

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

---

**No. 69139**

Electronically Filed  
Jun 22 2016 02:59 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**GENARO PERRY**  
Appellant,

vs.

**STATE OF NEVADA**  
Respondent.

---

Appeal from a Judgment of Conviction

Eight Judicial District Court, Clark County

The Honorable Elissa F. Cadish, District Court

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**AMENDED APPENDIX  
VOLUME I**

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TRAVIS E. SHETLER, ESQ.  
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Nevada Bar No. 004747  
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Counsel for Appellant  
GENARO PERRY

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DEPARTMENT 6  
**CASE SUMMARY**  
CASE NO. C-14-298879-1

State of Nevada  
vs  
Genaro Perry

§	Location:	Department 6
§	Judicial Officer:	Cadish, Elissa F.
§	Filed on:	06/19/2014
§	Cross-Reference Case	C298879
§	Number:	
§	Defendant's Scope ID #:	1456173
§	ITAG Booking Number:	1400025770
§	ITAG Case ID:	1599129
§	Lower Court Case # Root:	14F07966
§	Lower Court Case Number:	14F07966X

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY WITH USE OF A DEADLY WEAPON	F	05/01/2014		
2. FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON	F	05/01/2014	Case Flags:	Bail Set
3. GRAND LARCENY AUTO	F	05/01/2014		Appealed to Supreme Court
4. ASSAULT WITH A DEADLY WEAPON	F	05/01/2014		Custody Status - In Custody
5. COERCION	F	05/01/2014		Charge Description Updated
6. BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE	F	05/01/2014		In Custody - CCDC
7. PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION	F	05/01/2014		

DATE

CASE ASSIGNMENT

<b>Current Case Assignment</b>	
Case Number	C-14-298879-1
Court	Department 6
Date Assigned	06/19/2014
Judicial Officer	Cadish, Elissa F.

PARTY INFORMATION

Defendant	Perry, Genaro Richard	<i>Lead Attorneys</i> Shetler, Travis E <i>Retained</i> 702-866-0091(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)
















DATE

EVENTS & ORDERS OF THE COURT

















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06/19/2014	Criminal Bindover <i>Criminal Bindover</i>
06/25/2014	Information <i>Information</i>
06/25/2014	Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
06/26/2014	Initial Arraignment (1:00 PM) (Judicial Officer: De La Garza, Melissa)













DEPARTMENT 6  
**CASE SUMMARY**  
CASE NO. C-14-298879-1

06/29/2014	 Reporters Transcript <i>Reporter's Transcript of Waiver of Preliminary Hearing 06-19-14</i>
07/03/2014	 Supplemental Witness List <i>Supplemental Notice of Expert Witnesses</i>
07/03/2014	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
07/09/2014	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
07/21/2014	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
07/28/2014	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
09/22/2014	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
09/23/2014	 Stipulation and Order <i>Stipulation and Order to Continue Trial</i>
09/29/2014	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
10/16/2014	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
10/16/2014	 Order to Release Medical Records <i>Order Releasing Medical Records</i>
10/17/2014	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
10/17/2014	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
10/17/2014	 Order to Release Medical Records <i>Order Releasing Medical Records</i>
10/17/2014	 Order to Release Medical Records <i>Order Releasing Medical Records</i>
11/24/2014	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
12/01/2014	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
01/08/2015	 Supplemental Witness List <i>Supplemental Notice of Witnesses</i>

DEPARTMENT 6  
**CASE SUMMARY**  
CASE NO. C-14-298879-1

02/09/2015	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
02/17/2015	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
02/18/2015	 Status Check (8:30 AM) (Judicial Officer: Cadish, Elissa F.) 02/18/2015, 02/23/2015 <i>Status Check Negotiations</i>
04/27/2015	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.) 04/27/2015, 04/29/2015
05/04/2015	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
05/06/2015	 Jury Trial (1:30 PM) (Judicial Officer: Cadish, Elissa F.) 05/06/2015-05/07/2015
05/14/2015	 Supplemental Witness List <i>Second Supplemental Notice of Expert Witnesses</i>
06/15/2015	 Motion <i>Motion to Admit Evidence Pursuant to NRS 48.045</i>
07/01/2015	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
07/01/2015	 Order <i>Order Releasing Medical Records</i>
07/01/2015	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
07/01/2015	 Order <i>Order Releasing Medical Records</i>
07/01/2015	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
07/01/2015	 Order <i>Order Releasing Medical Records</i>
07/01/2015	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
07/01/2015	 Order <i>Order Releasing Medical Records</i>
07/01/2015	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
07/01/2015	 Order

DEPARTMENT 6  
**CASE SUMMARY**  
CASE NO. C-14-298879-1

	<i>Order Releasing Medical Records</i>
07/01/2015	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
07/01/2015	 Order <i>Order Releasing Medical Records</i>
07/20/2015	 Opposition <i>State's Opposition to Defendant's Motion to Admit Evidence Pursuant to NRS 48.045</i>
08/05/2015	 Notice of Motion <i>State's Notice of Motion and Motion to Admit Evidence Pursuant to NRS 48.045</i>
08/11/2015	 Opposition to Motion <i>Opposition to State's Motion to Admit Evidence Pursuant to NRS 48.045</i>
08/31/2015	 Motion to Admit Evidence (8:30 AM) (Judicial Officer: Cadish, Elissa F.) 08/31/2015, 09/17/2015 <i>Motion to Admit Evidence Pursuant to NRS 48.045</i>
09/17/2015	Petrocelli Hearing (8:30 AM) (Judicial Officer: Cadish, Elissa F.)
09/17/2015	All Pending Motions (8:30 AM) (Judicial Officer: Cadish, Elissa F.)
09/21/2015	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
09/28/2015	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated - per Judge</i>
09/29/2015	 Bench Trial (1:30 PM) (Judicial Officer: Cadish, Elissa F.) 09/29/2015-10/01/2015
10/01/2015	 Verdict
10/01/2015	 Stipulation and Order Filed by: Plaintiff State of Nevada <i>Stipulation and Order</i>
10/01/2015	 Instructions to the Jury
11/04/2015	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
11/16/2015	Sentencing (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2014

C-14-298879-1      State of Nevada  
vs  
Genaro Perry

June 26, 2014      1:00 PM      Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Dania Batiste  
Deborah Miller

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Perry, Genaro Richard	Defendant
	Roberts, Tara M.	Attorney
	Smillie, Ross	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. PERRY ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY (COC)

7/21/2014 9:30 A.M. Calendar Call (Dept. 6)  
7/28/2014 10:00 A.M. Jury Trial (Dept. 6)

PRINT DATE: 11/06/2015

Page 1 of 21

Minutes Date: June 26, 2014

FILED IN OPEN  
COURT ON

6-2-14

1711  
Court Clerk

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GENARO RICHARD PERRY #1456173,

Defendant.

CASE NO: 14F07966X

DEPT NO: 10

AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - 50138); FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.460 - 50185); GRAND LARCENY AUTO (Category B Felony - NRS 205.228.2 - 56011); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - 50201); COERCION (Category B Felony - NRS 207.190 - 53159); BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481; 200.485; 33.018 - 57937) and PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION (Category D Felony - NRS 199.305 - 52996), in the manner following, to-wit: That the said Defendant, on or about the 1st day of May, 2014, at and within the County of Clark, State of Nevada,

COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously take personal property, to-wit: car keys and/or cellular telephone, from the person of CORLA CARPENTER, or in her presence, by means of force or violence, or fear of injury to, and without the consent and against the will of the said CORLA CARPENTER, with use of a deadly weapon, to-wit: a knife.

COUNT 2 - FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON

did then and there wilfully and unlawfully confine and detain, without sufficient legal



1 authority, the personal liberty of another, to-wit: CORLA CARPENTER, with use of a deadly  
2 weapon, to-wit: a knife, by battering the said CORLA CARPENTER and threatening her by  
3 said knife and refusing to allow her to leave.

4 COUNT 3 - GRAND LARCENY AUTO *A-40*

5 did then and there wilfully, unlawfully, feloniously, and intentionally, with intent to  
6 deprive the owner permanently thereof, steal, take and carry away, drive away or otherwise  
7 remove a motor vehicle owned by another person, having a value of \$3,500.00, or greater, in  
8 the possession of CORLA CARPENTER, to-wit: a 1999 Mercedes CLK 430, bearing Nevada  
9 License No. 617LTU.

10 COUNT 4 - ASSAULT WITH A DEADLY WEAPON *1-6*

11 did then and there wilfully, unlawfully, feloniously and intentionally place another  
12 person in reasonable apprehension of immediate bodily harm and/or did wilfully and  
13 unlawfully attempt to use physical force against another person, to-wit: CORLA  
14 CARPENTER, with use of a deadly weapon, to-wit: a knife, by threatening to kill the said  
15 CORLA CARPENTER while holding said knife and/or by slashing at/towards her with said  
16 knife and/or by holding said knife to her throat.

17 COUNT 5 - COERCION *1-6*

18 did then and there wilfully, unlawfully, and feloniously use physical force, or the  
19 immediate threat of such force, against CORLA CARPENTER, with intent to compel her to  
20 do, or abstain from doing, an act which she had a right to do, or abstain from doing, by  
21 throwing the telephone belonging to the said CORLA CARPENTER against the wall and/or  
22 into the toilet to prevent her from calling the police and/or by not allowing her to leave the  
23 residence.

24 COUNT 6 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM *1-5*  
25 CONSTITUTING DOMESTIC VIOLENCE

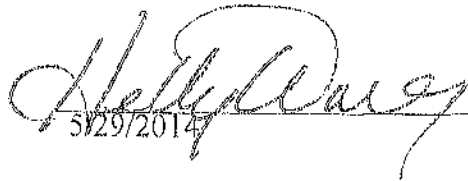
26 did then and there wilfully, unlawfully, and feloniously use force or violence upon the  
27 person of his spouse, former spouse, or any other person to whom he is related by blood or  
28 marriage, a person with whom he is or was actually residing, a person with whom he has had

1 or is having a dating relationship, a person with whom he has a child in common, the minor  
2 child of any of those persons or his minor child, to-wit: CORLA CARPENTER, by grabbing  
3 the said CORLA CARPENTER and striking her head against/into the floor and/or by kicking  
4 her repeatedly in the face, resulting in substantial bodily harm to the said CORLA  
5 CARPENTER.

6 COUNT 7 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM  
7 REPORTING CRIME OR COMMENCING PROSECUTION

8 did then and there wilfully, unlawfully, and feloniously, by intimidation or threats,  
9 prevent or dissuade, or hinder or delay CORLA CARPENTER, from reporting a crime to the  
10 police by threatening to kill the said CORLA CARPENTER and her husband if she called the  
11 police.

12 All of which is contrary to the form, force and effect of Statutes in such cases made and  
13 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
14 this declaration subject to the penalty of perjury.

15  
16   
17 5/29/2014

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25  
26 14F07966X/td/dvu  
27 LVMPD EV# 1405011127;  
28 1312092558  
(TK14)

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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF NEVADA intends to call the following witnesses:

### ADDRESS

Communication Bureau  
Law Enforcement Agency - Clark County,  
Nevada

DATED May 29, 2014.

1 TPAN  
2 CASE NO. C140379  
3  
4 IN THE JUSTICE'S COURT OF LAS VEGAS TOWNSHIP  
5  
6 COUNTY OF CLARK, STATE OF NEVADA  
7  
8 STATE OF NEVADA,  
9 Plaintiff,  
10 vs. CASE NO. 14F07966X  
11 GENARO RICARDO PERRY,  
12 Defendant.

13  
14 REPORTER'S TRANSCRIPT  
15 OF  
16 WAIVER OF PRELIMINARY HEARING  
17 BEFORE THE HONORABLE MELANIE ANDRESS-TOBIASSON  
18 JUSTICE OF THE PEACE  
19 THURSDAY, JUNE 19, 2014  
20  
21 APPEARANCES:  
22 For the State: JEFFREY ROGAN  
23 Deputy District Attorney  
24 For the Defendant: ROSS SMILLIE  
25 Attorney at Law  
Reported by: Donna J. McCord, CCR #337

1 LAS VEGAS, NEVADA, JUNE 19, 2014, 10:00 A.M.

2  
3  
4  
5 THE COURT: 14F07966X, Genaro Perry. He  
6 is present in custody with Mr. Smillie.

