long. We anticipate 12 that the trial is not going to last any longer than a week in 13 relationship to this. As I indicated we'll be defending Mr. 14 15 O'Keefe in this tragic case. Thank you. 16 THE COURT: Thank you, Mr. Pike. Ladies and gentlemen, through this process you may answer yes to certain 17 questions that may relate to bias or prejudice or some of your 18 background information. And all of us have a bias or a 19 prejudice. We're not just talking about, you know, race or sex 20 or sexual orientation or just, you know, there's a myriad of 21 other areas of things that we like or dislike. Maybe you have 22 a bias against a green shirt or a blue shirt. 23 And I just mention that as -- because if you are 24

selected or the questioning process we'll go through, whether

25

or not if you do have a particular bias, can you put that aside for this particular case? If you are selected as a juror in this case, can you base a decision, if any you may make on the case, on the evidence you hear from the witness box and any exhibits that will be admitted into the evidence?

So if you have a bias or prejudice, and the Court as well as the attorneys will delve into that, but the bottom line is can you put that aside and base a decision on evidence you hear in this case only? I can tell you in the trial I had last week, which was an automobile accident, as you know, in the newspapers a lot of things about our rates go up, whether that's true or not, there's frivolous lawsuits, whether or not that's true or not, you know, it's not for us to debate here today.

We had a potential juror said he thought there was too many frivolous lawsuits. Well, we asked that potential juror, well, can you put that aside, and you know, not every lawsuit's frivolous, and this individual said that's true. You know, he doesn't know. He wants to hear the facts of the case. And, in fact, I think ended up being on the jury, and there was an award for the plaintiff around \$200,000.

So clearly that juror was able to put his bias aside and listen to the evidence of the particular case we had last week and then, you know, ruled in favor of the plaintiff. And so that's what we ask you in this case. If you do have any

bias or prejudice, you know, the bottom line is can you put that aside and give both sides a fair trial? That's what -- that's all we're seeking here.

A lot of times potential jurors will say, well, I don't have any faith in the system. Well, if you have faith in yourself, perhaps you'll have faith in the system if you're selected as a juror, that you'll make sure everything's done properly and that you'll base a decision on the evidence, all right? So I just wanted to give you that preliminary statement here.

First off, does anyone here know any of the attorneys, the parties involved, or any of the potential witnesses? And I'll ask the jury box area first. Any hands? Nope. The gallery to my right or in front of me? Nope. And to my left. Okay, no one's answered in the affirmative.

This case is scheduled to go between four to five days. Is there anyone here that would have an extreme hardship serving on this jury? All right, we will go to the back row first. Yes, ma'am.

PROSPECTIVE JUROR NO. 609: Jody Montonya, 609. I'm self-employed, Judge, so if I'm chosen for this jury, I'll lose the current project that I have proposed for this month, which will mean I lose income for this month.

THE COURT: Okay. And what type of work do you do,

25 | Ma'am?

1	PROSPECTIVE JUROR NO. 609: I do producing of TV
2	commericals.
3	THE COURT: I'm sorry?
4	PROSPECTIVE JUROR NO. 609: I'm a producer of TV
5	commercials.
6	THE COURT: All right. Do you have any assistance or
7	anyone else that can help with your
8	PROSPECTIVE JUROR NO. 609: No, sir, I'm the only
9	one.
10	THE COURT: Okay. All right, thank you, Ma'am.
11	Anyone else in the back row? Or in the second row? I think we
12	saw yes, ma'am.
13	PROSPECTIVE JUROR NO. 649: I'm a single woman
14	THE COURT: And your name and badge number.
15	PROSPECTIVE JUROR NO. 649: Patricia Salinas, 649.
16	THE COURT: All right.
17	PROSPECTIVE JUROR NO. 649: I have one income. I'm
18	barely making it right now. If I was to serve on this jury, I
19	wouldn't be able to pay my rent.
20	THE COURT: What type of work do you do, Ma'am?
21	PROSPECTIVE JUROR NO. 649: I work for a doctor. And
22	not only that, but I am a convicted felon so I don't know
23	THE COURT: Okay.
24	PROSPECTIVE JUROR NO. 649: what happened to me.
25	THE COURT: Okay. Well

1	PROSPECTIVE JUROR NO. 649: I saw on the thing it
2	that it says
3	THE COURT: Actually, I was going to ask that
4	question as well. Because a lot of times your employers will
5	if you are selected on a jury, will continue to pay you.
6	That's up to the employers. Usually if you work for a
7	government agency, I think they typically do. But some private
8	employers will also do that if you ask them because they know
9	you're doing your civic duty, all right? So keep that in
10	mind.
11	And also, if anyone's selected on the jury, if they
12	feel they need a letter to their employer most employers
13	will believe you hopefully, but if you need a letter, I'll be
14	more than happy to provide it for you, all right? And there
15	was someone else in the second row. Yes, ma'am.
16	PROSPECTIVE JUROR NO. 655: Christy Dalo, 655.
17	THE COURT: All right.
18	PROSPECTIVE JUROR NO. 655: I also am I come from
19	a single income family of seven. So if I were to serve, I
20	would not be able to bring home a paycheck.
21	THE COURT: Okay, and what type of work do you do,
22	Ma'am?
23	PROSPECTIVE JUROR NO. 655: I work in retail at
24	Target.
25	THE COURT: Okay. Is there another other shifts

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you can do, like can they double up for you or --
 1
 2
              PROSPECTIVE JUROR NO. 655: No.
 3
              THE COURT: -- start up on the weekend?
 4
              PROSPECTIVE JUROR NO. 655: I am a team lead in the
    department that I work in, and there are only three of us, and
 5
    we don't work the full store hours, so what hours would --
 6
              THE COURT: We typically would go 9:30 to 5:00.
 7
              PROSPECTIVE JUROR NO. 655: Yeah, and my department
 8
    closes at 9:00 so it would only -- if I left here, it would
    probably give me three hours of work a day.
10
11
              THE COURT: All right. All right, thank you, Ma'am.
              PROSPECTIVE JUROR NO. 655: Thank you.
12
13
              THE COURT: Anyone else in the second row? Anyone in
    the front row? All right, front row of the -- yes.
14
15
              PROSPECTIVE JUROR NO. 674: Marie Pinillos, 674. I'm
    the legal secretary, I'm the only secretary in the firm right
16
17
    now.
18
              THE COURT: Okay. Who do you work for?
19
              PROSPECTIVE JUROR NO. 674: Kevin Helm.
20
              THE COURT: All right. That's Helm & Associates,
21
    right?
22
              PROSPECTIVE JUROR NO. 674: Yes. Yes.
23
              THE COURT: Okay. I'm sure Mr. Helm will understand,
24
    okay. All right, thank you, Ma'am.
             PROSPECTIVE JUROR NO. 674: Um-h'm.
25
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1	THE COURT: Anyone in the gallery in the front row to
2	my right? Second row? Yes, sir?
3	PROSPECTIVE JUROR NO. 727: All right. Robert Wilk,
4	727. I'm a full-time student and I'm kind of in the middle of
5	mid-terms right now.
6	THE COURT: What school do you go to, sir?
7	PROSPECTIVE JUROR NO. 727: UNLV. And I don't have
8	any excused absences to give up in school right now, and I'll
9	end up losing my grade.
10	THE COURT: All right, thank you, sir. Anyone else
11	in the second row? Anyone in the back row? Yes, ma'am.
12	PROSPECTIVE JUROR NO. 761: Chelsey Horton, 761. I'm
13	also a full-time student.
14	THE COURT: Where are you a student at?
15	PROSPECTIVE JUROR NO. 761: Nevada State.
16	THE COURT: Okay. Thank you, Ma'am. Anyone in the
17	gallery to my left? Front row. We've got two people on the
18	second row. Yes, sir.
19	PROSPECTIVE JUROR NO. 813: James Fraser, 813. I'm
20	self-employed. I'm the only I'm a one-man job.
21	THE COURT: What type of work do you do, sir?
22	PROSPECTIVE JUROR NO. 813: I'm a custom fabricate
23	medical devices.
24	THE COURT: Thank you, sir. And there was someone
25 1	else in the second row I thought I saw Ves materia

1	PROSPECTIVE JUROR NO. 805: Sigrid Fisher, 805. I
2	have a child that I have no one to take him to school or to
3	stay with him during the week.
4	THE COURT: Normally during the week do you take him
5	to school?
6	PROSPECTIVE JUROR NO. 805: I drop him off at school,
7	yes, at 8:00 o'clock.
8	THE COURT: Okay. Well, like I said, we wouldn't
9	if you are selected, we typically we start at 9:30
10	PROSPECTIVE JUROR NO. 805: Okay.
11	THE COURT: in the morning. Okay.
12	PROSPECTIVE JUROR NO. 805: Okay.
13	THE COURT: All right, thank you, Ma'am. Was there
14	another hand? Yes, in the back row.
15	PROSPECTIVE JUROR NO. 748: I'm also a single mom of
16	two kids and I
17	THE COURT: Your number and your name?
18	PROSPECTIVE JUROR NO. 748: Oh, I'm sorry. Carrie
19	Bundy, 748.
20	THE COURT: Yes.
21	PROSPECTIVE JUROR NO. 748: I'm a single mother with
22	two kids, and I don't believe I'm getting paid for this, and a
23	whole week of lost wages is a huge chunk of my mortgage
24	payment.
25	THE COURT: Okay. Well, did you get paid,

1	PROSPECTIVE JUROR NO. 748: 40 bucks a day or
2	something?
3	. THE COURT: Somewhere around there, right.
4	PROSPECTIVE JUROR NO. 748: Yeah.
5	THE COURT: Okay.
6	PROSPECTIVE JUROR NO. 748: (Indiscernible) like
7	that.
8	THE COURT: All right. Thank you, Ma'am. And as I
9	mentioned before, none of the questions here are to embarrass
10	anyone, but is there anyone here is a convict felon? Who has a
11	felony conviction? All right, we'll go to the back row. Yes,
12	ma'am? Hang on one second. Yes, ma'am.
13	PROSPECTIVE JUROR NO. 614: 614. And I don't know if
14	I'd be able to serve because I'm kind of hard of hearing.
15	THE COURT: All right.
16	PROSPECTIVE JUROR NO. 614: And what if I can't hear
17	what's going on in the courtroom?
18	THE COURT: All right. Well, we have some headphones
19	that will be provided to you and they work excellent. Okay?
20	PROSPECTIVE JUROR NO. 614: (Indiscernible).
21	THE COURT: All right, we'll get them to you right
22	now. Ma'am, have you heard all of the questions so far?
23	PROSPECTIVE JUROR NO. 614: Well, I've been hearing
24	bits and pieces because I I just
25	THE COURT: Okay, we had I had the attorneys

1	identify themselves
100	S-APPRICATION OF THE OF
2	PROSPECTIVE JUROR NO. 614: Well, I heard the
3	witnesses.
4	THE COURT: Okay.
55	PROSPECTIVE JUROR NO. 614: I don't know any of the
6	witnesses. I don't know any of them.
7	THE COURT: Okay, Ma'am, can you hear me ckay?
8	Thumbs up. All right, was there anyone in the jury box area
9	who has been convicted of a felony? Yes, ma'am, and your name
10	again.
11	PROSPECTIVE JUROR NO. 649: Patricia Salinas.
12	THE MARSHAL: Stand up, please.
13	THE COURT: Okay. Was that here in Nevada, Ma'am?
14	PROSPECTIVE JUROR NO. 649: Yes.
15	THE COURT: In Clark County?
16	PROSPECTIVE JUROR NO. 649: Yeah.
17	THE COURT: Okay. And how long ago was that?
18	PROSPECTIVE JUROR NO. 649: About a year ago.
19	THE COURT: Ma'am, do you have a middle initial?
20	PROSPECTIVE JUROR NO. 649: A.
21	THE COURT: A? Okay. Ma'am, do you remember which
22	judge you were in front of?
23	PROSPECTIVE JUROR NO. 649: No.
24	THE COURT: A female judge or a male judge?
25	PROSPECTIVE JUROR NO. 649: It was a male. Actually,

1	the judge I was supposed to see was not there that day, so at
2	the last minute I saw someone else.
3	THE COURT: Do you remember who your attorney was,
4	Ma'am? We're just trying to make sure we have the right
5	person.
6	PROSPECTIVE JUROR NO. 649: Andrew Levy (phonetic).
7	THE COURT: Okay, Ma'am, that was a gross
8	misdemeanor.
9	PROSPECTIVE JUROR NO. 649: But now I have a
10	convicted felon thing. I just couldn't find it today.
11	THE COURT: Okay.
12	PROSPECTIVE JUROR NO. 649: Because I had to
13	register.
14	THE COURT: Because you may have been charged
15	PROSPECTIVE JUROR NO. 649: No, I had to register.
16	Yeah, I had pay the \$6 to register. And everytime I move, I
17	have to go fill out a form.
18	(Pause in proceedings)
19	THE COURT: All right. We're just checking
20	something, Ma'am. Okay, Ma'am, and that was back in 2005?
21	PROSPECTIVE JUROR NO. 649: Uh-huh.
22	THE COURT: Okay. The official court records show
23	PROSPECTIVE JUROR NO. 649: I know it went on for a
24	couple years.
25	THE COURT: Right. It does show it was for a

1	gross misdemeanor, Ma'am.
2	PROSPECTIVE JUROR NO. 649: Then why am I having to
3	go down and do the convicted felon thing?
4	THE COURT: You may need to check with your attorney
5	because it was a gross misdemeanor.
6	PROSPECTIVE JUROR NO. 649: No, that wasn't the
7	this was something else. I've been doing it for ten years now.
8	(Pause in proceedings)
9	THE COURT: Was the other one in this state, as well?
10	PROSPECTIVE JUROR NO. 649: Um-h'm, I had well, I
11	had to go down there to the in the corner to the city.
1.2	THE COURT: Well, I understand that. But the
13	conviction, was it in this state, in Clark County? Here in Las
14	Vegas?
15	PROSPECTIVE JUROR NO. 649: I think Clark County. It
16	was in the city area.
17	THE COURT: Okay.
18	PROSPECTIVE JUROR NO. 649: Because I had to go down
. 9	to the city hall over there and register. Because I had one
20	from 1994 that's a gross misdemeanor as well.
21	THE COURT: The other one we have is a gross
22	misdemeanor as well, Ma'am. We'll double check that, okay.
23	PROSPECTIVE JUROR NO. 649: No, J I have to go
4	down there
5	THE COURT: All right. We'll double

1	PROSPECTIVE JUROR NO. 649: every time I
2	THE COURT: check that.
3	PROSPECTIVE JUROR NO. 649: Okay.
4	THE COURT: All right, anyone else in the jury
5	second row of the jury box? Front row? Anyone in the gallery
6	to my right? Gallery to my left? Okay. Is there anyone here
7	that has any type of a physical hardship meaning language
8	issue, bad back, or some people are diabetic, hypoglycemic,
9	anything along those lines? Okay, we'll go to the jury box
10	area. Yes, ma'am?
11	PROSPECTIVE JUROR NO. 622: Clara Romero, 622.
12	THE COURT: Yes.
13	PROSPECTIVE JUROR NO. 622: I had a serious head
14	injury in 1991 with a cognitive dysfunction, but it has
15	corrected itself somewhat, but I do have some short-term
16	short-term memory issues.
17	THE COURT: And that's a condition you have now,
18	Ma 'am?
19	PROSPECTIVE JUROR NO. 622: Yes.
20	THE COURT: Okay. So that would in effect that if
21	someone testified today and we asked you about that person on
22	Wednesday, you might not remember everything they said?
23	PROSPECTIVE JUROR NO. 622: Very possibly not.
24	THE COURT: Okay. All right, thank you, Ma'am.
25	Anyone else in the jury box area? Second row. Yes, ma'am.

1 We'll go second row. PROSPECTIVE JUROR NO. 649: I'm Patricia Salinas, 2 649. I just had surgery on my shoulder on my rotary cuff. 3 THE COURT: Rotator cuff, yeah. Okay. Are you under 5 medication right now? 6 PROSPECTIVE JUROR NO. 649: Yes. 7 THE COURT: What type of medication? PROSPECTIVE JUROR NO. 649: Percocet and Lortabs B 9 (indiscernible). THE COURT: Okay, did you take -- did you take that 10 11 today, Ma'am? PROSPECTIVE JUROR NO. 649: I have to everyday. 12 23 THE COURT: Okay. 14 PROSPECTIVE JUROR NO. 649: Every four hours. 15 THE COURT: All right, and someone else? Yes, ma'am. 16 PROSPECTIVE JUROR NO. 672: Terri Hunter, 672. I 17 have IBS that I control with medication. 18 THE COURT: Okay. And Ma'am, if at any time you need a break, if you are selected, just raise your hand, and we 19 20 accommodate our jurors, okay? Thank you, Ma'am. Anyone in the 21 gallery to my right? And gallery to my left? All right. 22 Does anyone here have a problem with the English language as far as understanding and being able to read the 23 24 English language? Anyone in the jury box area? No. Anyone in the gallery to my right? No. Gallery to my left? No. All 25

1	right, thank you.
2	UNKNOWN PROSPECTIVE JUROR: Excuse me, Judge?
3	THE COURT: Yes?
4	UNKNOWN PROSPECTIVE JUROR: He said he doesn't
5	understand English.
6	THE COURT: Okay. What's your name, sir?
7	UNKNOWN PROSPECTIVE JUROR: Fernando. 710.
8	THE COURT: You speak Spanish, sir?
9	PROSPECTIVE JUROR NO. 710: (Inaudible).
10	THE COURT: All right, thank you. All right, is
11	there anyone here, either yourself, a family member, or anyone
12	closely associated with you work in any type of law
13	enforcement? Again, yourself, a family member, or anyone
14	closely associated with you involved in law enforcement? Okay,
15	we'll go to the back row first. Yes, ma'am?
16	PROSPECTIVE JUROR NO. 609: Jody Montonya, 609. 1
17	have several friends that are either detectives, officers or
18	correction officers.
19	THE COURT: With Metro?
20	PROSPECTIVE JUROR NO. 609: Yes, sir.
21	THE COURT: Okay. And the fact that you have some
22	friends with Metro well, none of the witnesses identified
23	here is quite a few Metro officers, you don't know them?
24	PROSPECTIVE JUROR NO. 609: No, sir, I don't.
25	THE COURT: Okay. The fact that you have some Metro

3	friends, would that in any way cause you to be biased or
2	prejudiced against either side in this case?
3	PROSPECTIVE JUROR NO. 609: No. sir.
4	THE COURT: Okay. You wouldn't feel that you'd be
5	they would look down upon you if you voted a certain way in
6	this case?
7	PROSPECTIVE JUROR NO. 609: No, sir.
8	THE COURT: All right. Thank you, Ma'am. Anyone
9	else in the back row? Okay, second row? Yes, sir.
10	PROSPECTIVE JUROR NO. 633: Kirk Livernash, 633. I
11	have a brother-in-law and sister-in-law that are both jailers.
12	THE COURT: Here in Clark County?
13	PROSPECTIVE JUROR NO. 633: No, in Washington State.
14	THE COURT: Okay. Same question to you, sir, the
15	fact that you have some relatives that are involved in law
16	enforcement, would that cause you to be biased or prejudiced
17	for either side in this case?
18	PROSPECTIVE JUROR NO. 633: I don't believe so.
19	THE COURT: Okay, well, that was
20	PROSPECTIVE JUROR NO. 633: Well, I'll say no.
21	THE COURT: Okay, well, let's make sure, okay? Let's
22	try again.
23	PROSPECTIVE JUROR NO. 633: No. No.
24	THE COURT: Okay. You hesitated initially, sir.
25	Because your relatives, they don't know anything about this

•	THE CASE OF EXPERIENCE WERE REPORTED TO SERVICE AND ADDRESS OF THE SERVICE
1	case and they're not going to know any of the evidence of the
2	case.
3	PROSPECTIVE JUROR NO. 633: No.
4	THE COURT: So do you feel any pressure one way or
5	the other if you were selected to vote a certain way?
6	PROSPECTIVE JUROR NO. 633: No.
7	THE COURT: Okay. Thank you, sir. Anyone else in
8	the second row? Yes, ma'am.
9	PROSPECTIVE JUROR NO. 654: Dawn Fraley, 654. My
10	nephew's a California highway patrolman.
11	THE COURT: Okay. Is he a patrol officer on the
12	highways?
13	PROSPECTIVE JUROR NO. 654: Um-h'm.
14	THE COURT: Actually the highway? Okay. Same
15	question to you Ma'am, do you have any bias or prejudice
16	against either side in this case?
17	PROSPECTIVE JUROR NO. 654: No.
18	THE COURT: Would you feel compelled to vote a
19	certain way if you were selected as a juror?
20	PROSPECTIVE JUROR NO. 654: No.
21	THE COURT: Okay. Thank you. And I think we had
22	someone back here. Yes, ma'am.
23	PROSPECTIVE JUROR NO. 626: Nancy Mirolock, 626. I
24	have an ex-brother-in-law that's this is back in Illinois,
25	though. And a niece and a nephew and a friend that's a highway

1	Nevada Highway Patrol.
2	THE COURT: Okay, the niece and nephew, are they in
3	
4	PROSPECTIVE JUROR NO. 626: That's back in Illinois.
5	THE COURT: Okay. And are they patrol officers or
6	are they detectives? Do you know what type of work they
7	PROSPECTIVE JUROR NO. 626: My brother-in-law's
В	retired and my ex-brother-in-law is retired, and my nephew's in
9	I forgot the initials, but it's alcohol and
10	THE COURT: ATF, alcohol, tobacco, firearms?
11	PROSPECTIVE JUROR NO. 626: That, thank you.
12	THE COURT: Okay.
13	PROSPECTIVE JUROR NO. 626: And my niece is a lawyer
14	assistant.
15	THE COURT: Okay, Like a DA or
16	PROSPECTIVE JUROR NO. 626: I'm not sure back in
17	Illinois. I'm really not sure. I just know she's involved
18	with the jury.
19	THE COURT: All right, and then you said that there
20	was here had
21	PROSPECTIVE JUROR NO. 626: A friend that's a highway
22	patrol.
23	THE COURT: Here in Nevada?
24	PROSPECTIVE JUROR NO. 626: Yes.
25	THE COURT: Okay. How often do you see that friend?

1	PROSPECTIVE JUROR NO. 626: Off and on. Actually,
2	she's the wife of my son's best friend, so
3	THE COURT: Once a month? Once twice a year?
4	PROSPECTIVE JUROR NO. 626: About every three months
5	at least.
6	THE COURT: Okay. Again, same question to you,
7	ma'am, would you feel any pressure on you to be biased or
8	prejudiced towards either side or
9	PROSPECTIVE JUROR NO. 626: No.
10	THE COURT: Okay. You wouldn't feel any pressure if
11	you were selected to vote a certain way in this case?
12	PROSPECTIVE JUROR NO. 626; No.
13	THE COURT: All right, thank you, ma'am. Anyone else
14	in the second row? Yes, ma'am.
15	PROSPECTIVE JUROR NO. 622: Clara Romero, 622. I was
16	married to a police officer. Now divorced.
17	THE COURT: Okay. Was that an officer here in Clark
18	County?
19	PROSPECTIVE JUROR NO. 622: Yeah.
20	THE COURT: Same question to you ma'am, do you have
21	any bias or prejudice towards anyone in law enforcement?
22	PROSPECTIVE JUROR NO. 622: No.
23	THE COURT: You might have that with your ex-husband,
24	I don't know, but
25	PROSPECTIVE JUROR NO. 622: Actually, no.

1	THE COURT: Okay, good. It's always best to be
2	amicable. Anyone else in the second row? Anyone in the front
3	row? Gallery over there to my right, front row? Anyone? No.
4	Second row, yes, sir.
5	PROSPECTIVE JUROR NO. 717: Robert Richardson, 717.
6	My niece is a key attendant for Metro.
7	THE COURT: I'm sorry, your number again, sir?
8	PROSPECTIVE JUROR NO. 717: 717.
9	THE COURT: Okay, I'm sorry, your niece is what with
10	Metro?
11	PROSPECTIVE JUROR NO. 717: Key attendant for Metro.
12	Handing the keys out to the cars. I think she just got the
13	job.
14	THE COURT: Oh, okay. All right. Same question to
15	you, sir, again, you don't know any of the officers that have
16	been identified here?
17	PROSPECTIVE JUROR NO. 717: No.
18	THE COURT: Okay. And do you have any bias or
19	prejudice against either
20	PROSPECTIVE JUROR NO. 717: No.
21	THE COURT: side? And would you feel compelled in
22	any way, sir, or pressure
23	PROSPECTIVE JUROR NO. 717: No.
24	THE COURT: because your niece works for Metro?
25	PROSPECTIVE JURGE NO. 717: No. sir.

THE COURT: All right, thank you. Anyone else in the 1 2 second row? Yes, ma'am. 3 PROSPECTIVE JUROR NO. 719: Giselle Moreno, 719. My husband's a policeman for Metro. 4 5 THE COURT: In Metro here? Is a patrol officer? 6 PROSPECTIVE JUROR NO. 719: Patrol. 7 THE COURT: Okay. And again, did you -- do you know any of the officers that have been identified in this case? 8 9 PROSPECTIVE JUROR NO. 719: No, sir. THE COURT: And I would tell everyone here, if you 10 are selected as a juror, ma'am, if anyone ask you about, you 11 know, what you're doing, the most anyone can state is that I am 12 a juror, and I'm a juror in a criminal case, and that's the 13 14 extent you can tell anyone about your service here. 15 When the case is over then you can talk about the case. Would you feel compelled in any way to -- or I'm sure 16 your husband would understand the rules, but we would put you 17 -- we would order you, ma'am, that you would be precluded from 18 talking to your husband about the case. Would you be able to 19 20 follow that order? 21 PROSPECTIVE JUROR NO. 719: Yes, sir, 22 THE COURT: Okay. And would you feel pressured in any way to -- if you were selected to vote a certain way in 23 24 this case because your husband is with Metro in. 25 PROSPECTIVE JUROR NO. 719: No.

1	THE COURT: All right, thank you, ma'am. Anyone in
2	the second row? At the far end.
3	PROSPECTIVE JUROR NO. 730: Catherine Bertles, 730.
4	I have a brother that's a corrections officer but in the City
5	and County of Denver and a brother in the highway patrol in
6	Colorado.
7	THE COURT: All right. Same question to you, ma'am,
8	do you feel any bias or prejudice for or against either side in
9	this case in.
10	PROSPECTIVE JUROR NO. 730: No.
11	THE COURT: And would you feel any pressure to vote a
12	certain way if you were selected?
23	PROSPECTIVE JUROR NO. 730: No.
14	THE COURT: All right, thank you, ma'am. Anyone else
15	in the second row? We'll go to the back row far left. Yes,
16	sir.
17	PROSPECTIVE JUROR NO. 777: Oh, my name's Ismael
18	Ruiz, 777, and my cousin is a correctional officer up in
19	Tahachepi (phonetic).
20	THE COURT: Okay. And how close are you to those
21	individual because they live out of state, correct?
22	PROSPECTIVE JUROR NO. 777: Yeah, they live out of
23	town.
24	THE COURT: Okay. Would you feel any do you have
25	any bias or prejudice for or against either side in this case?

1	
2	PROSPECTIVE JUROR NO. 717: No, not at all.
3	THE COURT: And would you feel any pressure, sir, if
4	you were selected to vote a certain way?
5	PROSPECTIVE JUROR NO. 777: No, not at all.
6	THE COURT: Okay. Thank you, sir. And how did you
7	get that number 777?
8	PROSPECTIVE JUROR NO. 777: (Indiscernible).
9	THE COURT: All right, anyone else in the back row?
10	I thought I saw a hand. Nope. Gallery to my left? Front row,
11	yes, ma'am.
12	PROSPECTIVE JUROR NO. 785: Ashleigh Whalen, 785. I
13	have two uncles that are police officers and one that works
14	in
15	THE COURT: I'm sorry, I missed the first part.
16	PROSPECTIVE JUROR NO. 785: Oh, I have two uncles
17	that officers in California and one that works in the prison.
18	THE COURT: Okay. The two uncles, do you know what
19	are they patrol officers, are they detectives, sergeants?
20	PROSPECTIVE JUROR NO. 785: No, they're just like
21	normal like officers (indiscernible).
22	THE COURT: Okay. So you don't know what specific
23	what department they're involved in?
24	PROSPECTIVE JUROR NO. 785: No.
25	THE COURT: Okay. And that same question to you. Do

1	you have any bias or prejudice toward either side in this case
2	And and an Analysis country excust state in cuts case
3	
(32)	PROSPECTIVE JUROR NO. 785; No.
4	THE COURT: because your uncles are involved?
5	PROSPECTIVE JUROR NO. 785: No.
6	THE COURT: you know, a correction officer? Would
7	you feel any pressure to vote a certain way if you were
В	selected?
9	PROSPECTIVE JUROR NO. 785: No.
10	THE COURT: All right, thank you, ma'am. Anyone else
11	in the front row? Anyone in the back row? Yes, sir.
12	PROSPECTIVE JUROR NO. 813: James Fraser, 813. My
13	brother's a police officer in Madera, California. Patrol
14	officer.
15	THE COURT: Sir, would you have any bias or prejudice
16	against either side in this case?
17	PROSPECTIVE JUROR NO. 813: No. sir.
18	THE COURT: Would you feel any pressure because your
19	brother's in law enforcement to vote a certain way?
20	PROSPECTIVE JUROR NO. 813: No. sir.
21	THE COURT: All right. Thank you, sir. Any other
22	hands? Is there anyone here, again, either yourself, a family
23	member or anyone closely associated with you ever been a victim
24	of a crime? All right, yes, ma'am, second row.
25	PROSPECTIVE JUROR NO. 622: Clara Romero, 622. I

1	personally was a victim, and I had a first cousin who was
2	murdered.
3	THE COURT: Okay, you say you were personally a
4	victim.
5	PROSPECTIVE JUROR NO. 622: Yes.
6	THE COURT: And what type of crime was that, ma'am?
7	PROSPECTIVE JUROR NO. 622: Sexual.
8	THE COURT: Okay. Was that here in Clark County,
9	ma'am?
10	PROSPECTIVE JUROR NO. 622: No. it wasn't.
11	THE COURT: About how long was that?
12	PROSPECTIVE JUROR NO. 622: That was in 1991.
13	THE COURT: All right. And then you said there was
14	one other.
15	PROSPECTIVE JUROR NO. 622: Yes, I had a cousin who
16	was murdered.
17	THE COURT: Was that here in Clark County?
18	PROSPECTIVE JUROR NO. 622: No. it wasn't.
19	THE COURT: About how long ago was that?
20	PROSPECTIVE JUROR NO. 622: Sometime before '91.
21	THE COURT: All right, Thank you, ma'am. Anyone
22	else in the yes, sir.
23	PROSPECTIVE JUROR NO. 633: Kirk Livernash, 633. I
24	have been my house has been broken into three different
25	on three different occasions.

1	THE COURT: All right. Burglary at your home, yes?
2	PROSPECTIVE JUROR NO. 633: Burglary at the home.
3	THE COURT: All right, sir, and were those situations
4	reported to the police?
5	PROSPECTIVE JUROR NO. 633: Yes.
6	THE COURT: Okay. Were you satisfied with the work
7	the police did on that case.
8	PROSPECTIVE JUROR NO. 633: Yes.
9	THE COURT: Okay. And no, right?
10	PROSPECTIVE JUROR NO. 633: Yes and no.
11	THE COURT: All right. I sense some no. The fact
12	you perhaps were not satisfied with the work the police did,
13	would that cause you to hold that against any officers that may
14	testify in this case?
15	PROSPECTIVE JUROR NO. 633: No.
16	THE COURT: Or against either side in this case?
17	PROSPECTIVE JUROR NO. 633: No.
18	THE COURT: All right, because you understand that's
19	a separate incident? .
20	PROSPECTIVE JUROR NO. 633: Absolutely.
21	THE COURT: Nothing to do with this case?
22	PROSPECTIVE JUROR NO. 633: Yes.
23	THE COURT: All right, thank you, sir. And sir, how
24	long ago were those burglaries.
25	PROSPECTIVE JUROR NO. 633: One was eight months, and

1	the other one was two years ago.
2	THE COURT: Okay. Did you ever have to go to court
3	on any of those cases, sir?
4	PROSPECTIVE JUROR NO. 633: No.
5	THE COURT: All right, thank you, sir. Anyone else
6	in the second row? Yes, sir, at the end.
7	PROSPECTIVE JUROR NO. 656: Brian Keith Snyder, Sr.
8	Badge No. 656. I was my house was broken into four times
9	back in 1984 in San Bernardino, California.
10	THE COURT: You said four times?
11	PROSPECTIVE JUROR NO. 656: Four times.
12	THE COURT: All right. And were the police were
13	the authorities called
14	PROSPECTIVE JUROR NO. 656: Yes.
15	THE COURT: on those case, sir? And were you
16	satisfied with the work they did?
17	PROSPECTIVE JUROR NO. 656: Yes, at least I got my
18	gun back.
19	THE COURT: Okay. All right. And do you have any
20	would that cause you to have any bias
21	PROSPECTIVE JUROR NO. 656: No.
22	THE COURT: or prejudice against either side?
23	PROSPECTIVE JUROR NO. 656: No.
24	THE COURT: All right, thank you, sir. Anyone else
25	in the second row? Yes, ma'am.

2	PROSPECTIVE JUROR NO. 649: Patricia Salinas, 649.
2	In 2000, my husband was murdered by his sister's roommate.
3	THE COURT: Okay. You talked about that before,
4	correct? No. 2004, okay.
5	PROSPECTIVE JUROR NO. 649: In, in 2000. The year
5	2000.
7	THE COURT: When?
8	PROSPECTIVE JUROR NO. 649: Year 2000.
9	THE COURT: All right. Anyone else in the jury box
10	area? In the gallery to my right, front row, yes, sir, with
11	the black shirt.
12	PROSPECTIVE JUROR NO. 685: Jose Vasquez, 685. My
13	cousin was murdered in '03. (Indiscernible).
14	THE COURT: I'm sorry, sir, your number again?
15	PROSPECTIVE JUROR NO. 685: 685.
16	THE COURT: Oh, okay, there we go. You said your
1,7	cousin was murdered?
18	PROSPECTIVE JUROR NO. 685: Yeah, in 2003.
19	THE COURT: Okay. And was that here in Clark County,
20	sir?
21	PROSPECTIVE JUROR NO. 685: Yes, it was.
22	THE COURT: I'm assuming the police officers were
23	contacted in that case?
24	PROSPECTIVE JUROR NO. 685: Yeah.
25	THE COURT: All right.

1	PROSPECTIVE JUROR NO. 685: Yes.
2	THE COURT: Did that matter go to trial, sir?
3	PROSPECTIVE JUROR NO. 685: I believe it did, but
4	actually, it went to trial for he also, I guess, who
5	murdered his wife, so that's what he went to trial for. He
6	never got to the point of my cousin, because I guess he
7	committed suicide in prison or something. So he never got
8	convicted for my cousin's murder, but he did get arrested for
9	it.
10	THE COURT: Okay. Well, we have a similar charge in
11	this case, sir. Would you do you have any bias or prejudice
12	against the defendant in this case?
13	PROSPECTIVE JUROR NO. 685: No.
14	THE COURT: And sir, if you were selected, you would
15	base any decision not on what happened in your family, but what
16	occurred in this case
17	PROSPECTIVE JUROR NO. 685: (Indiscernible).
18	THE COURT: and any witnesses testifying.
19	PROSPECTIVE JUROR NO. 685: Was that a yes or no
20	question?
21	THE COURT: Right. I just want to know, sir, is that
22	
23	PROSPECTIVE JUROR NO. 685: Is that a can you read
24	it
25	THE COURT: Well

1	PROSPECTIVE JUROR NO. 685: Can you (indiscernible).
2	THE COURT: Sure, sure. I just want to make sure
3	that if you are selected in this case, sir, that the situation
4	involving your family member would not come into play in this
5	particular case.
6	PROSPECTIVE JUROR NO. 685: No.
7	THE COURT: Are you positive, sir?
8	PROSPECTIVE JUROR NO. 685: Positive.
9	THE COURT: All right, thank you, sir. Anyone else
10	in the front row? Yes, sir.
11 :	PROSPECTIVE JUROR NO. 687: My name is Gary Obata.
12	My badge number is 687. I had actually a I had a cousin
13	that was shot and killed by a sniper in Fresno, California, and
14	they never caught the person.
15	THE COURT: How long ago was that, sir?
16	PROSPECTIVE JUROR NO. 687: That was about 20 years
17	ago.
18	THE COURT: Okay, and same question to you, sir,
19	because you had someone that was killed. do you would that
20	cause to you have any bias or prejudice against the defendant
21	or State in this case?
22	PROSPECTIVE JUROR NO. 687: No.
23	THE COURT: Can you put that matter aside if you are
24	selected in this case?
25	PROSPECTIVE JUROR NO. 687: Yes.

1	THE COURT: All right. Thank you, sir. Anyone else
2	in the front row?
###.W	The che flow:
3	MR. SMITH: Judge, I think you got some
4	THE COURT: Oh, you have one more, sir?
5	MR. SMITH: You had some others.
6	THE COURT: I'm sorry, sir.
7	PROSPECTIVE JUROR NO. 687: I had a neighbor that was
8	murdered by Richard Ramirez in southern California.
9	THE COURT: About how long ago was that, sir?
10	PROSPECTIVE JUROR NO. 687: That was
11	THE COURT: And wasn't that the Hillside (phonetic)
12	or something?
13	MR. SMITH: Yeah.
14	MS. GRAHAM: Yes.
15	MR. SMITH: That's him.
16	PROSPECTIVE JUROR NO. 687: (Indiscernible).
17	THE COURT: Okay. And again, the same question.
18	Would that have any impact on your ability to perform your
19	services here, sir?
20	PROSPECTIVE JUROR NO. 687: No.
21	THE COURT: All right, thank you, sir.
22	PROSPECTIVE JUROR NO. 687: And then I had one last
23	one.
24	THE COURT: Oh, one more? Okay.
25	PROSPECTIVE JUROR NO. 687: I have a lot of

1	(indiscernible). I had an associate when I worked for
2	Albertsons (indiscernible) murder.
3	THE COURT: And when was that, sir?
4	PROSPECTIVE JUROR NO. 687: I can't even remember.
5	MR. SMITH: That was in the 90s.
6	PROSPECTIVE JUROR NO. 687: It was probably ten years
7	ago.
8	MR. SMITH: In the 90s.
9	PROSPECTIVE JUROR NO. 687: (Indiscernible).
10	THE COURT: Okay.
11	MR. PIKE: Your Honor, can we approach?
12	THE COURT: All right.
13	MR. PIKE: Thank you.
14	(Off-record bench conference)
15	THE COURT: Anything else, Mr. Obata?
16	PROSPECTIVE JUROR NO. 687: No, that was it. Thank
17	you.
18	THE COURT: All right, thank you, sir. Yes, sir, in
19	the second row.
20	PROSPECTIVE JUROR NO. 656: Brian Keith Snyder, Sr.
21	Badge 656. I forgot how long ago, but my brother
22	ex-brother-in-law. That's what I call him.
23	THE COURT: Okay.
24	PROSPECTIVE JUROR NO. 656: His name is Brian Main
25	(phonetic). He held up a couple back in, I think it was

1	Corona, California. I think it was ten years ago, and he was
2	on PCP, and he was SWAT was called out (indiscernible) and
3	SWAT was called out, and he was shooting at the SWAT. That was
4	like I think it was like 10, 11 years ago back in
5	California.
6	THE COURT: Back in California, okay.
7	PROSPECTIVE JUROR NO. 656: Yeah.
8	THE COURT: All right, thank you, sir.
9	PROSPECTIVE JUROR NO. 656: Um-h'm.
10	THE COURT: Is there anyone else in the front row?
11	Yes, sir.
12	PROSPECTIVE JUROR NO. 698: My name is Robert, 698.
13	My brother was killed in '92.
14	THE COURT: Was that here in Clark County, sir?
15	PROSPECTIVE JUROR NO. 698: Yes, it was.
16	THE COURT: Was that situation investigated by the
17	police?
18	PROSPECTIVE JUROR NO. 698: Yes, it was.
19	THE COURT: All right. Were they able to catch the.
20	perpetrator?
21	PROSPECTIVE JUROR NO. 698: They caught him for
22	another murder.
23	THE COURT: Okay. Did that case go to trial, sir?
24	PROSPECTIVE JUROR NO. 698: I believe so.
25	THE COURT: All right. Did you have to testify in

1	that case?
2	PROSPECTIVE JUROR NO. 698: No. I did not. I believe
3	my niece did.
4	THE COURT: Okay. And the fact that your you said
5	it was your brother?
6	PROSPECTIVE JUROR NO. 698: Yes.
7	THE COURT: All right, was the victim of that crime.
8	Would that cause you to be biased or prejudice against either
9	side in this case?
10	PROSPECTIVE JUROR NO. 698: Oh, no, revenge is God's
11	hands.
12	THE COURT: I'm sorry?
13	PROSPECTIVE JUROR NO. 698: Revenge is in God's
14	hands.
15	THE COURT: I can't hear.
16	MR. SMITH: He said revenge is in God's hands.
17	PROSPECTIVE JUROR NO. 698: I said revenge is in
18	God's hands.
19	THE COURT: Okay. All right. Thank you, sir.
20	PROSPECTIVE JUROR NO. 698: Um-h'm.
21	THE COURT: Anyone else in the front row? Anyone in
22	the second row? Yes, sir.
23	PROSPECTIVE JUROR NO. 727: I've been jumped, my
24	car's been broken into it.
25	THE COURT: Your name and

1	MR. SMITH: What's your badge number?
2	PROSPECTIVE JUROR NO. 727: Robert Wilk, 727.
3	THE COURT: Yes, sir.
4	PROSPECTIVE JUROR NO. 727: I've been jumped, I've
5	had my car broken into six times, my mom's been mugged. And
6	yeah
7	THE COURT: Okay.
В	PROSPECTIVE JUROR NO. 727: And like my car's been
9	broken into probably three times this year. Once every month.
10	THE COURT: Okay. You said you were jumped once.
11	PROSPECTIVE JUROR NO. 727: Yes.
12	THE COURT: When was that?
13	PROSPECTIVE JUROR NO. 727: That was three years ago.
14	THE COURT: Was that here in Clark County?
15	PROSPECTIVE JUROR NO. 727: Yes. Right off the
16	spaghetti bowl
17	THE COURT: Okay. You had someone just trying to
18	take your wallet or
19	PROSPECTIVE JUROR NO. 727: No. They sideswiped my
20	truck on the freeway and then off at the side road he and his
21	friend basically juumped me.
22	THE COURT: And sir, were those situations, were they
23	all investigated by the police department?
24	PROSPECTIVE JUROR NO. 727: When I was jumped, yeah,
25	they were caught and taken to jail. My vehicle being jacked up

1	all the time, nothing's come of it because there's not really
2	anything, they couldn't find anything and they've all been in
3	different locations.
4	THE COURT: All right, sir.
5	PROSPECTIVE JUROR NO. 727: And my mom but my mom
6	being mugged in a casino, it's just they couldn't catch the
7	guy at all.
8	THE COURT: And how long was that involving your
9	mother?
10	PROSPECTIVE JUROR NO. 727: That was last year, about
11	middle of last year.
12	THE COURT: And sir, those various situations, were
13	you satisfied with the work that law enforcement did on those
14	cases?
15	PROSPECTIVE JUROR NO. 727: I'm going to say more
16	frustrated.
17	THE COURT: All right.
18	PROSPECTIVE JUROR NO. 727: So, no.
19	THE COURT: Okay. The fact that you may be
20	frustrated with law enforcement, would that cause you to have
21	any bias or prejudice against police officers that may testify
22	Ka
23	PROSPECTIVE JUROR NO. 727: It will affect
24	THE COURT: in this case?
25	PROSPECTIVE JUROR NO. 727: my judgment, yes, I'll

3.	say that.
2	THE COURT: I'm sorry?
3	PROSPECTIVE JUROR NO. 727: Yes, it will affect my
4	judgment.
5	THE COURT: And why is that, sir?
6	PROSPECTIVE JUROR NO. 727: Because like I've always
7	felt like I've been on the short end of the stick, and
8	everybody in my family always feel that way, so it's kind of
9	engrained in how we've been living.
10	THE COURT: Well, if you were selected in this case,
11	sir, you wouldn't want either side to feel that they got the
12	short end of the stick, would you?
13	PROSPECTIVE JUROR NO. 727: This is true, but I'm
14	going to be honest, there is going to be an engraving always at
15	the very bottom of my stomach or whatever.
16	THE COURT: As far as
17	PROSPECTIVE JUROR NO. 727: It's just like decision-
18	making, and like there's always going to be something in the
19	back of my mind thinking like I would always try my best to
20	be impartial, but there's always a lingering feeling in my
21	mind.
22	THE COURT: Do you feel because of a lingering
23	feeling that you have a bias against the State or against the
24	defendant?
25	PROSPECTIVE JUROR NO. 727: I would say it would be a

bias against the State. 1 THE COURT: Okay. And sir, if you were selected as a 2 juror in this case, what we would ask you to do is base any 3 decision you may make in this case upon the evidence and the witness's testimony in this case and any exhibits into 5 evidence. Could you do that, sir? 6 PROSPECTIVE JUROR NO. 727: I could definitely do 7 8 that, yes, sir. THE COURT: Okay. Are you sure, because you say you 9 10 had some bad --11 PROSPECTIVE JUROR NO. 727: I mean, it'll be that. but I'll have to look at this one, what's right here, is so as 12 much I can try that. It's kind of conflicting, yes, but. 13 THE COURT: Well, we just want to make sure that both 14 sides, if you are selected, will have a fair trial from you. 15 PROSPECTIVE JUROR NO. 727: From me, yes. I'll go 16 with that, yes. I will look at what's right here at this time, 17 not from (indiscernible) bac there, so whatever's back there 18 19 has to be in my past. THE COURT: All right, thank you, sir. Anyone else 20 in the second row? Well, we'll go back to the left. Yes, sir. 21

PROSPECTIVE JUROR NO. 717: Robert Richardson, 717. When I first met my brother-in-law he was a prisoner with the State of Nevada. And then about 15 years ago my home was robbed.

22

23

24

25

1	THE COURT: Okay, about 15 years ago there was a
2	burglary?
3	PROSPECTIVE JUROR NO. 717: My home was robbed, yes.
4	THE COURT: Okay. Was that here in Clark County?
5	PROSPECTIVE JUROR NO. 717: Yes.
6	THE COURT: Okay. And was that investigated by the
7	police department?
8	PROSPECTIVE JUROR NO. 717: Yes.
9	THE COURT: Okay. Were you satisfied with the work
10	they do?
11	PROSPECTIVE JUROR NO. 717: Yes.
12	THE COURT: All right. The fact that you've been a
13	victim of a crime, would that cause you to have any bias
14	PROSPECTIVE JUROR NO. 717: No.
15	THE COURT: for either side?
16	PROSPECTIVE JUROR NO. 717: No.
17	THE COURT: Okay. Thank you, sir. Anyone else in
18	the second row? Anyone in the back row? Yes, sir.
19	PROSPECTIVE JUROR NO. 771: David Brunelle, 771.
20	THE COURT: Yes, sir.
21	PROSPECTIVE JUROR NO. 771: I was a victim. I tried
22	to trying to stop a burglary in Sacramento and the suspect
23	suspect hit me and fractured my eye over the bone. It was like
24	(indiscernible).
25	THE COURT: I'm sorry?

1	PROSPECTIVE JUROR NO. 771: Fractured
2	(indiscernible).
3	THE COURT: Okay. And how long ago was that, sir?
4	PROSPECTIVE JUROR NO. 771: 11/11/2002.
5	THE COURT: Okay. Was that situation investigated by
6	law enforcement?
7	PROSPECTIVE JUROR NO. 771: Yes.
8	THE COURT: Okay. Were you satisfied with the work
9	they did on that case?
10	PROSPECTIVE JUROR NO. 771: No.
11	THE COURT: Okay, and why weren't you satisfied?
12	PROSPECTIVE JUROR NO. 771: I think fingerprints
13	chould have been taken and they weren't.
14	THE COURT: And the fact that you weren't satisfied
15	with the work that the California authorities did, sir, would
16	that have any impact on you if you were selected in this case?
17	PROSPECTIVE JUROR NO. 771: Not at all.
18	THE COURT: All right, thank you, sir. Anyone else
19	in the back row? In the gallery to my left? Front row? Half
20	the front row. Okay, we'll start here on the far right. Yes,
21	ma¹am.
22	PROSPECTIVE JUROR NO. 785: Ashleigh Whalen, 785. My
23	ex-boyfriend right now is actually being tried for murder.
24	THE COURT: Here in Clark County?
25	PROSPECTIVE JUROR NO. 785: No, in like in

1	California.
2	THE COURT: Okay. Are you a witness in that case?
3	PROSPECTIVE JUROR NO. 785: Not that I know of, no.
4	THE COURT: Okay. Are you still have a I know
5	he's an ex-boyfriend, but are you still have contact with him?
6	PROSPECTIVE JUROR NO. 785: I do.
7	THE COURT: Okay. The fact that your ex-boyfriend's
8	charged with murder presently, and there's, I guess, a pending
9	case?
10	PROSPECTIVE JUROR NO. 785: Um-h'm,
11	THE COURT: Is that a yes?
12	PROSPECTIVE JUROR NO. 785: They're going to trial
13	(indiscernible),
14	THE COURT: Okay. Would that cause you to be have
15	any bias or prejudice against either side in this case?
16	PROSPECTIVE JUROR NO. 785: I don't know, to be
17	honest with you.
18	THE COURT: Okay. Why do you think it might?
19	PROSPECTIVE JUROR NO. 785: I just being with him,
20	and like being like being, like because he was always like
21	like in trouble with the police, that I just always had like a
22	negative attitude towards the police.
23	THE COURT: Okay.
24	PROSPECTIVE JUROR NO. 785: I've had to deal with
25	them for so long.

1	THE COURT: So you felt he was being treated unfairly
2	in the past?
3	PROSPECTIVE JUROR NO. 785: Right, sometimes, yeah.
4	THE COURT: And that situation's in another state,
5	correct?
6	PROSPECTIVE JUROR NO. 785: Yes.
7	THE COURT: Okay. And you don't know any of the
8	officers in this case, correct?
9	PROSPECTIVE JUROR NO. 785: No, not at all.
10	THE COURT: Okay. And so do you think you have a
11	bias or prejudice against any officers that may testify here?
12	PROSPECTIVE JUROR NO. 785: No.
13	THE COURT: Okay. So you could put can you put
14	PROSPECTIVE JUROR NO. 785: I could put aside, yeah.
15	THE COURT: Okay. Can you be fair to both mides?
16	PROSPECTIVE JUROR NO. 785: Yes, I can.
17	THE COURT: Okay. Without any hesitation?
18	PROSPECTIVE JUROR NO. 785: No, I can.
19	THE COURT: Okay. All right, thank you, ma'am. And
20	there was yes, ma'am.
21	PROSPECTIVE JUROR NO. 788: Carol Murakowski, 788. I
22	had property stolen out of my front yard.
23	THE COURT: Okay. About how long ago was that,
24	ma'am?
25	PROSPECTIVE JUROR NO. 788: About a month.

1	A So they mould from Daywood to the state of	۴.	
2	A So they would stop. Because it was repliy load. It was very load.	:1	and the state of t
3		3	
4		3	BY MS. GRAHAM::
- 5	A \$0 -	4	Q After Charles left, I assume he left your home to go
5	A THE PARTY OF THE PROPERTY OF	5	upstairs!
6	poked the broom upstairs and is that what happened?	6	A Yes.
3		7	Q At any point did he come back down states?
8	Q Okay. After that it didn't quiet down?	6	A Oh, yes.
3	FOR THE TRANSPORT OF THE PROPERTY OF THE PROPE	9	Q And what, if anything, did he say to you?
10	Carlo Anna Carlo C	10	
11	and any season of comments and the season in the season of	11	MR. PIKE: Objection, Hearsny,
12	It was real loud, and I could hear somebody was incoming and size	12	
13		13	184 (4 - 1964) 44 (10 1 - 1947) 4 (10 4 4 7 4
14	he ran upstairs and said this got to stop. This is too -	14	
15	A SAN TO THE SAN THE S	15	
16		16	
17	Q So at that point	17	
16	127 5,500,000	18	74 - 117574 MAT BAUTOS NO - 400 - 1912 111744
19		19	
20		20	75 5.77 6 775
21		21	Q Okay. So nobody was calling for you to call 911?
22	i introduce and the second of	22	15 AM 1979
23		23	MS, GRAHAM: Count's incluigence. BY MS, GRAHAM:
24			
25		34	Q So while you were watching One Life to Live and the
59	*	25	the second of the contribution of the second section 1908
	Page 190	Į	Page 191
	ROUGH DRAFT TRANSCRIPT	L	ROUGH DRAFT TRANSCRIPT
1	long do you think that that went on, the thumping?	1	Q Is that the apartment complex where you lived on the
2	A It had - For about a liquir or so,	2	day in question?
3	Q And how do you know about an hour?	3	A Yes. e.is.
4	A Recause like I said. I was getting ready for bed.	4	Q Did you ever go inside the approximent that was right
5	One Life to Live was - I mean, All My Children was just fixing	5	above your apartment?
6	to go off, so that had to be like about 8:40. So between 8:40	6	A No.
7	and the whole episode of One Life to Live that's a whole hour.	7	Q. Okay. And so you didn't socialize with Brian or
8	So Td say an hour and something,	8	Victoria?
9	Q And it were on for about an hour until Charles	9	A No.
10	actually wake up?	10	Q Did you know them by their first name as Brian and
1	A Went upstairs, yep.		Victoria?
2	Q All right.	12	A Nor her but Brian. We spoke.
1.5	MS. GRAHAM: 1'll poss the witness at this time.	13	
4	THE COURT: Cross-examination.	14	Q And you knew Brian through social interaction just around the apartment complex?
5	MR. PIKE: Thank you, your Honor.	15	A Yeah.
6		16	\$265-2100" ov s. ver
7	BY MR. PIKE::	17	O Did you ever have occusion - well, you said that
8	O Mrs. Flower		you'd come and you'd gone to bed. I assume, and correct me if
9	A Yes.	18	I'm wrong, I guess I'll put it in the form of a question, that
0	Q I'm Randy Pike. I think we spoke, didn't we'	19	you didn't see Victoria or Brian come home that evening and g
:	Sometime ago. I'm showing you a picture of	20	up to their apartment?
2	A That's upside down.	21	A Na. I didn's.
1	O — (milisermible). Of an apartment complex, and do	22	O So you have no independent way of knowing if they
•	you recognize that apartment complex?	23	were intoxicated or not intoxicated during that period of time?
4		24	A No. I wouldn't.
	A Yes 1 do		
	A Yes. I do. Page 192	25	Q And the noise progressed throughout the one hour
4	Page 192 ROUGH DRAFT TRANSCRIPT	25	Q And the noise progressed throughout the one hour Page 193 ROUGH DRAFT TRANSCRIPT

	1	
episode of the show that you were watching?	: 1	A I'd say after 10:00.
Ve Avaries	2	5 - 1940 - Ar - 1864 - British British
Q Then your hashand, when the noise awake him and he	3	
tried to quiet it down with the broom, and I assume be did	4	Q — you don't know?
that, bit the broom on the ceiling?	5	A 10:00 yeah, it was about it's 10:00 it
A Yeah	6	was 10:00 something.
Q Okay. Did you do anything like that -	7	O When you went outside, what neighbors were out the
A 1 did that once, too. A couple times.		A 1 think Robin was our there because she dialed 911
O Okay.	9	because he - Cookie had asked her to dial 911.
A We both had disne it.	10	
Q And then your husband did that and then he went	11	
outside and at some point in time you were to follow him	12	
	13	
A Na.	14	year. I was out there when the police arrived.
Q Do you go our - did you go outside when he came back		O Okay. And then when the police arrived did you go
	0.000	
A. When he came back in yelling what he had saw what was		A Yes, I did
going on, yeah -	18	Did you come back outside and see the police after
O Okay, when -	3.5	
A - I wem back outside -	20	A No.
O - he came	1	Q Okay, Thank you.
A → with him,		MR PIKE: I have no further questions.
Q. All right. When he came back down and he was welling	-17-17	
at that time, you went out to see what was regime on. And safest	1000	THE COURT: All right. Any redirect? MS. GRAHAM: Just briefly.
about time was that in the evening?	20.00	
	1	REDIRECT EXAMINATION
		Page 195 ROUGH DRAFT TRANSCRIPT
The second secon	\vdash	NOBELL DRATT TRANSCRIPT
	1	THE COURT: That's all right.
Q Joyce, when you say that Charles left — and does he	2	BY MS. GRAHAM::
A CONTRACTOR OF THE PROPERTY O	3	Q So what was his demonster when he came in?
	4	A I'm not saying nothing. I don't know what to say.
Q Cookie, because I noticed you mentioned on cross	5	THE COURT: You can't talk about what he said -
[10:00:00:00:00:00:00:00:00:00:00:00:00:0	6	THE WITNESS, Okay,
(A)	7	THE COURT: - under most circumstances.
	8	THE WITNESS: Okay,
1950 YAN DOMEST WAS SEEN AS SEEN AS	9	THE COURT: Okey, but the question what was his
Q Okay. When Cookie came back down you said he was	10	demeanor? How was he setting?
	11	THE WITNESS: He was like was moving fast. He w
V630 V63033	12	not nervously, but something was wrong.
VIST 1741/00/07/47/75/7	13	BY MS. GRAHAM:
	14	Q Okay.
	15	A Excited, overwhelmed,
	16	Q Excited overwhelmed!
MR. PIKE: Wajt,	17	A. Let me see another word. Yeah, very overwhelmed.
THE WITNESS: Oops.	18	Q. And during that sited overwhelmed state after he just
	19	returned from down stairs, he made statements to your is that
MR. PrKE: Objection, your Honor.		right?
MS. GRAHAM: Judge, that was an excited uncrance.	20	right:
MS. GRAHAM: Judge, that was an excited unterance. He came in —	20 21	A Yes, he did.
MS. GRAHAM: Judge, that was an excited uncrance. The came in — THE COURT: 15 he going to be here to testify!		A Yes, he did.
MS. GRAHAM: Judge, that was an excited uncrance. He came in — THE COURT: Is he going to be here to testify! MS. GRAHAM; Yes.	21	A Yes, he did. O Chay: And what were those statements?
MS. GRAHAM: Judge, that was an excited unterance. He came in — THE COURT: Is he going to be here to testify? MS. GRAHAM: Yes. THE COURT: I'm going to sustain the objection.	21 22	A Yes, he did. O Okay: And what were those statements? MR. PIKE: Objection, Honor.
MS. GRAHAM: Judge, that was an excited uncrance. He came in — THE COURT: Is he going to be here to testify! MS. GRAHAM; Yes.	21 22 23	A Yes, he did. O Okay: And what were those statements? MR. PIXE: Objection, Honor. MS. GRAHAM: Judge, that's excited atterance.
MS. GRAHAM: Judge, that was an excited unterance. He came in — THE COURT: Is he going to be here to testify? MS. GRAHAM: Yes. THE COURT: I'm going to sustain the objection.	21 22 23 24	A Yes, he did. O Okay: And what were those statements? MR. PIKE: Objection, Honor.
	A Yes. O Then your hasbond, when the noise awake him and he tried to quict it down with the broom, and I assume be did that, bit the broom on the ceiling? A Yesh. O Okay. O Okay. A I did that once, too. A couple times. O Okay. A We both had done it. O And then your husband did that and then he went outside and at some point in time you went to follow him outside: isn't that correct? A No. O Do you go out — that you go outside when he came back down? A When he came back in yelling what he had saw what was going on, yeah — O Okay, when — A I went back outside — O — he came — A — with him.	A Yes. O Then your hasbond, when the noise awoke him and he tried to quict it down with the broom, and I assume be did that, bit the broom on the defling? A Yeah, O Ckay, Did you do anything like that — A I did that once, too. A couple times. O Okay. A We both bad done it. O And then your husband did that and then he went outside and at some point in time you went to follow him outside and at some point in time you went to follow him outside isn't that correct? A No. O Do you go out — that you go outside when he came back down? A When he came back in yelling what he had saw what was going on, yeah — O Okay, when — A — I wern back outside — O — he came — A — with him. O All right. When he came back down and he was yelling at that time, you went out to see what was poing on. And what about time was that in the evening? Page 194 ROUGH BRAFT TRANSCRIPT BY MS. GRAHAM:: Q Joyee, when you say that Charles left — and does he have a nickname, by the way? A Cookie. O Cookie, because I noticed you mentioned on cross somebody named Cookie. A Yeah. Q So Charles, your husband, is actually Cookie? A Cookie, right. Q Okoy, When Cookie came back down you said he was cacked and yelling? A Yeah. Q Is that correct? A Yes. Q What was his demeanor? 13

10		321	
1	MR. SMITH: Can we approach, Judge -	1	above
2	THE COURT: All right.	1 2	Q Okay. And he made statements to you during that
3	MR. SMITH: - briefly, please.	3	sine?
4	THE COURT: Okay.	4	A Yes.
5	(Off-record bench conference).	5	4 (197) 73770
6	THE COURT: I'm going to overrule the objection.	100	Q And what did be say to you?
7	MR. PIKE: Thank you, your Honor.	6	A He said baby, he dose killed that girl up there.
8	BY MS. GRAHAM	7	Q Okay. And what was your reaction?
9		9	A I was like baby, he didn't killed ber. Who? What?
10	Okay. Cookie was woken by you say the thumping. A Correct.	9	What? He's like for real, baby, I know when someone's dead
11	A 51 (2000)	10	the reserve to the first the same which the well up there.
12	Q Okay, Just to refresh the jury's and the broom	11	Q Okay. All right. Now, when you say you heard the
347		12	6 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
13	A Nape.	13	The state of the s
14	Q So he left the apartment. How long do you think he	14	Q — could you tell if it was an artimal, a human?
15	was up there?	15	
16	A Oh, about —	16	State of the state
17	Q. Upstairs meaning the apartment upstairs?	17	
18	A. I'd say about maybe — maybe six or seven — wasn't	18	evening and then the mosning.
19	even ten minutes. I don't think.	139	O Okay. And when you said you heard crying, you
20	O Okay, and he came -	20	testified earlier that you heard a woman crying.
21	A Because he was right back down.	21	A Yesh
22	 back down, and you had just testified that he was 	22	
23	excited and kind of hyper. What were your words what was	23	MR. PIKE: Objection, your Honor.
24	his demeaner exactly?	24	THE WITNESS: Yes,
25	A Like I said, overwhelmed, excited. He was all of the	25	
	Page 198		MR. PIKE: Calls for speculation, exceeds the scope
	ROUGH DRAFT TRANSCRIPT		Page 199
-	- ACCOUNT PROOF PARTICIPATION OF THE PARTICIPATION	-	ROUGH DRAFT TRANSCRIPT
1	of cross.	1	THE COURT: Thank you for your time, Ma'am.
2	THE COURT: I'm going to sustain the objection. You	2	THE WITNESS: You're welcome.
3	can ask it in a different way. Counsel.	3	THE COURT: Next witness by the State.
4	MS. GRAHAM: Okay, Court's indulgence.	4	MS. GRAHAM: State calls Charles Cookie Tigiver.
5	BY MS. GRAHAM::	5	THE MARSHAL: Mr. Tlorer: if you'll just remain
6	Q Did the meaning sound like a male or a female?	6	standing, please. Raise your right hand and face the clerk.
7	A Like a female.	7	CHARLES TOLIVER, PLAINTIFF'S WITNESS, SWORN
8	MS. GRAHAM: No further questions at this time.	ြ	
9	THE COURT: All right. Any recross?	9	THE CLERK: Please be seated. Will you please state your name and spell it for the record.
10	MR. PIKE: Very briefly.	10	
11	RECROSS-EXAMINATION		THE WITNESS: Charles Edward Tloiver, T-p-l-i-v-e-r
F5.	BY MR. PIKE:	12	THE CLERK: Thank you.
13	O During the period of the time you didn't hear a	10000	DIRECT EXAMINATION
14	yelling male voice, did you?	13	BY MS. GRAHAM:
15	A No.	14	O Charles, I see that you've got a name tag, and do you
16	Q Didn't hear any male voice that was said any	15	have a nickenne that you go by?
17	threatening words or anything at all like that, did you?		A Cookie
18	A No.	17	U Enokie.
19	O Thank you.	18	A Uh-huh,
20		19	O Okay. And Cookie, do you live at 5001 (2) Parque,
	MR. PIKE: Nothing further.	20	Building C. Apartment 29?
21	THE COURT: Okay. Any questions from the juriors?	2.	A Yes, ma'am.
22	All right. Thank you, Ma'am. You're instructed not to discuss	22	Q In Clark County, Nevado!
23	your testimony with any other winess involved in this case	23	A Yes, niolarn.
	unil this matter is finally resolved.	24	Q And how long have you lived there?
25	THE WITNESS: Okay.	25	A bleves years
	Page 200	-	Page 291
	ROUGH DRAFT TRANSCRIPT	ğ	ROUGH DRAFT TRANSCRIPT
			measurement inadjunit

		Page 204 ROUGH DRAFT TRANSCRIPT			Page 205 ROUGH DRAFT TRANSCRIPT
25	scend	that was,	25	55,000	Okay. And you're fairly certain it was fighting?
24		Okay. And can you describe for the jury what kind of	24		Well, fighting.
Z 3	۸	Yes.	23	up ther	
22	Q	Something woke you up upstairs?	22		Okay. At that point what did you think was going on
21	Ã	And it just wake me up.	21		The — it came back. I said well, let me go up here what's going on.
20	Q	Okay.	20		Did the noise stop!
19	Ä	But this particular night I was pretty much tired.	19	100000	ybe 10 or 15 minutes Ester.
18		Okay.	18		The same same same same same same same sam
17	minute	e for the to go to sleep, but I don't sleep that hand.	15		And what did do you?
16	linte h	it, you know, I don't sleep too hard. It takes a	15	A	Yes.
15	Then	as on now much I done ind that day. I eat, steeps hard, even though I've had a linte light day. I come and eat a	14	990R9	- and pkny.
	denon	Pretty much heavy, you know, if I'm tired. It all its on how much I done did that day. I eat, sleeps hard,	13	٨	Yes.
13		Okay. Are you a light skeper?	12		Okay. So you immediately woke up
12		Upstairs from above my bedroom.	21	my lan	guage, but what the hell is going on up there, you know
11		Where was it coming from?	10	l final	y woke up from the last foudness, I I'm like excuse
9 10	^	The state of the s	9	Α	- from what my wife told me, it was going on - when
9		Okay. What noise?		Q	60 seconds?
8	^	was sleep, but from the noise woke me up.	7	A	Well
5	doing		6	Q	And when you say a minute, do you mean a minute -
5	0	Okay. And around 10:00 p.m. so or what were you	5	A	Yes. Well it was going on for a minute, but -
4	٨	(C. 177) 2 C. 177)	4	0	And that was foul enough to wake you up?
3		that evening?	3	Α	(Banging on the table).
2	specil	ically to the right of November 5th, 2008. Were you at	2	Q	Surc
1	Q	- Mr. O'Keefe. Okay. I want to draw your sticration	1	A	You want me to do it here!
	-13	ROUGH DRAFT TRANSCRIPT			ROUGH DRAFT TRANSCRIPT
		Page 202	80 BF(A 85	Page 203
25	Q	Okay. And do you recognize that male in the	25	×	TAXABLE CO.
24		Yes,	24	0	And that's the woman that lived apstairs with
23		Okny. So a male and a ferrale?	23	Q	You recognize that woman? Yes.
22		Him and his girt.	22	G-100	
21		And when you say they, who do you mean? Was it -	21	່ ເຫຼນ⊹se	THE WITNESS Yes.
20	50 h	oller, keep going,	20		THE COURT: h's State's 4.
19	upstai	is on the balcony, and when I come in they right above me	19		MR. SMITH: It has been admitted. THE COURT: his Smooth of
15	they	oming through stop and speaking, and skey might be	18		
17		Just from seeing them. Me working in my parking lot,	17	ruen c	MR. PIKE: That's correct.
1.6		is from you an Nevember 5th, 2008?	16	iber -	THE COURT: Well, it's been admitted. I believe, if present?
45		Are you familiar with the neighbors that lived	14	State	s Proposed 4.
14	1000	Pin sorry.	11	Q	Okay, Showing Mr. Tloiver what's been marked as
13	Q		12		Yeah. I'm pretty sure, yeah,
12	10.60	Yes.	11	lived	with Mr. O'Keefe, would you recognize her?
11	500	Joyce, okay.	20	Q	And if I showed you an a photo of the woman that
10	200	Joyce.	9		is. Graham.:
9	0	- 352 ^{mm} M - 50 W) - 525	8	Saparana Saparana	THE COURT: All right.
8	Ä	70	7		MS. GRAHAM: Okay,
,	o	- Controom'	6	O'Xc	(1957)
6	۸	Yes, maism.	5		MR. PIKE: Will stipulate to the identity of Brion
5	o	41 15 EUROSE (1904)	4	٨	Yeah.
6	A	And who do you live there with! Me and my wife Bonith.	3	Q	* 19,170;
3:		Uh-huh	2	A	7
2		\$14 (44 ft)			room today?

1	A	YealL	(3)	550	35253
2	112		3	Q	Did you do anything inside your apartment to my to
_	Q		3	get th	seir attention to stop the noise?
3	-	No doubt about it.	3	٨	Well. I think before I - you know, I think my wife
4	Q		*		the broom to —
5		Because of the (banging on the table), you know, and	5	Q	The old broom mick.
6	11.70	you know, just noise.	6	Α	- to hit the hit the ceiling before I woke up
7		Okay.	7		Okny.
8		You know. Ain't nobody going to be walking that	a	٨	you know. So I didn't do nothing. I just went on
3	heavy	and doing that kind of a making that kind of noise	9		
10	pecan	se I've been there in that apartment for like eight years.	10	Q	Okay.
11	you s	ce, in that particular apartment. But I was in the other	11	A	- you know. When I got up there - after awhile
12	Manta	nent before I moved there, and I never heard that kind of,	12	affer	I was woke and then it continuously, so I just
13		ou know, walking around nin's going to make that kind of	13	Q	Okey. And why did you decide to go up there?
4	noise		14	A	Because it was really disturbing me.
1 5		Okay.	25	Q	Okay.
5		- you know. You see what I'm saying?	16	47 1000	And I'm tired, and I had been working all that day,
17	Q	All right. So while you were awake, how long do you	17	and I	couldn't sleep go back to sleep.
8	think	that that noise, the fighting was going on?	18		And what was your intention?
2		While I was awake?	19		Just go up there and ask them could they please keep
20	Q	While you were awake:	20		m a little bit.
11	A	About 15 - about - it was - it was off and on:	21		Okay. And so what did you do?
12	Q	Okay.	22		Well, first of all, when I came home my door - I w
3	A	for maybe 15 minutes	23	at the	bottom of the steps and looked up there, and I seen th
4	Q	All right.	24		was opera.
25	A	- you know,	25	0	Okny. let me step you right there. I'm showing
		Page 206	2503	111000	100cm 1999am
		ROUGH BRAFT TRANSCRIPT			Page 207 ROUGH DRAFT TRANSCRIPT
	_		_		ROUGH DRAFT FRANSCRIP)
1	what's	been —	10	0	Okay. And you came out of your door,
2	3	MR. PIKE: Admitted. No objection.	2	۸	I came out of my door and came to the bottom of the
3	9	MS. GRAHAM: It's already been admitted.	3	steps.	The same of the content of the
4		S. GRAHAM::	4	0	Okay. What did you do then?
5	Q	State's Exhibit 6. Do you recognize that, Cookie?	5		I looked upstairs and I seen that the door was open.
6		Yes, ma'am,	6		Okay. The door was open?
7		THE COURT: Actually, it wasn't previously admined.	7	A	CONTRACTOR OF THE STATE OF THE
a	li will	be admitted now.	8	0	As it is depicted right now in that photo?
3	9	MR. PIKE: Thank you, your Ronor.	9	Ā	Yeah, it was upon just like that.
0		THE COURT: Okay,	10	Q	
1	ĝ	MS, GRAJIAM. Think you, Judge.	11	Ä	So I walked on upstairs and stuck my hand in the do
2	BY M	S. GRAHAM::	12	and he	olkered hey, hey
3	Q	Can you tell the jury what then's a photo of?	13		Okay.
4	A	That's a photo of my apartment.	14	0.00	you know,
5		Okay. Show the jury - now you can touch that	15		And did anybody respond?
6		actually —	16		Yes, a few minutes later.
7		Okay.	17		Okay. Who was that?
8		and show the jury	18		He came out of the door out of the bedroom
9		FILE COURT: You can draw on the screen.	19	19550	THE COURT COME AND ADD OF THE BENEFIT -
0		THE WITNESS: Oh, okay, okay,		you?	THE COURT: Sir, the question was who responded to
1		S. GRAHAM:	21		THE MITARCO TA
2		- where your spartment was.			THE WITNESS: The gov.
3			22		S. GRAHAM::
4		PALL LANGE CONTRACTOR	377.0	15.0	Okay,
5		# 14.5 a c 1 a a 14.2 a c	24 25	۸	Keef (pheretic) - Brian.
	44500		43	Q	And when you say - Brian?
70		Page 20X			
9 7 -11		Page 208 ROUGH DRAFT TRANSCRIPT			Page 209 ROUGH DRAFT TRANSCRIPT

	A Yeah	
2	213 ATM	2 man, what the bell have you done, you know. And then I too
3	O Okay_	
院	A life caree out of the bedroom door and he hollered come	3 Q is then the way you said it?
4	get her, come get her, you know, and I'm like	 A Yesh, Marr, what the helt have you done.
5	Q What did you shink he meant?	5 Q Okay.
6	A I didn't know what — first I thought maybe she had	6 A And then i ~
7	ran out the door before I came in because the door was open. I	7 O And when did he say?
В	looked around and - come in here and get her.	8 A I don't - writ, I was kind of in a shock so I just
3	Q And –	9 Nimed around and ran out the house.
10	A Sign Williams was well	10 Q Why were you in shock if somebody was just bying
11	Q — what did you do?	11 there?
12	A — I walked on in and I looked in the bedroom and	12 A Because I know - couse when I seen her arms had
13	seen her on the Noor.	13 dropped I know something was wrong and all the blood on it
14	Q Okay, Who?	14 bol
15	A The lady.	15 O So there was blood?
16	O Okay. And when you say she was on the floor, what	15 A Yeah, on the bed. So I just left, ran out
17	exactly did you see, Cookie?	17 Q Okay.
18	A From like the foot of the bed I just seen her legs	18 A you know, because I didn't want nothing to bappen
19	cause her body was on the other side of the bed. So from her	19 to me, so I got on out of there. And from the looks of his
20	waist down no clothes. Just a top on.	20 face, man, you know, I was scared. To be honest with you I
21	C Okay.	21 was just scared and I left. Run outside and hollered for help.
22	A And he reached down and picked her up and was holding	22 O Okay. So Cookic, when you went in and you said who
23	her, baby, baby, don't do me like this.	23 the hell have you done -
24	Q All right.	24 A Yesh
25	A Wake up. So excuse me language again, your illonor,	25 Q - what was his response?
	Page 210	7725 STATES
	ROUGH DRAFT TRANSCRIPT	Page 211
-	A control of the cont	ROUGH DRAFT TRANSCRIPT
1	A He didn't say nothing. He was just telling her to	1 BY MS, GRAHAM:
2	Wake up.	2 O Cookie, you testified that you saw his face and if
3	Q Did he ask you to call for help!	3 (rightened –
4	A No. He didn't say nothing like that. He just -	 A What kind of look you said I seen on his face, h
5	O II was obvious and was bleeding?	5 was just a look I had never seen before —
6	A Beg your pardon?	6 O What do you mean?
7	Q It was obvious that there was blood every where?	7 A you know, on him. It was, you know, scary
a	A Yearh.	6 looking, scary looking feeling - look. You know, it was jus
3	Q And he didn't ask you to call for help!	9 mad look, you know
10	A So I kind of figured something had happened	10 O Okay.
2 1	Q Okay.	11 A Knowing I'm fixing to go now, you know, and I left.
13	A you know, so I like I said, I just got on up	12 Q And that was enough for you to
13	out of there.	13 A Go haller for help.
14	 And Cookie, when you say it was obvious something it 	14 Q Okav.
15	had happened, what did you think happened?	15 A Yeah.
16	MR. PIKE: Objection, Speculation.	16 Q All right, And you did halter for help?
7	THE COURT: Sustained.	17 A Yes
a	BY MS. GRAHAM:	18 O And -
9	Q You said that you saw his face and it frightened you.	19 A When I got when I got out the door, it was someon
0	A Yeah. It was like a look I had never seen on him	20 standing down stairs, and I hallered told her to call the
1		21 police:
2	MR. PIKE: Objection. Well. Court's indulgence. Em	22 O When you say her, do you know who it was?
23	sorry, could I hear the question again?	23 A Yes, I can't recall her name. Anyway, she was -
4	THE COURT What was the question. Cranset! What did	24 the was surroused to come to court, the Well the une base
	you see in his tace, is that	The second of the second secon
5	NOU NEC 10 THE TOUC, IS TAKED	25 von know
5	24 - 223	25 you know.
? 5	Page 212 ROUGH DRAFT TRANSCRIPT	Page 213 ROUGH DRAFT TRANSCRIPT

1	Q Okay	
2	A Darnn, I can't recall;	1 the time we got to the steps we heard all the police coming
3	Q Was it somebody that lived at the apartment -	2 Q Okay.
3	A Yeah it was somebody—	3 A They made everybody go in out apartments.
5	O -complex?	4 Q. All right. So when you and Todd went in, Brian's
6	A — that lived in the approximents.	5 response was get the hell out of here?
7	O Chay	5 A Get the hell out of here.
8	A Yeah, one of maintenance guy's wife,	7 Q At any time did he ask you to call the police?!
9	O Okay,	B A No.
10	. The Table 1997 And	9 O Did he ask you to come and assist with Victoria?
11		10 A No. He didn't say nothing like that. He just - we
12	for help!	12 just turned around and left out of there.
13	A Ran down stairs, then that's when I went and got	12 O Okay.
14	Todd.	13 A Yeab,
15	A-1702	14 Q And when you got back down stairs, did you go bac
16	50 10 10 10 10 10 10 10 10 10 10 10 10 10	15 what did do you after that?
17		16 A Well, when we got back down stairs, by then the
18	A Yes he's a neighbor.	17 police had came.
19	Q All right. Okay. So you went and got Todd and then	26 Okay.
20	what happened?	A They made everybody go in their apartments. O Okas
21	A Throught Todd back apstuirs, I said man, come and	
22	- come see this. He came opstairs, and when we went both were	21 A Thai's it,
23	back in the bedroom he was still on the floor holding her. He	year Erica Superiority to the built of
24	told Todd to get the hell out of here. I said come on, Fold,	23 A Yes, Idid.
25	let's go get the police. We left out. And by that time - by	24 MS. GRAHAM; Court's indulgence.
	Page 214	25 BY MS. GRAHAM::
		Page 215
-	ROUGH DRAFT TRANSCRIPT	ROUCH DRAFT TRANSCRIPT
1	Q. Cookie, you were able to look inside the bedroom, did	i i A Yesh
2	you see any weapons inside the bedroom?	4 - 15 CRV - 1044740
3	A Well, I don't know if it ass a weapon or not, but I	and Jan and Jan and Marin House and about about their
4	just seen a - something up under the cover sticking out like a) 135 (538)E)
5	little handle or something.	The second secon
6	Q And a handle -	C
7	A A looked like a little handle under the blanket	the second second second seconds.
6	because it was like I just got a glimpse of it because what we	\$ 10 mail 100 and 100
9	made look over that way I seen all the blood on the bed.	The second and the first with when I seen her
0	Q Right.	and the same a source time was extract.
1	A And that's when I'm fixing to go.	[15] [15] [15] [15]
2	O And what - a handle of what?	
3	A I just seen like a - something like black -	The state of the s
4	Q A bucker?	13 witness at this time, Judge. 14 THE COURT: Constrainting
5	A Like a larife or something	Cross-Camputation
6	Q Okay,	The state of the s
7	A I don't know exactly what it was because I didn't	16 CROSS-EXAMINATION 17 BY MR PIKE::
8	bother it -	19 Q Good afternoon, Cookie,
3	Q All right,	
٥	A you know, I just left.	The state of the s
1	O Okay. And did you eventually go back to your	20 Q I'm doing good How are you? 21 A just fine.
2	Spartment?	
3	A Went back to went down stairs and that's when I	the state of the factor of the factor of the state of the
	went and got Todd.	 23 that we're talking about is directly above yours, and you 24 indicated you've gone into that apartment.
4		1 47 IRRECTICG YOU'VE POOR 1860 West amortiment
	Q Okay.	
	Q Okay. Page 216	25 A Yes,
5	Q Okay: Page 216 ROUGH DRAFT TRANSCRIPT	

1		32	
1	and the state of t	80	seeing, you're just trying to recollect as best as what you ca
2		- 2	and testify here truthfully in court today, aren't
3	A Bound to your a burner of the court of the court of the	3	A Thor's right,
4	Defense Exhibit No. H. And I've previously shown this to	35	
5	counsel for the State. I believe they have no objection to its	- 5	That's another photograph of inside that apartment. And is
- 6	admission.	6	that kind of laid out the same as your apartment?
7	and officer. That's confect, thinge, we mave no	7	A Yeah.
8	objection.	В	THE COURT: Has this been admitted yet?
9	THE COURT: All right, it will be admitted.	9	MR. PIKE: I'm going to ask
11		10	THE COURT: You're shewing it,
32	A THE PROPERTY OF YOU HART THIS IS IT DICTURE	11	the street is a michaly shown in to delense ur
13	the state of the thest them set, 33, 1902 to [18]	12	State, so they have no -
14	And the start with the country of the start in the start	13	The country of the following the first following
15	and the territy persons I don't testermed seeing this	14	it's been admitted.
16	The apparent of the same of th	15	The state of the s
17	Q Okay. When you went into the apartment were the lights on or was it dark inside the apartment?	16	The state of the s
18		17	The country of will be - adwing number is
19	was the lights was off. I can't remember. I aim't going to	18	Henry 42
20	say it was. Lain't going it was off. I just don't remember.	19	C STATE OF THE STATE OF
21	Q And you can't remember. You couldn't see very well	50	The court, fritight it will be sampling,
22	what was going on in there?	21	The state of the s
23	A Because really, when I'm a linte nervous or	23	
24	something, I ain't, you know -	24	a sale is and of the sayout of the apartment?
25	O You were a little bit nervous and so what you were	25	ii Lighton and
	Page 218	650	A STATE AND A THE BOARD TO SHOW AND THE MADDOSCO
	ROUGH DRAFT TRANSCRIPT		Page 219 ROUGH DRAFT TRANSCRIPT
1	PRINCIPAL MANUAL TO AND AN	-	100
2	Exhibit No. M, which the State has no objection to. MR. SMITH: Correct.	1	A Yes, Libid.
3	THE COURT: All right, it will be admitted then,	2	Q — the first time you went in?
4	MR. PIKF: Thank you	3	A First time I went - second time, too. O Second time in? You went in both time.
5	BY MR. PIKE:	5	A CONTRACTOR OF THE PROPERTY OF THE PARTY OF
6	O Now, when you go into that apartment and you were	6	A Yeah, Well, see the first time I went in, I went
7	through the entry of door number - or door with the 35 on the	7	through and was still standing right there by the bed. The second time I went in. I came right to the door because I
B	front of it -		wasn't fixing to go up in there no more. No, I wasn't fixing
9	A Un-high.	9	to go in there no more.
10	 O — you're looking across and this is looking from 	10	Q And going in at that point in time, did you ever hear
11	inside of that door	11	any female voice, any meaning or anything that you felt might
12	A Okay, yeah.	1000	have been that came from the woman that was in there?
13	 Q — and you're looking — and you're looking back into 	13	A But my wife when I came
14	where the bedrooms are at.	14	O Lunderstand, Just did you hear it?
15	A Right. The corner right there.	15	A No.
16	Q Okay.	16	Q Okay.
17	A That's the bedroom.	17	A Recouse it was all - I guess it was - when I seen
16	O And which bedroom was a that you saw the young - or	18	her arms like this, I know something was wasn't right.
20	the lady that was -	19	Q What -
c U	A The bedroure to the right.	20	A She was all over.
24.2	Q Could you point to that and kind of	31	Q. Now, you said that Brian was over, and he was holding
	A Right here	22	her. Can you kind of demonstrate -
22	O Obov		
22	O Okay.	23	A Sure con.
22 23 24	A That's where I was standing right there.	23 24	O — that for the jury?
21 22 23 24 25	57" US 62 10 ac 20 00	23	18 18/14/14/14