7 MR. SMILLIE: Good morning, your Honor.

8 THE COURT: Good morning. What's the  
9 status?

10 MR. SMILLIE: We want to waive prelim and  
11 get an arraignment date.

12 THE COURT: So you're waiving the prelim  
13 unconditionally without negotiations?

14 MR. SMILLIE: There were negotiations but  
15 they have fallen through.

16 THE COURT: Okay. So it's an  
17 unconditional waiver without negotiations at this  
18 point?

19 MR. ROGAN: That's correct.

20 THE COURT: All right. So, sir, do you  
21 understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: All right. You've discussed  
24 that with your attorney?

25 THE DEFENDANT: Absolutely.

1 THE COURT: Do you understand when you  
2 unconditionally waive your right to a preliminary  
3 hearing you're giving up that right forever?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: At a preliminary hearing you  
6 would have the right to confront the State's  
7 witnesses. You'd also have the right to testify and  
8 present your own evidence. You're giving up those  
9 rights as well; do you understand?

10 (At this time, Mr. Smillie consulted  
11 with the defendant.)

12 THE COURT: Not forever, just at a  
13 preliminary hearing.

14 THE DEFENDANT: Oh, yes, ma'am.

15 THE COURT: All right. When you get up to  
16 District Court one of two things will happen, this  
17 case will either get negotiated or it will go to  
18 trial, it just won't come back here for a  
19 preliminary hearing; do you understand?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: All right. It appears to me  
22 from the complaint on file that crimes have been  
23 committed, to-wit: Count 1, robbery with use of a  
24 deadly weapon; Count 2, false imprisonment with use  
25 of a deadly weapon; Count 3, grand larceny auto;

1 Count 4, assault with a deadly weapon; Count 5,  
2 coercion; Count 6, battery resulting in substantial  
3 bodily harm constituting domestic violence; and  
4 Count 7, preventing or dissuading a witness or  
5 victim from reporting crime or commencing  
6 prosecution, and the defendant having  
7 unconditionally waived his right to a preliminary  
8 hearing, I hereby order said defendant be held to  
9 answer to said charges in the Eighth Judicial  
10 District Court, County of Clark, State of Nevada at  
11 the following date and time.

12 THE CLERK: June 26th, 1:00 p.m.

13 THE COURT: You will be remanded on Counts  
14 6 and 7 but the bail won't change, it will just stay  
15 the amount it is now.

16  
17  
18 Attest: Full, true, accurate transcript of  
19 proceedings.

20  
21 /s/ Donna J. McCord  
22 DONNA J. MCCORD, Reporter  
23  
24  
25

Electronically Filed  
06/26/2014 09:15:00 AM

  
CLERK OF THE COURT

INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ROBERT STEPHENS  
Deputy District Attorney  
Nevada Bar #011286  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

I.A. 06/26/14  
1:00 PM  
T. SHETLER

THE STATE OF NEVADA,  
Plaintiff,

CASE NO: C-14-298879-1

-vs-

DEPT NO: VI

GENARO RICHARD PERRY,  
#1456173,  
Defendant.

INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That GENARO RICHARD PERRY, the Defendant(s) above named, having committed the crimes of ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.460 - NOC 50185); GRAND LARCENY AUTO (Category B Felony - NRS 205.228.3 - NOC 56014); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); COERCION (Category B Felony - NRS 207.190 - NOC 53159); BATTERY RESULTING IN SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 57937) and PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING

1 CRIME OR COMMENCING PROSECUTION (Category D Felony - NRS 199.305 -  
2 NOC 52996), on or about the 1st day of May, 2014, within the County of Clark, State of  
3 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,  
4 and against the peace and dignity of the State of Nevada,

5 COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
7 car keys and/or cellular telephone, from the person of CORLA CARPENTER, or in her  
8 presence, by means of force or violence, or fear of injury to, and without the consent and  
9 against the will of the said CORLA CARPENTER, with use of a deadly weapon, to-wit: a  
10 knife.

11 COUNT 2 - FALSE IMPRISONMENT WITH USE OF A DEADLY WEAPON

12 did then and there wilfully and unlawfully confine and detain, without sufficient legal  
13 authority, the personal liberty of another, to-wit: CORLA CARPENTER, with use of a deadly  
14 weapon, to-wit: a knife, by battering the said CORLA CARPENTER and threatening her by  
15 said knife and refusing to allow her to leave.

16 COUNT 3 - GRAND LARCENY AUTO

17 did then and there wilfully, unlawfully, feloniously, and intentionally, with intent to  
18 deprive the owner permanently thereof, steal, take and carry away, drive away or otherwise  
19 remove a motor vehicle owned by another person, having a value of \$3,500.00, or greater, in  
20 the possession of CORLA CARPENTER, to-wit: a 1999 Mercedes CLK 430, bearing Nevada  
21 License No. 617LTU.

22 COUNT 4 - ASSAULT WITH A DEADLY WEAPON

23 did then and there wilfully, unlawfully, feloniously and intentionally place another  
24 person in reasonable apprehension of immediate bodily harm and/or did wilfully and  
25 unlawfully attempt to use physical force against another person, to-wit: CORLA  
26 CARPENTER, with use of a deadly weapon, to-wit: a knife, by threatening to kill the said  
27 CORLA CARPENTER while holding said knife and/or by slashing at/towards her with said  
28 knife and/or by holding said knife to her throat.

1 COUNT 5 - COERCION

2 did then and there wilfully, unlawfully, and feloniously use physical force, or the  
3 immediate threat of such force, against CORLA CARPENTER, with intent to compel her to  
4 do, or abstain from doing, an act which she had a right to do, or abstain from doing, by  
5 throwing the telephone belonging to the said CORLA CARPENTER against the wall and/or  
6 into the toilet to prevent her from calling the police and/or by not allowing her to leave the  
7 residence.

8 COUNT 6 - BATTERY RESULTING IN SUBSTANTIAL BODILY HARM  
9 CONSTITUTING DOMESTIC VIOLENCE

10 did then and there wilfully, unlawfully, and feloniously use force or violence upon the  
11 person of his spouse, former spouse, or any other person to whom he is related by blood or  
12 marriage, a person with whom he is or was actually residing, a person with whom he has had  
13 or is having a dating relationship, a person with whom he has a child in common, the minor  
14 child of any of those persons or his minor child, to-wit: CORLA CARPENTER, by grabbing  
15 the said CORLA CARPENTER and striking her head against/into the floor and/or by kicking  
16 her repeatedly in the face, resulting in substantial bodily harm to the said CORLA  
17 CARPENTER.

18 COUNT 7 - PREVENTING OR DISSUADING WITNESS OR VICTIM FROM  
19 REPORTING CRIME OR COMMENCING PROSECUTION

20 did then and there wilfully, unlawfully, and feloniously, by intimidation or threats,  
21 prevent or dissuade, or hinder or delay CORLA CARPENTER, from reporting a crime to the

22 ///

23 ///

24 ///

25 ///

26 ///

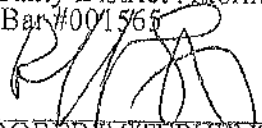
27 ///

28 ///

1 police by threatening to kill the said CORLA CARPENTER and her husband if she called the  
2 police.

3 STEVEN B. WOLFSON  
4 Clark County District Attorney  
5 Nevada Bar #001565

6 BY

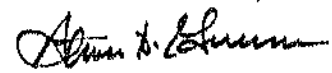
  
7 ROBERT STEPHENS  
8 Deputy District Attorney  
9 Nevada Bar #011286

10 Names of witnesses known to the District Attorney's Office at the time of filing this  
11 Information are as follows:

12	<u>NAME</u>	<u>ADDRESS</u>
13	BRAGG, ALMEDIA M.	LVMPD #4150
14	CARPENTER, CORLA	C/O DISTRICT ATTORNEY'S OFFICE
15	CUSTODIAN OF RECORDS	CCDC
16	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
17	CUSTODIAN OF RECORDS	LVMPD RECORDS
18	MASTER, GEORGE TIMOTHY	LVMPD #5658
19	MARRIOTT, DEBORAH	District Attorney Investigator
20	PATTERSON, DEBRA	District Attorney Process Server

21  
22  
23  
24  
25  
26  
27 DA#14F07966X/td/dvu  
28 LVMPD EV#1405011127; 1312092558  
(TK14)





CLERK OF THE COURT

1 RTRAN

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 GENARO PERRY,

12 Defendant.  
13  
14

) CASE #: C298879-1

) DEPT. VI  
15

16 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE

17 WEDNESDAY, MAY 6, 2015

18 **RECORDER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
19 **JURY TRIAL - DAY 1**

20 APPEARANCES:

21 For the State:

MICHELLE SUDANO, ESQ.  
COLLEEN BAHARAV, ESQ.  
Deputy District Attorneys

22  
23 For the Defendant:

TRAVIS S. SHETLER, ESQ.

24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 WEDNESDAY, MAY 6, 2015 AT 1:52 P.M.

2  
3 [Outside the presence of the prospective jury panel]

4 THE COURT: All right, folks. Go ahead and state your appearances for the  
5 record.

6 MS. BAHARAV: Colleen Baharav, bar number 1177 and Michelle Sudano,  
7 bar number 13260 on behalf of the State.

8 MR. SHETLER: Good afternoon, Your Honor. I'm Travis Shetler, 4747, on  
9 behalf of Genaro Perry who is present in custody.

10 THE COURT: Okay. So, I appreciate you putting over the start of the trial till  
11 today from yesterday because of some unexpected issues I had to deal with  
12 yesterday and for the late start now. Apparently we're having some technical  
13 difficulties with the recorder's computer.

14 Now I need to make sure this happens. So, in terms of scheduling, I  
15 had as I normally do an evidentiary hearing set for tomorrow morning. Usually that's  
16 what I do Thursday mornings although we were just told a little while ago that the  
17 attorney on that case seems to think that that evidentiary hearing will take like  
18 several hours. And so given where we are on this trial and a couple other issues,  
19 I'm getting that hearing ready. I'm going to end up pushing that hearing off to  
20 another day. It's on a habeas petition, a post-conviction habeas, and so there was  
21 just no way to do it all. So, I'm going to have to put that one off which means on the  
22 good side for you guys that I'm free all tomorrow morning. So, I was -- and I don't  
23 know what your schedules are like; I don't know how far hopefully we can get jury  
24 selection done, but maybe we could start at nine tomorrow morning if that works for  
25 you. I don't know what your --

1 MR. SHETLER: I was just, with the Court's indulgence, I can check the DV  
2 calendar on a contract attorney down there and Ms. Baharav has one case, she  
3 thinks.

4 MS. BAHARAV: Yes. Mine should not be that big a deal though. So, I can  
5 always give mine to somebody else. But I know that Travis or Mr. Shetler is in  
6 charge of his track in domestic violence and tomorrow is his day. So, I'm not sure if  
7 there's anything for him there.

8 THE COURT: Okay. Well obviously if you've got those issues we'll work  
9 around them. I'm trying to make sure we're able to get the trial done.

10 MR. SHETLER: Right.

11 MS. BAHARAV: And, Your Honor, we've -- in that vein, we have had some  
12 communications about making sure we're finished on Friday. Mr. Shetler has a trial  
13 that's supposed to start on Monday next week --

14 THE COURT: Right.

15 MS. BAHARAV: -- which is pretty important as well as this.

16 THE COURT: That's what I gather.

17 MS. BAHARAV: Right. And so the State in this trial is making every effort  
18 that we can to accommodate that particular trial schedule. So, we've already had  
19 some discussions about potentially stipulating to some medical records in lieu of a  
20 doctor's testimony on Friday. We're hoping that we won't get there, but if that's what  
21 has to happen then we'll resolve it.

22 THE COURT: The doctor's testimony you mean?

23 MS. BAHARAV: Yes. We are anticipating having a doctor testify at 11 a.m.  
24 on Friday. It looks like we won't -- if having that person testify will result in us  
25 moving the trial into Monday we -- between counsel and the State have discussed

1 potentially stipulating to admission of medical records in lieu of live testimony. I'm  
2 including some documentation from the Defense expert as well. So, we'll address  
3 that tomorrow depending on where we are per the Court.

4 THE COURT: Okay. Thanks.

5 MR. SHETLER: I do have -- it looks like there are two prelims and some  
6 status checks. Those are generally relatively quick.

7 THE COURT: Tomorrow?

8 MR. SHETLER: Tomorrow is going to be challenging. The Court knows that  
9 I'm trial for most of the month. So, we'll get it done as quick as we can. The only  
10 other concern I have is we have calendar call for overflow, but myself and Mr.  
11 Stevens had that Friday morning on the case for next week. That should be  
12 relatively quick, but it's early on Friday.