ROUGH DRAFT TRANSCRIPT

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		Page 228	1000		Page 229
5		and you gave a statement to the police during that	25	ő	ED STORY STATE AND A CONTRACT OF THE STORY STATE AND A
	prestion		24	Q A	Yesh, I mean, you No. not really. No.
3	100	After - well, he kept coming in my house asking me	22 23	٨	In his living room?
2		were still there?	21		were you focused on the living room at that time?
1		After they was -	20	0	Cookie, when you were shown a picture of the living
	~~~	Okay. After the police told you to go in, did you me back out that evening white police	7.3		S. GRAHAM.:
9	32. 32	N/3	18	2000	REDIRECT EXAMINATION
9	A A	ÿä.	17	3	MS. GRAHAM: Just briefly, Judge.
		e police were there to see if they had Brian under	16		THE COURT: Redirect?
5	Q	officer? Did you ever lookout during the time	15	furthe	r. your Honor,
•		Yes, I did.	14	4	MR. PIKE: All right, Court's indulgence. Nothing
3		And did you follow the orders of the police	23		Okay
2		They told us to go back in our apartments.	12	wes (i	
		and you went back into your apartment.	11		Man, it was time for me to go bed, go to sleep. I
0	And the	m when the police came you felt that it was under	10	eveni	
9	yourse!	f and med to make some sense out of the situation.	9		And after that, you didn't see anything else that
a	0	Okay. And when you wem back down, you tried to calm	8		thing off.
7	yeah,	A SOURCE OF THE COUNTY WATER	7		Let me see. I just seen when they was taping
6		on the bed if that's what you're trying to tak me,	6	- 38	and rescue people come*
5		- (indiscernible) that you saw -	5		ry of the Las Vegas fire
4		fi was covers -	3	Q	All right. And you weren't there when or did you
	Dumbe	of rags or —	2	3.5	Yes
2		that's what I'm asking. Okay And there were a	1		d of time?
1	((20)	Yenii			7/ 200
		ROUGH DRAFT TRANSCRIPT			ROUGH DRAFT TRANSCRIPT
		Page 226			Page 227
25	Q	And Todd west with you, and you both were back up?	35	Q	I understand, but
24	λ	Yeah, back over towards the front by the mailbox.	24	heiL	
23	here.	it's another part of the complex?	23	A	Show what was going on. This lady is bleeding like
12	Q	Okay. And that's not in the building that we have	22	Q	For what purpose? Just to show him?
21	A	Арапиет 2.	21,	n,	some start was Equily took that was
20	Fold	ive?	20	1 just	word up there to show him when was going on, that was
19	0	Okay. And then you went with Todd, and where did	29		I didn't go up there to try to be no assistance, now.
16	Α	I just said call the police.	18	255151	since you could be.
17	Q	The state of the s	17		You went up - you went up to try and see what
16	٨	Robin:	15		Yeah, I'm scared.
15	Q	Does that refresh your recollection?	15	WEIGH	if fearful of your life,
14	A	Robin.	14	Đ	And by going back up, you had Todd with you, you
13	Robin		13	And	is dead up here, man, so we both walked back up there, when he looked, that's when he seen what was going on.
12	people	, and the woman that you asked to call 911, that was	12		s is what I told him. I said come, man. I think this is dead up here, man. So we both walked back up there.
11	5 55	And then you went an out, you called down to some	11	COUR	clook and see what he — check this kelly out, mon. I toki
10	Ň	- he did not	10	C	was this noise, you know. This noise above me, you know that and are what he
5	555	- or anything else?	8	. ^	- back up there to show him what was going on why
8	Ā	No -	7		to the lady?
7	O	He didn't come at you with any sort of a weapon =	6		1 went -
6	that.	nothing in his hand. No, I didn't see none of	5	Q	In the
5	Q.	- come at you with a knife?		A	No. We were
4	92	No. I didn't see -	3	ilden	I to see if you could provide medical assistance
3	60	brt –	2	40.0	When you went back up there, did you go up with the
2					

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ROUGH DRAFT TRANSCRIPT

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1	involved in this case until this matter is finally residued.	33		THE CLEDY - Massa by 1 WW
2	THE WITNESS: I'm going I'm fixing to go home.	2	19000000	THE CLERK: Please be sented. Will you please state
3	THE COURT: That's line.	5	your	Name and spell it for the record.
4	THE WITNESS: All right, I'm fixing to go borne, I	1.5		THE WITNESS: Excuse mc?
5	got work to do.	5	recon	THE CLERK: State your same and spell it for the
6	THE COURT: All right. Thorsk you, sit	6	record	Nilian un est suran el como de la
7	THE WITNESS: Thank you.	2		THE WITNESS. Todd Armbasier, A-r-in-b-r-u-s-c-e
2	MR. PIKE: Your Honor, we - we also served the	8		THE CLERK: Thank you,
9	Tloivers. We release them from their subpoens			MR. SMITH: May I proceed, Judge?
10	THE COURT: Okay.	9		THE COURT: Yes.
Н	MR. PiKE: so they're relieved from their	10		MR. SMITH: Thank you.
12	obligation.	11		DIRECT EXAMINATION
13	COMPANIES CONTRACTOR C	12		IR. SMITH:
	THE COURT: Mr Tluiver, you understand that - I	13	Q	Mr. Armbruster, where do you presently reside, sir?
4	guess you received a subpoena from the defense. Since you've	14	A	5001 E Pacque:
5	testified now, you don't need to come back any other day.	15	Q	How long you been living there?
5	THE WITNESS: No more? You through with me?	16	٨	Four years.
7	THE COURT: 1 think so.	17	Q	Now, are you just a resident there or do you
8	THE WITNESS: Thank you, siz,	18	A	Maintenance man,
9	THE COURT: Thank you, sir.	19	Q	Okay. So you also work on the premises?
D	MR. PIKE: Thank you.	20	A	Ys.
1	THE COURT: Next witness for the State.	21	Q	Okay. For going to draw your attention back to
2	MR. SASTII: Aulge, the State calls Todd Armbruster.	22	Nover	mber 5th, 2008. Were you at the El Parque residence of
3	THE MARSHAL: And sir, if you'll remain sunnding.	23	that do	
	please. Raise your right hand and face the clerk.	24	A	Yes.
5	TOOD ARMBRUSTER, PLAINTIFF'S WITNESS, SWORN	25	0	Did something unusual occur approximately 11:00
	Page 234			Page 235
	ROUGH DRAFT TRANSCRIPT			ROUGH DRAFT TRANSCRIPT
<u></u>	177. F	100		
1	o'clock p.m. that day?  A Yeah.	1	٨	Right.
3		2	Q	And what else does Cookic say to you?
100	Q Why don't you tell us what hoppened.	3	٨	He said — he said he thought that girl upstairs was
١	A Cookie come running down to my apartment and to call	4	dend,	A STATE OF THE STA
5	911. Something had happened in the apartment above him. No.	5	Q	Okay. So then what do yeu do?
	35. So I went up to his penden me, and	6	٨	I went running up to that appartment.
7	Q To whose apartment?	7	Q	Okay. Do you go inside the apartmem?
8	A No. 35, Brian's	8	Λ	
9	Q Okay, do you see Brian present in court today?	9	Q	What happens when you go inside the apartment?
ם	A Yes	10	A	I went in the living room. I didn't see unvehing. I
I	<ul> <li>Can you point to hon for the record and identify</li> </ul>	11	went i	nto the bedroom and saw Brian standing over Victoria
2	A Right there.	12	Q	Okay. Had you seen Victoria previously?
3	Q what he's wearing.	13	٨	그런 그 경우 그렇게 그 그렇게 되었다면서 하는 사람이 되었다면 하는 사람들이 되었다면 하는 사람들이 되었다면서 하는 사람들이 되었다면서 하는 것이다.
4	A Right there.	14	O	That's my question.
5	THE COURT: For left on the table, sir?	15	A	Yeah.
6	THE WITNESS: Far left on the table.	16	Q	Had you seen her on a previous -
7	MR. PIKE: We'll stipulate to the identity of -	17		Yes.
8	THE COURT: Record reflect	18	Q	- occasion? Showing you what's been admitted as
9	MR. PIKE Brian O'Keefe.	19	State's	Exhibit 4. Is that a picture of Victoria that you
O	THE COURT: identification of the defendant.	20	speak i	
1	Thank you.	21	121	Yes.
2	MR. PIKE: Thank you,	22	4.5375	Okay, What else happened!
3	MR. SMITH: Thank you, Judge.	23	۸	
4	BY MR. SMITH.;	24		He being the defendant, Hrian O'Knefe?
5	O So Cookie runs down stoks and tells you to call 911.	25	Ä	
*	Page 236 ROUGH DRAFT TRANSCRIPT			Page 237

346			
3	O Okay.	1	you, Mr. Pike,
	The proper old you upon principle and took a swilling	2	MR, PIKE: Thank you:
3	at me and told him to back up or else he's going to end up on	3	MR. SMITH: May I publish to the jury. Judge?
8	the Roor like you know, like he was.	4	THE COURT: Yes.
5	Q Okay:	5	MR. SMITH: Thank you.
6	A And he dropped his arms and told me to get the hell	6	(Thereupon, the 91) recording was played from 4:39:0
7	out of his operament. I turned around and best feet.	7	pm until -
8	O Oksy. Now, had you known the defendant and Victoria	В	BY MR. SMITH
9	Witnersh?	9	O Is that your voice there?
10	A I knew who they were.	10	A Yes.
11		111	
12		3.55	to the state of th
13	[[48] (프로마리 전에) (기술을 되었는데 []	12	p.m. to 4:41:43 p.m.)
14	11 1133 1 313111	13	BY MR. SMITH::
15	A comment and county, an an implication after 30st 82	14	Q Okay. Now, Mr. Ansiburster, when you first entered
		15	the spartment and first saw the defendant Brian O'Keele, who
15	The state of the s	16	was he standing?
17	the state of the s	17	A Right above her.
16	Board to reduce assumption to tocking 146.46	18	O Okny. And where was she at?
	received the appropriate indicators that these are true and	19	A She was on the floor at the foot of the bed.
20	correct copies of the 911 tapes. So we have no objection to	20	O Okay. Was she moving?
21	either being played.	21	
22	THE COURT- All right.	22	Q Did you touch anything inside the upartment?
23	MR. SMITH: And for the record, I have State's	23	A No.
24	Proposed Exhibit 2 and 3.	24	
35	THE COURT: All right, they'll be admitted. Thank	25	
	Page 238	120	(t) 7000
			Page 239
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	Q Did you look to see if there were any weapons?	1	O WALKING THE RESERVE TO THE RESERVE THE R
2	A I saw him standing over her, (indiscernible) and some	2	O After you can down after you left the apartment,
3	blood rags, stuff on the bed, and that was it.	ı	what did you de?
4	Q Okay. How long would you say you were in the	3	A After I made the 911 call?
5	aparament?	*	Q Yes, sir,
6	A Couple minutes.	5	A The police tisk! everybody to go inside their
7	UASS 1230/2016/07/03/07	6	apartment, to stay in there,
	The same of the sa	7	Q Okay, Did you reside in your apartment alone or wit
8	pretty drunk.	8	someone else?
9	A 1 - I couldn't smell alcohol. His eyes were all	9	A Robin Calaxe (phonetic).
. 0	bloodshot. That's what I - why I thought he might have been	10	O Who's Robin Coluxe"
1	drunk, but —	11	A A friend of mine's wife.
2	Q Okay,	12	O Okay. Did she serve any employment function at the
3	A Because I know he drank a lot on the patio in front	13	El Parque apartments"
4	of his place.	14	A Yeah, well, she cleaned the apartments and acted like
5	Q Okay. My question is so - just so I make sure I	15	an culside manager.
6	understand it. Are you saying that you thought he was drunk	16	Q. Okoy. Do you know if she called 9117
7	merely because his eyes were bloodshot?	17	A Yeah, she - I told her to call before I ran up the
8	Λ Yeah.	18	stairs.
9	Q Could you smell alcohol	19	Q Okay.
0	A No.	20	
1	O – on him? Was that a no?		MR, SMITH: Judge, I'd ask for permission to publish
2	A No. I could not.		State's Exhibit 3.
3	O Okay. When you went upstairs to the apartment, was	22	MR. PIKE: No objection.
	the door open or closed?	23	THE COURT: All right. And it will be admitted as
5	A Open.	13220 L	well_
et i	A 244 245	25	MR. PIKE: This would be an appropriate time.
	Page 240		Page 241
	ROUGH DRAFT TRANSCRIPT		and the second s

		1					
1	(Thereupon, the 911 recording was played from 4:44:05	-3	The state of the s				
2	p.m; to —	2					
3	BY MR. SMITH::	3	A No. she didn't.				
3.0	Q Whose visice is that, sir?	4	Q Thank you sir.				
5	A Thei's Robin's:	5					
6	Q That's Robin's?	6					
7	A Yeals	7	MR. PYKE: Think you very much.				
8	Q Okay.	a	CROSS-EXAMINATION				
9	(Thereupon, the 911 recording was played from 4:44:28	4:44:28 9					
10		10					
11		11	N 41				
12	Q Okay. Mr. Armburster, how many times would you say	12	S. State State of Sta				
13	그 그 그 그 사람들은 그 경기를 가장하는 기업을 모르게 하는데 가장에 들어가 가장 하는데 하는데 하는데 하는데 사람들이 되었다. 그 그 사람들이 되었다.	-100	A THE PARTY OF THE				
14	the El Parque residence?	13	apartment complex are to be like an on-site manager. Would				
15		14	The state of the s				
15		2.5	AL NA 05/1000				
17	and the second second second second	16	A THE PARTY AND A WOOD OF MODIFY OF TO BEST TO RUIGH.				
		17	the people so you could recognize them and kind of know wh				
18	A Small, aleoder.	16	should be there, who shouldn't,				
19	Q Okay. And when you say small	19	A Concer				
20	A Short, short, stender, petite.	20	Q And I'm showing you or Fm going to show - the State				
21	O Okay. When you walked in the apartment and saw Mrs.	22	has no objection. I've shown them to - I'm going to show you				
22	Witmursh on the ground, drawn whether or not she had any elothes	22	a picture of the apartment complex marked Defendant Propose				
23	003	23	Exhiba G.				
24	A All she had on was a - like a blue sweater bunched	24	The state of the s				
25	up to about here. A long sieeve blue one.	25	MR. PIKE: The State has no objection to it being admitted.				
	Page 242	Diffic	10 99 10 10 10 10 10 10 10 10 10 10 10 10 10				
	5.7 G 2 4707 L C 2 502	ı	Page 263				
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT				
1	MR. SMITH: That's correct. Judge.	3	A From the front door.				
2	THE COURT: All right, it will be admirted.	2	Q From the front door? Okay, and looking into that,				
3	BY MR. PIKE:	3	which bedroom was the lady lying in? When you went into the				
4	Q And I'm going to tak you if you recognize this it.	4	apartment, were the lights on quark of the apartment?				
5	and if it accurately depicts the apartment that you went into	5	A Yes.				
6	that evening.	6	Q Which ones? Were they on				
7	A Yes	7	A In the bedroom				
8	Q. Oksy. And that's Apartment No Apparenent No. 35.		3(5) 1.16 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4) 1.44 (4				
9	Can you mank that? Just spuch the screen and it will leave a	ů	O — inside the — I'm sarry?				
	mark on it. Kind of circle it. There you go. When you went		A The bedroom,				
11	up and after having listened to Robrn's 911 call, does that	10	Q The bedroom?				
	kind of refresh your memory that was the door was open when you	11	A Yesh.				
17	went up that night?	12	Q And what about that over head light?				
14		13	A Yeah, I - if I sumember right, that light was on. I				
	A I said if yeah, I said if was open.	14	can'i temembet.				
IS	O It was? Okay. And when you went into the apartment.	15	<ul> <li>O And when you were in, you obviously recognized both</li> </ul>				
1.6	is - would that fairly and accurately depict the inside of the	16	of them. And your perception of them at that point in time was				
17	apartment. And the picture I'm showing you has been admitted	17	that he was drank?				
	ns Defense Exhibit II.	16	A (Indiscernible) well I just said I couldn't smell				
9	A That's from the hallway to the from door,	19	alcahol, but his eyes were bloodshot. 1				
0	Q. All right. And you recognize that became you've	20	Q Okay				
200	been in those upartments and done repairs and taken care of	21	A I wasn't sure what he was.				
	them over the years.	22	Q And he appeared to be intoxicated?				
	Service Committee of the Committee of th	137	A Something.				
2	A Right.						
12	473 25	23	17 4 C 4 7 1 7 C 10 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				
12	O And Defendant's Exhibit M, which has been admitted	24	O He appeared to be discriented?				
22 23 24	473 25		17 4 C 4 7 1 7 C 10 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				

7	He's (indiscernible) he was standing over her, so -		( O Was houseasting and the con-
2		2	O Was he standing or kneeling?
3		3	[2] - 12:11
4	A Yeah	4	A comment account to a long and that he territor to walle
5	Q - in this matter and offering testimony? And -	5	The state of the s
5	MR. PIKE: May ) approach the witness, your Honor?	9 (4)	5: (No. 733 Martin
7	THE COURT: Yes.	6	N (1)   10   10   10   10   10   10   10
8	BY MR. PIKE::	7	25 1 <del>11</del>
9	Q I was there at the preliminary hearing and a few	8	~ when yes, 112 you ly,
10		9	
11		10	A Land Land Land In Collin Gravita
12	177 (#271)	11	3) 2002 STREET
13	A 1 10 Earle to when Jon some resultably than that offices	12	d . The are the mid the did came downs.
	E Prime innet. I to Just Kitel Ca	13	A Yes.
14	A Okay.	14	<ul> <li>O And you were going in there trying to determine wh</li> </ul>
15	The second state of sport sett.	15	
16	A Yeah, I just read it.	16	5 A Yes.
17	4 Total double light feedbletton:	17	7 Q And you felt that the appropriate thing was to go
18	A Um-h'm.	18	
19	A see at the time, and its appear to de tast daily	19	A Yes
20	and a series of the series of	20	Q And that was your first present sense objective way
21		21	
22	The world have been and the control of the when you	22	
23		23	Q — for him. You didn't know if he was blive or dead?
24	Victoria?	24	A Right
25	A Down by her feet or her knees bending over.	25	V. 78000000000000000000000000000000000000
	Page 246	100	a seemed manager mater beat on what mater along the
	ROUGH DRAFT TRANSCRIPT		Page 247 ROUGH DRAFT TRANSCRIPT
1	that presence sense impression or what you saw or what you		A No.
5	heard, did you hear Brian talking to Victoria?	2	Q Didn't try and close any doors on you?
3	A Yes.	3	Λ Na.
4	Q And menin, what did he say?	4	Q Didn't try and shove you out of the apartment'
5	MR. SMITH: Objection, Judge, Calls for hearsay.	5	A No.
6	MR. PIKE: Based upon - it's information that is	6	O Other than the swing, he wasn't swearing at your
7	he's basing his opinion on whether to call for medical help.	7	wasn't yelling at you." When you came up towards the apartime
B	Presence sense impression of Brian O'Keele, excited interance	8	you didn't hear any yelling or screaming -
9	(indescriptle)	9	A No.
٥	MR. SMITH: Well, Judge it's still his statement; and	10	Q or fighting or anything at all, did you?
1	it's offered - it would we presume it would be offered for	12	A No.
2	the truth —	12	G And then when you left the apontment. Brian dishit
3	THE COURT: I'm going to sustain the objection.	13	
4	UY MR. PIKE:	14	A No.
5	Q. Without saying what he said well, without saying	15	
5	what Brian said, you heard him talking to Victoria?	26	Q He didn't try and leave the scene.  A No.
7	A Yo.	17	10 ( A 20 )
	Q And then you went and called for an ambulance. Now,	(	The same of the sa
9	the - and the entire time that you went up there, Brian didn't	18	or leave Victoria, did fie?
	by and keep you out of the spartment?	19	A No
3	A Other than take a soring at me and tell me to get the	20	MR. PIKE: Have I in further questions.
	held out.	21	THE COURT: Any redirect
3		22	MR. SMITH: Briefly.
4	Q Right: Didn't come at you with a weapon?  A No.	23	REDIRECTEXAMINATION
5	199 TEOGRAPHICA - CANADA	( - 25 - 1	[ 1980] (Triber) - Triber (Triber)
o.	A 150000 100000	25	Q. Mr. Armbruster, how long did it take the police to
	Page 248 ROUGH DRAFT TRANSCRIPT		Page 249

V.		î		
1	arrive from the time you left the apartment?	4	this matter is finally resolved. Thank you for your time, sir.	
2	A It seemed tike just a couple minutes.	2		
3	Q So was in pretty quick?	3	11 100-1000-1000-1000-1001-100-1	
4	A Pretty quick.	4	short amount of time or	
5	Q Okay. Now, white you were inside the apartment.	5	MR. SMITH: We do actually have a short witness.	
6	after Mr. O'Keele took a swing at you, were you asked to call	6		
7	for medical assistance or anything?	7	MR. PIKE: You're Hopor, we'll also relieve this	
8	A No.	8	witness from	
9	Q Okay.	9	THE COURT: Okay,	
10	The state of the s	10	MR. MKE the doftense subpoens.	
11	The state of the s	1.1		
12		12	MR. PIKE: So this is your - all of your	
13	RECROSS-EXAMINATION	13	uppearances.	
14	BY MR. PIKE:	14	THE WITNESS; Okay.	
15	<ul> <li>Q And as Brian — 5s you saw Brian during that period</li> </ul>	15		
16	of time, and you saw him get up from where he was looking at	16	THE COURT: All right, next witness.	
17	- them as a ac senting the mon not sell attention	17		
18	A COUNTY TO SECURE	18		
19	A Yeah.	19	THE MARSHAL: Mr. Hatheox, if you'll remain standing	
30	MR. PIKE: No further questions.	20		
21	THE COURT: Anything further?	21	JIMMY HATHCOX, PLAINTIFF'S WITNESS, SWORT	
5.5	MR. SMITH: Nothing, Judge, Thank you,	22	THE CLERK: Please he second. Will you please store	
23	THE COURT: Any questions from the jurors? All	23	your name and spell it for the record,	
24	right, no. Sir, you're instructed not to discuss your	24	THE WITNESS: Jimmy Hatboox, H-a-t-b-c-o-x	
25	testimony with any other witness involved in this case until	25	THE CLERK; Thank you.	
	Page 250		Page 251	
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT	
1	THE COURT: Go ahead, Counsel.	30		
2	MR. SMITH: Thank you, Judge,	18	THE COURT: Record reflect identification of the	
3	DIRECT EXAMINATION	2	defendant.	
4	BY MR. SMITHE	3	MR. SMITH; Thank you, Judge.	
5	Q Mr. Hathcox, where do you presently reside?	1	BY MR. SMITH:	
6	A 5001 El Parque. Apartment 36.	5	Q And the - you you said his girlfriend. Would that	
7	O How long you been living there?	5	be a female occupant?	
8	A About a year.	á	A Yes.	
9	Q Is Apurtment 36 next to Apartment 35?	9	Q Showing you what been admirted as State's Exhibit 4	
10	A Yes.	10	is that a photograph of the female occupant?	
11	O Are you familiar with the occupants of Apartment 35	11	A Yes, sir. it looks like her,	
12	back on November 5th, 2008?		Q Let's see if I can focus (indiscernible). Is that a	
13	A Yo.	12		
14	Q And who resided there?	14	A Yes, it looks like her.	
15	A Brian O'Keele and his girlfriend.	15	Q Now I want to draw your intention, sir, to	
16	O. Okay, do you see Brian O'Krefe present in court	13550	approximately 10:00 o'clock p.m. on November 5th, 2008.	
1311	today?	16	Anything unusual happen?	
8	A Yes, I do.	55	A I heard some noises over there, and I heard a	
9	Q Now, will you identify for the record what he's	18	well, what are you referring to exactly? I mean, I =	
	wearing.	20	Q Let's start with the noises. You say you hear noises	
1	A Right here.		at 10:00 o'clock p.m.?	
2	THE COURT: He's on the for left?	21	A Yeah, Yeah, I heard - I heard noises coming out of	
E.5	THE WITNESS: Yeah I see him right here.		spartment. I don't remember the exact time. It was around	
4	MR. PIKE: We'll stipulate to the identity, your	23	there, yeah.	
	Honor. Thank you.	27.0	O Okay. Do you remember writing a handwritten	
	Page 252	23	Halement?	
	ROUGH DRAFT TRANSCRIPT		Page 253	
	MONOR PRAFFICATION		ROUGH DRAFT TRANSCRIPT	

100	We can district	mi 19
1	15 /TEST CTE	1 A Right.
2	Q Pursuant to the police arriving afterwards?	2 Q and then be goes back into his apartment? Is that
3	11 110	3 ayo?
	A COMPANY OF THE POST OF THE PROPERTY OF THE PARTY.	4 A Yes.
5	your recollection as to what time you began hearing noises	5 Q Did you continue to hear anything coming from his
6		6 aparment?
7	A Yeah, it was probably it was probably around	7 A Yeals, I kept hearing a little bit some noises over
8	10:00. It was probably around 10:00 I beard some noises, some	8 there.
9		9 O Okay. And then at some point you just testified
10	5일 2018 프라이어 1970 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	10 Cookie comes out?
11		100,000,000
12		and ablancial, and acted the prine tribit floated
13		and the second of the second of the self of the self inc self.
14		2.3 and came out and was yelling call the police. That's when I
15		14 went out my front door and looked in, but I dight go in the
16		15 aparmen.
17		16 Q Okay Now, can you describe that look you saw on the
18		17 defendant?
39	- and the ment the the planting of the party	A II was a look like I aim never seen on his face.
20	the same of the sa	19 before, it was a
21		20 Q Okay.
22		21 A — seary looking look to me. I just closed the door
23	Tribul Exilia	22 and said bim, you know.
	and a second country the state which App	22 Q Okay New, let me ask you this, throughout the time
24	the transfer and the year out that Jon exclusion a root with	24 that they had resided in Apartment No. 35, how many occasions
25	the defendant. Brian O'Keefe	25 would you say you saw Victoria Witmersh?
	Page 254	Page 255
	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
1	A Tre seen them together almost everyday.	
2	O Okay. Can you describe her stature, her body	1 Q is that a yes?
3	composition?	2 A Yes.
	WATER AND 10 (1970年) 9 (1970年)	3 Q I'm sorry, we're recording it —
5	(1 <u>11</u> ) <u>Signification and the second of the</u>	4 A Okay, yes, yes.
6	Q Yes, sir.	5. Q so yes, I do that. And your operment would be
7	A She was a small girl. Probably around five foot.	6 3h
	five foot, one, real thin, frail like. Kind of, you know, just	7 A Right.
8	small girt.	B Q This appartment?
9	O Okay. Do you recall giving a recorded statement to	9 A Right.
30	the police regarding the incidents of that night?	10 O And evening that - of the events that we're talking
17	A Ys.	21 about, the thor was open when you came out and when you heard
12	<ul> <li>O Do you recall telling the police that she was</li> </ul>	12 the noise on the guard rail out here?
13	actually a little biny thing?	12 A. No, when I heard the noise on the rail, the door was
14	A Yes, she is. Shows a fittle biny thing, yeah,	14 clusted. He was going in, and I just opened my door and kind of
15	Q Okay,	15 looked out, and I saw him, and he saw me, and I just kind of
16	MR. SMITH: No further question, Judge.	16 closed my door and went back in.
17	THE COURT: Crass,	17 Q And went in, and then you didn't come back out until
18	CROSS-EXAMINATION	18 you heard Cookie.
19	BY MR. PIKE::	19 A Right.
20	O Good afternoon, sir,	20 O All right. New, you'd been able to see Mr. O'Keefe
21	↑ How you doing?	21 and the Victoria coming in and out of the apartment and also,
22	O I'm showing you Defendant's Exhibit No. G. which has	23 you'd seen prior to Victoria making in there, you saw Brian
23	been admitted into evidence. And do you recognize those	23 with a Cheryl Morris. Do you remember Cheryl?
	apariments?	24 A Yes.
24	DW 100-00 RG	
	A Um-him.	OEAL 105 (TARREST
24	14.5 Page 1966 A	25 O And during the time that you saw them out there. [7]
24	A Um-hm. Page 256 ROUGH DRAFT TRANSCRIPT	OEAL 98 (MERS)

25	1998 FEBRUAR PROPERTY OF THE STATE OF THE ST					
1	represent to you that there are other witnesses that indicated	1 Q All right. And you saw the interaction between				
2	that there was some chairs kind of out on the balcony down	2 Victoria and Brian when they'd come up the stairs and go				
3 towards the end there.		3 their aparament, and you'd seen them on their day-to-day				
4	A Yeah, there were.	4 Intivels to and from their appropriate.				
5	Q And the building kind of ends right there	5 A Yes,				
6	A Right.	6 Q During that period of time did they appear to be a				
7	Q doesn't it?	7 couple?				
8	A Right.	8 A Yes.				
9	Q So it's aboost like a link patio that has access	9 Q They were open about their relationship?				
10	from your opertment and from Brian and Victoria's apartment?	10 A Yes.				
11	A Right,	II Q She had maved in?				
12	Q And there's chairs out there and you'd seen thron					
13	there with Cheryl, and you'd seen them out there drinking.	Q And they appeared to be a loving couple?				
14	before.					
15	A Right.	14 A Yes.				
16	Q And when Cheryl moved away clid it seem to you that	15 MR. PIKE: In further questions.				
17	Brian's drinking got worse?	16 THE COURT: Any further direct?				
18		17 MR. SMITH: Briefly, Judge.				
na:	A Maybe a little maybe	18 REDIRECT EXAMINATION				
19	MR. SMITH: Judge, I'm going to make an objection.	19 BY MR. SMITH:				
20	I'm going to make an objection to the relevance.	20 Q Mr. Hathcox, your observation of Mr. O'Keefe that				
21	MR. PIKE: Intoxication is at issue in —	21 might, would you describe it that in your opinion you though				
22	THE COURT: Overrule the objection.	22 he was angry at any point?				
23	BY MR_PIKE::	23 A 18e said - he had a - he had a look on his face than				
24	O Did it appear to you that he had been drinking more?	24 might when I looked at him that I hadn't netually seen on his				
25	A Maybe a little bit more, yeah.	25 face before. It looked — he looked piss, yeah.				
	Page 258	Page 259				
	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT				
1	Q Okay.					
2	MR. SMITH: No further questions.	2 Q Okay.				
3	THE COURT: Any further cross?	2 MR. SMITH: No further questions.				
4	RECROSS-EXAMINATION	3 THE COURT: Any questions by the james! Yes, write				
5	BY MR. PIKE:	4 down your question and your juror number, please, Counsel				
6	500 C 5 1 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	S appressib.				
7	Q Prior to the time that you heard Cookie yelling, you	6 (Off-record bench conference).				
_	didn't bear noise for like an hour?	7 THE COURT: Ladies and gentlemen, I had mentioned				
B	A Well, did I hear noise, yeah, before I heard Cookie	8 before that consist questions would be reviewed by the Court as				
9	yelling, yes,	9 well as the attorneys, and we're not legally able to ask this				
10	Q But was it for a short period of time or for a longer	10 particular question. All right, thank you sir, for your time.				
11	period of time?	11 You're instructed not to discuss your lessimony today with any				
12	A What do you mean?	12 other witness involved in this case mult this matter is				
13	Q About how long did it last? Maybe ten minutes?	13 finally resolved. Thank you for your time, sir.				
4	Maybe five minutes? Maybe an hour?	14 THE WITNESS: Thank you.				
S	A Well, the first noises I heard probably lasted 20	15 THE COURT: Alkright, Indies and gentlemen, it's				
	minute or so, you know, on and off.	16 just six minutes after 5:00. We're going to end - we're going				
7	MR. PIKE: No further questions.	17 to take a recess for the evening at this point. Every marring				
.8	MR. SMITH: Just briefly.	18 I have a mution calendar. Tomorrow t have a criminal calendar				
9	THE COURT: Yes.	19 and Mondays and Wednesdays are my civil calendar. Tuesday.				
0	FURTHER REDIRECT EXAMINATION	20 Thursdays are my criminal calendar. And I should be dead about				
1	BY MR. SMITH:	2.1 9:15. Upon got to some of change genrs here before we stan				
2	Q And, sir, I just want to make sure the record's	22 the trial. So if we can have everyone back at 9:30				
3	clear. It's your testimony that the noises began, to your					
4	recollection, approximately 10:00 o'clock p.m.?	The state of the s				
5	A Yes, sir.	the second of the second secon				
	Page 260	25 lawr than 9:30. But please bear with us if sectre a few				
	ROUGH DRAFT TRANSCRIPT	Page 261 ROUGH DRAFT TRANSCRIPT				

1			
1	minutes late because like I said, I have about 19 maters I	31	juny
2		2	201 TO 2010
3		15	
4	So we'll you back at 9:30. During this evening	4	MS. PALM: Randy, Mr. Pike.
s		5	
6	anyone else on any subject connected with the mal or to read.	6	
7	watch or - excuse me. Not to converse among yourselves or	7	
8	with anyone else on any subject connected with the trial or to		
9		9	THE COURT: Do you have an objection to that one?
10		10	MR. PIKE: 1 do. The ones that have been separate
11		32	the state of the s
12		12	Se man Sur a state of Containing
13		13	THE COOK!
14		0.100	The state of the s
15		14	1110 0 0 01101 . 2100 3 32,
16		955	and the second of the second
17		16	the same of the series in terminating to the
1.8		17	case. It - again, the bruising, as I've indicated, the doctor
19		18	tratified at the time of the preliminary hearing, was
20	A STATE OF THE PROPERTY OF THE	19	occasioned by her cirrhosis and she cannot identify them as
21	the state of the state of the property walk	20	contemporaneous with or associated with this event.
22	The same same same same same same same sam	21	THE COURT: All right, Mr. Smith
23	The second secon	22	MR. SMITH: And Judge, that it's the State's
24		53	position that that's not what the medical examiner testified
25	minutes? Do you have the numbers of the photos that are in	24	to. What the medical examiner testified to is that a person
43	and the second we to opposite the breaking on the	25	who suffers from circhosis, granted they may bruise easier that
•	Page 262		Page 263
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
200	and succession in the same of	$\vdash$	
1	a person who does not suffer from cirrhosis. That being said.	10	on walls. But as far as physical abercation, we don't have
2	any argument based on that would go to the weight of that	2	any evidence of that yet, Just loud noises.
3	evidence and not the admissibility, especially when now we have	3	THE COURT: You're saying you object to all which
4	evidence that there was a struggle this took place or this		would be 32 through 38.
5	apartment for at least an hour. We should be able to put in	5	MR. PIKE: It's estensibly all of them.
5	these pictures that corroborate our theory of the case that	6	MR. SMITH: All much them.
7	this was not just samply the defendant stabbing her in a fit of	7	MR. PIKE: All of them.
8	· or at a sudden heat of the moment or that this was a quick		THE COURT: Okay, Welf, I think I'll just hear from
3	incident, but rather that this was a long drawn out affair.	5	the medical examiner. You can just show the photographs before
10	Furthermore, it's certainly probative because it	10	they're you know, before you show them to the jury and then
11	helps to counter any claim that the defendant is going to make	11	see if she - you know, that they can state this is strictly
	that this was self-defense.	:2	related to a medical condition. I many, in and of itself or if
13	THE COURT: Mr. Pike, was the restimony of the doctor	13	this is consistent with someone being grabbed or punched or
14	that although someone can bruise easier that this is	14	bushed of cores
15	specifically related to circlosis of the liver only?	15	MR. SMITH: Welk is what she's going to say is that
16	MR. PIKE: It - she just testified that circles it of	16	It rould be consistent with a person being battered, you but it
575-30		1220	could also be consistered with a person bruising easier the to
255	the liver would cause someone to bruise more easily. If the	3.7	communication and a heavy parising experience for
255	the liver would cause someone to bruise more easily. If the Court's concerned about whether or not these could be find him		
17 18	Court's concerned about whether or not these could be fied into	18	them having
17 18 19	Court's concerned about whether or not these could be tied into this event, then I think that at the time that the NEE comes in.	19	them having — THE COURT: Okay.
17 18 19 20	Court's concerned about whether or not these could be sied into this event, them I think that at the time that the NE comes in, there should be a profee with her present as to whether or not	19 20	them having — THE COURT: Okay. MR. SMITH: — cirrlesis. So means the threshold of
17 18 19 20	Court's concerned about whether or not these could be sied into this event, then I think that at the time that the NE comes in, there should be a proffer with her present as to whether or not the can identify the time frame as to this.	19 20 21	them having —  THE COURT: Olary.  MR. SMITH: — circlosis. So means the threshold of its admissibility, and it would just — its the State's
17 18 19 20 21	Court's concerned about whether or not these could be sted into this event, then I think that at the time that the NE comes in, there should be a proffer with her present as to whether or not she can identify the time frame as to this, insofar as a stroggle that has been suggested, there	19 20 21 22	them having — THE COURT: Okay.  MR. SMITH: — circlesis. So means the threshold of his admissibility, and it would just — it's the State's position that it would fall on Mr. Pike and Ms. Pales to progue
17 18 19 20 21 22	Court's concerned about whether or not these could be sied into this event, then I think that at the time that the NE comes in, there should be a proffer with her present as to whether or not she can identify the time frame as to this,  Insofar as a struggle that has been suggested, there is nothing in the photographs of the apartment to show that	19 20 21 22 23	them having — THE COURT: Okay. MR. SMITH: — cirrhesis.—So means the threshold of his admissibility, and it would just — it's the State's position that it would fall on Mr. Pike and Ms. Palen to argue the weight of that exidence —
17 18 19 20 21 22 23	Court's concerned about whether or not these could be fied into this event, then I think that at the time that the NE comes in, there should be a proffer with her present as to whether or not she can identify the time frame as to this,  Insofar as a scruggle that has been suggested, there is nothing in the photographs of the apartment to show that anything is disturbed, that there was anything to indicate that	18 19 20 21 22 23 24	them having — THE COURT: Okay. MR. SMITH: — cirrlosis. So means the threshold of his admissibility, and it would just — it's the State's position that it would fall on Mr. Pike and Ms. Palen to argue the weight of that exidence — THE COURT: Right.
17 18 19 20 21 22 23	Court's concerned about whether or not these could be sied into this event, then I think that at the time that the NE comes in, there should be a proffer with her present as to whether or not she can identify the time frame as to this,  Insofar as a struggle that has been suggested, there is nothing in the photographs of the apartment to show that	19 20 21 22 23	them having — THE COURT: Okay. MR. SMITH: — cirrhesis.—So means the threshold of his admissibility, and it would just — it's the State's position that it would fall on Mr. Pike and Ms. Palen to argue the weight of that exidence —

ROUGH DRAFT TRANSCRIPT

	The court was say	1	CANADA MAR DE PRODUCTION
1	THE COURT: Well, right now I'm just not - I'm nor	3	MK. SMITH: - of the -
2	admitting the evidence —	2	MR. PIKE: There's some that have blood on the - the
3	MR. SMITH: Okay.	3	bruising on her body can be shown without showing the entir
4	THE COURT: because we need to have	4	body last out on the gumey, so -
5	MR. SMITH; Sure.	5	THE COURT: Well. I haven't seen a quote, gruesome
6	THE COURT: the foundation.	5	photograph yet. Do you have is it in this stack? I've gone
7	MR. SMITH: Well, we wouldn't show it to any	7	through all the stacks, and all the other ones just show
8	THE COURT: Right.	6	bruising. And this is in No. 60?
9	MR. SMITH: - of these witnesses.	9	MR. SMITH: Judge, that's not ten grucsome. I've
10	THE COURT: Okay.	10	certainly seen warse.
11		11	MR. PIKE: Well, we're in a horrible profession to
12		12	say what is grucsome and what isn't.
13	MR. PIKE: But the remainder of the photographs of	13	
14	the scene, of the area and the other photographs -		THE COURT: We had a bad one in a civil case couple
15	THE COURT: Okay, ler's go over those, then, 44.	14	weeks back, so —
16		15	MR. PIKE: Oh, aksy.
100	MR. PIKE: It's the same thing, your Honor, the	16	THE COURT: Now, I mean, I'm just - like I say, I'm
17	bruising that was there.	17	going to wait for the medical examiner. But No. 60 just does
26	THE COURT: Is this strictly the bruising objection	16	not seem everly gracsome. I mean, it's -
19	versus any other objection that as long as it's related to	19	MR. PIKE: And I'm just and out of an abundance of
20	MR. PIKE: Right.	50	caution, just so long as they bear they can meet the
21	THE COURT: Well, we'll see what the medical examiner	21	threshold that they show relevant injuries that are potentially
22	has to say. I thought there were some photographs that someone	22	relevant to this case. And Counsel's correctly stated the
23	may have said was overly gracsome or -	23	burden that he has, and we can - we'll address that with the
24	MR. SMITH: Yeah, are you talking about the one -	24	coroner -
25		25	THE COURT: All right.
	Page 166		l'age 267
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
L	20 K K K K K K K K K K K K K K K K K K K	2/132	
1	MR. PIKE: — when she testifies.		
2	THE COURT: There's really nothing I can do right at	I	
3	this point until we bear the coroner. Anything else?	I	
٠	MR. PIKE: The remainder of the photographs can be	I	
5	admitted other than —	[	
6	THE COURT: Okay.	1	
7	MR. PIKE: the State's.	ŀ	
8	THE COURT: Can you sell the efeck which numbers so		
9	she knows.	ľ	
10	MS. PALM: Did you guys look at ours?	l	
11	MR. SMITH; No.	l	
12	THE COURT: All right.	l	
13	MS. PALM: (Indiscernible),	l	
14	THE COURT: Yeah, we're off the record.	l	
15	(Court recessed at 5:15 p.m., until	l	
16	Tuesday, March 17, 2009)	l	
17	N (72) NOV. N. (2237)		
18	i	•	
19			
20	i		
21			
22	3		
23	Ĩ		
24			
25	(SE SEA		
	Page 268 ROUGH DRAFT TRANSCRIPT		
			ROUGH DRAFT TRANSCRIPT

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NAME	DIRECT	CROSS	REDIRECT	RECROSS
PLAINTIFF'S WITNESSI	ES:			
Joyce Toliver	182	192	195	200
Charles Toliver	201	217	229	231
Tom Arbruster	235	243	249	250
Jimmy Hatchcos	253	256	259,260	260

## EXHIBITS

DESCRIPTION:	ADMITTED		
Exhibit 4	183		
Exhibit 6			
Exhibit h	208		
Exhibit i	218		
Exhibit 2	219		
Exhibit 3	238		
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EXHIBIT G	244		

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## ACKNOWLEDGEMENT

ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure. I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.

Verbatim Digital Reporting, LLC Littleton, CO 80120 (303) 798-0890

- Juli Ford

7-8-09

JULIE LORD, TRANSCRIBER

DATE

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# ORIGINAL

FILED DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER Nevada Bar #0824 3 JONELL THOMAS DEPUTY SPECIAL PUBLIC DEFENDER Nevada Bar #4771 330 South Third Street, Ste. 800 5 Las Vegas, Nevada 89155-2316 (702) 455-6265 6 Fax: 455-6273 thomasin@co.clark.nv.us Attorneys for Defendant 8 DISTRICT COURT 9 CLARK COUNTY, NEVADA 10 11 THE STATE OF NEVADA, CASE NO. C 250630 DEPT. NO. XVII 12 Plaintiff. 13 Vs. 14 BRAIN KERRY O'KEEFE, 15 Defendant. 16 REQUEST FOR CERTIFIED TRANSCRIPT OF PROCEEDING 17 DATE: N/A TIME: N/A 18 19 TO: MICHELLE RAMSEY 20 Request is made to the above named Court Reporter that within 30 days after the date this Request is served, she file with the District Court the original transcript and deliver to the 22 Special Public Defender's Office two certified copies. Appellant is responsible for serving a copy on the State of Nevada. A CHES Defendant/Appellant requests preparation, at State expense, of a transcript of the proceedings before the district court, as follows: Judge or officer hearing the proceeding: The Honorable Michael Villani. 27 Date or dates of proceeding: March 16, 2009

28

0722

Ţ	Portions of the transcript requested: A transcript of the complete proceeding of the
2	above listed hearing is requested.
3	Number of copies required: Appellant requests an original and two certified copies
4	be prepared and the 2 copies delivered to the Special Public Defender's Office.
5	I hereby certify that on September 9, 2009 I ordered the above listed transcripts from
6	the court reporter named above. I further certify that Appellant is indigent and exempt from
7	paying the required deposit.
8	DATED this 9th day of September, 2009.
9 10	DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER
11	
12	BASIL FUNDA S
13	DEPUTY SPECIAL PUBLIC DEFENDER 330 SOUTH THIRD STREET, STE. 800
14	LAS VEGAS, NEVADA 89155-2316 (702) 455-6265
15	CERTIFICATE OF MAILING
16	The undersigned does hereby certify that on the 9th day of September, 2009 a copy of
17	the foregoing Request for Transcripts was deposited in the United States Post Office at Las
18	Vegas, Nevada, postage prepaid, addressed to the following:
19 20	District Attorney's Office 200 Lewis Ave., 3rd Floor Las Vegas, NV 89155
21	Nevada Attorney General 100 N. Carson St.
22	Carson City NV 89701
23	BY MAIL AND BY HAND DELIVERY:
	MICHELLE RAMSEY Court Recorder, DC 17
	200 Lewis Ave. Las Vegas NV 89155
26 27	N NA
28	Nat XX
-535	An employer of the Special Public Defender



FILED

OCT 1 4 2009

CLERK OF COURT

THE STATE OF NEVADA,

CASE NO. C-250630

Plaintiff,

DEPT. NO. 17

VS.

BRIAN KERRY O'KEEFE.

Transcript of Proceedings

Defendant.

BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE

MONDAY, MARCH 16, 2009

JURY TRIAL - DAY 1

APPEARANCES:

FOR THE PLAINTIFF:

PHILLIP SMITH, ESQ.

STEPHANIE GRAHAM, ESQ. Deputy District Attorneys

FOR THE DEFENDANT:

RANDALL H. PIKE, ESQ. PATRICIA A. PALM, ESQ. Special Public Defenders

COURT RECORDER:

TRANSCRIPTION BY:

MICHELLE RAMSEY District Court VERBATIM DIGITAL REPORTING, LLC

Littleton, CO 80120

(303) 798-0890

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

LAS VEGAS, NEVADA, MONDAY, MARCH 16, 2009, 9:26 A.M. 1 2 (Court called to order) 3 (Outside the presence of the jury) THE COURT: All right, this is C-250630, State of 4 Nevada versus Brian O'Keefe. Is it O'Keefe or O'Keefe? 5 THE DEFENDANT: O'Keefe, sir. 6 THE COURT: O'Keefs, all right. Mr. Pike, his 7 attorney, Mr. Smith and Ms. Graham for the State. The State's 8 motion to admit evidence of other crimes. 9 MR. SMITH: And Judge, I'm paying attention to you. 10 11 THE COURT: All right. Proceed. Proceed. MR. SMITH: Judge, it's the State's position that the 12 testimony of Cheryl Morris at the preliminary hearing clearly 13 establishes at that the defendant had a motive to kill Ms. 14 Witmarsh (phonetic) and that the defendant relayed to Cheryl 15 Morris that he had a deep seeded animosity towards Ms. Witmarsh 16 for testifying against him at a previous battery domestic 17 18 violence trial. 19 Our proffer would be that we intend to call a detective who would be able to testify that he obtained 20 certified copies of the Judgment of Conviction from that 21 domestic violence charge showing that he was, in fact 22 23 convicted. Also, he would be able to testify that he personally 24

25 determined the length of his prison sentence because, as I

stated in my motion, the defendant specifically stated to Cheryl Morris that Ms. Witmarsh had taken away three years his life.

So we would -- we would put the detective on to say that he did investigation into the defendant's criminal records at the Nevada Department of Corrections and it did, in fact, reveal that he spent three years in prison.

So the State submits that we have certainly met the burden that it has probative value, especially because this is an open murder charge. To support a conviction of first degree murder the State has to show deliberation and premeditation and intent.

And with the defendant making statements that he specifically wanted to "kill the bitch" because she had testified against him, I submit that this is clearly a motive evidence contemplated by NRS 48.045.

Honor has to weigh the probative value versus the prejudicial value. I submit that it is certainly more probative than prejudicial because it clearly establishes motive. The State is not going to make any argument that he's necessarily a bad guy because of that. It's simply one part of the entire story of this case, and I submit that it should certainly be admitted into evidence.

THE COURT: All right. Mr. Pike?

MR. PIKE: Thank you, your Honor. For the record, in anticipation of this -- this issue coming in, we conducted a thorough cross-examination of Cheryl Morris at the time of the preliminary hearing so that there would be a record and you could actually read the full transcript as to what she was going to say. That's the reason we don't have to actually have witnesses called in at this point in time because the -- as you can see from the documents that have been filed, this is not a case that has a great deal of varied issues in it, would (sic) have developed a number of them.

In relationship to this one, this -- you're dealing with Cheryl Morris. Cheryl Morris is a girlfriend of the defendant that was an interim girlfriend after he had gotten out of prison, and they had established a relationship. Cheryl and Mr. O'Keefe, in fact, had resided together, were boyfriend and girlfriend, they had shared a joint account, they bought a car together, they had done a number of things like that. And she is a jilted girlfriend in that as soon as the deceased in this, Victoria Witmarsh re-contacted Mr. O'Keefe -- and he did not contact her. He did not seek her out. He did not attempt to reestablish the relationships after this.

But he -- Mrs. Witmarsh contacted him. They reestablished a relationship. If -- if this had any probative value it would be in a case where the issue of the identity of an individual who had killed Mrs. Witmarsh may be at issue.

This is -- this is a couple that had reestablished themselves. They'd been very public about their reuniting. He -- Mr. G'Keefe had taken her to the union hall where they had worked together. They were a couple to the neighbors around the apartment where they had been. They were -- had gone into a -- my client was involved in a rehab program through the union at MINDS. So he had gone forward in relationship to them appearing together, and Mrs. Witmarsh had appeared with him during that period of time.

There is a reason why hearsay statements are considered as inherently unreliable unless they meet certain criteria. And this is certainly one, because it is not -- the issue is not whether this was a planned homicide or anything like that.

In fact, given the alcohol -- the obvious intoxication of Mr. O'Keefe at the time, the intoxication and drug -- and overdosage not to the extent of death, but a high amount of an anti-depressant along with the .24 alcohol level in the deceased as a result of the autopsy. It appears that these two were -- were not anywhere near their normal state of mind during that period.

So for a jilted girlfriend to come in and say he told me that he was -- you know, he would kill her because of this, I think is far more prejudicial than probative because she has her own motives for doing that.

THE COURT: Well doesn't this -- the State's presented it as motive -- purpose of motive or intent of your client. Doesn't it relate to that? Because I think -- if the court or if the jury and the court believes the former girlfriend and she had said that the defense -- and I'm -- she took, you know, three years out of my life and he's got a ax to grind, isn't that relevant to motive and intent?

B

MR. PIKE: It would be if this was -- appeared to be a premeditated type of criminal offense where he was trying to hide from police, or establish an alibi or do anything at all like that. In circumstances where we have two drunk people involved in it, I just don't -- I don't see where it meets that probative versus prejudicial test.

THE COURT: All right. Anything further, Mr. Smith?

MR. SMITH: Judge, my reply would be Mr. Pike has

raised some issues that are right for cross-examination when

Ms. Morris gets on the stand. But the point here is if the

State made a prima facie showing that it does have probative

value and that it outweighs the prejudicial value, and I think

it does.

Surely there are several interpretations as to what the evidence is going to show in this case, but the State is entitled to a little deference if we can show that our theory of the case supports the probative value of that testimony, and it, in fact, does.

1	Furthermore, the fact that he the defendant didn't
2	try and establish an alibi or anything of that nature, I mean,
3	we hear that premeditation can be as quickly as successive
4	thoughts of mind. And I'm sure your Honor can think of a
s	theory that State could put forward that uses testimony of Ms.
6	Morris, despite the fact that the defendant did not give an
7	alibi or didn't do any of the things that Mr. Pike put forward
8	that one would normally expect in a case of premeditation and
9	deliberation. I submit that we've met our burden and it should
10	come in.
11	THE COURT: Anything further, Mr. Pike?
12	MR. PIKE: No, your Honor.
13	THE COURT: Mr. Pike, were you the defense attorney?
14	Did you cross-examine this witness at the lower stage?
15	MR. PIKE: Yes, I was, your Honor.
16	THE COURT: Okay.
17	MR. PIKE: The in
18	THE COURT: She made these statements, correct, under
19	oath?
20	MR. PIKE: Pardon?
21	THE COURT: She made these statements?
22	MR. PIKE: She did make those
23	THE COURT: She relayed the right.
24	MR. PIKE: statements under oath and they were
25	subject to cross-examination. The the statement about

taking three years out of his life, Mr. O'Keefe spent basically a year in custody in Clark County Detention Center. While that was pending Ms. -- Mrs. Witmarsh visited him in -- in jail, also in prison and then reconnected with him afterwards.

They -- their relationship really didn't end for a period of three years. So if the court is going to allow it in, then I'm going to have to have kind of a wide range on the investigation of the detective in relationship to visitation logs, Mrs. Witmarsh's contact with him. It does present a -- a bit of the Gordian knot or a messy situation as far as examination. And I don't think it's -- it's so -- it's so insightful that it would -- it becomes a -- a hot poker of probative value for the State.

THE COURT: All right. I think the prior acts here and the statements are relevant to the charge. With the testimony under oath they've been proven by clear and convincing evidence. And Mr. Pike, I do find that the probative value is not substantially outweighed by the prejudicial effect of this, so I'm going to allow that testimony to come in. And we start in 20 minutes; is that correct?

MR. PIKE: That's correct, your Honor. In relationship to this, we've got -- if we could go ahead and take some time and take care of some housekeeping matters for the trial.

As the court has seen, we have exchanged our proposed jury instructions. I filed a hard copy, or provided a hard copy to the clerk. In addition to that, the documents, as part of the reciprocal discovery that I provided to counsel, I've made a -- a list of exhibits and have provided those to the clerk also.

THE COURT: All right.

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MR. PIKE: In anticipation in this case, it -- the trial may go where Mr. O'Keefe may decide to testify or not testify. In the event that he does elect to testify, we do have some issues in relationship to a prior conviction of a burglary in which the charging documents indicated the burglary was for purposes of a sexual assault. The sexual assault was found to be -- there was insufficient evidence to support the sexual assault allegations. And at that offense, he was just convicted of a burglary and a misdemeanor battery.

If he takes the stand, we will go ahead and preview the conviction for the burglary and the battery. Although, if -- since the court has issued the ruling that -- that battery's probably going to come forward.

I'm going to request that before the State be allowed to further impeach in relationship to the burglary, that because we will establish that within the ten year time period and since we will establish it, that there really is nothing to impeach. And if there is any portion of the sexual assault

1	that comes in in relationship to that, of which he was
2	acquitted, then we'd be bringing a motion for a mistrial.
3	And I don't anticipate the State's going to do that.
4	I'm just I'm just telling you there's some there's a
5	couple hot issues that you need to be aware of that are in the
6	
7	MR. SMITH: There are some land mines
8	MR. PIKE: past.
9	MR. SMITH: in this case.
10	MR. PIKE: There are.
11	MR. SMITH: There are plenty of land mines.
12	MR. PIKE: And there
13	THE COURT: You're not going to do that, Mr. Smith,
14	are you?
15	MR. SMITH: I'm not going to go into the sexual
16	assault. Judge, I'm going to keep my impeachment, if he
17	testifies with regards to his prior felonies, as sanitary as
18	possible. When were you convicted, what jurisdiction and what
19	was the crime, that's it. Even with the DV third.
20	THE COURT: All right. That's all you're allowed to
21	do.
22	MR. SMITH: The only details, Judge I'm sorry, I
23	just want to make sure
24	MR. PIKE: That's okay. No, no, this is what
25	MR. SMITH: Randy knows.

MR. PIKE: -- it's for. 1 MR. SMITH: The only detail I'm going to go into with 2 regards to the prior DV obviously is who the witness was that 3 testified against him, because that -- I mean, that kind of comes in. But other than that, the other convictions I'm going 5 to stay away from them with the exception of what's allowed by 6 7 law. 8 THE COURT: Can you make sure your witness doesn't 9 blurt something out? 10 MR. SMITH: And I certainly won't bait him. 11 MR. PIKE: And then in relationship --12 THE COURT: You know, we had a mistrial --13 MR. PIKE: Yeah. 14 MR. SMITH: Right.

THE COURT: -- in the next department first witness.

MR. SMITH: First witness. Well. we don't anticipate that happening here.

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MR. PIKE: We don't. We -- and in relationship to the -- the other issues, there are some prior, of course, because it is a -- was a third offense domestic violence, there were two prior misdemeanor convictions for battery domestic violence. I guess, we're just going to have to kind of deal with those if Mr. O'Keefe takes the stand in relationship to whether they're going to bring them in as other bad acts. If they're just going to stick to the felonies, then we won't, but

I don't --

MR. SMITH: And again, I'm not going to ask the defendant about any of his priors, with the exception of ones that are -- have already been deemed admitted. But, of course, the State reserves his right to cross-examine him if were the defendant to open the door, as it were, to any -- any acts he may have allegedly committed against Mrs. Witmarsh.

MR. PIKE: That's correct, and we have -- and may the

THE COURT: I'm sure you've counseled your client carefully.

MR. PIKE: We have. If fact, Ms. Palm is present here. In going through this, we've indicated to Mr. O'Keefe that those misdemeanors may not be used as impeachment materials unless he opens the door by indicating that there was never any problems him and Mrs. Witmarsh, or we're trying to just stick to prospective Lee from when they reunited after he got out of prison this time, which -- and I think if we can successfully do that, then we're not going to have an issue with the prior DVs except for the -- the one felony as motive.

And if during cross-examination there's anything that's blurted out or Mr. O'Keefe elects to talk about that, then it kind of -- it opens the door for State. So as they're being careful with their witnesses, Mr. O'Keefe, if he'll pay attention right now during trial then he'll understand the --

the potential land mines or doors that he will open. 1 THE COURT: Mr. O'Keefe, do you understand what your 2 attorney just stated? 3 4 THE DEFENDANT: Yes, your Honor, I do. THE COURT: Okay, because if you blurt something out 5 or you don't listen to the question carefully and answer 6 something that's not being asked, you may open the door, and 7 it's going to -- perhaps the other domestic violence issues 8 will come in, and I'm sure that will adversely impact your 9 10 case. 11 MR. PIKE: And the one other --12 THE COURT: Do you understand that, sir? 13 THE DEFENDANT: Yes, I do, your Honor. 14 THE COURT: All right. 15 THE DEFENDANT: I do. 16 THE COURT: Okay. 17 THE DEFENDANT: I do have something I'd like it 18 mention, if I may. 19 THE COURT: Well, why don't you talk to Mr. Pike first see if you want to advise the court of it, 20 21 MR. PIKE: In relationship to -- again, back to Cheryl Morris. Now, there are two aspects of the testimony, 22 and I didn't cover one of it. The Court's ruled on the aspect 23 24 in relationship to the mow testify. The other is the means. As the transcript indicated, 25

we went through and because she was saying that he would -that Mr. O'Reefe said that he would threaten her or would kill
her, she demonstrated that he would stab her with a knife, or
he said that he would stab her with a knife in the sternum, the
center of the sternum which I'm pointing at right now for the
record and which she pointed to at the time of the preliminary
hearing.

В

In fact, the -- the death producing wound is under the armpit forward with the -- the blade facing back towards the back, the cutting edge facing back towards that. So that is dissimilar enough that I -- I think that that portion of the testimony is not -- is not probative and certainly is prejudicial if it's says he's going to do it with a knife and then pointing to a specific area that is, given the size of the victim in this case, is probably no more than a foot away.

MS. PALM: And your Honor, if I could just clarify that for a second because her -- she made statements that he had told her and demonstrated to her how he would kill people with a knife. That, I think, is completely irrelevant and had nothing to do with Victoria Witmarsh. She never said that he was going to do that exactly to Victoria Witmarsh. Just that she had said he said he was going to kill Victoria Witmarsh. Those are two separate things.

So in reference to him demonstrating how he would kill people with the knife, we would ask that they caution her

not to go into that because that hasn't been noticed as a bad act, as well as any prior domestic violence against her has 2 3 also not been noticed. MR. PIKE: We've done that. 4 5 MS. PALM: Okay. 6 MR. PIKE: Yeah. 7 MS. PALM: Sorry, I was late to the game. 8 MR. SMITH: Judge -- Judge, the defendant's stating 9 to another person that he has the ability to kill somebody in a specified means is not a bad act. It's not a crime to say --10 for instance, if I'm a sniper and I'm in the Marine Corp., and 11 I tell one of my friends, "You know, I'm really good with a 30 12 odd 6 from 500 yards, " it's not a crime. 13 14 But then if I go ahead and use -- and kill somebody with that same means, certainly the Government in prosecuting 15 me should be able to use evidence that I indicated that I have 16 a proficiency at killing somebody in that manner. That's not a 17 18

me should be able to use evidence that I indicated that I have a proficiency at killing somebody in that manner. That's not a bad act, and that's our position. That's why we didn't file the motion -- we didn't file a motion saying, you know, we should be able to get in that the defendant or stated to Ms. Morris that he has a proficiency with knives and can use them. That's not a bad act.

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THE COURT: I'm not interpreting it as a bad act, so

MR. SMITH: And so Ms. Morris should certainly be

1 allowed to testify to that. THE COURT: I'm going -- she will be allowed to 2 testify to that. 3 4 MR. SMITH: Thank you. 5 THE COURT: Anything else, Mr. Pike? 6 MR. PIKE: No, your Honor. 7 THE COURT: Ms. Palm? Anything else, Mr. Smith? 8 MR. SMITH: We have one thing, Judge. One of our officers, Christopher Hutcherson, when he arrived at the scene, 9 the defendant made some spontaneous statements. Specifically 10 the one that we want to address is one where the defendant 11 allegedly stated to Officer Hutcherson, "Let's go, let's do the 12 13 ten years." 14 It's the State's position that that's a statement showing a consciousness of guilt. Now, I know it's kind of a 15 double whammy in that the defendant is saying "let's do the ten 16 years", which if it comes out in that fashion, the jury would 17 18 then be given evidence regarding sentencing. 19 So what the State wanted to suggest with the defense counsel's agreement, and with your Honor even ruling that it's 20 admissible, is that Officer Hutcherson be allowed to say 21 22 something to the effect that the defendant stated, "Let's go, let's do the prison time," or "Let's go, let's do something 23

But to sanitize it where he doesn't say the quantity

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like that."

of the time, but we submit that we still should be allowed to have the officer relay the underlying effect of the defendant's statement because it does show a consciousness of guilt, at least from our position.

THE COURT: Ms. Palm, is that yours or Mr. Pike's?

MR. PIKE: That's mine.

one.

MS. PALM: No, I'm sorry, I'm not prepared for that

MR. PIKS: Oh, okay. I've got it. In relationship to that, they're attempting to use this as an adoptive admission. And I think they're theory under that is Harrison v. State (phonetic), to bring that in.

And in dealing with that, that is -- that's -- that case is looked on with disfavor in subsequent cases. And clearly, there's -- there's a lot of problems that deal with adoptive admissions is number one. Then you have to go through the issues of whether or not it was knowing whether he was intoxicated, whether or not it's a violation of his Miranda rights because the officers are in there.

And if that is going to come in, then probably we're going to have to then put in the entire, or at least major portions of the videotaped interrogation of the defendant in which he denies doing anything to her, denies stabbing her, denies anything. And in fact, is -- denies the fact that she's even dead until she is told -- until he's informed of that by

the -- the police officers.

MR. SMITH: And Judge, if I could jump in. I think
Mr. Pike has the chronologically confused. We're not talking
about the taped statement that he gave to Detective Bunn and
Wildemann. We're talking about the patrol officers at the
scene as they're leading him to the patrol car. Before
homicide detectives have even responded, the defendant makes a
spontaneous statement. He says three things. He says, "I
swear to God, I didn't mean to hurt you, V," V probably be
Victoria Witmarsh. He said, "Let's go, let's do the ten
years." And there was a third statement that he said, "I swear
to --

MS. PALM: "What did I do wrong?"

MR. SMITH: "What did I do wrong?"

MS. PALM: And the other thing, your Honor, is he said other things such as, "She tried to stab me," "she stabbed herself." Or if they want to put that in, then all of his other statements have to come in under the rule of completeness because they can't have it one-sided of his spontaneous statements at the scene.

MR. SMITH: And that's something we've contemplated. And if your Honor wants to rule that all the other things come in, we'll deal with that. But right now we're focusing on the admissibility, should we choose to introduce that evidence through Hutcherson of that particular statement --

1	THE COURT: And isn't it
2	MR. SMITH: and how to sanitize it.
3	THE COURT: The positive statements for your client
4	were made at about the same time he's making these other
5	statements en route to the parole vehicle?
6	MS_ PALM: Apparently. We have no discovery
7	MR. SMITH: Yes.
8	MS. PALM: on Hutcherson other than a handwritten
9	note, so we don't know the timing of his statement or the
10	circumstances of his statement other than the representations
11	made here today.
12	MR. SMITH: I can represent that they appear to be
13	around the same time. I mean, he said
14	THE COURT: While they're walking towards the car?
15	MR. SMITH: While they're walking to and there's
16	like five or six patrol officers all within earshot, and he
17	says different things while and different officers hear
18	separate statements. So it is they are pretty
19	contemporaneous.
20	THE COURT: Well, I think in all fairness, you know,
21	those statements need to come in.
22	MR. SMITH: If we I agree.
23	THE COURT: Right.
24	MR. SMITH: And I don't dispute that. But because of
25	the particular nature of the statement saying, "Let's go, let's

do the ten years," I wanted to address that with the court 1 2 first. MR. PIKE: And there is one other housekeeping matter 3 4 also. ₩e --5 THE COURT: Let me -- let me finish --6 MR. PIKE: Okay. THE COURT: -- up with this issue here. 7 8 MR. PIKE: Thank you. I'm sorry. THE COURT: Obviously, the jury's advised that 9 they're not to be concerned about punishment. You know, that's 10 a statement made -- you know, allegedly made by your client. I 11 don't know that, you know, that we're going to redact something 12 that he made, you know, allegedly made. Unless the parties can 13 come to some agreement to sanitize that in some fashion. 14 MR. SMITH: And I'm hoping that we can. I mean would 15 you guys have an opposition to our officer saying that he said, 16 "Let's go, let's do the prison time," or something like that? 17 Because I really don't want him to say, "Let's go, let's do the 18 ten years. " I think --19 MR. PIKE: Well, the -- there -- unfortunately -- and 20 I appreciate Counsel's desire to do that. Because of the time 21 frame that's involved and because of the issues of the 22 deceased's medical condition and -- and exactly what she was --23 was doing with her health -- she had cirrhosis of the liver, 24 Hep C, she was taking anti-depressants, she was underweight, 25

she -- she had a great deal of medical issues. Whether the reference is, is let's go do ten years or we -- you know, I want you to recover so we can have a good ten years together so that we can deal with issues like that, I don't think that we can pull that time frame out.

Now, the jury's going to be informed during the -the selection process that if they find -- make a finding of
first degree murder, that they're going to do the sentencing, I
guess, unless the stipulation's been entered into.

MR. SMITH: It hasn't, but I --

MR. PIKE: Okay. But it - and so during this period of time they'll learn that there's a potential 20 year sentence that's involved and not a ten year sentence.

So I don't think the prejudice as far as the ten
years is -- is that key. And that's a tactical decision that I
-- we're kind of forced to make at this point in time. So the
State has offered what they believe to be corrective or
sanitizing language, and it doesn't fit with what -- if we
sanitize it then it just, in my opinion, becomes more
noticeable, more directed towards prison. And I think that
with the ten years basically we can deal with it in other ways.

THE COURT: All right. Anything else, Mr. Smith?

MR. SMITH: No, Judge. I -- at this point we'd

24 submit it.

THE COURT: Anything else from any other party on any

1	issue?
2	MR. PIKE: Any issue, okay.
3	THE COURT: Okay.
4	MR. PIKE: We do have a
5	MR. SMITH: We have some
6	MR. PIKE: one other issue that came up, or two
7	issues. Let me address them. The State had noticed Mr.
8	Witmarsh as an identification witness in relationship to this
9	case. Because we have stipulated to identity, there he is
10	not going to be in the case in chief. He may or may not be a
11	rebuttal witness. That's so speculative that, as a family
12	member and as the husband of the deceased, I don't think we're
13	in a position to stop him from being out of the courtroom
14	during the time of the trial.
15	So they have withdrawn him for purposes of their case
16	in chief, and they don't anticipate him for rebuttal, but that
17	may happen. So I he may or may not be in the courtroom.
18	That's that's fine.
19	MR. SMITH: So to me to the State it seems like
20	their waiving any exclusionary rule.
21	MS. PALM: No, we're not.
22	MR, SMITH: We no?
23	MR. PIKE: No, as far as him
24	MS. PALM: As far as him
25	MR. SMITH: Is that's what I mean. I mean

ĺ			
1	MS.	PALM:	Okay.
2	MR.	SMITH:	as far as him. I don't mean
3	MS.	PALM:	Okay.
4	MR.	SMITH:	in general.
5	MR.	PIKE:	No, no, just as far as him, yeah.
6	THE	COURT:	All right. So
7	MR.	SMITH:	I'm not that slick.
8	THE	COURT:	The rule will be waived as far as applies
9	to him.		
10	MR.	PIKE:	Right.
11	THE	COURT:	Is that agreed?
12	MR.	PIKE:	Yes.
1.3	THE	COURT:	Both sides?
14	MR.	SMITH:	Sure.
15	THE	COURT:	Okay.
16	MR.	SMITH:	And I would just hope they wouldn't in
17	turn argue if	he says	anything in rebuttal that because he had
18	the opportunit	y to si	t here and hear all that, that's why he
19	said x, y, and	z.	
20	THE	COURT:	Well, I'm
21	MS.	PALM:	That's that's fair argument, your
22	Honor, if he's	going	to sit in here.
23	THE	COURT:	That's fair argument, so.
24	MR.	SMITH:	Okay. All right, fair enough.
25	THE	COURT:	If you want to just exclude him

MR. SMITH: We'll figure out what we're going to do. 1 2 That -- we'll leave it to their choice. MR. PIKE: 3 THE COURT: All right. 4 MR. SMITH: Okay. 5 THE COURT: Anything else? б MR. PIKE: We ran into a witness problem. We had Dr. Hyatt (phonetic) who was going to be toxicologist expert in 7 relationship to the medication and the alcohol that was being 8 taken by the deceased. There was a problem. We contacted his 9 employer. He was gone. He was out of the jurisdiction. We 10 couldn't contact him. Because the State and the defense had 11 both invoked the right to a speedy trial, we were able to 12 obtain and retain Dr. Christiansen, Dr. Tawni Christensen to 13 14 come and review the protocols on the medication. 15 She has agreed to take this and appear as an expert witness. She took all of the information, prepared a report. 16 I provided that to counsel over the weekend. They have that. 17 And -- and she would not testify any differently than Dr. Hyatt 18 in relationship to the medication. And it was an issue that I 19 20 highlighted at the time of the preliminary hearing. 21 I requested that Dr. Christensen get the -- the report to me as quickly as possible so that we could go ahead 22 and give it to the State, they could have the ME review it, and 23 if necessary, they may bring her -- either address it during 24

her direct testimony or call -- recall her as a rebuttal

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witness, or attempt to obtain a rebuttal witness during that period of time.

But they I think graciously have indicated that because it was not our fault and because we're just try willing to save this trial date, that they would waive the -- the advance notice on an expert.

MR. SMITH: That's correct, Judge. The State did waive any notice requirement. We have no problem with Dr. Christensen testifying in lieu of their doctor previously noticed.

I am going to kind of put the court on notice that we anticipate perhaps doing a quick voir dire outside the presence of the jury with her because we want to make sure that her testimony is limited in scope and not kind of getting into issues that we don't think she can testify to as an expert in her particular field.

MR. PIKE: And that would be appropriate.

THE COURT: All right. Anything else?

MR. PIKE: We anticipate that we'll be picking a jury most of this morning. I believe the State has a number of witnesses available for this afternoon if we complete it, so we'll be ready to do opening arguments and cross-examination. The witnesses that they've anticipated calling are civilian witnesses that were the first ones into the apartment.

MR. SMITH: That's correct.

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THE COURT: You know we typically start at 9:30 for
 1
    the entire week.
 2
              MR. SMITH: Okay.
 3
              THE COURT: All right.
 5
              MR. SMITH: Okay.
 6
              MR. PIKE: Thanks.
 7
              THE COURT: Anything else? Smith.
 8
              MR. PIKE: We have --
              MR. SMITH: Not -- not -- oh, I'm sorry, go ahead.
 9
10
              MR. PIKE: We our witnesses all scheduled for
11
    Thursday.
12
              MR. SMITH: Not now. I anticipate we might have to
    litigate some other issues, so.
13
14
              THE COURT: All right.
              MR. SMITH: But -- but for now I think -- and for
15
16
    today we're good.
17
              THE COURT: Okay. All right.
18
              MR. PIKE:
                         Okay.
19
              THE COURT: We'll be back in a couple of minutes --
20
              MR. SMITH: Okay.
21
              THE COURT: -- when the jury shows up:
            (Court recessed at 9:58 a.m. until 10:22 a.m.)
22
23
                        (Court called to order)
24
              (In the presence of the prospective jurors)
              THE COURT: Good morning, ladies and gentlemen.
25
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ROUGH DRAFT TRANSCRIPT

#### ACKNOWLEDGEMENT

ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.

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JULIE LORD, TRANSCRIBER

7-8-09

DATE

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ROUGH DRAFT TRANSCRIPT

# ORIGINAL

FILED 86

JUL 10 2009

DISTRICT COURT CLARK COUNTY, NEVADA

THE STATE OF NEVADA.

CASE NO. C-250630

Plaintiff,

DEPT. NO. 17

vs.

BRIAN KERRY O'KEEFE,

TRANSCRIPT OF PROCEEDINGS

Defendant.

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

MONDAY, MARCH 16, 2009

ROUGH DRAFT TRANSCRIPT OF JURY TRIAL - DAY 1

APPEARANCES:

FOR THE PLAINTIFF:

PHILLIP SMITH, ESQ.

STEPHANIE GRAHAM, ESQ. Deputy District Attorneys

FOR THE DEFENDANT:

RANDALL H. PIKE, ESQ. PATRICIA A. PALM, ESQ. Special Public Defenders

COURT RECORDER:

TRANSCRIPTION BY:

MICHELLE RAMSEY District Court

VERBATIM DIGITAL REPORTING, LLC Littleton, CO 80120 (303) 798-0890

Page I

ROUGH DRAFT TRANSCRIPT

1 4

LAS YEGAS, NEVADA, MONDAY, MARCH 16, 2009, 10:22 A M. (In the presence of the prospective jumps) THE MARSHAL. All rise and come as order. Department 1 17 of the Eighth Judicial District is now in session. The Honorable Judge Michael P. Villani presiding. Please be 6 sessol. Remain in order. Make sure all cell phones are named 7 off. pieze. THE COLICE: Good morning, believe and gentlemen. I am Judge Michael Villani. I don the prexiding judge of Department. 17, and you've been summaned here as potential jurges for this 11 case. This is a criminal case, and it's as I memiored State. of Nevado versus Brian O'Nocfe. 17 First off I'd like to thank all of you for showing 14 up. My stoff has beard this numerous sienes, but I think it's 15 important that I tell all of you that, you have, jury service 16 is very important whether us a civil or criminal case. Our 17 system of justice does not work unless we have people willing to sit as a jump to hour our cases This last week we had an automobile accident case. 20 and we needed a jury for thosease. This is a criminal case. 21 and we send a jury for this particular case. And I hope all of 77 you accept it as your civic duty. I'm very mindful that all of 23 you either have a job or are looking for a job and you have 24 family activities, maybe you have some social activities that 25 you rather attend to, but please understand that we need to

# Page 2 ROUGH DRAFT TRANSCRIPT

But I tell you that because I had to serve and
accusity, there's another judge in this court, Judge Toglioni,
who received a summons I think about three or four years ago,
and she was selected. Actually, she was the foreperson of that
particular jury. It was a civil case as well. And so we're
not exempted and during those two and a half weeks I had to
continue all my cases. I had get — on certain matters I had
to have a senior judge come in and heat my calendar, certain
tranters that had to go forward, some trials. Other judges had
to pick that up.

And I tell you that because it may not have been that
convenient for me — well, it wasn't, but it was my civic duty
and it was important that I serve as a juror. And again, it

went two and a half weeks long. It was a civil case. It was
be two dictors suing each other on some husiness matters, and so I
hope all of you take into consideration when I ask you if it
would be an extreme hardship for you to serve.

Because again, you know, it's almost like look to
your right, look to your left, if it's not you, then you're
saying well, the other person should do it, not me. In this
courroom, I think it was last year we had a construction
defect case, which is — you may have seen it in the newspaper
where, you know, there's problems with tools or whatever, an

24 entire development. The trial were six months. We had juries 25 for the six month used when This is a nearly six months.

25 for the six-month-trial, along This is a one week trial, so Page 4

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have juries for our system to work. As you know, many
 countries around the world don't even allow - don't allow
 juries. They actually don't allow trials, as you know
 smfortunately.

All of you received a jury summons in the mail, and i'm sure all of you jumped for joy and said great. I get to be on a jury panel, right? Let me see a show of hands. Well, this jury summons has Michael Villani on it. Judges are not

9 exemps from jury summons. They're not exemps from serving on a

10 jury And I made it -- as you know, you had to call the night 11 before to see if your number was how enough, and all of you.

12 your numbers were low enough. I had to do the same and my 13 number was low enough and I had one of the bodges you're

14 westing. And this jury summons was for October 6th of fast

15 year. I went down there, I think 7:36 or 8:00 in the morning.
 16 and they told me and as well as a couple hundred people to come

17 back at 1:00 o'clock to see if we -- you know, if they needed

18 sume more parers. I came back at 1:00 o'clock. They called my

19 number and they said well, we need you to go to Department, was 20 it 3? To Department 3, and along with 50, 60 other people I

21 was in the second row of the gallery and various jurious were

22 excused. I made it into the jury box, and low and behold on a

23 civil case I case I was selected as a juror. The trial went

24 two and a half weeks lung, play. And so this case is not two

25 and a half weeks long, okay.

### Page 3 ROUGH DRAFT TRANSCRIPT

all you should be happy that we're not asking you to serve for six months.

And I've got a trial coming up at the end of this year that's going to go six weeks. And so if you're not picked here we'll be come than happy to call you book for that jury.

No. I'm just kidding. Won't do that, Alf right.

So at this point I'm going to -- we've done a roll.

So at this point I'm going to -- we've done a roll
 call. I'm going to have my elerk swear all of you in, because
 we're going to through a question process to see if you would
 be best stated to hear this particular case.

THE CLERK: Please stand. And raise your right hand.

(Swearing in the prospective juries).

13 THE CLERK: Please be seared.

THE COURT: The reason why we put you under outh, ladies and gentlemen, is we go through a process called voir

16 dire, and that's where we seek to find out just use some of

17 your background, your personal information. No one here is
 10 trying to delve too deep in your personal back ground or to

19 embarrass you on any issues. But it's important that the

parties get an enderstanding of your background and your
 feelings on contain topics to see if you would be suited for

22 this type of case. And maybe you're suited for a civil case or

maybe you are suited for this type of case.
 So shere's no right or wrong answers. The right --

25 the only good answer is a tradiful answer. The process we'll Page 5

ROUGH DRAFT TRANSCRIPT

go through as follows: That I will ask the panel general questions, and if you're going to answer yes to the question, you just raise your hand. I'll call upon you, and we need you to stand up. And every time you're called upon, please give us your full name and the last duce numbers on your badge. As you can see. I think we have about 60 people here, and so it's

hard for all of us to try to memorize your names in a short

So you may be called upon ten times. Please every 10 time please stand up, give us your name and the three numbers 11 of your badge. When I direct the questions to the punci here. 12 we'll go first to the jury box area, the gallery here on my 13 right or son of in front of me, and the gallery to the my

14 left. And so if you're going to answer yes, raise your hand, 15 wait for me to call you, stand up and then we'll go through the 16 process. If at any time you cannot hear one of the questions.

just say I dich't hear you or sometimes we'll go through 18 halfway through the panel and someone in the gallery, in the I

1.9 didn't remember box area says oh. I meant to say yes. I meant 20 to - you know. I am going to answer in the affirmative in a

21 particular question. Just raise your hand and, you know: we'll 32 come back and call upon you, okay. Again, there's no wrong

23 answer. The only wrong mower is one that's not truthful. So

we hope all of you will be mutiful.

And at this point I'm just going to have the Page 6

### ROUGH BRAFT TRANSCRIPT

attorneys introduce themselves. One of deputy district

attorneys here will give you a very brief statement of the type

of case we have. They'ee not going to argue the case right now. Just a very brief statement. They'll introduce their

co-counsel and any potential witnesses that may be called in this case. Please listen very carefully to these names because

I'm going to ask you if you know any of these individuals, and

we'll do the same with the defense here. They'll do the same. So please listen very carefully.

MR. SMITH: Good morning, everyone. My name is Philip Smith. This is Stephanic Grahum. We are the deputy district attorneys assigned to prosecute this case on behalf of

the State of Nevadu. To give you puys a brief synopsis of this case, it's a hemicide case. The State of Nevada has charged

the defendam with a crime of murder. We have alleged that on Nevember 5th, 2008 at

approximately 11:00 o'clock p.m., the defendant killed his on

again, off again girlfriend. Pursuant to that duty we have a banch of witnesses, and there's about 20 of them that we

enticipate calling throughout the course of this trial. They

are a Dr. Jacqueline Bergamin, who is one of the Clark County

coroners. A Chris Hyrcherson who is an officer from Metro. Russell Shoemaker, who is a sergeam with Metro. Morry

Wildersonn, who is a homicide detective with Metro. Daniel

25 Ford, who is a crime scene analyst for Metro. Chris Bunn, who Page 7

## ROUGH DRAFT TRANSCRIPT

is a homicide detective for Metro. Dan Newberry, who's a

sergeam in the homicide division of Metro. Joselyn Maldonado.

who is a crimic second analyst. Brian Somarossa who's a potrol

officer with Metro. Todd Conn, also a parol officer with

Metro. Jeremiah Ballejos, again a patrol officer with Mutro.

Scan Taylor, who's also a pairol officer for Metro. An

individual named Charles Thower, his wife Joyce Thower. Todd

Armbuster, a January Hathem, Cheryl Morris, a John Stallings.

who is a commer investigator for the coroner's office. Robbie 10 Dohn who is a crime scene analyst for Metro. Jennifer Has who

11 is a forense scientist at Metro. And Edward Guenther who is

12 also a forersic scientist for Metro. And I believe that is it.

3.3 Thank you.

25

14 THE COURT: All right, thank you Mr. Pike or Ms. 15 Palm.

16 MR. PIXE: Thank you very much, your Honor. I'm kind 17 of trapped in here. Let me come around. May it please the 18 Count, counsel, prospective jurget, my name's Randy Pike. I'm

with the Clark County Special Public Defender's Office. This

is any co-counsel Particia Palm who's a deputy with my office. And this is my client Brian O'Keefe. Brian O'Keefe stand up so

22 jury can - and part of this is - thank you very much. 22 And part of this process is to find out if you know

24 any of us or if you know any of the winesses, so that's the 25 reason that we're doing this. And Ms. Palm and myself are

Page 8

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fortunate to have been assigned this case and in represent

Prian in this case.

These are a list of the witnesses that the defense

may be calling during the trate of this trial. You'll notice that some of the witness names are the same as the State's

The witnesses are our witnesses and they may be called by us or

by the State, and it's a testimony that we are important, so

forgive me if I say some of the same names. And the potential

witnesses for the detense are Todd Armbruster, Jeremiah

Ballejos, Jacqueline Henjamin, Keith Valusco (phenetic).

Christopher Burn who is with Metro. Chelses Collins, also with

Metro. Tracy Berger, Total Comr. Custodian of records, they

may either be called in person or just by way of an affidavit

to verify documentation. Thus would be the ensuedies of

records of Las Vegas Metropolitan Police Communications.

Custodian of records of Las Vegas Metropolium Police records.

Custodian of records of Monte Vista Hospital, and custodian of

records of Clark County Detention Center and custodian of

records of Southern Nevada Adult Mental Health Services.

20 Officer Daniel Fund Officer Richard Franksera, James Hathrox,

21 Christopher Hutcherson, costuding of records of JOHW Plus

22 Credit Union, Officer Traves by (phonetic), Officer Teresa

23 Kieger (phosenic), Robin Kutzie (phonenic). I'm probably

24 pronouncing that wrong. Flaine Lourinepp (photosic), becelyn-

25 Maldonado, Detective Clifford Mogg, Cheryl Morris, CSA George Page 9

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Schiro, Dr. Towni Christmasen, on ER physician here in Las Vegas, Nevada. Officers Kate Murphy (phonetic). Dariel 2 Newberry, Dean O'Kelly (phonetic). Officers Eduardo Pasos (phonesic), Dean Reyes, Brian Santarossa, Russell Shoeraaker and Sean Taylor. Robert Paisano, a counselor here in 6 Las Vegas, Norma Temo (phonetic), the Hoivers. You've heard 7 Charles and Joyce: Martin Wikkemann, a Detective Wildemann. Robert Wilson, Natalie Austin (phonetic), Elizabeth O'Keefe. Shawn O'Keefe, Thomas O'Keefe, Patricia O'Keefe, and Joseph Perez who's an investigator from our office. 11 As I read that list it seemed long. We anticipate 1.2 that the trial is not going to last any longer than a week in 1.1 relationship (indiscernable). As I indicated we'll be 14 defending Mr. O'Keele in this tragic case. Thank you 15 THE COURT: Thank you, Mr. Pike. Ladies and

20 or sexual orientation or just, you know, there's a myrical of
21 other areas of things that we like or dislike. Maybe you have
22 a bas against a green shirt or a blue shirt.
23 And I just mention that as - because if you are
24 selected or the questioning process we'll go through, whether

1.9 prejudice. We're not just talking about, you know, race or sex.

gentlemen, through this process you may answer yes to certain

questions that may relate to bias or prejudice or some of your

18 background information. And all of us have a bias or a

16

24

#### 25 or not if your do have a particular bias, can you put that aside Page 10

#### ROUGH DRAFT TRANSCRIPT

for this particular case? If you are selected as a jurer in
this case, can you base a decision, if any you may make on the
case, on the evidence you hear from the witness box and any
exhibits that will be admitted in the evidence?

So if you have a bias or prejudice then the Court as well as the atturneys will delve into that, but the bottom line is can you put that aside and base a decision on evidence you hear m this case only? I can tell you in the trial I had last week, which was an automobile accident, as you know, in the newspapers a lot of things about our rates go up, whether that's true or not, there's frivalous lawsuits, whether or not that's true or not, you know, it's not for us to debate here today.

We had a potential juror said he thought there was too many frivolous lawsuits. Welk we asked that potential juror welk, can you put that aside, and you know, not every lawsuit's frivolous, and this individual said that's true. You know, he doesn't know. He wants to hear the facts of the case: And, in fact, I think ended up being on the jury, and there was an award for the plaintiff around \$200,000, so clearly that juror was obje to put his bias aside and listen to the evidence of the particular case we had last week and then, you know, ruled in favor of the plaintiff. So that's what we ask you in this case. If you do have any bias or prejudice, you know, the

25 bonom line is can you put that aside and give both sides a

## Page II ROUGH DRAFT TRANSCRIPT

#### fair trul? That's what - that's all we're seeking here. A lot of times potential purpes will say well. ) don't have any faith in the system. Wetl, if you have with in yourself, perhaps you'll have faith in the system if you're selected as a juree, that you'll make sure everything's done properly and that you'll base a decision on the condence; all right. So I just wanted to give you that preliminary statement B bere. First off, does soyone here know any of the 10 attorneys, the parties involved, or any of the potential 11 witnesses? And I'll ask the jury box area first. Any hamb? 12 Nope. The gallery to my right or in front of me. Nape. And 13 to my left. Okay, no one's prowered in the affirmative. This case is scheduled to go between four to five 14 15 days is there anyone here that would have an extreme hardship. 16 serving on this jury? All right, we will go to the back row 17 first Yes, malon. PROSPECTIVE JUROR NO. 609 Judy Mandanya, 609, Per 18 19 self-employed, Judge, so if I'm chasen for this jury. I'll kee 20 the current project that I have proposed for this month, which 21 will mean I have income for this month. 22 THE COURT: Okay. And what type of work do you do 23 Ma'am'

PROSPECTIVE JUROR NO. MW. 1 do tindiscernible).

Page 12 ROUGH DRAFT TRANSCRIPT

THE COURT: I'm somy.

	1	PROSPECTIVE JURGR NO. 609; For a producer of TV
	2	Constructials.
	3	THE COURT: All right. Do you have any assistance or
	4	anyone else that can help with your
	5	PROSPECTIVE JURGE NO. 609: No. sir, I'm the only
	6	one:
	7	THE COURT: Okay: All right, thank you, Malen.
		Anyone else in the back row? Or in the second row? I think we
	9	FOW yes, malam.
	10	PROSPECTIVE JUROR NO. 649; I'm a single woman -
	11	
	12	
	7.3	
	14	PROSPECTIVE JUROR NO. 649: 1 have one income. I'm
	15	borely making it right now: If I was to serve on this jury, I
	15	wouldn't be able to pay my rem.
	17	THE COURT: What type of work do you do. Ma'em?
m	18	PROSPECTIVE JUROR NO. 649: I work for a ductor. Are
	19	not only that, but I am a convicted felon so I don't know -
	50	, , , , , , , , , , , , , , , , , , ,
	21	PROSPECTIVE JUROR NO. 649: (Indiscernible).
	22	THE COURT: Actually, I was going to ask that
	23	question as well. Because a lot of times your employers will
	24	<ul> <li>if you are selected on a jury, will continue to pay you,</li> </ul>
	25	That's up to the employees. Even if you work for a government
		Page 13
		ROUGH DRAFT TRANSCRIPT
	1	

	Page 16	reid:	Page 17
	yes, at 8:00 o'clock.	24	mentioned before, none of the questions here are to emborrest anyone, but is there anyone here is a converticion? Who has a
14	PROSPECTIVE IUROR NO 805- I work him up to school.	23	THE COURT: All right. Theak you, Ma'am. And as I
(1)	THE COLIKT: Normally during the week do you take him to school?	22	PROSPECTIVE JUROR NO. 748: (Indiscernible).
2	stay with him aloning the week.	21	11th COURT Somewhere around there, right. Okay,
	has e a child that I have no one to take him to school or to	20	*mxthing?
9.	PROSPECTIVE JUROR NO. 805: Signit Fricher, 805, 1	15	PROSPECTIVE JURON NO. 748: 40 backs a day or
	someone classic the second near I thought I saw. Yes, ma'am.	15	THE COURT: Okay. Well, did you get paid.
7	THE COURT: Already, donk you. And there was	17	positional.
6	medical devices.	16	whole week of lost wages is a huge cheak of my mongage
3	PROSPECTIVE JUROR NO. 813- Leaston fabricate	1,000	two kids, and I don't believe I'm getting paid for this, and a
4	THE COURT: What type of work do you do. sir?	14	PROSPECTIVE JUROR NO. 748: Pm a single member with
Ξ	self-employed. Fre the only - Pin a one-min-job.	13	THE COURT: Yes.
7	PROSPECTIVE JUROR NO. 813: James Fraser, 813. I'm		Bundy, 748.
. 3	second row. Yes, sir.	11	PROSPECTIVE JUROR NO. 748: Oh, I'm sorry Corrie
o	gallery to my left. Fruit row. We've got two people on the	10	THE COURT: Your number and your name.
9	THE COURT, Okny, Thank you, Ma'am, Anyone in the	9	PROSPECTIVE JUROR NO. 748: I'm also a single mom of two kids and ! —
8	PROSPECTIVE JUROR NO. 261: Nevada State.		
7	THE COURT: Where are you a student at?	7	THE COURT: All right, thank you, Ma'arn. Was there another hand? Yes, in the buck row.
•	also a full-time student.	5	PROSPECTIVE JUROR NO. 805- Okay.
5	PROSPECTIVE JUROR NO. 761: Chelsey Hoston, 761. I'm	4	THE COURT: in the morning. Okay.
4	in the second row? Anyone in the back row? Yes, ma'on.	3	PROSPECTIVE JUROR NO. 805: Okay.
3	THE COURT: All right, thank you, sir. Anyone else	2	A STATE OF THE PARTY OF THE STATE OF THE STA
2	any carried absences to give in school right now, and (1) end up losing my grade.	1	THE COURT. Otay. Well, like ) said, we wouldn't
ů.		-	
	ROUGH BRAFT TRANSCRIPT		Page 15 ROUGH DRAFT TRANSCRIPT
	Page 14	2000	
25		25	
24	we don't work the full store hours, so what herets would -	24	200783326-010 NOT
23	department that I work in, and there are only three of us, and	1.22	sight now.
22		22	
21		21	PROSPECTIVE JUROR NO. 722- Robert Wills, 727 Propa
20		20	the state of the Same A set the town town to
19	you can do like can they double up for you or	19	
19		18	
17	Target.	17	The court of the same that the same of the
16	The second of th	15	
15	Ma'um?	15	
14		14	
13		13	
12		12	THE COUNTY CHEST WIND YOU WILL THE
11	[1]	21	
10		10	
9		9	the feed scormary. I'm the only secretary in the
3		8	PROSPECTIVE JURON NO. 674: Marie Pintilos, 674. I'm
7		٠	THE COURT: Anyone else in the second row? Anyone in the front row? All right, front row of the yes.
6		1 ,	
5		5	PROSPECTIVE JUROR NO. 655: Thank you.
4		1 4	THE COURT: All right: All right: thank you, Ma'are.
3	doing your civic duty, all right, so keep that in mind.	, 3	closes at 9:00 so it would only if I left here, it would probably give me three bouts a work a day
	will also do that if you ask them because they know you're	2	along a COM as from the second and
2	agency, I think they typically do. But some private employers	3	PROSPECTIVE JUROR NO. 655. Youk, and my department

1 2	felony conviction? All right, we'll go to the back max. Yes,		THE MARSHAL: Stand up, please.
- 503	The state of the s	2	THE COURT: Okay. Was that here in Nevada, Ma'ain?
3	PROSPECTIVE JUROR NO. 614: 614. And I don't know if	3	PROSPECTIVE JUROR NO. 649: Yes.
5	I'd be able to serve because I'm kind of bard of hearing.		THE COURT: In Clark County? Okay. And how long ago
•	THE COURT: All right	5	was that?
7	1 11 CONTINUE TO MENTE (ACT AND MAN IN 1 CONTINUES.	6	PROSPECTIVE JUROR NO. 649: About a year ago.
В	A Bon E on an our commont.	7	THE COURT: Ma'aru do you have a middle initial?
9	that will be provided to you, and they work excellent. Okay.	6	PROSPECTIVE JUKOR NO. 649: A.
10	- 1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	9	THE COURT: A! Ma'ern, do you remember which judge
11		10	you were in from al?
12		11	PROSPECTIVE JUROR NO. 649; No.
13	1	12	THE COURT: A female judge or a male judge"
14			PROSPECTIVE JUROR NO. 649: 11 was a male. Actually.
15	AND LAND SANDERS CONTROL OF THE PROPERTY OF TH	14	the judge I was supposed to see was not there that day, so at
16		16	the last minute I saw someone else.
17		17	THE COURT: Do you remember who your sterries was
18		105100	Ma'arr? We're just bying to make sure we have the right
19	real Palatalia Differ effects #4	19	POTENTIAL BURGO DO AM
20		20	PROSPECTIVE JUROR NO. 649 Andrew Leavis (phonotic
21	12.11 NO.150 V. S.	21	THE COURT: Okay, Ma'arri, that was a gross misukmeumer.
22		25	
23	(C)	1	PROSPECTIVE JURDA NO. 649: Hut now I have a
24	7. HOW:	24	convicted falon thing. I just couldn't find it inday. THE COURT: Okay.
25	ACM CONTROL OF A CONTROL OF THE CONT	25	PROSPECTIVE JURGE NO. 649: Because I had to
=776	Page 18	36.56	
		l	Page 19
	ROUGH DRAFT TRANSCRIPT	L.	ROUGH DRAFT TRANSCRIPT
1	register.	1	Vegus,
2	THE COURT: Because you may have been charged -	2	PROSPECTIVE JUROR NO. 649: 1 think Clark County. in
3	PROSPECTIVE JUROR NO. 649: No. I had to register.	3	was in the city area.
4	Yeah, I had pay the \$6 to register. And every time I mine. I	4	THE COURT: Okay.
5	have to go fill our a front	5	PROSPECTIVE JUROR NO. 649: Because I had to go dow
6	THE COURT: All right, We're just checking	6	to the city half over there and register.
7	something. Malam. Okay, Malam, and that was book in 2005"	7	THE COURT: The other one we have is a gress-
•	PROSPECTIVE JUROR NO. 649: (Indiscemble),	B	misdetnesser as well, Ma'am. We'll double check thut, okay.
9	THE COURT: Okay, The official court records show	9	PROSPECTIVE JUROR NO. 649: No. 1 - 1 have to go
10	The state of the s	10	down there —
	couple years.	11	THE COURT: All right. We'll double
13	The state of the s	12	PROSPECTIVE JUROR NO. 649: - every time I -
13	A = 0.00 ( ) A ( ) ( ) A ( ) ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A ( ) A (	13	Telli COLIRT: - check that. All right, present else in
14	PROSPECTIVE JUROR NO. 649: Then why am I having to	14	the jury second row of the jury box? From row? Anyone in
15	go down and do the consisted felon thing?	15	the guillery to my right? Gallery to my left? Okay: Is there
16	THE COURT: You may need to check with your alterney		anyone here that has any type of physical hardship meaning
	because it was a gross misclementary.		language issue, but but a crassue people are diabetic.
16	PROSPECTIVE JUROR NO. 649: No. that wasn't the		hypoglycemic, enviring along those lines? Okay, we'll go to
	this was something else. I've been doing it for tent years now.	CHIRLES.	the jury bus area, Yes, ma'am.
20	THE COURT: Was the other one in this state as well!	20	PROSPECTIVE JUROR NO. 622: Clara Romero, 622.
	PROSPECTIVE JUROR NO. 649: Um-him. I had — well I	31	THE COURT: Yes.
	had to go down there to the combe (and scernible) to the	22	PROSPECTIVE JUROR NO. 622: Theil a setting head
	rity	2.2	injury in 1991 with a cognitive dysfunction, but it has
23	THE COURSE OF THE PARTY OF THE		
24	THE COURT: Well, I understand that, but the		concred uself samewhat, but I do have some stantaerm —
23	consists m, was it in this state, in Clark County? Here in Los		shurt-term memory assets.
23			

1	THE COURT: And that's a condition you have now.	3	have IBS that I control with medication.
2		2	THE COURT. Okay. And Ma'am, if at any time your need
3	PROSPECTIVE JUROR NO. 622: Yes.	3	a break, if you are selected just raise your hand, and we
4	THE COURT: Okay. So that would in effect that if		accommodate our jurors, okay. Thank you Ma'am. Anyone in the
5	someone testified today and we asked you about that person on	1 5	gallery to my right? And gallery to my left? All right.
5		6	
7		"	Does anyone here have a problem with the English
8	THE COURT: Okay, All right, thank you, Ma'arn.	1	language as far as understanding and being able to read the
9	The first of the state of the first of the f	1 3	English language? Asyons in the jury box area? No. Anyone in
10		9	the gallery to my right. No. Gallery to my left? No. All
11	Statistics and the state of the	30	32.554(48)(No. 160.00
12		11	PROSPECTIVE JUROR NO: Excuse one, Judge
13		12	THE COURT: Yes.
14		13	PROSPECTIVE JUROR NO. He said he doesn't understand
15	TOTAL CONTRACTOR AND	14	
		7.0	THE COURT: Okay. What's year name, sir?
16	The court in the type of the cheatters.	36	PROSPECTIVE JUROR NO Fermando.
	A COLLEGE HOLDER LOUGH AND FOUNDER	17	PROSPECTIVE IGROR NO. 710. 710.
18	1.meritation 1.	18	THE COURT: You speak Spanish, sir? All cight, thank
19	The same design and the late limit	19	you. All right, is there anyone here, either yourself, a
20	The state of the s	30	family member or unyone closely associated with you work in any
21	The second secon	31	type of law enforcement? Again, yourself, a family member or
22		22	anyone closely associated with you involved in law enfunction?
23	the state of the total the state of the stat		Okay, we'll go to the back row fars. Yes, nation.
24	The second state of the second	24	PROSPECTIVE JUROR NO. 609 July Mentonya, 609, Thave
25	PROSPECTIVE JUROR NO. 672; Tem Huster, 672. 1	25	are eral friends that are either detectives, officers or
	Page 22		Page 23
	ROUGH DRAFT TRANSCRIPT	l	ROUGH DRAFT TRANSCRIPT
-		┡	ACCON DRAFT TRAITSCRIPT
1	**************************************	1	PROSPECTIVE JUROR NO 633: I don't believe so.
2	THE COURT: With Metro?	2	THE COURT: Otay, well, that was -
3	PROSPECTIVE JURGE NO. 609: Yes, str.	3	PROSPECTIVE JUROR NO 633: Well, I'll say no.
4	THE COURT: Okay. And the fact that you have some		THE COURT. Oksy, well, let's make sure, okay.
₾	friends with Metro well, none of the witnesses identified	5	PROSPUCTIVE JUROR NO. 633: No.
6	here is quite a few Metro officers, you don't know them?	6	THE COURT: Okay. You hesitated mittally, sir,
7	PROSPECTIVE JUROR NO. 609: No. sir. I don't.	7	Because your relatives, they don't know anything about this
8	THE COURT: Okay. The fact that you have some Metro	a	case and they're not going to know any of the evidence of the
9	friends, would that in any way cause you to be biused or	9	Case
10	prejudiced against either side in this case?	:0	PROSPECTIVE JUROR NO. 633: No.
11	PROSPECTIVE JUROR NO. 609: No. 50	11	THE COURT so do you feel any pressure one way or
12	THE COURT: Okay. You wouldn't feel that you'd be	r .	the other if you were selected to vote a covain way?
13	they would look down upon you if you wined a congin way to	13	PROSPECTIVE JUROR NO 633: No
14	this case!	14	THE COURT Okay Thank you sir. Anyone clse in
15	PROSPECTIVE JUROR NO. 609: No. 511.	15	the second row." Yes, ma'am.
16	THE COURT: All right. Thank you Majorn. Anyone	16	TriANT-TOTAL (1) CNOSTS - AND STATE (1) COLUMN
17		17	PROSPECTIVE JUROR NO. 654: Dawn Freiey, 654. My
18	PROSPECTIVE JUROR NO. 633. Kirk Livernosh 633. 1	9250	nephew's a California highway putroliman.
	have a brother-in-law and sister-ip-law that are both justers.	18	THE COURT: Olay Is he a pairol officer on the
26	THE COURT: Here in Clark County!		нідмицья!
21	PROSPECTEVE JEROR NO. 633: No. in Washington State.	20	PROSPECTIVE JUROR NO. AS4: (Jm-Km.
22		21	THE COURT Actually a highway? Okay Same question
23	THE COURT: Olay. Same question to you, sir, the	22	to you Ma'arn, do you have any bias or premetice against either
5.3%	fact that you have some relatives that are involved in law	23	side in this case?
	enforcement, would that cause you to be based or projudiced for other side in this case?	24	PROSPECTIVE JUROR NO. 654: No.
		25	THE COURT Would you teel coropelled to you a
	Page 24		Page 25
	ROUGH DRAFT TRANSCRIPT	3	ROUGH DRAFT TRANSCRIPT

14 15 17 18 19 20 21 22 23	PROSPECTIVE JUROR NO. 634: No.  THE COURT: Okay. Thank you. And I think we had someone back here. Yes, maions.  PROSPECTIVE JUROR NO. 626: Nancy Minolock, 626. I have an ex-brother-in-law that's — does this back in Illinois. shough. And a sacre and a nephew and a friend that's a highway. Nevada Highway Patrol.  THE COURT: Okay. the nices and nephew, are they in PROSPECTIVE JUROR NO. 626: That's back in Illinois. THE COURT: Okay. And are they patrol officers or are they detectives? Do you know what type of work they — PROSPECTIVE JUROR NO. 626: My brother-or-law's retired. My ex-brother-in-law is retired, and my nephew's in — Uforgot the initials, but it's alcohol and  THE COURT: ATF, alcohol, tobacco, fireprins? PROSPECTIVE JUROR NO. 626: That, thank you. THE COURT: Okay.  PROSPECTIVE JUROR NO. 626: And my nicec is a lawyer assistant.  THE COURT: Okay. Like a DA or — PROSPECTIVE JUROR NO. 626: fin not sure back to Illinois. I'm really not sure. I just know the's involved with the jury.  Page 26	21 22 23 24	PROSPECTIVE JUROR NO. 626: About three minutes at least.  THE COURT: Okay: Again, same question to you.  Ma'am, would you feel any pressure on you to be biased or prejudiced rowards either side or  PROSPECTIVE JUROR NO. 626: No.  THE COURT: Okay: You wouldn't feel any pressure if you were selected to vote a certain way in this case?  PROSPECTIVE JUROR NO. 626: No.  THE COURT: All right, shared you, Ma'am. Anyone else
1	PRUSPECTIVE JURGE NO. 622: Yeah.	L	ROUGH DRAFT TRANSCRIPT
2	THE COURT: Same question to you Ma'ure, do you have	1 2	projustes against cather = PROSPECTIVE JURON NO. 717: No.
3	any bias or prejudice towards anyone in law enforcement?	3	THE COURT: side" And would you feel compelled in
•	PROSPECTIVE JUROR NO. 622: No.		any way, air, or presente -
5	THE COURT: You might have that with your ex-husband.	5	PROSPECTIVE JUROR NO. 717. No.
	I doe't know, but	6	THE COURT: - because your nince works for Meso?
7	PROSPECTIVE JUROR NO. 622 Acaselly, no	7	PROSPECTIVE JUHOR NO. 717: (Indiscernible)
8	THE COURT: Okay, good. It's plways best in be	8	THE COURT: All right, thank you. Anyone else in the
	amicable. Anyone else in the second row? Anyone in the fennt	9	second mw? Yes, awam.
10	row? Gallery over there to my right, from row? Anyone? No.	3.0	PROSPECTIVE JUROR NO 719: Giselle Moreno, 719. My
11	Second row, yes, sir,	11	bushand's a policeman for Meiro.
17	PROSPECTIVE JUROR NO. 717: Robert Richardson, 717.	1.2	THE COURT: In Metro here? Is a pured officer?
11	My more is a key attendant for Metro.	13	PROSPECTIVE JUROR NO. 719: Patrol.

14 THE COURT: I'm sorry, your number again, sir* 14 THE COURT: Okay. And again, did you - do you know PROSPECTIVE JURGE NO. 717: 717. 15 15 any of the officers that have been identified in this case? 16 THE COURT: Okay, I'm sorry, your niece is what with 16 PROSPECTIVE JURON NO. 719: No. SIE. 17 Metro? THE COURT: And I would tell everyone here, if you 17 18 PROSPECTIVE JUROR NO. 717: Key attendant for Meiro. 18 are selected as a junor. Malure, if anyone ask you about, you 19 Handing the keys out to the cars. I think she just got the 15 know, what soore doing, the most unyone can state is that I am 20 job. 20 a paror, and I'm a justor in a criatinal case, and that's the 23 THE COURT: Oh. akay, All right. Same question to 21 extent you can tell anyone about your service here. When the 22 you sar, again, you don't know any of the officers that have 2.2 case is over their your can talk about the case. Would you feel 23 been identified here? 25 compelled in any way to -- or I'm succ your busbond would PROSPECTIVE JUROR NO. 717: No. 24 24 understand the rules, but we would put you - we would order 25 THE COURT: Okey. And do you have any bias or 25 year. Ma'arm, that you would be precluded from talking to your Page 28 Page 29 ROUGH DRAFT TRANSCRIPT ROUGH DRAFT TRANSCRIPT

í		ean.	
1	husband about the case. Would you be able to follow that	1	Tabachepi (phonetic).
2	210,200	2	THE COURT: Okay. And how close are you to those
3	1 100 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	3	
4	THE COURT: Okny. And would you feel pressured in	4	PROSPECTIVE JUROR NO. 777: Yeals, they live out of
5	any way to - if you were selected to vote a certain way in	5	
6	The state of the s	6	THE COURT: Okay. Would you feel any - do you have
7		7	any bias or prejudice for ar against either side in this case?
8	The state of the s	8	
9	the second row? At the far end.	9	THE COURT: And would you feet any pressure, sir, if
10	The state of the control of the cont	110	you were selected to vote a certain way?
11	A STATE OF THE PERSON OF THE P	15	PROSPECTIVE JUROR NO. 777: No. not of all.
12	and a manufacture of the second of the secon	12	THE COURT: Okay. Thank you, sir. And how did you
13		13	get that number 777!
14	and the second s	24	PROSPECTIVE JUROR NO. 777: [Indiscernible],
15	- 1-4 and any property of the or albumble culture rates in	15	A STATE OF THE PARTY OF THE PAR
16		15	The state of the s
17	700 PM	117	APRILITATION OF THE PROPERTY O
18	The same and the same at the same at the same at	18	The second inches with the second in the sec
19	The state of the s	19	have (indiscernible) police officers and one that was in
20	The second of th	20	THE POST OF THE PARTY OF THE LIFE PARTY.
21	The second of the second secon	21	PROSPECTIVE JUROR NO. 785: Oh, I have two uncles
22	20 to 12 to 10 to	22	that afficers in California and one that works in the prison.
23	, (1220) E	23	The same of the sa
Ξē	The state of the s	24	the state of the s
23	Ruiz. 777, and my coasin is a correctional officer up in	25	PROSPECTIVE JUROR NO. 785: No, they're just like
	Page 30		Page 31
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	normal like officers (indiscernible).		AND DESIGN TO BE SEEN TO SEE SEEN TO SEE SEE SEEN TO SEEN TO SEE SEEN TO SEEN TO SEE SEEN TO SEEN TO SEE SEEN TO SEEN TO SEEN TO SEEN TO SEE SEEN TO SEE SEEN TO SEEN
2	THE COURT: Oksy: So you don't know what specific -	1 :	other hands? Is there anyone here, again, either yourself, a
3	what department they're involved in?	330	family member or anyone closely associated with you ever been a victim of a crime? All right, yes, autum, second row.
4	PROSPECTIVE JUROR NO 785: No		
5	THE COURT Okay. And again, same question to you.	5	
6	do you have any bias or projudice toward either side in this	6	murdered.
7		7	THE COURT: Okay, you say you were personally a
8	PROSPECTIVE JUROR NO. 785: No.	Б	victim
9	THE COURT because your uncles are involved.	9	PROSPECTIVE JUROR NO. 622: Yes.
10	PROSPECTIVE JUROR NO. 785: No	10	
11	THE COURT: You have a correction officer? Would you	11	PROSPECTIVE AJROR NO. 622 Sexual
	feel any pressure to vote a certain way if you were selected?	12	1
13	PROSPECTIVE JUROR NO. 785: No	13	Mo'am'
14	THE COURT: All right thank you, Ma'am. Anyone cise	14	PROSPECTIVE JUROR NO. 622: No. it wasn't.
	in the front row! Anyone in the back row! Yes, sit.	15	THE COURT: About how long was that?
16	PROSPECTIVE ILROR NO 813: James Fraser, 813. My	16	PROSPECTIVE JUROR NO. 622: That was in 1991.
	brother's a police officer in Madera, California, Patrol	17	THE COURT: All right. And then you said there was
18	ufficer.	16	nne siber,
19	THE COURT: Sir. would you have any bias or prejudice	19	PROSPECTIVE JUROR NO. 627. Yes, I had a cousin who
20	against either yide in this case?	20	was murdered.
	PROSPECTIVE JUROR NO. 813: No. 516.	21	THE COURT: Was that here in Clark County?
		22	PROSPECTIVE JUROR NO 622: No. it wasn't.
22	THE COURT: Would you feel any pressure because your	200	THE SERVICE OF THE SE
22	brother's in law enforcement to vote a certain way?	23	
22 23 24	brother's in law enforcement to vote a certain way? PROSPECTIVE JUROR NO. 813: No. 647.	200	THE COURT: About how long ago was that?
21 22 23 24 25	brother's in law enforcement to vote a censon way?  PROSPECTIVE JUROR NO. 813: No. sur.  THE COURT: All right: Thank you, sir. Is there any	23	THE COURT: About how long ago was that? PROSPECTIVE JUROR NO. 622: Sometime before '91.
22 23 24	brother's in law enforcement to vote a certain way? PROSPECTIVE JUROR NO. 813: No. 647.	23 24	THE COURT: About how long ago was that?

7542.5	a transport de la composition della composition		
1	else in the yes, sir,	1	long ago were those burglanes.
2	PROSPECTIVE JURGR NO. 633: Kirk Livemush, 633. 1	2	PROSPECTIVE JURGE NO 533: One was eight mentile, at
3	have been - my house have been broken into staree different -	3	the other one was two years ago.
4	on three different occasions.	4	THE COURT: Olay. Did you ever have to go an court
5	THE COURT: All right. Burglary of your home, yes?	5	un any of these cases, sir?
6	PROSPECTIVE JUROR NO. 633: Burglary at the home.		PROSPECTIVE JUROR NO. 633: No.
7	THE COURT: All right, sir, and were those saturbons	7	THE COURT: All right, thank you, sir. Anyone elso
8	reported to the police?	8	in the second row? Yes, sir, is the end.
9	PROSPECTIVE JUROR NO. 633: Yes.	9	PROSPECTIVE JUROR NO. 656. Brian Keith Sayder.
10		10	
11	the police did on that case.	22	tiones back in 1984 in Sun Remardino, California.
12	PROSPECTIVE JUROR NO 633: Yes.	12	THE COURT: You said four time as soon as.
13	THE COURT: Okay. And no. right? All right. 1	13	
14	sense some no. The fact you perhaps were not satisfied with	14	THE COURT: All right. And were the police - were
15	the work the police did, would that cause you to hold that	15	
16	against any officers that may testify in this case?	16	
17	PROSPECTIVE JUROR NO. 633. No.	17	
18	THE COURT: Or against either side in this case?	18	THE COURT: — on those case, sir? And were you satisfied with the work they dig?
19	PROSPECTIVE JUROR NO. 633 No.	19	PROSPECTIVE JUROR NO. 656: Yes, at least 1 got my
20	THE COURT: All right, because you understand that's	20	
21	a senarate ineklent's	21	A. S. C.
22	PROSPECTIVE JUKOR NO 633: Absolutely	22	THE COURT: Okay. All right. And do you have mry — would that couse you to have any bias
23	THE COURT: Nothing to do with this case?	23	PROSPECTIVE JUROR NO 656: No.
24	PROSPECTIVE JUROR NO. 633: Yes.	24	
25	THE COURT: All right, thank your sit. And sir. how	25	THE COURT: or prejudecy against either stde?
	Page 34	्रीति	PROSPECTIVE JUROR NO. 656: No.
	23 V. 55 S S S S S S S S S S S S S S S S S S		Page 35
	ROUGH BRAFT TRANSCRIPT	1	ROUGH DRAFT TRANSCRIPT
1	THE COURT: All eight, thank you, sir. Anyone else	1	PROSPECTIVE JUROR NO. 685: Yeah.
2	in the second row? Yes, ma'am,	2	THE COURT: All right.
3	PROSPECTIVE JUROR NO. 649: Patricia Salinas, 649.	3	PROSPECTIVE JUROR NO. 685; Yes,
4	In 2000 my hasband was murdered by his searc's roomniaus.	4	THE COURT: Did that matter go to trial, sat?
5	THE COURT Okay. You talked about this before,	5	PROSPECTIVE AUROR NO. 685: 1 believe it did, but
6	correct? No. 2004_pkos.	6	actually, it went to mal for (indiscernible). I guess, who
7	PROSPECTIVE JUROR NO. 649: In, in 2000. The year	7	martered his wife, so that's what he went to trial for. He
8		8	never got to the point of my cousin, because I guess he
9	THE COURT: When?	9	committed suicide in a man and a second in guess he
10	PROSPECTIVE JUROR NO. 649, Year 2000.	-	committed saidle in prison or something. So he never go
11	THE COURT. All right. Anyone else in the pary box	11	convicted for my cousin's murder, but he did get arrested for
22	area? In the gallery to my right, from rose, yes, sir, with	12	
	the black shirt.	A	THE COURT: Okay, Well, we have a similar charge in
14	PROSPECTIVE JUROR NO. 685: Juse Vasquez, 685. My	15	this case, sir. Would you - do you have any bias or prejudice against the defendant in this case?
13	cousin was mardered in '03. (Indiscernible).	15	
16	THE COURT: I'm sorry, sit, your number again?	16	PROSPECTIVE JUROR NO. 685: No.
17	PROSPECTIVE JUROR NO. 685- 685.	27115.95	THE COURT: And sir, if you were selected, you would
. e	THE COURT: Oh okay, there we go. You said your	16	base any decision not on what happened in your family but when
19	Consin was murdered.	533	occurred in this case —
20	PROSPECTIVE JUROR NO ARS: Year in 2003	20	PROSPECTIVE JUROR NO. 685: (Indiscernible).
2.1	THE COURT: Okay. And was that here in Clark County.	21	THE COURT: — and any wanesses testifying.
	SIE!	1992	PROSPECTIVE JUROR NO. 685: (Inducernible) is that:
23	PROSPECTIVE JURDA NO. 685 Yes, 11 was.	15250.0	her or too,
4	THE COURT: I'm assuming the police officers were	23	FHE COURT: Right: I just want to know, sir, is that
	consected in that case?	24	
5. <del>5</del> 000	Page 36	25	PROSPECTIVE JUROR NO. 685: (Indiscernible).
			Page 37
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT

1		1
1		1 PROSPECTIVE JURGA NO. 687: Yes.
2	The state of the season of the	THE COURT: All right. Thank you, ser. Anyone else
3	THE COURT Sure, sure. I just want to make sure	3 in the front row?
40	that if you are relected in this case, sir, that the situation	MR. SMFTH: Judge, Lithink you got some
5	involving your family meraber would not come into play in this	5 THE COURT: Oh, you have one more, sir?
4	porticular case.	6 MR. SMITH: You had some others.
7	PROSPECTIVE JUKOR NO. 685: No.	7 THE COURT: I'm sony, sir.
8	THE COURT: Are you positive, sir?	8 PROSPECTIVE JUROR NO. 687: I had a neighbor that w
3	PROSPECTIVE JUROR NO 685: Positive.	9 murdered by Richard Romirez in smallern California.
10	The second of the second secon	10 THE COURT: About how long was that, sir?
11	11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 11000 1	2.1 PROSPECTIVE JURGE NO. NOT Undiscognibles
13	The state of the same of the s	1 12 THE COURT: And wasn't that the Hillside (phonetic)
13	A sender sender in cont. I mad at lamity a I had a consul-	13 or symething?
14	and the same of a tripoperturbed the breston	14 MR. SMITH: Yesh.
15	and the consecutive of confinence by some	25 MS. GRAHAM: Yes.
16	THE COURT. How long ago was that, sir?	16 MR, SMITH: That's him.
17	PROSPECTIVE JUROR NO. 687: That was about 20 years	17 PROSPECTIVE JUROR NO. 687: (Indiscernible).
1.8	ago.	18 THE COURT: Okey And again, the same question.
19	THE COURT: Okay, and same question to you, sir,	1.9 Would that have any impact on your ability to perform your
20	because you had someone that was killed, do you would that	20 services here, ser"
21	cause to you have any bias or prejudice against the defendant	21 PROSPECTIVE JUROR NO. 687: No.
22	or State in this case?	22 THE COURT: All right, thank you, sir.
23	PROSPECTIVE JUROR NO. 687; No.	23 PROSPECTIVE JURGE NO. 687: And then I had one last
24	THE COURT: Can you put that matter aside if you are	24 one
35	referent in this case?	25 THE COURT: Oh, one more! Okay.
	Page 38	Page 39
	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
	PROCESS AND	We will accompany the the second
2	PROSPECTIVE JURGE NO. 687: I have a lot of (indiscernible). I had an associate when I worked	1 (phonesic). He held up a couple back in, I think it
3	for Albertsons (indiscernible) mustler.	2 was Commo. California 1 think it was ten years ago, and he
0	THE COURT: And when was that, sir?	3 was on PCP, and he was – swat was colled out (indiscernable)
5	PROSPECTIVE JUROR NO. 687   Louis even remember.	<ul> <li>and swar was called one, and he was shorting at the even. That</li> </ul>
6	MR. SMITH: That was in the 90s	5 was take I think it was like (0, 1) years ago back in
7	PROSPECTIVE JUROR NO. 687- It was probably ton years	6 California
g	mgo.	
9	MR SMITH: In the 90s.	8 PROSPECTIVE JUROR NO. 656: Yeah.
10	PROSPECTIVE JUROR NO 687 (Indiscernible).	9 THE COURT: All right, thank your sir.
L	THE COURT: Okay.	10 PROSPECTIVE JUROR NO. 656; Um-bin.
12	MR. PIKE: Your Honor: can we approach?	11 THE COURT: Is there anyone else in the from new?
13	THE COURT- All right.	12 - Yes, AR.
4	MR. PIKE: Thank you.	13 PROSPECTIVE JUROR NO. 698: My name is Roben. 698
15	(Off-record beach conference).	2.4 My brother was killed in 92.
6	THE COUNT: Anything else, Mr. Obus?	15 THE COURT: Was that here in Clark County, sir?
紋	PROSPECTIVE JUROR NO. 687: No. that was it. Thank	16 PROSPECTIVE JUROR NO. 698: Yes, it was
	you	17 THE COURT: Was that situation investigated by the
9	THE COURT: All right, thouk you, sir Yes, sir, in	16 police?
	the second rane.	2.9 PROSPECTIVE JUROR NO. 698: Yes, it was.
1	PROSPECTIVE JUROR NO 636: Brian Keith Snyder.	20 TIPE COURT: All right. Were they able to cauch the
	senior Budge 656. (Indiscernible) my brother -	2) perpetuiça?
	ex-breather-in-law. Thor's what I call him.	22 PROSPECTIVE JUROR NO 698: They cought him for
4	THE COURT: Okay,	23 another number.
5	PROSPECTIVE JUROR NO 656: His name is Brian Main	24 THE COURT: Okay, Did that take go to trial, air as
	Page 40	25 if.
		Page 41
	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT

	Page 44 ROUGH DRAFT TRANSCRIPT		Page 45
5	PROSPECTIVE R/HOR NO. 727- It will make		defendant?
		24	THE COURT: Do you feel because of a impering feeling that you have a bus against the State or against the
	any bear or projection against policy officers that may sensity	21	be inspartial, but there's always lingering feeling at my mind.
	friestrated with few enforcement, would that course you to have	21	back of new mind thinking — like I would always by my best to
1	THE COURT: Okay, The fact that you may be	20	making, and like there's always going to be something in the
20	PROSPECTIVE JUROK NO. 127: 50 BG.	19	PROSPECTIVE JUROR NO. 727: It's just like decision
19	THE COURT: All right.	15	THE COURT, Aviar as
17	PROSPECTIVE JURON NO. 727: For going to say those finistrated.	17	of thy stomach or wholever.
	Classi?	16	going to be housed, there is (indiscernible) at the very bonom
	you satisfied with the work that law enforcement did on those	15	PROSPECTIVE JUROR NO. 727: This is muc, but I'm
14	THE COURT: And sir, those various physicines, were	14	shart end of the stick, would you?
	middle of lea year.		sir, you wouldn't want either side to feel then they got the
12	PROSPECTIVE JUROR NO. 727: That was last year, about	12	THE COURT: Well, if you were selected in this case.
11	mother?	11	engrained in how we've been fixing.
10	THE COURT: And have long was that involving your	10	everybody in my family always feet that way, so it's kind of
	being energed in a casimi, it's (indiscernible) the guy or off.	9	for like I've been on the short end of the stick, and
8	PROSPECTIVE JUROR NO. 727- And my morn - had my muon		PROSPECTIVE JUROR NO. 727: Hassause like I've alway
7	THE COURT: All right sit.	7	THE COURT: And why is that, set?
6	different locations.	6	judgment.
5	anything, they couldn't find anything and they've all been in		PROSPECTIVE JUROR NO. 727: Yes, it will affect my
•	all the time, nothing's come of it because there's not reply	1	I'll say that. THE COURT: I'm sorry?
3	they were gotten and taken to jail. My vehicle being jacked up	3	PROSPECTIVE AIROR NO. 727: — (indiscernible) yes.
2	PROSPICTIVE JUNOR NO. 727: When I was jumped, yeah.	1 2	THE COURT: - in this case?
1	all investigated by the police department?		ELECTRONIC RESISTANCE
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	Page 42	-	Page 43
25	PROSPECTIVE JUROR NO. 727; I've been jumped, my	25	
24	the second row? Yes, sir,	24	
23	THE COURT: Anyone else in the from row? Anyone in	23	
22		22	
21	THE COURT: Okay, All right, Thank you, sir.	- 52	take your walket or
20		20	
19		19	
10	MR. SMITH: He said revenge is in God's hands.	10	
17	THE COURT: I can't bear.	17	
26		16	
15		15	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
14	THE COURT: I'm sorry?	24	the and the same you were justified twice.
13		13	10-2-10-10-10-10-10-10-10-10-10-10-10-10-10-
12	PROTEIN AND SERVICE STOLEN AND AND AND AND AND AND AND AND AND AN		and any man becomen amon anner mile lean. Offic takin
11		11	The state of the s
10		10	
9	THE COURT: All right, was the victim of that crime.	١	THE COURT: Okay.
8		1	had my car broken into six times, my mom's been (indiscernible). And yeah
,		٦	PROSPECTIVE JUROR NO. 727: I've been jumped. I've
6	THE COURT: Okay. And the fact that your you said	]	THE COURT FOR SIL
5		1 5	The state of the s
c		4	The state of the s
	The Cook of An right. This you have to testiny in	2	The state of the s
3			

1	PROSPECTIVE JUROR NO. 727: I would say it would be a		
	bias against the State.		State of Nevada. And then about 15 years ago my home was
200	THE COURT: Okay. Anal sit, if you were selected as a	2	rubbed.
700	juror in this case, what we would ask you to do is base any	3	THE COURT: Okay, about 15 years ago there was a
•	decision you may make in this case upon the evidence and the		burginy?
6	witness' testimony in this case and any exhibits and evidence.	5	PROSPECTIVE JUROR NO. 717: My humic was robbed, yo
	Could you do that, sir?		THE COURT: Okay. Was that here in Clark County?
8	PROSPECTIVE AUROR NO. 727: I could definisely do	7	PROSPECTIVE JUROR NO. 717: Yes
_	that, yes, sir.		THE COURT: Okay, And was thus investigated by the
10			police department?
EZW	THE COURT: Okay. Are you sure, because you say you had some bad —	10	PROSPECTIVE JUROR NO. 717: Yes.
12	PROSPECTIVE JUROR NO. 727: 1 mean, (indiscernable)	11	THE COURT. Okay. Were you satisfied with the work.
		12	they do?
14	but (indiscernible) took (indiscernible) right here, is so	13	PROSPECTIVE JURGE NO. 717: Yes.
	(indiscernible) ( can try that. It's kind of	14	THE COURT: All right. The fact that you've been a
15	conflicting, yes, has	15	victimas a crime, would that cause you to have any bigs +-
50	THE COURT: Well, we just want to make sure that both	16	PROSPECTIVE JUROR NO. 717: No.
18	sides, if you are selected, will have a fair trial from you.	17	THE COURT: fin either side?
	PROSPECTIVE JURGE NO. 727: From mr. yes. 111 go	18	PROSPECTIVE JUROR NO. 717: (Indiscernible).
A20	with that, yes. I will look at what's right here at this time.	19	THE COURT: Thank you sir. Anyone else in the
	not from (indiscernible) or so. Whatever's back there has to	20	second raw? Anyone in the back row? Yes, sir.
	be in my past.	21	PROSPECTIVE JUROR NO. 771: David Branche, 771.
22	THE COURT: All right, thank you, sir. Anyone else	22	THE COURT: Yes, sir.
	in the second row? Well, we'll go back to the left. Yes, sir.	23	PROSPECTIVE JURGE NO. 771: I was a victim by trying
24	PROSPECTIVE JUROR NO. 717: Robert Richardson, 717.	24	to stop a burglary in Secramento (indiscernible) suspent his me.
25	When I first met my brother-in-law he was a presence with the	25	and fractured my eye tindiscernible;
	Page 46		Page 47
	ROUGH DRAFT TRANSCRIPT	ĺ	ROUGH DRAFT TRANSCRIPT
1	THE COURT: I'm serry?	27.	SALCON TARRES AND MARK TRACTURE FOR A VOCADA
2	PROSPECTIVE JUAOR NO. 771: Fractured	7	PROSPECTIVE JUROK NO. 785: No. in like in
3	(infiscemible).	2	California.
	THE COURT: Okay, And how long ago was that, sir!	3	THE COURT: Okay Are you a witness in that case?
5	PROSPECTIVE JUROR NO. 771: 11/11/2002.	-	PROSPECTIVE JUROR NO. 785: Not that I know of n
6	THE COURT: Was that situation investigated by law	5	THE COURT: Okay, Are you still have a - I know
	inforcement?	6	he's an ex-bayfriend, but are you still have contact with him?
8	PROSPECTIVE JUROR NO. 771: Yes	7	PROSPECTAVE JUROR NO. 785: 1 de
9	THE COURT: Okay, Were you said field with the work	6	THE COURT: Okay The fact that your ex-boyfriend's
	key did on that case?	3	charged with murder presently at I guess is it a pending case?
11	PROSPECTIVE JURGE NO. 771: No.	10	PROSPECTIVE JUROR NO. 785: Um-him.
12	THE COURT: Okay, and why weren's you satisfied?	11	THE COURT: Is that a yes!
13	PROSPECTIVE JUROR NO. 772: 1 think fingerprints	12	PROSPECTIVE JUROR NO. 785: They're going to trial
	hoold have been taken (indiscernible).	13	(indiscernible).
15	THE COURT: And the face that you weren't satisfied	14	THE COURT: Okay. Would that cause you to be - has o
	with the work that the California authorities did, sir, would		any bias or prejudice against either side in this case?
17 1	us have any impact on you if you were selected in this case?	16	PROSPECTIVE JUROR NO. 785: 1 dent know, to be
8	PROSPECTIVE JUROR NO. 771: Not at all.	17	huncal with you.
9	THE COURT: All right, thank you sir. Anyone else	18	"THE COURT: Okay. Why do you think it might?
977 h	the back tow? In the gallery to my left? From row? Half	19	PROSPECTIVE JUROR NO. 785: 1 just being with him.
	to from row, Okay, we'll start here on the for right. Yes.		and like being like because he was always like - like in
	is from row, Owaly, we it part here on the far flank. Yes.	21	trouble with the police, that I just always had like a negative
	2/2/CVI)		attinude rowards the police.
	PROSPECTIVE JUROR NO. 785: Artificial Wholen, 785. My subopinional right new is actually be tried for murder.	23	THE COURT: Okay.
5	SEC - Unit ( )	24	PROSPECTIVE JUROR NO. 785: I've had to deal with
4	THE COURT. THE IN CHARLE.	25	them for so long.
	Page 49		120 TO TO THE THE TO TH
	Page 48 ROUGH DRAFT TRANSCRIPT		Page 49 ROUGH DRAFT TRANSCRIPT

1 2 3	in the page?  PROSPECTIVE JUROR NO. 785: Right, sometimes, yeah.	2	police.
1	THE COURT: And that situation's in unother state.	1	
5	correct?	5	
	1 100 CE 11 - E 7 CROSS 140, 183, 115.	6	THE COURT: All right.
7	THE COURT: Okay, And you don't know any of the	7	
	The state of the s	8	
, ,		9	
10	The second country and second interest And the second	10	
. 11	and the state of t	8383	
12	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	12	
13	- car you could be you could be - car you per -	122	
14	The state of the s	24	PROSPECTIVE JUROR NO 789: No. Washington State.
13	the court of the cast long of the to pert setting	15	THE COURT: Okay And were you satisfied with the
16	TEST TEST TEST TEST TEST TEST TEST	2.5	work the law enforcement did in your case?
17	and the state of t	17	The second is the les
18	1. 14H,	18	THE COUNTY CRAY,
19	AND THE PARTY AND THE PARTY AND THE PARTY AND	15	The state of the s
21	0.000 to 0.000 (c) 1.000 to 0.000 to 0.	20	
22	PROSPECTIVE JUROR NO. 78%: Carol Murakowski, 788. 1	21	A THE PARTY OF THE
23	The state of the s	22	Anter and a series of the seri
	THE COURT: Okay, About how long ago was then. Molaro?	23	bit, but not really (indiscernible) and I had (indiscernible)
25	\$11555U40		situation. It was I was having a difficult time for like
43	THE PARTY OF THE P	Z5	(indiscernible).
	Page 50	1	P≠gr 5t
	ROUGH DRAFT TRANSCRIPT	ľ	ROUGH BRAFT TRANSCRIPT
1	THE COURT: Okny. And you've understood everything.	١.	
2	here so for?	1 2	
3	PROSPECTIVE JUROR NO. 789: Yes.	3	THE PARTY OF THE PROPERTY OF THE PARTY AND A
4	THE COURT: Okay, great, And Ma'arn, your previous		7/7
5	situation, can you put that aside if you were called to be a	5	THE COURT: Sure.
6	juror in this case?	-	PROSPECTIVE JUROR NO.622: Clara Romero, 622. I remember the charge, but I don't remember who it was who it
7	PROSPECTIVE JUROR NO. 789: I will be horiest,	7	happened to Could you refresh my mentary on that?
8	probably I can do that, but I always have that fear in me.	В	THE COURT: As far as?
9	THE COURT: Okay Well, and I'll tell you this.	4	
10	Ma'arn, and it applies to everyone here. We can't crase our	0.00	PROSPECTIVE JUROR NO. 622: The charge that we're going to be judgme.
11	past, you know, things that have happened to us as a child or	11	
12	as an adult, but what the question is, you know, can you put	12	
13	that aside if you're selected here and base any decision you	12.00	sponsal thing?
11	may make in this case on the evidence, the restimony you hear	14	THE COURT: Okay, we're gutting
	from the witness stand, and any exhibits!	15	MR. PIKE: On again, off again gertfriend.
16	Annual Annual Control of the Party of the Pa	16	THE COURT: Okav.
17	your decision needs to be made based upon testimony and	17	PROSPECTIVE JUROR NO. 622: Well, then I think I need
18	exhibits in this case. Could you do that, Ma'am?	18	to disclose the fact that the what happened to me was the
19	PROSPECTIVE JUROR NO. 789: Yes. sir.	19	same thing.
20	THE COURT: Okay All right. Without besitation?	20	THE COURT: Okay All right, thank you, Malan,
21	PROSPECTIVE JUROR NO. 789: YOS.	21	Anyone else? Anything else? The next question is either
22	THE COURT: Okay, All right, thank you. Anyone else	22	yourself, a family member or anyone closely associated with you
23	in the front row," I thought I saw a third hand. No. Second	23	ever been secused of a crime? And we're not tolking about
24	row? No. Okay.	24	traffic maners, but anyone accused of a crime? Anyone to the
	PRODUCT HAVE THE CODE AND ADD. AV.	35	jury box area". Okay, we'll go over here. Yes, ma'am.
25	PROSPECTIVE JUROR NO. 622: Your Honor	550	part box area. Crain, we'll go over more. Yes, malam.
2.5	Page 52 ROUGH DRAFT TRANSCRIPT		Page 53

	Page 56		
43	selling drugs to an under cover agent back in Maryland	25	felon.
24	served in the Maryland State penitentiary for 25 years for	34	PROSPECTIVE JUROR NO. 679; My morn (indiscernible
23	senior, 656. I don't know how long, but my uncle, he was	23	THE COURT: Yes:
22	PROSPECTIVE JUROR NO. 656 Brean Keith Sayder.	22	PROSPECTIVE JUKOR NO. 679: Digitheral Rozel, 679.
21	THE COURT: Anyone else Yes, Mr.	21	in the second row? Front row! Yes, mo'am.
20	PROSPECTIVE JUROR NO. 655: Okay	20	THE COURT: All right, thank you, sit. Anyone clse
19	THE COURT: Okey. All right, thank you, Ma'am.	15	PROSPECTIVE JUROR NO. 656: No.
18	peopletry, ser na.	18	THE COURT: What happened to your uncle?
17	necessity a corrections officer, and he was also mipolice	17	PROSPECTIVE AUROR NO. 656: No.
6	PROSPECTIVE JUROR NO. 655: In fact, my finner was	16	bis case?
5	THE COURT: Olav.	W82215-02	anybody here. Would that cause you to favor either side in
14	PROSPECTIVE JURGS NO. 655: No.	14	THE COURT: No, that's all we want you to do sir, for
. 3	THE COURT: because of thet?	V. (2.5)	PROSPECTIVE JUROR NO. 656: Let's put it that way. I'm just being honest.
12	- PROSPECTIVE JURGE NO. 655; No.	11	THE COURT: Obay. All right,
11	any itt feelings towards prosecutors or the police department	10	what he was asking for.
20	THE COURT: Okay. Do you have any, you know, him or	9	PROSPECTIVE JURGE NO. 656 He got what he he s
e g	yes, I think they were treated fairly.	8	THE COURT: Yes.
6	PROSPECTIVE JURON NO. 655: 1 wasn't a witness, and	?	PHOSPECTIVE RUROR NO. 656: My uncle?
7	Witness in any of those cases."	6	do you feel under the circumstances than he was treated fairty?
5	think they were treated fairly in those cases? Were you a	5	TICE COURT: Well, based upon those situations, sir,
4	THE COURT: No. I mean, what o were they do you		(indiscernible).
3	tell yau!	3	drugs to kind of got even with him and killed him and so
2	PROSPECTIVE JUROR NO. 655: What do you want me to	3	selling drugs. But I guess the person that he was selling
1	THE COURT: Yes.	1	(Indiscernible) to California he was also enugly
543		0	
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	Page 54	1000	Page 55
15	PROSPECTIVE HUROR NO. 655: Very long: Probably	25	PROSPECTIVE JUROR NO. 635: With my brokhers?
24	ACCOMPANY DESCRIPTION OF THE CONTROL	24	a linte bit about those.
23	THE COURT: You said the situation with your father.	23	THE COURT: Okay. And the other situations, tell us
22		22	
21	14 DANE 350 St. S.	21	THE COURT. Or how about the defense?
20		20	PROSPECTIVE TUROR NO. 655; No.
19	PROSPECTIVE JUROR NO. 655: Oh, the one ther's up	19	prejudice against the State who presented crimes?
18	THE COURT: Go ahead.	15	occused of their crime, would that make you to have any hims or
17		17	THE COURT; Okay, The fact that your father had been
16		16	PROSPECTIVE JUROR NO. 655: Oh, no. 1 was very your
15	drug charges, and then the other one is back in Hawaii. He was	15	way in that prosecution? Were your a waters or -
14	H 프로그의 '바를 전기가 2015 (2015) 가는 사람들은 10 전에 가는 10	14	THE COURT: All right. And were you involved in any
13	ocually served time for stabbing someone. And then I have two	12	pool game, and my did stabled him in the storach.
12	1   100   400   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   100   10	12	It was a well known guy, and they give into an argument over a
11	PROSPECTIVE JUROR NO. 655: Christy Date, 655. When	111	PROSPECTIVE JUROR NO. 655: No, the guy didn't die.
19		10	
9	THE COURT: Okay, thank you, Malam. Anyone - yes.	9	PROSPECTIVE JUROR NO. 655; At (indiscernible).
	PROSPECTIVE JUROR NO. 622: No. Sit.	8	THE COURT: Okay.
7	THE COURT: Okay, was that here in Nevada?	1 7	served time in Hawaii.
5	probation.	6	PROSPECTIVE RUROR NO. 555: Yes, and he acquely
5	I don't remember the year, your Hanter, but he's still on	5	go to count?
	PROSPECTIVE JUROR NO. 622. He's still on probusion.		THE COURT: Or he was required of the crime? Dad he
3	THE COURT: Okay, All right, how hing ago was that?	3	THE COURT: Oksy. So he was charged? PROSPECTIVE JUROR NO. 655: Yes.
		1 3	THE COURT Of the Continue of the court of th
2	PROSPECTIVE JUROR NO. 622: My nephew served seven years with drug issues, but that stresm't effect me in any way.	1	around 1980. No. before 1980, Like maybe around '78, '76,

	THE COURT: All right.	100	WW (G 888)
2		1 1	before I mes him.
- 55	THE PROPERTY OF THE PARTY OF THE SECTION OF	3	THE COURT: Okay, But he was presecuted here in
3	drug charges (indiscernible).	3	Clark County? Dad he go to preson?
4	THE COURT: Now, you say your boyfriend. Has he been		PROSPECTIVE JUROR NO. 679: No. he just went to jeil
5	The second secon	5	THE COURT- Do you know if he had to go on probation?
6	PROSPECTIVE JUROR NO. 679 Yes.	6	PROSPECTIVE JURGR NO. 679: I don't think so.
7	THE COURT: - on those charges?	7	THE COURT: Okay. The fact that your brother -
В	PROSPECTIVE JUROR NO. 679: Yeah.	8	excuse me, your poyfriend was had some charges against him
9	THE COURT: Okay, Is he a felon?	9	and they may have been - be may have been prosecuted by the
10	PROSPECTIVE JUROR NO. 679: No.	10	District Attorney's Office, I don't know, maybe a city
11	THE COURT: Okay But he had a gross misdemeanor or	7.1	attendey's office, but the you feel you have any iff with
12		12	lowards the DAs in this case or the DAs office?
13	PROSPECTIVE JURGE NO. 679: 1'm not sure.	13	
14		100	PROSPECTIVE JUROR NO 679: No.
15		14	THE COURT: Okay. And you send there was your mother
16	1.0000c004c0c004c0c00c04fic0c0000000000000	111	71/0/05
17		16	PROSPECTIVE JUROR NO. 679; Yeals, my mother and to
18		17	numerous (miliseemible) fetomes.
32	THE COURT: You got to pick up your name. You have a	18	THE COURT. Okay. Here in Clark County? I mean,
19	Control to the control of the contro	19	from coses arising out of Clast County or Nevada?
30	about how long ago was that. Malant?	20	PROSPECTIVE JUROR NO. 679. I'm not sure. I know my
21	PROSPECTIVE JUROR NO. 679: Like three or four years.	21	mens — I don't know why she's general arrested (indiscernible).
22	ago	22	THE COLIST: Okay Alexa how long ago was her
2.3	THE COURT: Okay. Was he prosecuted by the District	23	conviction?
24	Allomey's Office?	24	PROSPECTIVE JUROR NO. 679. I'm not save if this was
25	PROSPECTIVE JUROR NO. 679: I'm not sure. It was	25	the right one, but I think she was in Idaho (midiscernible).
	Page S8	(FOST)	100 No. 100 No
	ROUGH DRAFT TRANSCRIPT		Page 59 ROUGH DRAFT TRANSCRIPT
1			All Control of the Co
2	(Indiscernible).	2.	in the jury box area? Anyone in the gallery to my right?
3	THE COURT: Okay,	,	Front right? We'll go to the second care
	PROSPECTIVE JUROR NO. 679: And it was on	1	PROSPECTIVE JUROR NO. 717: Roben Richardson, 717,
03	(intecemble)		When I met my wife her brother was a prisoner, and I have a
5	THE COURT: All right And there's one other you	9	nephew right new in jail.
	had. There was another relative.	6	FIRE COURT: Your brother-in-law, was he prosecuted
7	PROSPECTIVE JURGE NO. 679 Her roommate.	7	here in Nevado ¹
8	THE COURT: Yes,	Ħ	PROSPECTIVE PUROR NO. 717; Ob. yeah. Yes.
9	PROSPECTIVE JUROR NO. 679. I don't know her	5	THE COURT Oxay. Was be prosecuted by the District
10	THE COURT: Okay. Does she have a felony conviction?	10	Attorney's Office, if you know?
11	PROSPECTIVE JUROR NO. 679: Yeah   I don't know if	11	PROSPECTIVE JUROR NO. 717: Fitt and sout. That was
12	it's on that charge, though,	12	before i mei her,
13	THE COURT: All right	13	THE COURT: And you said there was another family
14	PROSPECTIVE RIROR NO. 679 But I know she's a felon .	530	member?
15	now,	15	PROSPECTIVE JUROR NO. 717: Vesto he have a nephrovi
	THE COURT: Okay. She's on probation now?	Vite 8	pall right now.
1 é		:7	THE REPORT OF THE PARTY OF THE
	PROSPECTIVE JURIOR NO A79, NA	Car 1 1 1 1	THE COURT: In Novada?
7	PROSPECTIVE JUROR NO. 679: No.		PROSPECTIVE JUROR NO. 717: Vesh.
17 18	THE COURT: Okay, Was she prosecuted here in Clark	18	[[[] [[] [[] [] [] [] [] [] [] [] [] []
7 8	THE COURT: Okay, Was she prosecuted here in Clark County?	18	THE COURT. Okay Was he presented here in Clark
7   8   9	THE COURT: Okay, Was she prosecuted here in Clark County? PROSPECTIVE JUROR NO: 679: 1 don't know.	18 19 20	THE COURT. Okay Was he principated here in Clark County or
7 9 9	THE COURT: Okay, Was she prosecuted here in Clark County? PROSPECTIVE JUROR NO. 679: 1 June's know, THE COURT: All right, Do you have any ill will	18 19 20 21	THE COURT. Okay Was be pronocuted here in Clark County or PROSPECTIVE JUROR NO. 717: Yes.
7 8 9 0 3	THE COURT: Okay, Was she prosecuted here in Clark County? PROSPECTIVE JUROR NO: 679: 1 don't know, THE COURT: All right, Do you have any ill will lowards law enforcement of the deputy district afterneys to	18 19 20 21 22	THE COURT. Okay Was be pronocuted here in Clark County or PROSPECTIVE JUROR NO. 717: Yes. THE COURT: Okay. And more than likely be was
16 19 10 12 12	THE COURT: Okay, Was she prosecuted here in Clark County?  PROSPECTIVE JUROR NO: 679: I don't know, THE COURT: All right, Do you have any ill will towards law enforcement of the deputy district atturneys in this case?	18 19 20 21 22 23	THE COURT. Okey Was be pronounted here in Clark County or PROSPECTIVE JUROR NO. 717: Yes. THE COURT: Okey. And innive them likely he was prosecuted by the District Atterney's Office, sir. Does that
17	THE COURT: Okay, Was she prosecuted here in Clark County?  PROSPECTIVE JUROR NO. 679: I don't know, THE COURT: All right, Do you have any ill will towards law enforcement of the deputy district atturneys in this case?  PROSPECTIVE JUROR NO. 679: No.	18 19 20 21 22 23	THE COURT. Okay Was be pronocuted here in Clark County or PROSPECTIVE JUROR NO. 717: Yes. THE COURT: Okay. And more than likely be was
16 19 10 12 12	THE COURT: Okay, Was she prosecuted here in Clark County?  PROSPECTIVE JUROR NO: 679: I don't know, THE COURT: All right, Do you have any ill will towards law enforcement of the deputy district atturneys in this case?	18 19 20 21 22 23	THE COURT. Okey Was be pronounted here in Clark County or PROSPECTIVE JUROR NO. 717: Yes. THE COURT: Okey. And innive them likely he was prosecuted by the District Atterney's Office, sir. Does that
17	THE COURT: Okay, Was she prosecuted here in Clark County?  PROSPECTIVE JUROR NO. 679: I don't know, THE COURT: All right, Do you have any ill will towards law enforcement of the deputy district atturneys in this case?  PROSPECTIVE JUROR NO. 679: No.	18 19 20 21 22 23 26	THE COURT. Okay Was be pronounced here in Clark County or — PROSPECTIVE JUROR NO. 217: Yes. THE COURT: Okay. And mine them likely he was prosecuted by the District Attenney's Office, sie. Does that cause you to have any iff will.

	ROUGH DRAFT TRANSCRIPT		Page 65 ROUGH DRAFT TRANSCRIPT
35	PROSPECTIVE BIROR NO. 803: No. no. no. no. Page 64	25	PROSPECTIVE JURGE NO. 805: No.
25	the prosecution in this case, is in?	24	prosecutor's office in this case?
23	THE COURT: Then's not going to cause you to factor	23	will or ill feelings towards prosecutors in general or the
22	PROSPECTIVE JURGE NO. 803. (Indescernible).	22	THE COURT: Okay. All right, do you have any ill
21	THE COURT: Okay. Altinghi.	21	Horse Two and all the staff that went on there.
q	(indiscernible).	30	No. of the contract of the con
9	PROSPECTIVE JUROR NO. 803: No. he's actually	15.8	ween,
8	THE COURT: prosecutions in this scare?	18	THE COURT: All right. Do you know what the charges
7	PROSPECTIVE JUROR NO. 803: No.	75290	at least two years.
16	you to have an ill feeling sowards proscentors in general or	16	PROSPECTIVE JUROR NO. 805: 1 think he's been in for
15		1992	THE COURT: Okay. And about how long ago was he convicted!
14	PROSPECTIVE JUROR NO. 803. Right.	14	123,
	strikes law, and some situations may us may not be fair	12	The state of the s
12	- I I I I I I I I I I I I I I I I I I I	11	PROSPECTIVE JURGR NO. 805: Southern.
11	PROSPECTIVE JUROR NO. 803; (Indiscernible) (amily numbers (factiscernible).		Southern pain or porthern Nevada?
10		9	THE COURT: Okay. Was he prosecuted down the
9	PROSPECTIVE JUROS NO. 2003: 1 was before by went in THE COURT: Okay.	ā	PROSPECTIVE JUROR NO. 805: Yes.
8	14-30 M	7	Nevada!
-	THE COURT: All right, And how close are you to that coursin?	6	THE COURT: Was that for pay crimes committed in
5	PROSPECTIVE JUROR NO. 803 (Indiscernible).	5	have a brother-in-law in federal prison.
•	THE COURT: Okay.	4	PROSPECTIVE JUROR NO. 805: Signid Fischer, 805: 1
3	CASA.	3	Anymore in the second row? Thought I saw a fund. Yes, ma'am
2	have a cousin in prison in California for three strikes you're	2	Great. Thouk you, Ma'am. Anyone else in the front row?
1	PROSPECTIVE JUROR NO. 803: Deborah Serick, 803. 1	Y	THE COURT: All right you'll be fair to both sides?
	Control Contro	-	ROUGH DEATH TRANSCRIPT
	ROUGH DRAFT TRANSCRIPT	1	Page 63 ROUGH DRAFT TRANSCRIPT
	Page 62	"	12
25	t don't think anybody can find him.	25	
24		24	
23	proscenced by the District Attorney's Office!	23	
22		22	A buse and a Education in the busecoole, 2
21		22	The state of the state of the state of the state of the
20			
19	24 (2004) 1 (10 C) (10	18	The service services there is a very 350' I
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	another state.	14	the second of the second second second second
14		13	The state of the state
11	The court camp, you actual number the sector	1	The second secon
12		2.1	Action to the state of the stat
11	7 1073-865 U.S.C 2655-265 U.S.C 1 1075-1 1075-1 1075-1 1075-1 1075-1 1075-1 1075-1 1075-1 1075-1 1075-1	10	are a second second to active also the delicated
30	전 I 1241 14인 (1) : : : : : : : : : : : : : : : : : : :	9	A COLUMN TOWN THE TANK THE TAN
9	and the property of the party o	9	THE TREE SES, MIL.
-	The structure of the state of t	7	Annual arms formers to mit infant. While to me left.
7	10 10 10 10 10 10 10 10 10 10 10 10 10 1	6	The state of the s
6	and the state of t	5	1 100 100 100 100, 140, 140, 140,
5	THE COURT: All right, thank you, sir. Anyone else	١.	and the same in general,
3	The state of the s	3	The state of the state of the course of the state of the
_		2	because if it's over a consin amount. Would that cause you to
2			THE COURT: Okay. But more than likely it is, Ma'arn,

1	would apply to you said 730, okay. The question is if  Page 66  ROUGH DRAFT TRANSCRIPT  THE COURT: All three of those?		Page 67 ROUGH DRAFT TRANSCRIPT
2	PROSPECTIVE JUROR NO. 730: Yeah, all three of them	1 2	Approximately three year 180, criminal case and we did reach a verdict.
3	were prior to (indiscernible).	1	THE COURT: Were you she foreperson?
4	THE COURT: Okay, All right, thank you, Ma'am,	4	PROSPECTIVE JUNGR NO. 743: Yes.
5	Anyone else in the second row? Back row? Well, there's one	5	THE COURT: Okay And was that here in Clark County?
6	more secund row, Red top. Yes, ma'sm.	6	PROSPECTIVE JUNOR NO. 743: Yes.
7	PROSPECTIVE JURGE NO. 72%: Linds Tijering, 72%; 1	7	THE COURT: Okay. Was that prosecuted did I the
9	did civil, and I was not the foreperson, and we did come to a resolution	1	District Attorney's Office, do you know?
	7,000 Paragraphy	9	PROSPECTIVE JUROR NO. 743: Yes.
17.	THE COURT WAS THE DETERMENT OF A COURT OF		THE COURT: Okay. You don't any of the DAs here in
10		10	
10 11	PROSPECTIVE JUROR NO. 728: Yes, it was,	11	this case?
10 11 12	PROSM:CTIVE JUROR NO. 728: Yes, it was, "FHE COURT: Abunt how long ago was that?"	11 12	PROSPECTIVE JUROR NO. 743: No.
10 11 12 13	PROSPECTIVE JUROR NO. 728: Yes, it was, 'THE COURT: Abund how long ago was that?' PROSPECTIVE JUROR NO. 728: 14 years ago.	11 12 12	PROSPECTIVE JUROR NO. 743; No. THE COURT: Okay. All right, thank you Malam.
10 11 12 13	PROSPICTIVE JUROR NO. 728: Yes, it was, 'THE COURT: Abuse how long ago was that?' PROSPECTIVE JUROR NO. 728: 14 years ago. 'THE COURT: Okay. Do you remember what type of case.	11 12 13 14	PROSPECTIVE JUROR NO. 743; No. THE COURT: Okay. All right, thank you Ma'am. Anyone in the gallery to my left prior jury service." Yes, sir.
10 11 12 13	PROSPICTIVE JURIOR NO. 728: Yes, it was, 'THE COURT: Abund how long ago was that?' PROSPECTIVE JURIOR NO. 728: 14 years ago. 'THE COURT: Okoy. Do you remember what type of case besides civit? Was it like a contract case, medical	11 12 13 14 15	PROSPECTIVE JUROR NO. 743; No. Title COURT: Okay. All right, thank you Malam. Anyone in the gallery to my left prior jury service! Yes, six, in the blue skin.
10 11 12 13 14 15	PROSPICTIVE JUROR NO. 728: Yes, it was, 'THE COURT: Abunt how long ago was that?' PROSPECTIVE JUROR NO. 728: 14 years ago. 'THE COURT: Okay. Do you remember who type of case besides civit? Was it like a constact case, medical malpractice, automobile accident?'	11 12 12 14 15	PROSPECTIVE JUROR NO. 743; No. THE COURT: Okay. All right, thank you Malam. Anyone in the gallery to my left prior jury service? Yes, sir, in the blue skin. PROSPECTIVE JUROR NO. 813; James Freser, 813. 1 was
10 11 12 13 14 15 16	PROSPICTIVE JUROR NO. 728: Yes, it was, 'THE COURT: Abunt how long ago was that?' PROSPECTIVE JUROR NO. 728: 14 years ago. 'THE COURT: Okay. Do you remember what type of case besides civit? Was it like a constact case, medical malpractice, automobile accident?'	11 12 13 14 15 16	PROSPECTIVE JUROR NO. 743: No. THE COURT: Okay. All right, thank you Ma'am. Anyone in the gallery to my left prior jury service." Yes, sir, in the blue shin. PROSPECTIVE JUROR NO. 813: James Fraser, 813. I was no a jury, served on a civil malpractice case, Frasno County.
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10 11 12 13 14 15 16 17 18	PROSPICTIVE JUROR NO. 728: Yes, it was, 'THE COURT: Abunt how long ago was that?' PROSPECTIVE JUROR NO. 728: 14 years ago. 'THE COURT: Okey. Do you remember what type of case besides civit?' Was it like a contract case, medical malpractice, automobile accident?' PROSPECTIVE JUROR NO. 728: Yes, it was regarding insurance. 'THE COURT: Okay.	11 12 12 14 15 16 17 18	PROSPECTIVE JUROR NO. 743: No. THE COURT: Okay. All right, thank you Ma'am. Anyone in the gallery to my left prior jury service." Yes, sit, in the blue skim, PROSPECTIVE JUROR NO. 813: James Fraser, 813. I was no a jury, served on a civil malpractice case, Fresho County. THE COURT: Okay, and about how lung ago was thus. shr.'
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10 11 12 13 14 15 16 17 18 19 20 21 22 23	PROSPICTIVE JUROR NO. 728: Yes, it was, 'THE COURT: Abunt how long ago was that?' PROSPECTIVE JUROR NO. 728: 14 years ago. 'THE COURT: Okay. Do you remember what type of case besides civit?' Was it like a constact case, medical malpractice, automobile accident?' PROSPECTIVE JUROR NO. 728: Yea, it was regarding insurance. 'THE COURT: Okay, PROSPECTIVE JUROR NO. 728: And it was a linke bit of a melpractice suit.  THE COURT: All right, Okay, thank you, Ma'ant. Anyone else in the gallery area to my right? Yes, ma'am in the back now.	11 12 14 15 16 17 18 19 20 21 22 23 24	PROSPECTIVE JUROR NO. 743: No. THE COURT: Okay. All right, thank you Ma'are. Anyone in the gallery to my left prior jury service." Yes, sit, in the blue skin, PROSPECTIVE JUROR NO. 813: James Fraser. 813. I was on a jury, served on a civil malpractice case. Fraseo County. THE COURT: Okay, and about how lung ago was thus. sir.' PROSPECTIVE JUROR NO. 813: About 15 years ago. THE COURT: Okay. And were you the foreperson? PROSPECTIVE JUROR NO. 813. No. sir. THE COURT: And did that jury track a decision? PROSPECTIVE JUROR NO. 813: Yes, sir.
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6 7 8	PROSPECTIVE JUROR NO. 810. Yes. THE COURT: All right, thunk you, Ma'ann. I'm sorry,	6 7 8	Unfortunately, these microphones do not amplify what's being stated. They merely pick up what's being stated. So that's why we have you stand up so we can pick them up.
10	7	9 10 11	As you know, we don't have a coun stenographer, as
12	person, Yes me'am.	12 13	you see, there isn't any microphones in front of the linke pony waif there. The microphones that we're utilizing to
15	Eve had two civil cases. I was not the foremen in either one	15	record your answers are at the attorney's table. So again, if you can - especially in this part here, if you can speak up so
17	THE COURT: Okay, Were those here in Clark County?	16 17 18	we can make ours we pick you up on the microphone.  All right, Mr. — as in Dettre?
19		19	PROSPECTIVE JUROR NO. 605: Dente THE COURT: Okay. This will be the question for everyone here is if you're employed, what do you do? If you
21 22	that?	21	have a spouse or significant other, what do they do for their work? And if you have any children, give as their ages. And
23 24	THE COURT: Ten years ago. All nebt, thank you.	23	if they're at working age, tell us what they do for a fiving.  So again, just I'm going to recap. Do you work, what do you
25	Malam. Ladies and gentlemen, Put just going to go down the Page 70 ROUGH DRAFT TRANSCRIPT		do, spouse or significant other, what do they do, children, Page 71
-	3327	╁	ROUGH DRAFT TRANSCRIPT
3	what are their ages, and if they're of working age, what type of work are they involved in.	2	THE COURT: And sir, before you were retired, what type of work were you involved in.
4	PROSPECTIVE JUROR NO. 605: Yes, I am employed 1 do collections for a loan company. I'm single and no children.	4	PROSPECTIVE JUROR NO. 613: I was a petroleum wholesaier.
5	THE COURT All right thank you set Mis. Andrews.  PROSPECTIVE JUROR NO. 606: Yes, Fin employed. I'm a disputcher for Triple A Road Service. I am married and he is	5 6	THE COURT: Okay, All right, thank you are, Ms, is a Chelini?
: :8 :9	tinemployed.  THE COURT, Okay, And what type of work does be do?	8	PROSPECTIVE JUROR NO. 613: Chelini, I'm married, estranged from my husband. I work at Sam's Town. Have I three children. One son lives on of state. He's in the mechanic
10	JUROR NO. 606. Actualty, we're going through the — he doesn't have permission to work here in the U.S. yes. He's	10	business. I have two doughters that live in town. They're both with children of their own.
13	from Open Landay and a Line of the con-		THE COURT: Okay. Do shey work outside the home, Ma'arn?
17 12 13	from Bezzil, so he's worked in prosthetes back in Brozil. THE COURT: Okay. And do you have any children.	12	PT-USD.
12	THI: COURT: Okay. And do you have any children. Malain? PROSPECTIVE JUROR NO. 696; No children.	200	PROSPECTIVE JUROR NO. M4: Yes.
12 13 14 15 16	THE COURT: Okay. And do you have any children.  Malain?  PROSPECTIVE JURGE NO. 606; No children.  THE COURT: Okay, thank you very much. Ms. Montonya.  PROSPECTIVE JURGE NO. 609; As I stated carrier. I'm	13 14 15 16 17	PROSPECTIVE JUROR NO. m4: Yes. THE COURT: And what do they sk? PROSPECTIVE RUROR NO. 614: My daughter works at an auction. She's a supervisor findiscentible) registration. And
12 13 14 15 16 17 19	THE COURT: Okay. And do you have any children.  Major?  PROSPECTIVE JUROR NO. 606; No children.  THE COURT: Okay, thank you very much. Mo. Montonya.  PROSPECTIVE JUROR NO. 609; As I stated earlier. I'm  u producer for TV commercials (indiscorrable) video. I'm single. These no children.	13 14 15 16 17	PROSPECTIVE JUROR NO. n.14: Yes.  THE COURT: And what do they akr?  PROSPECTIVE JUROR NO. n.14: My daughter works at an auction. She's a supervisor finding-million egystration. And thy other daughter works for a company in town looking for (indiscernible).
12 13 14 15 16 17 18 19 20 21	THI: COURT: Okay. And do you have any children.  Malain?  PROSPECTIVE JURGE NO. 606; No children.  THE COURT: Okay, thank you very much. Ms. Montonya.  PROSPECTIVE JURGE NO. 609; As I stated carrier. I'm  u preducer for TV commercials (indiscomble) video. I'm single. Thave no children.  THI: COURT: All right, thank you. Malain. Mt is it Esal?	13 14 15 16 17 18	PROSPECTIVE JUROR NO. 614: Yes. THE COURT: And what do they day? PROSPECTIVE JUROR NO. 614: My daughter works at an auction. She's a supervisor (inducertable) regratization. And thy other daughter works for a company in town looking for
12 13 14 15 16 17 19 20 21 22 23	THE COURT Okay. And do you have any children.  Malain?  PROSPECTIVE JUROR NO. 696; No children.  THE COURT. Okay, thank you very much. Ms. Montonya.  PROSPECTIVE JUROR NO. 609; As I stated carrier. I'm  a producer for TV commercials lindiscomable) video. I'm  single. There no children.  THE COURT: All right, thank you. Malain. Mt. — is  it Eral?  PROSPECTIVE JUROR NO. 613: Yes, I'm retired (indiscomable). I have two sons in their 40s who	13 14 15 16 17 18 19 20 21 22	PROSPECTIVE JUROR NO. 614: Yes. THE COURT: And what do they day? PROSPECTIVE JUROR NO. 614: My daughter works at an auction. She's a supervisor findingentially in trivial limiting for (indiscernible). THE COURT: Like same type of security work in a PROSPECTIVE JUROR NO. 614: Yes, sort of like. un-Na. THE COURT: Clkay. All right, thank you. Mr.
12 13 14 15 16 17 19 20 21 22 23	THE COURT: Okay. And do you have any children.  Makin?  PROSPECTIVE JUROR NO. 606; No children.  THE COURT: Okay, thank you very much. Ms. Montonya.  PROSPECTIVE JUROR NO. 609; As I stated carrier. I'm  a producer for TV commercials lindiscomable) video. I'm  single. There no children.  THE COURT: All right, thank you. Makin. Mr is  it Ersil?  PROSPECTIVE JUROR NO. 613: Yes, I'm retired	13 14 15 16 17 18 19 20 21 22	PROSPECTIVE JUROR NO. 614: Yes.  THE COURT: And what do they dar?  PROSPECTIVE JUROR NO. 614: My daughter works at an auction. She's a supervisor findingentially to trivial limiting for (indiscernible).  THE COURT: Like same type of security work in a PROSPECTIVE JUROR NO. 614: Yes, sort of like, unit-lim.

i		III
1		1 married
2	have two children. I am married, and my wife sells time	2 THE COURT: All right, thank you. Ma'am, Ms, → is
3	theres.	3 it Mirotock?
1	THE COURT: And the children, are they of working age	<ul> <li>PROSPECTIVE JUROR NO. 626: That's correct, Okay.</li> </ul>
5	OF	5 I'm reured, although I do occasionally work through Manpower.
6	PROSPECTIVE JUROR NO. 616: 1 wish. No. 10 and 9.	6 I was suppresed to start a job tomorrow. I'm married. My
7:	THE COURT: All right, thank you, sir. Mr. Williams.	7 husband is retired, and I have one son, he's 40 years old and
	PROSPECTIVE JUROR NO. 619: 1 am a full-time law	B he works for NDQT,
9	student at the UNLV Boyd School of Law right now. I'm engaged,	THE COURT: Okay. And sid your husband do before he
10	THE STATE OF THE S	1.0 was retired!
11	The second secon	11 PROSPECTIVE JUROR NO. 626: He was his last job
12	and the service of th	12 was at Bloomingdate's.
13 24	1175444 4 4 4 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6	3.3 THE COURT: Okuy, like sales person or -
15	- The Court of Jun 101 to the Court of	14 PROSPECTIVE JUROR NO. 626: I don't renumber the
16	The second of th	15 title, but it was just to help the sales, resail.
	THE COURT: All right, thank you, sir. Mr is it. Pramshafer?	16 THE COURT: Okay. And what did you do before you
18	\$100 A.C.A.C	17 teifred, Ma'am?
19		18 PROSPECTIVE JUROR NO 626: I was 25 years at
20		19 Carsars. My last assignment was in the sales department.
21	32 5.7(5) (1	20 THE COURT: All right, thank you, Malam, Mr is
22		21 if Livemash?
23		22 PROSPECTIVE JUROR NO. 633: Yes, I'm regional sale
24		23 manager for Suchef (phonetic) plumbing products out of Kansas.  25 City. My wife is a teacher's assistant. My oldest is a role.
25	is a morngage broker. One owns a medical supply. And I am not	The state of the s
1	Page 74	a production of the state of th
Į.	ROUGH DRAFT TRANSCRIPT	Page 75 ROUGH DRAFT TRANSCRIPT
5411		
1 2	controller. My daughter is a 911 dispatcher out of Washington State. And then I have twin boys at Green Volley High School.	1 opticamology office as an office assistant. I'm also attending
3	THE COURT: All right, thank you, air. Ms. Salinas,	2 school (indiscernible) two children ages 5 and 1.
	PROSPECTIVE JUROR NO. 649: 1 do medical cullections.	3 THE COURT: All right, thank you, Malant, Mr is
5	I'm a widow. I have no children.	[4] [4] [4] [5] [6] [6] [6] [6] [6] [6] [6] [6] [6] [6
6	THE COURT: Thank you, Ma'arr, Ms. Fraley,	5 PROSPICTIVI JUROR NO. 666: McCaldin. Uncopposed. 6 Noole, no kids.
ा	PROSPECTIVE JUROR NO. 654: Um-him. I'm	
Э	self-employed in mortgage limiting, and my husband is	7 THE COURT: Okay, When you are working, what type of 8 work do you perform, sir?
9	self-employed fabricator for race cars, and we have no	5 PROSPECTIVE JUROR NO. 666: The had a million jobs
10	children.	10 THE COURT: Okay Any particular field or area?
11	THE COURT: All right, thank you, Malara. Ms. Dalo.	11 PROSPECTIVE JUROR NO. 666: I've done work with fence
12	PROSPECTIVE JUROR NO. 555: Yes. I work at Target in	12 contractors. The been - I meant the done a finite of
13	tetail. I have five children: 15, 13, 8, 3 and 1. And my	11 everything
14	france is currently unemployed.	14 THE COUNT: All right, All right, thank you, sir.
15	THE COURT: All right, thank you, Ma'arn. Mr. Snyder.	15 Ms. Humer.
16	PROSPECTIVE JUROR NO. 656: I'm a truck driver. I	16 PROSPECTIVE JUROR NO. 672: (Indiscernible).
	work for Star Nersery. I'm what they call on-call basis. My	17 THE COURT: Okay.
18	wife, she (indiscernible) sales associate for Wal-Mars. And we	1.5 PROSPECTIVE JURGE NO. 672: I have five children.
19	have a 22-year-old sun. Right now he works for the Clark	1.5 Three of them are married, and they all have jobs.
20	County School District as a custodian, and he also is going	20 THE COURT: What type of work do they do?
21	through the Clark County fire training academy. He also is	24 PROSPECTIVE TUROR NO. 672: My oldest is 32 and he is
22	going through college	2.2 single and having fun. He's a (indiscernible) guide during the
23	THE COURT: All right, Great, thank you, sir, Mrs.	23 summer and works at sindiscernible) reson (indiscernible).
24	Murrieta. Is it Murrieta!	24 And then I have a daughter who's a doctor's office
	PROSPECTIVE HID/OD NO 641- V.S. I MARKET	
25	PROSPECTIVE JUROR NO. 663: Yes. I work in un	25 receptionist. I have a well, I have a daughter that's a
25	Page 76 ROUGH DRAFT TRANSCRIPT	Page 77

200	medical technologist for Stanford University where I retired,	24 25	PROSPECTIVE JUROR NO. 7Ht; No. THE COURT. All right sit, we'll mover on. Why Page 81
4	PROSPECTIVE JURGE NO 700: And Fascel to be a	23	THE COURT: Okay.
3	he works as a counter dispatcher for Quest Diagnostics THE COURT: Okay, And .	22	PROSPECTIVE JUROR NO. 716; Ronaldo Morales
2	civil engineer for the city of San Jose in California. But now	-0.00	this correct?
D	PROSPECTIVE JUROR NO. 700: My his band used to be a	20	Morales On Mr. Morales, you have the language problems is
9	THE COURT: What type of jobs?	19	THE COURT: Okay. Aft right thank you say, Mr.
6	PROSPECTIVE RUROR NO. 200: Pan-time jubs.	18	indestry. I test stor machines.
7	THE COURT: Both part-firms what?	17	PROSPECTIVE JUROK NO 708: I'm in the garning
6	hold part-time jobs right now.	C1755 (7	type of work? I mean specifically.
5	are both retired. We do come out of retirement and both of us	15	THE COURT: Okay, You said a rest engineer. When
4	PROSPECTIVE JURGE NO 700: Yes. My husband and I	500	15.
3	Lesbres?	13	THE COURT; Okay. How old are the children, sir? PROSPECTIVE JUROR NO. 70%; Youngest to 3. Oldest to
2	THE COURT. Okoy. All right, thank you, sit. Is it	12	munical My wife doesn't work, and I have three children.
1	people houses		The state of the s
D	Students. I was working for Starving Students, and I move	10	THE COURT: Okay
9	PROSPECTIVE JUROR NO 698: Moving Like Starving	9	PROSPECTIVE JUROR NO. 708: YES,
e	do you normally do?	7	it Vitlasenor? Did I promounce that correct?
7	THE COLIRY: Sir. when you working, what type of work	6	THE COURT: All right, thank your Malars. Mr is
6	girl, she have a job at Crispy Cream, and I have a three-week-old son		27, and he's a licensed broker for Nevueb and Cultifornia.
5	PROSPECTIVE JURON NO. 698: I'm unemployed, but my	5	PROSPECTIVE JUROR NO. 700: And I have one son who's
3	THE COURT: All right, shook you, sir. Mr. Clark.	13	THE COURT: Okay.
2	Tra single, no luds.	2	Rock Cosino as part time.
•	PROSPECTIVE JUROR NO. 690: 1 work in resail sales.	1	and I was and now I want as a hose person cushier for Red
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	Page 78	1000	Page 79
25	works in a coffee shop inside the Palms Cisino.	25	
24	PROSPECTIVE JUNOR NO. 679: He works inside - he	24	PROSPECTIVE JUROR NO. 690: McFate.
23	THE COURT. Okay And what skies he do?	23	
22	PROSPECTIVE JUROR NO. 679: Buyfnend.	22	And then I have two step-children; 18 and 11
21	Significant other?	23	fine kids; 16, 13, 11 and 7. And I work them on Transdays.
20	THE COURT: All right. And not married or	- X	works for the Trabently Kennedy (phonesie) family, and I have
19	Planet Hollywood, And I don't have any tasts	119	
18	PROSPECTIVE JUROR NO. 679: Usban Outliners inside	1.8	
17		17	PROSPECTIVE JUROR NO. 687: I work for Albertsons.
16		15	
15		15	The second process of the second control of
14		1,4	The second of th
13		13	THE STATE ST
12			[[=]
11			Control and And House Con Ages Und &
10		10	Water and Control of the Control of
9	FINANCIA (STOCK) CIA CONTROL SE A MESOCOL DANCE (STOCK) CONTROL (STOCK)	9	THE PERSON INC. CON. I THE RESIDENCE IN
8	# Pinting?	7	
7		6	The Court Court, Int soily, and you say - are you
6		5	The state of the s
5	My husband is a service manager for fire safety equipment		Language and an emphysical property by the party by the party of the p
9	The Godier: Pagetine your	3	A THE PERSON AND A PROPERTY AND A PROPERTY AND A PROPERTY AND A PROPERTY AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON ADDRESS O
3	Carolina. And an a daughter that's (indiscernible). THE COURT: And are you	3	TOTAL TOTAL TOTAL THE LINE LINE LINE
			THE COURT: All right, thank you. Mr. Saunders.

	(5487) 1287 NO. 100 NO. 1786 NO.	1	
1	don't you hand the sucrophose to the next individual. Is it	10	cardiac sonographer. My husband's a policeman. I have three
2		2	chikiren; 11, 8 and 7.
3	PROSPECTIVE JUROR NO. 716: (Indiscernible)	3	THE COURT: Trank you, Malam, Mr. Wilk
4	THE COURT: How do you pronounce it?	4	PROSPECTIVE JUROR NO. 727: I'm a full-time student
5	PROSPECTIVE JUROR NO. 716; Queibi.	5	I work for Light Group as a promoter and a graphic designer,
ű	THE COURT: Sir. you can sit down. Thank you.	6	and I'm sugge, no kids.
7	The second two into the in the second	7	THE COURT: Thank you, sir, Ms how do you
đ	We're both unemployed. No kids.	8	pronounce that?
9	THE COURT: Okay. When type of work do you normally	9	PROSPECTIVE JUROR NO. 728: Linda Tijerina,
	da, sir?	10	THE COURT- Thomb you
11	The second section is a second section of the second section of the second section is a second section of the second section of the second section is a second section of the	11	PROSPECTIVE JUROR NO. 72%: I'm married. I'm not
	for car remal agency. Alarno Nationals.	12	A contract to the property and the property and the property of the property o
13	,	13	previously worked at Safe New here shelter for abused women
14	Transfer to the transfer to the transfer that I was a	24	and children here in Las Vegas. Nevada. And I am married. My
	sales also in ear rental industries.	15	the same of the sa
16	The contract of about your wife, set,	16	full-time student in southern California. The other one is 26
7	The state of the s	17	years old and graced me with two twins about three months ago.
	now. She's a nurse.	18	THE COURT: All right, thank you Ma'am. Ms. Little,
13	The state of the s	19	PROSPECTIVE JUROR NO. 709: Yes, I'm married. I'm
30	THE THE SUMMERS	20	department manager at Wal-Mart and have one daughter. She's
21	Airlines. I'm married. My wife is a manieurist. I have two	21	24,
2	SO TO SOUTH ON THE BUILDING WITH THE BOARD SOUTH OF THE BOARD OF THE SOUTH OF THE S	22	THE COURT: What does your husband do?
53	21-year-old son who is an electrician.	23	PROSPECTIVE JUROR NO. 29: He just recently sturted
14	THE COURT: All right, thank you sir. Ms. Moreno.	24	(indiscernible) engineer.
25	PROSPECTIVE JUROR NO. 719: Yes. Married 1'ma	25	THE COURT: All right Thank you. Malam. Ms.
	Page 82		Page 83
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
·	Henics.	200	
2	A SECTION OF THE PROPERTY OF T	3	Married, Wife doesn't work. Works - I mean, takes core of
3	PROSPECTIVE JUROR NO. 730: I'm self-employed massage therapist. divorced. bity 20-year-old son is an unemployed	ı	kids. Tuo kiuls.
4	part-time student.	3.	THE COURT. Got to be esteful.
5	THE COURT: All right, thank you Ma'are. Ms.	4	PROSPECTIVE JUROR NO. 750. Better make that clear
6	Sistemer.	5	Works very hard. 15-year-old som, 11-year-old daughter.
7	PROSPECTIVE JUROR NO. 736: I'm mapried, I work with	6	THE COURT: All right, thank you, Sir. Ms. Horion,
8	Boyd Coming Corporate Office, the IT finance department. My	7	PROSPECTIVE JUROR NO. 764: I work for the city of
•	husband works at the Santasphere, accounted manager. Two	9	Heraderson with high, and I'm play a deptal assistant and
0	adult sors. One's (indiscernible).	10	single, no kids
1	THE COURT: All right, thank you, Navans, Ms.		THE COURT: All right, thank you, Mainm. Is it. Silve?
	Trenkler	12	Calebra (Fe Serve)
3	PROSPECTIVE JUROR NO. 743; Hi, Preminded, Lwork	13	PROSPECTIVE JURGE NO. 763; 55ka, THE COURT: 5ika
576	for Travelers Insurance as a case manager. My Instanta is a	14	
	full-time student, messing student. We have now children; 18	15	PROSPECTIVE JUROR NO. 765, Yes, I'm also morried.
	and 5.	16	nuo kids. Both are a student: 14 and 15. And Lido empliment
7	THE COURT: All right, thank you, Me'arn, Ms. Rundy.	5000	claim with the insurance company. My hisband working at Attrakting Play.
	PROSPECTIVE JUROR NO. 148: I'm an escrow assistant	16	(C-7)
9	at a title company, and I have two kies; 9 and 13.	19	THE COURT: Your bushood does when?
0	THE COURT: All right, are you married or have a	20	PROSPECTIVE JUROR NO. 765: Working at Mandalay Ray
1	significant other?	100	THE COURT: All right, thank you Ma'am. Mr was it Brunelle?
2	PROSPECTIVE JUROR NO. 749: Nope, single,	22	AND
3	THE COURT All right, thank you, Maran. Mr. Derkas.	23	PROSPECTIVE JURGE NO. 771: Yes, or Yourseight
4	PROSPECTIVE SUROR NO. 750: Yes, not manager in MGAL.	24	na kids, and revired.
		E50/	THE COURT. Okay, what did you do before you remed!
	Also man a small business, beating and air conditioning		
	Also own a small business, beating and air conditioning.  Page 84	25	PROSPECTIVE JUROS NO. 271; 1 kgs a California
	Also own a small business, beating and air conditioning. Page 84 ROUGH DRAFT TRANSCRIPT	25	PROSPECTIVE JUROR NO. 271; I was a California Page 85 ROUGH DRAFT TRANSCRIPT

1		ř.	
1	highway patrol officer.	3	THE COURT: Let me give -
2	THE COURT: Okay. And what did your wife do?	2	5237 CONTRACTOR CONTRACTOR 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
3	PRESPECTIVE JUROR NO. 771: Lots of things. She was	3	
4	a teacher for awhite. She did texes. She was in the Army	1.	dhaine 1980 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1980 - 1
5	National Guard. She was in the Air Force.	5	그리 얼마를 하다 하다 살아보다 살아가지 않아 들어가지 않아 내가 되었다. 그 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그
6	THE COURT: All right, thank you, sir. All, - is it	6	
7	Hocevar?	15	F-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
8	PROSPECTIVE JUROR NO. 775: Henry	8	
9	THE COURT: Hocevar.	9	
10	\$130 \$200 000 \$200 \$200 \$100 \$100 \$100 \$100	110	A A SOLD COLLEGE STO. AND TAKE MENE MET T
11		223	20 N N N
12		12	A Second
-375	server. No kiels	77.23	ACTION OF THE PART OF THE STATE
14	\$26(\$P\$P\$P\$P\$P\$P\$P\$	13	The court of the same for the fall of the same fall
15		14	The state of the s
	THE PERSON OF THE PARTY HERE THE PARTY HERE	15	
16	The state of the state of the state of	16	to a said and a said and and and
17	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	17	THE PARTY OF THE P
18	Property of the same series and and and and and and	1.6	The state of the s
	art .	19	Musikowski?
20	THE PARTY OF THE PROPERTY OF THE PARTY OF TH	20	PROSPECTIVE JUROR NO. 788: You I'm a resired an
2:	the transfer of the second sec	2.1	
W.S	TENY	22	Hell COURT. Thank you, Malam. Ms. Congleton.
23	The Court of Agent there you set the Still.	23	
24	PROSPECTIVE JURIOR NO. 781. Land married. Both my	24	25 a sales assistant manager at the retail store, and my
25	usband and [ -	25	husband's a chef, no kids
	Page 86	1,1150	Page 87
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
=2			
1 2	THE COURT: All right, thank you, Malam. Mr. Linford.	1	
3	27007235	2	The same of the sa
3	PROSPECTIVE JUROR NO. 797: I'm married Lama -	3	The state of the s
4	I'm a shop manager for a company-tion company here in town, a	4	THE COURT: Genter, I'm sorry.
5	part-time student, and I volunteer widt the boy scours. My	5	PROSPECTIVE JUROR NO. 808: For uncomplayed. I'm
6	wife is also volumeers of the boy scouts. She's a	6	part-time student. I have a boyfriend who works at Home Depo
7	stay-at-home more. We have two kids: Two boys: 3 and 1, and	7	and I have no kids.
	she also left reaching here in Clark County to work as a	B	THE COURT: All right, thank you, Ma'am, Ms. Carns.
9	creative director for a (indiscernible) company.	9	PROSPECTIVE JUKOR NO. 810: I'm accounts payable
10	THE COURT: All right, thank you sir.	10	supervisor at the Son Coast (phonetic). My husband works at
11	PROSPECTIVE JUROR NO. 797: You're welcome.	12	the AL and we have no kids.
12	THE COURT: Mr. Ezell.	12	
13	PROSPECTIVE JURGE NO. 798: Yes. I'm married. I have	11	PROSPECTIVE JUROR NO. 813: Lown a central
4	two children ages 2 and 4 months. My wife is a stay-ar-home	14	fabrication business in town, My wife's (indiscernible)
	mon, and I'm an elevator mechanic,	15	salesperson, and my son's 18 years old, high school kid.
6	THE COURT: All right, thank you, sir. Ms. Swick,	16	110: COURT: All right thank you, sir Ladies and
17	PROSPECTIVE JURGE NO. 200: (Indiscomble) shift	17	gentlemen, I have completed my general questions for you, and
B	Annuager (indiscernible).	10	at this paint I term the constitution of the state of the
9	THE COURT: Can you pick that up a little bit higher.	19	at this point I turn the questioning over to the attorneys.
0	PROSPECTIVE JUROR NO. 1803 - Cage shift manager of New	20	We're about five minutes to moon. I think you've been here
1	York, New York, Single, no Lisk.	1000	since 7:30 this morning: is that right or 7:30 or 8:00, which I
2	THE COURT: All right, thank you Malant Ms.	21	don't know why they have you call in so early when you don't
	Fischer	22	have to be in the commoon until 10,00, but like I said, I was
124	PROSPECTIVE JURDS NO 805: 1'm married, 1 work for	23	there with you as well, so I understand that.
1775	Acting. My hissband works for the Wynn, and we have a child	24	What we're going to do as we're going to break for
500	120 000 0000	25	our lanch flour. We're going to come back at 1:00. And at that
	Page XX		The state of the s
	ROUGH DRAFT TRANSCRIPT		Page 89

1	time the attorney the east-to-		
2	time the automorys I'm essuming will have some follow-up	1	MR. PIKE: It will be fairly short.
3	questions to the questions I asked, and they may have some	2	MR. SMITH; Six minutes.
4	additional questions for you pretty much in the same format,	3	THE COURT: We're going to stop as soon as our
5	Now, although you have not been selected as a juror	•	technician is ready,
6	in this case, I'm going to read you an admonishment as if you	, 5	MR. PIKE: Your Honor, in an effort to save time,
7	were a juror. And please listen very carefully to this because	6	I've gone through the proposed exhibits or photographs that