13 THE COURT: Right, right. That's at 8:30.

14 MR. SHETLER: You're correct, Your Honor.

15 MS. BAHARAV: Yes, with Judge Barker.

16 THE COURT: So, what are you looking at tomorrow -- so would those  
17 matters that you have tomorrow, what time realistically do you think we can start?

18 MR. SHETLER: Justice Tobiasson, I believe, is still out and so that can  
19 sometimes slow down the calendar a little bit.

20 THE COURT: Right. So, you got to pro tem?

21 MR. SHETLER: Right. They do try to keep it somewhat consistently for each  
22 week. And so I'll just push and depending on how long my people have been in  
23 custody that's where I run into the biggest rub.

24 MS. BAHARAV: Do you think eleven would be too soon?

25 MR. SHETLER: I would certainly think that by eleven we would if not be

1 ready. I would know if I was going to have prelims by eleven -- I'm sorry Judge -- I  
2 had two lawyers. I just don't anymore.

3 THE COURT: Okay. So, I mean, I just -- I need to put it on calendar for  
4 sometime tomorrow.

5 MR. SHETLER: If we said eleven do you think that's reasonable.

6 THE COURT: Eleven? Well that would give time for them to deal with the  
7 technical issues in the morning. I mean, as long -- I mean, you guys know the case.  
8 I don't know the case.

9 MR. SHETLER: Colleen's been there a million times two -- excuse me -- Ms.  
10 Baharav.

11 MS. BAHARAV: How many -- you said you have two prelims?

12 MR. SHETLER: Two separate clients, one has two cases.

13 MS. BAHARAV: Okay. Your Honor, when we're finished today -- or actually I  
14 can text the person who is handling the calendar tomorrow and to see if we have  
15 something in returns for his clients for tomorrow. That will obviously speed up the  
16 process if we're not able to proceed. So, I'll communicate with my team to make  
17 sure right now what the timing is for that, but I think eleven would be a good  
18 conservative estimate for tomorrow if that's okay with the Court.

19 MR. SHETLER: And certainly if I've got some earlier indication which we may  
20 have; I can get word to chambers. But it doesn't help --

21 THE COURT: Right, right.

22 MR. SHETLER: -- for the jury, yeah.

23 THE COURT: Right. We need to -- I need to put it on calendar for a certain  
24 time. Obviously by the end of the day we'll need to let the jurors know what time  
25 they're coming back; eleven?

1 MS. BAHARAV: Yes, eleven, Your Honor. And I will communicate with my  
2 team to double check and make sure.

3 THE COURT: So, tomorrow at 11.

4 [Colloquy between the Court and the Court Clerk]

5 MR. SHETLER: There are two -- one other calendaring matter, Your Honor.

6 THE COURT: Okay.

7 MR. SHETLER: It's nobody's problem but my own but there is an open house  
8 Friday starting at four. I can get there -- I hope to get there by five. My daughter is  
9 going to go to a different school next year.

10 THE COURT: Oh, I see for school.

11 MR. SHETLER: Ms. Baharav and I believe that we can have closed and to  
12 the jury by the time so it shouldn't be a problem.

13 THE COURT: Right.

14 MS. BAHARAV: That has to happen so it will happen.

15 THE COURT: Okay then.

16 MR. SHETLER: See, that enthusiasm is what makes going to trial with her  
17 fun.

18 THE COURT: I like that attitude.

19 MR. SHETLER: I do have two other matters regarding objections or pre-trial  
20 issues. I do want to wait until we're done with the jury. I think that's fine, Your  
21 Honor.

22 THE COURT: Are there evidentiary issues?

23 MS. BAHARAV: Concerns about -- Defense counsel raised and we wanted  
24 the Court to have a ruling on prior to the witnesses coming in.

25 THE COURT: Yeah. Why don't we -- we may end up here a little late after

1 five this evening, but why don't we try to get the jurors in and then we can talk after  
2 that. Probably we should try to do that today rather than waiting until eleven  
3 tomorrow.

4 MR. SHETLER: Right.

5 MS. BAHARAV: And, Your Honor, I was going to review the jury instructions  
6 provided by the Defense. The only thing that I saw that was different was the self-  
7 defense instructions. The State has actually provided the total self-defense  
8 instruction packet.

9 THE COURT: Right.

10 MS. BAHARAV: So, if there is evidence of self-defense obviously that will --  
11 those will come in. It's my understanding the remaining jury instructions were the  
12 same as ours. So, jury instructions should also take a short period of time to settle.

13 MR. SHETLER: And it is sometimes possible that in that DV track sometimes  
14 there's a little bit of a gap in there between about 9:15 and 10:15 where if we did  
15 have an evidentiary issue we might be able to pop in here. I don't know how much  
16 the Judge would love that, of course but --

17 THE COURT: I mean, if I'm available I don't mind trying to accommodate.

18 MR. SHETLER: We'll probably get it taken care of this evening. Thank you.

19 THE COURT: And just to add more complication, although it's right here, but  
20 I've got a committee -- I'm the chair of the Bar's Law Related Education committee  
21 and we're having a meeting tomorrow at noon back here in the jury rooms. I don't  
22 have to go far so it's not a huge deal.

23 MR. SHETLER: They did mention that, yes.

24 THE COURT: I'm supposed to be going tomorrow evening to the Federal Bar  
25 Association dinner, you know, right after work. We'll do what we can. Obviously we

1 need to make sure that the case gets the attention it needs --

2 MR. SHETLER: Right.

3 THE COURT: -- while we accommodate all of our schedules, but hopefully  
4 we can do that.

5 MR. SHETLER: That has always been my experience with Ms. Baharav. I  
6 don't think that will be an issue.

7 THE COURT: Great. And now on more mundane matters. With the charges  
8 that we have in this case, it's five preempts each. It's not -- there's no life tail;  
9 correct?

10 MS. BAHARAV: That's correct.

11 THE COURT: Okay. And so I don't think you've tried a case in here before.  
12 So, let's just talk in general terms then. First, throughout the trial including when  
13 you're at the bench, everything that happens in this courtroom is on the record.  
14 Okay. So, when you come up to the bench we put on the white noise to try to  
15 prevent others from hearing and we try to keep our voices down. But having said,  
16 you can't just do little whispers because then it won't be picked up by the mic up  
17 here and we need it to be picked up by the mic here so it's on the record because  
18 I'm not going to later summarize what happened at the bench because it's already  
19 on the record when it happens. So, you kind of need to be loud enough to be heard  
20 by the mic but not so loud everyone else hears you. And particularly with the two  
21 ladies this may more of an issue as to identify yourself when you're speaking up  
22 here so someone later who wasn't here transcribes it they knew who is talking at  
23 any given time.

24 So, when we do jury selection when we bring in the group of jurors, I  
25 first have the general questions for the whole group. In the course of those general



1 questions, I'll be asked the State to introduce yourselves, identify witnesses that  
2 may be called and briefly describe the nature of the charges that we're dealing with  
3 in this case. And after that I'll be asking Mr. Shetler to similarly introduce himself  
4 and his client. I don't think you have any independent witnesses.

5 MR. SHETLER: No, not that I'm aware of at this point, Your Honor.

6 THE COURT: Okay. So, we'll do that and I'll talk to them about the expected  
7 length of the trial. I'm going to say that we're going to finish by Friday with trial  
8 although I'm going to just mention to them the possibility that they could have to  
9 come back Monday to deliberate depending on when we finish on Friday so they're  
10 not shocked if that happens and ask about undue burden and all those questions.

11 At the end of the general questions that I ask of the group as a whole,  
12 I'll call you up here to the bench to go over that -- go over the matter so you'll bring  
13 your notes up and we'll go through and anyone that needs to be excused for cause  
14 in my view, we'll then excuse those.

15 We then do individual questioning of the 24 that are shown on the chart  
16 that's been prepared for your convenience. We'll start with Juror number 1. I will  
17 ask Juror number 1 individual questions, then it goes to the State to pass for cause  
18 or ask questions you have for that juror and then to the Defense to ask questions of  
19 that juror. If you have a cause challenge during the course of those questioning, just  
20 ask to approach and we'll address any such challenges up here at the bench so that  
21 the jurors don't hear our discussion about that and then we'll go on. So, your direct  
22 questioning of the jurors is on an individual basis.

23 Once we've passed 24 jurors for cause is when we'll do the peremptory  
24 challenges using the chart that will be prepared. Just so you're aware, when we do  
25 those perempts I'll be excusing the jurors from the courtroom rather than having

1 them sit there uncomfortably while you pass the paper back and forth. So, take  
2 whatever notes you need to take to be able to do your peremptorys without looking at  
3 them. And we also, unless you object now, we also don't pick who of -- alternate  
4 jurors will be. My intention is to select 14 jurors and if we still have more than 12 at  
5 the end then we randomly select which one or two would be the alternates and  
6 would not go back with the other 12. And because of our practice of doing it that  
7 way and having alternates, when you do your peremptorys you'll give five peremptorys to  
8 use anywhere in the list. In other words, rather than four for the petty jury and one  
9 for the peremptorys you'll give to use anywhere in the list of those who have passed for  
10 cause. So, then we'll have -- we will have passed 24 for cause. You'll each get five  
11 peremptorys. That takes it down to the 14 for the trial. Okay. Is that understood?

12 MS. BAHARAV: We have no objection to randomly selecting the alternates,  
13 Your Honor.

14 MR. SHETLER: No, nor do we. Is there -- if we waive a challenge, is it  
15 waived period or --

16 THE COURT: So, when you do the peremptorys if you waive any it doesn't  
17 necessarily waive future challenges. And what happens is so the list goes down the  
18 page of those that we passed for cause. If any of the challenges are waived, then  
19 the first 14 starting at the top that aren't challenged sit as the jurors.

20 MS. BAHARAV: And, Your Honor, does Your Honor have any objection to  
21 Ms. Sudano asking some -- like switching off sometimes for the jurors?

22 THE COURT: No; I mean, you know --

23 MS. BAHARAV: We won't both ask questions. Just that we argue one --

24 THE COURT: But you can alternate, yeah, yeah. I've had people do that  
25 before.

1 MS. BAHARAV: And just to be clear. If you waive one you're not waiving the  
2 rest of them?

3 THE COURT: Right.

4 MR. SHETLER: You're just waiving that individual challenge.

5 MS. BAHARAV: Yes.

6 THE COURT: Right, right. If you waive on number three but then you see  
7 who they do on four and now you want to challenge someone, you still can use the  
8 others. Okay. We'll try to move through this. Just for my benefit although I'm not  
9 going to do a lot of talking about it, so obviously one of the charges is domestic  
10 violence. What is the alleged relationship between the Defendant and the victim?

11 MS. BAHARAV: At the time of the incident they had been broken up but they  
12 were at one point in time boyfriend and girlfriend.

13 THE COURT: Okay All right. Obviously when I ask you to briefly describe  
14 the case just brief neutral description --

15 MS. BAHARAV: Yes, Your Honor.

16 THE COURT: -- not opening statement.

17 MS. BAHARAV: I generally say the State has alleged that on or about this  
18 date the Defendant committed the following crimes and we're going to call these  
19 witnesses.

20 THE COURT: Great. Okay. Do we have the jurors ready, Anthony? Okay.  
21 Let's go ahead and bring 'em in.

22 MR. SHETLER: Your Honor, table, podium, do you have a preference?

23 THE COURT: Either one as long as you're on a mic somewhere because we  
24 are recording. And, right, if you're away from a mic you can get the hand mic to be  
25 picked up. The jury will have the mic so you need to be on a stable one.

1 [Inside the presence of the prospective jury panel]

2 THE COURT: All right. So, good afternoon, everyone. I appreciate your  
3 patience. This is the time set for the trial of case number C298879, the State of  
4 Nevada, plaintiff versus Genaro Richard Perry, the Defendant. The record will  
5 reflect the presence of the Defendant and his counsel, the Deputy District Attorneys  
6 and all officers of the Court. Are the parties ready to proceed?

7 MS. BAHARAV: Yes, Your Honor, the State's ready.

8 MR. SHETLER: Defense is ready, Your Honor.

9 THE COURT: Great. Okay. So, Ladies and gentlemen, you're in  
10 Department 6 of the Eighth Judicial District Court of the state of Nevada. My name  
11 is Elissa Cadish and I'm the presiding judge in this department. Let me take this  
12 opportunity to introduce the Court staff with whom you may be coming into contact  
13 during the course of these proceedings.