8	it's very important that you follow this admonishment to the letter.	7	the State has. I have - or I don't have objections to almost
9	The state of the s	a	all of them, and the ones that I do have objections to are a
10	During this recess it is your duty not to converse	3	cumulative objection. There are a number of photographs that
11	among yourself or with anyone else on any subject connected	10	The state of the s
12	with this trial or to read, weigh or listen to any report over	11	And the second section in the second state of the state
13	commentary on the trial by any person connected with the trial	12	A seem of the services that the service that
14	or by any medium of information, including without limitation,	0.00	deceased had cirrhesis of the liver, that she would bruise very
15	newspaper, television, radio or the Internet.	1.4	costly and that it didn't attribute to any of these the
	And you're not to form or express an opinion on any	15	bruises that are found in relationship to the cause of death in
16 17	subject connected with this case until this matter is submitted	16	this case, and I don't believe they can set a time frame as to
18	to the jury panel for deliberations. So we will see you back	17	how fresh or how old they were or how they were incurred.
19	at 1:00. Please wait outside the courtroom. The marshal will	16	And so for that reason, I object to the photographs
20	escort you in, and I think the marshal will tell you please try	19	that show bruises. There is a picture of - there are some
21	to renember about where you're seated. You'll have the same	20	autopsy pictures that just are kind of inflammatory of the body
22	chair. Counsel approach with their notes.	21	lying there. The cause of death is simply a cut right here.
23	(Count recessed at 11:55:13 a.m. until 10:22:06 a.m.)		There is an autopsy pherograph that shows that wound cleaner
34	(Outside presence of prospective jorges)	23	up. They do have a picture of it that shows the wound before
25	THE COURT: All right, on the record.		it was cleaned and swabbed. That is okay.
	THE MARSHAL: How long's it going to be?	25	But other than that, that's just the objection that I
	Page 90	l	Page 91
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	hand a first of the second of		The street of th
2	have to those pictures that comain the bruises and would be unduly inflammatory to the jury.	3 to	PROSPECTIVE JUROR NO. 614: Here.
3	THE COURT: Do you know which numbers they are?	2	THE CLERK: Daniel Ferguson.
	MR. PIKE: No, she was marking them at the time,	3	PROSPECTIVE JUROR NO. 616: Here.
5	THE COURT: Okey, because I can't really address that	4	THE CLERK: Paul Williams,
6	until I see them. During the next break, if both counsel can	5	PROSPECTIVE JUROR NO. 618. Here.
7	make	6	THE CLERK: Michael Pranishafer.
8	MR. PIKE: Yeah, you can just look at them. But	7	PROSPECTIVE JUROR NO. 620: Here.
9	that's the unly objection and we - to save time, we're trying	8	THE CLERK: Nancy Mirolock.
54.	to accommodate	9	PROSPECTIVE JUROR NO. 626: Here.
11	THE COURT: No. I appreciate that	10	THE CLERK: Kirk Livernash,
12	(In the presence of the prospective jurars)	11	PROSPECTIVE JUROR NO. 633: Here.
13	THE MARSHAL: Officers and members of the court.	12	THE CLERK: Down Fraley.
	Department 17 potential jurors. You may be sented, ladies and	13	THOSE EDIT I COMON INC. DOM. TICLE.
15	gentlemen. Let's check to make sure all cell phones are turned	14	THE CLERK: Christy Dalo.
16	off, please. Probably should do a coll call.	15	PROSPECTIVE JUROR NO. 655: Here.
17	THE CLERK. Justin Delire.	16	THE CLERK: Brian Snyder.
16	PROSPECTIVE JUROR NO. 605: Here.	17	PROSPECTIVE JUROR NO. 656: Here.
19	THE CLERK, Ronds Andrews-Rosa	18	THE CLERK: Araceli Murrieta.
20	PROSPECTIVE JUROR NO. 606: Here	19	PROSPECTIVE JUROR NO. 653: Here.
23	THE CLERK: Jody Montanya.	20	THE CLERK: James McCaldin.
22	PROSPECTIVE JUROR NO. 609: Here	21	PROSPECTIVE JUROR NO. 668: Here.
23	THE CLERK: James Eral.	22	THE CLERK: Terri Hunter,
24	PROSPECTIVE JUROR NO. 613: Here.	23	PROSPECTIVE JUROR NO. 672: Here.
15	THE CLERK: Judy Chelini	24	THE CLERK: Marie Pinillos.
	Page 92	2.5	PROSPECTIVE JUROR NO. 674: Here,
	<u> </u>		Page 93
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT

1	F
1 THE CLERK: Diamond Rozek.	1 PROSPECTIVE JUROR NO. 729: Here.
PROSPECTIVE JUROR NO. 679: Here.	THE CLERK: Catherine Bertles.
3 THE CLERK: John Saunders.	3 PROSPECTIVE JUROR NO. 730: Here.
PROSPECTIVE JUROR NO. 680: Here.	4 THE CLERK: Donna Security.
5 THE CLERK: Jose Vasaguez.	-
6 PROSPECTIVE JUROR NO. 685: Here.	- The second of the state of the second of t
7 THE CLERK: Harley McFate.	
8 PROSPECTIVE JUROR NO. 690: Here.	TROOT BOTTY ENGROW (NO. 143); Here.
9 THE CLERK: Robert Clark.	>:
10 PROSPECTIVE JUROR NO. 698: Here.	9 PROSPECTIVE JUROR NO. 748; Here.
11 THE CLERK: Cyrina Leabres.	5
	22 PROSPECTIVE JUROR NO. 750: Here,
THE STATE OF THE S	The state of the s
The second of th	PROSPECTIVE JUROR NO. 761; Hore.
TAGGI EGITTE FORDETAO. 106, TIEFE	
15 THE CLERK: Rawhi	15 PROSPECTIVE JUROR NO. 765: Here.
16 PROSPECTIVE JUROR NO. 716: Here.	16 THE CLERK: David Brazelle.
17 THE CLERK: Oh, thank you. Robert Ric	chardson, 17 PROSPECTIVE JUROR NO. 771: Here, James Hoces
18 PROSPECTIVE JUROR NO. 717: Here.	18 PROSPECTIVE HIROR NO. 775; Here.
19 THE CLERK: Giselle Moreno.	19 THE CLERK: Ismael Ruiz.
20 PROSPECTIVE JUROR NO. 719: Here.	20 PROSPECTIVE JURGE NO. 777: Here.
21 THE CLERK: Robert Wilk,	21 THE CLERK: Berry Shin.
22 PROSPECTIVE JUROR NO. 727: Here.	22 PROSPECTIVE JUROR NO. 781: Here,
23 THE CLERK: Linda Tijerina.	23 THE CLERK: Ashleigh Wholen.
PROSPECTIVE JUROR NO. 728: Here.	24 PROSPECTIVE JURGE NO. 785; Here.
25 THE CLERK: Barbara Little,	25 THE CLERK: Carol Murakowski.
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ROUGH DRAFT TRANSCRIPT	Page 95 ROUGH DRAFT TRANSCRIPT
PROSPECTIVE JUROR NO. 788: Here.	MR. SMITH: Okay. Ladies and gentlemen. Lapprecies
THE CLERK: Interest Congleton.  PROSPECTIVE HIPOR NO. 289: Ware	2 your patience throughout this process, and certainly I it tell
The state of the s	I you on behalf of the State and the defendant that we certainly
4 THE CLERK, Bryan Linford,	4 appreciate your willingness to be here. I just have about five
5 PROSPECTIVE JUROR NO. 797: Here	5 or six questions for everybady, and I'm just going to ask the
6 THE CLERK: Calvin Ezeil.	6 panel as whole and kind of mimic what the padge did. So if yo
7 PROSPECTIVE JUROR NO 798: Flore.	7 have something to offer in regards to my questions, just raise
8 THE CLERK: Deborah Swick.	8 your hand and I'll ges along to you
PROSPECTIVE JURGE NO 803: Hore.	9 The first thing I want to know as if anyone here has
7 THE CLERK: Signid Fischer.	10 had a negative experience with law enforcement, besides things
PROSPECTIVE JUROR NO. 805; Here.	1.1 that you've already divisiged. Now, let me quolify that, 1
2 THE CLERK: Kressenia Gretter,	12 don't mean a traffic ticket. I think we can all agree that
3 PROSPECTIVE JUROR NO. 808: Here,	13 that's a negative experience. What I mean, folks is if you've
4 THE CLERK: Margaret Carns.	1 ← come into contact with an officer of the law, and they were
S PROSPECTIVE JURGE NO. 810: Here.	15 mean or rude or mosty to you or did something that might have
6 THE CLERK: And James Fraser.	26 left a bitter taste in your mouth from that point forward. Is
7 PROSPECTIVE JUROR NO. 813: Here.	27 there anyone here with any experience like that? Okay, good.
6 THE COURT: All right, thank you. Ladies and	18 Oh, we do! I remember you. What's cour - con you blessife.
9 gentlemen, now as I mentioned before, I've completed b	ry peneral   19 your badge number for me
Dispussion and now the atterneys will take their anomeys.	
1 Smith or Ms. Graham.	21 MR. SMITH. 727.
2 MR. SMITH: Thank you Judge Judge will los	10.00 (Market)
3 panel as a whole in your court or one by one?	The state of the state of the state of the state of
4 THE COURT: Yeah, you can do that or just focu	
5 Individuals or do both.	CHICAGO I PER CONTROL
Page 96	A STATE OF THE STA
ROUGH DRAFT TRANSCRIPT	Page 97
MOOGU DEAL LINAMOCKIN	ROUGH DRAFT TRANSCRIPT

ı		35	
16	The same of the sa	1	checking me or something.
2	PROSPECTIVE JUROR NO. 727: Well, you used to be - J	1	7 (Val.) \$220
3	skate board when I was younger, so I guess you could say I was	3	
*	the other man and a series I would have you with the Print.		
5	And a series and a series of make Return State 2000	3	PROSPECTIVE JURGE NO. 727: Well, when I was with
6			
7	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	3	
Ð	PROSPECTIVE JUROR NO 727: Oksy, we'll just go along	8	
9	Company of the compan	9	
10	man carrier carry	10	
11	The state of the s	11	
12	The state of the s	1:	MR, SMITH: Would you hold any of that stuff against
13	and a series of the series of	13	
14	and a time of last secretainties of their faithful their	14	PROSPECTIVE JUROR NO. 727: Well, most of that stuff
15	and the second s	13	
16	Company of the same trans for second	16	- 1900 15 CAN CONTROL OF CONTROL
17	A STATE OF THE PROPERTY OF THE	1	PROSPECTIVE JUROR NO. 727: And I kind of understan
10	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	18	
19	The carry has	15	MR. SMITH Okay.
20	year and the management, occurred, just genting	20	PROSPECTIVE JUBOR NO. 727: 1 read about it trying to
21	constantly followed home.	23	
22	Control of the Contro	22	
53	The state of the s	23	MR. SMITH: And you understand the defendant men
24	was younger just like hid walking around with a skate board.	24	Control of the contro
25	what are you doing, stop right there, all the time being	25	PROSPECTIVE AUROR NO. 727: No, he's definitely.
	Page 98	1	Page 99
	ROUGH DRAFT TRANSCRIPT	l	ROUGH DRAFT TRANSCRIPT
1	MR SMFTH: Okay. All right, thank you. Anyone	- 2	7 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (
2	else? Now, folks, this is a murder trial, but it's kind of		mvolval?
3	unique in that it's not a stranger murder. It's a dorsestic	3	The service of the se
4	violence related murder. Meaning that the defendant and victim	1.	And the state of t
5	(indiscernible) domestic relationship. Because of	5	else? Okay, I'll start with the first row here. Malam. What's
6	that, we'd like to know if there's anyone here who's been a	5	your budge number!
7	victim of or a suspect of domestic violence or if you had a	,	PROSPECTIVE JUROR NO. 626: 626. MR. SMITH: 626.
8	friend or closely family member that's been either a victim of	8	PROSPECTIVE JUROR NO. 626: This was like over 30
9	or a suspect of domestic violence? Yes, wa'am, what's your	9	years ago, so I don't know if it would qualify.
10	badge number? Can you stand for us.	10	MR. SMITH: You don't know if what?
11	PROSPECTIVE JURGE NO. 679:	11	121 22 11 dd 121 3 7 3 3 3 7 4 1 5 7 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
12	MR. SMITH: Okay.	12	1
13	PROSPECTIVE JUROR NO. 679: Just my mother was a	1900	you?
14		14	PROSPECTIVE JUROR NO. 626: (Indiscernible).
15	MR. SMITH Okay. Are your mather and futher still	15	MR. SMITH: Okuy. You were a lattle younger back
16		1,5,000	then"
17	PROSPECTIVE JUROR NO. 679. (Indiscernible).	17	PROSPECTIVE JUKOR NO. 626: Yesh.
18	MR. SMITH: How long ago was this?	18	MR SMITH: Okay
19	PROSPECTIVE JUROR NO. 679: (Indiscernible).	19	PROSPECTIVE JUROR NO. 626: However, I was married
20	MR. SMITH: Okay		and had a buby.
21	MS. GRAHAM: I can't hear the answer	21	MR. SMITH: Did law enforcement ever get involved in.
22	MR. SMITH: 18 years ago she said.	22	PROSPECTIVE JUNOR NO. 626: Yes, they did. They were
23	MS GRAHAM: Okay,	1000	called
24	MR. SMITH: Okay, illank you. Actually, I do have an	24	MR. SMITH. Did unything - you don't have to go rule.
25	a couple of questions for you. Did law enforcement ever get	25	exquience detail, but did anything happen? Any charges get
	Page 100	3155	Page 101
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	○ 100000 (2000 10000 10000 1000 1000 1000		AUVUR DRAFT I KANSUKIYI

3	pressed or anything like the?	1 -	A PROPERTY AND A PROPERTY AND ADDRESS OF COLUMN ASSESSMENT
,	PROSPECTIVE AJROR NO. 626 No.	1 4	The second secon
1	MR. SMITH: Clay. And I think there was someone in	] 2	
	the back row, Yes sno'am. Wan's your budge number first?	3	111111111111111111111111111111111111111
5	PROSPECTIVE AIROR NO. 606: Badge number 606.	1 5	and a second of the second sec
Б	MR. SMITH: Okay.	1	The same of the sa
7	PROSPECTIVE JUROR NO. 606: My mother. My mother and	6	THE CANONICE
	father.	7	A A A TOTAL CONTROL OF THE ACT OF
9	MR. SMITH: Your mother and Other had some DV	8	MR. SMITH: You have an ex-converter
10.5	incidents?	1 -	PROSPECTIVE JUROR NO. 717. (Indiscernible) semebod
11	PROSPECTIVE JURGE NO. 606: Oh. yeah.	100	The state of the s
12		11	
13		13	The state of the s
14		14	The state of the s
15		15	the second of the second part and the second second
16		37.050	
17		16	The state of the s
18		150	mind so in the County : 1000 wash and here know that;
19		18	The second section of the second of the feet
20		19	A THE PERSON OF
21		20	Card. Do Jod show who are margen return
22		360	MIS?
	filed against your fasher?	22	The second tree is a second tree in the second tree is a
24		23	The second of th
	if the did that he could get released like in a day or two.	500000	of –
	Min Consider Address Technology	25	THE SHALL POST CONTRACTOR TO THE SHALL PROPERTY OF THE SHALL PROPE
	Page 102	ļ	Page 103
_	ROUGH DRAFT TRANSCRIPT	L	ROUGH DRAFT TRANSCRIPT
1	MR. SMITH: Okay. Do you think low enforcement	,	PROSPECTIVE JUROR NO. 748: Well, won't leave me
2	rested him fairly or do you think he got a bed wrop?	2	alone:
3	PROSPECTIVE JUROR NO. 717: (Indiscernible).	3	MR. SMITTI: Is there an active case against him?
4	MR. SMITH: Okay. Let me ask you this, would you	4	PROSPECTIVE JUROR NO. 748: No. because every time
5	hold anything that happened between you and your coworker	5	threaten a restraining order he backs off just enough.
6	against either party in this case?	6	MR. SMITH: Okey. Have you consected law enforcement
7	PROSPECTIVE JUROR NO. 717: No.	7	at all about this (indiscernible) No. Ma'out.
8	MR. SMITH: Okay. Thank you, sir. Anyone else back		PROSPECTIVE JURGE NO. 746: Um-um.
9	in the gallery? Yes, ma'am.	9	MR. SMITH; Okay, is that it?
30	PROSPECTIVE JUROR NO. 748: Carrie Bundy, 748.	10	PROSPECTIVE JUROR NO. 748: Yeah.
11	MR, SMITH: 748. 748.	11	MR. SMITH: Okay, thank you.
12		12	
13	count? It's not realty domestic violence, but	13	MR. SMITH: Anyone else back in the gallery? Over on
14	MR. SMETH: It okay, did surneone stalk you?	14	this sade? How about over here? Anyone in the first row?
15		19	(Indiscernible). Anyone in the first row? Yes.
36	MR. SMTTH: Was it like a persun you were in a	9000	malant, you in the second row,
17	relationship with?	17	A SAN AND DESCRIPTION OF THE SAN AND S
8	PROSPECTIVE JUROR NO. 748: I was four years ago.	18	
19	(Indiscernible),	15	
20	MR. SM/TH: Yeah, that certainly course. Okay, so	20	MR. SMITH: 80%. I think you're going to have to
21	you were in a relationship with someone approximately four	25000	speak up a finile hauter so that microphone can get you. Okay,
	years -	22	you say it was your mother?
23	PROSPECTIVE JUROR NO. 748; Um-h'm.	23	PROSPECTIVE JUROR NO. 808: Yes, it was
24	MR. SMITH; and they are still currently stalking	24	MR. SANTII: Was she a victim or a suspect?
25	you?	25	PROSPECTIVE JUROR NO. 808: (Indiscernible) she was
	59 (2900)	188	and the state of t
	F300 104		Pana 185
	Page 104 ROUGH DRAFT TRANSCRIPT	ę.	Page 195 ROUGH DRAFT TRANSCRIPT

-	Victima	11/00	With S
1	1	1	went to jail on any of the courts for it.
2	The control of the co	2	MR. SMETH: Okay.
3	The state of the s	3	PROSPECTIVE JURGE NO. 80K. And he never
4	(indiscernible), but back then (indiscernible).		(indiscernible).
5	MR. SMITH: Glay. How long ago was in?	5	MR. SMITH: Okay
6	PROSPECTIVE SUROR NO. 808: I would say - well, it	5	PROSPECTIVE JUROR NO. SOR: But he - my morn left his
7	was like (indiscernible) winess (indiscernible).	1 +	(indiscernible).
	MR. SMITH: Okay. So - on I don't moves so embarross	8	MR. SMITT): Okay. (Indiscernible)?
1	you. I just want to make sure I anderstand everything that		PROSPECTIVE JUROR NO. 80%; Yesh.
10	you're saying. So you're saying that your new sucp-father and	10	MR. SMITH: Okay. Thank you, I appreciate that.
21	your mother —	23	PROSPECTIVE JUROR NO. 808; You're welcome.
12	PROSPECTIVE JUROR NO. 808: 11e was on alcoholic to	12	MR. SMITH: Anyone else bock there? (Indiscernible).
13	Control of the Contro	111	Now. folks, this is obviously a serious case, and at the end of
34	MR. SMITHE Okay.	14	this trial the State, we're going to ask year to make a very.
15		15	very important decision and that is whether or not we've met
16	rages and take everything out an my morn. The cops would be	16	
17		17	our burden of proof to prove that the defendant is guilty of a crime.
18	MR. SMITH: Okay. What would happen when the cops	18	
19	1 (A)	19	As it stands now be's innecent because everyone has
20	10 10 10 10 10 10 10 10 10 10 10 10 10 1	20	the presumption of innecence until, of rouge, the State
21	- 1 [2] [2] [2] [2] [2] [2] [2] [2] [2] [2]		produces evidence to you that changes that and then we show
12	. H.	21	that he's guilty. Some people for whatever reason, be it
13		22	religious or, you know, they can't make monumental decisions
24	[[마이지어 : [[마리스(스), [리즈(리), [리즈(i], [리즈(i], [i], [i], [i], [i], [i], [i], [i], [	23	Some people con't sit in judgment of another person, and
25		24	fundamentally, folks, that's what we're asking you so do.
•		25	We're going to show you some evidence, we're going to
	Page 106	ı	Page 107
	ROUGH DRAFT TRANSCRIPT	Į.	ROUGH DRAFT TRANSCRIPT
136	SHANE DE AN DE NY DESE AN DE	1	<u> </u>
¥.	ask you to make a judgment. Is there anyone here, for whatever	1	an hour segment (inchscernible) commercials. I agree. Yeah,
z	reason, that feels that they cannot so in judgment of another	2	I'll move on from that question. I think the vast majority, !
3	person and find them guilty of a crime so long as the State	3	think you guys get my point.
•	proves its case to you today, excuse me, throughout the course	4.	Now, is there anyone here or does anyone here have a
5	of this trial I don't read." Okay.	5	close family member or anything like that that has been
6	Now let me ask the panel this. How many people watch	6	diagnosed with depression? Okay, I don't - I certainly don't
8	the show CS17. Not surprising. Okay. As you've heard, the	7	want you to go into any details, but what I'd like to know is
-8	State's going to call some forensic scientists during this case	8	if actually, can you identify your budge number for us.
9	and some crime scene analysis. Now, I'm stare a lot of you	9	PROSPECTIVE AJROR NO. 674: Sure, absolutely. It is
10	realize that some of the things that they can accomplish on	10	674.
11	that show can't be shiplicated in real life	11	MR. SMITH: Okay. Have you had interactions with
12	MS. PALM: Your Honor, may we approach?	12:	this person?
13	THE COURT: All right.	13	PROSPECTIVE JUROR NO. 674; It would be me
24	(Off-record bench conference).	14	MR. SMITH: Okay.
5		15	PROSPECTIVE JUROR NO. 674; - se yes.
16	MR. SMITH: Thank you. Just to make this easy, is	16	MR. SMITH: Okay. As soon as the question left my
17	there anyone here who believes that everything that see on that	17	
18	show CSI can be duplicated in real life?	1.000	Okay. Judge, can we approach?
19	PROSPECTIVE JUROR NO : I'm now store what you mean by	19	THE COURT: All right
20	ita,	20	(Off-record bench conference)
21	MR. SMITH. Well	23	
22	PROSPECTIVE IUROR NO.: I mean, I think it can be	1250	MR. SMJTH: At any point have you been prescribed any
	duplicated, but not in the time frame that they're duplicating	Set in the	medication for that?
	in the	23	PROSPECTIVE JUROR NO. 674: Yes: It's been several
25	MR. SMITH: Well, sure, it's certainly and in a half	2700	years of —
200		25	MR. SMITTI: Okay. All right, And I'm sorry, what
	9aa-104		
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		a.	
4	was your number again?	1	02
2	PROSPECTIVE JUROR NO. 674. h is 674.	2	PROSPECTIVE JUROR NO. 679: I guess it was like it
3	MR. SMITH: Okay. Did you ever have any adverse	1 3	made her like -1 guess a just made drowsy and she would like
4	reactions to any medication that you were prescribed?	1 4	pass out while she was driving.
5	PROSPECTIVE JUROR NO. 674: No. 1 don't shink so.	5	MR. SMITH: Okay. Now, did you often have occasions
6	MR. SMITH: Okay. And you saxt it's been several	6	to observe her demeanor while she was on the medication?
7	years, so -	7	PROSPECTIVE JUROR NO. 679: No. it distrit less long
B	PROSPECTIVE JURGE NO. 674: Um-fran.	8	MR. SMITH: Okey. All right, thank you. This first
9	MR. SMITH: am I safe to assume that you've since	9	row. Yes, sir Yes, ma'am, I'm sorry. I'll go in order.
10	reased taking these pills.	10	PROSPECTIVE JUROR NO. 626: Okay, 626.
11		11	MR. SMITH: 626.
12	MR. SMITH: Okay. Thank you. Amone else? Okay.	12	PROSPECTIVE HIROR NO 626: My mother was
13	The state of the s	2.3	(indiscernible) 70ş.
14	PROSPECTIVE JUROR NO. 679: 679.	3.5	MR, SMITH: So your mother was diagnosed with
:5	\$54005570000 \$5005	15	depression back in the 70s? Was she placed on a regimen
I.E	PROSPECTIVE JUROR NO 679: My morn.	16	prescription"
17		17	PROSPECTIVE JUROR NO. 626: Yes, She was
18	the state of the s	19	
19		19	MR. SMITH: Okey. How long would you say that
2C	MR. SMITH: Okay Was she on any medication?	20	lasted?
21	PROSPECTIVE JURGR NO: 679: Yeah, she took Zoloft.	21	
22	but (undiscernible) car accordent.	22	long it was so long ago I'm trying to remember. I dun't -
23	MR. SMITH: Okay.	23	The state of the s
24	The state of the s	24	
25	MR, SMITH: So did she have some adverse reactions to	25	PROSPECTIVE JUROR NO. 626: 1 don't think it was -
	Page 110	ı	Page 111
	ROUGH BRAFT TRANSCRIPT	ı	ROUGH DRAFT TRANSCRIPT
en c	dun't think it was a mouth like.	1	teb Activity on
2	MR. SMITH: Okay, And yes, sir, you	2	MR. SMITH: Oksy.  PROSPECTIVE JUROR NO. 633: It's more for the entriesy.
3	PROSPECTIVE JUROR NO. 626: (Jodiscomible).		than it is the degression.
4	MR. SMITH: I'm sarry go ahead, yes, me'am,	200	2 22 7
5	PROSPECTIVE JURON NO 626: And I was also diagnosed	5	MR SMITH: Gorya. Have you had an ample
6	and took medication.	6	opportunity to kind of observe her demeanor white she was on the medication.
7	MR. SMITH: Okuv. And how long were vog on	7	PROSPECTIVE JUROR NO. 633* Yes.
B	medicarion for draf?	ı,	MR. SMITH: Okay, good. Thank you sir Yes, ma'arn.
9	PROSPECTIVE JUROR NO. 626: 1 think I probably took	9	PROSPECTIVE JURGE NO. 626. The anxiety courses. I
10	it for about a month.	10	still take arxiety medication from time to time when the need
::	MR. SMITH: Ckay. Thank you, Malam. Yes, sir.		arises.
12	PROSPECTIVE JUROR NO. 633: 633.	12	The state of the s
13	MR. SMITH: Ye. in.	13	there anyone else in this first row? No. okay. Yes, sir.
14	PROSPECTIVE JUROR NO. 633: My wife is diagnosed with	: •	PROSPECTIVE JUROR NO. 805: 605.
15	the depression.	15	MR. SMITH, Okay
16	MR. SMITH: Okay.	16	그 이 이 이 아이를 가면 하면 하게 되었다면 다른데 .
17	PROSPECTIVE LUROR NO. 633: And unviery, so Uthruk	17	가장 하지 어디에게 하는 것이 하는 때에서 사람들이 되었습니다. 이번 이렇게 하지 않는 아니라 하지 않는데 하다 하다.
18	irs –	10	0-1 PONAPH
19	MR. SMITH: Cot ya. Prescribed medication?	19	five years.
20	PROSPECTIVE JUKOK NO 633: Yes.	20	MR. SMITTI; Okay;
21	MR. SMITH: Is she currently on it?	11	PROSPECTIVE JUROR NO. 605: Took medication for about
22	PROSPECTIVE JUKOR NO. 633: Yes	21	a month.
23	The second secon	23	MR. SMITTL. Okay, Has it been a while since you've
24	medication?	54	been taking the medicarine yer. Okay, thank you. Yes. Was
25	PROSPECTIVE JUROR NO. 633: Six seven years.		your - okay. Anyone clear in this back tow? Yes, say, My.
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	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
		1	2011년(14일 전 14일 전 14

1	Williams.	1	MR SMITH: 672.
Z	PROSPECTIVE JUROR NO. 618: Paul Williams, 618.	2	
3	MR. SMITH: Yes sir.	3	PROSPECTIVE JURGR NO. 672: Um-li/m.
	PROSPECTIVE JUROR NO. 618: My mether and my adopted	1	MRC SMITH: Okay, Ms. Humer.
5	brother were both diagnosed with depression.	3	PROSPECTIVE JUROR NO. 672: Yes, I was diagnosed
6	MR. SMITH: Okay Recently?	8	with anxiety about 28 years ago.
7	PROSPECTIVE JUROR NO. 618: They're both diagnosed	"	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 672: And I've been on
5	sult		
9	MR. SMITH: Got ya.	9	medication since because that's what created my ~ they say it was because of my BBS so —
10	664783888931 IV	10	MR. SMITH: Got ya.
11	there.	11	PROSPECTIVE AIROR NO 672: — it's combined.
12	MR. SMITH: Gut yo. Acc they taking medication?	12	MR. SMITH: Okay,
13	시기 공부 가는 경우를 가는 것을 하면 하면 가게 되었다면 하게 하게 하는데 이렇게 하는데 하다.	11	PROSPECTIVE JUROR NO. 672: So it's an ongoing
14	20 20 20 20 20 20 20 20 20 20 20 20 20 2	23	medication because it could take it helps the IBS.
15		15	MR. SMITH: Got vs.
16	THE PROPERTY OF THE PROPERTY O	15	PROSPECTIVE JURON NO. 672: Assi warmed to let you
17		17	Rnow
16		18	MR. SMITTI: Thank you, Ma'ani. Luppreciate your
19	777 OF 21 OF STORES OF STORES AND STORES AND STORES OF S	19	candor. Anyone else up here? How about meet here? Yes,
20		20	ma'ann. Number 700.
21		21	PROSPECTIVE JUROR NO. 700; Yeah.
22	THE COURT: Mr. Smith. I shink we had someone in the	22	MR. SMITH: Okay.
23		23	PROSPECTIVE JUROR NO. 70th (Andiscernible) years a
24	MR. SMITH: (Indiscernible). Okay, yes, malam.	74	
25		25	MR. SMITH: Can you stand up for us so your voice can
	Page 114	1	Page 115
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	(CC () 1 800 0 1		Constitution of the consti
7	earry to that microphone?	1	Prescription regimen?
3	PROSPECTIVE JUROR NO. 700: 20 years ago I was (indiscernible).	2	PROSPECTIVE JUROR NO. 7(0): 1 think for about three
Ţ	THE MARSHAL: Can't hear her.	3	moreths,
5			
	PROSPECTION TO BUILDING WAY I A TO THE TOTAL THE TOTAL TO THE TOTAL TOTAL TO THE TO		MR. ShtiTit: Okay.
6	PROSPECTIVE JURGE NO. 700: (Indigensible)	•	PROSPECTIVE JUROR NO. 700. And then I got evaluate
6	THE COURT: Ma'am, cacuse me, repeat your answer. Do	6	PROSPECTIVE JUROR NO. 700. And then I got evaluate by a physician.
6 7 8	THE COURT: Ma'am, excuse me, repeat your answer. Do you have the microphone, Cit??	6	PROSPECTIVE JUROR NO. 700. And there I got exalunt by a physician. MR. SMITH; Okay.
7	THE COURT: Ma'am, cacuse me, repeat your answer. Do you have the microphone, Cliff! MS. GRAHAM: Testing	5 7 8	PROSPECTIVE JUROR NO. 700. And then I got evaluate by a physician.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 700: Has havek affects manifests.
7 6 9	THE COURT: Ma'am, excuse me, repeat your answer. Do you have the microphone, Citi?!  MS. GRAHAM: Testing PROSPECTIVE JURGE NO. 700: I'm tulking so you	5 7 8 9	PROSPECTIVE JUROR NO. 700. And then I got exabine by a physician. MR. SMITH: Okay. PROSPECTIVE JUROR NO. 700: The House off six mon- of teace.
7 6 9	THE COURT: Ma'am, excuse me, repeat your answer. Do you have the microphone, Citi?!  MS. GRAHAM: Testing PROSPECTIVE JURGE NO. 760: I'm tulking to you directly. Do I have us do this?	5 7 8 9	PROSPECTIVE JUROR NO. 709. And then I got exabine by a physician.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 709: The Hook off six monor of teace.  MR. SMITH: Okay.
7 6 9 70	THE COURT: Ma'am, excuse me, repeat your answer. Do you have the microphone, Citi?!  MS. GRAHAM: Testing PROSPECTIVE JURGE NO. 700: I'm tulking so you	5 6 7 8 9 10	PROSPECTIVE JUROR NO. 700. And then I got exabine by a physician.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 700: His hook off six mon of leave  MR. SMITH: Okay  PROSPECTIVE JUROR NO. 700: LOA.
7 6 9 10 11 12	THE COURT: Ma'am, excuse me, repeat your answer. Do you have the microphone, Chif?)  MS. GRAHAM: Testing  PROSPECTIVE JUROR NO. 700: I'm talking to you directly. Do I have us do this?  MR. SMITH: Yes, mains, because they want to record everything —	5 7 8 9 10 11	PROSPECTIVE JUROR NO. 700. And then I got as about by a physician.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 700: Has block off six mon of leave  MR. SMITH: Okay  PROSPECTIVE JUROR NO. 700: LOA.  NR. SMITH: Okay All right, thank you very much.
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7 6 9 7 1 1 2 1 2 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 5 1 1 1 5 1 1 1 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	THE COURT: Ma'am, cacuse me, repeat your answer. Do you have the microphone, Chiff?  MS. GRAHAM: Testing PROSPECTIVE JURGE NO. 700: I'm talking to you directly. Do I have as do this?  MR. SMITH: Yes, maint, because they want to record everything — PROSPECTIVE JURGE NO. 700: Oh. I see.  MR. SMITH: — we're saying. PROSPECTIVE JURGE NO. 700: Ohay.  MR. SMITH: Okay. PROSPECTIVE JURGE NO. 700: I said that 13 or 14 years ago. I don't retrietaber, because of my job stress having been in the medical profession I became an unformanc, so I was diagnosed with a slight depression.  MR. SMITH. Okay. PROSPECTIVE JURGE NO. 700: I was working at Stanford and I followed the natural patrix enuse of inedication findaceroide).	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	PROSPECTIVE JUROR NO. 709. And then I got as about by a physician.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 709: The Freek off six monitof teave  MR. SMITH: Okay  PROSPECTIVE JUROR NO. 709: LOA.  MR. SMITH: Okay All right, thank you very much.  Anyone cise in this first row? Second row? You jumped. Oh, okay Third row? Yes, sir.  PROSPECTIVE JUROR NO. 775: 775, I had a sister who diagnosed indiscernable) depressed.  MR. SMITH: How beigt —  PROSPECTIVE JUROR NO. 775: Early part of this decode.  MR. SMITH: Okay. So a sirrer diagnosed with depression early part of this decode.  PROSPECTIVE JUROR NO. 775. Early part of this decode.  PROSPECTIVE JUROR NO. 775. Early part of this decode.  PROSPECTIVE JUROR NO. 775. Early part of this decode.  PROSPECTIVE JUROR NO. 775. Early part of this decode.

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1	MR. SMITH: Do you know how long she stayed on	3	The same is a second of the same of the same
2	thedication?	2	My mother has a depression problem for over 25 years, and my
3	PROSPECTIVE JUROR NO. 775. I don't know all the -	3	mother's side excepte arms has the same problems.
4	about a year or two.		
5	MR. SMITH: Okay. Were you able to	5	
6	Se 310 marther See 30	6	they're on these prescriptions? Okay, thank you. Anyone else
	(**)	1	
8	MR. SMITH: Okay.	5	PROSPECTIVE JUKOR NO. 813: 813. My last wife was
9	PROSPECTIVE JUROR NO. 775: I mean, I never	9	
10	THE PROPERTY OF THE PROPERTY OF THE PARTY OF THE PROPERTY OF T	110	
11	50100	11	
12	MR. SMETTA: Okay. So just so I understand, you were	33	over 10 years. Is she was on it before I had met
13	never really able to observe how she reacted on the drugs?	13	Lines
14	Okay, All right, Thank you, sir, Anyone else back here?	14	MR. SMITH: Okay. Thank you very much, sir. I have
15	PROSPECTIVE JUROR NO. 771: 771. And my father and	15	about two more questions. At the end of this case, folks, the
16	The state of the s	36	
17	2000 000 1000	17	
18	MR. SMITH: Are they still taking the medication now?	28	
19	THE PERIOD NOT THE TES.	19	there arryone here who feels that they cannot set aside any
26	was the tree was true of the court of the till takenter.	20	
21	PROSPECTIVE JUROR NO. 771: Years, 20 years.	21	going to be given by the judge send of this case as the facts
22	MR. SMITH: You interacted with a lot? A little?	22	of this case? No one? Coun's indulgence, Judge. Can we
23	PROSPECTIVE JUROR NO. 771: No.		approach, Judge?
24	MR. SMITH: No? Okuy, Thank you. Anyone clse back	24	
25	here? (Indiscernible).	25	* VPANO 00 DI <b>F</b> OR
	Page 118	1	Page 119
	ROUGH DRAFT TRANSCRIPT	Ĺ	ROUGH DRAFT TRANSCRIPT
60	DESCRIPTION OF STATE OF	27.5	THE STATE OF THE S
1	MR. SMITTI: Folks, I believe I just have but one last	1	PROSPECTIVE JUROR NO. 717: 717
2	question and that is if anyone here is in a trade union? I	2	
3	think there was one individual who said that he was, but anyone	1	PROSPECTIVE JUROR NO. 717: Transportation worker's
٠	else? Okay, all right, for's stan back here. What's your	4	union.
5	bodge mumber. Ha'um?	5	MR. SMITH: Currently an active member?
6	PROSPECTIVE JURGS NO. 609; 609.	6	PROSPECTIVE JUROR NO 717: Yes.
7	MR. SMITH: Okay.	7	MR. SMITH: Okay. Yes. ma'am.
8	PROSPECTIVE JUROR NO. 609: 1 can't remember if it	В	PROSPECTIVE JUROR NO. 765: 226 (indiscernible).
9	was a state worker's union. (Indiscernible) years ago.	9	MR. SMITH: What's your badge number?
10	MR. SMITH: Okay.	10	PROSPECTIVE JUROR NO. 765: 765, (Indiscernible).
13	PROSPECTIVE JUROR NO. 609: I'm not hardly active to	11	MR. SMITH: You say you're in the culinary union?
12	it (indiscernible).	12	PROSPECTIVE JUROR NO. 165: Um-him.
13	MR, SMITTH: Okay, Thank you, Yus, sir,	13	
14	PROSPECTIVE JUROR NO. 633: 633.	14	else? Yes, sir.
15	MR. SMITTI: Yes sw.	15	PROSPECTIVE JUROR NO. 715. 775.
6	PROSPECTIVE JUROR NO. 633: The labour's unique out of	15	MR. SMITH: Yes sit.
	Washington, Fin still a member.	17	PROSPECTIVE JUROR NO. 775: (Indiscernible) out of
8	MR. SMITH: Okay, thank you, sir. Anyone else over	18	California
	here!' Saw some hands back here.	19	MR, SMITH: Thank you, sir. Anyone else over here?
0	PROSPECTIVE JUROR NO. 680: 680. Plamber's	20	How about over here? Yes, sir.
CW.	Piperitiers Local 525 not of Los Vegas.	21	PROSPECTIVE JUROR NO. 798: 798 (Indiscernible)
	MR. SMITH: What's your budge mumber, sing	22	local 18 (indiscernible).
2			
2	PROSPECTEVE JUROR NO. 680; 680.	23	MR. SMITH: Thank you, Among else? Yes, Gr
3	MR. SMITH: 680, okuy, pot ya. Anyone else! Yes.	24	MR. SMITH: Thank you, Anyone else? Yes, sir PROSPECTIVE JUROR NO. 618: Pag ports.
21 22 23 24	MR. SMITH: 680, okuy, pot ya. Anyone else! Yes.		PROSPECTIVE JUROR NO. 618: Pre-porty.

ROUGH DRAFT TRANSCRIPT

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	Page 124		Page 125
25	very chiec personal friend was in the Air Force. He's been		family undescentible) out only my broder, but then my nephers.
24	PROSPECTIVE JURGS NO. 506. My former reommaic, also		him (midiscernible) kilked. So it was just a hig problem in my
23	inn fin	23	thus he was even in that position. I just have singer towards
12	MR. SMITTLE Here locally? Thank you sir Yes.	0.00	PROSPECTIVE JUROR NO. 609. Year, 1 just said I have issues with the farmer president and the military and the fact.
	military	20	MR. SMITH: Okey, can you repeat their for us.
0	MR, SMITH: Yes, sir.  PROSPECTIVE JUROR NO. 605 (Induscernible) is in the		recorder's not picking her up.
9	PROSPECTIVE JUSION NO. 665, 605,	18	THE MARSHALL She needs to stand up because the
	back row? Yes, su.	S	the military (indiscernible).
6	MR. SMITH: Olay, Thank you, sir. Mow about this	16	PROSPECTIVE JURGA NO 609: Our farmer president and
5	PROSPECTIVE JUROR NO. 636. No	P. 100 Aug.	is the U.S. Government*
	duty?	14	resurs, do you have anger issues towards the situation in Imq
3	MR. SMITH: Okay. Any of these people on active	13	MR. SMITH: Okay. When you say you have anger
3	Сор	12	PROSPECTIVE JURGE NO. 609: Absolutely,
	in the Navy, and I have a close friend that's in the Marine	11	towards that. Can we explore that a limb bit?
	he was served in Vactour and then my youngest brother, he was	DI	MR. SMITTLE She said the definitely has anger issues
9	PROSPECTIVE JUROR NO. 656: I have my oldest brouker,	9	MS. GRAHAM: What was the biss part?
8	MR. SMETH: Yes, sar.		MR. SMITH Okny
7	PROSPECTIVE JURGE NO. 656: 656.	1	Marme was killed in Irog. (hehspormble).
6	this first new? Yes, sir,	6	PROSPECTIVE JUROR NO. 609: 609. My septies who was
5	MR. SMITH: Okay. Thork you, Me'ani. Anyone che in	5	MR. SMITH: Thork you. Yes, maken.
4	the Navo.	507.2 55.4	MR. SMITH: And for the record, your badge number is? PROSPECTIVE JUROR NO. 606. Oh, I'm sorry, 806.
3	B nephow in actively Marines, and another nephow actively in	1	that are over in long right now.
2	PROSPECTIVE JUROR NO. 654: My father was in the U.S. Army. My brother is retired 20 years 22 years Army. I have	20	scrive for upe year. And I also have neg other close friends.
_	PROPERTY MEAN AND		
	ROUGH DRAFT TRANSCRIPT	1	ROUGH DRAFT TRANSCRIPT
	Page 122		Page 123
5	(indiscernible) and (indiscernible)	25	MR. SMITH: Yes, ma'am.
4	PROSPECTIVE JUROR NO. 679: My step-dad used to be	24	
3	MR. SMITH: Yes, makes.	23	SCHOOL OF ST.
2	PROSPECTIVE JUROR NO 679: 679.		Air Force, and my nephew is current Lee in hair.
1	MR. SMITH: Okay.	27	
Ç	PROSPECTIVE JUROR NO. 672: No.	20	
9	[18] [18] [18] [18] [18] [18] [18] [18]	19	전경 경기에 즐겁게 되었다면서 있다면서 생활하는 사람들이 되었다.
8		18	MR, SMITH: Okay, Yes sir.
2	PROSPECTIVE JUROR NO. 672: 72. I have a brother	27.53	storm.
16	TO THE PERSONNEL BY THE PROPERTY OF THE PERSON OF THE PERS	16	
15	the state of the s	15	
14		14	1-1
13	1470 AT 1664 E	- 6	MR. SMITH Okey. You say your hasband was in the Army?
2	PROSPECTIVE JUROR NO. 663: My sister and my	12	the second secon
1		11	The state of the s
10		10	the Army before we were married
9		,	PROSPECTIVE JUROR NO. 626: Olay, my husband was
8	anned forces? I opened Pandwa's box it seems. Okay. Let's	7 8	
7	forces or have a friend or family member that served in the		MR. SMITH: Okay. How about this second row right
6	MR. SMITH: Oh, olary. Okay, so I lied, I do have another question. Anyone here either served in the armed	5	0.000.000.000
5		1	The state of the s
4	MR. SMTH: Got ya. Are you active member? PROSPECTIVE JUROR NO. 618: 1/m not.		Army.
3	(indiscernible).	5	and the same and the same and the same and the same same and the same same same same same same same sam
	발생물으로 설립함()		THE MARSHAL: Can't hear her.

t		3	
1	The second state of the second state of the conference	,	well.
2	and a manage of the state of th	2	PROSPECTIVE JUKOR NO. 609: 1 underwand
3	assessment as to if it affects you in this case. Let's say you	3	MR. SMITH: You understand that?
4	were to find out that a witness or somebody that's called to		PROSPECTIVE JUROR NO. 609: (Indiscernible).
5		5	MR. SMITH: Okay. Auyone else? Yes sit.
6	or a person who's serving in the military, would you	15	PROSPECTIVE JUROR NO. 613: 613.
7	necessarily ascribe a greater amount of credibility to their	7	MR. SMITH: Yes, sir.
В	testimony or take away from the credibility of their testimony	8	경우에 수있되었다. 전문 10 전 1
9	just because you find out that they've been in the military?	9	PROSPECTIVE JUROR NO. 613: Mysclf and four brothers nothers.
IO		10	-2-1400 (2)
11		113	MR. SMITH All veterans?
12		56	PROSPECTIVE JUROR NO. 613: Three of were Victours an
13		100.00	two were peace time.
14		13	MR. SMITH: Okey. Thank you, so. Yes, ma'ani,
15		34	PROSPECTIVE JUROR NO. 614: And 614. (Indiscernible)
16	1-moraci introd.).	1.5	in the Air Force.
17	THE STATE A COME AND SET THE MAN SET THE STATE WHEN	1.6	MR. SMITH: Here locally?
	and an are a series of the series a Bound to bresent to Abit	17	PROSPECTIVE JUROR NO. 614: No. be's stationed in
18	The state of the s	18	(indiscernible).
19	TEL BELLIN SHEETING	19	MR. SMITH: Okay, Thank you, Malam, Yes, sir,
20	The same of the same same you be believed that the same	30	PROSPECTIVE JUROR NO. 606: 606. I have a nephrw
21	hoping that it's not going to be gory details because I don't	21	who's in Iraq.
22	the well with that type of thing. To answer your question, no.	22	MR. SMITH: Thank you, sic.
23	I don't have any bios towards someone's testimony.	23	PROSPECTIVE JUROR NO. 618: 618. My adopted brother
24	MR. SMITH: Okay. And I'm not only concerned bias	24	was in the Army. My grand father was in the Navy.
25	against their restimony but bias towards their restimony as	25	MR, SMITH: Thank you, sir.
	Page 126		Page 127
	ROUGH DRAFT TRANSCRIPT	1	ROUGH DRAFT TRANSCRIPT
-1,4	emonaria en		
1	PROSPECTIVE JURGE NO. 620: 620. My father was in	ä	MR. SMITH: Okay. For the record, sir, what's your
2	the Army,	2	budge number?
3	MR. SMITH: Thank you, sir. Anyone over here?	3	PROSPECTIVE JUROR NO. 680: 680.
4	(Inchineermoble).	4	MR, SMITH: Thank you, Second now, Here you go,
5	THE MARSHAL: When you get the microphone, can you	5	(Sing
5	attind up, picase?	6	PROSPECTIVE JUROR NO 717: 717. My father was a
7	PROSPECTIVE JUROR NO. 700: 700. Three of my cousins	7	Merine.
8	me in the U.S. Air Force. One in the U.S. Navy, and my nephew		MR. SMITH. 717, your alad was a Marine. Got it.
9	gut wounded in Afghanistan.	5	PROSPECTIVE JUROR NO. 719: 719. My husband was a
10	MR. SMITH: Chay.	10	Morine. My two nephews are in the Navy.
11	PROSPECTIVE JUROR NO. 700: (Indiscernible). No one	11	MR. SMITTE Got it.
12	is in active duty.	12	PROSPECTIVE JURGE NO. 727: 727, My uncle was in
13	MR. SMITH: Okay "Plank you, Ma'am, Next,	11	Victnam. He was in the Army, I have two friends in the Air
14	PROSPECTIVE JUROR NO. 690: 690. My father was in	14	Force. I have one friend in the Navy, and I have one friend in
25	flict military,		the Marines.
1,6	NIK, SMITH: What branch?	16	MR. SMITH: You know somebody in all four branches.
17	PROSPECTIVE JUROR NO. 690. The Anny	100	lash? Except the Coast Guard.
18	MR. SMITH: Okey, Thank you sir.	18	PROSPECTIVE AUROR NO. 728: 728. My hosband was in
19	PROSPECTIVE JUROR NO. 685: 685. 1 gora cousin		Victnam, and my father was in the Acmy.
20	currently in the Navy, and my uncles have served in the Navy.	20	
21	PROSPECTIVE JUROR NO. 680 Two uncles served in the	21	MR. SMITH: Okay. Thank you Malam.
	Nursy. World War II. My fasher served 35 years on the George	12005	PROSPECTIVE JUROR NO. 743: 743. My mother was Air
	Parties. My brosher served in Korea during the 60s, and one		Force, my fiaher Army, my beother Army.
	brother retired from military, graduate of West Point. I got	22	MR. SMITH: Okny.
	one bounter who's reserves, 33 years.	24	PROSPECTIVE JUROR NO. 748: 748. Have three
neth!	18 MARKS	25	sisters in the Navy, nephew just enlisted in the Army, brinber
	Page 128	5	Page 129
	ROUGH DRAFT TRANSCRIPT	38	POLICE DOLCT TRAVECTION

ROUGH DRAFT TRANSCRIPT

		0	
1	was in the Army as well.	i	PROSPECTIVE JUROR NO. 788: 788. My father was in
2	MR, SMITH: Thank you, Ma'am.		
3	PROSPECTIVE JUROR NO. 750, 750. I did four years in		r 1999-1997 (1991-1991-1991-1991-1991-1991-1991-199
4	the Air Force. Father is retired Air Force, and I got a nephew	1	PROSPECTIVE JURGE NO. 789: 789. My father was in
5	in Afghanistan right now.	5	Korean Army for 20 years, and he was in a Vietnam. My
8	MR. SMITH: Thank you, sir.	6	father-in-law's in Marine. He was in World War II.
7	PROSPECTIVE JUROR NO. 765: 765. My father was in		MR. SMITH: Okay.
4	military in Cube in the Army - Navy.		/ G 20 - 3 G 3 G 3 G 3 G 3 G 3 G 3 G 3 G 3 G 3
9	MR. SMITH: Thank you Ma'am.	9	The second law, less with min mile man
10		10	
11		1,100	
12		12	100000000000000000000000000000000000000
13		12	The view of the court of the co
14	사용 보통에 하는 사용하는 사람들이 하는 이번 사용을 하는 사용하는 사용하는 사용하는 사용하는 사용하는 사용하는 사용하는 사	13	Control of the second s
15	The state of the s	34	1252 TO 100 TO 1
	The state of the s	15	
16	The same of the sa	16	The state of the s
17	The state of the s	1	the Air Force
18	the Marines who did tours in Victnam. And also my sister's in	14	Anna Charlette Cample Bont 201
19	the Army Reserves. She's bended to Iraq in the next few days.	19	The second secon
20	MR. SMITH: Thonk yeu.	20	uncles in the Navy, one in the Marines, father was in the Army.
21	PROSPECTIVE JUROR NO. 777: 777. Most my family	21	
22	served. No one active duy, and my wife was also pretty much	22	MR. SMITH: Okey,
23	around the world from a military family.	23	PROSPECTIVE JUROR NO. 803: Two of them did Victors
24	MR. SMITH: Okay. Thank you sir This first row	24	My deal was to the Korean war.
25	over here.	15	
	Page 130	2.50	Page 131
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
-	CONTROL CONTRO		
1	PROSPECTIVE JUROR NO. 803: And I do have a friend	1	PROSPECTIVE JUROR NO. 813: 813.
2	(indiscernible) whose cousin who I know was killed	2	MR. SMITH: Thank you, sir. Judge. I'll poss the
3	overia Ima	3	panel for cause. Thank you.
4	MR. SMITH: Okay, Thank you,		THE COURT: All right, thank you. Ms. Palm or Mr.
5	PROSPECTIVE JUROR NO. 805: 805. My did was in the	5	Pike.
•	Army, and my usede was in Victoria.	6	MR. PIKE: Thank you, your Honor. Now we've gone
7	MR. SMITH: Thank you, Malern.	7	through a bunch of questions and it's kind of almost like the
9	PROSPECTIVE JUROR NO. 806: 808. My dod was in the	B	Jerry Springer part where we run around and try and get the
9	Array, my grand father was retired Navy command officer, my	9	answers to questions, but you kind - what we're trying to do
10	cousin is active Marines right now. His brother just got out	10	is just see if there's any brases that you might have coming
1 7	of the Army. His wife is - just got out of the Navy.	11	into this because of who you may have affiliated with or the
12	MR. SMITH; Okay.	1000	witnesses may be and/or each and and a street annialed with or the
3	PROSPECTIVE JURGE NO. 808: And share in	13	witnesses may be und/or any preveneured notions because, as
4	MR. SMITH: Okay, Thouk you.	1000	Coursel has indicated, you're making a very - a number of ver
15	PROSPECTIVE JUROR NO. 810: My slid and my sincle were	14	important decisions during this period of time.
6	in the Air Force, \$10.	15	So I want to touch an same of those issues. Is there
7	MR. SMITH: Okay,	16	as a collective group, how many of you of this point in
В	그 가는 그 그는	17	time, having heard what you've heard, would go ahead and say
	PROSPECTIVE JUROR NO. 810: My Solver-in-low was a	18	that Brian O'Keefe is guilty? Just mise hands. Nobody,
	Marine,	19	Good. That everybody believes in the presumption of innocen
0	MR. SMITTE Okay. Thank you. Maram,	20	and that the State has to carry its burden of proof.
1	PROSPECTIVE JUROR NO. 813: My oldest heather was in	21	How many of you believe that it is appeopriate that
	Vicencen, He was a Marine. The other older brother was resired	22	the burden of proof beyond a reasonable doubs? That was kind
	from the Array, and I served seven years in the Army.	33	of a (indiscernible) question, so I'm going to concentrate on
•	MR. SMITH: And what's your badge number, for the	24	the people that didn't raise their bands, so if you - I guess
5	rct/wd.	25	it would be better to ask the questions. As we're discussing
	Page 132		Page 133
	ROUGH DRAFT TRANSCRIPT	l	POLICH DRAFT TRANSCOLOR

ROUGH DRAFT TRANSCRIPT

í		36	
1	what is a reasonable doubt, do you have a preconceived action	1	testify, would you hold that against him?
2		2	
3		3	
i	some instructions, and you have to listen to those	1	The state of the s
5		5	him or from defense witnesses, then you wouldn't be able to find him not guilty?
6	Walley Control of the	6	
7	1174 to 450 to 450 to 50 to	7	THE STATE OF THE STATE OF THE STATE OF THE
6		3 3	the transfer of the second State being men un seasu i
9		"	Bearing a series a modern transit to both
10		3	the state of the same of the same of the same
11		10	The party of the party of the party and the party and
12	A COMMENT OF A SOCIETY OF A COMMENT OF A COM	13	And a series of the series of
ES.		12	THE STATE OF THE S
13	The state of the s	3.3	the land was to distinct him that Joh
14	The state of the s	14	- that the defense need not call a witness at all, and you
15	and the second s	15	could still find the defendant not guilty, would you be able to
16	Section and the section of the secti	16	
17	THE STATE OF	17	
18	- FO TO AMERICA	18	PROSPECTIVE JUROR NO. 613: 1 - yes, I would 1
19	Annual County and Jon Boats October 11 mile	19	
20	The second second and are second and are second and are second from a second for an execution of	20	) = "ANDERSECT AND LICER PRESENTATIONS"
23	and find the defendant net guilty!	21	
22	PROSPECTIVE JUKOR NO. 613: I just want to hear both	22	
23		23	
24	MR. PIKE: The Constitution says an individual has a	24	
25		75	
	Page 134	350.70	\$250 DECEMBER 50
	and the second s		Page 135
	ROUGH DRAFT TRANSCRIPT	乚	ROUGH DRAFT TRANSCRIPT
1	uncomforable, sir. I have to use people as an example, but	1	PROSPECTIVE JUROR NO. 679: 1 don't know.
2	it's kind of my job.	2	MR. PIKE: You don't know! Okay, would you give us
3	And so if you feel uncomforable, then ther's to make	1	
4	you think. And if you think well, maybe i should sit on a	1	your budge member for the record?
5	different pary, instead of this case, then at any point in	)	PROSPECTIVE JURIOR NO. 679: 679.
6	time, let me know or let use judge know that that may be your	5	MR PIKE: Though.
7	decision at this point in time. And understanding that and	6	PROSPECTIVE JUROR NO. 613: Do you want my number
8	with the what you feel about the nature of this case and	7	MR. PIKE: Yes, please.
9	what's going on, would you feel comfortable sitting as a jurer	8	PROSPECTIVE JURON NO. 613: 613,
	in this case,	5	AIR PIKE: And Malam, would you please give us your
11	The state of the second production and the second s	10	
12	PROSPECTIVE JURGR NO. 613: I would probably rather go to a different trial	11	PROSPECTIVE JUROR NO. 609; 609.
13		15	
	MR. PIKE: Okay, Thank you. Challenge for cause,	13	and the state of t
	Now having gone through that, again, let me go back, it started	14	(indiscernible) choice, I would prefer to six on a
	with a question about the — if you believe the defense has to	15	
	put anything on. Is there anything about the colloquy that	16	MR. PIKE: Okay, 1s it samething - I think you
	we've had the conversation that I've had with this gentleman	17	indicated that you have some concerns also about gory details.
	that causes you to think well, maybe I shouldn't sit on this	16	PROSPECTIVE JUROR NO. 609: Yes, sir.
	jury! Koise your hand.	19	
20	PROSPECTIVE JURON NO. 679: (Indiscornible) that if	20	a homicide that is alleged.
	you didn't testify. I think I - like that would want to me	21	PROSPECTIVE JUROR NO. 609: Crimet.
22	likę lie, you know,	22	
23	MR. PIKE: Oksy. If the judge told you you couldn't	2.3	some things like that. Do you think that if you were exposed
24	consider that at all, would you listen to what the judge had to	24	to those, that would cause you smake stress or emutional
	say?	V. 120	spinet,
	Page 136	1161	Page 137
	ROUGH DRAFT TRANSCRIPT		1 시청으는 성당에 있으면 이번 위험에 혼자하였습니다. 그 20 25 20 25 20 25
	ROUGH DRAFF I RANGERIFI		ROUGH DRAFT TRANSCRIPT

PROSPECTIVE JUROR NO. 609: Yes, sir. element of the crume beyond a reasonable doubt. If they don't, 2 MR. PIKE: Okay. And you don't feel with that that it will be your duty to find him not guilty. you would be comfortable string on this jury? 3 Furthermore, in a crimumi case, a defendant does not PROSPECTIVE RUROR NO. 609: That's correct. Lithink need to present any evidence, does not need to call any I could make a fair decision. I just (indiscernible). 5 witnesses for you to find him not gasky. The reason is the 6 MR. PIKE: Okay. And do you feel that that personal State must prove their case beyond a reasonable doubt. If they 7 affect that would cause upon you to sit on this jury is such a don't prove the case beyond a reasonable doubt within the nature that you believe it would be appropriate to ask the definition that I will give you in the pary instructions, it is 9 judge recuse on this case and go back and serve on a civil your dury to find the defendant not guilty. Does anyone - a 10 juty. anyone here not understand what I just stated! There being no PROSPECTIVE JURGA NO. 609: (Indiscernible). 11 hands, thank you. I'm sorry, Mr. Pike, go shead, : 2 MR. PIKE: Okay. All right, anybody in reference to PROSPECTIVE JUROR NO. I'm surry --13 that question? Coming back -THE COURT: Yes. 14 THE COURT: I think there was perhaps someone in the PROSPECTIVE JURGE NO :- rould !? So just 15 back row. Mr. Pike, but -15 hypothetically speaking -16 MR. PIKE: Okay. 16 THE COURT: Okay. 17 THE COURT: - if I could just interject at this PROSPECTIVE JUROR NO.: - after, you know, all the 17 15 time, and I probably should have mentioned this earlier, ladies testimony's been heard and I have a doubt and gentlemen. In a criminal case, the State bears the burden THE COURT, You have a reasonable doubt and I will 20 of proving the defendant guilty beyond a reasonable doubt. If give you the definition of reasonable doubt at the end ever the 2.1 they do not prove each and every material element of the charge. 21 trial. And you fit the definition to the facts of the case, 2.2 beyond a reasonable doubt, then it's your duty to find the PROSPECTIVE AJROR NO.: Let me just a can ! -22 2.3 defendant not guilty. So you can't go he looks guilty or he's. 23 THE COURT: Sure, so ahead. 24 — you know, people wear a green shirt, they must be guilty. PROSPECTIVE JUROR NO: - expand on my hypothetical? 25 25 No, the State has the burden to prove each and every material THE COURT: Sure Sure. Page 138 Page 139 ROUGH DRAFT TRANSCRIPT ROUGH DRAFT TRANSCRIPT PROSPECTIVE JUROR NO.: Okay, And there was no 1 defendant gunky beyond a reasonable drobt. And that a witnesses for the defense 2 defendant need not present any evidence for you to make that THE COURT: It doesn't matter. The State has the 3 finding because the burden's on the State. burden of proving the defendant guilty beyond a reasonable If they failed in their burden, even if this 5 doubt. Defense does not have to call defendant docume present my evidence, it's your duty to find PROSPECTIVE JUROR NO.: I can't use that as if I have the defendant not guilty. All right? Any questions, Ma'ran! 15 a doubt to weigh into it, what you're saying? PROSPECTIVE JUROR NO.: Yeah, it was just that. No. B THE COURT: Well, it's not a doubt, pkay. Again, J (indiscernable) that Okay, will give the definition of a reasonable doubt, eksy. And then THE COURT: All right, Thank you. 1.0 the jurors will decide using that definition is there a IC MR. PIKE: It's just that it's like in any son of a 11 reasonable doubt of the defendant's guilt or innocence, and situation you want to hear both sides. 12 that's for the jury to decide within the definition I give. 12 PROSPECTIVE JUROR NO.: Right. 13 Now the jury instruction will include the law of the entire 13 MR. PIKE, Okay, But -1.4 case, various issues of credibility, of expert testimony, et 14

15 cenera. 16 And so all we ask you as a jurior just to follow the 17 law. And I think someone had mentioned earlier even if you 16 disagree with the law, if you were selected as a juror, you've 19 taken an eath that you will follow the law. Just as the 20 atterneys may disagree with some of my rulings, they may 21 thisagree with some of the law that exists, but they're bound to 22 follow the law: And that's all we're asking you as a jurge if 23 you will follow the law. And the law in Nevada and the law in 24 the country says that a defendant is presumed innocent, first 25 off. That the State must prove or the Government must prove a Page 140 ROUGH DRAFT TRANSCRIPT

PROSPECTIVE JUROR NO.: Legally we down have to hear 15 both sides. 16 MR. PIKE: Well, legally, as the judge has indicated. 17 agam, it's just like pushing a rock off a hill If you only 18 push the tock so far and gravity never yets its say in what 19 happens, and if the rock isn't pushed all the way over, the 20 rock never falls If the State doesn't prove its case beyond a 22 reasonable doubt, you cannot convict anybody. And that's a 23 poor analogy, but I hope that explains it a little bit. It 24 gives your a better idea. Since you have that intach of a concern and because

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Ì		1	
1	this is a serious murder case, would you feel - are you	1	and name.
2	unconfortable sining on this case or on this marrier case in	2	PROSPECTIVE JUROR NO. 672: 672.
3	this courtroom?	3	MR. PIKE: Okay. And you shook your head in the
4	PROSPECTIVE JUROR NO; No. 1 - since it is a		Degative, so you said no, you -
5	serious case, I have to be (indiscernible), but -	5	PROSPECTIVE JUROK NO. 672: No.
4	MR. PIKE: If you were sitting at the table beside	6	NR. PIKE: - feel comfortable sitting -
7		7	PROSPECTIVE JUROR NO. 672: Yes.
8	murder, would you feel comfortable with somebody having your	8	MR. PIKE: In reference to the other individuals that
9	mind set being sitting on this jury?	9	raised their bands (indiscernible). Is there — your budge
20	하고 하는 사람이 무슨 사람이 되어 무슨 사람이 되었다면 하는데	110	
11		111	
12	경 : 마이크 - 병이 - 경이 - 기계 - 마이크	12	the state of the s
13		13	
14		14	that have
15	27. THE TABLE OF THE PARTY STATE	15	15.1 (2) (Uses 6
16	[2] - TAN HONE (M TAN HANG MAN HANG	16	
17		17	(manufacture)
18		22/07	CONTRACTOR OF THE PROPERTY OF
	anybody here that — let me ask this question in reverse	18	the trace and the mark lim traction in the
20	because (indiscernible). Anybody here that has never had a	20	and the second of the second persons and
21		1000	PROSPECTIVE JUROR NO. 716: Yes, it's religious.
22	사이에 가지 말이 가지 그게 가장 가장 가장 바로 생각하였다. (1985년 1982년 - 1985년 1985년 - 1985년 1985년 - 1985년 1985년 - 1985년 1985년 - 1985년	31	MR. PtKE: - (indiscernible). Okay. And also.
23			having watched wise alcohol does to people
24	the many and setting appare are mer total alegants they be	23	The state of the s
	mineral and a good course land to be constituted in 1827 A: Bill 16	24	MR. PIKE: - (indiscernible) and that confirms
23	sti on this jury? And your name, Ma'am - or your jury number	25	PROSPECTIVE JUROR NO. 716: Yes.
	Page 142	ı	Page 143
	ROUGH DRAFT TRANSCRIPT	ı	ROUGH DRAFT TRANSCRIPT
1	MR. PIXE: - your choice in reference to that.	-51	TO THE STATE OF TH
2	PROSPECTIVE JUROR NO. 716: Yes, I have	1	Alcohol or alcohol consumption certainly may not be a defense
3		2	It may cause people to act intationally. Do you agree with
	MR. PIKE: So you have been exposed to it, and if you	3	that?
4 5	had to hear some testimony that alcohol may be involved in some	914	PROSPECTIVE JUROR NO 743: Lagree.
6	people that are involved in the case, is that something you'd	5	MR. PIKE: If could cause people to not behave as
7	consider but not judge somebody?	6	they normally would.
8	PROSPECTIVE JUROR NO. 716: (Indiscernible).	7	PROSPECTIVE JUROR NO. 743: Lagree with that
	MR. PIKE: Thank you very much.	В	MR. PIKE: Now, if and (indiscernible). It's like
9	PROSPECTIVE JUROR NO. 716 Thunk you	9	drank driving. Getting behind a deadly weapon which is
10	The purpose of the pu	10	basically a car is when you're driving it drunk.
11	PROSPECTIVE JUROR NO. 743: 743.	11	PROSPECTIVE JUROR NO. 743: Right,
12	MR. PIKE: Okay. And the same question to you.	12	MR. PIKE: Then there's a specific crome that's
:3	(Indiscernible) alcoholic beverages?	13	associated or a penalty associated with that.
4	PROSPECTIVE JUROR NO. 745: In a way that's kind of	14	PROSPECTIVE JURGR NO. 743. Correct.
15		15	MR PIKE: So if there is a specific mental state.
	(indiscernible) in as much as the religion I was brought up we	16	that's required and alcohol may affect somebody to the point
	were taught drugs and alcohol (indiscernible) so how it affects	37	where they could not achieve that state, does the mere fact
	someone, yes, it could be let's say for example you're driving.	15	that alcohol was involved, would that in your mind cause you to
19	you kill somebody because you're driving drunk, akay. So we	19	convict somebody of a higher offense or a lesser offense?
	excuse you from that because it was the alcohol? No, you chose	20	PROSPECTIVE JURGE NO. 743: I say more yes than a
	14s dvink	21	because again, it's a choice, (Indiscernible) haves how
22	and the second of the second o	22	alcohol (indiscernible). Okay. So if they choose to do it yet
13	involved, that's a choice. That doesn't excuse anyone.	23	again knowing what happens to them.
24	MR. PIKE: Okay. And in reference to that, if you	34	MR PIKE: And so if there is - if the judge were to
25	receive an instruction well, let me replicase the question	25	instruct you about the affects of alcohol or how that may
	Page 144		Page 145
	ROUGH DRAFT TRANSCRIPT	65	POLICE DEACT TRANSCRIPT

ROUGH DRAFT TRANSCRIPT

		25	
1	affect a level of culpability, then you'd be more inclined to	1	PROSPECTIVE JURGE NO. 781: (Indiscernible).
2	follow your own instincts (indiscernible)?	2	MR. PIKE: Oh, okay.
3	PROSPECTIVE JUROR NO. 743: Probably (indiscernible).	3	PROSPECTIVE JUROR NO. 781: (Indiscernable).
*	MR. PIKE: (Indiscernible).	4	MR. PIKE: You have friends and acquaintances that
5	PROSPECTIVE JUROR NO. 743: 743.	1.035	drink? And your bodge number, I'm sorry. Ma'am,
6	MR. PIXE: 743, Alt right. Sir.	6	PROSPECTIVE JURGE NO. 781: 781.
7	PROSPECTIVE JUROR NO. 777: 777.	7	
8	MR. PIKE: 777?	100	MR. PIKE: Okay. Have you seen people under the influence of alcohol?
9	PROSPECTIVE JUROR NO. 777: Yes. (Indiscernible) by	,	PROSPECTIVE AJROR NO. 781: Yes.
10	choice. My parents, my wife (indiscernible) by choice.	10	MR. PIKE: And sir, your hartye number.
11	MR. PIKE: Okay. And you don't have any preconceived	11	PROSPECTIVE JUROR NO. 797: 797.
12		12	
13		1.00	MR. PIKE: And you have never drank alcohol? Okay. And why is that?
14	PROSPECTIVE JUROR NO. 777: 1 understand definitely	114	
15	the consequences of something that is abused, oliay, but at the	2011 S.C	PROSPECTIVE JUROR NO. 797: Religious choice.
16	same time for not a person that's going (indiscernible).	16	
17	MR. PIKE: Have you ever had any friends that were	C3303104	MR. PIKE: And (indiscernable) have you had an
16	alcoholics that would relapse?	18	opportunity to see how alcohol affects people when they drint to much?
19	PROSPECTIVE JUROR NO 777: I (indiscornible) know	19	Calci 1992/46 14
20	maybe one or two. Not close friends, but (indiscernible).	20	PROSPECTIVE JUROR NO. 797: Yes.
21	MR. PIKE: Okay. And then they fried appriety and		MR. P(KE) So you understand how it affects people?
22	religions?	22 1	Okay, thank you. In reference to this - the questions
23	PROSPECTIVE JUROK NO. 777: Yes, at heast once.	23 0	eganding CSI or CSAs and with people that come in, is there
24	MR. PIKE: And (indiscernible) one other person,	24 5	mybody here that disagrees with the concept that the police
25	Yes.	25	hould conduct a full investigation of a crime scene?
	Page 146	13.5	PROSPECTIVE JURGR NO.: I'm sarry. I didn't heur if
	ROUGH DRAFT TRANSCRIPT	ĺ	Page 147 ROUGH DRAFT TRANSCRIPT
1			
2	question.  MR, PIKE: Okay, I'm sorry. Let me rephrose it.		rey be found guilty of a lesser offense?
3	Probably a new meeting answer Comment of the	3	PROSPECTIVE JUROR NO. 626: Well, I guess there's al
•	Probably a poor question anyway. Does everybody here believe	3 3	egrees, depending upon the circumstances, I suppose.
5	that when the police come into a crime scene, that they should	•	MR. PIKE: Okay.
6	conduct a thorough investigation? Okay, everybody agrees with that	· .	PROSPECTIVE JUROR NO. 626: Never - Fee never by
7			a countroum before, so I dem know
8	Do you believe that when the police come into a scene and they impound a piece of evidence, that that piece of	7	MR. PIKE: And your budge number?
9	evidence should be examined or preserved for testimonial	9	PROSPECTIVE JUROR NO. 626: 626,
. 0	purpose or presentation in trial? Does everybody believe that?	9	MR. PIKE: That's okey.
1	(Indiscernible) into this case, as we've indicated	10	PROSPECTIVE JUROR NO. 626; (Indiscrimible).
	before, there actually is two parts to a murder case. The	11	MR. PIKE: The Same has to - if the State doesn't
3	deputy district attorney described the decision about guilt or	15 b	ove first degree murder that it's premeditated, deliberate.
	innocease. Now, some people come into a case and say well.		alice aforethought, then there's a possibility of second
5	it's all or nothing. In the defendant in this case is	A Billion on	gree menter.
6	charged with an open murder case. That includes first degree	15	PROSPECTIVE JUROR NO. 626; Right.
7	founder, second degree murder and the manslaughter charges, if	16	MR. PIKIF If they don't prove that, then there's a
£	the judge instructs you on those. Does anybody have any	977.65	essibility of manufacturer,
	preconceived notions about if someone is charged with a murder	18	PROSPECTIVE JUROR NO. 626: Right.
0	that they must be guilty of murder and not a lesser of kense?	19	MR. PIKE: And they don't prove that, there's a
5766	There is no affirmative response from the gubbary		esibility of voluntary in involunary manalesigner or
2	PROSPECTIVE JUROR NO. 626: I still didn't quite	21 34	cident defenses. You can reference to that. There's - is
	understand the question.		one anybody bere that believes that before that they could
	MR. PIKB: Okay, if somebody's charged with murder,		I negun Mr. C'Recté if it was determined it was an occident?
4		24 17	

24 There being no affirmative response.

PROSPECTIVE JUROR NO. 626" I don't know. Sterry, but

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MR. PIKE: Okay, if somebody's charged with murder,

25 do you think they have to be found guilty of murder or could

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1	I'm being honest here. If it was an accident, yeah, I - there	_ x	that they die in prison, do you believe that now?
2	are accidents.	2	PROSPECTIVE JUROR NO.: You just said that was the
3	MR. PIKE: Okay, There are, And there are accidents	3	law and yes, what you -
4	that occur everyday. Now, the next step is sentencing. Is		MR. PIXE: Okay. I'm trying to
5	there unybody in the in any event that the Sinte proves its	5	PROSPECTIVE JUROR NO.: (Indiscernible)
6	case beyond a reasonable doubt of first degree murder, the	5	MR. PIKE: (unlisecomble) mind authority figure
7	jury's going to be called to rander a decision as to what the	7	and (indiscernible). (Indiscernible) believe me, you've been
6	penalty will be. There are only three potential penalties for	8	told by everybody else that somebody eventually gets out.
9	first degree murder. One is life in prison with the	9	That's not
10	possibility of parole after 20 years have been served. And	10	PROSPECTIVE JUROR NO.: Right, but you just said that
11	that's (indiscernible) with the use of a deptly weapon.	11	they wouldn't get out so I believe you, yes.
12	The other one is 20 years to 50 years in Nevada state	12	MR. PIKE: Okay.
13		13	PROSPECTIVE JUROR NO.: I should be able to believe
14	is the alleged deadly weapon in this case. And the third one	14	il. Well, wait a minute yearre a lawyer.
115	is death by incarceration or life without the possibility of	15	MR, PEKE: And it's true, and the judge would advise
15	parole. Is there anybody in the countroom here that believes	16	vou of that
17	that life without the possibility of parole means that they're	17	PROSPECTIVE JUROR NO.: Okay.
18	going to get out of prison someday?	38	MR. PIKE: That there is tristh in sentencing laws m
19	PROSPECTIVE JUROR NO.: Yes.	19	the state of Newada. And so if I told you that somethody is not
20	MR. PIKE: Okay.	20	eligible for purole even for consideration to get out of prison
21	PROSPECTIVE JUROR NO.: That's what I've always	21	until they have served at least 20 years, is there mybody that
22	heard, unyway,	22	does not believe that? Prior to coming into coun today and me
23	MR. PIKE: Okay. In Nevada we have a cruth in	23	
24	sentencing law. If I told you that if you sentence somebody to	24	telling you that, how many of you didn't believe that? Okay.  The record reflect there are a manber of jurns that reflected
25	life in prison without the possibility of parole and that means	70.55015	that.
27593	Page 150	2.5	12-5576 Section 5-500 and
l	a sa per a segue a ser SAMAR MANA MANA par revolución de com	Į.	Page 151
_	ROUGH DRAFT TRANSCRIPT	_	ROUGH DRAFT TRANSCRIPT
1	Now I - and I ask you those questions to ask you	1	has been completed, and it's now time for the parties to go
2	this question, that is a serious decision and it's only in	2	through what's called peremptory challenges, and it takes some
3	these cases where the jury makes the sentencing decisions. And	3	time. That's where the parties by a secret ballot in effect
4	anything below first degree murder, the judge makes the	748	will excuse the juries from this particular panel. Again, it's
5	decision. But in the event that you go through and there is	5	done on a secret ballot. And it does take some time. We've
6	(indiscernible) in that, is there anybody here that	6	been going for awhile, so let's just take our personal break
7	for religious, moral or personal reasons would not feel	7	rigin now. Let's take a short break
6	comfortable in sitting on or rendering a sentence of	8	So during this recess it is your thity not to converse
Þ	imprisonment if there is a conviction? Okay. Your number.	9	among yourselves or with anyone else on any subject connected
10	name and your concerns,	10	with the trial, to read, wotch or listen to any report over
11	PROSPECTIVE JUNOR NO. 679: 679.	11	commensary on the trial by any person connected with the trial
12	MR. PIKE: Okay.	12	or by any medium of informing, including without limitation.
13	PROSPECTIVE JURGE NO 679: I don't know. I just	11	new spaper, television, radio or the Internet.
14	don't feet like (indiscernible).	14	And you're not to form or express an opinion on any
15	MR. PIKE: Okay. Can you pick that up?	15	subject connected with this case until it matter is submitted
16	THE COURT: No.	16	to you for deliberation, if you are selected as a juror. So
17	PROSPECTIVE JUROR NO. 679: 1 just - 1 don't know if	17	we'll just see you back as soon as your personal break has been
18	I can put somebudy as (indiscernible).	1-5-0	completed. Please, again, wait for the mershal to escort you
19	MR. PKE: Okay. Anybody else that would have	19	back in and remember where you're seated, please. Thank you.
			where you're water you're search pieces. I make you,

20

21

24 No. 613.

20 concerns about that? Thank you, your Honor, have I no further

(Off-record bench conference).

THE COURT: All right, counsel approach, please

THE MARSHAL: Okay, come to order, please.

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THE COURT: Ladies and gentlemen, all the questioning

21 questions.

22

23

24

25

Okuy, let the record reflect that we're outside the

MK. PIKE: Yes, your Honor. I were through and I

22 presence of the jury. Why don't we just greahead and Mr. Pike.

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23 you had a challenge for Mr. Eral, James Eral, E-r-a-L Jurur

(Outside the presence of the prospective junors)

620	MEASURE CARPERS (AREA CARPES NO. 100 CO. 100 CO.	1	
3	wanted to question him about the - his requirement feeling	93	upon that we would excuse from further consideration hurge M.
2	that the defense somehow had to present something. It was	332	
3	during that period of time that the Court subsequently asked	13	
4	the or instructed the jury more on reasonable doubt and	- 5	
5	burden of proof.	5	
6	And so then in the subsequent questioning he didn't	6	
7	add anything to that, but what he did do - what I was	7	
8	concerned about was that he never really backed away from that	6	The second secon
9	position and felt that we should - we had a burden, we had to	وا	and the same of the same of the same of the case
10	prove something, we had to prove his innocence.		
11	THE COURT: All right, thank you. Mr. Smith.		The state of the s
12	MR. SMITH: Judge, we centamly didn't have a chance	1366	The state of the s
13	to rehabilitate that juror. Your Honor did adments him about.	12	and the state of t
14	you know how it works in our system of justice. So if your	13	and a supported party because 80 disc stores of dis Disc 1000t.
: 5	Honor were inclined to remove him for cause, we would at least	1.4	The state of the s
16		15	THE PARTY OF THE P
27	THE CYMINE I have been self-	15	- we lost two jorners in one day. We had a jurar that was out
18	THE COURT: I think he followed up and said he would	17	in the smoking area and a family member of staneous went out
19	make a fair decision. He would fellow the rules of the court.	18	smoke and whoever got on the phone was giving a blow-by-blo
20	as far as that there's no burden on defense to present any	19	play of the testimony -
	evidence. So the challenge - I'm going to deny the challenge.	20	MR. SMITH Oh, that's not good.
21	And just for the record, we had agreed upon - actually, let's	21	
22	go over the previous numbers.	22	lost one or another one over the night. Just called and said I
23	At the first break we had agreed all parties had	23	
24	agreed on excusing Juror No. 622, 649, 687, 710. And then just	24	can't make me come back, and they didn't come back. So we to
25	recently I met with counsel at the bench and there's agreed	25	
	Page 154		Page 155
	ROUGH DRAFT TRANSCRIPT	ı	ROUGH DRAFT TRANSCRIPT
1	MS. PALM: But we can -		Control of the second s
2	THE COURT: You can go back here, yes.	1 2	MR. SMITH: Okay:
3	MR. SMITH And Judge, one last question.	2	MR. PIKE: Okay.
d	MC CUALIANT MICE TO THE 12ST QUESTION	3	THE COURT: All right. And again -
5	MS. GRAHAM: We can use the bathroom back there, you said. Judge.	4	MR. PIKE: Are stery alternote seats or -
6	THE COURTY Yes.	5	THE COURT: And you're aware of the seats, right?
7	MS GRAHAM: Okay.	6	MR. SMITH: 3 and 5.
B	V18 5 1.1 (1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7	MR. PIKE: 3 and 5.
9	MR. SMITH: One last question. We're doing 14? 12 and 2 alternates?	8	THE COURT: Okay.
		9	MR. PIKE: The hot seats are 3 and
10	THE COURT: Yes, right.	10	THE COURT: We had one where they came out 13 and 1
-210	MR. SMITH: So it's I through 8 and then -	11	sents. 13 and 14 were the alternates.
2	THE COURT: You'll have 10 preemptory challenges.	12	THE MARSHAL: That if you smake, there's no smoking of
3	MR. SMITH: Right, ukny.	23	this floor. So you got to go up one or down one to smake
4	THE COURT: Yes.	14	(indiscernible).
5	MR. SMITH: And it's I through 8 and then -	15	THE COURT: Okay, Mr. Pike,
6	THE COURT. No, I'm sorry 9. We'll have -	16	MR. PIKE: Got it. Thank you, That's right.
7	THE CLIERK: (Indiscemble).	17	THE COURT: Okay.
8	MR. SMITH: Yeah, how are they going to sa.	18	MR. SMITTH: So, Judge, when they come back in,
9	THE MARSHAL: You'll have I through 7.	19	
0	MR. SMITH: And then 8 through 14? Thank you.		they
1	THE COURT: And you get one peremptory challenge for	21	THE MARSHALL I through 7. * through
2	the alternate. So you'll have 9 peremptory challenges,	22	(indiscernible).
3	MR SMITH: Okay.	23	THE COURT: Well let me give you a sheet. She'll
	THE COURT: All right, so we just go straight through	100	give you the sheet.
4			APPLICATION APPLICATION
			ACCOMPANIES AND
	9. Page 156	25	MR, SMITH: Okay
5			ACCOMPANIES AND

THE COLIRT: You'll each have your own copy of the 2 sheet, so you'll see -MR. SMITH: Okay, Okay. 3 4 THE COURT: - all of them. 5 MR. SMITH: All right, got it. (Coast recossed at 2:29:04 p.m. until 2:41:14 p.m.) 6 (In the presence of the prospective jurors) 7 THE MARSHAL: Please remain sested and come to order 9 Department 17 of the Eighth Judicial District is again in 20 session. Henomble Judge Muchael P. Villani presiding. Let's make sure our cell phones are turned off, please. 11 THE COURT: All right, the State will now exercise 12 their first preemptory challenge. 13 14 MR. SMITH: Thanks, Judge. 15 THE COURT: All right, defendant's first. All right. 16 State's second. Defendant's second. All right, State's third. 17 All right, defendant's third. State's fourth. Defendant's fourth. Defendant's fourth. I'm sorry, State's fifth. All 19 right, defendant's fifth peremptory challenge. Defendant's — 20 excuse me plaintiff's sixth. Defendant's sixth peremptory 21 challenge. Store's seventh, Defendant's seventh. All right, 22 State's eighth. Defendant's eighth. All right, the State's 23 ninth and final peremptory challenge. All right, defendant's 24 minth and final peremptory challenge. (indiscernible) to the Court that all peremptory 25 Page 158 ROUGH DRAFT TRANSCRIPT

challenges have either been exercised or waived. The clerk will now call the roll of the members who will be impancied in 3 hear this case. THE CLERK: Okay, Juror No. 1 is Justin Dettre. Juror No. 2 is Jody Montonya. Juror No. 3 is James Eral. Jurer No. 4 is Judy Chelini. Jurur No. 5 is Nancy Mirolock. Juror No. 6. Kirk Livernash. Juror No. 7. Dawn Fraley. Juror No. 8. Araceli Murriem. Jurur No. 9, James McCaldin, Auror No. 10, Marie Piniilos. Juror No. 11, Jose Vasquez. Juror No. 12. Harley McFete, Juror No. 13, Robert Clark. And Juror No. 14, Marim Villascher. THE COURT: Ladies and gentlemen, those of you who 13 are not seated in the jury box. I'd like to thank you for your time today. Please understand it was not a waste of your time. 14 We must go through this process to make sure that we conimponel a jury. On a particular case I had, we went through jury selection for two full days, and I believe there was another trial that went for a whole week of this process. 19 And a's important that you did come down here and 20 perform your civic duty. At this time you're released flore my courtroom. You're instructed to go back down to the third 21 floor, juror commissioner, and advise them that you were in Department 17, you were not selected, and they'll process you cell. Again, thank you very much for your time. The clerk will now provide the oath of office to the Page 159

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1 jurers, THE CLERK: Please stand, Raise your right hand. 2 3 (Jury panel swom by Clerk) THE MARSHAL: You may be sessed. THE COURT: Congratulations, ladies and gentlemen, of been selected for this case. One thing I will tell you in a criminal case we have 12 jurges that deliberate. Now, there's 8 14 in the box. Jurors No. 13 and 14, that does not mean you. are the alternates for this case. The alternate chairs have 10 been randomly selected which means two of you will be 11 alternates in this case. If someone becomes ill or someone 1.2 find out they know something about the case or there's some 12 legal cause that one of the jurors have to be excused, then the 14 alternate would take their place. Again Juroes No. 13 and 14 15 are not necessarily alternates. So it's important that 16 everyone pay attention closely - close attention to the 17 evidence because it's a very important case, all right. 18 At the end of the trial I will read to you and 19 provide you a copy of the jury instructions. Each of you will

25 particular case. Page 160 ROUGH DRAFT TRANSCRIPT

20 have your own copy of the jury instructions, which are the low

23 so give you a head's up of some things to expect and some basic

21 that applies to this particular case. I'm going to read you

2.2 some preliminary instructions that will aid you in this trial,

24 Jaw for you to keep in mind as you hear the testimony in this

Ladies and gentlemen, you are admonished that no 2 jurar may declare to a fellow jurar any fact relating to this case as of his own knowledge, and if any juror discovers during the trial or amp the jury has retired that he or she or any isher juror has personal knowledge of my fact in controversy in this case, he or she shall disclose such situation to me in. the obsence of the juriors want. This admonishment means that if you learn during the enurse of the trust that you were acquainted with the facts of this case or the witnesses and you have not previously told me of that relationship, you must then disclose that fort to me. You communicate to me through the court marshall 13 This is a criminal case brought by the State of Nevada against the defendant. This case is based upon an information. The eteck will now read the information and state 16 the plea of the defendant 17 THE CLERK: District Court, Clark County, Nevada. 18 State of Nevada plainiff versus Brian Kerry O'Keefe. 19 defendant. Case No. C250630, Department No. 5, amended 20 information. David Roger, District Attorney, within and for 23 the County of Clark, Scare of Nevada, in the name and by the 22 authority of the State of Sevada informs the court that Brian 23 Kerry O'Keefe, the defendant above named, having committed the 24 crime of murder with use of a deadly weapon, open murder. 25 felony NRS 200,010, 200,030, 193,165.

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On or about the 5th day of November, 2008, within the County of Clark, State of Nevada, contrary to the form force and effect of statutes in such cases made and provided --2 4 (indiscernible). I'm scary. Within the County of Clark, State of Nevada, contrary to the form, force and effect 5 6 of statutes in such cases made and provided and against the peace and dignity of the State of Nevada did then and there willfully, feloniously, without authority of law and with premeditation and deliberation and malice aforethought kill 10 Victoria Witmarsh, a human being, by stabbing the said Victoria Witmarsh with a deadly weapon, to wit: A knife. Signed David. 11 Roger, District Attorney. Signed by Philip Smith, Deputy 17 District Attemey to which the defendant has entered a plen of not guilty. 15

THE COURT: Larbes and gentlemen, you should 1.6 understand that the information just read to you is simply a 17 description of the charge made by the State against the defendant. It is not evidence of anything. It does not prove anything. Therefore, the defendant starts out with a clean slate. The defendam has plead not guilty and is presumed 21 22

This is a criminal case and there are two things you 23 must keep in mind at all times. First, the defendant is 24 presumed innocent unless and until proved guilty beyond a 2.5 reasonable doubt. The defendant is not required to present any Page 162

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In deciding the facts of the case you may have to decide which witnesses to believe and which witnesses not to believe. You may believe everything a witness says, only pan of a or none it. And in considering the weight or value of the testimony of any witness, you may consider the appearance. attitude and behavior of the witness when testifying, and a number of other things including the witness' ability to see or hear or know of the things the witness restifies to, the quality of the witness' memory, the melipation of the witness 10 to speak truthfully, whether or not the witness has any 11 interest in the outcome of the case or any motive, bias or 12 prejudice. Whether the witness is contradicted by anything the wentess said or wrate before the trial, and how reasonable is 14 the witness' testimony when considered with other evidence 15 which you believe? 16 In deciding whether or not to believe a witness, keep 17 in mend that people sometimes forget things. You need to 18 consider whether a contradiction is an invocent tapec of memory 19 or an intentional falsehood, and that may depend upon whether 20 in has to do with an important fact or only a small detail.

2.2 the number of witnesses testifying for one side. 23 You must consider all of the evidence and you may 24 decide the resumony of a smaller number of witnesses on one

2.1 The weight or value of evidence does not necessarily depend on

35 side as more weight or value than that presented by a larger Page 164

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evidence or prove his innocence. The law never imposes upon a defendant in a criminal case the burden of calling any witnesses or introducing any evidence.

Second, to convict the State must prove beyond a reasonable doubt the crime was committed, the defendant is a person who committed the crime. It will be your duty to decide from the evidence to be presented whether defendant is guilty. or not guilty. You are the sole judges of the facts. You will decide what the facts are from the evidence which would be presented. The evidence will consist of testimony of witnesses and documents and other things received into evidence as 12 exhibits

:3 You must apply the facts of the low which I shall give you, and in that way reach your verdict. It is important you you perform your duty of determining the facts diligently and conscientiously. For maintaily there is no way of correcting an erroneous determination of the facts by the jury.

17 You should not take unything I may say or do during 18 the trial as indicating my opinion as to how you should decide the case or to influence you in any way in your determination of the fact. At times I may even ask questions of witnesses, If I do so, it is for the purpose of bringing out matters which should be brought out and not in any way to indicate my opinion about the facts or to indicate that the weight or value you

## 25 should give to the testimony of a witness.

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number of witnesses on the other side. There are two kinds of evidence, direct and circumstantial. Direct evidence is testimony about what the witness personally saw, heard or did. Circumstantial evidence is indirect evidence. It is proof of one or more facts from which you can find another fact. By way example, if you wake up in the morning and see the ground, the sidewalks and the street are all wer and water a running down the gutter, you may first from those facus that it rained during the night. It is proof of one or more facts from by you can find another fact. If you are awake during the night and saw the rain fall, that 12 would be direct evidence which is something you personally saw. 13 You may consider both direct and circumstantial evidence in deciding the case. The law permits you to give equal weight or value to both. But it is for you it decide how much consideration to give any evidence. Certain things are not evidence and you must not consider them as evidence in deciding the facts of this care. Statements and arguments by attorneys, questions and objections of the attorneys, testimony I instruct you to disregard, and anything you may see or hear

if the court is not in session, even if what you see or her is done or said by one of the parties or by one of the witnesses. Remember, evidence is sworn resumming by a witness: 24 while court is in session and documents and other things. 25 received into evidence as caltibias. There are rules of law Page 165 ROUGH DRAFT TRANSCRIPT

21

- which control what can be received into evidence. When a lawyer asks a question or offers an exhabit into evidence and the lawyer on the other side thinks that it is not permitted by 3 the rules, that lawyer may object. If I overfule the S objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered and the exhibit cannot be received.
- Whenever I sustained an objection to a question, 9 ignore the question and do not guess what the enswer mehi have 10 been. Sometimes I may order evidence stricken from the record 11 and tell you to disregard or ignore such evolence. This means :2 when you are deciding the case, you must not consider the 13 evidence which I have sold you to disregard.

14 It is a duty of a lawyer to object to evidence which 15 the lawyer believes may not be permitted by the rule. You 15 should not be projudiced in any way against the lawyer what 17 makes objections on behalf of the porty the lawyer represents. Also, I might find it necessary to admonish a lawyer. If I do. 19 you should not be prejudiced towards the lawyer or the client 20

because I have found it necessary to admonish the lawyer. 21 You will be given the opportunity to ask written. 22 questions of the witnesses called to restify in this matter. 2.3 After both sides have completed the questioning of the witness. 2.4 the jury at that time and only at that time may ask a question.

25 of the witness. Please raise your hand, write your question.

2

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1 about the case on your own. You may be tempted to visit the crime scene. Please do not de so.

In view of the time that has clapsed since this case 3 has come to trial, substantial changes may have occurred to the 5 location in question. Also, in making an unauthorized visit 6 without the benefit of explanation, you may get an erroneous 7 impression. Therefore, please avoid going near or past the В location until after this case has been completed,

At the end of the trial you will have to make your 10 decision based upon what you recall of the evidence. You will not have a written transcript to consult and it's difficult and 1.2 time consuming for the coun recorder to play back lengthy 23 testimony. I urge you to pay close attention to the testimony 14 as it is given. If you wish, you may take notes to help you 15 remember what a witness soid. If you do take notes, please 16 keep them to yourself until you and your fellow juriers go to 1.7 the jury room to decide case. Do not let note taking distract 18 you so that you do not hear other answers by the witness. You 19 should rely on your own memory of what was said and not be 20 averly influenced by the notes of other jurges.

21 Do not make up your mind about the verdict should be until after you have gone to the jury room to decide the case 23 and you and your fellow jururs have discussed the evidence. In is important that you keep an open mind throughout this trial. 25

During the course of the trial the attorneys for both Page 168