14 To my far right is Jessica Kirkpatrick. She is our court recorder. She'll  
15 be making sure everything that is said during the proceedings is recorded so it can  
16 be transcribed later for any appeals or further proceedings. So, it is important when  
17 you speak during these matters that you keep your voice up.

18 To my immediately right is Keith Reed. He is our courtroom clerk. He  
19 swears witnesses, marks exhibits, keeps track of evidence, and prepares minutes or  
20 descriptions of the proceedings for the official record.

21 You've already met Anthony Russo. He is our marshal. He is in charge  
22 of courtroom security and the only person that you may talk directly with during the  
23 trial except of course when we're actually having conversation with you on the  
24 record in open Court.

25 Now at this time does any party wish to present a challenge to the

1 prospective jury panel as a whole?

2 MS. BAHARAV: The State does not.

3 MR. SHETLER: The Defense does not, Your Honor.

4 THE COURT: Thank you. All right. So, Mr. Clerk, please call the roll of the  
5 panel of prospective jurors. When your name is called, please answer present or  
6 here.

7 [The Court Clerk called the roll of the prospective jury panel]

8 THE COURT: Thank you. Is there anyone whose name was not called? No  
9 hands. Okay. Good.

10 So, we're about to begin what's called the voir dire process. That's the  
11 legal term for the process where I and the attorneys can ask you questions bearing  
12 on your ability to serve as fair and impartial jurors in this particular case. At times it  
13 may seem like the questions are kind of personal and it's not that we're trying to  
14 invade your privacy, but sometimes we need to ask questions of that nature to make  
15 sure that you can be fair and impartial in this particular case given the nature of the  
16 nature of the case and the parties who are involved.

17 I'll be asking some general questions of the whole group of you and  
18 then we'll be going individually for the folks up front. But even when we're doing that  
19 I need the folks in the back pay attention because if anyone up front needs to be  
20 excused, we'll be bringing up some of you from the back to replace them. So, it  
21 helps if you pay attention and have an idea of what the questions are during the  
22 course of the process.

23 Now during the whole process, there are two methods by which any of  
24 you may be excused from jury service in this particular case. There's one process  
25 which is for cause which means if any of you can't be fair and impartial in this

1 particular case or for some other reason you cannot serve during the course of this  
2 case, you may be excused for cause. And that's my decision as the Judge.

3           Once we pass enough jurors for cause, at the end the attorneys will be  
4 allowed to exercise what are called peremptory challenges; that is, there are a  
5 certain number of challenges that they get by statute where they can excuse a  
6 certain number of jurors without giving any particular reason. Please don't be  
7 offended if you're excused using either of these challenge procedures. It's just part  
8 of the process designed to ensure a fair trial for everybody involved.

9           Now this process of the questioning is done under oath. So would you  
10 all please stand and raise your right hand so the clerk can administer the oath.

11                       [The jury panel is sworn in by the Clerk]

12           THE COURT: Okay. Before we get too far into the process, let me just ask,  
13 do any of you have difficulty understanding the English language? If you have  
14 trouble with that, would you raise your hand and we can talk to you about that.  
15 Okay. I see one gentleman up front. Sir, can you tell me your name and badge  
16 number, please.

17           PROSPECTIVE JUROR #009: My name is Javier Gonzalez, badge number  
18 is 009.

19           THE COURT: Correct. Okay. All right, sir. You have difficulty understanding  
20 English?

21           PROSPECTIVE JUROR #009: My English is not a hundred percent.

22           THE COURT: Okay.

23           PROSPECTIVE JUROR #009: I got a problem with writing and sometimes  
24 reading, actually, yes.

25           THE COURT: So, you have some trouble reading English; yes?

1 PROSPECTIVE JUROR #009: Yes.

2 THE COURT: Okay. Do you understand spoken English? In other words, if  
3 witnesses are on the stand testifying about things that happened or things they  
4 observed, would you able to understand that?

5 PROSPECTIVE JUROR #009: Yes.

6 THE COURT: Okay. All right. Thanks very much. I appreciate you letting us  
7 know about that. Anyone else? No. Great. Okay.

8 Now we're about -- and just so it's clear. I'm going to be asking a lot of  
9 questions and getting a lot of information from people. After I finish asking  
10 questions of the whole group of you I'll be talking to the attorneys about all the  
11 information I've gathered and determining whether anyone needs to be excused as  
12 a result of that information. So, I'm not ignoring anything that we talk about. So,  
13 first we're going to have some introductions now. So, please pay attention to these  
14 introductions because you're going to be asked in a few minutes if you know anyone  
15 involved in the case or anything about it.

16 So, first with the State. Please introduce yourself and your colleague,  
17 tell prospective jurors the names of the witnesses you intend to call and a general  
18 description of the nature of the case.

19 MS. BAHARAV: Yes, Your Honor.

20 Good afternoon. My name is Colleen Baharav and I along with Michelle  
21 Sudano represent the State of Nevada in the case of the State of Nevada versus  
22 Genaro Perry. The State has alleged that on or about the first day of May 2014, Mr.  
23 Perry committed the crimes of robbery with use of a deadly weapon, false  
24 imprisonment with the use of a deadly weapon, grand larceny auto, assault with a  
25 deadly weapon, coercion, battery resulting in substantial bodily harm constituting

1 domestic violence and prevent or dissuading witness or victim from reporting crime  
2 or commencing prosecution. We have alleged that those crimes all occurred here in  
3 Clark County Nevada. To provide events on our case, the State anticipates calling  
4 some maybe not all of the following witnesses: Corla Carpenter also known as  
5 Corla Muhammed, Ahmedia Bragg, Franklin Elam, George Laster, Danielle Keller,  
6 Dr. Steven Leibowitz, Shakeel Abdal-Karim, Justin Terry, and Deborah Ashenfelder  
7 formerly known as Deborah Márriott [phonetic]. Thank you.

8 THE COURT: Thank you very much. Counsel, introduce yourself and your  
9 client.

10 MR. SHETLER: Thank you, Your Honor.

11 Ladies and gentlemen, my name is Travis Shetler. I'm a solo  
12 practitioner here in town. I represent Genaro Perry. The State's accused him of the  
13 crimes Ms. Baharav just talked of. In addition to possibly hearing testimony from Mr.  
14 Perry, you may hear some testimony or some information from Dr. Steven Gabeef  
15 [phonetic] who is a reconstructive surgeon here in town. Thank you.

16 THE COURT: Okay. So, I have a few basic questions first which I'm required  
17 to ask in every case. So, if you do need to respond in the affirmative to any of these  
18 questions, raise your hand. We'll get you the mic and then before you explain why  
19 you raised your hand, if you could state your name and the last three digits of your  
20 badge number.

21 So, first, have any of you been convicted of a felony? Please raise your  
22 hand if you have. No hands. Okay. Are any of you not a United States citizen?  
23 Raise your hand if you're not a citizen. No hands. Good. Now do any of you have  
24 such a sympathy, prejudice or bias relating to age, religion, race, gender or national  
25 origin that you feel that would affect your ability to be an open minded, fair and



1 impartial juror? Anyone feel that way. Okay. We've got one hand up front and one  
2 the back, a couple in the back. Okay. So, we'll start up front and then we'll get the  
3 mic back to you and hear what your views are there.

4 PROSPECTIVE JUROR #002: Andy Yi, 002.

5 THE COURT: Okay, sir. Why did you raise your hand on that question?

6 PROSPECTIVE JUROR #002: I raised by my hand because I personally  
7 have been robbed at gunpoint and I never had a fair shot to go to a trial because  
8 they never found the gentleman.

9 THE COURT: Okay. So, they never found the person who did that to you?

10 PROSPECTIVE JUROR #002: Yes.

11 THE COURT: Okay. And so how long ago was that?

12 PROSPECTIVE JUROR #002: About 14 years ago.

13 THE COURT: Okay. And was that here in Las Vegas?

14 PROSPECTIVE JUROR #002: No.

15 THE COURT: Where was it?

16 PROSPECTIVE JUROR #002: It was in Chicago, Illinois.

17 THE COURT: In Chicago.

18 PROSPECTIVE JUROR #002: Yes.

19 THE COURT: Okay. Got it. And so would how would that incident that  
20 happened to you affect your ability to be fair and impartial or cause you any  
21 sympathy, prejudice or bias in this case?

22 PROSPECTIVE JUROR #002: From my personal experience and from other  
23 people I know that went through the same thing, I believe they got off easier, like  
24 they never found the person and that's the reason why it happens, you know, so  
25 often. And I feel as in this case, you know, I would, you know, judge the case

1 biasedly.

2 THE COURT: So, do you think that you would hold it against Mr. Perry here  
3 because of someone robbing you at gunpoint those years ago?

4 PROSPECTIVE JUROR #002: Yes, I believe so.

5 THE COURT: Okay. All right. Thank you. And there were a couple people  
6 that raised hands in the back.

7 PROSPECTIVE JUROR #050: I'm Doris E. Foley, 050. I'm understanding --  
8 anyway, I have a long list of police in my family, prosecutor's office including. I have  
9 been -- had a misdemeanor, and I'm not a fan of undercover cops and since he's  
10 got a long list already, I already presume he's guilty.

11 THE COURT: He's got a long list of what?

12 PROSPECTIVE JUROR #050: Of things that he's being, you know, on trial  
13 for. So, to me, he's already guilty.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR #050: That's it, ma'am.

16 THE COURT: And so the police and prosecutors in your family, have they  
17 conveyed that view that someone that's charged with a lot of crimes must be guilty?

18 PROSPECTIVE JUROR #050: Yes; especially from the prosecutor's office.

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

20 PROSPECTIVE JUROR #055: Terry Arcemont, 055. I have several things.  
21 First, my belief does not allow me to pass judgment on another human being and,  
22 second, I'm very, very opinionated so I have to keep it to myself and I cannot be fair  
23 to Court because I'm brutally honest and I'm being right up four front. I will form an  
24 opinion on myself.

25 THE COURT: Okay. So, you're both judgmental and can exercise a

1 judgment?

2 PROSPECTIVE JUROR #055: Yes. And I cannot pass a judgment on  
3 another human being. That's not up to me.

4 THE COURT: And is that based on certain religious beliefs that you have?

5 PROSPECTIVE JUROR #055: I have many religious beliefs and it's hard to  
6 explain because we are all children of God.

7 THE COURT: Right.

8 PROSPECTIVE JUROR #055: But yet I am partially to atheism also. So, I  
9 cannot swear on a bible.

10 THE COURT: Okay. Rather than swear you could affirm to meet the  
11 requirements.

12 PROSPECTIVE JUROR #055: Yeah.

13 THE COURT: I understand some folks don't want to swear and that's fine.

14 PROSPECTIVE JUROR #055: And I'm very, very opinionated.

15 THE COURT: You're very, very opinionated.

16 PROSPECTIVE JUROR #055: Yes.

17 THE COURT: But you can't pass judgment on somebody?

18 PROSPECTIVE JUROR #055: I can't because I'm in conflict. That's how  
19 come I cannot be a fair juror at all. I never served in jury duty.

20 THE COURT: Okay. So, if you were sitting on the jury after hearing all of the  
21 evidence and then went back to the jury room with the other jurors, you couldn't vote  
22 guilty or not guilty?

23 PROSPECTIVE JUROR #055: No, ma'am, and I will be kicked off the jury  
24 before that because a couple of judges already did because I already told them that  
25 I already formed an opinion and I cannot sit in the jury box. And that's the honest

1 truth.

2 THE COURT: Okay. All right. Thanks very much.

3 Do any of you know the Defendant, Mr. Perry, or his counsel, Mr.  
4 Shetler? No hands. Okay. Do any of you know our Deputy District Attorneys, Ms.  
5 Baharav or Ms. Sudano? No hands. Okay. Do any of you know our District  
6 Attorney Steve Wolfson or other personnel in the District Attorney's office? Yes,  
7 okay.

8 PROSPECTIVE JUROR #039: Yeah, I'm Martin Orsinelli, 039. I've worked  
9 with Steve Wolfson when he was a defense attorney. I'm a Deputy City Attorney  
10 with the City of Las Vegas. I don't know these two deputies but I do know Steve  
11 Wolfson.

12 THE COURT: Right. Okay. And that was what I asked. And so was that like  
13 when he was on the city council?

14 PROSPECTIVE JUROR #039: City council, as a Defense attorney. I don't  
15 know him personally outside the office. I've seen him at functions.