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down on a piece of paper that will be provided to you. Write down your jurns number and then hand it to the marshal. The murshal will then provide the question to me, and I'll confer with course) to see if it a legally proper question. If it a legally proper question, the question will be asked the witness. If it is not, then it will not be asked. The jury should not give undue weight to any questions that they have presented to a witness.

Unisi this case is submitted to you, do not talk it each other about it or about anyone who has anything to do with it until the end of the case when you go to the jury room to decide your vertict. On not talk with anyone else about this case or enyone who has anything to do with it until the trial has ended and you have been discharged as juriors. Anyone else includes members of your family and your friends. You may tell them that you're a juror in a criminal case, but don't sell them anything else about it until after you have been discharged by me. Do not let anyone talk to you about the case or about

anyone who has anything to do with it. If someone should try to talk to you, please report it immediately by contacting the marshal. Do not send any news stories, listen to any radio broudcasts or watch any television reports or do any internet research about the case or about anyone who has anything to do 25 with it. Do not to any research or make any investigation

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- 1 sides and all court personnel, other than the murshal, as well
- 2 as the Court, as well as the judge are not permitted to converse with members of the jury. These individuals are not
- being anti-social, but they are bound by the law and rules of
- ethics. To do so might contaminate your verdict,

The trial will proceed in the following manner: The deputy district attorneys will make an opening statement, which is an outline to help you understand what the State expects to

prove. Next the defendant's attorney may, but does not have

to, make an opening statement. Opening statements serve as an introduction to the evidence which the party making the

12 stakement intendeds to prove.

13 The State will then present its evidence, and counsel for the defendant may cross-examine the witnesses. Following the State's case, the defendant may present evidence, and the

deputy district attorney may cross-examine the witnesses. 27 However, as I have sold, the defendant is not obligated to

18 present any evidence.

19 After all the evidence has been presented. I will 28 instruct you on the law. After the inseruction on the law has - after instruction of the law have been read to you each

side has the apparatority to present oral argument. What is said in oral organism is not evidence. The arguments are

designed to summarize and interpret the evidence.

Since the State has the burden of proving the Page 169

defendant guilty beyond a reasonable doubt, the State has a right to open and close the arguments. After the arguments have been completed, you will retire to deliberate your verdict. At this time, is the State ready for their opening." MR. SMITH: Yes, Judge. THE COURT: All right, so shoul. MR, SMITH: May it please the Court, counsel. Folks. despite the fact that this is a murder trial, I don't really have a long and create opening statement because fundamentally the facts of this case are pretty simple. 10 11 The State anticipates that the evidence this you're 12 going to see throughout this trial is going to show that on November 5th, 2008 here in Clark County, Nevada, the defendant 14 was living with his on again, off again gerifficent, a woman by 15 the name of Victoria Witmarsh. They had been seeing each other

16 for several years dating back to 2001. 17 I say on again and off again, but obviously in 18 November 2008 they were on again, and in fact, they were living 19 together at a residence located off a street called El Parque.

20 Now, Mr. Witmarsh was actually estranged from her husband. Her actual legal name was Mrs. Victoria Witmarsh. But at the time

she was in a relationship with the defendant, Brian O'Keefe, 22 Mrs. Witmersh had been estranged for her hashand for

24 several years, and in fact, she had a daughter with that 25 husband. The daughter's some was Alexandra. Now, on the night

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THE COURT: All right, thank you. Mr. Pike, do you wish to exercise your right for opening at this time?

3 MR. PIKE: Yes, your Honor.

2

21

THE COURT: All right.

5 MR. PIKE: May it please the Coun, ladies and 6 geralemen of the jury, counsel, Ms. Palm and Brian, this is an opportunity that I have to preview the defense's version of Mr. O'Keefe's version and try to pull together some of the evidence

that's going to be produced to you so that when it comes

10 forward to you, it will — it goes in context. Sometimes we 11 have to call witnesses out of order so the best thing I can

12 describe in opening statement is like a picture on a puzzle box 13 because sometimes we put a piece over here in the corner, and

14 it isn't until we bring in the other pieces that that makes 15 sense and it all kind of firs in.

26

So enec you understand the theory of the State as 17 they presented it, now we're going to show you what the 18 evidence is going to show in this case and why it would be 19 appropriate to come back not with a verdict of guilty of murder 20 in this case

This is the case of the State versus Brian O'Keefe. 2.2 It is a case about tragedy and not about murder. It storts out 23 with the State alleging this premeditation. That he thought 24 about it. He had the malice, the ill will that they talked

25 about. But it 's not supported by the physical evidence that's Page 172

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in question. November 5dr, 2005, it's the State's position that

the defendant and Victoria Witmersh got into what we'll call

for new an argument or an altercation

Now, by no means are we conceding this was mutual combat but something happened, and the evidence is going to show you what exactly happened. At the conclusion of this afterestion. it's State's position that the evidence is going. to show you that the defendant in fact, stabbed Victoria

Witmorsh and that she died.

We also amicipate that the evidence is going to 10 11 prove to you this was no self-defense, this was not an accident, and it was not a suicide. And that's what we have to prove. We have to prove that the death of Ms. - Mrs. Witnessh 14 was undowful

We arricipate that we are going to prove that the 15 death in this case was nothing less than an intentional acr committed by the defendant against Mrs. Witmarsh. You're also going to hear evidence indicating that the defendant had a

morive to kill Mrs. Witmush and that he had what we'll describe as an underlying ill will towards Mrs. Witmarsk, which we submit is going to help us meet our burden of proving beyond

22 a reasonable doubt that this was an interminant act.

And as the conclusion of all the evidence in this 23 case, we are going to ask you to return a verdict of guilty to 24 the crime of first degree murder. Thank you,

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going to come in. This is the aparament where all these events

occurred. It was not done in a secret or a premeditated or

where somebody smick to where someone was at and their killed. them and tried to get away from what was happening.

It was this on again, off again gifffrend. They were fiving together. They were living in this apartment and neighbors were around. They walked up. This is where they came. The door was open. The evidence is going to show that

when the neighbors came, they came in the door. It was open, This is not sumething that was done in secret, which is what

you would reasonably expect or would imerpret as a

premeditation or planning.

13 They were a couple. They lived together. He gave her flowers. They had their clothing together. They kept an apartment. They kept a clean apartment. They had goven over 16 their past problems. They were hoping for that happy ending

17 that we heard about. And they were back together. 15 The physical evidence will show that this is a comple

that was begoing for a future sogether. (Indiscernible) the 19 20 bathroom, the closet space, it appears to be equally divided.

They're working side by side with the union. We'll bring in

which members to show that as a couple they were open. This is

2.3 not something where anybody was keeping a secret. They were 24 back together. 25

Victoria and Brian were inseparable around the union Page 173

- and they worked together, and everybody knew that they were there. This evidence will show they were looking forward to 3 Christmas together. This is an invitation to a Christmas porty. that was found on the table and photographed by the Las Vegas Metropolitan Police Department as they were investigating the location in the apartment and trying to put all the - together everything that happened during this period of time.
- This is the knife that was used. Now, you're not 9 going to actually have that knife brough in. Biologically the 10 deceased suffered from cirrhosis of the liver and Hep C. and so there's a biological issue. So you will see the photographs that were done. The CSIs examined it to determine whose blood was where to give you the significance about it, explain it, and they'll provide the physical evidence from which you can
- 16 Notice that the protection here. That that portion 17 of the knife and that where they -- the blood was located on it and what the processing revealed, revealed some interesting 18 things. That there was a mixture of profile, both Brian and

interpret the physical offense that occurred.

15

- Victoria's blood was on the handle. Victoria's blood was there. It was a mistage of blood both here, and there was make 22 blood, Brian's blood was right there.
- 23 And as you look at where this all occurred, then 24 you're brought into the situation that this blood and Brian's 25 blood, where his blood came from, came from a wound that was

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# 1 because of the injury, it was just a single knife wound to this

2 side here. There was a fair amount of bleeding because of the

- 3 cirrhosis of the liver. That acts much like hemophilia in that the blood current clos and the evidence that you will see will show you that Victoria suffered from this, and so she bled more quickly and more profusely an someone who didn't suffer from that. And the blood went down this side, and it appeared to pool on an a portion of her pasts. She was wearing a dark outfit, and the only thing 10 that could really show up the blood I'm reference to, and this 11 is - I apologize for this not being a good picture, but it was 12 a light piping that she had on her pants. So in an effort to 13 determine where that blood was coming from, the evidence that 14 you're going to receive will appropriately show that as Brian 15 was attempting to assign her, that after he was cut, he removed 16 the pants and staned to put them into the hamper in the
- 16 cuts was down in the cutf of the pages Lack of the arm strength of Mrs. Witmersh, as you can 15 see Mrs. Witmarsh was in her 50s. She was slight. She did not 20 21 have a lot of measure her arms. I guess is a delicate way to put it. Or flexible enough as they grabbed the (indiscernible)

17 bathroom and sure enough his blood from where he received those

23 that it would have allowed for the knife to move put the 24 position where it ultimately just his her at her

25 (indiscernible) spot. The blood evidence further

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consistent with a defensive wound. This is a picture of

Brian's hands. They came is and photographed where he was cut.

3 As an astempt to defend himself, he grabbed a knife or to stop

Victoria's use of the lartife during that evening.

The gathered blood evidence, the meaning, the interpretation of that blood evidence and the events were and this is a picture of blood evidence that you will see going.

to the bathroom. (Indiscernible) to find clothing to help

tindiscernible) - excuse me, try and provide health care or to

10 stop or belp Victoria during that period of time. 11

There will be no evidence brought in this case. physical evidence, that Mr. O'Keefe was the attacker. You'll

see the evidence that you're going to be receiving will come in

from a number of sources. And it will come in front autopsy reports. CSA reports, the ONA reports that I showed you and in

16 the physical evidence.

This is something that the State did in preserving in 17 their evidence. They put covers over the hands to determine

whether or not there was any scratch marks or any DNA that may

have indicated that there was any sort of a defensive

scrutching or anything by Victoria. And so -- and if there was, it would have been Brian's DNA under her fingermails.

23 There wasn't

24 This was not a situation where Victoria was ever in 25 the defensive position. Blood evidence — also as it —

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- that you're going to see
- will be collected as to what's contained on the bed
- where the initial (indiscernible) had railed (indiscernible)
- had rolled again and then went on the (indiscernible) of
- medion. And that will be explained by the CSAs as well as fee
- State as well as our own CSA, (indiscernible) Schiro who will
- testify in reference so that.
- This is the (undiscernable). This is photograph
- (indiscernible) from Metro and it shows (indiscernible) in
- context here with the arm. The physical evidence that is going
- to be presented to you again, will show you that
- tindiscernible) stab or an insertion type wound and no physical
- evidence that showed these two people were involved in any
- shashing type or any type of long along fight or mything like
- that because there eren't a series of wounds that are related
- 16
- to it. There's (indiscountible) deal with that,
- 17 The evidence of the single puncture wound is also
- shown in the clothing because it was a jacket that was on over
- a top that was . . had the musching pents, and they were this
- 20 is how dark they were and this is how difficult even the
- 2.1 photographs that we have to see where the blood was coming from
- 2.2 during that period of time. And remember, if was night at the
- 2.3 time that this occurred, and it was dark.
- 24 The nature of the blood, again, you'll see the
- 25 charting evidence and photographs photograph evidence

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(indiscernible) Mr. O'Keele, which further we'll go through and show the defense's position. The blood - it all comes down to what condition were these two people in when this happened? What was their baune of mind and what were they thinking what was going on? Civilian witnesses are going to come in, the neighbors. The heard the noise and they came up first. And 7 they called the police, and the police came. When the civilians, the neighbors came up. Brian - they said Brian was thank. He was insoxicated, and he was over the body. Ners. 10 Witmarsh at the time. He was incoherent, he was yelling, he 11 was rafting to her, he was yelling at them. Most of all he was 12 intoxicated. An officer can verify that by saying he was 13 intexicated. He was unsteady on his feet, had dilated pupils. He reacted in such a manner that they had to taser him to move

16 him out of the bedroom and away from Victoria. 17 Again, now, the interpretation as the Judge indicated is for you as to not running from the scene. We'lf have 18 evidence of that. Staying with ber, cotting for help, trying to get the neighbors to call for help. And you interpret those as circumstantial evidence. His evidence of trought to Brian's back. That's another picture of Brian that was taken police 23 officers at the time. 24

The intoxication of Mrs. Witmarch along with 25 suffering from the Hepatitia C, the circhosus of the liver, she

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and Victoria Witmersh who had met in rehab and had a long.

history of alcoholism fell off the wagon hard. (Indiscernible) the pills and the sleohol. Unfortunately that results in the death, a tragic death, of Mrs. Witmursh. A lady in her 50s who was loved by family, her friends and by Brian. 5 5 With the conclusion of the evidence, once you put all of that together and you examine the evidence (indiscernible) in relationship to that, then I'm going to be able with a clear conscious and you will be able to return a -- not a verdict of 10 first degree murder because the intoxication, as it affects a 11 person's ability to decide what they're going to do, you will 1.2 find that that is a consideration that you'll have to make to 4.3 determine whether or not this is a second degree murder. The 14 instructions, again, will talk about the voluntariness, the 7.5 voluntary potential acts if they cause an injury and whether or 16 not in is a voluntary or decided or planned act that occurred. 17 The evidence will not support that. 18 In addition to their, if it is involuntary objection 19 or a negligern action that was involved, you can even consider 20 ther for one of the possible layers of guilty, if you believe 21 that there is guilt in all. Reaction to the knife, the 2.2 location of the wound, how it occurred, the maxion of the 2.3 bleeding, all this physical evidence will allow you to

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determine the accidental nature of this injury (indiscernible)

as a reaction to a knife that was presented to Mr. UK cefe.

also suffered from depression, and she had -- she mok anti-depressants for that. At the time of the autopsy, it was found that at the rime that all this occurred she had a blood alcohol of 24. That's about three times the legal lime. You can't operate a mosor vehicle after 08, and it was there times with that. In addition to thes, she had a high amount of anti-depressant medication that was inside of her. We're going to bring in a doctor to testify about what that combination of drugs is it to somebody, and some of the possible side effects that it would cause upon somebody, and what they may do under - when they're under the influence with that combination of drugs and alcohol. You'll hear testimony on what they were building together. That they had been amending alcohol counseling together, and unfortunately, these - this is a couple that we now know never should have got bung together. Why that they? Who initiated this? This was not a situation where Mr. O'Keefe sought out and stocked her, tried to chase down Mrs. Witmarsh and reestablish a relationship. In fact, Brian but had a relationship and was living with a Cheryl Morris. She'll come in and testify the relationship to that, 23 23 And it was Mrs. Witmersh that reinitiated the

relationship between the two of them, and she basically came in and forced Cheryl out. And then these two people that Brian

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# ROUGH DRAFT TRANSCRIPT

Mr. O'Keele would react to something like that. He's been trained. He served in the airborne. He's a bronze stor metal of valor recipient, and he has come from that to this, an interstealed state, reacting to a knife and with knowledge of what Victoria would do and what a person believed and then reacts results in that, So at the conclusion of this case the evidence is going to say this was either a negligent act between two extremely intoxicated people, and it was an accidental (indiscernible). This was a negligent act that caused an involuntary marslaughter and we'll come back and ask for that 12 as a return at the close of this case. Thank you very much. 13 THE COURT: Thank you, Mr. Pike. Is State ready to 14 call our first witness? 15 MR. SMITH: We are, Judge. 16 MS, GRAHAM: We are, Judge. State calls Joyce 17 Tloiver. 18 THE MARSHAL: Mr. Thorser, if you'll remain standing. 19 please, and raise your right hand and face the clerk. 20 JOYCE TOLIVER PLAINTIFFS WITNESS, SWORN 21 114E CLERK: Please be seared. Will you please state 22 your name and spell it for the record 23 THE WITNESS: Joyce Tlower, July-c-e, 24 T-t-p-i-v-g-r. 25 DIRECT EXAMINATION

Page INL ROUGH DRAFT TRANSCRIPT

1	BY MS. GRAHAM::	1	1 only there for like two months.
2	Q Good afternoon, Joyce.	13	2 Q Okay.
3	A Good afternoon.	137	*1321 PM 100 100 100 100 PM 10
4	Q Do you currently reside - where do you currently	1 4	the pass are account mace or details woulded in men
5	reside?	5	The state of the s
6	A 5001 El Parque, Apartment 29, Las Vegas, Nevada,	- 33	
7	89146.	30 E	6 Q Okay. And the last one you meaning (see) the victim 7 in the case?
8	Q Is that in Clark County, Nevada?		
9	A Clark County, Nevaria	9	The state of the s
10	Q Tell the jury how long you've lived there?	1 -	or a language and a biguite of the victim, we
11	A Ten - it will be eleven years in July.	10	Learner 100 and American to Driver 201 and
12	Q And who do you live with, Joyce?	111	
13	A My husband, Charles Tigiver	12	The second in the Contract in
14	O Charles Tloiver?	13	[12] [13] [14] [14] [14] [15] [15]
15	A Um-h'm Yes	24	A SHOW IN MANAGED THE RESENT A MINT & DECK MINISTER OF
16		15	
17	<ul> <li>Q So how long have you and Charles been married?</li> <li>A Valentine's Day it was 30 years.</li> </ul>	16	the state of the s
18		17	The state of the s
19	Q 30 years? And on November 5th, 2008 you both lived there.	18	
20	A Correct	19	The Charles Shay
21	1944 SEACHERSON AND CONTRACTOR OF THE CONTRACTOR	20	- care grown are proceedings.
22	Q Were you familiar with the neighbors that lived	21	THE GOOD IN THE GOOD IN THE REAL PROPERTY.
	directly upstairs from you?	22	
23	A No.	23	The state less were a look at the Stickli their.
	Q Okay. Could you identify them if you saw them?	24	4 Joyce. Do you recognize that woman?
25	A I could probably identify the man. They – he was	25	5 A Looks like her. No make up, but -
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	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	O Okay, Looks the woman that livest prestries from 1997?		Security Conference and Conference
2	A THE PERSON NAME OF THE PARTY	1	Se same less We the transfer white
3	A Yeah. A little small because her face is a little	2	
4	bigger, but, yeah.	3	The state of the s
	Q Okay, And do you see the male that lived upstors	1	33
6	with Victoria Witmarsh in the courtroom today?	5	5 O And approximately, 9 00 p.m. what were you doing at
	A Would be be ever there. Him, I think.	6	f that point?
7	Q Does he look different to you!	3	The state of the late to case. I work during
8	A He got glasses on and look older.	8	the day so I watch the stories at night to fall asleep on, so
9	Q Okay. Could you point to him and describe what he's	9	
10	wearing other than the glasses because I see three people with	10	0 Q Okay.
	glasses at that tuble	11	The state of the s
12	A Okay. The gentlemen to my left, your right, with the	12	2 bedroom between like 8:45 getting ready for 9:00 o'clock. My
	tic on, but they all got on tes.	13	3 husband was sleep, and that's what I was doing at 9:00 o'clock.
14	Q What color tie does he have:	4	O Okay. And where were you -
15	A The—	35	
16	MR. PIKE: We'll stipulate to the identity of Mr.	26	6 Q getting ready to watch
	O'Kerfc	17	
18	MS. GRAHAM: Okay:	18	
19	THE COURT: The record will reflect identification of	19	9 Q Allright.
	the defendant	20	77 N. S.
21	THE WITNESS: He looks older.	21	
	BY MS. GRAHAM::	22	
23	<ul> <li>New Joyce, I want to draw your anemion.</li> </ul>	23	
24	specifically, to November 5th of 2008 this past year	24	
25	A Okay.	25	
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			FAVE TAN

1	A Yeah, he was in bed		
2	O — was he —	1	A I shought they were fighting.
3	A Yesh, he was in bed out to me,	2	Q Okay.
	O Okay	3	A I could hear crying
5	A Sametimes he sleeps on the couch, but most of the	1	Q I'm sorry?
6	time he was in the bed with me next to me because he - after	5	A I could hear crying.
7	he cass and take his shower, he's out for the count.	6	Q You could hear crying?
8	O Okay.	7	A A woman crying right.
5	A I'm up watching my stories. And then it got kind of	9	Q You could hear a woman crying.
10	loud. It was a lot of noise going on, and I - my first		THE MARSHAL: Judge, we have to them one talk
11	reaction, I always turn my remote up to try to drown it out.	10	The state of the s
12	Q Let me step you right there.	11	THE COURT WENT I THINK ACT IS THE CASE OF SELECT
13	A Okey.	13	other.
14	Q Okay. That night you were getting ready to watch One	14	the state of the s
15	Life to Live, and you in your bed.	15	THE COURT: And Ma'am —
6	A Right.	16	The state of the s
17	<ul> <li>Q Did you hear your neighbors upstairs, Victoria and</li> </ul>	17	the second to the competition but the phesical
	Brian? Do you hear anything that caused you some concern?	18	1937 SALIDANINA MARKA
9	A Sure, this. All that, and all from the top and all	19	THE COURT: - and then she'll let you finish your answer.
0	from the side, yeah.	20	THE WITNESS: Okay,
1	Q Okay. And that was going on while you were watching		THE COURT: Okay?
2	TV?	22	
3	A While I was trying to watch the TV. I formed the	23	Q When you say you heard all this thumping and
4	remote up so I could hear louder, but it got just as loud.	24	commotion and crying, how long was it that you heard all
5	Q What did you think was going on?	25	this crying and commonion?
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	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
EW.	00 WITH DESIGNATION OF SECTION OF THE SECTION OF TH	Х-:	
2	A I think it had started before I had really noticed	1	as to what Charles Theiver did next when he woke up.
3	what was going on, because like I said, I was I was in the	2	MR. PIKE: Charles Theiver is in the room outside.
	bed warching my story, and I could hear a little crying and a	3	THE WITNESS: Yeah, he can tell you.
	tot of thumping and a tot of thumping and crying again. There	•	THE COURT: I'm going to sustain the objection.
•	was crying throughout the whole thumping  Q So you couldn't enjoy One Life to Live?	5	MR. PIKE: Thank you.
,	A No. I couldn't	б	TITE WITNESS: So what -
9	Q Okay: At some point did Charles wake up because of	7	BY MS. GRAHAM:
,	the commotion upstairs?	B	O Go ahead.
٥	A Oh, yes, he did.	9	THE COURT: I sustained the objection. Don't answ
1	O Okay, sell me what happened.	10	the question.
2	A life said what the fack is -	11	THE WITNESS: Okay.
3	MR. PIKE: Objection.	12	THE COURT: Wait until the next question.
	THE WITNESS: going -	13	MS. GRAHAM: Okay, BY MS. GRAHAM::
5	MR. PIKE: Objection, Hearsoy.	15	
6	THE COURT: Okay, Listen to the question, Malain	15	Q So Charles wake up. A Yes.
	She asked you sell me what happened, skey. Did anothing happen	17	O Okay. And then what did you do?
7	in your spartment at that point?	18	A light looked at him because what he had said.
7	THE WITNESS: Resides my histand waking up, no. They	19	<ul> <li>Q Okuy. And tild at any point in time because of what</li> </ul>
8	were still - it is as going on so loud it wake him.		was going on upstairs, did you try to get the attention — did
9	BY MS, GRAHAM:	21	anybody try to get the attention of upstairs to -
9	And And Prison Company of the Compan	22	A 1 took the broom and —
8 9 0	O Okay. And when Charles wake up, what did he say?	1000	
8 9 0 1 2	A He said when the fact	23	O get them to quiet
8 9 0 1 2 3	A He said when the fack MR. PiKE: Objection, your Florier, Hearsay.	23 24	
5 9 1 1	A He said what the fack		60 NO 80 87 EU NO 10 POSTO
9	A He said when the fack MR. PiKE: Objection, your Florier, Hearsay.	24	A punched it up stairs, but that didn't work,

# IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN K. O'KEEFE.

vs.

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THE STATE OF NEVADA Respondent.

Appellant,

Supreme Court No.:

District Court Case No. 1030730419 Filed

Dec 01 2015 10:51 a.m.

Tracie K. Lindeman

Clerk of Supreme Court

# APPELLANT'S APPENDIX - VOLUME IV - PAGES 0600-0799

MATTHEW D. CARLING 51 East 400 North, Bldg. #1 Cedar City, Utah 84720 (702) 419-7330 (Office) Attorney for Appellant

STEVEN B. WOLFSON Clark County District Attorney 200 Lewis Avenue, 3rd Floor Las Vegas, Nevada 89155 Counsel for Respondent

CATHERINE CORTEZ MASTO Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 Counsel for Respondent

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Order filed on 11/06/10	1462-1463
Order for Petition for Writ of Habeas Corpus filed on 10/15/14	5051
Order for Production of Inmate Brian O'Keefe filed on 05/26/10 Order for Return of Fees filed on 11/10/11	1032-1033
Order for Keturn of Fees filed on 11/10/11	3183

Order for Transcripts filed on 04/30/12	3442
Order Granting and Denying in Part Defendant's Ex-Parte Motion for	
Production of Documents (Specific) Papers, Pleadings, and Tangible	
Property of Defendant filed on 02/28/14	4818-4820
Order Granting Ex parte Motion for Defense Costs filed on 07/01/10	1044-1045
Order Granting Request for Transcripts filed on 01/20/11	2966-2967
Order Granting Request for Transcripts filed on 04/27/11	3043
Order Granting Request for Transcripts filed on 09/14/10	1430-1431
Order Granting Request for Transcripts filed on 09/16/10	1438-1439
Order Granting, in Part, and Denvine, in Part, Motion by Defendant	
O'Keefe for Discovery filed on 08/23/10	1394-1395
Order Granting, in Part, and Denving, in Part, Motion by Defendant	13741373
O'Keefe to Preclude the State from Introducing at Trial Other Act or	
Character Evidence and Other Evidence Which is Unfairly Prejudicial or	
Would Violate his Constitutional Rights filed on 09/09/10	1427-1429
Order Granting, in Part, the State's Motion to Admit Evidence of Other	3199-3200
Bad Acts filed on 03/13/12	3199-3200
Order Releasing Medical Records filed on 04/08/11	3039-3040
Order Requiring Material Witness to Post Bail or be Committed to	3039-3040
Custody filed on 03/10/09	0230-0231
Order Shortening Time filed on 08/16/10	1283
Petition for a Writ of Mandamus or in the Alternative Writ of Coram	1283
Nobis filed on 12/06/13	4662 4604
Petition for Writ of Habeas Corpus or in the Alternative Motion to	4663-4694
Preclude Prosecution from Seeking First Degree Murder Conviction	
Based Upon the Failure to Collect Evidence filed on 01/26/09	0107 0100
Petition for Writ of Habeas Corpus Pursuant to NRS 34.360 Exclusive 1	0125-0133
Based On Subject-Matter of Amended Information Vested in Ninth	
Circuit by notice of Appeal Then "COA" Granted on a Double Jeopardy	
Violation with No Remand Issued Since filed on 09/15/14	4040 4040
Petitioner's Supplement with Exhibit of Oral Argument Scheduled by the	4940-4949
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filed on 10/01/14	4004 4000
Pro Se "Reply to State's Opposition to Defendant's Pro Se Motion to	4984-4988
Modify and/or Correct Illegal Sentence filed on 03/04/14	1031 1000
ProSe "Reply" to State's Opposition to Defendant's (Ex-Parte) "Motion	4821-4832
for Reimbursement of Incidental Costs Subsequent the Courts Declaring	
Defendant Indigent and Granting Forma Pauperis" filed on 02/24/14	4500 4500
Receipt of Copy filed on 01/03/11	4792-4799
Receipt of Copy filed on 01/12/11	2761
Receipt of Copy filed on 01/12/11	2812
Receipt of Copy filed on 01/18/11	2813
Receipt of Copy filed on 01/27/09	2876
Receipt of Copy filed on 01/2//09  Receipt of Copy filed on 01/30/09	0134
	0146
Receipt of Copy filed on 02/06/09	0168

Receipt of Copy filed on 03/04/09	0221
Receipt of Copy filed on 03/24/09	0323
Receipt of Copy filed on 05/24/10	1031
Receipt of Copy filed on 06/13/11	3163
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Receipt of Copy filed on 08/02/10	1240
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Receipt of Copy filed on 08/02/10	1242
Receipt of Copy filed on 08/02/10	1243
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Receipt of File filed on 07/01/10	1046
Reply in Support of Supplemental Petition for Writ of Habeas Corpus	1040
(Post-Conviction) filed on 08/25/15	5500-5510
Reply to State's Response to Defendant's Pro Per Post-Conviction	3300-3310
Petition for Habeas Corpus filed on 06/16/15	5423-5432
Reply to State's Response to Defendant's Supplemental Petition for Writ	V-140 2134
of Habeas Corpus filed on 08/24/15	5489-5499
Requist for Rough Draft Transcripts filed on 10/21/15	5549-5551
Request for Rough Draft Transcripts filed on 07/17/12	3458-3460
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Request for Rough Draft Transcript filed on 05/21/09	0329-0331
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Return to Writ of Habeas Corpus filed on 01/29/09	0135-0145
Second Amended Information filed on 08/19/10	1326-1328
State's Opposition to Defendant's (Ex-Parte) "Motion for Reimbursement	
of Incidental Costs Subsequent the Courts Declaring Defendant Indigent	
and Granting Forma Pauperis" filed on 02/07/14	4768-4791
State's Opposition to Defendant's Motion for a Reasonable Bail filed on	
09/27/10	1452-1461
State's Opposition to Defendant's Motion for Judicial Notice - The	
State's Failure to File and Serve the Response in Opposition filed on	
03/10/14	4834-4839
State's Opposition to Defendant's Motion to Dismiss filed on 03/21/12	3407-3411
State's Opposition to Defendant's Motion to Preclude the State from	2
Introducing at Trial Improper Evidence and Argument filed on 01/12/11	2814-2871
State's Opposition to Defendant's Motion to Seal Records filed on	
04/05/12	3431-3433
State's Opposition to Defendant's Motion to Suppress his Statements to	9 500
Police, or, Alternatively, to Preclude the State from Introducing Portions	
of his Interrogation filed on 08/17/10	1306-1319
State's Opposition to Defendant's Motion to Withdraw Counsel for	# # # # # # # # # # # # # # # # # # #
Conflict and Failure to Present Claims When I.A.C. Claims Must be	0.00

Raised Per Statute in the Piers Basis - D	<del></del>
Raised Per Statute in the First Petition Pursuant to Chapter 34 filed on 06/25/15	5442-5446
State's Opposition to Defendant's Pro Per Motion for Leave of Court to File MotionRule 2.4 filed on 09/12/14	4935-4939
State's Opposition to Defendant's Pro Per Motion to Chief Judge to Reassign Case to Jurist of Reason Based on Pending Suit Against Judge Michael Villani for Proceeding in Clear "Want of Jurisdiction" Thereby Losing Immunity, Absolutely filed on 09/12/14	4930-4934
State's Opposition to Defendant's Pro Per Motion to Modify and/or Correct Illegal Sentence filed on 02/24/14	4811-4817
State's Opposition to Motion for Evidentiary Hearing on Whether the State and CCDC have Complied with their Obligations with Respect to the Recording of a Jail Visit Between O'Keefe and State Witness Cheryl Morris filed on 08/10/10	1244-1247
State's Opposition to Motion to Admit Evidence Pertaining to the Alleged Victim's Mental Health Condition and History, Including Prior Suicide Attempts, Anger Outbursts, Anger Management Therapy, Self-Mutilation and Erratic Behavior filed on 08/16/10	1277-1282
State's Opposition to Motion to Admit Evidence Showing LVMPD Homicide Detectives Have Preserved Blood/Breath Alcohol Evidence in Another Recent Case filed on 08/10/10	1248-1252
State's Opposition to Motion to Dismiss and, Alternatively, to Preclude Expert and Argument Regarding Domestic Violence filed on 01/18/11	2908-2965
State's Opposition to Motion to Preclude Expert Testimony filed on 08/18/10	1320-1325
State's Response and Motion to Dismiss Defendant's Motion for Relief from Judgment Based on Lack of Jurisdiction for U.S. Court of Appeals had not Issued any Remand, Mandare or Remittatture of filed on 08/07/14	4891-4902
State's Response and Motion to Dismiss to Defendant's Pro Per Petition for Writ of Habeas Corpus Pursuant to NRS 34.360 Exclusive based on Subject-Matter of Amended Information Vested in Ninth Circuit by Notice of Appeal Then "COA" Granted on a Double jEopardy Violatio	
Accompany Exhibits, Opposition to Request for Evidentiary Hearing, and Opposition to Pro Per Motion to Appoint Counsel filed on 10/10/14	5041-5050
State's Response to Defendant's Motion to Preclude the State from Introducint at Trial Other Bad Acts or Character Evidence and Other Evidence that is Unfairly Prejudicial or Would Violate his Contitutionsal Rights filed on 08/16/10	1268-1276
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State's Response to Defendant's Pro Per Post-Conviction Petition for Writ of Habeas Corpus filed on 06/02/15	4708-4713
State's Response to Defendant's Pro Per Supplemental Petition for Writ	5145-5147

The same was selected at the same selected at the s	0147-0148
Writ of Habeas Corpus filed on 01/30/09	1397-1398
Verdict Submitted to the Jury but Returned Unsigned filed on 09/02/10	3457
Verdict filed on 06/15/12	0289
Supplemental Petition for Writ of Habeas Corpus filed on 06/15/15  Verdict filed on 03/20/09	5364-5419
Supplemental Petition for Writ of Habeas Corpus (Post Conviction) filed on 04/08/15	5094-5144
Supplemental Notice of Witnesses filed on 03/11/09 Supplemental Petition for Writ of Hobers Community	0237-0238
Supplemental Notice of Witnesses filed on 03/10/09	0228-0229
Supplemental Notice of Witnesses filed on 01/14/11	2872-2875
Supplemental Notice of Expert Witnesses filed on 08/16/10	1297-1305
Supplemental Notice of Expert Witnesses filed on 08/13/10	1266-1267
Supplemental Notice of Expert Witnesses filed on 01/03/11	2756-2760
Supplemental Notice of Expert Witness filed on 05/17/12	3443-3447
Supplemental Notice of Defendant's Expert Witnesses filed on 07/29/10	1117-1151
Corpus Exhibits One (1) Through Twenty Five (25) filed on 06/12/15	5161-5363
Supplemental Appendix of Exhibits to Petition for a Writ of Habeas	5433-5437
Supplement with Notice Pursuant NRS 47.150 (2); NRS 47.140 (1). That the United State's Supreme Court has Docketed (#14-10093) The Pretrial Habeas Corpus Matter Pursuant 28 U.S.C.§ 2241 ©(3) From the Mooting of Petitioner's Section 2241 Based on a Subsequent Judgment Obtained in Want of Jurisdiction While Appeal Pending filed on 06/17/15	r
Conviction) filed on 07/13/15	5459-5460
Supplement to Supplemental Petition for Writ of Habeas Corpus (Post-	1034-1033
Substitution of Attorney filed on 06/29/10	1034-1035
04/17/12 Stipulation and Order filed on 02/10/09	3436-3437 0173-0174
Writ of Habeas Corpus (Post-Conviction) filed on 07/31/15  State's Supplemental Opposition to Motion to Seal Records filed on	5473-5475
Conviction Petition for Writ of Habeas Corpus filed on 09/03/15  State's Response to Defendant's Supplement to Supplemental Petition for	5511 5516
State's Response to Defendant's Reply in Support of Supplemental Post	5455 5450
from the Mooting of Petitioner's Section 2241 Based on a Subsequent Judgment Obtained in Want of Jurisdiction While Appeal Pending" filed	5
NRS 47.140(1), that the Untied States Supreme Court has Docketed (#14 10093) the Pretrial Habeas Corpus Matter Pursuant 28 USC 2241(c)(3)	ž (
Habeas Corpus," and "Supplement with Notice Pursuant NRS 47 150/2).	8
State's Response to Defendant's Pro Per Post Conviction Petition for	1
Required by Statute for Judicial Economy with Affidavit ""Reply to	
of Habeas Corpus and Evidentiary Hearing Request, "Motion for Leave to File Supplemental Petition Addressing all Claims in the First Instance Required by Statute for Judicial Economy with Affidavit," "Reply to State's Response to Defendant's Pro Per Post Conviction Petition for	

# TRANSCRIPTS

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Transcript - All Pending Motions and Calendar Call filed on 02/04/11	2996-3038
Transcript - All Pending Motions filed on 07/10/09	0351-0355
Transcript - All Pending Motions filed on 08/30/12	3461-3482
Transcript - All Pending Motions filed on 11/23/10	1464-1468
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Transcript - Continued Hearing: Motion in Limine to Present Evidence of Other Bad Acts filed on 08/30/12	f 3483-3509
Transcript - Defendant's Petition for Writ of Habeas Corpus (Post Conviction) filed on 10/29/15	5560-5564
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Transcript - Defendaat's Motion to Settle Record filed on 07/10/09	0342-0345
Transcript – Entry of Plea/Trial Setting filed on 07/10/09	0356-0358
Transcript - Jury Trail - Day 1 filed on 10/14/09	0724-1022
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Transcript - Jury Trial - Day 2 filed on 07/10/09	0515-0581
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Transcript – Jury Trial – Day 4 filed on 07/10/09	0408-0461
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Transcript - Jury Trial - Day 5 filed on 07/10/09	0359-0407
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Transcript - Matthew D. Carling's Motion to Withdraw as Attorney of	1471-1478
Record for Defendant filed on 10/29/15	5557.5550
ranscript - Motions Hearing - August 17, 2010 filed on 11/23/10	5557-5559
ranscript - Motions Hearing - August 19, 2010 filed on 11/23/10	1479-1499
ranscript - Motions Hearing - August 20, 2010 filed on 11/23/10	1500-1536
Anothoris (Tearing – August 20, 2010 filed on 11/23/10	1537-1578

Transcript - Notice of Motion and Motion by Defendant O'Keefe to Preclude the State from Introducing at Trial Improper Evidence and Argument filed on 02/04/11	2974-2989
Transcript - Partial Transcript of the Jury Trial - Day 2 filed on 03/18/09	0240-0244
Transcript - Petrocelli Hearing filed on 05/19/11	3049-3162
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Transcript - Sentencing August 16, 2012 filed on 12/03/12	4632-4635
Transcript - Sentencing August 28, 2012 filed on 12/03/12	4636-4652
Transcript - Sentencing filed on 07/10/09	0337-0341
Transcript - Status Check: Availability of Dr. Benjamin for Trial filed on 02/04/11	2990-2995

2 3	the state of the s	1 married. 2 THE COURT: All right, thank you. Ma'am. Ms is 3 it Minotock?
4	the court is the rest of the tree of the section and	4 PROSPECTIVE JURON NO. 626: That's correct. Okay.
6	TAGGICE TO LOCAL TOP THE TAGGET STORY	6 I was supposed to start a job tomorrow. I'm married, My
8	PROSPECTIVE TUROR NO. 618: 1 ama full-time law	7 husband is retired, and I have one son, he's 40 years old and 8 he works for NDOT.
10	student at the UNLY Boyd School of Low right now. I'm engaged and my lipture works at the State, and the works for the	<ol> <li>THE COURT. Okay. And did your hasband do before he</li> </ol>
11	Division of Children and Family Services as a supervisor of a	PROSPICTIVE JUROR NO. 626: He was - his last job
13	and the contract of losic care that more servere	12 was at Gloomingdole's. 13 THE COURT: Onay, like sales person or
14	The state of the state and contract, stee	14 PROSPECTIVE JUROK NO. 626: I don't remember the
16	THE COURT: All right, thank you, sir. Mr is it	15 title, but it was just to help the sales, retail.  16 THE COURT: Okay. And what did you do before you
18	PROSPECTIVE JUROR NO. 629 Yes. I'm in the sales	17 retired, Ma'ann! 18 PROSPECTIVE JUROK NO. 626: 1 was 25 years at
19	and marketing department at the Tropicana Hosel. My write is a fitness instructor. We have two kids, 14-year-old son and on	19 Caesars. My last assignment was in the sales department. 20 THE COURT: All right, should yout, Ma'am. Mr. – Is
21	A 0.00 (A 100 (A))(A 100 (A )(A 100 (A 100 (A 100 (A))(A 100 (A 100 (A 100 (A 100 (A 100 (A))(A 100 (A))(A 100 (A 100 (A))(A 100 (A))(A 100 (A 100 (A))(A (A)(A)(A)(A)(A)(A)(A)(A)(A)(A)(A	21 ii Livemask!
23	PROSPECTIVE JUROR NO. 622: 1 - 1'm semi-retired. 1	22 PROSPICTIVE JUNOR NO. 633: Yes. I'm regional sale 23 manager for Suchef (phonesic) plumbing products out of Kansas
24 25	work port time in real estate accessing. I have two sons. One is a mortgage broker. One owns a medical supply. And I am not	24 City. My write is a seacher's assistant. My oldest is a sales 25 representative. Then I have my second son is a sir stuffic
	Page 74 ROUGH DRAFT TRANSCRIPT	Page 75 ROUGH DRAFT TRANSCRIPT
1	controller. My daughter is a 91) dispatcher out of Washington	
2	State. And then I have twin boys at Green Valley High School,	opinamology office as an office assistant. I'm also attending     school (incliseemble) two children ages 5 and 1.
4	THE COURT: All right, thank you, sir. Ms. Salines PROSPECTIVE JUROR NO. 649: 1 do medical collections.	THE COURT: All right, thank you, Marant, Mr is  No NeCaldin.  The Court is the Court in the
5	I'm a widow. I have no children.	5 PROSPECTIVE JUROR NO. 666: McCaldin, Unemployed.
7	THE COURT: Thank you, Mo'am, Ms, Fruity, PROSPECTIVE JURGE NO. 654- Um-h/m, I'm	6 single no kels.
B	self-employed in mangage lending, and my bushand is	7 THE COUNT: Okay. When you are working, what type of 8 work do you perform, sir!
9	self-employed fabricular for race cars, and we have no children.	9 PROSPICTIVE JURGE NO. 666: Eve had a million jobs. 10 THE COURT: Others. Any particular Golden. 2009.
11	THE COURT: All right, thank you, Ma'am, Ms. Dato.	10 THE COURT: Okay. Any particular field or area?  11 PROSPECTIVE JURGE NO. 666: I've done work with fence.
12	PROSPECTIVE JUROR NO. 655: Yes, I work at Torget in result. I have five children; 15, 13, 8, 3 and 1. And my	12 continuous. Eve been — I mean, Eve done a finle of  11 everything
	figure is currently unemployed.	11 everywing
		14 THE COURT: All right. All right throst was air
15	THE COURT: All right, thank you, Ma'am Mr. Snyder,	15 Ms. Huetter.
14 15 16	PROSPECTIVE JUROR NO. 656: I'm a truck driver. 1	15 Ms. Harter.  16 PROSPIECTIVE JURON NO. 672: (Inducernible).
14 15 16 17	PROSPECTIVE JUROR NO. 656: I'm a truck driver. I work for Star Nursery. I'm what they call on-call basis. My wife, the (indiscernible) sules associate for Wal-Mars. And we	15 Ms. Harter.  16 PROSPECTIVE JUROR NO. 672: (Indecemble).  17 THE COURT: Okay
14 15 16 17 18	PROSPECTIVE JURGENO, 656: I'm a truck driver. I work for Star Nursery. I'm what they call on-call basis. My wife, the (indiscernible) sules associate for Wol-Mart. And we have a 22-year-old son. Right now he works for the Clark	15 Ms. Harter. 16 PROSPECTIVE JUROR NO. 672: (Indescernible). 17 THE COURT: Okay 18 PROSPECTIVE JUROR NO. 672: I have five children. 19 Three of them are married, and they off have jobs.
14 15 16 27 18	PROSPECTIVE JURGE NO. 656: I'm a truck driver. I work for Star Nursery. I'm what they cold on-call basis. My wife, she (indiscernible) sules associate for Wol-Mars. And we have a 22-year-old son. Right now he works for the Clark County School District as a costodian, and he also at going	15 Ms. Harter. 16 PROSPECTIVE JUROR NO. 672: (Indescernible). 17 THE COURT: Okay 18 PROSPECTIVE JUROR NO. 672: I have five children. 19 Three of them are married, and they all have jobs. 20 THE COURT: What type of work do they do?
14 15 16 27 18 19 20	PROSPECTIVE JURGENO, 656: I'm a truck driver. I work for Star Nursery. I'm what they call on-call basis. My wife, the (indiscernible) sules associate for Wol-Mart. And we have a 22-year-old son. Right now he works for the Clark	15 Ms. Harter. 16 PROSPECTIVE JUROR NO. 672: (Indescernible). 17 THE COURT: Okay 18 PROSPECTIVE JUROR NO. 672: I have five children. 19 Three of them are married, and they all have jobs. 20 THE COURT: What type of work do hery do? 21 PROSPECTIVE JUROR NO. 672: My oldest is 32 and fic is
14 15 16 17 18 19 20 31 22	PROSPECTIVE JURGE NO. 656: I'm a truck draver. I work for Star Nursery. I'm what they call on-call basis. My wrife, she (indiscernible) sules associate for Wol-Mart. And we have a 22-year-old son. Right now he works for the Clark County School District as a costndian, and he also as going through the Clark County fire training scalemy. He also is going dimough college.  This COURT: All right. Great, thank you, sir. Mrs.	15 Ms. Harter. 16 PROSPECTIVE JURON NO. 672: (Indescernible). 17 THE COURT: Okay 18 PROSPECTIVE JUROR NO. 672: I have five children. 19 Three of them are married, and they all have jobs. 20 THE COURT: What type of work do havy do? 21 PROSPECTIVE JUROR NO. 672: My oldest is 32 and he is singly and having fan. He's a (indiscernible) guide during the
14 15 16 17 18 19 20 31 22	PROSPECTIVE JURGE NO. 656: I'm a truck driver. I work for Star Nursery. I'm what they call on-call basis. My wrife, she (indiscernible) sules associate for Wol-Mart. And we hat e a 22-year-old son. Right now he works for the Clark County School District as a costnorm, and he also as going through the Clark County fire training academy. He also is going through the Clark County fire training academy.	15 Ms. Harter. 16 PROSPECTIVE JURON NO. 672: (Indescernible). 17 THE COURT: Okay 18 PROSPECTIVE JUROR NO. 672: I have five children. 19 Three of them are merried, and they all have jobs. 20 THE COURT: What type of work do havy do? 21 PROSPECTIVE JUROR NO. 672: My oldest is 32 and he is single and having fan. He's a (indiscernible) guide during the

<ol> <li>THE COURT: All right, thank you. Mr. Saunders.</li> </ol>
PROSPECTIVE JURGE NO. 680. Divorced two children
3 One 19, military. One 17, still in high school. I'm a union
<ul> <li>plumber working through (indiscernible) plumbing pipe timers</li> </ul>
5 union here in Las Vegas:
6 THE COURT: Okay. I'm serry, did you say – are you
8 PROSPECTIVE JUROR NO. 680: Tim a union plumber ha
9 in Las Vegas.
10 THE COURT: No, are you married? Do you have a
13 significant other?
12 PROSPECTIVE JUROR NO. 680: Divorcial.
13 THE COURT: Okay, Thank you, sir. Mr. Vasrquez.
14 PROSPECTIVE JUROR NO. 685: I'm an auto technicion.
15 I'm single and no kids.
16 THE COURT: All right, thank you, sir Mr. Obsto.
17 PROSPECTIVE JURGE NO. 687: 1 work for Albertsons.
I.B. Pin a store director. Farm divorced. My ex-wife is actually
19 going to nursing school right now. My significant other, she
20 works for the Traberdy Kennedy (phonetic) family, and I have
21 four kids: 16:13, 11 and 7. And I watch them in Thursdays
22 And then I have two step-children; 18 and 11.
23 THE COURT: All right, thank you, sir. Mr. McFate.
24 PROSPECTIVE JURIOR NO. 690: McFale.
25 THE COURT; Okay.
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ROUGH DRAFT TRANSCRIPT
1 and I was a stall new toward to a hour name or up his Co. D
and I was and now I work as a host person cushing for Red     Rock Casino as part time.
7 THE COURT: Okay
5 27 and he's a licensed broker for Neveda and Coliffernia
6 THE COURT: All rights, thank you. Ma'urn. Sir is
7 # Villaserus' (Dis I presented that correct'
8 PROSPECTIVE JUROR NO. 708- Yes.
5 THE COURT: Olay.
10 PROSPECTIVE JUROR NO. 708: I'm a los engineer.
11 married. My wife doesn't work, and I have stree children.
12 THE COURT: Okay, How old are the children, sir?
13 PROSPECTIVE JUROR NO. 708: Youngest is 3. Oldes is
14 15.
15 THE COURT: Okay, You said a test engineer. What
16 Type of work? I mean specifically.
17 PROSPECTIVE JUROR NO. 768: I'm in the garning
18 industry, 1 test slot machines.
79 THE COURT: Okay, All right, thank you sir. Mr.
20 Morales, Oh, Mr. Morales, you have the language problem; is
2) that correct!
21 initi correct.
22 PROSPECTIVE JUROR NO. 710: Reinalder Minales.
22 PROSMECTIVE JURON NO. 740: Reinside Morales. 23 THE COURT: Okay:
22 PROSPECTIVE JURON NO. 710: Reinside Minales. 23 THE COURT: Okay, 24 PROSPECTIVE JURON NO. 710: No.
22 PROSPECTIVE JUROR NO. 710: Reinside Morales. 23 THE COURT: Okay, 24 PROSPECTIVE JUROR NO. 710: No.

4	PROSPECTIVE JUROR NO. 750: Yes, pit manager at MGM. Also uwn a small business, heating and sir conditioning. Page 84 ROUGH DRAFT TRANSCRIPT	24	THE COURT: Okay, what did you do before you retired? PROSPECTIVE JUROR NO. 771: I was a California Page 85
3	THE COURT: All right, thank you, Statem, Mr. Derkas,	53	PROSPECTIVE JURGE NO. 771: Yes, sir, I'm married, no kids, and retired.
2	significant other? PROSPECTIVE JUROR NO. 7-19. Nope. single.	21	PROTECTIVE TIPOP NO 224
0	THE COURT. All right, are you married or have a	30	TRE COURT: All right, thank you. Malam, Mr was
	at a title company, and I have two Lide: 9 and 13.	15	PROSPECTIVE JUROR NO. 765: Working at Mandalay Bay
a	PROSPECTIVE JUROR NO. 748; 1'm an escrow assistant	16	Mandalay Hay: THE COURT: Your hosbarid does what?
7	THE COURT: All right, thank you, Mulant, Ms. Bondy.		claum with the instantiac company. My hasband working at Mandalay Bay.
	full-time student, nursing student. We have two children: 18 and 5.	15	two kids. Peeb are a student: 14 and 15. And 1 do enrollment
4	for Travelers insurance as a case manager. My bushand is a	1.4	PROSPECTIVE JUROR NO. 765: Yes, I'm also married.
3	PROSPECTIVE JUROR NO. 743: HE I'm married. I work	13	THE COURT: Silva
	Trentalor.	12	PROSPECTIVE JUROR NO. 765: Silva.
1	THE COURT: All right, thank you, Ma'am. Ms.		Silvo?
0	adult sons. One's (indiscernible).	10	Single, no kids. THE COURT: All right, thank you, Ma'um, Is is
9	husband works at the Stratosphere, accompany manager. Two		Henderson with kids, and I'm also a dental assignme and
8	PROSPECTIVE JUROR NO. 73ts. I'm married, I work with Boyd Corning Conjurse: Office, the iT finance department. My	7	PROSPECTIVE JUROR NO. 761: 1 work for the city of
7	Sizemute,	6	THE COURT: All right, thank you, sir. Ats, Horsen.
5	THE COURT: All tight, thank you. Malam. Ms.	5	Works very hard. 15-year-old seen. 11-year-old daughter.
4	part-time musicus.	4	PROSPECTIVE JUROR NO. 750: Better make this chair.
3	therapise, divorced. My 20-year-old son is an unemployed	3	THE COURT: Got to be careful.
2	PROSPECTIVE JUROR NO. 73U. I'm self-employed massage	1 2	Married. Wife deesn't work, Works - I mean, takes care of kids. Two kids.
i	Herries.		
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	Page 82	-25	THE COURT: All right, Thank you, Ma'em. Ms. Page 83
25	PROSPECTIVE JUROR NO. 719: Yes. Married. I'm a	24	(indiscernible) engineer.
24	21-year-old son who is an electrician, THE COURT: All right, thank you sir. Ms. Murena	2,1	PROSPECTIVE JUROR NO. 29: He just recently sturred
22	A CONTRACT OF THE PROPERTY AND A STATE AND TO	22	THE COURT: What does your heaband the?
21	THE PARTY OF THE P	21	24;
10	PROSPECTIVE JUROR NO. 717; I work for Southwest	20	department manager in Wal-Alari and have one daughter. She's
19	The state of the s	19	PROSPECTIVE AJROR NO. 729: Yes, I'm married, Fm
18	now. She's a rause.	19	years old and graced me with two twos about three months ago THE COURT: All right, thank you, Ma'am Ms. Linto.
17			full-time student in southern California. The other one is 26
16		15	frushand is not working, and we have two children. One is a
15	THOUSE THE PROPERTY OF THE PARTY AND I WAS A	24	and children here in Las Vegas, Nevada, And I am married. M
13 14	The court can	13	previously worked at Safe Nest here shelter for abused women.
12	ALL AND LEADING STREET, ADMINISTRATION TO STREET,	12	
11	THE TOTAL TOTAL THE THE TOTAL TO BE S MINISTER	11	Control Contro
10	do.sic?	10	
9		- °	PROSPECTIVE AURCH, NO. 728 Linds Tipering.
e	We're buth unemployed. No kids.	38	THE COURT: Thank you sir. Ms how do you permanence that?
7		6	and I'm single, no kids,
5		5	I work for Light Group as a promoter and a graphic designer.
5	THE COURT FROM OIL VOID PETRICULAR R.		PROSPECTIVE JUROR NO. 727 I'm a full-time stude
3	The state of the s	3	the county of the art. bit, will.
18	(2.0);	1 7	
2	don't you hand the microphone to the next individual. Is it		cardiac sonographer. My husbond's a policemon. I have these

7	highway patrol officer		THE COLICE AND DESCRIPTION
2	THE COURT: Okay. And what alld your wife do?	1	
3	PROSPECTIVE JUROR NO. 771: Loss of things. She was	2	the state of the s
4	a teacher for awhite. She did taxes, She was in the Army	3	The same of the sa
5	National Guard. She was in the Arr Force,		THE COURT: Okay, And -
6	THE COURT: All right, thank you, sir. Mr is it	5	The second section in the second seco
7	Honevar?		End and the Control of the Control o
8	PROSPECTIVE JUROR NO. 775: Hocevar.	3	THE COURT ONLY CETS SEET WITH YEAR, INTERNET
9	THE COURT: Hocevar.		Before you reined, what type of work were you involved?
10	THE COOK! THE THE	9	PROSPECTIVE JUROR NO. 781- I was wanting for a
11	equipment operator. My garlificend is a part-time student at	10	* · · · · · · · · · · · · · · · · · · ·
12	University of Phoenic criminal justice program, She's also a	12	A A A A A A A A A A A A A A A A A A A
13		100	The state of the s
14	171 St. 1 18 Mart	13	The address of the state of the
15	PROSPECTIVE JUROR NO. 777: Yes. Jans menried, and I	1.00	The state of the s
16		15	
17		17	The same of the sa
2.8	34 1 1 2 3 3 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	10	The state of the s
	sir"	19	The same of the sa
20	PROSPECTIVE JUROR NO. 777: No. she's a stay-at-home	30	100000
21	more, and she's a former teacher, but currently stay home right	21	THE THE PERSON TOP THE THE TREMED AND
22	now.	22	
23	THE COURT: All right, shank you, sir. Ms. Shire.	23	the state of the s
24	PROSPECTIVE JUROR NO. 781 1 am warried Both my	24	The working the state of the st
25		25	at a sales evaluant manager at the retail store, and my husband's a chot', no kids.
	Page 86	20	The state of the control of the state of the
	ROUGH DRAFT TRANSCRIPT		Page 87 ROUGH DRAFT TRANSCRIPT
150	contraction and the second sec	-	
1	THE COURT: All right, thank you. Ma'am. Mr.	1	that's almost five.
2	Linford	2	THE COURT: Thank you, Ma'am. Ms is it Gretner?
3	PROSPECTIVE JUROR NO 797: I'm inserted, I'um a	3	PROSPECTIVE JUROR NO. 808: Gretter.
4	I'm a shop manager for a construction company here in town, a	4	THE COURT: Gretter, I'm sorry,
5	part-time student, and I columner with the buy security. My	5	PROSPECTIVE JUROR NO. 808: I'm unemployed. I'm a
6	The same of the sa	6	part-time student. I have a boyfriend who works at Home Depo
7	stay-at-humo mone. We have two looks. Two hows: 3 and 1, and	7	and I have no kids.
9	she also left teaching here in Clark Cuerry to work as a	} 8	THE COURT All right, thank you, Ma'am. Ms. Cams.
300	creative director for a (indiscernible) company.	98	PROSPECTIVE JUROR NO. 810: I'm accounts payable
10	THE COURT: All right, thank you sir. PROSPECTIVE JURDA NO. 797; You're welcome.	10	The same of the sa
2	FOR THE PARTY OF T	21	the 81, and we have no kids.
4	THE COURT: Mr. Eyell,	12	THE COURT: All right thank you Mean. Fraser.
	PROSPECTIVE JUROR NO. 798: Yes, Tin married, I have two children ages 2 and 4 morahs. My wife is a susy-at-home.	13	PROSPECTIVE JURGA NO. 813: 1 pwn p central
	more, and I'm an electron mechanic.	14	fubrication business in town. My wife's (indiscernible)
6	THE COURT: All right, thank you sir. Mr. Swick.	15	salesperson, and my sums 18 years old, high school kid.
7	PROSPECTIVE JUROR NO. 803: (Indiscrimble) shall	16	THE COUNT: All right, thank you, sir. Ladies and
8	manager (widiscernible).	17	gentlement that e completed my general questions for you, and
9	THE COURT: Can you pick that up a little bit higher.	18	at this point I turn the questioning over to the attorneys.
c	PROSPECTIVE JUROR NO. 803: Cage shift manager at New	19	We're about the minutes to noon. I think you've been here
-	York, New York, Single, no lods,	20	Since 7:30 this meaning: is that right or 7:30 or 8:00, which t
1	THE COURT. All right, thank you, Maram. Ms.	21	dun't know why they have you call in so early when you don't
		22	have to be in the courseway until 10:00, but tike I said, I was
2			. (1) 10 10 10 10 10 10 10 10 10 10 10 10 10
3	Fischer,	23	there with you as well, so I understand that.
3	Fischer, PROSPECTIVE JUROR NO. RISS I'm married. I wash for	21	What we're going to do is we're going to break for
3	Fischer,  PROSPECTIVE JUROR NO. RES: I'm married. I wake for  Acting. My hosternal works for the Wyrin, and we take a child	21	What we're going to do is we're going to break for our lands bear. We're going to come back at 1200. And at that
3	Fischer, PROSPECTIVE JUROR NO. RISS I'm married. I wash for	21	What we're going to do is we're going to break for

short, to stop as soon as our an effort to save time, ribits — or photographs that
to stop as soon as our an effort to save time.
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tibits or shotographs the
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an set a tame trame us to how they were incurred.
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shows that wound eleaned
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the objection that I
ANSCRIPT
OR NO. 614: Here,
Ferguson.
OR NO. 616: Here.
Villiams.
OR NO. 618; Here.
cl Pramshafer.
OR NO. 620: Here.
Mirolock,
OR NO. 626: Here.
ivernash.
OR NO. 633: Here.
Fraicy.
OR NO. 654: Here,
y Dalo.
OR NO. 655: Here.
Snyder.
OR NO. 656: Here.
Murricia
OR NO. 653: Here,
McCaldin.
OR NO. 668: Here.
lunter.
OR NO. 672: Here.
FINE WILL BILL
Pinifles
Pinitles
Piniflos DR NO. 674: Here

	Page 96	0	Page 97
DIC!	ivaduals or de both.	25	PROSPECTIVE JUROR NO. 727: Yes.
24 25 in:	THE COURT: Year, you can do that or just focus in on	24	Witt. Right*
	not as a whole in your court or one by one?	23	MR. SMITH: Can you stand up for us, yeah. 727. Mr.
2	MR. SMITH: Thank you ludge. Judge, will task the	22	THE MARSHAL: Can you have him stand up, please so-
33.0	ith or Ms. Graham.	21	MR. SMITH: 727.
	rstron and now the attorneys will take their uttorneys. Mr.	20	PROSPECTIVE JURGE NO. 727: 1tm 727,
19 gen	illemen, now as I memioned before, I've completed by general	19	your budge number for me.
8 5	THE COURT: All right, thank you. Ladies and	18	Oh, we do? I remember you. What's your - can you identify.
17	PROSPECTIVE JUROR NO. 813. Here.	17	there anyone here with any experience like that? Okay, good.
I E	THE CLERK: And James Fraser,	16	left a batter taste in your roouth from that point forward. Is
15	PROSPECTIVE JUROR NO. 810: Here.	15	mean or rude or russy to you or did something that might have
194	THE CLERK: Margaret Carras.	19	come into contact with an officer of the law, and they were
13	PROSPECTIVE JUROR NO. 80%: Here.	13	that's a negative experience. What I mean, folks is if you've
12	THE CLERK: Krossenia Greher.	12	don't mean a suffic ticket. I think we can all agree that
11	PROSPECTIVE JUROR NO. 805: Here.	11	that you've already divulged. Now, let me qualify that, I
10	THE CLERK: Signid Fischer.	10	had a negative experience with law enforcement, besides things
9	PROSPECTIVE JUROR NO. 803. Here.	9	The first thing I want to know is it anyone here has
8	THE CLERK: Deborah Swick.	8	your hand and I'll get along to you.
7	PROSPECTIVE JUROR NO. 798: Here.	7	have something to offer in regards to my questions, just raise
6	THE CLERK: Calvin Excil.	6	panel as whole and kind of mimic a hat the judge did. So if you
5	PROSPECTIVE JUROR NO. 797. Here.	5	or six questions for everybody, and I'm just going to ask the
4	THE CLERK: Bryan Linford	4	appreciate your willingness to be here. I just have about five
3	PROSPECTIVE JUROR NO. 789: Here.	30	
2	THE CLERK Juliene Congleton	2	
3	PROSPECTIVE JUROR NO. 788: Hkm.	1	MR. SMITH: Okay. Ladies and gentlemen, Lappreciate
<del></del>	ROUGH DRAFT TRANSCRIPT	Ļ	ROUGH DRAFT TRANSCRIPT
	Page 94	1	Page 95
6.3	THE CLERK: Barbury Little.	25	THE CLERK: Carol Murakowski.
25	PROSPECTIVE JUROR NO. 728: Here.	24	PROSPECTIVE JUROR NO. 785: Here.
24	THE CLERK: Linda Tijerina.	23	THE CLERK: Ashleigh Whaten,
23		22	PROSPECTIVE JUROR NO. 781. Here.
22	PROSPECTIVE JUROR NO. 727: Here.	21	THE CLERK: Belly Shin.
21	THE CLERK: Robert Wilk.		PROSPECTIVE JUROR NO. 777: Here.
20	PROSPECTIVE JUROR NO. 719: Hore.	20	THE CLERK: Issued Ruiz
19	THE CLERK: Giselle Moreno.	19	PROSPECTIVE JUROR NO. 775: Here,
18	PROSPECTIVE JUROR NO. 717: Here.	26	PROSPECTIVE JUROR NO. 771: Here. James Hoxevo
17	THE CLERK: Oh, thank you. Robert Richardson.	17	
16	PROSPECTIVE JUROR NO. 716: Here,	16	
15	THE CLERK: Rawhi -	15	The Committee of the Co
14	PROSPECTIVE JUROR NO. 708; Here.	134	The state of the s
13	THE CLERK: Martin Villasenor	113	The state of the s
12	PROSPECTIVE JUROR NO. 700: Here.	12	
11	THE CLERK: Cyrina Leabres.	11	The second seconds.
10	PROSPECTIVE JUROR NO. 698: Here,	30	
9	THE CLERK: Roben Clark.	9	PROSPECTIVE JUROR NO. 748: Here.
8	PROSPECTIVE JUROR NO. 690: Here.	8	THE CLERK: Carrie Bundy.
7	THE CLERK: Harley McFate.	7	PROSPECTIVE JUROR NO. 743: Here.
6	PROSPECTIVE JUROR NO. 685: Here.	6	THE CLERK: Megan Trenkler.
5	THE CLERK: Jose Vaszquez.	5	PROSPECTIVE JUROR NO. 136: Here.
4	PROSPECTIVE JUROR NO. 680: Here.	4	THE CLERK: Dorga Scremore.
3	THE CLERK: John Saunders.	3	PROSPECTIVE JUROR NO. 730: Here.
	THE POST LETT VE TORON NO. 0/9: Here	2	THE CLERK: Catherine Benles.
2	PROSPECTIVE JUROR NO. 679: Here.	13	PROSPECTIVE JURGR NO. 729: Here.

	MR SMITH Okay.	38	\$496
2		10	checking me or something,
3	skale board when I was younger, so I guess you could say I was	13	they may have detained you or put you in handcuffs or anything
3		3	
5			The second secon
6	by cops.		The second state of the second state of the second state of the second s
7	The state of the s		E and at the state of the state
8		- 3	The second of the straining mene tot take two potate. Of
9	with the lines of that	01	Annual time and writing of steer Activities.
10		9	the second of the second secon
11		11	the content directly resulting in Inic India
12		1000	11000011001100
13		1.	town included and by the liver affaithst
1.0		1.	many prompte.
15		3.4	The second troy is a state that the state of that state
15		16	the same a second to said to constitute
17		3.83	The street of th
18		3.7	The service of the service of understa
19		18	NEWAS:
20		20	The state of the s
21		21	The state of the s
23		-558	AND A STATE OF THE PROPERTY OF
23		22	
24		23	THE PROPERTY OF THE PROPERTY OF COLUMN TRUE.
25	what are you doing, stop right there, all the time being	24	THE COUNTY OF THE PARTY DAMES.
	25	25	Tel, he satisfies
	Page 98	ı	Page 99
_	ROUGH DRAFT TRANSCRIPT	L	ROUGH DRAFT TRANSCRIPT
1	MR. SMITH: Okay, All right thank you, Anyone		involved"
2	else? Now, folks, this is a murder erial, but it's kind of	2	PROSPECTAVE JUROR NO. 679: I'm not sure.
3	unique in that it's not a stranger murder. It's a domestic	3	
4	violence related nurder. Meaning that the defendant and victim		MR SMITH: Okay, All right, Thurk you, Anyong eke? Okay, Ell start with the first row here, Ma'am. What's
5	(indiscernible) domestic relationship. Because of		your badge number?
6	that, we'd like to know if there's anyone here who's been a	6	PROSPECTIVE JURON NO. 626; 626.
4	victim of or a suspect of domestic violence artif you had a	7	MR. SMITH: 626.
8	friend or closely family member that's been either a victim of	ь	PROSPECTIVE JUROR NO. 626: This was like over 30
9	or a suspect of domestic violence? Yes, ma'am, what's your	9	years ago, so I don't know if it would qualify.
0	badge manber? Can you stand for us.	10	MR. SMITH: You don't know if what?
	PROSPECTIVE JUROR NO. 679:	11	PROSPECTIVE JUROR NO. 626: It's over 30 years ago.
1			
	MR. SMITH: Okay.	12	MR. SMITH: Older Was in some or comment of the same
2 3	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a	12	MR. SMITH: Okay. Was it you or someone close to
2 3	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679: Just my mother was a victim (indiscernible) my father.	12	MR. SMITH: Ckay. Was it you or someone close to you?
2 3 4 5	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679: Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still	12	MR. SMITH: Ckay. Was it you or someonic close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).
2 3 4 5 6	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679: Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?	13 14 14	MR. SMITH: Ckay. Was it you or someone close to you?
2 3 4 5 5	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679: Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679: (Indiscernible).	13 14 14	MR. SMITH: Chay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linke younger back then?
2 3 4 5 6 7 E	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679: Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679: (Indiscernible).  MR. SMITH: How long ago was this?	13 14 15	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a link younger back then?  PROSPECTIVE JUROR NO. 626, Yeah.
3 4 5 6 7 E 9	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).	12 13 14 15 16 17	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linke younger back then?  PROSPECTIVE JUROR NO. 626, Yeah.  MR. SAHFFE: Okay.
2 3 4 5 6 7 E 9	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay.	12 13 14 15 16 17	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linte younger back then?  PROSPECTIVE JUROR NO. 626. Yeah.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married.
3 4 5 7 E 9	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay  MS. GRAHAM. Leant hear the sussuer.	12 13 14 15 16 17 18	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linke younger back then?  PROSPECTIVE JUROR NO. 626. Yeah.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married and had a baby.
2 3 4 5 6 7 E 9 0 1 2	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay  MS. GRAHAM. I can't hear the answer.  MR. SMITH: 18 years ago she said.	12 13 14 15 16 17 18 19 20	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linke younger back then?  PROSPECTIVE JUROR NO. 626. Yeah.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married and had a barry.  MR. SMITH: Did by enforcement over get involved in.
2 3 4 5 6 7 E 9 0 1 2	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay  MS. GRAHAM: Can't hear the interest.  MR. SMITH: 18 years ago she said.  MS. GRAHAM: Okay.	12 13 14 15 16 17 18 19 20 21 22	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linle younger back then?  PROSPECTIVE JUROR NO. 626. Yeah.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married and had a baby.  MR. SMITH: Dkd bw enforcement ever get involved in.  PROSPECTIVE JUROR NO. 626: Yes, they thid. They were
12 13 14 15 15 15 15 15 15 15 15 15 15 15 15 15	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay.  MS. GRAHAM: Can't hear the interver.  MR. SMITH: 18 years ago she said.  MS. GRAHAM: Okay.  MR. SMITH: Okay. think you. Actually.   do have an	12 13 14 15 16 17 18 19 20 21 22	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a linle younger back then?  PROSPECTIVE JUROR NO. 626. Yeah.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married and had a baby.  MR. SMITH: Did law enforcement ever get involved in.  PROSPECTIVE JUROR NO. 626: Yes, they thid. They were called.
12 13 14 15 15 15 15 15 15 15 15 15 15 15 15 15	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay  MS. GRAHAM. I can't hear the answer.  MR. SMITH: 18 years ago she said.	12 13 14 15 16 17 18 19 20 22 23 24	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: Undiscernible).  MR. SMITH: Okay. You were a linle younger back then?  PROSPECTIVE JUROR NO. 626. Yeah.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married and had a baby.  MR. SMITH: Did by coforcement ever get involved in. PROSPECTIVE JUROR NO. 626: Yes, they thid. They were called.  MR. SMITH: Did anything you don't have to get into
5 6 7 E 9 0 1 2 3 4	MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 679; Just my mother was a victim (indiscernible) my father.  MR. SMITH: Okay. Are your mother and father still together?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: How long ago was this?  PROSPECTIVE JUROR NO. 679; (Indiscernible).  MR. SMITH: Okay.  MS. GRAHAM: Can't hear the interver.  MR. SMITH: 18 years ago she said.  MS. GRAHAM: Okay.  MR. SMITH: Okay. think you. Actually.   do have an	12 13 14 15 16 17 18 19 20 22 23 24	MR. SMITH: Okay. Was it you or someone close to you?  PROSPECTIVE JUROR NO. 626: (Indiscernible).  MR. SMITH: Okay. You were a link younger back then?  PROSPECTIVE JUROR NO. 626. Yeals.  MR. SMITH: Okay.  PROSPECTIVE JUROR NO. 626: However, I was married and had a baby.  MR. SMITH: Did law enforcement ever get involved in.  PROSPECTIVE JUROR NO. 626: Yes, they thid. They were called.

1	pressed or anything like that?	Fig.	MASSAGE
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3	THE COLLEGE OF THE BAR ING	2	
*	CALL COLORS COLOR MAN AND SOURCES IN	- 3	The state of the s
- 5	and the state of t		The same of the same with the same the same to the same same the same same same same same same same sam
i i	THE PERSON AND DOOR STREET BETTER DOOR	5	The same of the sa
7	The same and the s	6	TOWN CONTROL TO STATE THE TAX CX-COWGRET
é	the serior is the serior and the serior and the serior and	×4	toward some).
9	A STATE OF THE PARTY OF THE PAR	8	ANY COMPLETE FOR MAKE THE CE-COMPLESS.
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11		1.0	the state of the s
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17	THE COLUMN TO A 100 TOWN ASSESSED AND ASSESSED TO SECURITY OF THE PARTY OF THE PART	16	LAND CO. LEV. HINTER SPINIS
15%	the?	3.7	
19	(in this fact) on the same to be a fact that if an analysis are the	18	THE RESERVE OF THE PART OF STREET CHEST CASE
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71		20	and the property of the state o
22			<b>東京</b> 社
23		22	THE WAR WILL AND THE WAR WILL.
24		21	The second state of the se
25	if she did that he could get released like in a day or two	25	of-
	Page 102	125	CHARLES THE SOURCE HO, THE NO.
	en varia e se sa celular a la 1866 de		Page 103
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	MR, SMITH: Okay Do you think low enforcement		PROSPECTIVE JUROR NO. 748: Well, won't leave on
2	treated him fairly or do you think he got a bad wrap?		blone.
3	PROSPECTIVE JUROR NO. 717: (Indiscernible).	3	
4	MR. SMITH: Okay. Let me ask you this, would you		PROSPECTIVE JUROR NO. 748: No. because every time
5	hold mything that happened between you and your coworker	5	threasen a restraining order he backs off just enough.
6	against oither party in this case?	6	MR. SMITH; Okay, Have you contacted law enforcement
7	PROSPECTIVE JUROR NO. 717: No.	7	at all about this (indiscemble) No. Ma'um?
9	MR. SMITH: Oksy. Thank you, sir. Anyone else back		PROSPECTIVE JUROR NO. 748: Um-um,
9	in the gallery? Yes, ma'am.	9	MR. SMITH: Okay Is thus it?
10	PROSPECTIVE JUROR NO. 748: Carrie Bundy, 748.	10	
1)	MR. SMRTH: 748. 748	11	MR. SMITH: Okay, thank you.
12	The state of the s	12	PROSPECTIVE JUROR NO. 748: Um-h'm,
13	The state of the s	13	
14	MR. SMITH: It okay, did someone stalk you?	14	this side! How about over here! Anyone in the first row!)
15		15	(Indiscernible). Asyone in the first row? Yes.
16	and a person you were til a	16	haram, you in the second row,
17	40 T 10 T	17	PROSPECTIVE JUROR NO. SUR. It was my mother.
18	PROSPECTIVE JUROR NO. 748; I was four years ago.	18	MR. SMITH: Okay, what's your budge number for us?
19	(Indisternible).	19	PROSPECTIVE JUROR NO. NOR. (Indiscersible)
20	MR. SMITTI: Yeah, that certainly counts. Okay, so	50	MR. SMITH: 808. I think you're going to have to
21	you were in a relationship with someone approximately four	57	speak up a little localer so that microphone can get you. Okay.
	* · · · · · ·	22	you say it was your mailer?
23	PROSPIECTIVE JUROR NO. 748. Um-hiro	23	PROSPECTIVE JUROK NO. BUK: Yes, if was,
	MR. SMITH: — and they are still currently stalking	24	MR. SMITH: Was she a victim or a suspect?
	you?	25	PROSPECTIVE AUROR NO. 808: (Mulacumble) she was a
	Page 104		Page 105
	ROUGH DRAFF TRANSCRIPT		ROUGH DRAFT TRANSCRIPT

1	Victim	(a) 1665
		<ol> <li>went to jail on any of the counts for it.</li> </ol>
3	The state of the s	2 MR, SMITH: Okay,
	THE REAL PROPERTY OF THE REAL PROPERTY IS NOT THE REAL PROPERTY IN THE R	3 PROSPECTIVE JUROR NO. 808: And he never
5	(indiscernible), but back then (indiscernible).	4 (indiscernible).
15	man on a tar comb. How worth with man diff.	5 MR. SMITH: Okay,
6	Troop const to rote to soo. I would six - Will B	6 PROSPECTIVE JUROR NO. 808: But he - my morn left he
7		7 (indecomble).
•	The state of the s	8 MR. SMITH. Okey, (Indiscernible)?
9	the state of the same of the s	9 PROSPECTIVE JUROR NO. 808: Yeah.
10	2	10 MR. SMITH: Okay. Thank yest, I appreciate that.
11	FECUL (1930) 460	21 PROSPECTIVE JUROR NO. 808. You're welcome.
12	PROSPECTIVE JUROR NO. 808: He was on alcoholic at	12 MR. SMITH: Anyone else back there? (Baliscernible).
13	the time.	1.3 Now, folks, this is obviously a serious case, and ut the end of
14	MR. SMITH Okay.	14 this trial the State, we're going to ask you to make a very.
35	The state of the s	15 very important decision and that is whether or not we've met
16		16 our burden of proof to prove that the defendant is guilty of a
17		17 crime.
16	MR. SMITH: Okay. What would happen when the cops	18 As it stands now he's innecent because everyone bas
15		19 the presumption of innecence amil, of course, the State
20	PROSPECTIVE JURGE NO. 808: 11 was enough for - he	20 Produces evidence in sum that changes the said
21		the state of the per clientifier than right melt we bloke
22	would come. Lake I would see the cops coming and stuff, and	See 3. See Explorer will fact to textend the H
23	but I was always put in the form as a child.	The second secon
24		The state of the s
25	154000 VIII	The state of the s
		25 We're going to show you sume or idence, we're going to
	Page 106	Page 107
_	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
1	(E44-04-04-04-04-04-04-04-04-04-04-04-04-0	
2	ask you us make a judgment. Is there anyone here, for whatever	I un hour segment (indiscernible) commercials. Lugree. Yesh,
	reason, that feels that they cannot art in judgment of another	<ol> <li>101 move on from that question. I think the vast majority, I</li> </ol>
3	person and find them guilty of a crime so long as the Scate	3 think you guys get my point.
4	proves its case to you takey, excuse me, throughout the course	A May is there anyone here or does anyone here have a
	of this trial I don't read! Okny.	5 close family member or anything fike that that has been
6	Now let me ask the panel this. How many people watch	6 diagnosed with depression? Okay. I don't I certainly don't
7	the show CSI? Not surprising. Okay. As you've heard, the	7 want you to go into any dentils, but what I'd like to know is
В	State's going to call some forensic scentists during this case	B if - actually, can you identify your badge number for as.
9	and some chart scene analysis. Now, I'm sure a lot of you	9 PROSPECTIVE JUROR NO. 674: Sure, absolutely. It is
	restize that some of the things that they can accomplish on	10 674.
II	that show can't be duplicated in real fife.	11 MR. SMITH: Okay Have you had interactions with
12	and the second s	12 this person?
13	THE COURT: All right.	13 PROSPECTIVE JUROR NO. 674: It would be me
11	(Off-recont heach conference).	14 MR. SMITH: Okay
15	THE COURT: Go shead, Mr. Smith,	15 PROSPECTIVE JUROR NO. 674: - 50 yes.
16	MR, SMITH: Thank you, Just to make this easy, is	16 MR. SMITH: Okay. As soon as the question left my
17	there arrane here who believes that everything that see on that	17 mouth, I was like watch, she's going to say yeah, it's me.
8	show CSI can be duplicated in real tife?	18 Okay, Judge, can we approach?
9	PROSPECTIVE JUROR NO: I'm not sure what you mean by	19 THE COURT: All right.
0	that.	20 (Off-record bench conference).
9	MR. SMITH: Well	
2		The state past here you been prescribed any
2	shaplicated, but not in the time frame that they're displicating	SHOULD TO SHOULD
	it in	The second second second second
5	AIR, SERTH: Well, sure, it's certainly nut in a half	24 years of -
17	Page 108	25 MR, SMITH: Dkey, All right. And I'm sorry, what
	ROUGH DRAFT TRANSCRIPT	Page 109
		ROUGH DRAFT TRANSCRIPT

100		40	
1	was your number again?	1	in
2	PROSPECTIVE JUROR NO. 674, 11 to 674.	3	Design to the first of the firs
3	MR. SMITH: Okay. Did you ever have any adverse	3	PROSPECTIVE JUROR NO. 679. I guess it was like it
4	reactions to any medication that you were prescribed!	1555	made her like I guess it just made drowsy and sire would lik pass out while she was driving.
5	PROSPICTIVE JUROR NO. 674, No. 1 don't think so.	5	
ñ.	MR. SMITH: Okay. And you said it's been several	6	MR. SMITH: Okay. Now, did you after have occasion
7	VCurs. so -	30.7	to observe her demession while she was on the medication?
8	PROSPECTIVE JURGE NO. 674: Um-h/m.	7	PROSPECTIVE JUROR NO. 679; No. it didn't last lon
9			MR. SMITH: Okay. All right, thank you. This first
10	MR. SMITH: can 1 safe to assume that yearlye since		row. Yes, sir. Yes, ma'am, I'm sorry. I'll go in order
15	Committee of the state of the s	10	PROSPECTIVE JUROR NO. 626: Okay, 626.
12	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	21	MR. SMITH: 626.
13	with the court, them you relyant cise: Okay,	12	PROSPECTIVE JUROR NO. 626: My mother was
200	(1439-310-310-31)	2.3	(indiscernible) 70s,
14	- 10 th 12 11 to 10 to 10 th 13. 6/9.	14	MR. SMITH: So your mother was diagnosed with
35		15	depression back in the 70s? Was she placed on a regimen
- 6	The state of the s		prescription?
17	the state of the s	17	PROSPECTIVE JUROR NO. 626: Yes. She was
18	PROSPECTIVE JUROR NO. 679: Yeah. It was like four	18	hospitalized for a short time.
19	to five years ago.	19	MK. SMITH: Oksy. How long world you say that
20	MR. SMITH. Okay. Was she on any medication?	20	histed?
21	PROSPICTIVE JUROR NO. 679 Yeah, who look Zoloft,	21	PROSPECTIVE JUROR NO. 626: She it wasn't that
22	but (indiscernible) car accident.	22	long. It was so long ago I'm trying to remember. I don't -
23	MR. SMITH: Okay:	23	what, maybe two, three weeks,
24	PROSPECTIVE JUROR NO. 679: (Indiscernible).	21	MR. SMITH: Okov.
25	MR. SMITH: So did she have some adverse reactions to	25	PROSPECTIVE JUROR NO. 626: 1 don't think it was -
	Page 110	1222	
	ROUGH DRAFT TRANSCRIPT	1	Page 111
_	ROCCH DRAFT TRANSCRIPT	↓_	ROUGH BRAFT TRANSCRIPT
1	don't think it was a month like;	1	MR, SMITH: Okav.
2	MR. SMITH: Okoy, And yes, sir, you -	2	PROSPECTIVE JUROR NO. 633: It's more for the analety
3	PROSPECTIVE JUKOR NO. 626: (Indescerable).	33	from it is the depression.
	MR. SMITH: I'm serry go ahead, yes, ma'am.	1.2	
5	PROSPECTIVE JUNOR NO. 626: And I was also diagnosed		MR. SMITTE: Got ya. Have you had an ample
5	and took reclication.		repurismity to kind of absence her demonstra white she was on
7	MR. SMITH: Okay. And how long were you on	7	he medication
8	medication for the?		PROSPECTIVE JUROR NO. 633: Yes
9	PROSPECTIVE JUROR NO. 626. I think I probably took	9	MR. SMITH: Okay, good. Thank you sir. Yes. molant,
준별	it for about a month.		PROSPECTIVE JUROR NO. 626. The america entires, 1
11	MR. SMITH: Okay, Thank you, Ma'arn, Yo. sir.		tall take assisty medication from time to time when the need
2	PROSPECTIVE JUROR NO 633: 633.	11 5	
3	MR. SMITH: Yes. sir.	12	MR. SMITH: Chay I'm going to get to you. Was
4	\$40.45 \$mm334500455 \$304.444		here anyone else in this first row? No. dicay. Yes, sir,
	PROSPECTIVE JURON NO. 633: My wife is diagnosed with	14	PROSPECTIVE JUROR NO. 605- 605.
6	the depression,	15	MR. SMJTH: Okay.
	MR. SMITH: Okay.	16	PROSPECTIVE JUROR NO. 605: (Indirectable).
7	PROSPECTIVE JUROR NO. 633: And anxiety, so I think	17	MR. SAILTH: Okay.
0.5341	n's -	18	PROSPECTIVE JUROR NO. 605; 1 was diagraned about
9	MR. SMITH: Got yu. Prescribed medication?	13 6	ve years.
O	PROSPECTIVE LUROR NO. 633. You	20	MR. Shiffle Dhay.
1	MR. SMITH: Is she corrently on it?	21	PROSPECTIVE JUROR NO. 605 Track medication for about
2	PROSPECTIVE JUROR NO. 633: Yes.	32 u	month,
3	MR. SMITH: How long has she been taking the	23	MR SAUTH: Okay. Has it been a while since you've
	medication"	24 b	cen taking the medication yet." Okay, thank you, Yes. Was
5	PROSPICTIVE JUROR NO 633: Six seven years.	25 W	our - ukay. Anyone clied in this back ross? Yes, sig. Mr.
	Page #12	150	Page 113
	ROUGH DRAFT TRANSCRIPT	i	
		E:	ROUGH DRAFT TRANSCRIPT

	Page 116	Ŕ	Page 117
5	MR. SkDTH: Okay. How long were you on the	15	PROSPECTIVE JURIOR NO. 775 She was
	(indiscemble);		MR. SMITH: Do you know if she was prescribed any medication?
	and I followed the natural puther capie of medication	22	PROSPECTIVE RECORNO. 775 Um-him.
2	PROSPECTIVE JUROR NO 700: 1 was working at Stanford		depression eatly part of this decade.
0	diagrassed with a stight depression.  MSC SkarTh: Okay.	20	MR. SMITH: Okoy. Sit a sister diagramsed with
	been in the medical profession I became an insomniac, an I was		derase:
	years ago, I don't remember, because of my job stress having	18	PROSPECTIVE JUROR NO. 775: Early part of this
7	PROSPECTIVE JUROR NO. 700: 1 said that 12 or 14	12	MK. SMITH: How long
6	MR. SMITH: OKay,	16	was diagraised (incliseemible) depressed.
5	PROSPECTIVE JURIOR NO 700: Okey.	35	PROSPECTIVE JURON NO. 775: 775. I had a sister who
4	MH, SMITH; - we're saying.	14	ckey. Thirdrow? Yes, sir.
13	PROSPECTIVE JUROR NO. 790: Oh. I see.	33	Anyone else in this first row? Second row? You jumped. Oh.
12	cycryshing —	12	MR. SMITH: Okey, All right, thank you very much.
1	MR. SMITH- Yes, malant, because they want to record	11	PROSPECTIVE JUROR NO. 700: LOA.
LO		10	MR. SMITH: Okay.
g	PROSPECTIVE JUROR NO. 700: I'm telking to you	9	of leave.
8	MS. GRAHAM: Testing		MR, SMITH: Okay. PROSPECTIVE HUROR NO. 700: But I wolk off six many.
7	you have the microphone. Cliff?	7	by a physician.
6	THE COURT: Ma'am, excuse me, repeat your unswer. Do	6	PROSMECTIVE JUROR NO. 760: And then I got as alical
5	PROSPECTIVE FUROR NO. 700: (Indiscernible).	40	MR. SMITH: Okay.
•	THE MARSHAL: Can't hear but.	3	months:
2	PROSPECTIVE JUROR NO. 700: 20 years ago   was (indiscernible).	2	PROSPECTIVE JUROR NO. 700: I think for about three
2	tarry to that microphone?	1	prescription regimen?
ş	N 8 9 200 300 1		Province and the control of the cont
	ROUGH DRAFT TRANSCRIPT	ĺ	ROUGH DRAFT TRANSCRIPT
	Page 114		Page 115
25	PROSPECTIVE JUROR NO. 672: 672:	25	MR. SMITH: Can you stand up for us so your voice can
	MR. SMITH: (Indiscernible). Okay, yes, me'ani,	24	5. 0020000000000000000000000000000000000
53	from row,	23	PROSPECTIVE JUROR NO. 700: IIndiscernible) yours a
22	THE COURT: Mr. Smith, I think we had someone in the	22	MR. SMITH: Okay.
	here?	21	PROSPECTIVE JUROR NO. 700: Yeah.
20	MR. SMITH: Okoy. Thank you sir. Anyone else back	20	regiam. Number 700.
19	PROSPECTIVE JUROR NO. 618: There is:	19	condur. Anyone else up here? How about over here? Yes.
18	medication, interseled with them.	10	MR. SMITTI: Think you, Ma'am, Lappreciate your
17	MR. SMITH: Okay. You've seen them on their	17	know,
16	And my brother goes back to the early 90s.	16	PROSPECTIVE JUROR NO. 672: Just wanted to let you
25	PROSPECTIVE JUROR NO. 618: My mother 1997, J'Il say,	15	MR. SMITH: Goryo.
14	MR. SMITH: How long ago were they diagnosed?	14	medication because it could take it helps the IBS.
13	PROSPECTIVE IUROR NO. 618: They both are:	13	The state of the s
12	MR, SMITH: Got ya. Are they taking medication?	12	
11	\$518300	30	PROSPECTIVE AIROR NO 672: it's combined.
10		10	
,	MR. SMITTI: Gu ya.	9	medication since because that's what created my they say it was because of my IBS to
8	sell.	á	PROSPECTIVE JUROR NO. 672: And I've been on
7	PROSPECTIVE JUROR NO. 615: They're both diagnosed	7	MR. SMITH: Okay.
6	MR. SMITH: Okay. Recently?	6	with anxiety about 28 years ago.
5	bruther were both diagnosed with depression.	5	PROSPECTIVE JUROR NO. 672: Yes.   was diagrassed
•	PROSPECTIVE JUROR NO. 618: My mether and my adapted	4	MR. SMITH: Okay, Ms. Humer:
	MR. SMITH: Yes, sir.	3	PROSPECTIVE JUROR NO. 672: Um-Nm.
3	PROSPECTIVE JURGE NO. 618: Paul Williams, 614.		

ı		ş		
1	MR. SMITH: Do you know how long she stayed on	1	PROSPECTIVE JUROR NO. 789: 789. Juliette Congleton.	
2		2	My mother has a depression problem for over 25 years, and my	
3	PROSPECTIVE JUROR NO. 775; Tulon't know all the	3	mother's side couple ounts has the same problems.	
*	about a year or 14 o.	4	MR. SMJTH: Okay, (Indisecrodic) take	
5	MR. SMITH: Okay. Were you able to -	5	prescriptions? Have you been able to observe them while	
6		6	they're an these prescriptions? Oksy, thank you, Anyone else	
7		-	in this first raw? Second row?	
8	MR. 5MITH: Okuyi	8	PROSPECTIVE JUROR NO. 813: 813. My late wife was	
9	PROSPECTIVE JURGE NO. 775: - I mean, I never	9	diagnosed with depression. She took medication for that	
10		30	MR. SMITH: For how long sir! PROSPECTIVE JUROR I	
11		111	813. It had to have been	
12	MR, SMITH: Okay. So just so I understand, you were	12	over 20 years. Is she was on it before I had met	
13		13		
14		14	10 PA (10 PA)(10 PA (10	
15			MR. SMITH: Okey. Thank you very much, sir. I have about the more questions. At the end of this case, folks, the	
16		16		
17		17	judge is going to read you a set of instructions that contain	
18	MR. SMITH: Are they still taking the medication now?	11	the law that upply to this case. And as you see here unbay,	
19		29	some of you may have some preconceptions. My question is is	
zo		198	there anyone here who feels that they comes set uside any	
21		30	preconceptions that they may have and apply the law that's	
22		31	going to be given by the judge send of this case to the facts.	
23		22	of this ease? No one? Court's indulgence, Judge, Can we	
24		23	approach, audge?	
_	here? (Indiscernible).	24	THE COURT: All right.	
	(*) 500	25	(Off-record bench conference),	
	Page 118		Page 119	
	ROUGH DRAFT TRANSCRIPT		ROUGH DHAFT TRANSCRIPT	
i	MR. SMITTE: Folks, I believe I just have but one last	18	BOAR DECTIVE A MAY US THE	
2	question and that is if anytone here is in a trade union? I	2	PROSPECTIVE JUNOR NO 717: 717.  MR. SMITH: Yes, Sir.	
3	think there was one individual who said that he was, but anyone	3		
4	clse? Oksy, all right, let's start back here. What's your	7	PROSPECTIVE JUROR NO 717: Transportation worker	
5	bodge number, Mo'am?	- 60	wokin.	
6	PROSPECTIVE JUROR NO. 509: 609.	5	MR. SMITH: Currently an active member?	
7	기업에 가지 가지하다가 하다 하지 않는 것이 없었다.	7	PROSPECTIVE JUROR NO 717: Yes.	
e	PROSPECTIVE JUROR NO. 609: 1 can't remember if it		MR. SMITH: Okay. Yes, ma'am.	
4	was a state worker's union. (Indiscernible) years ago.	9	PROSPECTIVE JUROR NO. 765: 226 (indiscernable).	
U	MR. SMITH: Okay.	2000	MR. SMITH: What's your hadge number?	
11	PROSPECTIVE JUROR NO. 609: I'm not hardly active in	10	PROSPECTIVE JURGE NO. 765: 765. (Indiscernible).	
	if (indiscernible)	11	MR. SMITH: You say you're in the entirery union?	
3		12	PROSPECTIVE JURGA NO. 765: Um-h/m.	
4	PROSPECTIVE JUROR NO. 633 633.	13	MR. SMITH: Okay, Active member? Okay, Anyone	
5	MR. SMITH: Yes, sir.	7885E-	else? Yes sir.	
6	PROSPECTIVE JUROR NO. 633: The labor's union out of	15	PROSPECTIVE JUROR NO. 175: 775.	
7	Washington, I'm still a member.	16	MR. SMITH: Yes, se.	
		17	PROSPECTIVE JUROR NO. 775: Hindiscernible) out of	
2311	MR. SMITH: Okay, ibank you, sir. Anyone else over here? Saw some hands back here.		California	
0		19	MR. SMITH: Thank you sir Anyone else over here?	
7.5	PROSPECTIVE DIROR NO 680: 600. Plumber's		How about over here? Yes, sir.	
2	Pipelitiers Local \$25 ma of Las Vegas.	21	PROSPECTIVE JUROR NO. 798: 798. (Indiscernible)	
3	MR. SMITH: What's your budge number, sir" PROSPECTIVE JUROR NO. 680: 680.		local (8 (indiscernible),	
470	TOWARDET I VENUE OR NO. 680. ARG	23	ASS CLUTTE Thereto	

21

24

25

MR, SMITH: Think yes. Anyone else? Yes, sir

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PROSPECTIVE JUROR NO. 618: I'm sony.

MR. SMITH: No problem,

24

25 sir.

PROSPECTIVE JUROR NO. 680: 680.

MR. SMITH, 680, ukay, got yu, Anyone clse? Ves.

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	PROSPECTIVE JUROR NO. 618: 618, 10's	4	THE MARSHAL: Can't bear her
2	#	2	
3	MR. SMITH: Gut you Are you active member?	1	MR. SMITH: She said her step-dad used to be in the Army
4	PROSPECTIVE JUROR NO. 618: Trn not.	1	PROSPECTIVE JUROR NO. 679: And I have a close friend
5	[10] [10] [10] [10] [10] [10] [10] [10]	5	(indiscernible).
€		्	MR. SMITH: Okay. How about this second row right
7		1 7	
8		8	PROSPECTIVE JUROR NO. 626. Okay, my Justiand was
9		9	the Army before we were married
10	PROSPECTIVE JUROR NO. 663: 663,	13	
1:	MR. SMITH: Okay.	23	PROSPECTIVE JUROR NO 626: On I'm sorry, 626
12	PROSPECTIVE JUROR NO. 663 My sister and my	132	
13		13	
14	MR. SMITH: Are they currently on active duty?	14	PROSPECTIVE JUROR NO. 626: Yes
15		15	MR. SMITH: Okay
16	The state of the s	16	PROSPECTIVE JUROR NO. 626: And my don was in deser
12	The state of the s	17	stern.
18	The state of the s	18	MR. SMITH: Okay, Yes, sic.
19	the contract of the contract of active many.	19	
20		30	[2] (2) (2) (2) (2) (2) (2) (2) (2) (2) (2)
21	contract Chap.	21	PROSPECTIVE JUROR NO. 6331: My oldest said was in the
22		22	Air Force, and my nephew is current Lee in Iraq.
23	00000000000000000000000000000000000000	23	MR. SMITH: Thank you, sir Yes, malani,
24	the second second second second description of the second	24	PROSPECTIVE HIROR NO. 654: 654
25	(manage) but falled at Children's	25	MK. SMITH Yes, majum,
	Page 122		Page 123
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	DBOCOCCOUR TIDES NO. 10. 11.		
,	PROSPECTIVE JUROR NO. 654: My father was in the (L.S. Army. My brother is retired 20 years – 22 years Army. Theve		active for one year. And I also have two other close friends
3	a nephrow to actively Mannes, and another acphew actively in	100	that are over in Iring right paper.
4	the Navy.	3	MR. SMITH: And for the record, your bodge number is?
5	MR. SMITH: Okay, Thank you, Ma'am, Anyone else in	5	PROSPECTIVE JUROR NO. 606: Oh. Parsonry, 606
6	this first row? Yes, set	6	MR. SM(TI) Thank you. Yes ma'am.
9	PROSPECTIVE JUROR NO. 656: 656	7	PROSPECTIVE JUROR NO. 609: 609. My nephore who was
8	MR. SMITH: Yes, sir.	e	Marine was killed or Iraq. (Indiscensible) MR. SMITH: Okey
9	PROSPECTIVE JUROR NO. 65%: I have my oldest brother,	9	MS GRAHAM. What was the last part?
10	he was served in Victions and then my youngest brodier, he was	10	MR. SMITH: She said she definitely has onger issues
13	in the Navy, and I have a close friend that's in the Marine	200,000	towards that. Can we explore that a listle but?
12	Corp.	12	PROSPECTIVE JURGE NO. 669: Absolutely.
13	MR, SMITH: Okay Any of those people on active	12	ACR SMITH: Okay, When you say you have anger
14	day?	14	issues, do you have anger makes towards the situation in lang
1.5	PROSPECTIVE JURGE NO. 656. No.	15	or the U.S. Governments?
16	MR. SMITH: Okay, Thank you, sir How about this	1.6	PROSPECTIVE JUROR NO. 609: Our former president and
17	back row? Yes, sar.	17	the military (undiscernible).
8	PROSPECTIVE JURGE NO. 475: 605.	18	THE MARSHAL. She needs to sund up because the
9	MR. SMITH: Yes, str.	19	recorder's not picking her up.
0	PROSPECTIVE JURGE NO. 60%: (Indiscernable) is in the	20	MR SMITH: Okay, can you repeat that for us.
	military	21	PROSPECTIVE JUROR NO. 609: Yeah I just mid t have
2	MR. SMITH: Here locally? Thank you, sir, Yes.	22	exces with the farmer president and the military and the fact
	ILIJANE.	23	that he was even in that produces. I just have anger towards
4	PROSPECTIVE JUROR NO, 606; My former roommale, also	24	him (indiscernible) killed. So it was just a bly problem in my
5	very close pursuand friend was in the Air Force. He's been	25	family (anthogoniable) and only my brother, but then my nepties:
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1		•
1	The second will see the control of	1 well
2	why I asked than question and perhaps you can make a better	2 PROSPECTIVE JUROR NO. 609: 1 understand.
3		3 MR SMITH: You understand that?
4		4 PROSPECTIVE JUROR NO. 809; (Indiscernable),
5		5 MR, SMITH: Okay, Anyone clse? Yes, Sic.
5	AND	6 PROSPECTIVE JURGR NO. 6(3: 6)3
7		7 MR. SMITH: Yes, sir.
В		THE CAPE OF THE CAPE
9		8 PROSPECTIVE BURGE NO. 613: Myself and four brothers 9 millions
10		1
11		
12		23 PROSPECTIVE JUROR NO. 643: Three of were Victorian a
13		11921 1111 111 (00045 Section 1004 Section 1
14		13 MR. SMITH: Okay. Thank you, sir. Yes, ma'arn.
15	A MOST DE TITLE FOR CONTROL TO COOP. THE TENT. JUST	14 PROSPECTIVE JURGS NO. 614: And 614. (Indiscomble)
_	(made triality)	15 in the Air Force.
16	The per per man to set that detect and	1.6 MR. SMITH: Here locally?
17	the state of the state of South to best in 100	17 PROSPECTIVE JUROR NO. 614: No. be's stadoned in
18		18 (indiscernible).
19	The second secon	19 MR, SMITH: Okay, Thank you, Ma'am, Yes, sir.
20	The state of the s	PROSPECTIVE JUROR NO. 606: 506: I have a nephew
21	the barrier desire to be Both stemps occanise tobatt	21. who's in freq.
22	the same of the same same look decreased that	22 MR. SMITH: Thank you, sir.
53		23 PROSPECTIVE JUROR NO 618: 618. My adopted brosher
24	MR, SMITH: Okay. And I'm not only concerned bias	24 was in the Army. My grand father was in the Navy.
25	against their testimony but bias towards their testimony as	25 MR. SMITH: Thank you, sir.
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	ROUGH DRAFT TRANSCRIPT	Page 127
	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
1	PROSPECTIVE JUROR NO. 620: 620. My father was in	1 MR. SMITH. Okay. For the recent, sir, what's your
2	ibe Anny.	2 badge number?
3	MR. SMITH: Thank you, sir. Anyone overhere?	3 PROSPECTIVE JUROR NO. 680: 680.
4	(Indiscermble).	
5	THE MARSHAL, When you get the microphone, can you	4 MR. SMITH: Thank you. Second row: Here you go,
6	stand up, please?	€ sir.
7	PROSPECTIVE JUROR NO. 700, 700, Three of my cousins.	6 PROSPECTIVE JUNOR NO. 717: 717. My father was a
9	are in the U.S. Air Force. One in the U.S. Navy, and my pephew	6 MR. SMITH: 717, your dod was a Marine. Got is.
10	gol wounded in Afghanistan.	9 PROSPECTIVE JUROR NO. 719, 719, My hasband was a
11	MR. SNITH: Okay.	10 Morine. My raw nephews are in the Niny.
PA.	PROSPECTIVE JUROR NO 700. (Indiscernible). No one	11 MR. SMITH: Got ii.
	is in active duty.	12 PROSPECTIVE JUROR NO. 727: 727. My sinck was in
13	MR. SMITH: Okay. Thunk you, Maren. Next.	13 Viennam. He was in the Army. I have two friends in the Air
4	PROSPECTIVE JUHOR NO. 690: 690. My father was in	14 Force, I have one friend in the Navy, and I have one friend in
	the military.	15 the Marinex.
5	the malitary.  (MR: SMITH: What branch?	15 the Marinex.
5	the melitary.	15 the Marines.  16 MK, SMITH: You know sometisely or all four branches.
15	the military.  MR. SMETH. What branch?  PROSPECTIVE JUROR NO. 690. The Army.  MR. SMITH: Okay. Thank you, sat.	15 the Marines.  16 MR, SMITH: You know sometisely or all four branches.  17 http://issepuite.com/squard.
15 15 17	the military.  MK: SMETH: What branch?  PROSPECTIVE JUROR NO: 690. The Army.	15 the Marines.  16 MR, SMITH: You know somehody or all four branches.  17 huh? Escept the Cosst Guard.  18 PROSPECTIVE JUROR NO. 728: 728. My hashand was in
5 5 7 8	the military.  MR. SMETH. What branch?  PROSPECTIVE JUROR NO. 690. The Army.  MR. SMITH: Okay. Thank you, sat.	15 the Marines.  16 MR, SMITH: You know somethedy or all four branches.  17 huh? Escept the Cosst Guard.  18 PROSPECTIVE JUROR NO. 728: 728. My hashand was in  19 Victorians, and my father was in the Army.
5 7 8 3	the military.  MR. SMITH: What branch?  PROSEICTIVE JUROR NO. 690. The Amry.  MR. SMITH: Okay, Thank you, sar.  PROSEICTIVE JUROR NO. 685: 685. I got a cousin currently in the Navy. and my uncles have served in the Navy.	15 the Marines.  16 MR, SMITH: You know sometherly or all four branches.  17 huh? Escept the Coset Guard.  18 PROSPECTIVE JUROR NO. 728: 728. My husband was in Victoriam, and my father was in the Army.  20 MR, 5MITH: Okoy, Thank you, Me'arm.
5 7 8 3	the military.  MR: SMITH: What branch?  PROSPECTIVE JUROR NO: 690. The Army.  MR: SMITH: Okay: Thunk you, sit.  PROSPECTIVE JUROR NO: 685: 685. I got a cousin currently in the Navy, and my uncles have served in the Navy.  PROSPECTIVE JUROR NO: 680. Two uncles acroed in the.	15 the Marines.  16 MR, SMITH: You know somehody or all four branches.  17 huh? Escept the Cases Guard.  18 PROSPECTIVE JUROR NO. 728: 728. My husband was in Vicinam, and my father was in the Army.  20 MR, SMITH: Okoy, Thank you, Me'am.  21 PROSEECTIVE JUROR NO. 743: 743. My mather was Air.
5 15 18 18 19	the military.  MR: SMITH: What branch?  PROSPECTIVE JUROR NO: 690. The Army.  MR. SMITH: Okay: Thunk yore, sit.  PROSPECTIVE JUROR NO: 685: 685. I got a cousin currently in the Navy, and my uncles have served in the Navy.  PROSPECTIVE JUROR NO: 680. Two uncles acroed in the.  Navy: World War II. My father served 35 years on the Groupe.	15 the Marines. 16 MR, SMITH: You know somehody in all four branches. 17 huit? Escept the Coses Guard. 18 PROSPECTIVE JUROR NO. 728: 728. My husband was in 19 Victoum, and my father was the Army. 20 MR, SMITH: Okoy, Thank you, Ma'am. 21 PROSPECTIVE JUROR NO. 743: 743. My mather was Air 22 Force, my father Army, my brother Army.
15 16 18 19 19	the military.  MR: SMITH: What branch?  PROSPECTIVE JUROR NO. 690. The Army.  MR: SMITH: Okay. Think yore, sit.  PROSPECTIVE JUROR NO. 685: 685. Upor a cousin currently in the Navy. and my uncles have served in the Navy. PROSPECTIVE JUROR NO. 680. Two uncles acrosed in the Navy. World War II. My father served 35 years on the Groupe.  Patton. My brother served in Korea during the 60s, and pige.	15 the Marines. 16 MR, SMITH: You know somehody in all four branches. 17 huit? Escept the Coses Guard. 18 PROSPECTIVE JUROR NO. 728: 728. My husband was in 39 Victoum, and my father was the Army. 20 MR, SMITH: Okoy, Thank you, Ma'am. 21 PROSPECTIVE JUROR NO. 743: 743. My mather was Air 22 Force, my father Army, my brother Army. 23 MR, SMITH: Okay.
15 16 17 18 13 20 21 22 22 22 23	the military.  MR: SMITH: What branch?  PROSPECTIVE JUROR NO. 690. The Army.  MR. SMITH: Okay. Thank you, sit.  PROSPECTIVE JUROR NO. 685: 685. I got a cousin currently in the Navy. and my uncles have served in the Navy.  PROSPECTIVE JUROR NO. 680. Two uncles acroed in the Navy.  World War II. My father served 35 years on the Groupe.  Patton. My brother served in Korea during the 60s, and pure brother retired from multitary, graduate of West Point. I get	15 the Marines. 16 MR, SMITH: You know somehody in all four branches. 17 huit? Escept the Coses Guard. 18 PROSPECTIVE JUROR NO. 728: 728. My husband was in 19 Victoum, and my father was the Army. 20 MR, SMITH: Okoy, Thank you, Ma'am. 21 PROSPECTIVE JUROR NO. 743: 743. My mather was Air 22 Force, my father Army, my brother Army. 23 MR, SMITH: Okay. 24 PROSPECTIVE JUROR NO. 748: 748. That e three
15 16 17 18 18 18 19 11 12 12 12 12	the military.  MR: SMETH. What branch?  PROSPICTIVE JUROR NO. 690. The Army.  MR. SMITH: Okay. Thank you, sir.  PROSPICTIVE JUROR NO. 685: 685. 1 got a cousin currently in the Navy. and my uncles have served in the Navy.  PROSPICTIVE JUROR NO. 680. Two uncles served in the Navy.  PROSPICTIVE JUROR NO. 680. Two uncles served in the Navy.  PROSPICTIVE JUROR NO. 680. Two uncles served in the Navy.  Parton. My brother served in Korea during the 60s, and one brother retried from multitury, graduate of West Point. 1 ges one brother who's reserves. 33 years.	15 the Marines.  16 MR, SMITH: You know somebady in all four branches.  17 hub? Escept the Cossa Guard.  18 PROSPECTIVE JUROR NO. 728: 728. My hashand was in Vietnam, and my finher was in the Army.  20 MR. SMITH: Okoy. Thank you, Marian.  21 PROSPECTIVE JUROR NO. 743: 743. My mother was Air Force, my fasher Army, my brother Army.  22 MR. SMITH: Okay.  23 MR. SMITH: Okay.  24 PROSPECTIVE JUROR NO. 748: 748. Thank three servers in the Navy, nephew just emissed in the Army, brother
15 16 17 18 13 20 21 22 22 23	the military.  MR: SMITH: What branch?  PROSPECTIVE JUROR NO. 690. The Army.  MR. SMITH: Okay. Thank you, sit.  PROSPECTIVE JUROR NO. 685: 685. I got a cousin currently in the Navy. and my uncles have served in the Navy.  PROSPECTIVE JUROR NO. 680. Two uncles acroed in the Navy.  World War II. My father served 35 years on the Groupe.  Patton. My brother served in Korea during the 60s, and pure brother retired from multitary, graduate of West Point. I get	15 the Marines. 16 MR, SMITH: You know somehody in all four branches. 17 huit? Escept the Coses Guard. 18 PROSPECTIVE JUROR NO. 728: 728. My husband was in 19 Victoum, and my father was the Army. 20 MR, SMITH: Okoy, Thank you, Ma'am. 21 PROSPECTIVE JUROR NO. 743: 743. My mather was Air 22 Force, my father Army, my brother Army. 23 MR, SMITH: Okay. 24 PROSPECTIVE JUROR NO. 748: 748. That e three

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1			
10	105(105(105))	1	PROSPECTIVE JURON NO. 788: 788. My father was in
2	A PARTY TANK BILL	2	
3	PROSPECTIVE JUROR NO. 750: 750. I did four years in	, 3	
	the Air Force, Father is retired Air Force, and I got a nephew		
5	in Afghanistan right now.		Korean Army for 20 years, and he was in a Victoria. My
5	MR. SMITH: Thank you, sir.	6	
7	PROSPECTIVE JUROR NO: 765: 765. My father was in		
8	military in Cuba in the Army - Navy.		man birther, bady,
9	MR. SMITH: Thank you, Ma'arn.		PROSPECTIVE JUXOR NO. 789 And then my uncle was
10	PROSPECTIVE JUROR NO. 771: 771. And I was in the	10	a Kuscan where he was captured in North Korea for 40 years.
11		-800	The state of the s
12	California Army National Guard. Both brothers in the military,	11	10, 10,
13	father in the Air Force. Nobedy's active.	12	Committee of the commit
11		23	The second contract to the second contract of
15	MR. SMITH, Okay, Thank you, sir.	14	7- <b>7-1</b>
16	PROSPECTIVE JUROR NO. 775: 775. Both my grand	15	nos on it can,
	fathers served over seas in World War II. One in the Air	18	PROSPECTIVE JURGE NO. 798- 798. My father was in
17	Force, one in the Army. Three uncles, two in the Navy, one in	17	the Air Force.
18	the Marines who did tours in Vietnam. And also my sister's in	18	MR. SMITH: Thank you, sir.
19	the Army Reserves. She's headed to Iraq in the next few days	19	PROSPECTIVE JUROR NO. 803: Parkin inc., 803. Two
20	MR. SMITH: Thank you,	20	
21	PROSPECTIVE JUROR NO. 777: 777. Most my family	21	
22	served. No one active duty, and my wife was also pretty much	22	
23	around the world from a military family.	23	10 CHE CHINE CONTROL OF THE CONTROL
24	MR. SMITH: Okay. Thank you, sir. This first row	24	My dad was in the Korean war.
25	over here.	25	
	Page 130	55.53	
	ROUGH DRAFT TRANSCRIPT		Page 131 ROUGH DRAFT TRANSCRIPT
1	PROSPECTIVE JURGE NO. 803. And I do have a friend	1	
2	(indiscernible) whose cousin who I know was killed	3	PROSPECTIVE JUROR NO. 813, 813.
3	over in Iraq.	1	MR. SMITH: Thank you, sir. Judge, I'll pass the
4	MR. SMITH: Okay. Thank you.	1	panel for cause. Thank you.
5	PROSPECTIVE JUROR NO. 805: 805. My dail was unific	1015	THE COURT All right, thank you. Ms. Palm or Mr.
6	Army, and my uncle was in Victimen,	5	Pilot.
7	MR. SMITH: Phank you, Ma'am.	6	MR. PIKE: Thank you your Honor. Now we've gone.
E	PROSPECTIVE JURGE NO. 808: 808. My dad was in the	7	through a bunch of questions and it's kind of almost like the
9	Army, my grand father was retired Navy command officer, my	-8	Jerry Springer part where we run around and try and get the
	cousin is active Manines right now. List brother just got and	9	answers to questions, but you kind - what we're trying to do
12	of the Army. His wrife is - just got out of the Navy.	10	is just see if there's any biases that you might have coming
2	THE SAME NOTES IN THE STATE OF SAME STATE OF SAME STATE OF SAME SAME SAME SAME SAME SAME SAME SAME	11	into this because of who you may have affiliated with or the
	MR. SMITH: Okey.	12	writnesses may be and/or any preconceived notions because, as
4	PRUSPECTIVE JUROR NO. 80% And shar's in	13	Counsel has indicated, you're making a very - a number of ver-
20	MR. SMITH: Okay. Thank you.	14	important decisions during this period of time.
5	PROSPECTIVE JUROR NO. 810: My did and my unch were	15	So I want to touch an some of those issues I s there
	in the Air Force, \$10.	16	- as a collective group, how many of you at this point in
7	MR. SMITTE Oksy.	17	
0	PROSPECTIVE JUROR NO. 810. My father-in-law was a	18	that Brien O'Keefe is guilty? Just raise hands. Nobody.
	Marine.	19	Good. Then everybody believes in the presumption of innocen-
0	MR. SMITH. Okay, Thank you, Malam.	20	and that the State has in carry its burden of proof.
1	PROSPECTIVE JUROR NO. 8(1): My oldest brother was in	21	How many of you believe that it is appropriate that
	Vietnorh. He was a Marine. The other older brouser was retired	22	the burden of proof beyond a reasonable doubt? That was kind
2 1	from the Army, and I served seven years in the Army.	1500000	of a (indiscernible) question, so I'm going to concentrate on
4	MR. SMEETI: And what's your bodge member for the	24	the people that didn't mise their hands, so if you - I guess
5 6	CATHT[ ⁷	25	
100	F-1800 (A-400 L-200 L-2		The state of the s
249,70	Page 132		
E50,16	Page 132 ROUGH DRAFT TRANSCRIPT		Page 133 ROUGH DRAFT TRANSCRIPT

what is a reasonable doubt, do you have a preconcerved notion what that would be, six no? Okay. These are ·· if there's a term like that, a term of art, the judge is going to give you some instructions, and you have to basen to those instructions.  Do you believe as we sit here - does anybody believe as we sit here today that the defense has to put to witnesses in order to have the jury find him not guilty? Okay. Sir. Okay. Kind of explain to me what you expect the defense's role to be.  PROSPECTIVE JUROR NO, 613: To prove the person is innocent.  MR. PIKE: Okay. Now. I'd ask the question about beyond a reasonable doubt, and State has the burden to prove that. Do you think at any point in time that burden shifts over to the defense?  PROSPECTIVE JUROR NO, 613. I would think so to a point.  MR. PIKE: Okay. And you don't believe that if the defense was to not coll any witnesses, that you could go ahead and find the defendant not guilty!  PROSPECTIVE JUROR NO, 613. I just want to hear both sides.  MR. PIKE: The Constitution says an individual has a right to not restify in a trial. If Mr. O'Keefe were to not	PROSPECTIVE JUROR NO. 613: No.  MR. PIKE: But you'd capeer if you didn't hear from hum or from defense witnesses, then you wouldn't hear from hum or from defense witnesses, then you wouldn't hear from hum or from defense witnesses, then you wouldn't be able to find him not guilty?  PROSPECTIVE JUROR NO. 613: I'm saying that J that if he has witnesses that would like to see.  MR. PIKE: Okay. And those may be some of the same witnesses that the State's call because witnesses are witnesses. Would you agree with that?  PROSPECTIVE JUROR NO. 613: True.  MR. PIKE: If the judge was to instruct you that you had the defense need not call a witness at all, and you could sail! find the defense need not call a witness at all, and you had sail! find the defense need not call a witness at all, and you have be able to follow that instruction? And just be honest. There is no —  PROSPECTIVE JUROR NO. 613: I — yes, I would. I could follow that, yes.  MR. PIKE: Okay. Let me explain. There is no real right answer in this. It's you feel how you feel, and you perceive things the way that you perceive them, and we're not judging. It's just if there's something that you feel a linke bit uncomfortable — and I'm sony if I made you feel a linke bit uncomfortable — and I'm sony if I made you feel a linke
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tracomfortable, sir. I have to use people as an example, but it's kind of my job.  And so if you feet uncomfortable, then that's to make you think. And if you think well, maybe I should sit on a different jury, unalesd of they case, then at any pennt in time, let me know or let the judge know that that may be your decision at this point in time. And understanding that and with the — what you feet about the nature of this case and what's going on, would you feet cumfortable sitting as a jaror in this case?  PROSPECTIVE JUROR NO 613: I would probably rather go to a different trial.  MR. PIKE: Okay. Teank you. Challenge for cause.  Now having gone thattigh that again, let me go back. I standed with a question about the — if you believe the defense has to put anything on. Is there anything about the colloquy that we've had—the conversation that I've had with this gentleman that causes you to think well, maybe I shouldn't sit on this jury? Raise your hand.  PROSPECTIVE JUROR NO 679: (Indiscertible) that if you didn't testify. I think I — like that would ward to me.  like lie, you know.  MR. PIKE: Okay. If the judge told you you couldn't	PROSPECTIVE IUROR NO. 679: I don't know.  MR. PIKE: You don't know? Okay, would you give us your badge mamber for the record?  PROSPECTIVE JUROR NO. 679: 679.  MR. PIKE: Thanks.  PROSPECTIVE JUROR NO. 613: Do you want my number?  MR. PIKE: Yes, please.  PROSPECTIVE JUROR NO. 613: 613.  MR. PIKE: And Ma'arn, would you please give us your budge damber and —  PROSPECTIVE JUROR NO. 609: 669.  MR. PIKE: Okay.  PROSPECTIVE JUROR NO. 609: Well, my thought process (indiscernible) choose, I would prefer to sit on a criminal.  MR. PIKE: Okay. Is in something — I think you indicated that you have atome concerns also about gory deads.  PROSPECTIVE JUROR NO. 609. Yes, sir.  MR. PIKE: Okay. And in this case there is — a is a homicide that is alleged.  PROSPECTIVE JUROR NO. 609: Correct  MR. PIKE: And six there are some subtgsy phones and some things like that. Oo you think that if you were exposed.
24 consider that as all, would you listen to what the judge had to 25 say?  Page 136	24 in those, that would couse you under stress or emotional 25 stress?  Page 137
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24 gives you a better idea.

Since you have that much of a concern and because

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24 the courtry says that a deferdant is presumed innocent, first

25 off. That the State treast prove or the Covernment must prove a

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F.,		Ĭ.	
1	and the same of th	1	and name:
3	and a series of the case of the title than the case the	2	PROSPECTIVE JUROR NO. 672: 672.
3		3	MR. PIKE: Okay. And you shook your bend in she
4	PROSPECTIVE JUROR NO.: No. 1 - since it is a		negative, so you said oo, you
5	the same of the sa	5	PROSPECTIVE JURGE NO 672: No.
6	the same of the same of the same of the	6	MR. PIKE: feel comfoctable sisting
7	The second secon	7	PROSPECTIVE JUROR NO. 672: Yes
Ε	And a series of the series of	8	MR. PIKE: In reference to the other individuals that
9	and are all seconds on one but h.	9	raised their hands (indiscertable). Is there - your badge
10	1, 30, 101, 12, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10	10	
11	THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON OF THE PE	11	PROSPECTIVE JURGE NO. 716: My bodge number is 71.
12	and the state of t	122	MR. PIKE: Okay. You've never had a drink of
13	they would have a difficult time following that instruction	13	alcoholic beverage? Okay. And have you been around people
14	Comment of the second s	14	that have
15	The state of the s	15	PROSPECTIVE JUROR NO. 716: Yes, I have.
16	and the state it is the series to series to series in	16	MR. PIKE: (andiscernible)
17	relationship to alcoholism as well as depression or	17	PROSPECTIVE JUROR NO. 716: Yes, I have.
18	rehabilitation or AA or NA or things like that. Is there	18	MR. PIKE: Okay. You have - your concerns in not
19	anybody here that - let me ask this question in reverse	19	drinking alcohol, is that a religious personal -
20	because (indiscernible). Anybody here that has never had a	20	PROSPECTIVE JURGE NO. 716; Yes. it's religious.
21		23	MR. PIKE: - (indiscernible). Otay. And also,
22		22	having watched what alcohol does to people
23		53	PROSPECTIVE JUBOR NO. 716: Yes, I have.
24		24	MR. PIKE: - tindiscernible) and that confirms
25		25	PROSPECTIVE JUROR NO. 716: Yes.
	Page 142	1000	THE STATE OF THE S
	ROUGH DRAFT TRANSCRIPT	1	Page 143
-	ASSOCIATION DESCRIPT	느	ROUGH DRAFT TRANSCRIPT
1	MR. PIKE; your choice in reference to that.	1	Alcohol or alcohol consumption certainly may not be a defense,
2	PROSPECTIVE JUROR NO. 716: Yes, 1 have.	2	
3	MR. PIKE. So you have been exposed to it, and if you	:3:	
4	had to hear some testimony that alcohol may be involved in some	4	PROSPECTIVE JUROR NO. 743: Lagree.
5	people that are involved in the case, is that something you'd	5	MR. PIKE: It could cause people to not behave as
6	consider but not judge somebody?	6	they normally would
7	PROSPECTIVE JUROR NO. 716: (Indiscernable)	7	PROSPECTIVE JUROR NO. 743: 1 agree with that.
Ė	MR. PIKE: Thank you very much.	6	MR. MXE: Now of and (indiscernible). It's like
9	PROSPECTIVE JUROR NO. 716: Thank you	9	drunk driving. Gening behind a deadly weapon which is
10		1000	basically # car is when you're driving it drunk.
:	PROSPECTIVE JUROR NO. 743: 743.	11	PROSPECTIVE JUROR NO. 743: Rught,
2	MR. PIKE: Okay. And the same question to you.	3.2	MR. PIKE: Then there's a specific crime that's
3	(Indiscernible) alcoholic beverages?	22,440	associated or a penalty associated with that.
4	PROSPECTIVE JUROR NO. 743: In a way that's kind of	:4	PROSPECTIVE JUROR NO. 743: Correct.
15	to me (indiscernible) borderline (indiscernible) religious	15	MR. PIKE: So if there is a specific mental state
6	(indiscernible) in as much as the religion I was brought up we	W. S. C.	that's required and alcohol may affect somebody to the point
7	were taught drugs and alcohol (indescernible) so how it affects	17	where they could not achieve that state, does the mere fact.
8	someone, yes, a could be let's say for example you're driving.		that alcohol was involved, would that in your mind couse you to
9	you kill somebody because you're driving drunk, okay. So we	19	convict somebody of a higher offense or a lesser offense?
q	excuse you from that because a was the alcohol? No, you chose	20	PROSPECTIVE JUROR NO. 743: I say more yes than no
1	to drink.		becomes near the relative statement to
2	So I was thought that if alcohol or drugs as	22	because again, it's a choice. (Indiscernible) knows how
3	involved, that's a choice. That doesn't excuse anyone.	23	alcohol (indiscernible). Okay. So if they choose to do it yet
4	MR. PIKE: Okay. And in reference to that, if you	24	again knowing what happens to them.
5		00-20	MR PIKE: And so if there is if the judge were to
	Page 144		instruct you about the affects of alcohol or how that may
	ROUGH DRAFT TRANSCRIPT		Page 145

ROUGH DRAFT TRANSCRIPT

	Page 148 ROUGH DRAFT TRANSCRIPT		PROSPECTIVE JUROR NO. 626: I don't know. Sorry, but Page 149
5 .	do you think they have to be found guilty of murdet or could	25	There being no affirmative response.  PRESENTATIVE 12 (2012) NO. 626-1-6-12
4	MR. PIKE: Okay, if somebody's charged with murder.	24	nor acquir Mr. O'Reefe il'il was determined it was an accident?
	understand the question.	22	there anybody here that believes that before that they could
2	There is no affirmative response from the gattery PROSPECTIVE JUROR NO 626: 1 still didn't quite	21	secident defenses. You can reference to that. There's - is
D 1	that they must be guilty of murder and not a lesser offense?	20	possibility of volumery or involuntary manaloughter or
9 n	preconceived notions about if someone is charged with a murder	19	MR. PIKE: And they dun't prove that, there's a
8	the judgo instructs you on those. Does anybody have any	18	PROSPECTIVE JUROR NO. 626: Right.
3	mutuler, second degree murder and the manslaughter charges, if	17	possibility of manufaculary
6	charged with an open mainler case. That includes first degree	:6	MR. PIXE: If they don't prove that, then there's a
5	it's all or nothing. In - the defendant in this case is	15	PROSPECTIVE JUROR NO. 626: Right.
4	innoceace. Now, some people come into a case and say well		degree municing the men there's a possibility of second
3	deputy district attorney described the decision about guth or	13	prove first degree mander that it's premeditated, deliberate, malice aforethought, then there's a possibility of second
2	before, there acqualty is two parts to a marder case. The	20,000	MR. PIKE: The State has to if the State doesn't
1	(indiscernible) into this case, as we've indicated	11	PROSPECTIVE JUROR NO. 626 (Imageomble).
0	purpose or presentation in trial? Does everybody believe that?	10	MR. PIKH: Ther's okay.
100	evidence about the examined or preserved for restimonial	9	PROSPECTIVE JUROR NO. 626; 626.
ė	Do you believe that when the potice come into a scene and they impound a piece of evidence, that that piece of	7	MR PIKE: And your bridge number?
7	Control Market Market No.	6	in a countroom before, so   don't know
5	conduct a thorough investigation? Okay, everybody agrees with that.	5	PROSPECTIVE JUROR NO. 626: Never For never been
4	that when the police come into a crime scene, that they should		MR. PIKE: Okay,
3	Probably a pour question anyway. Does everybody here believe	3	degrees, depending upon the encounstances. I suppose,
2	MR. PIKE; Okay, I'm scrry. Let me rephrase it.	2	PROSPECTIVE JUROR NO. 626: Well, I guess there's all
1	question.	1	they be found guilty of a lesser offense!
_	ROUGH DRAFT TRANSCRIPT	$\perp$	ROUGH DRAFT TRANSCRIPT
	Page 146		Page 147
		25	PROSPECTIVE JUROR NO .: I'm sorry, I dight hear th
24	MR PIKE: And (indiscernable) one other person. Yes.	24	should conduct a full investigation of a crime scene?
23	THE STATE OF THE TEX OF PERSONNE.	23	anybody here that disagrees with the concept that the police
	relapsed/	2.2	regarding CSI or CSAs and with people that come in is there
2.	MR. PIKE: Okay. And then they leved solutety and	23	Okay, thunk you. In reference to this the questions
20	maybe one or two. Not close friends, but (indiscernible).	20	MR. PIKE: So you understand how it affects people!
19	THE PARTY OF THE PROPERTY OF T	19	PROSPECTIVE AUROR NO. 797: Yes.
18	alcoholics that would relapse?	18	too much?
17	MR. PIKE: Have you ever had any friends that were	17	opportunity to see how atcohol affects people when they drink
16	same time I'm not a person that's going (indiscernible).	16	MR. PIKE: And (indiscernible) have you had an
15	the consequences of something that is abused, okay, but at the	15	PROSPECTIVE JUROR NO. 797: Religious choice. personal choice.
14	*U. (Poster)	14	And why is that?
13		13	A THE ACT AND MAKE HEACH CHANGE SHOULD CARE.
12	notions about the use of alcohol or how it affects other	12	PROSPECTIVE JUROR NO. 797: 797.
11	MR. PIKE: Okay. And you don't have any preconceived	10	The state of the s
10	choice. My parems, my wife (indiscerrable) by choice.	1 3	PROSPECTIVE JUROR NO. 781: Yes.
9		8	influence of alcohol?
8		7	MR. PIKE: Okay. Have you seen people under the
7	PROSPECTIVE JUROR NO. 777: 777.	6	PROSPECTIVE JUROR NO. 781: 281.
6		5	drink? And your badge number, I'm sorry, Ma'am.
5	the state of the s	1.1	MR. PIKE: You have friends and acquaintances that
4	TOTAL INC. 143. Propagity (maiscernable)		PROSPECTIVE JUROR NO. 781: (Indiscernible),
3		2	MR. PIKE: Oh. okay.
2	follow your own statingts (indiscernible)!	2.5	PROSPECTIVE JURGE NO. 781: (Indiscernible).

90		
1	I'm being honest here. If it was an accident, yeah, I there	1 that they die in prison, do you believe that now?
2	are accidents.	2 PROSPECTIVE JURGE NO.: You just said that was the
3	MR. PIKE: Okay. There are. And there are accidents	3 law and yes, what you -
4	that occur everyday. Now, the next step is sentencing. Is	4 MR. PIKE: Okay, I'm trying to
5	there envisedy in the - in any event that the State proves its	5 PROSPECTIVE ILIPOR NG.: (Indiscernible)
6	case beyond a reasonable doubt of first degree murder, the	6 MR. PIKE: — (indiscremble) mind authority figure
7	jury's going to be called to render a decision as to what the	7 and (indiscernible). (Indiscernible) believe me, you've been
8	penalty will be. There are only three potential penalties for	8 told by everybody else that somebody eventually gets out.
9	first degree murder. One is life in prison with the	9 That's not -
10		20 PROSPECTIVE JUROR NO.: Right, but you just said that
11		21 they wouldn't get out so I believe you, yes.
12		12 MR PIKE: Okay.
13		13 PROSPECTIVE JUROR NO.: I should be able to believe
14		14 il. Well, wast a minute you're a lawyer.
15		15 MR. PIKE: And it's true, and the judge would advise
16		16 you of that.
17		17 PROSPECTIVE JUROR NO.: Okay.
18	going to get out of prison someday?	
19	PROSPECTIVE JUROR NO.: Yes	A STATE OF THE PART OF SECURITIES AND THE
20		The same of the same. From so if I take what the samplestory is not
21	PROSPECTIVE JUROR NO.: That's what I've always	the same and the semestration to the out on the Partols
22		the state of the s
23	MR. PIKE: Okay. In Nevada we have a truth in	and all the same and the same same and the same same and the
24	sentencing law. If I told you that if you sentence somebody to	Eller Carlon and Carlo C
25		24 The record reflect there are a number of juries that reflected
	Page 150	PRESIDENTE ADDR CORRES
	ROUGH DRAFT TRANSCRIPT	Page 151
-	THE COLUMN	ROUGH DRAFT TRANSCRIPT
1	Now I - and I ask you those questions to ask you	
		2 has been completed and it's new time for the surface of
2	this question, that is a serious decision and it's only in	2 has been completed, and it's now time for the parties to go 2 through what's called parameters challenges and it takes
3	this question, that is a serious decision and it's only in these cases where the jury makes the semencing decisions. And	2 through what's called peremptory challenges, and it takes some
100	these cases where the jury makes the semencing decisions. And	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect.
3	these cases where the jury makes the sementing decisions. And anything below first degree marter, the judge makes the	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect. 4 will excuse the jurors from this particular panel. Again, it's
3	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect. 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've
3 4 5	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've 6 been going for awhite, so let's just take our personal break
3 4 5 6	these cases where the jury makes the semencing decisions. And anything below first degree marder, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've 6 been going for awhite, so let's just take our personal break 7 right now. Let's take a short break.
3 4 5 6 7	these cases where the jury makes the semencing decisions. And anything below first degree marder, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or residering a sensence of	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've 6 been going for awhite, so let's just take our personal break 7 right now. Let's take a short break. 8 So during this recess it is your duty not to converse
3 4 5 6 7 8	these cases where the jury makes the semencing decisions. And anything below first degree marder, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've 6 been going for awhite, so let's just take our personal break 7 right now. Let's take a short break. 8 So during this revers it is your dady not to converse 9 among yourselves or with anyone else on any subject connected.
3 4 5 6 7 8 9	these cases where the jury makes the semencing decisions. And anything below first degree marter, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisonment if there is a conviction? Okay Your number.	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've 6 been going for awhite, so let's just take our personal break 7 right now. Let's take a short break. 8 So during this recess it is your duty not to converse 9 among yourselves or with anyone else on any subject connected 10 with the trial, to read, watch or listen to any report over
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3 4 5 6 7 8 9 10 11	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisonment if there is a conviction? Okay Your number, name and your concerns.  PROSPECTIVE JUROR NO, 679: 679.  MR. PIKE: Okay.	2 through what's called peremptory challenges, and it takes some 3 time. That's where the parties by a secret ballot in effect 4 will excuse the jurors from this particular panel. Again, it's 5 done on a secret ballot. And it does take some time. We've 6 been going for awhite, so let's just take our personal break 7 right now. Let's take a short break. 8 So during this revers it is your duty not to converse 9 among yourselves or with anyone else on any subject connected 10 with the trial, to read, watch or listen to any report over 11 romanentary on the trial by any person connected with the trial 12 or by any medium of informing, including without lightstion.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (nodiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisoraneau if there is a conviction? Okay. Your number, name and your concerns.  PROSPECTIVE JUROR NO. 679: 679.  MR. PIKE: Okay.  PROSPECTIVE JUROR NO. 679: 1 don't know. 1 just don't feel like (indiscernible).  MR. PIKE: Okay. Can you pick that up?  THE COURT: No.  PROSPECTIVE JUROR NO. 679: 1 just – I don't know if 1 can put somebody in (indiscernible).	through what's called peremptory challenges, and it takes some time. That's where the parties by a secret ballot in effect will excuse the jurors from this particular panel. Again, it's done on a secret ballot. And it does take some time. We've been going for awhite, so let's just take our personal break right now. Let's take a short break.  So during this recess it is your daily not to converse among yourselves or with anyone else on any subject connected with the trial, to read, watch or listen to any report over transcentary on the trial by any person connected with the trial or by any medium of informing, including without limitation, newspaper, television, radio or the internet.  And you're not to form or express an opinion on any subject connected with this case until it matter is submitted to you for deliberation, if you are selected as a joror. So
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (nodscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisorment if there is a conviction? Okay. Your number, name and your concerns.  PROSPECTIVE JUROR NO. 679: 679.  MR. PIKE: Okay.  PROSPECTIVE JUROR NO. 679: 1 don't know. 1 just don't feel like (indiscernible).  MR. PIKE: Okay. Can you pick that up?  THE COURT: No.  PROSPECTIVE JUROR NO. 679: 1 just — I don't know if I can put semirbody in (indiscernible).  MR. PIKE: Okay. Anybody else that would fove:	through what's called peremptory challenges, and it takes some time. That's where the parties by a secret ballot in effect will excuse the jurors from this particular panel. Again, it's done on a secret ballot. And it does take some time. We've been going for awhite, so let's just take our personal break right now. Let's take a short break.  So during this recess it is your dady not to converse among yourselves or with anyone else on any subject connected with the trial, to read, watch or bisten to any report over rommentary on the trial by any person connected with the trial or by any medium of informing, including without limitation, newspaper, television, radio or the internet.  And you're not to form or express an opinion on any subject connected with this case until it matter is submitted to you for deliberation, if you are selected as a juror. So we'll just see you back as soon as your personal break has been completed. Please, again, wait for the marshal to escort you back in and remember where you're seated, please. Thank you.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (nodiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisoraneau if there is a conviction? Okay. Your number, name and your concerns.  PROSPECTIVE JUROR NO. 679: 679.  MR. PIKE: Okay.  PROSPECTIVE JUROR NO. 679: 1 don't know. 1 just don't feel like (indiscernible).  MR. PIKE: Okay. Can you pick that up?  THE COURT: No.  PROSPECTIVE JUROR NO. 679: 1 just – I don't know if 1 can put somebody in (indiscernible).	through what's called peremptory challenges, and it takes some time. That's where the parties by a secret ballot in effect will excuse the jurors from this particular panel. Again, it's done on a secret ballot. And it does take some time. We've been going for awhite, so let's just take our personal break right now. Let's take a short break.  So during this recess it is your dady not to converse among yourselves or with anyone else on any subject connected with the trial, to read, watch or bisten to any report over rommentary on the trial by any person connected with the trial or by any medium of informing, including without limitation, newspaper, television, radio or the internet.  And you're not to form or express an opinion on any subject connected with this case until it matter is submitted to you for deliberation, if you are selected as a proy. So we'll just see you back as soon as your personal break has been completed. Please, again, wait for the marshal to escort you back in and remember where you're seated, please. Thank you.  (Outside the presence of the prospective jurors)
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisonment if there is a conviction? Okay. Your number, name and your concerns.  PROSPECTIVE JUROR NO. 679: 679.  MR. PIKE: Okay.  PROSPECTIVE JUROR NO. 679: 1 don't know, 1 just don't feel like (indiscernible).  MR. PIKE: Okay. Can you pick that up?  THE COURT: No.  PROSPECTIVE JUROR NO. 679: 1 just – I don't know if I can put samebody to (indiscernible).  MR. PIKE: Okay. Anybody else that would have concerns about that? Thank you your Honor, have I no further questions.	through what's called peremptory challenges, and it takes some time. That's where the parties by a secret ballot in effect will excuse the jurors from this particular panel. Again, it's done on a secret ballot. And it does take some time. We've been going for awhite, so let's just take our personal break right now. Let's take a short break.  So during this revers it is your dady not to converse among yourselves or with anyone else on any subject connected with the trial, to read, watch or listen to any report over rommentary on the trial by any person connected with the trial or by any medium of informing, including without limitation, newspaper, television, radio or the Internet.  And you're not to form or express an opinion on any subject connected with this case until it matter is submitted to you for deliberation, if you are selected as a juror. So we'll just see you back as soon as your personal break has been completed. Please, again, wait for the marshal to escort you back in and remember where you're seated, please. Thank you.  (Outside the presence of the prospective jurors)  Okay, let the record reflect that we're outside the
3 4 5 6 7 8 9 10 11 12 13 14 15 17 18 19 20 21	these cases where the jury makes the semencing decisions. And anything below first degree marker, the judge makes the decision. But in the event that you go through and there is (indiscernible) in that, is there anybody here that for religious, moral or personal reasons would not feel comfortable in sitting on or rendering a sentence of imprisonment if there is a conviction? Okay. Your number, name and your concerns.  PROSPECTIVE JUROR NO. 679: 679.  MR. PIKE: Okay.  PROSPECTIVE JUROR NO. 679: 1 don't know. 1 just don't feel like (indiscernible).  MR. PIKE: Okay. Can you pick that up? THE COUNT: No.  PROSPECTIVE JUROR NO. 679: 1 just — I don't know if I can put samebody to (indiscernible).  MR. PIKE: Okay. Anybody else that would fave concerns about that? Thank you your Honor, have I no further	through what's called peremptory challenges, and it takes some time. That's where the parties by a secret ballot in effect will excuse the jurors from this particular panel. Again, it's done on a secret ballot. And it does take some time. We've been going for awhile, so let's just take our personal break right now. Let's take a short break.  So during this recess it is your duty not to converse among yourselves or with anyone else on any subject connected with the trial, to read, watch or listen to any report over romanentary on the trial by any person connected with the trial or by any medium of informing including without limitation, newspaper, television, radio or the internet.  And you're not to form or express an opinion on any subject connected with this case until it matter is submitted to you for deliberation, if you are selected as a juror. So we'll just see you back as soon as your personal break has been completed. Please, again, wait for the marshal to escent you back in and remember where you're seated, please. Thank you.  (Outside the presence of the prospective jurots)

24

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THE MARSHAL: Oksy, come to order, please,

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THE COURT: Ladies and gentlemen, all the questioning

2.3 you had a challenge for Mr. Erai, James Erai, E-r-a-t, Jures

MR. PIKE Yes, your Honor. I went through and !

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24 No. 613.

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Ĺ		00	
1	wanted to question him about the - his requirement feeling	12	upon that we would excuse from further consideration Jurar No
2		2	618, 655, and is that 813 is I had?
3	during that period of time that the Court subsequently asked	3	MR. PIKE: 813. yes, your Honor.
•	the - or instructed the jury more on reasonable doubt and		THE COURT: 813. Is that correct, everybody?
5	burden of proof.	5	MR. SMITH; Yrs. Judge.
5	And so then in the subsequent questioning he didn't	5	MR. PIKE: Yes
7	add anything to that, but what he did do - what I was	1 ,	10700777134777477746.
8	concerned about was that he never really backed away from that	á	THE COURT: All right, And I think that's it. And
9	position and leh that we should - we had a burden, we had to	9	we'll just be back as soon as the jury's ready. And Cliff, can
10		118	I use the bathroom back here?
11		10	The state of the s
12	ALD CLUTTE Lides and market of the	11	THE COURT: Okay. And if you could also tell your
13	And a second of the second of	12	any witnesses you may have, if they're going to use the
14	The party of the state of the s	13	bathroom or smoking area, please go one floor up or one floor
19	And the state of t	34	down because we have jurious around here. So for all witnesses,
	the metallic to letter that the Capto, we would be said!	15	one floor up, one floor down and as well as for smoking. I had
16	THE STATE OF THE PROPERTY OF THE PROPERTY.	15	- we lost two jurges in one day. We had a jurge that was out
17	The country is a removed up and said the would	17	in the smoking area and a family member of someone went out t
16	THE POLICE AND THE PROPERTY OF THE POLICE COURT	18	smoke and whoever got on the phone was giving a blow-by-blow
19	and a real property of a security on burdella silk.	119	play of the testimony -
20	evidence. So the challenge Pm going to deny the challenge	20	MR, SMITH: Oh, that's not good.
21	And just for the record, we had agreed upon - actually, let's	21	THE COURT: - in front of the jurus. And so then we
22		22	lost one on another one over the night. Just called and said!
23	At the first break we had agreed all parties had	23	don't want to come back. I'm not going to come back, and you
24	agreed on excusing Juros No. 622, 649, 667, 710. And then just	24	can't make me come back, and they didn't come back. So we los
25	recently I mer with coursel at the beach and there's barreed	25	
	Page 154	123	
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	779724 C C C C C C C C C C C C C C C C C C C	$\vdash$	No don Charl Francer I
2	MS. PALM: But we can THE COURT: You can go back here, yes.	1	MR. SMITH: Okay.
3	MR. SMTH: And Judge, one last question:	2	MR. PIKIE: Okay,
4		33	THE COURT: All right. And again =
5	MS. GRAHAM: We can use the bathroom back them, you said, Judge.	4	MR. PIKE: Are they alternate seats or
6	THE COURT: Yes.	5	THE COURT! And you're aware of the sepas, right?
7	CONTRACTOR OF THE CONTRACTOR O	6	MR. SMITH: 3 and 5.
	The state of the s	7	MR. PIKE: 3 and 5.
8	MR. SMITH: One last question. We're doing 14? 12	8	THE COURT: Okay.
9	and 2 alternates?	3	MR. Pix E: 'The hot sens are 3 and -
10	THE COURT: Yes, might.	30	THE COURT: We had one where they came out 13 and 14
23	MR, SMITH: So it's 1 through 8 and then	3.1	seats. 13 and 14 were the obsernates.
12	THE COURT: You'll have 10 preemptory challenges.	12	THE MARSHAL: But if you smake, there's no smoking or
13	MR SMITH: Right, ekay.	13	this floor. So you got to go up one or down one to smoke
14	THE COURT: Yes.	14	(indiscernible).
15	MR. SMITH: And it's 1 through 8 and then -	15	THE COURT: Okay, Mr. Pike.
16	THE COURT: No. I'm sorry 9. We'll have	16	MR. PIKE: Got it. Thank you. That's right.
7	THE CLERK: (Indiscernible).	17	THE COURT: Okay.
18	MR. SMITH: Yeah, how are they going to sit.	16	MR. SMITH: So. Judge, when they come back in,
19	THE MARSHAL: You'll have I shrough 7.	19	because as of now there's R seated in the back or are we - are.
20	MR. SMITH: And then 8 through 14? Thank you.		they
21	THE COURT: And you get one peremptory challenge for	21	85
22	the alternate. So you'll have 9 peremptory challenges		THE MARSHAL: I through 7, 8 through
23	MR. SMF11: Okse		(indiscernible).
24		23	THE COURT: Well, let me give you a sheet. She'll
25	THE COURT: All right so we just go straight through		give you the sheet.
	(8)	25	MR. SMITH: Okay.
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THE COURT: You'll each have your own copy of the 2 sheet, so you'll see --MR. SMITH: Okay, Okay. 3 THE COURT: -- of of them. ¢ 5 MR. SMITH: All right, got it. (Court recessed at 2:29-04 p.m. until 2:41;14 p.m.) 6 (In the presence of the prospective jurers) THE MARSHAL: Please remain sexted and come to order Department 17 of the Fighth Judicial District is again in 9 10 session. Honorable Judge Michael P. Villani presiding. Let's 11 make sure carried phones are turned off, please. 12 THE COURT: All right, the State will now exercise 13 their first preemptory chaffenge. 14 MR. SMITH: Thanks, Judge. 15 THE COURT: All right, defendant's first. All right, 16 State's second. Defendant's second. All right. State's third, 17 All right, defendant's third. State's fourth. Defendant's 18 fourth. Defendant's fourth. I'm sorry, State's fifth. All 19 right, defendant's fifth peremptory challenge. Defendant's excuse me plaintiff's sixth. Defendant's sixth peremptory 22 challenge, State's several Defendant's severals. All right. 2.2 State's eighth. Defendant's eighth. All right, the State's 2.3 ninth and final peremptory challenge. All right, defendant's 24 ninth and final peremptory challenge. 25 (Indiscernible) to the Court that all peremptory Page 158

challenges have either been exercised or waived. The clerk will now call the roll of the members who will be impaneled to 1 hear this case. THE CLERK: Okay, Juror No. 1 is Justin Deture. Jurur No. 2 is Judy Montonya. Jurur No. 3 is James Eral. Juror No. 4 is Judy Chelisti. Juror No. 5 is Nancy Mirolock. Juror No. 6, Kirk Livemash. Juror No. 7, Dawe Froley. Juror No. 8, Araceli Murricia, Juror No. 9, James McCaldin, Juror No. 10. Marie Pinillos. Juror No. 11, Jose Vasquez. Jurer No. 12, Harley McFate. Jurer No. 13, Robert Clark, And Juror No. 14, Martin Villagence. 12 THE COURT: Ladies and gentlemen, those of you who 13 are not sested in the jury box. I'd like to thank you fur your time today. Please understand it was not a waste of your time. We must go through this process to make sure that we can impanel a jury. On a particular case I had, we were through jury selection for two foll days, and I believe there was another trial that went for a whole week of this process. And it's important that you did come down here and 19 perform your civit duty. At this time you're released from my countroom. You're instructed to go back down to the third floor, juror commissioner, and advise them that you were in Department 17, you were not selected, and they'll process you out. Agam, thank you very much for your time.

The clerk will now provide the oath of office to the Page 159

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Ladies and gentlemen, you are admonished that no

case as of his own knowledge, and if any jump discovers during

2 juror may declare to a fellow juror any fact relating to this.

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1 jureus. THE CLERK: Please stand. Raise your right hand. 2 1 (Jury panel swom by Clerk) THE MARSHAL: You may be scaled. 4 THE COURT: Congratulations, ladies and gentlemen, of 5 been selected for this case. One thing I will tell you in a criminal case we have 12 jurous that deliberate. Now, there's 14 in the box. Jurors No. 13 and 14, that does not mean you are the alternates for this case. The alternate chairs have 10 been randomly selected which means two of you will be 11 alternates in this case. If someone becomes ill or someone 12 find out they know something about the case or there's some 13 legal cause that one of the jurors have to be excused, then the 14 ulternate would take their place. Again Jurors No. 13 and 14 1.5 are not necessarily alternates. So it's important that 1.6 everyone pay attention closely -- close attention to the 17 evidence because it's a very important case, all right. :8 At the end of the trial I will read to you and 19 provide your copy of the jury instructions. Each of you will 20 have your own copy of the jury instructions, which are the law 2.1 that applies to this particular case. I'm going to read you 22 some preliminary instructions that will aid you in this trial. 2.3 so give you a head's up of some things to expect and some basic

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24 Jaw for you to keep in mind as you hear the restimony in this

25 particular case

the trial or amp the jury has retired that he or she or any other juster has personal knowledge of any fact in controversy in this case, he or she shall disclose such situation to me in the absence of the jurors want. That admonishment means that if you learn during the course of the trial that you were acquainted with the facts of this case or the witnesses and you have not previously told me of that retariouship, you must then disclose that fact to me. You communicate to me through the court morshal. 13 This is a criminal case brought by the State of Nevada against the defendant. This case is based upon an information. The clerk will now read the information and state the plea of the defendant. 17 THE CLERK: District Court, Clark County, Nevada, 18 State of Nevada, plannitf versus Brian Kerry O'Keefe. defendant. Case No. C250630, Department No. 5, amended 20 information: David Roper, District Attorney, within and for 21 the County of Clark. State of Nevoda, in the name and by the 22 authority of the State of Nevada informs the court that Brion 23 Kerry O'Keele, the defendant above-named, having committed the 24 crime of morder with use of a deadly weapon, open morder. 25 feliny NRS 200,040, 200,030, 193,165,

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On or about the 5th day of November, 2008, within the County of Clark, State of Nevada, contrary to the form force and effect of statutes in such cases made and provided -(indiscernible). I'm sorry. Within the County of 5 Clark. State of Nevada, contrary to the form, force and effect 6 of statutes in such cases made and provided and against the peace and digney of the State of Nevada did then and there willfully, feloniously, without authority of law and with premeditation and deliberation and malice aforethought kill Victoria Wirmarch, a humae being, by stabbing the said Victoria Witmarsh with a deadly weapon, to wit: A knife. Signed David 12 Roger, District Attorney, Signed by Philip Smith, Deputy District Attorney to which the defendant has entered a plea of 13 14

THE COURT: Ledies and gentiemen, you should understand that the information just read to you is simply a description of the charge made by the State against the defendant, it is not evidence of anything. It does not prove anything. Therefore, the defendant starts out with a clean stare. The defendant has plead not guilty and is presumed innocent.

This is a criminal case and there are two things you
must keep in mind at all times. First, the defendant is
presumed innocess unless and until proved guilty beyond a
reasonable doubt. The defendant is not required to present any

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In deciding the facts of the case you may have to decide which witnesses to believe and which witnesses not to believe. You may believe everything a witness says, only part of it or none it. And in considering the weight or value of the testimony of any witness, you may consider the appearance. anitude and behavior of the witness when testifying, and a number of other things including the winness ability to see or hear or know of the things the witness testifies to, the quality of the witness' memory, the inclination of the witness 10 to speak truthfully, whether or not the witness has any 11 interest in the outcome of the case or any motive, bias or 12 prejudice. Whether the witness is contradicted by anything the 13 witness said or wrote before the trial, and how reasonable is 14 the witness' testimony when considered with other evidence 15 which you believe? 16 In deciding whether or not to believe a witness, keep

16 In deciding whether or not to believe a witness, keep 17 in mind that people sometimes forget things. You need to 15 consider whether a comradiction is an impocent lapse of memory 19 or an intentional falsehood, and that may depend upon whether 20 it has to do with an important fact or only a small detail.

71 The weight or value of evidence does not necessarily depend on

the number of witnesses aestifying for one side.
 You must consider all of the evidence and you may
 decide the assumony of a smaller number of witnesses on one

29 Aide as more weight or value than that presented by a larger Page 164

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evidence or prove his innocence. The law never imposes upon a defendant in a criminal case the burden of calling any witnesses or introducing any evidence.

Second to convice the State must prove beyond a reasonable doubt the crime was committed, the defendant is a person who committed the error. It will be your duty to decide from the evidence to be presented whether defendant is guilty or not guilty. You are the sole judges of the facts. You will decide what the facts are from the evidence which would be presented. The evidence will consist of testimony of witnesses and documents and other things received into evidence as exhibits.

13 Vou must apply the facts of the law which I shall
14 give you, and in that way reach your verdict. It is important
15 you you perform your duty of determining the facts diffigurally
16 and conscientsously. For ordinarily there is no way of
17 correcting an emoneous determination of the facts by the jury.

You should not take anything I may say or do during
the trial as indicating fity opinion as to how you should decide
the case or to influence you in any way in your determination
of the fact. At finites I may even ask questions of witnesses.
If I do so, it is for the purpose of bringing out matters which
should be brought out and not in any way to indicate my opinion
about the facts or to indicate that the weight or value you
should give to the testimony of a witness

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1 mamber of witnesses on the other side.
2 There are two kinds of evidence, direct and
3 circumstantial. Direct evidence is testimony about what the
4 witness personally saw, heard or did. Circumstantial evidence
5 is indirect evidence. It is proof of one or more facts from
6 which you can find another fact. By way example, if you wake
7 up in the morning and see the ground, the sidewalks and the
8 street are all wet and water a running down the gatter, you may
9 find from these facts that it rained during the night. It is
10 proof of one or more facts from by you can find another fact,
11 if you are awake during the night and saw the roin fall, that
12 would be direct evidence which is something you personally saw.
13 You may consider both direct and circumstantial
14 evidence in deciding the case. The law permits you to give

You may consider both direct and circumstantial
evidence in deciding the case. The law permits you to give
equal weight or value to both. But it is for you it decide how
much consideration to give any evidence. Certain things are
put evidence and you must not consider them as evidence in
deciding the facts of this case. Summents and arguments by
attorneys, questions and objections of the automovs, testimony
if instruct you to disregard, and anything you may see or hem
if the court is not in session, even if what you see or her is
done or said by one of the parries or by one of the witnesses.

Remember, evidence as sworm testimony by a witness
white court is in session and documents and other things

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which control what can be received into evidence. When a lowyer asks a question or offers an exhibit into evidence and the lawyer on the other side thinks that it is not permitted by the rules, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered and the exhibit cannot be received.

Whenever I sustained an objection to a question. ignore the question and do not guess what the answer might have 10 been. Sometimes I may order evidence sincken from the recordand tell you to disregard or ignore such evidence. This means 12 12 when you are deciding the case, you must not consider the evidence which I have told you to disregard.

14 It is a duty of a lawyer to object to evidence which 15 the lawyer believes may not be permitted by the rule. You should not be projudiced in any way against the lawyer what 16 17 makes objections on behalf of the party the lawyer represents. Also, I might find it necessary to admonish a lawyer. If I do. 18

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you should not be prejudiced towards the lawyer or the client 20 because I have found it necessary to admonish the lawyer.

21 You will be given the opportunity to ask written 22 questions of the witnesses called to testify in this moner,

After both sides have completed the questioning of the wirness.

24 the jury at that time and only at that time may ask a question 25 of the witness Please raise your hand, write your question

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legally proper question, the question will be asked the witness. If it is not, then it will not be asked. The jury should not give undue weight to any questions that they have presented to a witness. Lintif this case is submitted to you, do not talk it each other about it or about anyone who has anything to do with it until the end of the case when you go to the jury room to decide your verdict. Do not talk with anyone also about this case or anyone who has anything to do with it until the trial has ended and you have been discharged as jurous. Anyone eise includes members of your family and your friends. You may tell them that you're a justor in a criminal case, but don't tell them anything else about it until after you have been discharged by me.

down on a piece of paper that will be provided to you. Write

down your jurns number and then hand it to the marghal. The

marshal will then provide the question to me, and I'll confer

with counsel to see if it a legally proper question. If it a

19 Do not let anyone talk to you about the case or about anyone who has anything to do with it. If someone should by to talk to you, please report it immediately by contacting the marshal. Do not read any news stories, listen to any radio broadcasts or watch any letevision reports or do any Internet research about the case or about anyone who has anything to do with it. Do not to any research or make any investigation

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1 about the case on your own. You may be tempted to visit the 2 crime scene. Piezse do not do so

In view of the time that has clupsed since this case 3 has come to trial, substantial changes may have occurred to the location in question. Also, in making an unauthorized visit without the benefit of explanation, you may get an erroneous impression. Therefore, please avoid going near or past the location until after this case has been completed.

8 At the end of the trial you will have to make your 10 decision based upon what you recall of the evidence. You will 11 not have a written transcript to consult and it's difficult and 12 time consuming for the court recorder to play back lengthy 13 testimony. I urge you to pay close attention to the testimony 14 as it is given. If you wish, you may take notes to help you 15 remember what a witness said. If you do take notes, please 16 keep them to yourself until you and your fellow jurors go to 17 the jury room to decide case. Do not let note taking distract 18 you so that you do not hear other answers by the witness. You 19 should rely on your own memory of what was said and not be 20 overly influenced by the notes of other juries

Do not make up your mind about the verdict should be until after you have gone to the jury room to decide the case 23 and you and your fellow jurors have discussed the evidence. It is important that you keep an open mind throughout this trial

During the course of the trial the attorneys for both Page 168

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sides and all court personnel, other than the marshet, as well as the Court, as well as the judge are not permitted to

converse with members of the jury. These individuals are not

being anti-social, but they are bound by the law and rules of ethics. To do so neight contaminate your verdical

The trial will proceed in the following manner. The deputy district attorneys will make an opening statement, which is an outline to help you understand what the State expects to prove. Next the defendant's attorney may, but does not have to, make an opening statement. Opening statements serve us an introduction to the evidence which the party making the

statement intendeds to prove. 13 The State will then present as evidence, and counsel for the defendant may cross-examine the witnesses. Following

the State's case, the defendant may present evidence, and the deputy district attorney may cross-examine the witnesses. 17 However, as I have said, the defendant is not obligated to

16 present any realence. 19

After all the evidence has been presented, I will instruct you on the law. After the inspection on the law has - after instruction of the law have been read to you, each side has the opportunity to present oral argument. What is

said in oral argument is not evidence. The arguments are 2.4 designed to summarize and mierpret the evidence.

Since the State has the burden of proving the

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 defendant guilty beyond a reasonable doubt, the State has a 2 right to open and close the arguments. After the arguments bave been completed, you will retire to deliberate your verdict. At this time, is the State ready for their opening? MR. SMITH: Yes, Judge. THE COURT: All right, go ahead. MR. SMITH: May it please the Court, counsel. Folks. despite the fact that this is a munder trial. I don't really have a king and ornate opening statement because fundamentally the facts of this case are pretty simple. 11 The State anticipates that the evidence that you're 12 going to see throughout this trial is going to show that on 2.3 November 5th, 2008 here in Clark County, Nevada, the defendent was living with his on again, off again girlfriend, a woman by 15 the name of Victoria Witmarsh. They had been seeing each other 16 for several years during back to 2001.

17

21

22 she was in a relationship with the defendant. Brian O'Keele, Mrs. Witnesen had been extranged for her husband for 24 several years, and in thet, she had a daughter with that 25 husband, The daughter's name was Alexandra. Now, on the night

I say on again and off again, but obviously in

19 together at a residence located off a street called El Parque.

18 November 2008 they were on again, and in fact, they were living

20 New, Ms. Witmersh was actually extranged from her husband. Her

21 actual legal name was Mrs. Victoria Witmorsh. But at the time

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THE COURT: All right, thank you. Mr. Pike, do you wish to exercise your right for opening at this time? MR. PIKE: Yes, your Henor. THE COURT: All right. MR. PIKE: May it please the Court, lattics and gentlemen of the jury, counsel, Ms. Palm and Brian, this is an 6 opportunity that I have to preview the defense's version of Mr. O'Keefe's version and try to pull together some of the evidence that's going to be produced to you so that when it cames 10 forward to you, it will — it goes to context. Sometimes we 11 have to call witnesses out of order so the best thing I can 12 describe in opening statement is like a picture on a puzzle box 13 because sometimes we put a piece over here in the corner, and 14 it isn't until we bring in the other pieces that that makes 15 sense and it all kind of firs in. 16 So once you understand the theory of the State as

17 they presented it, now we're going to show you what the 18 evidence is going to show in this case and why it would be 19 appropriate to come back not with a vender of guilty of matrice 20 in this case.

This is the case of the State versus Brian O'Keefe. 2.2 It is a case about regedy and not about marder. It starts out 23 with the State alleging this premeditation. That he thought 24 about it. He had the malice, the ill will then they talked 25 shout. But it's not supported by the physical evidence that's Page 172

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in question. November 5th, 2008, it's the State's position that the defendant and Victoria Wilmursh got imp what we'll call for now an organization an altercation, 3 Now, by no means are we conceding this was musical combat but something happened, and the evidence is going to show you what exactly imprened. At the conclusion of this afterestion, it's State's position that the evidence is going to show you that the defendant, in fact, stabbed Victoria. Witmursh and that she died. 10 We also anticipate that the evidence is going to prove to you this was no self-defense, this was not an 11 accident, and it was not a suicide. And that's what we have to prove. We have to prove that the death of Ms. - Mes. Witmorsh 14 was unlawful. 15 We ambeing that we are going to prove that the death in this case was nothing less than on intentional act committed by the defendant against Mrs. Witmorth. You're also going to hear evidence indicating that the defendant had a motive to kell Mrs. Witmarsh and that he had what we'll describe as an underlying ill will towards Mrs. Witroarsh, which

we submit is going to help us meet our burden of proving beyond a reasonable doubt that this was an intentional act. 23 And at the conclusion of all the evidence in this case, we are giving to ask you to return a vendict of guilty to 25 the crime of first degree murder. Thank you.

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going to come in. This is the apartment where all these events. occurred. It was not done in a secret or a premeditated or where somebody spack to where someone was at and then killed

them and tried to get away from what was happening It was this on again, off again girlfriend. They were living together. They were living in this apartment and neighbors were around. They walked up. This is where they name. The door was open. The evidence is going to show that when the peighbors came, they came in the door. It was open. This is not something that was done in secret, which is what you would reasonably expect or would interpret as a 12 premeditation or planning.

13 They were a couple. They lived together. He gave her flowers. They had their clothing together. They kept an spartment. They kept a clean spartment. They had gotten over 16 their past problems. They were hoping for that happy ending that we heard about. And they were back together.

14 The physical evidence will show that this is a couple that was bearing for a future together. (Indiscernible) the 19 20 bathroom, the closet space. It appears to be equally divided.

21 They're working side by side with the union. We'll bring in

22 union members to show that as a comple they were open. This is

23 not sumething where anybody was keeping a secret. They were 24 back together. 25 Victoria and Brian were inseparable around the union

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and they worked together, and everybody knew that they were 2 there. This evidence will show they were looking forward to 3 Christmas sogether. This is an invitation to a Christmas pany that was found on the table and photographed by the Las Vegas Metropolism Police Department as they were investigating the location in the apartment and trying to put all the - together 6 everything that happened during this period of time. 7 This is the knife that was used. Now, you're not going to securily have that know brought in. Biologically the 9 deceased suffered from cirrhosis of the liver and Hep C, and so 11 there's a biological issue. So you will see the photographs that were done. The CSIs examined it to determine whose blood 12 was where to give you the significance about it, explain it, 13

and they'll provide the physical evidence from which you can interpret the physical offense that occurred. 15 16 Notice that the protection here. That that portion 17 of the knows and that where they -- the blood was tocated on it 1.8 and what the processing revealed, revealed some interesting. 19 things. That there was a mixture of profile, both Brien and 20 Victoria's blood was on the handle. Victoria's blood was 21 there. It was a mixture of blood both here, and there was male blood. Bran's blood was right there. 22

14

23 And as you look at where this all occurred, then 2.9 you're brought into the situation that this blood and Brian's 25 blood, where his blood came from, came from a wound that was.

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1 because of the injury, it was just a single knife wound to this 2 side here. There was a fair amount of bleeding because of the 3 cirrhosis of the liver. That acts much like hemophilia in that the blood cannot clor and the evidence that you will see will show you that Victoria suffered from this, and so she bled more quickly and more profusely an someone who didn't suffer from that. And the blood were down this side, and it appeared to B pool on an a portion of her panes. She was wearing a dark outfit, and the only thing 10 that could really show up the blood Fm reference to, and this is - I apologize for this nor being a good picture, but it was 12 a light piping that she had on her punts. So in an effort to 3.3 determine where that blood was coming from, the evidence that 14 you're going to receive will appropriately show that as Brian 15 was attempting to assist her, that after he was out, he removed 16 the pants and started to put them into the hamper in the 1.7 bathroom and sure enough his blood from where he received these

18 cuts was down in the cuff of the punts. 19 Lack of the arm strength of Mrs. Witmaesh, as you can 29 see Mrs. Wismarsh was in her 50s. She was slight. She did not 2.1 have a lot of ment on her arms. I guess is a delicate way to

22 put it. Or flexible enough as they grabbed the (indiscernible).

23 that it would have allowed for the knife to move into the 24 position where it ultimately just his her at her

25 timbscemible) spot. The blood evidence further

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consistent with a defensive wound. This is a picture of

2 Brian's hands. They came in and photographed where he was cut

As an enempt to defend himself, he grabbed a knife or to stop 3

Victoria's use of the leufe during that evening.

5 The gathered blood evidence, the meaning, the interpretation of that blood evidence and the events were -

and this is a picture of blood evidence that you will see going to the backgroom. (Indiscermble) to find clothing to help

(indiscernible) - excuse me, try and provide health care or to

stop or help Victoria during that period of time, 10

There will be no evidence brought in this case. 11 physical evidence, that Mr. O'Keele was the anacker. You'll

see the evidence that you're going to be receiving will come in from a number of sources. And it will come in from autopsy

reports, CSA reports, the DNA reports that I showed you, and in 16

the physical evidence.

This is something that the State did in preserving in 17 18 their evidence. They put covers over the hands to determine

whether or not there was any scratch marks of any DNA that may

20 have indicated that there was any sort of a defensive

scretching or anything by Victoria. And so -- and if there

was, it would have been Brian's DNA under her fingernails.

23 There wasn't

24 This was not a situation where Victoria was ever in 25 the defensive position. Blood evidence - also as it -

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10 that you're going to see

will be collected as to what's contained on the bed

where the initial (indiscernible) had rolled (indiscernible)

had rolled again and then went on the (indiscernible) of

motion. And that will be explained by the CSAs as well as for

State as well as our own CSA, (indiscernible) Schiro who will

testify in reference to that.

This is the (indiscusnible). This is photograph

(indiscernible) from Metro and a shows (indiscernible) in context here with the arm. The physical evidence that is going

to be presented to you again, will show you that

(indiscernible) stab or an insertion type wound and no physical

evidence that showed these two people were involved in any

slashing type or any type of long along fight or saything like

that because there aren't a series of wounds that are related

16 to it. There's (indiscernible) deal with that.

17 The evidence of the single puncture wound is also 16 shown in the clothing because it was a jacket that was an over

a top that was -- bad the matching ponts, and they were -- this

as how durk they were and this is how difficult even the

23 photographs that we have to see where the blood was coming from

22 during that period of time. And remember, it was night at the

23 time that this occurred, and it was dark

24 The nature of the blood, again, you'll see the

25 clothing evidence and photographs – photograph evidence

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(instacernable) Mr. O'Keefe, which further we'll go through and 2 show the defense's position. The blood -- it aff comes down to what condition were these two people in when this happened? What was their frame of mind and what were they thinking what 5 was going on? Civilian wanesses are going to come in, the neighbors. The heard the noise and they came up firm. And they called the police, and the police came. When the civilians, the neighbors came up. Brino - they said Brun was 2.0 drunk. Fie was intoxicated, and he was over the body. Mrs. 11 Witmersh at the time. He was incoherent, he was yelling, he was talking to her, he was yelling at them. Most of all he was 13 intoxicated. An officer can verify that by saying he was 14 intoxurated. He was unsteady on his feet, had dilated pupils. 15 He reacted in such a manner that they had to later him to move 1.6 hire out of the bedroom and away from Victoria. 17 Again, now, the interpretation as the Judge indicated 18 is for yourse to not running from the scene. We'll have evidence of that. Staying with her, culting for help, trying 20 to get the neighbors to call for help. And you interpret these 21 as circumumtial evidence. His evidence of trauma to Brian's 22 back. That's another picture of Brian that was taken police

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and Victoria Witmersh who had met in reliab and had a long

history of alcoholism fell off the wagon hard. (Indiscernible)

the pills and the alcohol. Unfortunately that results in the

The mioxicution of Mrs. Witmarsh along with

25 suffering from the Hepatitis C, the cirrhosis of the liver, she

23 officers at the time.

24

death, a tragge death, of Mrs. Witmorsh. A lady in her 50s who was loved by family, her friends and by Brian. 6 With the conclusion of the evidence, once you put all 7 of that together and you examine the evidence (indiscernible) in relationship to that, then I'm going to be able with a clear conscious and you will be able to return a -- not a verdict of first degree murder because the intenseation, as it affects a 11 person's ability to decide what they're going to do, you will 12 find that that is a consideration that you'll have to make to 13 determine whether or not this is a second degree murder. The 14 instructions, again, will talk about the voluntariness, the 1.5 voluntary potential acts if they cause an injury and whether or 1.6 not in is a voluntary or decided or planned act that occurred. 17. The evidence will not support that. 18 In addition to that, if it is involuntary objection 19 or a negligent action that was involved, you can even consider. 20 that for one of the possible layers of guilty, if you believe 21 that there is guilt at all. Reaction to the knife, the 22 location of the wound, how it occurred, the motion of the 23 blooding all this physical evidence will allow you to

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24 determine the secidental nature of this injury (indiscernible)

25 as a reaction to a knife that was presented to Mr. O'Keele.

also suffered from depression, and she had -- she rook ami-depressants for that. At the time of the autopsy, it was found that at the time that all this occurred she had a blood alcohol of 24. That's about three times the legal limit. You can't operate a motor vehicle after 08, and it was three times with that. In addition to that, she had a high amount of ami-depressant medication that was inside of her. We're going to bring in a doctor to restify about what their combination of drugs is a to somebody, and some of the possible sale effects that it would cause upon somebody, and what they may do under - when they're under the influence with that combination of drugs and alcohol 14 You'll bear testimony on what they were building 15 logether. That they had been attending alcohol counseling together, and unfortunately, these - this is a couple that we now know never should have got bong together. Why did they? Who initiated this? This was not a situation where Mr. O'Keefe sought out and stocked her, tried to chase down Mrs. Witmorsh and reestablish a relationship. In fact, Brian had had a relationship and was living with a Cheryl Morris. She'll come in and iestify the relationship to that. 22 23 And it was Mrs. Witmarsh that reinitiated the relationship between the two of them, and she basically come in 25 and forced Cheryl out, And then these two people that Brian

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Mr. O'Xeefe would react to something like that. He's been trained. He served in the airborne. He's a because star metal of valor recipient, and he has come from that to this, an intoxicated state, reacting to a knife and with knowledge of what Victoria would do and what a person believed and then reacts results in that. So at the conclusion of this case the evidence is going to say this was either a negligent act between two extremely intoxicuted people, and it was an accidental (indiscernible). This was a negligent set that caused an involuntary manslaughter and we'll come back and ask for that as a return at the close of this case. Thank you very much, 13 THE COURT: Thank you, Mr. Pike, Is State ready to call our first witness? 15 MR. SMITH: We are, Judge: 16 MS. GRAHAM: We are, Judge, State calls layee 17 Theiver. 18 THE MARSHAL: Mr. Tlower, if you'll remain standing. 19 please, and raise your right hand and face the clerk. JOYCE TOLIVER, PLAINTIFF'S WITNESS, SWORN 20 21 THE CLERK: Please be seared. Will you please stone your same and spell it for the record. 23 THE WITNESS: loyce Tloiver, J-o-y-c-e, 24 T-1-1-1-C-E 25 DIRECT EXAMINATION

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20	the defendant. THE WITNESS: He looks older	20	A Don't miss my shows at night:
19	THE COURT: The record will reflect identification of	19	Q All right.
18	MS. GRAHAM: Okav,	18	to watch.
	O'Kcufe.	17	A — in my hed sitting up just like this getting reads
16	MR. PIKE: We'll stipulate to the identity of Mr.	16	O getting ready to watch
15	A The -	15	O Okay. And where were you =  A I was in
14	O What color tie does he have?	13	husband was sleep, and that's what I was doing at 9:00 o'clock
	A Okay. The gentleman to my left, your right, with the tie on, but they all got on ties.	12	Sample and to Story
12	glasses at that table.	11	A - an I had already rook my shower. I was in the
10	wearing other than the glasses because I see three people with	10	Q Okny.
9	<ul> <li>Okay. Could you point to him and describe what he's</li> </ul>	9	One Life to Live came on - comes on about 9:00
8	A He got glasses on and look older.	8	the day so I watch the stories at night to fall asleep on, so
7	Q Does be look different to you?	7	A Getting ready for One Life to Live. I work during
5	A Would be be over there. Him, I think.	6	that point?
5	with Victoria Wilmarsh in the countroom today?	5	Q And approximately, 9:00 p.m. what were you doing at
4	Q Okay. And do you see the male that fixed upstairs		A Yes I was
3	bigger, but, years.	3	Q Were you at home that evening?
2	A Yeah. A little small because her face is a linke	2	And you in the evening books.     All right.
1	Q Okay. Looks the woman that lived upstairs from you?	1	O And you in the evening house
	ROUGH DRAFT TRANSCRIPT	匚	HOUGH DRAFT TRANSCRIPT
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~ ?		25	A Looks like her, No make up, but
24	Q Okay. Could you identify them if you saw them?	24	Joyce, Do you recognize that woman?
23	A No.	23	Q If you could just take a look at the screen there.
22		22	BY MR. SMITH::
21	Q Were you familiar with the neighbors that lived	21	THE COURT: The document will be admined.