16 THE COURT: Right.

17 PROSPECTIVE JUROR #039 But, yeah, I do know. If we saw each other in  
18 the elevator we would say hi. That's about it.

19 THE COURT: Okay. Fair enough. And that is what I asked. So, let me ask  
20 you this. As a result of your relationship as you've described it with Mr. Wolfson,  
21 would that affect your ability to be fair and impartial as a juror in this case?

22 PROSPECTIVE JUROR #039: No, it would not.

23 THE COURT: Do you think you'd have a tendency to favor the District  
24 Attorney's office because of your relationship with Mr. Wolfson?

25 PROSPECTIVE JUROR #039: No, I do not.

1 THE COURT: Okay. You think you can be fair to both sides?

2 PROSPECTIVE JUROR #039: Yes, I do.

3 THE COURT: Great. Thank you. Okay. Do any of you know any of the  
4 witnesses whose names were read by either of the attorneys? One hand in the  
5 back.

6 PROSPECTIVE JUROR #055: I believe it's Dr. Steven Leibowitz.

7 THE COURT: I need your name and badge number again.

8 PROSPECTIVE JUROR #055: Oh, Terry Arcemont, 055. Sorry.

9 THE COURT: It's okay.

10 PROSPECTIVE JUROR #055: Yeah. Dr. Leibowitz did an operation on left  
11 eye and I still have no feeling in it. So, I got a little issues with him.

12 THE COURT: Okay. Great. I appreciate you letting me know about that.

13 PROSPECTIVE JUROR #055: I'm honest.

14 THE COURT: Yes; thank you.

15 All right. So, it's now -- it's Wednesday; right? It's now Wednesday  
16 afternoon. The trial itself is going to be complete by this Friday so that's good news  
17 for you. It's possible that we would finish the trial on Friday but the jurors might still  
18 be deliberating on Monday. So, I want to give a heads up about that in case any of  
19 you have issues on Monday. So, with that being said, I understand it's difficult for  
20 everyone to be here as a juror. You all have other things you should be doing,  
21 perhaps other things you would rather be doing whether it's at work or at home,  
22 whatever you would ordinarily be doing if you weren't here, and I get that. But my  
23 question is whether serving these few days as a juror would represent an undue  
24 burden for any of you, that is, more of a burden than it is for everyone else who has  
25 got to be here to serve as a juror. Okay.

1           So, what we'll do is we'll start going through the folks -- so we'll hand it  
2 to the first person and then once they're done if the other folks raise their hands so  
3 we can pass it around and get the information from all of you who have raised your  
4 hands. Okay. Yes, ma'am, name and badge number.

5           PROSPECTIVE JUROR #003: Phoebe Downing, badge number 003.

6           THE COURT: Yes, ma'am, what's your issue?

7           PROSPECTIVE JUROR #003: Child care. If it goes through -- because me  
8 and my husband we schedule ourselves opposite days for one of us to be home  
9 with the kids, if it ends on Friday that's fine but if it goes on to Monday that'll be a  
10 problem for me.

11          THE COURT: So, your husband works on Monday?

12          PROSPECTIVE JUROR #003: Yeah.

13          THE COURT: And so you would be the one with the children?

14          PROSPECTIVE JUROR #003: Yes.

15          THE COURT: And how old are the children?

16          PROSPECTIVE JUROR #003: Nine and 13.

17          THE COURT: Okay. So, are they in school during the day?

18          PROSPECTIVE JUROR #003: Yes.

19          THE COURT: Okay. So, is it just an issue of drop and pick up?

20          PROSPECTIVE JUROR #003: Yes.

21          THE COURT: Okay. So, what time do they need to be dropped off?

22          PROSPECTIVE JUROR #003: My son gets dropped off by 8 o'clock, my  
23 daughter at nine. They both get picked up by 3:20.

24          THE COURT: Okay. If you were able to do the drop off in the morning, is  
25 there anyone, a friend or anyone, who might be able to help out with pick-up in the

1 afternoon if you were?

2 PROSPECTIVE JUROR #003: [Witness nodding head in the negative].

3 THE COURT: No? Okay. You're nodding, for the record. Okay. Thanks.  
4 Okay. Go ahead.

5 PROSPECTIVE JUROR #012: Adam Taylor, 012. I'm fine for every day but  
6 just if it -- I don't know how long these things go for. That was the question I had a  
7 for a long time. If it ends at like five or so, that's fine, because the job I'm in is -- I'm  
8 the only one that can do it. So, there's no replacement for me on the job and it runs  
9 Friday, Saturday, Sunday. That's it.

10 THE COURT: So, you work Friday, Saturday, Sunday.

11 PROSPECTIVE JUROR #012: Mm-hmm.

12 THE COURT: And what time?

13 PROSPECTIVE JUROR #012: I have to be there at six, 6:30ish, but no later  
14 than that. I just don't know how late these go. Any day is fine.

15 THE COURT: Okay. So, you could be here on Friday as long as we had you  
16 out by about five?

17 PROSPECTIVE JUROR #012: Yeah, that's perfect.

18 THE COURT: And you could get to work?

19 PROSPECTIVE JUROR #012: Mm-hmm. And up until then I'm cool.

20 THE COURT: Okay. Thanks very much.

21 PROSPECTIVE JUROR #012: Than you.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR #013: I'm Donna Jolly, it's 0013. I don't know if you  
24 consider this an undue burden; I do. I have a new boss starting on Monday who I  
25 will be reporting to. I would really like to be there on Monday. There's some stuff

1 going on at work that makes me very tensed and stressed and I really want to be  
2 there for that first day of her work.

3 THE COURT: And so what do you do for work?

4 PROSPECTIVE JUROR #013: I am in marketing.

5 THE COURT: Okay. And the new person who is starting, what position are  
6 they going to be in?

7 PROSPECTIVE JUROR #013: She would be my direct report; I mean, she  
8 would be my boss.

9 THE COURT: Right.

10 PROSPECTIVE JUROR #013: That's what I'm trying to say.

11 THE COURT: And so like over the marketing department?

12 PROSPECTIVE JUROR #013: Over three different departments, marketing  
13 being one.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR #013: And we had an employee quit today. You  
16 know, I don't want to get into too many details about this but, you know, it's a  
17 stressful situation. Like I said, it's undue for me. I don't know if you would consider it  
18 that way.

19 THE COURT: What's your work hours on Monday?

20 PROSPECTIVE JUROR #013: On Mondays, eight to five.

21 THE COURT: Eight to five. Okay. All right. Thank. Pass it down that way.

22 PROSPECTIVE JUROR #014: Ashley Gomez, 014.

23 THE COURT: Yes.

24 PROSPECTIVE JUROR #014: I actually work from home because I have an  
25 infant, a ten month old, and he's fine today. He's with dad but dad is going to be



1 traveling over the weekend. And at this moment I don't have anybody else to care  
2 for him. His grandmother is in the hospital right now. So, this is a very, very bad  
3 timing. And grandpa travels. He's a comedian on Carnival Cruise ships. So, he's  
4 never here. And I, quite frankly, don't like leaving my kid with anybody I don't know.

5 THE COURT: Okay. So, when you say -- so dad's there to watch the baby to  
6 day.

7 PROSPECTIVE JUROR #014: Today. I actually moved -- my brother passed  
8 way a couple months ago. He was shot in a triple homicide off of Sahara and Fort  
9 Apache. I don't know if anybody heard about this. So, being in this courtroom right  
10 now is not doing me good at all. But I moved it, my jury service, to today so that I  
11 could be here. However, my boyfriend got a job, a gig in another state. I don't know  
12 how long this thing runs, but he's got to leave Friday morning.

13 THE COURT: Okay. So, when you say he's got to be gone for the weekend  
14 he's leaving Friday morning?

15 PROSPECTIVE JUROR #014: Yeah.

16 THE COURT: Okay. So, on Friday you don't have any coverage for your ten  
17 month old?

18 PROSPECTIVE JUROR #014: Correct.

19 THE COURT: Okay. Thank you

20 PROSPECTIVE JUROR #015: Badge number 015, Mary Logan.

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

22 PROSPECTIVE JUROR #015: Your question was framed in convenience; is  
23 that correct?

24 THE COURT: No. My question is it would be an undue burden for you to be  
25 here.

1 PROSPECTIVE JUROR #015: Okay, yes. All right. I have a disability. I  
2 have arthritis in my spine and sciatic nerve damage and I have great difficulty either  
3 sitting for a long period of time or standing for a long period of time, and I'm afraid  
4 that the pain level would increase substantially and as a result I would lose my  
5 ability to concentrate on the details. I am taking -- I take medication, prescribed  
6 medication for my condition and I just believe that that would be a burden for me.

7 THE COURT: So, just so I understand. Is the -- do you only take the  
8 medication if you get the pain to where it's difficult for you otherwise or do you take  
9 the medication regularly to avoid the pain?

10 PROSPECTIVE JUROR #015: Both. Actually I take the medication on a  
11 regular basis and then I take more medication --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #015: -- if it, you know, requires such.

14 THE COURT: And so the medication that you take, that interferes with your  
15 ability to concentrate?

16 PROSPECTIVE JUROR #015: I'm afraid that the pain would make it such  
17 that eventually I would not be comfortable seated and I would -- that would draw my  
18 concentration away.

19 THE COURT: Okay. So, how long can you sit for?

20 PROSPECTIVE JUROR #015: Probably an hour, 45 minutes or an hour.

21 THE COURT: And then -- so when you get to that point like, okay, I can't sit  
22 anymore, you just -- do you need to stand up or do you need to be able to walk  
23 around?

24 PROSPECTIVE JUROR #015: I prefer to get up and walk around because  
25 it's the sciatic that goes down my left leg.

1 THE COURT: Got it. Okay. Do you work, ma'am?

2 PROSPECTIVE JUROR #015: No; I'm retired.

3 THE COURT: Okay. All right. Thanks very much.

4 PROSPECTIVE JUROR #015: Thank you.

5 THE COURT: Anyone else in that row? Okay.

6 PROSPECTIVE JUROR #018: Badge number 018, Michelle Zira.

7 THE COURT: Yes, ma'am.

8 PROSPECTIVE JUROR #018: Currently I am the sole manager of two real  
9 estate communities, new homes communities. At this time I don't have any backup.  
10 I am the sole person, the sole agent running these two communities of which I am  
11 commissioned based. And having the doors closed for three days with no  
12 opportunity to work with the customers that I've been working with in the past to  
13 convert into incoming sale along with the people that would be coming in throughout  
14 those three days that I would lose the amount of income to have the doors closed  
15 for three days would be pretty devastating financially.

16 THE COURT: Okay. So, when you say it would be financially devastating,  
17 how would it affect you? I mean, would you be able to, you know, pay your rent or  
18 mortgage, have food on the table, things like that?

19 PROSPECTIVE JUROR #018: That's a unforeseen answer. It depends on  
20 what would come in throughout those three days. It could significant and it could be  
21 insignificant which is the purpose of having to be there for those three days to be  
22 able to generate any form of income that would be possible during those three days.

23 THE COURT: So, are you saying it's like model homes and you're sitting  
24 there on site or --

25 PROSPECTIVE JUROR #018: I have two communities and individual

1 communities that are in the same neighborhood that I'm operating, yes. So, if I'm  
2 not there I have no opportunity to earn any income.

3 THE COURT: Right. Okay. And are you the sole support in your household?

4 PROSPECTIVE JUROR #018: I am.

5 THE COURT: Okay. And so -- okay. All right. Thank you.

6 PROSPECTIVE JUROR #021: I'm Brian Mersis, 0021. I actually very  
7 recently moved to California. I drove back from LA this morning just to get here.  
8 Unfortunately I work freelance. I work executive protection and body guarding and I  
9 have a client that I'm supposed to be back for this evening and work this evening  
10 through next Monday. And that's really my sole income, my sole client for this  
11 month. So, as far as rent or car payment or anything it would be severely  
12 devastating to the monthly situation.

13 THE COURT: When did you move to California?

14 PROSPECTIVE JUROR #021: Within the last two weeks.

15 THE COURT: So, you've actually moved your permanent residence there  
16 from here?

17 PROSPECTIVE JUROR #021: Yes; I still have my -- I didn't get a chance to  
18 get my California driver's license yet. I'm coming back just to finish wrapping up,  
19 you know, my loose ends here. I still have my valid Las Vegas ID.

20 THE COURT: Okay. Thank you.

21 PROSPECTIVE JUROR #019: Mike Brilliant, 019. I'm a program manager for  
22 a company based out of the East Coast. We are currently in negotiations for a  
23 contract. The period performance ends tomorrow. The negotiations are ongoing  
24 today and tomorrow. I've missed a couple meetings today that requires my  
25 decisions. It would be extremely difficult to get through those negotiations by the

1 period performance end date and then negotiate an extension for the following six  
2 months. The performance of the contract includes overseas locations and  
3 continental United States locations I would say ten or 15 different sites where we  
4 employ folks to work on unmanned aircraft. So, if I don't get the contract extended  
5 and properly pushed and signed it is a hardship for me as a program manager.

6 THE COURT: All right. And, you know, I don't know about your company or  
7 whatever but there's no one else who can take it over for you?

8 PROSPECTIVE JUROR #019: No, ma'am. Unfortunately I'm the only  
9 program manager that does this kind of work in the company. Business developers,  
10 they don't have the decision making authority to do so, so it would be me.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR #019: I have a boss, of course. He could probably  
13 make those decisions in my stead but it's mine to win or lose.

14 THE COURT: Okay. Thank you.

15 PROSPECTIVE JUROR #025: Number 025, Shawn Waldman.

16 THE COURT: Yes.

17 PROSPECTIVE JUROR #025: I have a ten month old daughter. My wife and  
18 I are full time employees. So, we are the ones doing childcare for our daughter. So,  
19 we rotate with our days off so I have nobody to watch my daughter tomorrow. So,  
20 that would be an issue for me.

21 THE COURT: So, tomorrow your wife works?

22 PROSPECTIVE JUROR #025: Correct.

23 THE COURT: And you normally would not be working tomorrow?

24 PROSPECTIVE JUROR #025: Correct. I'm off Wednesday, Thursday my  
25 wife is off the weekends. The person that watches our child on Monday, Tuesday,

1 Friday can do it tomorrow. I had to pull teeth to get him to watch her today. I have  
2 no family, no grandparents in the state of Nevada or Las Vegas. So, tomorrow I  
3 have nobody to watch her.

4 THE COURT: Okay. Thank you.

5 PROSPECTIVE JUROR #051: My name is Hung Nguyen. My badge number  
6 051. I am a dentist in my office, the only dentist in my office, and I owner. So, my  
7 schedule has been booked. It's very difficult to cancel all of my patients and nobody  
8 to take care of emergency patients.

9 THE COURT: So, I think you said this. There's no other dentist in your  
10 office?

11 PROSPECTIVE JUROR #025: No; only me.

12 THE COURT: And so you've got bookings for the next couple days for  
13 people?

14 PROSPECTIVE JUROR #025: Yeah. I book in advance two weeks.

15 THE COURT: I'm sorry I missed that.

16 PROSPECTIVE JUROR #025: The schedule is full.

17 THE COURT: The schedule is full. Okay. Thank you. Anyone else back  
18 there?

19 PROSPECTIVE JUROR #052: Steven Stowers, badge number 052.

20 THE COURT: Yes, sir.

21 PROSPECTIVE JUROR #052: I care for a five month year old and my wife,  
22 she works during the day and I work evenings so it will be a difficult situation of  
23 switching and finding someone to watch her during the day.

24 THE COURT: Who is watching the child today?

25 PROSPECTIVE JUROR #052: I got a friend of a friend to watch it -- sorry --

1 her. Sorry. Just nervous.

2 THE COURT: Okay. I understand. It's okay. So, you have a friend taking  
3 care of your baby today?

4 PROSPECTIVE JUROR #052: Yes, my wife's friend.

5 THE COURT: Right. But you don't have -- you wouldn't have any coverage  
6 the other days. She works during the day tomorrow and Friday?

7 PROSPECTIVE JUROR #052: She works today, tomorrow, and Friday. I'm  
8 off today and tomorrow.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR #052: It's just that if she is able to take off that would  
11 be fine, but if she's not able to take off then that would be the situation there.

12 THE COURT: Okay. Thank you.

13 PROSPECTIVE JUROR #055: Terry Arcemont, 055. I hate to sound like I'm  
14 whining but I carry on a Asian tradition and I take care of my elderly mother and then  
15 I'm a provider for her. I quit my hourly job four years ago so I became a full hundred  
16 percent commission employee so I could basically schedule my own schedule and  
17 leave work at any time to take care of my elderly mother. She has a degenerative  
18 disk. So, she needs assistance to move around. And then now it's kind of hard on  
19 me because I got a Jones fracture on my right leg and gained 30 pounds in the last  
20 three months. So, anyways, that's it.

21 THE COURT: Thank you. All right. A couple more questions before I talk to  
22 counsel about all the information we've got.

23 First, a little bit about the role of a judge and jury in a case like this. As  
24 the judge I'm the judge of the questions of law. It's my job to know what the law is  
25 and to instruct the jurors on the law that applies to this case. The jurors are the

1 judges of questions of fact. They decide what really happened with respect to the  
2 charges that are brought, but the jurors are required to follow my instructions on the  
3 law that applies. With that in mind, is there anyone who thinks you may not be able  
4 to follow my instructions on the law even if they were different from what you thought  
5 the law ought to be? Anyone have difficulty with that? No hands. Great. Thank  
6 you.

7 Under our system of justice there are certain principles of law that apply  
8 in every criminal trial. They are that the charging document filed in this case is a  
9 mere accusation and is not evidence of guilt; that the Defendant, Mr. Perry, is  
10 presumed innocent and the State must prove that he is guilty beyond a reasonable  
11 doubt. Does anyone not understand or believe in these basic principles of American  
12 justice? Okay. I got a hand up front.

13 PROSPECTIVE JUROR #023: Kara Shrader, Juror 0062. I basically --

14 THE COURT: Okay. It's 23. Okay.

15 PROSPECTIVE JUROR #023: 023.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR #023: I basically just don't think it's right to put  
18 anybody in jail no matter what they do. I think God will take care of that. That's  
19 what I have to say about that.

20 THE COURT: Okay. So, if you were on the jury would you be able to  
21 evaluate the evidence in accordance with the law I give you and vote as to whether  
22 guilt was proven beyond a reasonable doubt or not?

23 PROSPECTIVE JUROR #023: I just don't think -- irregardless it's not right to  
24 send anybody to jail; that they can find their own spiritual path without jail.

25 THE COURT: Okay. So, the jurors won't have anything to do with



1 sentencing in this case; does that make a difference for you?

2 PROSPECTIVE JUROR #023: Yeah; as long as I don't have to -- my  
3 decision is a result of, you know, I wouldn't say anything that's going to make  
4 somebody have to go to jail.

5 THE COURT: The jurors' decision will be as to each of the charges  
6 considering whether Mr. Perry is guilty or not guilty based on the evidence and the  
7 law presented; is that something you could do?

8 PROSPECTIVE JUROR #023: I probably would not say guilty if he's going to  
9 have to go to jail.

10 THE COURT: Okay. So, you think people who commit any crimes should  
11 just be out walking the streets anyway?

12 PROSPECTIVE JUROR #023: I think everything happens for a reason and  
13 that, you know, God has a law over everything and things will be taken care of as  
14 they're supposed to. I don't think it's right just for people to just always go to jail.

15 THE COURT: Okay. All right. Thank you. Anyone else? No. Okay.

16 Does anyone know anything about this case other than what's been  
17 stated in the courtroom so far? No hands. Okay. Good.

18 All right. Counsel, come on up and bring your notes, please.

19 [Bench conference -- begins]

20 THE COURT: We've got some interesting folks in the crowd today.

21 MR. SHETLER: That certainly is true. You have an amazing poker face,  
22 Judge.

23 THE COURT: Okay. So, unfortunately we have several that I think we're  
24 going to have to excuse but we'll probably be okay. So, I'm just going to go in order  
25 through the list. So, 002, Mr. Yi.

1 MS. BAHARAV: He said he'd hold it against the Defendant, and this is  
2 Colleen for the record. I can't object to that, Your Honor.

3 THE COURT: Right. So, we're going to have excuse him. Okay. Next, 003,  
4 Ms. Downey. I think we can probably work around her schedule on Monday. We  
5 could just have them no come here until ten and she can get here at ten if they were  
6 deliberating, and we could probably get her out by three if we had to. I want to hold  
7 onto to her for right now.

8 MS. BAHARAV: Okay.

9 THE COURT: 012, Mr. Taylor. I think we're okay with him too. We could end  
10 by five on Friday.

11 MS. SHETLER: That's what he meant was p.m.? I couldn't catch that.

12 THE COURT: I think so.

13 MS. BAHARAV: Yes, he did. 009, Mr. Gonzalez said he had issues with  
14 English, but I think --

15 THE COURT: You know what. I didn't even write it down.

16 MS. BAHARAV: Oh, that's okay. This is Colleen again.

17 THE COURT: He seemed to be fine.

18 MS. BAHARAV: He did. The only thing that he'd be reading --

19 THE COURT: Do we have written documents?

20 MS. SUDANO: Just jury instructions, Your Honor. This is Michelle.

21 THE COURT: Oh, jury instructions.

22 MS. BAHARAV: And potentially medical records if we have to admit those.

23 THE COURT: Do you want to excuse me?

24 MR. SHETLER: I have no problem with him going.

25 MS. BAHARAV: That's fine, Your Honor. I don't know. Maybe if you want to

1 him go back down and get re-assigned to somewhere else, but we do have to admit  
2 medical records it could be really hard for him to review those.

3 THE COURT: Yeah; no, that's a good point. I was thinking well it's mostly  
4 testimony so I wasn't worried about it.

5 MR. SHETLER: Right; testimony.

6 MS. BAHARAV: It was -- it should be.

7 THE COURT: You're right.

8 MS. BAHARAV: I'd say yes.

9 THE COURT: Okay. Let's excuse him. Okay. So, we talked about Mr.  
10 Taylor. I'm going to hang with him for now. 013, Ms. Jolly. She has a new boss  
11 starting Monday. I'm not overly concerned about that.

12 MS. BAHARAV: No.

13 THE COURT: I'm more concerned about if she is actually going to be  
14 stressed and distracted.

15 MS. SHETLER: Right. More important be fair to listen to all the testimony  
16 and not be punishing just in general.

17 MS. BAHARAV: We'll submit it to counsel's discretion. If he wants her gone,  
18 we're fine with it.

19 MS. SHETLER: I think she should probably go.

20 THE COURT: You think she should be excused?

21 MR. SHETLER: Yeah.

22 THE COURT: Okay. I'll excuse her. 014, Gomez.

23 MR. SHETLER: She's got --

24 MS. BAHARAV: No; I have to explain something about this. The issue that  
25 she's talking about, that triple homicide, that was a domestic related homicide. The

1 victim --

2 THE COURT: Yeah; because I remember Sahara and Fort Apache and I  
3 thought, really, and then I remember reading in the paper. That was her brother.

4 MS. BAHARAV: Her brother was dating --

5 MR. SHETLER: The mom.

6 MS. BAHARAV: -- the daughter of the woman that was married to the man  
7 that killed him. So, he was just in the wrong place at the wrong time. He got shot  
8 because he was the daughter. So, the fact that this is a domestic case --

9 THE COURT: And that's close in time.

10 MS. BAHARAV: Yeah.

11 THE COURT: Okay. So, let's excuse her --

12 MS. BAHARAV: I would ask the Court to excuse her, yeah.

13 THE COURT: -- yes, for several reasons. 015, Logan. Okay. She's the lady  
14 with the arthritis.

15 MS. BAHARAV: She's got health issues.

16 MR. SHETLER: Yeah. I'm most comfortable with her being excused.

17 THE COURT: Okay. Sometimes we can work around it but it sounds like  
18 she's got it pretty bad. 018, Ms. Zira.

19 MS. BAHARAV: It seems like she was trying to say she couldn't pay her bills,  
20 but I don't -- but then she didn't say that. I don't know.

21 THE COURT: Yeah. Right. She said -- right -- she said basically well, you  
22 know, I don't know. I guess it depends on what commission she would get.

23 MS. BAHARAV: True.

24 THE COURT: I don't know. She's the only one out there on two  
25 communities. I don't know.

1 MS. BAHARAV: Yeah.

2 MR. SHETLER: Right.

3 MS. BAHARAV: And she's the only one in her house, I think she said.

4 MR. SHETLER: She did say that.

5 THE COURT: She did say that, yes.

6 MR. SHETLER: I have no problem with her being excused.

7 THE COURT: Okay. 019, Michael Brilliant. So, he's trying to wrap up

8 negotiations of the contract that ends tomorrow.