20	A Correct.	20	MR. PIKE: throughout the proceedings.
19	there.	19	THE COURT: Okay.
19	Q 30 years? And on November 5th, 2008 you both lived	18	Witmarsh —
17		17	admission of this document and to the identity much Mrs.
16	Q So how long have you and Charles been married?	16	MR. PIKE: And for the record, we stipulate to the
15	A Um-h'm. Yes.	15	Proposed State's 4. Okay.
14		14	Q Okay. I'm showing the defense what's been marked a
13		13	<ul> <li>Q — would you be able to recognize her?</li> <li>A Probably so.</li> </ul>
12		11	A Um-life.
11	a service and the service street the service street.	10	you know now as Victoria Wilmarsh -
10		9	Q Okay If I showed you a picture of the victim, we
9	Q Is that in Clark County, Nevada? A Clark County, Nevada.	8	A Victim, correct.
7	89146.	17	in the case?
6	A 5001 El Parque, Apartment 29, Las Vegas, Nevada,	6	Q Okay. And the last one you meaning (sie) the victim
5	reside?	5	saw her like one time, but
4	Q Do you currently reside where do you currently	4	two months. Marter of fact, I didn't know the last one. I had
3	A Good afternoon,	3	A And he had like about three different women in them
	Q Good afternoon, Joyce.	2	Q Okay.
2	BY MS. GRAHAM::	1	only there for like two months.

		f i	
1	A Yeah, he was in bed	2	A I thought they were fighting.
2	Q - was he	2	Q Okay.
3	A Yeah, he was to bed next to me.	3	A I could hear crying.
4	Q Okay.		O im sorry?
5	A. Sometimes he sleeps on the couch, but most of the	5	A I could hear crying.
6	time he was in the bed with me next to me because he - after	6	Q You could hear crying?
1	he cats and take his shower, he's out for the count.	1 7	A A worsan crying, right
8	Q Okay.	a	Q You could hear a woman crying.
9	A I'm up watching my stories. And then it got kind of		THE MARSHAL: Judge, we have to them one talk
10	loud. It was a lot of noise going on, and I - my liest	10	time (indiscernible).
11	reaction, I always turn my remote up to try to drown it out.	11	THE COURT: Right. I think you're talking over sa
2	Q Let me stop you right there.	12	
3		13	
4	Q Okay. That night you were getting ready to watch One	14	THE WITNESS: Oh, okay,
15	Life to Live, and you in your bed.	1146	THE COURT: And Malam
6	A Right,	15	MS. GRAILAM; Okay,
7	Q Did you hear your neighbors upstairs, Victoria and	15	THE COURT: les the coursel finish her question
8	Brian? Do you have smakens at	17	THE WITNESS: Okay.
9	Brian? Do you hear anything that caused you some concurn?	18	THE COURT: - and then she'll let you finish your
0	A. Sure, this, All that, and all from the top and all from the side, yeah.	19	mswcr.
1		20	THE WITNESS: Okay.
22	O Okay. And that was going on while you were watching	21	THE COURT: Okay?
2	7.4550	22	BY MS. GRAHAM;;
3	<ul> <li>While I was trying to watch the TV. I turned the</li> </ul>	23	Q When you say you heard all this thursping and
•	remote up so I could hear loader, but it got just as foud.	24	commotion and crying, how long was it that you heard all a
5	Q What did you think was going on?	25	this crying and commession?
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	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	A WATERWAY CONTRACTOR OF THE C		
2	A I think is had started before I had really noticed	1	as to what Charles Tloiver did next when he woke up.
à.	what was going on, because like I said, I was I was in the	2	MR. PIKE: Charles Tloiver is in the room outside.
3	bed watching my story, and I could hear a linke crying and a	3	THE WITNESS: Yeah, he can tell you.
•	lot of thumping and a lot of thumping and cryrog again. There	4	THE COURT: I'm going to sustain the objection.
•	was crying throughout the whole thursping.	5	MR. PIKE: Thank you.
5	Q Su you couldn't enjoy One Life to Live?	6	THE WITNESS: So what
7	A No. I couldn't.	7	BY MS. GRAHAM::
	Q Okay. At some point did Charles wake up because of	5	C) Go ahead.
•	the commonium upstains?	9	THE COURT: I sustained the objection. Don't answ
0	A Oh, yes, he did	10	the question.
1	Q Okay, sell me what happened	11	THE WITNESS: Okey.
2	A He said what the fuck is -	12	THE COURT: Wait until the next question.
3	MR. PIKE: Objection.	13	MS. GRAHAM: Okay.
•	THE WITNESS: going	57.500	BY MS. GRAJIAM:
5	MR. PIKE: Objection, Hearsay:	15	Q So Charles woke up.
5	THE COURT: Okay, Lister to the question, Molam.	16	A Yes.
,	She taked you will me what happened, akay. Did anything happen	17	(UA)
	in your oparisment at their point"	18	O Okay. And then what did you do?  A Use Perland a New York
9	THE WITNESS: Besides my husband waking up, no. They	100	A Titist looked at him because what he had said.
	were still it was going on so loud it woke him.	19	O Okay. And did at any point in time because of what
	BY MS. GRAHAM:	20	was going on upstairs, did you try to get the attention - did
2	PT ( TO A T		anybody try in get the attention of upstains to -
3	Okay. And when Charles wake up, what did he say!     A. He said what the fack —	22	A I took the broom and -
	THE PROPERTY OF THE PROPERTY O	23	O — got them to queet —
	MR. PIKE: Objection, your Honor. Hearsay, MS. GRAHAM: Presence sense impression, your Hunter.	24	<ul> <li>paneled it up states but the didn't work.</li> </ul>
	BOX 118 A11 ARC PROCESSOR CAMER INSTRUMENT IN THE VICTOR	25	O Okay,
		•	76-2-3-3-1-3-
5	Page 188 ROUGH DRAFT TRANSCRIPT		Page 189

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25	A Yes, I do.	24	A No. I wouldn't.  O And the noise progressed throughout the one hour
24	you recognize that apartment complex?	23	were intoxicated or not imovicated during that period of time?
23	Q — (indiscernible). Of an apartment complex, and do	22	Q So you have no independent way of knowing if they
22	A Ther's upside down.	21	A No. I didn't.
21	Q — I'm Randy Pike. I think we spoke, didn't we? Sometime ago. I'm showing you a picture of —		igh to their opportment?
20	A Yes.	19	you didn't see Victoria or Brian come home that evening and g
18	Q Mrs. Tloiver –	18	I'm wrong. I guess I'll pan it in the form of a question, that
	BY MR. PIKE::	17	you'd come and you'd gone to bed. I assume, and correct me if
17	CROSS-EXAMINATION	15	Q Did you ever have occasion well, you said that
16	The state of the s	15	A Yeah.
14	THE COURT: Cross-examination.	14	around the apartment complex?
	MS. GRAHAM: I'll pass the witness at this time.	13	<ul> <li>And you knew Brian through social interaction just</li> </ul>
13	O All right.	12	A Not her but Brian. We spoke.
12	A Went upstains, yep	11	Victoria?
10	octually woke up?	10	Q Did you know them by their first name as Brian and
9	Q And it went on for about an hour anti! Charles	9	A No.
2	So I'd say an hour and something	5	Victoria?
	and the whole episode of One Life to Live that's a whole hour.	7	Q Okay. And so you didn't socialize with Brian or
_	to go off, so than had to be like about 8:40. So between 8:40	6	A No.
6	One Life to Live was - I mean. All My Children was just fixing	5	above your apartment?
5	A Because like I said. I was getting ready for heal.	•	O Did you ever go inside the apartment that was right
1	Q And how do you know about an hour?	3	A Yes, it is:
3	A 11 had - for about a hour or so.	2	day in question?
3	long do you think that shat seem on the thumping?	1	Q Is that the apartment complex where you lived on the
	IN IN MISSION SEEDS OF THE STATE OF THE STAT	-	TO THE PROPERTY OF THE PROPERT
	ROUGH DRAFT TRANSCRIPT		Page 191 ROUGH DRAFT TRANSCRIPT
	Page 190	25	mouning or all of the commotion upstairs had started, how
25	Q What this you think was going in?	24	Q So while you were watching One Life to Live and the
21	something's really wrong, you know.	23	BY MS. GRAHAM::
23	A (Making a mouning sound). Then it was treaking meaning sound). So I just had this real bad feeling. I said	22	MS. GRAHAM: Count's publigence.
22	CONTROL OF A PROPERTY OF THE CONTROL OF THE PROPERTY OF THE PR	21	A Nopc.
21		20	Q Okay. So cobody was calling for you to call 911?
20	O Okay. And when you say meaning, what did it sound	19	A Nopc.
19	the meaning kept going, then it just stopped.	18	Q Did you hear anybody call for help?
18		17	A Upstairs,
17		16	mouning was coming from?
16	3 3374	3.5	Q When you heard the montaing, did you know where it
15		14	BY MS. GRAHAM:
14	he ran upsture and said this got to stop. This is too -	13	MS. GRAHAM: Coun's indulgence,
13		12	THE COURT; Sustained
12	It was real load, and I could hear somebody was mooning and she	11	MR. PIKE: Objection, Hearsay
11	A it got very load. It was a hig load themp like that,	10	A He said baby -
10	O Okay, What happened next?	1 -	Q And what, if anything, did he say to you?
9	A Nope,	8	A Oh, yes.
8	Q Okay. After that it didn't quiet down?	7	Q At any point did he come back down stairs?
7	A Yesh	6	A Yes.
6	Q And once Charles — after the broom incident — you poked the broom upstairs and is that what happened?	5	upstairs?
5		1 *	Q After Charles left, I assume he left your home to go
4	O Okay. A So –	3	BY MS. GRAHAM:
3	was very load	2	THE COURT: Sustained.
2			

1		4	
1	episode of the show that you were watching?	1	A I'd say after 10:00,
2	A Yes	2	G About 10:15 or closer to 10:30 or
3	Q. Then your bushard, when the mose awoke him and he	3	A No. about
4	tried to quiet it down with the broom, and I assume he did		Q You don't know?
5	that, his the broom on the ceiling?	5	A = 10:00 yeah, ii was about ii's 10:00 ii
6	A Yeah.	6	was 10:00 something.
7	Q Okay. Did you do anything like that -	1 7	7 4 5 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7 5 C 7
8	A I did that once, 100. A couple times.	a	Q. When you went outside, what neighbors were out there A. I think Robin was out there because site dialed 911
9	O Okav.	9	because he - Cookie had asked her to dial 911,
10	A We both had done it.	10	
11	O And then your bashood did that and then he went	11	<ul> <li>Q. Now, just tell me who you saw and not what they said.</li> <li>A. Just her.</li> </ul>
12		12	
13		13	and the second second bester allise.
14	A No.	9,237	A The police, yeah, when they - when they showed up,
15	Q Do you go out - did you go outside when he came back	14	yeah. I was our there when the police arrived.
16		15	O Okay. And then when the police arrived did you go
17		15	back inside to your apartment?
18	A. When he come back in yelling what he had saw what was going on, yeah	17	A Yes, I did.
13	- TN(2)(국가 (1) TN TN(1)	18	O Did you come back outside and see the police after
30	O Okay, when - A - I went back outside	19	they had arrested anybody?
PHS.		20	A No.
21	Q — he came	21	Q. Okay. Thank you.
22		22	MR. PIKE: I have no further questions.
23	Q. All right. When he came back down and he was yelling	23	THE COURT: All right. Any redirect?
24	of that time, you went our to see what was going on. And what	24	MS, GRAHAM: Just briefly.
25	about time was that in the evening?	25	REDIRECT EXAMINATION
	Page 194		Page 195
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
	BY MS. GRAHAM::		
2	Q Joyce, when you say that Charles left — and does he	1	THE COURT: That's all right.
3	have a nickname, by the way?	2	BY MS. GRAHAM::
4	A Cogkie.	3	Q So what was his demeaner when he came in?
5	Q Cookie, because I noticed you mentioned on cross		A I'm not saying nothing, I don't know what to say.
6	somebody named Cookie.	5	THE COURT: You can't talk about when he said
7	A Yeah.	6	THE WITNESS: Okay.
8		7	THE COURT: under most direumstances.
9	Q So Charles, your husband, is actually Cookie?	a	THE WITNESS: Okay.
10	A Cookie, right,	9	THE COURT: Okay, but the question what was his
	Q Okay. When Cookie came back down you said he was excited and yelling?	10	
	and the first of t	11	THE WITNESS: He was like was maving fast. He was
12	A Yeah.	12	not nervously, but something was wrong.
13	O Is that correct?	44.000	BY MS. GRAHAM:
	A NEC		O Okay,
	A Yes,	14	70 A C C A C C A C A C A C A C A C A C A
14	Q What was his demeanor?	15	A Ewned overwhelmed
16	<ul> <li>What was his demeaner?</li> <li>A He was like boby, he done killed that girl up there.</li> </ul>	12255	70 A C C A C C A C A C A C A C A C A C A
15 16 17	<ul> <li>What was his demeaner?</li> <li>A. He was like boby, he done killed that girl up there.</li> <li>MR. PIKE: Wait.</li> </ul>	15	A Excited overwhelmed.  O Excited, overwhelmed?
15 16 17 18	Q What was his demeaner?  A He was like boby, he done killed that girl up there.  MR PIKE: Wait,  THE WITNESS: Oops.	15 16	A Excited overwhelmed.  O Excited, overwhelmed?  A Let me see another word. Yeah, very overwhelmed.
15 16 17 18	Q What was his demeaner?  A He was like boby, he done killed that girl up there.  MR PIKE: Wait,  THE WITNESS: Oops.  MR PIKE: Objection, your flower.	15 16 17 18	A Excited, overwhelmed. O Excited, overwhelmed? A Let me see another word. Yeah, very overwhelmed. O And during that sited overwhelmed state after he just
15 16 17 18	Q What was his demeaner?  A He was like boby, he done killed that girl up there.  MR PIKE: Wait,  THE WITNESS: Oops.	15 16 17 18 19	A Excited overwhelmed.  O Excited, overwhelmed?  A Let me see another word. Yeah, very overwhelmed.
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15 16 17 18 19 20	Q What was his demeaner?  A He was like boby, he done killed that girl up there.  MR. PIKE: Wait,  THE WITNESS: Oops,  MR. PIKE: Objection, your florier.  MS. GRAHAM: Judge, that was an excited untermice.  He came in	15 16 17 18 19 20	A Excited overwhelmed.  O Excited, overwhelmed?  A Let me see another word. Yeah, very overwhelmed.  O And during that sited overwhelmed state after he just returned from down stairs, he made statements to you, is that right?  A Yes, he did
15 16 17 18 19 20 21	Q What was his demeaner?  A He was like boby, he done killed that girl up there.  MR. PIKE: Wait,  THE WITNESS: Oops,  MR. PIKE: Objection, your florier.  MS. GRAHAM: Judge, that was an excited untermee.	15 16 17 18 19 20 21	A Excited overwhelmed.  O Excited, overwhelmed?  A Let me see another word. Yeah, very overwhelmed.  O And during that sited overwhelmed state after he just teturned from down stairs, he made statements to your is that right?  A Yes, he did  O Okay. And what were those statements?
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15 16 17 18 19 20 21 22 23	Q What was his demeaner?  A He was like boby, he done killed that girl up there. MR. PIKE: Wait, THE WITNESS: Oops. MR. PIKE: Objection, your flonor. MS. GRAHAM: Judge, that was an excited unconce. He came in THE COURT: Is he going to be here to testify? MS. GRAHAM: Yes. THE COURT: I'm going to sustain the objection	15 16 17 18 19 20 21 22 23	A Excited overwhelmed.  O Excited, overwhelmed?  A Let me see another word. Yeah, very overwhelmed.  O And during that sited overwhelmed state after he just tetumed from down stairs, he made statements to your is that right?  A Yes, he did  O Okay. And what were those statements?  MR, PIKE: Objection, Honor,

		255	
1	MR. SMITH. Can we approach, Judge -	1	above.
2	THE COURT: All right.	2	Q Okny. And he made statements to you during that
3	MR. SMFTH: - briefly, please.	3	State?
4	THE COURT: Okay.		A Yes
5	(Off-record bench conference ).	5	Q And what did he say to you?
6	THE COURT: I'm going to overrule the objection.	6	A Lie said haby, he done killed that girl up there.
7	MR. PIKE: Thank you, your Hoper,	,	O Okay. And what was your reaction?
8	BY MS. GRAHAM;;	8	A I was like boby, he didn't killed her. Who? What?
9	Q Okay. Cookie was woken by you say the thumping.	9	What? He's like for real, baby. I know when someone's dea-
10	A Correct.	10	
11	A A I I CH CAN THE PART WE CHINK	11	Q Okay. All right. Now, when you say you heard the
12	and the state of the state of the columbial co	12	
13	(Int.) 200, 500)	13	Λ Lim-h'm.
14	see the see the second of a soft title to.	14	Q - could you tell if it was an animal, a histian?
15		15	
16	- 10.000	16	1 22 - COURT
17	A physical programs and area at the programs:	17	A Recause I had been crying off and on during the
18	The second secon	18	evening and then the meaning.
13	The state of the s	19	Q Okay. And when you said you heard crying, you
20	A ANNUAL CONTRACTOR	20	testified earlier that you heard a woman crying.
21	and the state of the contract	21	A Yeah.
22	A seem ment in seem 3 me mark 3 state the 2015 the 14 state the 14 state the 14 state that the 14 stat	22	Q Is that the same person that you heard mouning?
23	excited and kind of hyper. What were your words - what was	23	MR. PIKE: Objection, your Honor.
34		24	THE WITNESS: Yes.
25	A Like I said, overwhelmed, excited. He was all of the	25	MR. PIKE: Calls for speculation, exceeds the scope
	Page 19H		Page 199
	ROUGH DRAFT TRANSCRIPT	ļ	ROUGH DRAFT TRANSCRIPT
1	of cross.		
2		1	THE COURT: Thank you for your time, Ma'ann,
3	THE COURT: I'm going to sustain the objection. You can ask it in a different wity. Counsel.	2	THE WITNESS: You're welcome.
•	MS, GRAHAM; Okay. Court's indulgence,	3	THE COURT: Mext witness by the State.
5	BY MS. GRAHAM:	4	MS. GRAHAM: State calls Charles Cookie Tloiver.
6		•	THE MARSHAL: Mr. Tloiver, if you'll past remain
7	O Did the mooning sound like a male or a female?  A Like a female	6	standing, please. Raise your right hand and foce the eterk.
8	September 1991 Marie Alfred	7	CHARLES TOLIVER, PLAINTIFF'S WITNESS, SWOR
9	MS. GRAHAM: No further questions at this time.	8	THE CLERK: Please be seated. Will you please state
10	THE COURT: All right. Any recross?	9	your name and spell is for the record.
11	MR. PIKE: Very briefly,	10	THE WITNESS: Charles Edward Tloiver, T-o-1-1-v-c-r.
	RECROSS-EXAMINATION BY MR. PIKE::	13	THE CLERK. Thank you.
11		12	DIRECT EXAMINATION
	O During the period of the time you didn't hear a yelling male voice, did you?	13	BY MS. GRAHAM:
15	A No.	14	Q. Charles, I see that you've got a name tug, and do you
16	27 (0.74		have a mekname that you go by!
	Q Didn't hear any make voice that was said any	16	A Cookie.
18	threatening words or anything at all like that, did you?  A No.	17	Q Cookie.
19	O Thank you,	18	A Uh-huts.
20	MR. PIKE: Nothing further,	19	O Okuy. And Cookie, do you live at 5001 in Parque,
22			Building C. Aparement 29?
	THE COURT: Okay. Any questions from the justis?	21	A Yes, ma'am.
23	All right. Thank you, Ma'am. You're instructed not to discuss	22	O In Clark County, Nevada?
24	your testimony with any other witness involved in this case until this maner is finally resolved.	21	A Yes, ma'sm.
25	THE WITNESS: Okay.	24	Q And how long have you lived there?
		25	A Eleven years.
	Page 200		Page 201
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT

	Page 204 ROUGH DRAFT TRANSCRIPT		Page 205
	nd that was,	25	Q Okay. And you're fairly certain a was fighting?
	Q Okay. And can you describe for the jury what kind of	24	A Well, fighting
	A Yes.	200	Q Okay. At their pount what did you think was going on up there?
	Q Something woke you up upstairs?	21	and see what's gring on.
	A And it just wake me up.	20	A The - it came back. I said well, let me go up here
9976 W	But this particular night I was pretty much tired.     Okay.	19	Q Did the noise stop?
	O Okay.	18	for maybe 10 or 15 minutes later.
	nute for me to go to sleep, but I don't sleep that hard.	17	A I laid there for a little while longer, you you know,
	ic bit, you know, I don't sleep too hard. It takes a	16	O And what did do you?
	en even though I've had a linte light day, I come and out a	15	A Yis.
	nends on how much I done did that day. I est, sleeps hard.	14	Q - und - ok;iy.
13	A Pretty much heavy, you know, if I'm tired. It all	13	A Yes
	Q Okay. Are you a light sleeper?	12	Q Okay. So you immediately weke up -
11	A Upstairs from above my bedroom.	13	my language, but what the hell is going on up there, you know
10	Q Where was it coming from?	10	I finally work up from the last touchess. ! I'm like excuse
	A Boom, boom, boom, you know. Barming.	9	A — from what my wife told me, it was going on — when
	Q Okay. What noise?	8	C = 60 seconds?
	A. I was sleep, but from the noise wake me up.	1 7	A Well
6 doi	ing)	6	A Yes. Well it was going on for a minute, but ~  Q And when you say a minute, do you mean a minute ~
1.50 X	Q Okay. And around 10:00 p.m. so or what were you	5	Q And that was loud enough to wake you up?
S. 33, 11	A Yes. I was	3	A (Banging on the table).
	recifically to the night of November 5th, 2008. Were you at me that everying?	2	Q Sure:
2 500	O - Mr. O'Kerfe. Okay. I want to draw your attention	1	A You want me to do it here?
verv v	AND PRODUCTION AND AND AND AND AND AND AND AND AND AN		ACCOUNT I BASSCRIPT
	ROUGH DRAFT TRANSCRIPT		Page 203 ROUGH DRAFT TRANSCRIPT
	O Okay. And do you recognize that male in the Page 202	25	A Yis.
:		24	O And that's the woman that lived apstairs with
	O Okay. So a male and a female?  A Yes.	23	A Yes,
	A Him and his girl.	22	Q You recognize that woman?
	O And when you say they, who do you mean? Was it -	21	BY MS. GRAHAM::
	l holler, keep going.	20	THE WITNESS: Yes.
	stairs on the balcony, and when I come in they right above me	19	THE COURT: It's State's 4.
	y coming through stop and speaking, and they might be	18	MR. SMITH: It has been admitted.
	A Just from seeing them. Me working in my parking lot.	17	MR. PIKE: That's correct.
	stairs from you on November 5th, 2008?	16	that correct?
	Q Are you familiar with the neighbors that lived	15	THE COURT: Well it's been admitted, I believe, Is
	A. I'm surry.	14	State's Proposed 4.
	O Dkay.	13	Q Okay. Showing Mr. Tlokver what's been marked as
12	Λ Yes.	12	A Yeah, I'm pretty sure, yeuh.
11	Q Joyce, okay.	11	lived with Mr. O'Keefe, would you recognize her?
10	A Joyce.	10	And if I showed you are a photo of the woman that
9	Q Does she have another name?	9	BY MS. GRAHAM:
8	A Yes.	a	THE COURT: All right.
7	Q - countroom?	1 7	MS. GRAHAM: Okay.
	A Yes, molary.	6	MR. PIKE: Will stipulate to the identity of Brian O'Keefe.
	Q Okay. And is that the woman that just left the -	5	AV 1,5000000
	A Mc and my wife Bornto.	1:	Q Yes. A Yeah
	Q And who do you live there with?	3	A The male?
	경기 : [18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18] 12 (18]	- 100	couriroom today?
2	Q Eleven years? A Uh-huh. D And who do o		2

ı		Ÿ	
3	A 30777	1	Q Did you do anything inside your apartment to by to
2	<b>4</b>	2	
3	The Good obtain it.	-	
4	s the many to make it was tikining;	4	
5	A Because of the (banging on the table), you know, and		- CANDARD TO THE TOTAL CONTROL OF THE PARTY
5		6	
7	Q Okay.	1 7	
В	A You know. Ain't nobody going to be walking that	8	Q OKEY.
9	heavy and doing that kind of making that kind of noise	9	1 Jan was a so I minut on training 1 Just Mest Ou
10		10	\$150 E.C. W.
11			
12		1	The state of the s
13		1.	
	noise -	13	a may may one you excite to go up tagle.
15	(E) (A)	14	is was searly desirating me.
16		15	
17	Too wife. The see wife the saying:	1.6	A service of many a seem forces sectionally and desire 1784?
	A water on white lost acte swater dow lost on Lost	47	and I couldn't sleep go back to sleep.
18	and the same of the company of the contract of	18	Q And what was your intention?
19	The state of the s	15	
20	T THE JULY STEEL.	20	
21	11 Linear 12 - areas - 11 May Cit 3001 001	21	Q Okay. And so what did you do?
22	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	22	
23	The market is immuned in	23	
24	The state of the s	24	
25	A - you know.	25	1116 B.111444.401016
	Page 206	740884	Page 207
	ROUGH DRAFT TRANSCRIPT	ļ	ROUGH DRAFT TRANSCRIPT
57	100 100 100 100 100 100 100 100 100 100		
1	what's been	1	O Okay. And you came our of your door,
2	MR. PIKE: Admitted. No objection.	2	A I came out of my door and came to the bottom of the
3	MS. GRAHAM: It's already been admitted.	3	Steps.
4	BY MS. GRAHAM:	4	Q Okay. What did you do then?
5	O State's Exhibit 6. Do you recognize that, Cookie?	5	A I looked upstairs and I seen that the door was open.
6	A Yes, me'am.	6	Q Okay. The door was open?
7	THE COURT: Actually, it wasn't previously admitted.	7	A The door was open.
Ħ	It will be admitted now,	8	Q As it is depicted right flow in that photo?
9	MR. PIKE; Thank you, your Honor.	9	A Yeah, it was open just like that.
10	THE COURT: Okay,	10	Q Okay.
11	MS. GRAHAM; Thank you, Judge.	11	A So I walked on upstoirs and stuck my hand in the doo
	BY MS. GRAHAM::	12	and hollered hey, bey
13	4 44 (co icu ac jai) wian nep 5 a prioto (i);	13	Q Okay.
34	A That's a photo of my apartment.	16	A - You know.
15	Q Okey. Show the jury now you can touch that	25	Q And did anybody respond?
16	screen, actually -	16	A Yes, a few minutes later.
17	A Okay,	17	O Okay, Who was that?
18	Q - and show the jury -	18	
19	THE COURT: You can draw on the screen.	19	A He came out of the door - out of the bedroom
20	THE WITNESS: On okay, okay,		THE COURT: Sir, the question was who responded to you?
	BY MS. GRAHAM:		(X) 160 (X) (A) (A) (A) (A) (A) (A) (A) (A) (A) (A
22	Q — where your aportment was.	21	THE WITNESS: The guy.
23	A My apartment is right at the bonom of these steps.	22	BY MS. GRAHAM:
24	Q Okay. And so your door, point to your door,	23	O Okay.
25	20	24	A Keef (phonetic) - Brian.
	2500 4000 41000	25	Q And when you say - Brian?
	Page 208		Page 209
	ROUGH DRAFT THANSCRIPT		ROUGH DRAFT TRANSCRIPT

23		73	
7 E		3	man, what the hell have you done, you know. And then I look
2		2	
3	the same out at the decisions about the solliered come	3	Q Is that the way you said it?
٩	get her, come get her, you know, and I'm like	4	
5	A set one los distry to the sur.	5	
6	A I didn't know what first I thought maybe she had	6	A And then I -
3	ran out the door before I came in because the door was open. I	7	Q And what did he say?
8	looked around and - come in here and get her.	a	
9	Q And	. 9	turned around and ran out the house.
10	(Action and a second a second and a second a	10	Q Why were you in shock if somebody was just laying
11	The same you are.	11	there?
12		12	A Because I know — cause when I seen her arms had
13		13	
4		14	bed.
15	7 The may.	15	Q So there was blood?
6	Years which you say the date on the mock, which	16	A Yeah, on the bed. So I just left, ran our -
7	Transfer your State of Course !	17	
8	A From tike the foot of the bed I just seen her legs	18	A you know, because I dishift want nothing to happen
9	The same of the same of the card. So HORN 184	19	so me, so I got en out of there. And from the looks of his
20	The state of the s	50	face, man, you know. I was scared. To be honest with you. I
1		23	was just seared and I left. Ree outside and hollered for help.
2	the second down and before the mid will bound	22	O Okay. So Conkie, when you went in and you said who
3		23	the hell have you done
4		24	A Yeals
5	A Wake up. So excuse me language again, your Honor.	25	Q what was his response?
	Page 210		Page 211
	ROUGH DRAFT TRANSCRIPT	4	ROUGH DRAFT TRANSCRIPT
1	A He didn't say nothing. He was just telling her to	1	The base of the same of the sa
2	wake up.	2	
3	Q Did he ask you to call for help?	3	Q Cookie, you testified that you saw his face and if frightened —
4	A No. He didn't say nothing like that. He just -		
5	O It was obvious she was bleeding?	5	A. What kind of look you said I seen on his face. It was just a look I had never seen before
5	A Beg your perdon?	6	O What do you mean?
7	Q II was obvious that there was blood every where?	1 7	
,	A Yesh.	8	A - you know, on him, It was you know, scory
	Q And he didn't ask you to call for help?	9	looking, scary looking feeling look. You know, it was just meet look, you know, it was just
0	A So I kind of figured something had happened -	10	mad fook, you know, Q Okoy.
1	Q Okay.	11	
2	A you know, so I like I said, I just got on up	12	A Knowing I'm fixing to go now, you know, and I left.  Q And that was enough fer you to
3	out of there.	13	A Go heller for help.
4	Q And Cookie, when you say it was obvious something it	14	Q Okay,
5	had happened, what did you think happened?	15	A Yesh,
6	MR. PIKE: Objection, Speculation,	16	Q All right. And you did holler for help?
,	THE COURT: Susmined.	17	
À	BY MS. GRAHAM:	18	O And
,	O You said that you saw his face and it frightened you.	19	A When I got - when I got out the door, it was someone
9	A Year. It was like a look I had never seen on him	20	standing down stairs, and I hollered - told her to call the
2	before.	21	police.
2	MR, PIKE: Objection Well. Cour's indulgence. I'm	22	When you say her, do you know who it was?
	savey, could I hear the question again?	23	A Yes Joseph month to you who if was?
	THE COURT: What was the question, Counsel? What did	24	A. Yes, I can't recall her nome. Anyway, she was — she was supposed to came to court, too. Well, she was here.
	you see in his face, is that —	25	you know.
	Page 212		Page 213
	ROUGH DRAFT TRANSCRIPT		0,510 Text (50-125)
	TOTAL STATE OF THE PROPERTY OF	l .	ROUGH DRAFT TRANSCRIPT

	Q Okay.	1	the time we got to the steps we heard all the police comin	
2	A Domn. I can't meall.	2	O Okay.	
3	Q Was it somebody that lived at the opaniment	3	A They made everybody go in our apartments.	
4	A Yeah, it was somebody	4	Q All right. So when you and Took! went in Brian's	
5	Q -complex?	5	response was get the hell our of here?	
6	A that lived in the apartments.	6	A Get the hell out of here,	
7	Q Okay,	7	O At any time did he ask you to call the pulier?	
8	A Yeah one of maintenance guy's wife.	8	A. No.	
9	Q Okay.	9	Q Did he ask you to come and assist with Victoria?	
10	SIN HAMI	10	A No. He didn't say nothing like that. He just - we	
11	A 1 mar and and my cutt hourseld adust notif to call	11	just turned around and left out of there.	
12		12	Q Okay.	
13	A Ran down states, then that's when I want and got	13	A Yeah	
14	Todd	14	Q And when you got back down stairs, did you go ha	
15	Q And Todd is who's Todd?	15	what did do you after that?	
16	A Todd is one of the other witnesses which is outside.	16	A Well, when we got back down stairs, by then the	
17	O Okay. Is he also a neighbor?	17	police had come.	
18	A Yes, he's a neighbor.	18	Q Okay.	
19	Q All right, Okay. So you went and got Todd, and then	3.9	A They made everybody go in their apartments.	
20	what happened?	20	Q Okay.	
21	A I brought Total back upstairs. I said man; come and	21	A That's it.	
22	- come see this. He came apstairs, and when we went both went	22	Q And did you give a statement to the police?	
23	back in the bedroom he was still on the floor holding her. He	23	A Yes, I did.	
24	told Todd to get the hell out of here. I said come on, Todd, let's go get the police. We left out. And by that time - by		MS. GRAHAM: Court's indulgence.	
25			HY MS. GRAHAM:	
	Page 214		Page 215	
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT	
1	Q. Cookie, you were able to look inside the bedroom, did		Market regregational transport	
2	you see any weapons inside the bedroom!	1	A Yeah.	
3	A Well, I don't know if it ass a weapon or not, but I	2	O And did you eventually go back into your apartmen	
4	just seen a - something up under the cover sticking out like a	38	A Yeah.	
5	little handle or something.	4	O Okay. And what, if anything, did you you say to yo	
6	O And a handle	7.000	wife at that point?	
7	A A looked like a little handle under the blanket	6	A I said I shink he had killed the lady upstairs.	
B	because it was like I just got a glimpse of it because what we	7	O Why did you think that?	
9	made look over that way I seen all the blood on the bed.	8	A All this blood, and then her arrus, when I seen her	
LO	Q Right.		arms drop, know something was wrong.	
11	A And that's when I'm fixing to go.	10	Q Okay.	
12	Q And what — a handle of what?	11	A Yeah	
3	A I just seen like a - something like black -	13	MS. GRAHAM. Court's indulgence. I'll pass the	
4	O A bucket?	4 124 124	witness at this time, Judge.	
	A Like a knife or something.	15	THE COURT: Cross-examination.	
	Q Okay.	16	MR. PIKE: Thank you.	
5			CROSS-EXAMINATION	
5		100000		
5 6 7	A I don't know exactly what it was because I didn't	17	JY MR. PIKE:	
5 6 7		17	Q. Good afternoon, Cnokie.	
5 6 7 8	A I don't know exactly what it was because I didn't bother it —  Q Aft right.	17   18 19	Q Good afternoon, Cookie.  A How you doing, sir?	
5 7 8 9	A I don't know exactly what it was because I didn't bother it —  Q Aft right, A — you know, I just left.	17 18 19 20	Q Good afternoon, Cookie.  A How you doing, sir?  Q I'm doing good, How are you?	
5 7 8 9	A I don't know exactly what it was because I didn't bother it —  Q Aft right.	17 1 18 19 20 21	Q Good afternoon, Cookie.  A How you doing, sir?  Q I'm doing good, How are you?  A Just fine.	
5 7 8 9 0 1 2	A I don't know exactly what it was because I didn't bother it —  O All right, A — you know, I just left, O Okay. And did you eventually go back to your aparament.	17   18 19 20 21 22	Q. Good afternoon, Cookie.  A. How you doing, sur?  Q. Em doing good, How are you?  A. Just fine.  Q. Good. In reference to this event, the operatment in	
5 6 7 8 9 1 2 3	A I don't know exactly what it was because I didn't bother it —  O All right,  A — you know, I just left,  O Okny. And did you eventually go back to your	17 1 18 19 20 21 22 23	Q. Good afternoon, Cookie.  A. How you doing, sur?  Q. Pro doing good, How are you?  A. Just fine.  Q. Good. In reference to this event, the operation in that we're talking about is directly above yours, and you	
5 6 7 8 9 0 1 2 3	A I don't know exactly what it was because I didn't bother it —  O All right.  A — you know, I just left.  O Okny. And did you eventually go back to your aparament.  A Went back to — went down stairs and that's when I	17   18   19   20   21   22   23   24	Q. Good afternoon, Cookie.  A. How you doing, sir?  Q. I'm doing good, How are you?  A. Just fine.  Q. Good. In reference to this event, the operation in that we're talking about is directly above yours, and you idicated you've gone into that apartment.	
5 6 7 8 9 0 1 2 3	A I don't know exactly what it was because I didn't bother it —  O All right, A — you know, I just left, O Okay. And did you eventually go back to your aparament! A Went back to — went down states and that'y when I went and got Took!	17 1 18 19 20 21 22 23	Q. Good afternoon, Cookie.  A. How you doing, sur?  Q. Pro doing good, How are you?  A. Just fine.  Q. Good. In reference to this event, the operation in that we're talking about is directly above yours, and you	

1	Q And the apartment number is No. 35; is that correct?		S . S . No. 14
2	A Yes, sir.	1 25	seeing, you're just trying to recollect as best as what you e
3		29	2 and testify here truthfully in court today, aren't —
Ĩ	Q I'm going to slow you a photograph that's marked as	100	3 A Thor's right
5	Defense Exhibit No. II. And I've previously shown this to	PR 22	<ol> <li>O you? Okay. And Defense Proposed Exhibit No.</li> </ol>
6	counsel for the State. I believe they have no objection to its admission.	200	5 That's another photograph of inside that apartment. And is
7		6	6 that kind of hid out the same as your apartment?
1 32	MR. SM(TH: That's correct. Judge, we have no	7	7 A Yeah.
В	objection.	e	The cooker, this has been substed yet.
9	THE COURT: All right, it will be admitted,	9	9 MR. PIKE: I'm going to ask
10	BY MR. PIKE:	10	10 THE COURT: You're showing it.
11	Q And I'll represent to you that this is a picture	11	
12	that's the isside of that Apartment No. 35. Does at that -	12	
23	can you verify that? Is that focused at all?	13	13 THE COURT: But we don't show it to the jury until
14	A Well, not really because I don't remember seeing all	14	
15	that in the apastment.	15	15 MR. PIKE: Okay, thank you.
16	Q. Okay. When you went into the aportment were the	16	
17	lights on or was it dark inside the apartment?	17	THE COURT: Okay, It will be adwhat number is
18	A Well, let me see, the think the bedroom - I think it	18	18 this?
19	was - the lights was off. I can't remember. I ain't going to	19	
20	say it was. I ain't going it was off. I just don't remember.	30	
21	Q. And you can't remember. You couldn't see very well	23	
22	what was going on in there?	22	NOT -
23	A Because really, when I'm a little nervous or	23	
24	something, I ain't, you know	24	A Yeah.
25	Q You were a little bit nervous and so what you were	25	32 125 1 <del>37***</del> - 1
	Page 218	150	A service of Bourf to stone Aon theretize Linkolds
1	ROUGH DRAFT TRANSCRIPT	ı	Page 219 ROUGII DRAFT TRANSCRIPT
1004	Secretaria de la constantida del constanti	-	ACCOUNT TRANSCRIPT
2	Exhibit No. M, which the Stare has no objection to:  MR. SMITH: Correct.	1 2	
3	THE COURT: All right, it will be admitted then	3	The true time Jun well in:
4	MR. PIKE: Thank you.	4	The state of the s
5	BY MR. PIKE:	135	A STATE OF THE STA
6	Q Now, when you go into that apartitions and you went	5	The state of the s
	through the entry of door number or door with the 35 on the	6	and the same same state of the same same and the same same same same same same same sam
	front of it	7	The state of the s
9	A Uh-huh	8	The same of the same of the strate of the same of the
10	Q — you're looking serus and this is looking from	. 9	
E5504	inside of that door –	10	Company to the point in time, and you cher near
12	TN THE SET FOR THE SET SET SET SET SET SET SET SET SET SE	11	1 any female voice, any meaning or anything that you felt migh
13	(i) REARING WINDS	12	2 have been — that came from the woman that was in there?
	<ul> <li>O — and you're looking — and you're looking back into where the bedrooms are at.</li> </ul>	13	NO. TO THE PROPERTY OF THE PERSON OF THE PER
15		14	2 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
16	A Right. The corner right there.	15	5 A No.
17	O Okay	16	YOU IN A SECTION OF SE
	A Thor's the bedroom.	17	The state of the s
18	Q And which bedvoom was it that you saw the young - or	18	B her arms like this, I know something was – wasn't right.
	the lady that was	19	9 Q Whai
20	A The bedroom to the right.	20	A She was all over.
	O Could you point to that and kind of -	23	1 O New, you said that Brian was over, and he was holding
	A Right hose,	22	her. Can you kind of demonstrate -
22			0.000
23	Q Okay.	23	The second second
21 22 23 24	A That's where I was standing right there.	24	
22 23	50 NATE:	2200	Q that for the jury?

100		ï	
1		1	been seeing them through - you know. I have seen them, but
2	a same was arrang to tell:	2	didn't teff you I seen them that particular day, now.
3	The state of the state of the court of the	3	
4	like this.	4	A Yeah,
5		5	O And you've seen them outside of their apartment -
6	22 State and state and Court and Cou	6	A Off and on.
7	A THE STATE OF THE APPLICATION OF THE	7	Q drucking together off and on?
8	day when they came home?	8	
9	the party of the special of the parents of	9	Q And again, in would be on the stainwell or the
10	A LINE AND IN 1861, JOH ONCOUNTED AND IND COL	10	
11		11	
12	ANO 100 000 000 000 000 000 000 000 000 00	13	A By the window.
13	e seminary and incomings done in a nurry -	13	Q Right
14	1/2 (1-1/2) (1-1/2) (1-1/2)	14	A Well, they had chairs up there at this time, yeah.
15	a stranger complex right in the perking sui?	15	Q And when you came up to the open door of the
6	and a more	16	
17	and the same of the same of the said of the said of the said	17	
8	The second of th	19	Q — to get in?
9	Transport Company of San Contractions of	19	50 S. C.
20		20	A comment of the comm
11	17-18-18-18-18-18-18-18-18-18-18-18-18-18-	21	The same of the state of the st
22	The state of the s	22	but when I didn't see nobody, I wasn't going up in there until
3	Section of the sectio	23	I seen him come out of the bedroom, and I - and I wern up
4	Control of the Contro	24	there with a linke anitude, to be honess with you. But when
25	Total Time - I flow	25	I seen this look in his face, I kind of like wow, say man, can
	Page 222	ļ	Page 223
-	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	you judgment keep it down a little bit whatever you doing up	1	BY MR, PIKE::
2	here. That's when he told me to come in the room, come get	2	Q You'd seen Brian both sober and intoxicated prior to
3	her, you know.	3	this time, hadn't you?
4	Q And you had said that you were looking through that.	4	A Yeah.
5	you come in with an attitude and you were kind of angry -	5	Q Okay. And his actions and as you saw him that
6	A I was angry because he woke me up.	6	evening, you - and in the circumstances that you saw him.
7	O and you wern up and then you heard him say come	7	pretty consistent with him being in an intoxicated state from
8	get me. He didn't try and fight you.	8	what you'd observed before, wasn't it?
9	A No.	9	A You said -
a	O Didn't try and keep you out of the apartment?	10	O Did he appear to be drunk to you, intexicated, have
1	A No. No. he didn't do all that.	11	alcehol
2	A Service Professional Professi	12	A Well –
3	A STATE OF THE PARTY OF THE PARTY OF WHITH MILE AND WITH THE	13	Q - affecting him?
4	and the state of t	14	A he wasn't staggering or nothing like that when he
5	A No.	25	was talking to me. It was just that look on his face.
6	Q You didn't get close enough to him to smelt him to	16	O Like shock!
7	determine whether or not he smelled of ulcahol?	17	A Like crazy look, you know, like
6	A I didn't smell — I don't know whether he = I don't	18	O Like crazy. Like he wasn't in his regular mind?
9	know.	19	A No. I ain't going to say like he was - like a drunk
0	O He wasn't acting rational that evening, was he?	20	look. Wasa's no look like that, it was like he crazy look.
1	A life was what?	21	Sit
<b>Z</b>	MR. SMITH: Objection, Judge. Calls for speculation	22	Q He was he was trying to pick her up. Trying to
	as to rational.	23	wake her up. From the language that you're saying that, that's
4	THE COURT: Is a stained.	24	what you were perceiving that to be.
5	MR. PIKE: Okay. Point takert.	25	A Yesh.
	Page 224		Page 225
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT

-	124	VINCEAR TRANSPORTS SERVICES SPECIAL SECURIOR SERVICES	P.	
•		All right. You never saw a knife in Brian's hands?	1	0.50 100 <del>00.440</del> 0
2	He di	77 TO 10 TO	2	The state of the state of the state of the state of
3		No. I didn't see -	3	And the second business in the second appropriate to
5		* (F.E.   250/EMME/SA)	4	, <u>NN MARKINA</u>
6	A	- nothing in his hand. No, I didn't see none of	5	
7	that, Q	U. Silbana and A.	6	A 1 Went -
8	Ä	He didn't come at you with any son of a weapon — No —	7	Q — to see they.
9	50.0	V-0.00 No. 1000	8	<ul> <li>A —back up there to show him what was going on why</li> </ul>
10		- he did not.	9	THE THE PARTY OF T
11		And then you went so out, you called down to some	16	the state of the s
12		e, and the woman that you asked to call 911, that was	11	The court is the party of the p
13			13	of the state of the contract back up there.
14		Robin.	14	The state of the s
15		Does that refresh your recollection?	15	4 2 Band annu abritant 1000 mill 2001 200
16		Robin.	16	
17	Q	540 F	17	10.15
18	A		18	
19		Okay. And then you went with Todd, and where did	19	
20			20	
21	٨	Apartmen 2.	21	
22	Q	Okay. And that's not in the ballding that we have	22	**************************************
23	here.	h's another part of the complex?	23	
24	٨	Yeah, back over towards the front by the mailbox.	24	
25	Q	And Todd went with you, and you both went back up?  Page 226	25	Q Lunderstand, bot Page 227
		ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1		Yeah.	1	period of time?
2		- that's what I'm asking. Okay. And there were a	2	A Yes.
3	numbe	er of rags or —	3	Q All right. And you weren't there when or did you
1	101500	li was covers —	4	see any of the Las Vegus fire
5		(indiscemble) that you saw	5	A Police.
6		- on the bed if that's what you're trying to ask me.	6	Q — and rescue people come?
7	yeah.	25 S N	7	A Let me see. I just seen when they was taping
8	Q	Okay. And when you went back down, you tried to calm	8	everything off.
3		If and tried to make some sense out of the situation.	9	Q And after that, you didn't see anything else that
10	And th	en when the police came you lelt that it was under	10	
		and you went back into your spartment,	11	A Man, it was time for me to go bed, go to sleep. I
12		They rold us to go back in our apartments.	12	***************************************
14		And did you follow the anters of the police — Yes, I did.	13	
5		1000	14	MR. PIKE: All right. Court's indulgence. Nothing
16		officer? Did you ever lookout during the time	15	
7	principal!	he police were there to see if they had Brian under	16	The Assert Free County,
8	A	BATT .	17	The state of the s
9		Okay. After the police told you to go in, did you	18	REDIRECT EXAMINATION
		one back out that evening while police -	29	BY MS. GRAHAM::
1		After they was -	20	Q Cookie, when you were shown a picture of the livin
	3.00	- were still there?	21	room, were you focused on the living room at that time?
68		After - well, he kept coming in my house asking me	22	A In his living room?
	spesio		23	Q Yeah, I mean, you -
23		And you gave a statement to the petice during that	35500	A No. not realty. No.
14	O			S S A Microsoft
23	O	Page 228	25	Q Right. Paige 229
22 23 24 25	O	1180 (200 200 200 1	43	

1	A You know, I was - I wasn't really focused on - I	0	was Wasser
2	don't even know if it was light or dark in there -	1	1 Alaka 20 70 1 Alaka
3	Q Okay,	2	the second section from the october
4	A - to be honest with you.	3	the state of the s
5	Q Okay. I want to talk about that crazy look you said.	000	Q And you said that lady was bleeding like hell. An
6	Is that crazy look, was that a look that was asking you for	12 542	
7	pelb;	6	A No. All the blood was on the bed
8	A No.	7	Q Okay
9	O No?	6	A - you know, so $f - l$ couldn't see really her body.
10	A It was just a mad look, you know: Just a - man, I	5	All I could see was her legs from the foot of the bed, you
11	don't even — I can't even describe it, to be honest with you.	10	The state of the part of the pert All 1
12	Q Try to describe it to the jury?		could see was her legs and not her body
:3		12	St. (St. 1) The state of the st
14	and the same of a substitute of the same o	13	the state of the state of the state of
15	way.	14	A way were Jon provider 1000 th mete, will MID III
	Q How did it make you feel?	15	SCHOOL STATES AND ASSESSED.
16	A Scary, Like scared me.	16	and an analysis of the state of
17	Q Scared you?	17	police because this is what's going on up here.
18	A Scared me.	18	Q Okay.
19	Q Scared you?	19	A You see what I'm saying?
20	A Yeah, I looked and it would scare me.	20	Q Right, I do. Thank you, Cookie,
21	Q Okay.	21	A No problem
22	A You know, because, you know, from the time I be	22	MS. GRAHAM: No further questions.
23	seeing him my parking lot, it was a look that I had been	23	THE COURT: Any recross?
24	seeing. You follow what I'm trying to say?	24	RECROSS-EXAMINATION
25	Q Exactly.	25	BY MR. PIKE:
	Page 230	-	Page 231
	ROUGH ORAFT TRANSCRIPT	1	ROUGH DRAFT TRANSCRIPT
		-	
1	Q On the way up both times, either the first time or	18	THE COURT: Okay.
	the second time, you didn't hear any voices or yelling going	2	THE WITNESS: And she heard it, not me.
3	back and forth? Is that a no?	3	THE COURT: All right. Thank you, sir. Any follow
5	A No. No. Sir, Pm serry.	8.5	up by the State to that question?
5	O Okay, No, that's okay. We're recording it, so	5	MS: GRAHAM: No. Judge.
6	A Okay,	6	THE COURT: Any follow up by the defense?
7	Q I just need to ask that.	7	MR. PIKE: Yes, your Honor, just very briefly,
8	A No. I didn't I didn't.	8	BY MR. PIKE:
9	MR. PIKE: I don't have any further questions. Thank	9	O So your wife had testified that there was a period of
10	you very much.	10	time and that you because of the noise or because she woke
1)	THE COURT: Any questions from any of the jurious?		уом мр?
12	Yes, we do. The murshal will pick up your question. Counsel	12	A Because of the noise.
13	approach, please.	13	O Okay. And then it took you about how long from the
14	(Off-record bench conference).	14	time that you heard the noise until you went up?
15	THE COURT: Sir, we have a question from one of the	15	A About 15 minutes.
16	jurar, okay. And this is referring to the night in question,	16	Q All right,
	sir	17	A See, it wasn't — I woke up like — it was almost —
В	THE WITNESS: Okny.	18	it was about 10:00 – about 10:00 – about 10:15, 10:20, that's
19	THE COURT: Was there a noise from opstairs previous	15	when I went up there.
20	to the sudden outburst of noise? Did you hear anything, sir?	20	Q Thank you.
1	THE WITNESS From like other nights you saying?	21	
22	THE COURT: No, this night in particular,	32330	MR. PIKE: Nothing further.
3	THE WITNESS: No. judgment that load noise that woke	22	THE COURT: Any follow up by the State:
	me up. That was it. Now see if anything else going on -1	33	MS. GRAHAM; No. Judge,
14		24	THE COURT: All right thank you, sir. You are
15	was sleen. My wife was untribing a comme - Ttl	20	
24	was sleep. My wife was watching a movie a TV.  Pune 237	25	instructed not to discuss your testimony with any other witness
15	was sleep. My wife was watching a movie a TV.  Page 232  ROUGH DRAFT TRANSCRIPT	25	instructed not to discuss your testimony with any other witness Page 233 ROUGH DRAFT TRANSCRIPT

1	involved to this case until this matter is finally resolved.	1		THE CLERK N
2	THE WITNESS: I'm going I'm fixing to go home.	9.3		THE CLERK: Please he scated. Will you please state
30	THE COURT: That's fine.	2	AOUT	name and spell it for the record.
*		3		THE WITNESS: Excuse mc?
5	THE WIFNESS: All right. I'm fixing to go home. I got work to do.			THE CLERK: State your name and spell it for the
		5	10000	There is no proposed in the contract of the co
7	THE COURT: All right. Thank you, sir.	6		THE WITNESS: Todd Armbruster, A-r-in-b-1-u-s-t-c
A	THE WITNESS: Thank you.	7		THE CLERK: Thank you.
9	MR. PIKE: Your Honor, we - we also served the	8		MR. SMITH: May I proceed, Judge?
	Thirvers. We release them from their subpoets	9		THE COURT: Yes,
190	7.74	10		MR. SMITH: Thank you.
11	The state of the s	E		DIRECT EXAMINATION
12	00.00 <b>5</b> 7 (3.00 £)	12	BYN	IR. SMITH::
3		13	Q	Mr. Armbruster, where do you presently reside, sir?
4	guess you received a subpoent from the defense. Since you've	14	A	
5	the same rece to think the saily brief may.	15	Q	How long you been living there?
6	The state of the s	16	A	
.7	THE COURT: 1 think so.	17		Now, are you just a resident there or do you
	THE WITNESS: Thank you, sir.	18		Maintenance man.
9	TRE COURT: Thank you, xir,	19		Okay. So you also work on the premises?
0	MR. PIKE: Thank you.	20	A	
1	THE COURT: Next witness for the State.	21		Okay. I'm going to draw your attention back to
2	MR. SMITH: Judge, the State raffs Todd Armbruster.	22	Navo	mber 5th, 2008. Were you at the El Parque residence or
1	THE MARSHAL: Amilsir, if you'll remain standing.	23	that de	1000 500 2000. Were you at the El Parque residence on
4	please. Raise your right hand and face the clerk	24		Yes.
5	TODO ARMBRUSTER, PLAINTIFF'S WITNESS, SWORN	25	ô	Maleria con a series de la constante de la con
	Page 234	ೆನ	V	Did something unusual occur approximately 11 00
	ROUGH DRAFT TRANSCRIPT			Page 235
	The second secon	_	_	ROUGH DRAFT TRANSCRIPT
1	o'clock p.m. that day!	1	٨	Right.
5	A Yeah.	2	Q	And what else does Cookie say to you?
3	Q Why don't you tell us what happened.	3	A	He said - he said be thought that girl upstains was
1	A Cookie come thanning down to my apartment and to call	4	dead	S
5	911. Something had happened in the apartment above how, No.	5	0	Okay. So then what do you do?
5	35. So I went up to his partien me, and	6	٨	) went causing up to that apartment.
7	Q To whose apartment!	7	0	Okay. Do you go inside the apartment?
8	A No. 35, Brian's.	8	A	Yes.
9	O Okay, do you see Brian present in court today?	9	0	2001 100 Augustus proportion to the second state of the second sta
0	A Yes.	10	Ā	
J	Q Can you point to him for the record and identify	11	5,000	mo the bedroom and saw Brian standing over Victoria
2	A Right there.	12	O	Okay, Had you seen Victoria previously?
3	Q what he's wearing.	13	Ä	
4	A Right there.	14		That's my question.
5	THO: COURT: Far IcB on the table, sir?	15		Yesh.
6	THE WITNESS: Far left on the table	16		
7	MR. PIKE: We'll stipulate to the identity of	17	Ä	Had you seen her on a previous
8	THE COURT: Record reflect -	18	12.00	ALTES
9	MR, PIKE: Brian O'Keefe		Store	- occasion? Showing you what's been admitted as
٥	THE COURT: - identification of the defendant.			Exhibit 4. Is that a picture of Victoria that you
	Trunk you		speak o	
2	MR. PIKE. Thank you.	21		Yes.
3	MR. SMITH: Thank you, Judge.	22		Okay. What else happened?
	BY MR. SMITH: Thank you, Judge.	21		Like I said he was standing over
		24		He being the defendant, Brian O'Keefe!
				Yes
	O So Cookie runs down stairs and telly you to call 911.	25		
5	Page 236 ROUGH DRAFT TRANSCRIPT	25	£2.	Page 237 ROUGH DRAFT TRANSCRIPT

ĺ		
1	Q Okay.	1 you. Mr. Pike.
2	A He stood up, saw me, stepped forward and took a swing	2 MR. PIKE: Thank you.
30	at me and told him to back up or else he's going to end up on	3 MR. SMITH: May I publish to the jury, Judge?
•	the floor like you know, like be was.	THE COURT; Yes.
	Q Okay.	5 MR. SMITH: Thank you.
6	A And he dropped his arms and sold me to get the hell	6 (Thereupon, the 91) recording was played from 4:39:01
7	out of his apartment. I turned around and best feet.	7 p.m until
B	Q Oksy. Now, had you known the defendant and Victoria	8 BY MR. SMITH:
3	Witmarsh?	9 Q is that your voice there?
10	A I know who they were.	10 A Yes
11	O Okny. But my question did you have a social	11 (Thereupon, the 911 recording was played from 4:39:23
12		12 pm. to 4:41:€) p.m.)
13	A No. 7 disan'ı,	13 BY MR. SMITH::
14	Q — them at all? Okay, What happened after you as	14 Q Okay Now, Mr. Annburster, when you first entered
15	you put it, beat feet?	15 the apartment and first saw the defendant Brian O'Keefe, when
16	A I went to the neighbors and called 911.	16 was he standing?
17	MR. PIKE: Your Honor, in reference to the 911 tapes,	17 A Right shove her.
18	we're not going to require custodian of records. We've	18 O Okay. And where was she as?
19	received the appropriate indicators that these are true and	19 A She was on the floor at the foot of the bed.
20	correct copies of the 911 tapes. So we have no objection to	20 O Okay. Was she moving?
21	either being played.	21 A No.
22	THE COURT: All right.	22 O Did you touch anything inside the apartment?
Z3	MR. SMITH: And for the record, I have State's	23 A No.
24	Proposed Exhibit 2 and 3.	24 Q Did you happen to see any weapons?
25	THE COURT: All right, they'll be admitted. Thank	25 A No. I dichn'i.
	Page 238	Page 239
_	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
1	Q Did you look to see if there were any weapons?	1 O After you ran closer - officer was left the recorderant
2	A 1 saw him standing over her. (indiscernible) and some	O After you can down — after you left the apartment.     what did you do?
3	blood rays, stuff on the bed, and that was it.	3 A After I made the 911 call?
4	O Okay. How long would you say you were in the	5 O Yes sir.
5	apartment?	5 A The police told everybody to go inside their
6	A Couple minutes.	6 apartment, to stay in there.
7	Q Now, on the 91) call we heard that you said be was	O Okay. Did you reside in your apartment alone or with
8	pretty drunk.	8 someone else?
9	A 1-1 couldn't smell atcohol. His eyes were all	9 A Robin Colaxe (phonesic)
10	bloodshot. That's what I - why I thought he might have been	10 O Who's Robin Colare?
11	dnink. bui	11 A A friend of mine's wife.
12	O Okay.	12 Q Okay. Did she serve any employment function at the
13	A Because I know he drank a fot on the patio in front	13 El Parque apartments?
14	of his place.	14 A Yeah, well, she cleaned the apartments and acted like
15	Q Okay. My question is an just so I make sure I	15 on outside manager.
16	understand it. Are you saying that you thought he was drunk	16 Q Okay. Do you know if she called 9117
17	merely because his eyes were bloodshor?	37 A Yeah, she — I told her to call before I ran up the
8.1	A Yeah.	18 stairs.
19	Q Could you smell alcohol -	19 Q Okay,
20	Λ No	20 MR. SMITH. Judge. I'd ask for permission to publish
21	Q on him? Was that a no?	2.1 State's Exhibit 3.
22	A No. I could not.	22 MR. PIKE: No objection.
-certain	O Okay. When you went upstairs to the apartment, was	23 THE COURT: All right, And it will be admirred as
	the door opers or closed!	24 well
24	A Open.	25 MR. PIKE: This would be an appropriate time
23 24 25	A Open. Page 240	25 MR. PIKE: This would be an appropriate time: Page 241

<ol> <li>(Thereupon, the 911 recording was played from 4:44:05</li> </ol>	1 Q is it your testumony, then, that she didn't have any
2 p.m. to –	2 clathes on on the bottom ball of her body?
3 BY MR. SMITH::	3 A No. she didn's
Q Whose voice is that, sir?	4 Q Thank you sin.
5 A That's Robin's.	5 MR. SMITTI: Judge, I'll pass the witness.
6 Q That's Robin's?	6 THE COURT: Cross
7 A Yesh,	7 MR. PIXE: Thank you very much.
# Q Okay.	8 CROSS-EXAMINATION
9 (Thereupon, the 911 recording was played from 4:44:28	9 BY MR. PIKE::
10 p.m. to 4:47:15 p.m.)	10 Q Good effertioon, Todd.
11 BY MR, SMITH:	2.1 A How you doing?
12 Q Okay. Mr. Armburster, how many times would you say	12 Q Now, some of your responsibilities over at that
13 you had seen Victoria Winnersh throughout the time she lived in	13 aparament complex are to be like an on-site manager. Would
14 the El Parque residence?	14 that be a correct statement?
15 A Just four or five times a week for about two months.  16 O Okay Can you describe for the inner how to be a fact.	15 A Yes.
16 Q Okay. Can you describe for the jury her body 17 composition? I mean was she a	16 Q So purt of what you would do would be to get to know
17 composition? I mean was site a 18 A Small, stender.	17 the people so you could recognize them and kind of know wh
	18 should be there, who shouldn't.
19 Q Okay. And when you say small 20 A Short, short, shender, petite.	19 A Correct,
	20 Q And the showing you or Pm gring to show - the State
The water of the planting and sale was	21 has no objection. I've shown them to I'm going to show you
22. Winnersh on the ground, down whether or not she had any clothes 23. pn?	Participation of the state of t
24 A All she had on was a – like a blue sweater bunched	23 Exhibit G.
25 up to about here. A long sleeve blue one.	24 MR. PIKE: The State has no objection to it being
NEAD SEALORS	25 admitted.
Page 242	Page 243
ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
1 MR SMITH: The's county but.	
The state of the s	1 A From the from dock.
THE COURT: All right, it will be admitted. BY MR. PIX E.:	2 Q From the front door? Okay, and looking into that.
4 Q And I'm going to ask you if you recognize this it,	3 which bedroom was the lasty lying in? When you went into the
5 and if it securately depicts the apartment that you went into	4 sportment, were the lights on inside of the apartment?
6 that evening.	5 A Yes.
7 A Yes.	6 O Which ones! Were they on
8 Q Okay. And that's Apartment No - Apartment No. 35,	7 A In the bedroom.
9 Can you mark that? Just touch the series and it will leave a	6 Q - inside the - I'm sorry?
10 mark on it. Kind of circle it. There you go. When you went	9 A The bodroom. 10 O The bodroom?
I are and other having because to Duking Ora and a second	TEST OF TAXABLE PARTY.
- up and diff filting belowed in Rubbob's 011 - If the base	
and and and instance in Resource At 1 Call those that	11 A Yeah
2 kind of refresh your memory that was the door was open when you	12 Q And what about that over head fight?
<ul> <li>kind of refresh your memory that was the door was open when you</li> <li>wort up that night?</li> </ul>	12 Q And what about that over head fight? 13 A Yeah 1 if I remember right, that light was on 1
<ul> <li>kind of refresh your memory that was the door was open when you</li> <li>went up that night?</li> <li>A I said it — yeab. I said it was open.</li> </ul>	12 Q And what about that over head fight? 13 A Yeah 1 - if I remember right, that light was on 1 14 curl remember.
<ul> <li>1.2 kind of refresh your memory that was the door was open when you</li> <li>1.3 west up that night?</li> <li>1.4 A I said it - yeab. I said it was open.</li> <li>1.5 Q It was? Okay. And when you went into the aparament.</li> </ul>	12 Q And what about that over head fight? 13 A Yeah, 1 - if I remember right, that light was on 1 14 can't remember. 15 Q And when you went in, you obviously recognized both
<ul> <li>2 kind of refresh your memory that was the door was open when you</li> <li>3 west up that night?</li> <li>4 A I said it — yeab. I said it was open.</li> <li>5 Q It was? Okoy. And when you went into the aparament.</li> <li>6 is — would that fairly and accurately depict the inside of the</li> </ul>	12 Q And what about that over head fight?  23 A Yeah, 1 - if I remember right, that light was on 1  14 can't remember.  15 Q And when you went in, you obvitably recognized both  16 of them. And your perception of them at that point in time was
2 kind of refresh your memory that was the door was open when you 3 went up that night?  A I said it — yeab. I said it was open.  D It was? Okoy. And when you went into the apartment. is — would that fairly and accurately depict the inside of the apartment. And the picture I'm showing you has been admitted.	12 Q And what about that over head fight?  23 A Yeah, 1 - if I remember right, that light was on 1.  14 can't remember.  15 Q And when you went in, you obviously recognized both 16 of them. And your perception of them at that point in time was 17 that he was drunk?
2 kind of refresh your memory that was the door was open when you went up that night?  A I said it — yeab. I said it was open.  Ult was? Okay. And when you went into the aparament. is — would that fairly and accurately depict the inside of the aparament. And the picture I'm showing you has been admitted as Defense Exhibit II.	12 Q And what about that over head light?  13 A Yeah, 1 if I remember right, that light was on 1.  14 can't remember.  15 Q And when you went in, you obviously recognized both 16 of them. And your perception of them at that point in time was 17 that he was drunk?  18 A (Indiscernible) well, I just said I couldn't setell.
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2 kind of refresh your memory that was the door was open when you went up that night?  A I said is — yeab. I said it was open.  O It was? Okoy. And when you went into the aparament. is — would that fairly and accurately depict the inside of the aparament. And the picture I'm showing you has been admitted as Defense Exhibit II.  A Thor's from the hallway to the from door.  O All right. And you recognize that because you're	Q And what about that over head fight?  A Yeah, I — if I remember right, that light was on 1  can't remember.  Q And when you went in, you obvitually recognized both of them. And your perception of them at that point in time was 17 that he was drunk?  A (Indiscernible) well, I just said I couldn't smell alcohol, but his eyes were bloodshot. I  Q Okay.
2 kind of refresh your memory that was the door was open when you went up that night?  A I said it — yeab, I said it was open.  C It was? Okay. And when you went into the aparament, is — would that fairly and accurately depict the inside of the aparament. And the picture I'm showing you has been admitted as Defense Exhibit II.  A Thor's from the ballway to the from door.  C All right. And you recognize that because you've been in those aparaments and done typairs and taken care of	Q And what about that over head fight?  A Yeah, I — if I remember right, that light was on 1  can't remember.  Q And when you went in, you obvitually recognized both of them. And your perception of them at that point in time was 17 that he was drunk?  A (Indiscernible) well, I just soul I couldn't smell alcohol, but his eyes were bloodshot. I —  Q Okay.  A I wasn't suce what he was.
kind of refresh your memory that was the door was open when you went up that night?  A I said it — yeab, I said it was open.  Q It was? Okay. And when you ment into the aparament. is — would that fairly and accurately depict the inside of the aparament. And the picture I'm showing you has been admitted as Defense Exhibit II.  A Thors from the hallway to the front door.  Q All right. And you recognize that because you've been in those aparaments and done repairs and taken core of them over the years.	Q And what about that over head light?  A Yeah, I — if I remember right, that light was on I  can't remember.  Q And when you went in, you obvitually recognized both  to of them. And your perception of them at that point in time was  that he was drunk?  A (Indiscernible) well, I just said I couldn't smell  alcohol, but his eyes were bloodshot. I —  Q Okay.  A I wasn't suce what he was.  And he appeared to be intomicated?
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<ul> <li>kind of refresh your memory that was the door was open when you went up that night?</li> <li>A I said it — yeab. I said it was open.</li> <li>Q It was? Okay. And when you went into the apartment.</li> <li>is — would that fairly and accurately depict the inside of the apartment. And the picture I'm showing you has been admitted as Defense Exhibit II.</li> <li>A Thors from the ballway to the from door.</li> <li>Q All right. And you recognize that because you've been in those apartments and done repairs and taken core of them over the years.</li> <li>A Right.</li> <li>Q And Defendant's Exhibit M, which has been admitted</li> </ul>	Q And what about that over head light?  A Yeah, I — if I remember right, that light was on 1  can't remember.  Q And when you went in, you obvitually recognized both of them. And your perception of them at that point in time was that he was drunk?  A (Indiscernible) well, I just said I couldn't smell alcohol, but his eyes were bloodshot. I—  Q Okay.  A I wasn't suce what he was.  And he appeared to be incorrected?  A Something.
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kind of refresh your memory that was the door was open when you went up that night?  A I said it — yeab, I said it was open.  Q It was? Okay. And when you went into the apartment. is — would that fairly and accurately depict the inside of the apartment. And the picture I'm showing you has been admitted as Defense Exhibit II.  A Thors from the ballway to the from door.  Q All right. And you recognize that because you've been in those apartments and done repairs and taken core of them over the years.  A Right.  O And Defendant's Exhibit M, which has been admitted.	Q And what about that over head light?  A Yeah, I — if I remember right, that light was on 1  can't remember.  Q And when you went in, you obvitually recognized both of them. And your perception of them at that point in time was that he was drunk?  A (Indiscernible) well, I just said I couldn't smell alcohol, but his eyes were bloodshot. I—  Q Okay.  A I wasn't suce what he was.  And he appeared to be incorrected?  A Something.

-	He's (indiscernible) he was standing over her, so -	1	0	Was he standing or kneeling?
2		2		Bending
3		3		Bending over. And you said that he reacted towards
4	A Yeah:		war d	isoriemed, took a swing at you?
5	Q in this matter and offering testimony? And	5		Um-h'm.
6	MR. PIKE: May I approach the witness, your Honor?	6	0	LS
7	THE COURT: Yes.	7	4.75	Yo.
0	BY MR. PIKE::	В	ő	- that yes, Fin sorry,
9	Q I was there at the preliminary hearing and a few	9	A	Yes.
10	questions were asked of you at that time.	10	D 993	And you told him to calm down?
11	1세 시 경향 경향하다 시스템 이번 등에 가는 점점 하는 사람들이 되었다면 하는데	11	· ·	Yesh, Yes,
12	O I'm going to show you some testimony that was offered	112		
13		7.00		And did be - and he did calm down?
14		13	A	
15	1000	14		And you were going in there trying to determine who
15		15	1000000 100 F	ould do next,
17	1	16		Yes.
18	Okay. And does that refresh your recollection?	17	O	And you felt that the appropriate thing was to go
19	A Um-b'm.	18		and call for an ambulance?
	O And at that time, did he appear to be not only	19		Yes.
20	intoxicated but also disoriented as to what was going on?	20	Q	And that was your first present sense objective was
21	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	21	to try a	and get medical help up there —
22	A THE PARTY AND	22		Ycs.
	first walked into that, where was he at in relationship to	23	Q	·· for him, You didn't know if he was alive or dead?
24	Victoria?	24	A	Right.
25	A Down by her feet or her knees bending over.	25	Q	And in going through that, part of what made you for
	Page 246	Ī		Page 247
	ROUGH DRAFT TRANSCRIPT	l		ROUGH DRAFT TRANSCRIPT
22			5406	ate 209 1320
1	that presence sense impression or what you saw or what you	1		No:
3	heard, did you hear Brian talking to Victoria?  A Yes.	2		Didn't try and close any doors on you?
	STACE I	3	٨	War War and a second a second and a second a
4	O And again, what did he say?		Q	Didn't try and shove you out of the apartment?
5	MR. 5MITH: Objection, Judge. Calls for hearsay,	5	A	
6	MR. PIKE: Based upon - it's information that is	6	Q	Other than the swing, he wasn't swearing at you.
7	he's basing his opinion on whether to call for medical help.	7	Wasel I	relling at you? When you come up towards the apartmen
0	Presence sense impression of Brian O'Keele, excited untermee	8	पुराव कर्त	n't hear any yelling or screaming
9	(indisecrnible).	9	A	No
10	MR. SMITH: Well, Judge it's still his statement; and	10	Q.	or lighting or anything at all, did you?
1	it's offered it would we presume it would be offered for	11	A	
4	inc truin	12	0	And then when you left the apartment, Brian didn't
12	THE COURT: I'm going to statain the objection.	23	try and	run not of the approximant?
4	BY MR. PIKE::	14		No.
5	<ul> <li>Without saying what he said — well, without saying</li> </ul>	15	0 1	He didn't try and leave the scene
G	what Brian said, you heard him talking to Victoria?	16	Α Ι	
7	A Yes.	17		He didn't try and break away or leave that apartment
8	Q. And then you went and called for an ambulance. Now,	18		Victoria, did he?
9	the and the entire time that you went up there. Brian didn't	19	A )	A I
a	try and keep you out of the apartment?	20		IR. PIKE: Have I in further questions.
1	A Other than take a swing at me and tell me to get the	21		HE COURT: Any redirect.
2	hell out.	22		등 및 하다. 하나는 사람이 가게 들었다. 하는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들이 되었다.
3	Q Right. Didn't come at you with a weapon?	22	(10)	IR. SMITH: Briefly,
	A No.	550	(250 See	REDIRECT EXAMINATION
*	94 51990	1000		SMITH:
	O Districtor and lock rice?			the contract of the state of th
	Q Didn't try and lock door? Page 748	25	Q I	Mr. Armbnister, how long did it take the police to
5	Page 248 ROUGH DRAFT TRANSCRIPT	23	Q	Page 249 ROUGH DRAFT TRANSCRIPT

f		261	
1	arrive from the time you left the appetment?	1	this matter is finally resolved. Thank you for your time, sir.
2	A It seemed like just a couple minutes.	2	THE WITNESS: All right.
3	4 n-s ii piani) quasa-	] ]	THE COURT: Do we have a winness that will take a
4	A Protty quick	4	short amount of time or —
5	Q Okay, Now, while you were inside the operanent.	5	MR. SMITH: We do senally have a short witness.
6	after Mr. O'Keefe took a swing of you, were you asked to call	6	THE COURT: All right.
7	for medical assistance or anything?	7	MK. PIKE: You're Honor, we'll also relieve this
8	A No.	B	witness from
9	Mark Carrier and the contract of the contract	9	THE COURT: Okay.
10	The state of the s	-0	and the same and property
11	THE COURT OF THE PARTY OF THE PARTY.	11	THE COURT AND LESS.
12	The state of the s	12	MR. PIKE: So this is your all of your
13	Weekles Co. Hall to Hole	13	appearances.
14		14	THE WITNESS: Okay.
15	a Jon 20 Miles City De Mon	15	MR, PIKE: Thomas,
	of time, and you saw him get up from where he was looking at		The second secon
17	and the second of the second and the set & stems out	17	MR. SMITH: State's next witness. Judge, is Jimmy
18	and the profession and a second	18	
19	(20) District	19	THE MARSHAL: Mr. Hothcox, if you'll remain standing
20	The same questions.	20	picase. Raise your right hand and face the clerk.
21	THE COURT. Anything further?	21	JIMMY HATHCOX, PLAINTIFF'S WITNESS, SWORD
23	The state of the s	22	THE CLERK: Please be seated. Will you please state
23	the many that decrease their me lines. Will	23	your name and spell it for the record.
24	Service and American control of the first April 127 April	24	THE WITNESS: Jimmy Hatheox, H-a-t-b-c-o-x.
25	testimony with any other witness involved in this case until	25	THE CLERK: Thank you.
	Puge 250		Page 251
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	THE COURT: Go sheed, Counsel.	918	THE COURT: Record reflect identification of the
2	MR. SMITH: Thunk you, Judge,	2	defendant.
3	DIRECT EXAMINATION	3	MR. SMITH: Thank you, Judge.
1	BY MR. SMITH,	4	BY MR. SMITH:
5	Q Mr. Hatheux, where do you presently reside?	5	Q. And the - you you said his girl friend. Would that
6	A 5001 El Parque, Apuntment 36,	6	be a female occupant?
7	Q How long you been living there?	7	A Yes.
8	A About a year.	8	O Showing you what been admitted as State's Exhibit 4
9	Q Is Apartment 36 next to Apartment 35?	1000	is that a photograph of the female occupant!
O	A Yes.	10	
1	Q Are you familiar with the occupants of Apartment 35	11	Q Let's see if I can focus (indiscernible), is that a
12	back on November 5th, 20082	1.8335	picture of her?
3	Λ Ycs.	13	A Yes, it looks like her.
4	Q And who resided there?	14	Q Now I want to draw your attention, sir. to
5	A Brian O'Keefe and his girffriend.	15	
6	Q Okay, do you see Brian O'Keefe present in court	7,3470	Anything unusual happen?
7	today?	17	A 1 heard some noises over there, and 1 heard a
B	A Yes, Julo.		well, what are you referring to exactly? I mean, I -
9	Q Now, will you identify for the record what he's	19	Q Let's start with the noises. You say you hear noises
0	wearing.	- 210 to C	at 10:00 o'clock p.m.?
1	A Right here.	21	A Yeah. Yeah, I heard I heard noises coming out of
2		25 min c	spartment. I don't remember the exact time. It was around
3	THE WITNESS: Yeah, I see him right here.		there, yeah.
4	MR. PIKE: We'll stipulate to the identity, your	24	P. 1909 (1912 - C. 1904 (1913 )
5	Honor, Thank you.	1000	Q Okay Do you remember writing a handwritten statement?
	Page 252	-	
	ROUGH DRAFT TRANSCRIPT		Page 253
	STATE OF THE PART		ROUGH DRAFT TRANSCRIPT

1	A Uro-Nim.	100210	V 04 (22Wd5)
2		2	
3	porter and age and water	2	Q - and then he goes back into his aparament? Is that
4		3	a yea?
5	Compromised to Acres to and Authority and Company to the Party		A Yes
6	And recommending to write time And he Paul Meeting UDISES	5	Q Did you cominue to hear anything coming from his
7		5	apariment?
ĺ	The state of the s	7	A Yeah, I kept hearing a little bit some noises over
,	The state of the s	8	there.
10	The state of the control of the state of the	9	O Okay. And then at some point you just restified
11		10	Cookie comes out?
12		11	A Cookic apparently had heard the noise from down
13		13	and the same of the same of the same same at the same
14		13	and came out and was yelling call the police. That's when I
15	about 15 retreater face 1 from Control for the probably	14	went nut my from door and looked in, but I didn't go in the
16	A STATE A STATE OF THE PROPERTY OF THE STATE ASSISTED	15	
17	and the state of t	16	Q Okay Now, can you describe that look you saw on the
18		17	defendant !
19	The work had the open which, and I hald	18	A It was a look like I am't never seen on his face
20	and a least track of programs that the month	19	before. A was a -
21		20	Q Ckuy.
22	<b>4</b> 0	21	A scary looking look to me. I just closed the door
23	The second	22	and said it in, you know;
0.7	and the same choice over at the state better Aber	23	Q Okay. Now, ter me ask you this, throughout the time
24	The same and the same and and every same a sook will	24	that they had resided in Apartment No. 35, how many occasions
25	the defendant, Brian O'Keefe -	25	would you say you say Victoria Witmarsh?
l	Page 254		Page 255
	ROUGH BRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1	27 4000000000000000000000000000000000000		Name of the second seco
2	A I've seen them together almost everyday.	1	Q for that a yes "
3	Q Okay. Can you describe her stature, her body composition?	2	A Yes
4	12.445 (1.420 (1.40))	3	Q Fatt sorry, we're recording it
5	A Her size, you mean.  Q Yes, sir	Ī	A Okay, yes, yes,
6		5	<ul> <li>O — so yes, I do that. And your apartment would be</li> </ul>
7	A She was a small girl. Probably around five foot,	6	36.
8	five foot, one, real thin, feat like. Kind of, you know, just	2	Λ Right.
9	small girl.	88	Q This apparation?
	Q Okay. Do you recoll giving a recorded statement to	98	A Right.
10	the police regarding the incidents of that night?	10	Q And evering that — of the everts that we're talking
100	A Yes.	13	about the door was open when you come out and when you heard
12	a tra "on second territor trans 200 M/W	12	the noise on the guard rail out here?
13	actually a finite biny thing?	13	A No, when I heard the noise on the tail, the door was
14	A Yes, she is. Shows a little biny thing, yeah	14	closed. He was going in, and I just opened my door and kind of
15	Q Okay,	15	looked aur, and I saw him, and he saw me, and I just kind of
16	MR. SMITH: No further question, Judge,	16	closed my door and west back in.
17	THE COURT: Cross.	17	O And went in, and then you didn't come back out until
18	CROSS-EXAMINATION	18	you heard Cookie.
19	BY MR. PIKE:	19	A Right.
20	O Good afternoon, sar.	20	O All right, Now, you'd been able to see Mr. O'Keefe
21	A How you doing?	21	and the Victoria coming in and out of the apartment and also.
	Q I'm showing you Defendant's Exhibit No. G, which has	22	you'd seen prior to Victoria maying in there, you saw Brian
22	been admitted into evidence. And do you recognize those	23	with a Chary! Morris. Do you remember Chery!?
23			
23 24	яралияния?	24	& Yes.
23	apadiments? A Um-time		A Yes.
23 24	Apadinsuits?	24	

2 1	represent to you that there are other witnesses that indicated that there was some chairs kind of out on the baleony down towards the end there.  A. Yeah, there were:	Q All right. And you saw the interaction between Victoria and Brian when they'd come up the stairs and go in their apartment, and you'd seen them on their day-to-day
5	Q And the building kind of ends right there -	4 travels to and from their appreciment
6	A Right.	5 A Yes.
7	Q doesn't it?	6 Q During that period of time did they appear to be a 7 couple?
8	A Right.	B A Yes.
9	Q So it's almost like a little patio that has necess	- 3543 MM
10	from your apartment and from Brian and Victoria's apartment?	
11	A Right	11 O She hall moved in?
12	Q And there's chairs out there and you'd seen Brian	12 A Yes.
13 1	there with Churyl, and you'd seen them out there drinking	13 Q And they appeared to be a loveing couple?
14 1	before.	14 A Yes
15	A Right.	15 MR. PIKE: In further questions.
16	Q And when Cheryl moved away did it seem to you that	16 THE COURT: Any further direct?
17 1	Brian's drinking got worse?	17 MR. SMITH: Briefly, Judge
18	A Maybe a link - maybe	16 REDIRECT EXAMINATION
19	MR. SMITH: Judge, I'm going to make an objection.	19 BY MR. SMITTLE
20	I'm going to make an objection to the relevance.	20 Q Mr. Hatheax, year observation of Mr. O'Xeefe that
21	MR. PIKE: Intoxication is at issue in	22 might, would you describe it that in your opinion you though
22	THE COURT: Overrule the objection.	2.2 he was angry at any point?
23 Ę	BY MR. PIKEn	23 A Fle said he had a he had a look on his face that
24	Q Did it appear to you that he had been drinking more?	2.4 might when I looked at him that I back the actually seen on his
25	A Maybe a little bit more, yeals.	25 face before. It tooked - he tooked piss, yeah.
	Page 258	Page 259
	ROUGH DRAFT TRANSCRIPT	ROUGH DRAFT TRANSCRIPT
-		NOBELL DICKET TRANSCRIPT
1	Q Okay,	1 Q Okay
2	MR. SMITH: No further questions.	2 MR. SMITH: No funber questions,
3	THE COURT: Any further cross?	3 THE COURT: Any questions by the jurors? Yes, tente
4	RECROSS-EXAMINATION	<ul> <li>down your question and your juror number, please, Counsel</li> </ul>
	BY MR. PIKE <del></del>	5 approach
6	Q Prior to the time that you heard Cookie yelling, you	6 (Off-record bench conference)
	lidn't hear noise for like an hour?	7 THE COURT: Ladies and gentlemen. I had mentioned
8	A Well, did I hear noise, yeah, before I heard Cookie	8 before that certain questions would be reviewed by the Court as
	relling, yes.	9 well as the attorneys, and we're madegally able to ask this.
.c	Q But was it for a short period of time or for a longer	10 particular question. All right, thank you sir, for your time.
	eriod of time?	11 You're instructed not to discuss your testimony today with any
.2	A What do you mean!	12 other witness involved in this case until this matter is
3	Q About how long did it last? Maybe ten minutes?	11 finally resolved. Thank you for your time, sir,
	daybe five minutes? Maybe as hour?	14 THE WITNESS: Thank you.
5	A Well, the first noises I heard probably lasted 20	15 THE COURT: All right, Indies and genslemen, it's
	minute or so, you know, on and off,	16 just six minutes after 5.00. We're going in end - we're going
7	MR. PIKE: No further questions.	1.7 to take a recess for the evening at this point. Every marriage
9	MR. SMITH: Just briefly.	16 There a motion calcadar. Tomorrow there a criminal calcadar.
	THE COURT: Yes.	19 and Mendays and Wednesdays are my civil calendar. Tuesday.
0 • Ta	FURTHER REDIRECT EXAMINATION	20 Thursdays are my criminal eatendar. And I should be done about
200	IY MR. SMITH.:	21 9:15. I just got to sort of change gears here before we man
2 3 cl	O And, sir, I just want to make sure the record's	22 the trial. So if we can have everyone back at 9:30.
	lear. It's your testimony that the noises began, to your	23 Sometimes cases go a finite bit longer, but we
, c	eollection, approximately 10:00 o'clock p.m.?	
4 70	the state of the s	* a reserve in year brombits at 8/10 pm probe prife wake not rule
4 20	A Yes. sir.	<ul> <li>24 endeavor to start promptly at 9:30, but hopefully we're not any</li> <li>25 fater than 9:30. But please bear with us if we're a few</li> </ul>
4 zc	A Yes. sir. Page 760 ROUGH DRAFT TRANSCRIPT	25 fater than 9:30. But please bear with us if we're a few fage 261

t		27	
1	minutes late becomes like I said, I have about 19 matters I		C jury.
. 2			1 T T T T T T T T T T T T T T T T T T T
3		2 18	The state of the s
•	So we'll you back at 9:30. During this evening	1	1 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
9	: [발생시	1	
6	anyone else on any subject connected with the trial or to read.	6	7777777
7		1	1114 CODILL - 110hosen 351
8	with anyone cise on any subject connected with the trial or to		Transaction Laboration
9		1122	The Cook ). Lo you make an objection to that one?
10		9	The same was the same that the separate
11		10	the period of th
12		3.	Samuel and the state of Mills
13		13	The war are a starting of
14	And a part of the state of the	1.	the street of th
15	The state of the s	14	THE COURT HAM SIZ.
35	The state of the state of the state of 3.30 southful the tribitling	13	the state of the s
16	toward out becomes or say John 1	16	photograph with bruising on the left arm in relationship to th
17	(Sin: miland we seed to seat to be fold I leave	15	case. It - again, the bruising, as I've indicated, the doctor
18		18	testified at the time of the preliminary hearing, was
19	was constant. Should we restolve the busines occared to	19	
20	A PART OF THE PROPERTY OF CAMPE ME INTRODUCE A MUNICIPAL AND	20	contemporaneous with or associated with this event.
21	Service and the State Street of	21	THE COURT: All right, Mr. Smith.
22	the court of the land lines busines and the fell fell?	22	
23	- you know what, let's - can you guys stick around for a few	23	
24	The state of the product of the product that are in	24	
25	dispute? For the record, we're outside the presence of the	25	who suffers from circlosis, granted they may bruise easier the
	Page 262	0.0757	
	ROUGH DRAFT TRANSCRIPT		Page 263
_	ACCENT PRAFF (RANGERIP)	163	ROUGH DRAFT TRANSCRIPT
1	a person who does not suffer from circhosis. That being said.	1	on wells. Hut as far us physical abercation, we don't have
2	tray argument based on that would go to the weight of that	2	any evidence of that yet. Just load noises.
1	evidence and not the admissibility, especially when now we have	13	THE COURT: You're saying you object to all which
4	evidence that there was a struggle this took place in this	4	would be 32 through 38
5	apartment for at least an hour. We should be able to put in	5	MR, PIKE: It's assensibly all of them.
6	these pictures that corroborate our theory of the case that	6	MR. SMITH: All much them
7	this was not just simply the defendant stabbing her in a fit of	7	
8	- or at a swiden heat of the moment or that this was a quick		MR. PIKE: All of them.
9	incident, but rather that this was a long drown out affair.		THE COURT: Okay, Well, I think I'll just hear from
10		1	the medical examiner. You can just show the photographs before
	helps to counter any claim that the defendant is going to make	113	they're — you know, before you show them to the jury and then
12	that this was self-defense.		sec if she - you know, that they can store this is strictly
13			related to a medical condition. I many, in and of itself or if
841	The state of the state of the state of the state of	13	this is consistent with someone being grabbed or punched or
	that although someone can bruise easier that this is	14	pushed, et cerera.
6	specifically related to ciphesis of the liver only?	15	MR. SMITH: Well, is what she's going to say is that
	NIR. PIKE: It - she just testified that circles is of	15	it could be consistent with a person being battered, you but it
1	the fiver would cause someone to bruise more easily. If the	17	could also be consistent with a person brutsing easier due to
	Court's concerned about whether or not these could be fied into	18	them having —
	this event, then Lithink that at the time that the ME comes in:	15	THE COURT: Okay.
0	there should be a proffer with her present as to whether or not	20	MR. SMITH: cirrhosis. So means the threshold of
	she can identify the time frame us to this,	23	its admissibility, and it would just it's the Stare's
2	Insofar as a stroggle that has been suggested, there	22	position that it would fall on Mr. Pike and Ms. Palm to argue
3	is nothing in the photographs of the apartment to show that	23	the weight of that evidence
	anything is disturbed, that there was anything to indicase that	24	THE COURT: Right.
5	there was a light, anything other than slammed doors, banging	25	MR. SMITH: but not the admissibility itself.
	Page 264	26	Page 265
	ROUGH DRAFT TRANSCRIPT		notion and the second

ROUGH DRAFT TRANSCRIPT

1		1	
1	THE COURT: Well right now I'm just not - I'm not	1	MR. SMITH: - of the
2	admining the evidence —	2	MR. PIKE: There's some that have blood on the the
1	MR. SMITH: Okay.	3	bruising on her body can be shown without showing the crust
4	THE COURT: because we need to have	4	body laid our on the gamey, so -
5	MR. SMITH: Sure.	5	THE COURT: Well, I haven't seen a quote, gruesome
6	THE COURT: the foundation.	6	photograph yet. Do you have is it in this stack? I've gone
7	MR, SMITH: Well, we wouldn't show it to any -	7	through all the stacks, and all the other ones just show
8	THE COURT: Right.	9	bruising. And this is in No. 60?
9	MR. SMITH: - of these witnesses.	1 9	MR. SMITH: Judge, that's not too gruesome. I've
10	THE COURT: Okay.	10	certainly seen worse.
11	MR. SMITH: It would be the coroner.	111	MR. PIKE: Well, we're in a horrible profession to
12		12	say what is gruesome and what isn't.
13	MR. PIKE: But the remainder of the phinographs of	13	
14		14	THE COURT: We had a bad one in a civil case couple weeks back, so —
15	THE COURT: Okay, let's go over those, then, 44,	27,000	
16	MR. PfKE: It's the some thing, your Honer, the	15	MR PIKE: Oh, okay.
17		16	THE COURT: Now, I mean, I'm just - like I say, I'm
18		17	going to wait for the medical examiner. But No. 60 just does
19	THE COURT: Is this strictly the bruising objection versus any other objection that as long as it's related to —	18	not seem overly grussome. I mean, it's -
20	MR. PIKE: Right.	19	MR. PIKE: And I'm just - and out of an abundance of
21		20	courion, just so long as they bear they can meet the
22	THE COURT: Well, we'll see what the medical examiner	21	threshold that they show relevant injuries that are potentially
500	has to say. I thought there were some photographs that someone	22	relevant to this case. And Counsel's correctly stated the
23	may have said was overly grossome or -	23	burden that he has, and we can - we'll address that with the
24	MR. SMITH: Yeals, are you talking about the one -	24	coroner
43		25	THE COURT: All right
	Page 166	l	Page 267
	ROUGH DRAFT TRANSCRIPT		ROUGH DRAFT TRANSCRIPT
1-	MR. PIKE: - when she testifies		
2	THE COURT: There's really nothing I can do right at		
3	this point until we hear the coroner. Anything else?	Ī	
	MR. PIKE: The remainder of the photographs can be	1	
5	admired other than	l	
6	THE COURT: Okay,	l	
7	MR. PIKE: - the State's	l	
B	223 CHARACE SA 100 CHARACE SA	l	
100	THE COURT: Can you tell the clerk which numbers so she knows.		
10			
11	MS. PALM: Did you guys look at ours?  MR. SMITH: No.		
12			
13	THE COURT: All right.		
14	MS. PALM: (Indiscernible).		
	THE COURT: Yeah, we're off the record.		
15	(Coun recessed at 5:15 p.m., until	l.	
16	Tuesday, March 17, 2009)		
7			
8			
9			
2 1			
1	i i		
12			
11			
11			
20 22 23 24 25	Page 268 ROUGH DRAFT TRANSCRIPT		