9 MR. SHETLER: Right.

10 THE COURT: He's going to send drones out.

11 MS. SHETLER: Right.

12 MS. BAHARAV: Right.

13 MR. SHETLER: So, he can control the future.

14 MS. BAHARAV: The only thing I think with that is that I wonder if could

15 handle those things, kind of, in the morning before he comes in, but if there's

16 ongoing negotiations it looks like he's going to be focused on that.

17 MR. SHETLER: He has to win or lose he said.

18 THE COURT: It's the urgent timing. It were just in general I'm important in

19 my job I'd say no.

20 MR. SHETLER: Right.

21 THE COURT: But this sounds like it's really bad timing. It probably would

22 have been better to re-schedule and do it another time.

23 MR. SHETLER: Right.

24 MS. BAHARAV: A lot of people don't know they can do that actually.

25 MR. SHETLER: Well I wonder how many people we're talking about -- he

1 said 15 locations.

2 MS. BAHARAV: He said -- I think that they wouldn't be allowed to work if they  
3 didn't [indiscernible].

4 MR. SHETLER: Yeah.

5 THE COURT: 021, Mersis. Okay.

6 MS. BAHARAV: He moved to California.

7 MR. SHETLER: Yeah.

8 THE COURT: Yeah. Okay.

9 MS. SUDANO: It's always something.

10 THE COURT: Yes; he doesn't need to be here. 023, Shrader.

11 MS. BAHARAV: Your Honor --

12 MR. SHETLER: I'd like to retain Ms. Shrader.

13 MS. BAHARAV: I ran her. She's got a really long record of prostituting  
14 related offenses that our office has prosecuted her on. So, given this --

15 THE COURT: I guess that's how she's serving God.

16 MS. BAHARAV: Indeed.

17 THE COURT: I shouldn't make that one [indiscernible].

18 MS. BAHARAV: Well trespasses too. Maybe she just likes to go through --  
19 the thing I would say is that she indicated that she'd have a hard time feeling guilty if  
20 she thought he'd go to jail and that's going to be hard for the State.

21 THE COURT: Right. I mean, if she's looking at a robbery charge I think she  
22 knows that he's looking at jail.

23 MR. SHETLER: I just don't see a way that I can try and keep her on, Judge,  
24 but I would certainly love to.

25 THE COURT: Okay. I'm going to excuse her. We're going to have to fill a

1 bunch of spots up front. That's okay. 025, Waldman. Okay. He's also got no child  
2 care coverage for the ten month old. I think I would let him go.. Mr. Orsinelli is  
3 staying so that's good.

4 MS. BAHARAV: Yeah. She knows my thoughts. Maybe it's a good thing,  
5 Travis.

6 THE COURT: 050, Ms. Foley, was pretty determined to get out here.

7 MR. SHETLER: Yes.

8 MS. BAHARAV: She said she would presume the Defendant is guilty.

9 THE COURT: She said he's already guilty because I wrote that down. So, I  
10 need to excuse her even though the genuineness of it is in question.

11 MR. SHETLER: Right. I would agree with that a hundred percent.

12 MS. BAHARAV: She made a good record.

13 THE COURT: But I don't think we want that record. 051, the dentist.

14 MR. SHETLER: He says he's got no other coverage. People are relying and  
15 changing their schedules based on him.

16 THE COURT: He's going to have to re-schedule everyone for the next few  
17 days. I wouldn't want to have that happen.

18 MR. SHETLER: Although the other doctor didn't say anything; did they?

19 MS. BAHARAV: Which doctor?

20 THE COURT: There's another doctor?

21 MS. BAHARAV: Someone didn't like our doctor.

22 THE COURT: He's a doctor.

23 MR. SHETLER: A doctor in back row.

24 THE COURT: No? Okay. So, I'm going to excuse Dr. Nguyen.

25 MR. SHETLER: Yes.

1 THE COURT: 052, He's got the five month old.  
2 MS. BAHARAV: It.  
3 THE COURT: Yes. I felt bad because other people called him out on that.  
4 MR. SHETLER: I think it's nervous. It sounds like it's a problem.  
5 THE COURT: Yeah, I need to excuse him. Mr. Arcemont. He's got every  
6 problem in the book, 055.  
7 MR. SHETLER: You took the words right out of my mouth. You can't judge.  
8 THE COURT: He can't judge but he's very judgmental, all in the same  
9 sentence.  
10 MS. BAHARAV: He knows that doctor and he --  
11 MR. SHETLER: Oh, that's right. I did write that.  
12 THE COURT: Yes; he got treatment. WE got to get him out of here because  
13 he causes any harm to the rest of us.  
14 MR. SHETLER: We're keeping Martin now; Arcemont is out.  
15 THE COURT: So, I'm going to excuse all of those. We'll replace any open  
16 seats up front. I don't have them all shift. We just fill the open seats and then we'll  
17 start in seat number one with questions.  
18 MR. SHETLER: Well what are we doing with -- oh no, we talked about  
19 Gomez. I'm sorry. I'm just checking my notes.  
20 MS. BAHARAV: That's okay.  
21 MR. SHETLER: Logan is out. Michelle, did we decide on her or not?  
22 THE COURT: Which one?  
23 MS. BAHARAV: Zira.  
24 MR. SHETLER: 018. She's out.  
25 MS. BAHARAV: Yeah, she's out.



1 MR. SHETLER: Mr. Brilliant's out; Kara's out. Thank you for your patience,  
2 Judge.

3 THE COURT: Okay.

4 MS. BAHARAV: Thank you.

5 [Bench conference -- concluded]

6 THE COURT: Okay, folks. Thanks for your patience. I'm going to excuse the  
7 following people at this time. After I'm done reading this list, then the folks who I  
8 announce will be excused. You'll need to report down to the third floor and let them  
9 know that I've excused you. So, wait till I'm done reading these folks out loud and  
10 then we'll be continuing with the jury selection process with the rest of you. 002,  
11 Andy Yi, 009, Javier Gonzalez, 013, Donna Jolly, 014, Ashley Gomez, 015, Mary  
12 Rogan, 018, Michelle Zira, 019, Michael Brilliant, 021, Brian Mersis, 023, Kara  
13 Shrader, 025, Shawn Waldman, 050, Doris Foley, 051, Hung Nguyen, 052, Steven  
14 Stowers, 055, Terry Arcemont. If I read your name you're excused. Report down  
15 to the third floor.

16 THE COURT CLERK: Next in seat number 1, Badge number 029, Jennifer  
17 Ward; next, seat number 8, Badge number 030, Kateley Grayson; seat number 12,  
18 Badge number 032, George Ward; seat number 13, Badge number 034, Erik  
19 Adamek; seat number 14, Badge number 036, Jennifer Bautista; seat number 16,  
20 Badge number 037, Serena Compton; seat number 17, Badge number 038, Karlo  
21 Maalouf; seat number 19, Badge number 039, Martin Orsinelli. Next in seat number  
22 20, Badge number 040, Stephanie Ruiz.

23 THE COURT: Okay. We'll get her when she comes back in.

24 THE COURT CLERK: And in seat 22, Badge number 041, Melinda Lopez.

25 THE COURT: Okay. So, we have Ms. Ward; correct?

1 PROSPECTIVE JUROR #029: Yes.

2 THE COURT: Okay. Ms. Ward, is there any reason you could not be fair and  
3 impartial in this case?

4 PROSPECTIVE JUROR #029: No.

5 THE COURT: Can you wait in forming your opinion on the appropriate result  
6 until all of the evidence has been heard?

7 PROSPECTIVE JUROR #029: Yes.

8 THE COURT: Have you or anyone close to you worked in law enforcement?

9 PROSPECTIVE JUROR #029: No.

10 THE COURT: Have you or anyone close to you been charged with a serious  
11 crime?

12 PROSPECTIVE JUROR #029: No.

13 THE COURT: Have you or anyone close to you been the victim of a serious  
14 crime?

15 PROSPECTIVE JUROR #029: No.

16 THE COURT: Is there anything about the charges in this case that would  
17 make it difficult for you to be fair and impartial?

18 PROSPECTIVE JUROR #029: No.

19 THE COURT: Can you base your verdict solely on the evidence brought out  
20 at trial and the law that applies as stated in my instructions without fear of criticism  
21 or popular opinion?

22 PROSPECTIVE JUROR #029: Yes.

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

24 PROSPECTIVE JUROR #029: No.

25 THE COURT: If you were a party to this case would you be comfortable with

1 jurors of a like frame of mind as yourself sitting in judgment?

2 PROSPECTIVE JUROR #029: Yes.

3 THE COURT: And, ma'am, how long have you lived in Clark County?

4 PROSPECTIVE JUROR #029: Forty-one years.

5 THE COURT: And what's the highest level of education you completed?

6 PROSPECTIVE JUROR #029: Associates degree.

7 THE COURT: In what?

8 PROSPECTIVE JUROR #029: Nursing.

9 THE COURT: And are you employed?

10 PROSPECTIVE JUROR #029: Yes.

11 THE COURT: Doing what?

12 PROSPECTIVE JUROR #029: Registered nurse.

13 THE COURT: Okay. And are you married?

14 PROSPECTIVE JUROR #029: Yes.

15 THE COURT: Is your spouse employed?

16 PROSPECTIVE JUROR #029: Yes.

17 THE COURT: Doing what?

18 PROSPECTIVE JUROR #029: He works at the Mandalay Bay, a

19 maintenance engineer.

20 THE COURT: Okay. Do you have children?

21 PROSPECTIVE JUROR #029: Yep.

22 THE COURT: How many?

23 PROSPECTIVE JUROR #029: Two girls.

24 THE COURT: And how old are they?

25 PROSPECTIVE JUROR #029: Sixteen and 14.

1 THE COURT: Okay. State.

2 MS. BAHARAV: Hi. I'm Colleen. I think I introduced myself to you earlier, but  
3 welcome. Ms. Ward, have anyone in your family ever been the victim of domestic  
4 violence?

5 PROSPECTIVE JUROR #029: No.

6 MS. BAHARAV: Any of your friends ever been the victim of domestic  
7 violence?

8 PROSPECTIVE JUROR #029: No.

9 MS. BAHARAV: Have you been the victim of domestic violence?

10 PROSPECTIVE JUROR #029: No.

11 MS. BAHARAV: Do you watch the show CSI?

12 PROSPECTIVE JUROR #029: Yes.

13 MS. BAHARAV: Do you watch the one from Las Vegas?

14 PROSPECTIVE JUROR #029: Uh-huh.

15 MS. BAHARAV: Do you see all those awesome tools and gadgets that they  
16 have in that show?

17 PROSPECTIVE JUROR #029: Yeah.

18 MS. BAHARAV: Okay. You understand that's fiction; right?

19 PROSPECTIVE JUROR #029: Oh, yeah.

20 MS. BAHARAV: Okay. The Las Vegas Metropolitan Police Department  
21 works on a budget so they do not have those types of fancy computer screens and  
22 things like that; you understand that, right?

23 PROSPECTIVE JUROR #029: Oh, yeah.

24 MS. BAHARAV: Now knowing what you know about CSI Las Vegas, you're  
25 not going to hold the State to that particular forensic standard; are you?

1 PROSPECTIVE JUROR #029: No.

2 MS. BAHARAV: Do you understand that not every case has fingerprint or  
3 DNA; do you understand that?

4 PROSPECTIVE JUROR #029: I do.

5 MS. BAHARAV: Are you going to hold that against us if we don't present any  
6 DNA or fingerprints?

7 PROSPECTIVE JUROR #029: No.

8 MS. BAHARAV: Or a really fancy computer screen with someone's face next  
9 to it?

10 PROSPECTIVE JUROR #029: No.

11 MS. BAHARAV: Okay. Have you ever had contact with the Las Vegas  
12 Metropolitan Police Department?

13 PROSPECTIVE JUROR #029: No.

14 MS. BAHARAV: Traffic tickets or anything like that?

15 PROSPECTIVE JUROR #029: Yeah, I'm sure I've had a ticket. I don't know  
16 if it was Las Vegas. I live in Boulder City.

17 MS. BAHARAV: Oh, okay. Well anything about your law enforcement  
18 contact, maybe if you had a ticket stand out to you positive or negative?

19 PROSPECTIVE JUROR #029: No.

20 MS. BAHARAV: No. Nothing about that experience stands out to you at all?

21 PROSPECTIVE JUROR #029: No.

22 MS. BAHARAV: Great. We heard some comments earlier about someone's  
23 beliefs not being -- allowing them to be able to sit in judgment of anyone else. Do  
24 you have any beliefs that will hinder your ability to make a decision in this particular  
25 case?

1 PROSPECTIVE JUROR #029: No.

2 MS. BAHARAV: And if the State proves after you listen to the instructions by  
3 the Court, if the State meets the elements beyond a reasonable doubt, would you be  
4 able to find a verdict of guilty in that instance?

5 PROSPECTIVE JUROR #029: Yes.

6 MS. BAHARAV: If the State doesn't meet every element beyond a  
7 reasonable doubt, would you be able to vote not guilty?

8 PROSPECTIVE JUROR #029: Yes.

9 MS. BAHARAV: Thank you. State will pass for cause.

10 THE COURT: Thank you. Mr. Shetler.

11 MR. SHETLER: Thank you, Your Honor.

12 Ms. Ward, notwithstanding the budget limitations of the Las Vegas  
13 Metropolitan Police Department, would you still expect them to thorough investigate  
14 a crime scene?

15 PROSPECTIVE JUROR #029: Yes.

16 MR. SHETLER: And if they didn't thorough investigate a crime scene, could  
17 you still be a fair and impartial juror?

18 PROSPECTIVE JUROR #029: Yeah.

19 MR. SHETLER: Do you have -- Ms. Baharav asked you -- I forgot to ask one  
20 question I was curious about. What type of field of nursing are you involved in?

21 PROSPECTIVE JUROR #029: I postpartum nursing and same day surgery  
22 nursing.

23 MR. SHETLER: Have you ever had experience in your -- and you've been a  
24 nurse for how long?

25 PROSPECTIVE JUROR #029: Seven years.

1 MR. SHETLER: Have you ever had to deal with victims of domestic violence  
2 in your career?

3 PROSPECTIVE JUROR #029: I don't know. We've had suspected in our  
4 postpartum unit but nothing that was directly evident or that was reported. We've  
5 had people that didn't want certain people coming to their room because of  
6 possibilities of threats of that.

7 MR. SHETLER: Understand. It's unfortunate. Would any of your  
8 experiences in those situations impact your ability to be a fair and impartial juror  
9 here today?

10 PROSPECTIVE JUROR #029: No.

11 MR. SHETLER: How long have you been out in Boulder City?

12 PROSPECTIVE JUROR #029: Forty-one years.

13 MR. SHETLER: You heard earlier in Ms. Foley's comment and as Judge  
14 Cadish said, we're not here to pry or get into your personal life, but you understand  
15 the Constitution gives my client a right to a trial by jury of his peers and that the  
16 State although budget restraints and extremely qualified lawyers notwithstanding,  
17 they have a duty to establish my client's guilt beyond a reasonable doubt; do you  
18 understand that?

19 PROSPECTIVE JUROR #029: Yes, I do.

20 MR. SHETLER: Ms. Baharav asked you if there was anything if you were  
21 sitting at either table if you would want a person such as yourself on the jury and  
22 you're comfortable with [indiscernible] for either person?

23 PROSPECTIVE JUROR #029: Yes.

24 MR. SHETLER: I started to mention Ms. Foley. I'm sorry. I got sidetracked.  
25 Her comment was a little surprising but that's the kind of honesty unfortunately that

1 we need. This is Mr. Perry's probably the most important couple days of his life right  
2 now, and we all come in with certain prejudices and opinions. I'm certainly well  
3 aware of that when I drive through the streets of Las Vegas. It's the ability to set  
4 aside those personal beliefs as some people have said that they couldn't do, right,  
5 as we were going through this and purely judge Mr. Perry based on the evidence  
6 that the State produces, that Judge Cadish allows into trial and that you take back  
7 and then you're going to -- this is a long question; I'm sorry. You're going to get a  
8 set of jury instructions at the end and I think we're going to end up with somewhere  
9 around 25 pages of instructions. You have to take the evidence you heard here and  
10 apply it to those jury instructions or vice versa. Maintaining that lack of a pre-formed  
11 opinion which is difficult and some people are much more vocal about what they can  
12 and can't do and what they do and don't want to do, however you want to interpret  
13 that. That long winded -- [indiscernible] unidirectional question aside, does any of  
14 that strike a bell with you at all or do you hear anything in there that you believe  
15 would give you a problem, Ms. Ward?

16 PROSPECTIVE JUROR #029: No.

17 MR. SHETLER: Thank you for your patience. I appreciate that. Your Honor,  
18 we would pass Ms. Ward for cause

19 THE COURT: Thank you. Go ahead and pass the mic to the next juror.  
20 Thank you. All right. So, Ms. Downing, how are you doing?

21 PROSPECTIVE JUROR #003: Okay.

22 THE COURT: I took note of what you told me earlier about your childcare  
23 issue and counsel and I agreed that we will make sure we accommodate your need  
24 to do drop off and pick up for your children on Monday if you have to be here  
25 Monday. Okay.



1 PROSPECTIVE JUROR #003: Okay.

2 THE COURT: I don't want you to be concerned that I'm going to keep you  
3 from that. With that being said, is there any reason you could not be fair and  
4 impartial in this case?

5 THE COURT: Can you wait in forming your opinion on the appropriate result  
6 until all of the evidence has been heard?

7 PROSPECTIVE JUROR #003: Yes.

8 THE COURT: Have you or anyone close to you worked in law enforcement?

9 PROSPECTIVE JUROR #003: No.

10 THE COURT: Have you or anyone close to you been charged with a serious  
11 crime?

12 PROSPECTIVE JUROR #003: No.

13 THE COURT: Have you or anyone close to you been the victim of a serious  
14 crime?

15 PROSPECTIVE JUROR #003: No.

16 THE COURT: Is there anything about the charges in this case that would  
17 make it difficult for you to be fair and impartial?

18 PROSPECTIVE JUROR #003: Yes; after hearing her part and like having  
19 hearing them about domestic violence, that affected me.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #003: I've had people that I know that has been  
22 friends of friends; it bothers me.

23 THE COURT: So, you know people who have been victims of domestic  
24 violence?

25 PROSPECTIVE JUROR #003: Yes.

1 THE COURT: Okay. And so the charges relate to an alleged domestic  
2 violence incident. Do you think that you could listen to the evidence and evaluate  
3 the evidence under the law that I give you to reach a verdict based on the evidence  
4 and the law?

5 PROSPECTIVE JUROR #003: I'm not sure truthfully. I don't know how  
6 emotional I would get doing it.

7 THE COURT: Right. I can see you're getting emotional now talking about it.  
8 You're nodding yes. So, a verdict can't be based on sympathy or prejudice. It's got  
9 to be based on the facts and the law. Now we're all human beings. We may all  
10 have sympathy when we all come with our own biases and prejudices. But the  
11 decision that the jurors make as a jurors in the case can't be based on that; it has to  
12 be based on the facts and the law. So, do you think that you would be able to do  
13 that or do you think you can't.

14 PROSPECTIVE JUROR #003: I don't think I could.

15 THE COURT: Okay. And who is it -- obviously I'm not looking for names, but  
16 who is it who you are aware of who have been victims of domestic violence?

17 PROSPECTIVE JUROR #003: Just close friends that I've known, actually  
18 three or four people that I can think of right off the top of my head.

19 THE COURT: Okay. And have they --

20 PROSPECTIVE JUROR #003: Verbal and physical.

21 THE COURT: I apologize. I was talking over you. What did you say?

22 PROSPECTIVE JUROR #003: Both verbal and physical.

23 THE COURT: Right. And do you know whether they have reported those  
24 issues to the police?

25 PROSPECTIVE JUROR #003: Yes; they're out of it now but it was just a long

1 process.

2 THE COURT: Were you supporting them at all through the legal process?

3 PROSPECTIVE JUROR #003: Yes; I was listening to them and I think that's  
4 what makes me more emotional.

5 THE COURT: Yeah. Okay. Counsel, come on up, please.

6 [Bench conference -- begins]

7 THE COURT: Okay. Are you seeking to excuse her?

8 MR. SHETLER: She just seems to have hard time -- I mean, at this point in  
9 time she's pretty emotional and I don't know how we would get through actual  
10 testimony.

11 THE COURT: Sure. And I should note for the record it looks like she's  
12 tearing up while she's talking about it.

13 MS. BAHARAV: You can hear it in her voice.

14 THE COURT: Once we got to an issue about the charges and she had to  
15 address domestic violence she's getting all teary eyed.

16 MR. SHETLER: You want to ask her questions?

17 MS. BAHARAV: I'll submit it.

18 MR. SHETLER: Yeah. Judge, we can let her go.

19 THE COURT: All right. I'll excuse her. It's getting empty back there.

20 MR. SHETLER: Thank you, Your Honor.

21 THE COURT: Okay.

22 [Bench conference -- concluded]

23 THE COURT: Ms. Downing, I'm going to excuse you at this time because of  
24 the nature of the case and I can see the emotional effect it has on you. Thanks very  
25 much for your time today.

1 PROSPECTIVE JUROR #003: Thank you.

2 THE COURT: So, just leave the mic there and we'll fill it in. So, just go down  
3 to the third floor and tell them I excused you.

4 THE COURT CLERK: Next in seat number 2, Badge number 042, Ruth  
5 Etnire.

6 THE COURT: All right, ma'am. If you could grab the mic, please. How do yo  
7 pronounce your last name?

8 PROSPECTIVE JUROR #042: Etnire.

9 THE COURT: Okay. Ms. Etnire, how are you doing today?

10 PROSPECTIVE JUROR #042: I'm here.

11 THE COURT: Yes, I see that. Have you got a broken arm there?

12 PROSPECTIVE JUROR #042: Yes, I do.

13 THE COURT: Okay. Is that causing you any pain that would be distracting  
14 for you while you're here?

15 PROSPECTIVE JUROR #042: It's a constant ache, you know. The doctor is  
16 allowing me to go work and drive so I didn't figure that it was probably enough to not  
17 come here.

18 THE COURT: Got it. I appreciate that. So, is there any reason you could not  
19 be fair and impartial in this case?

20 PROSPECTIVE JUROR #042: I don't think so.

21 THE COURT: Can you wait in forming your opinion on the appropriate result  
22 until all of the evidence has been heard?

23 PROSPECTIVE JUROR #042: Yes.

24 THE COURT: Have you or anyone close to you worked in law enforcement?

25 PROSPECTIVE JUROR #042: The closest my daughter-in-law is a Metro

1 dispatch, 9-1-1.

2 THE COURT: Okay. Does she work -- she works for Metro?

3 PROSPECTIVE JUROR #042: She works for Metro.

4 THE COURT: And how long has she been doing that?

5 PROSPECTIVE JUROR #042: Six, seven years, I believe.

6 THE COURT: Okay. So, she's a civilian employee; correct?

7 PROSPECTIVE JUROR #042: She's a civilian employee.

8 THE COURT: So, does she sometimes talk about the kinds of calls that she  
9 takes in that role?

10 PROSPECTIVE JUROR #042: Some of them are bizarre calls, yes.

11 THE COURT: Sure. Has she talked to you about some domestic violence  
12 calls she's gotten?

13 PROSPECTIVE JUROR #042: I don't believe so, no.

14 THE COURT: Would the fact that your daughter is in that role with Metro  
15 affect your ability to be fair and impartial in this case?

16 PROSPECTIVE JUROR #042: No.

17 THE COURT: Do you think that it will cause you to give extra weight or lesser  
18 weight or credibility to law enforcement officers as compared with law witnesses?

19 PROSPECTIVE JUROR #042: I don't think so, no.

20 THE COURT: Do you think you can weigh all the witnesses, the testimony  
21 the same way?

22 PROSPECTIVE JUROR #042: I think so, yes.

23 THE COURT: Have you or anyone close to you been charged with a serious  
24 crime?

25 PROSPECTIVE JUROR #042: I have a son who has multiple charges for

1 assault and burglary.

2 THE COURT: Okay. And that is here in Las Vegas?

3 PROSPECTIVE JUROR #042: It is, and in Reno.

4 THE COURT: Pardon?

5 PROSPECTIVE JUROR #042: And in Reno.

6 THE COURT: And in Reno. Okay. Has he actually been convicted?

7 PROSPECTIVE JUROR #042: Yes, he has; he's served time.

8 THE COURT: Okay. Is he out of custody now?

9 PROSPECTIVE JUROR #042: I think so.

10 THE COURT: I gather you're not in touch with him much?

11 PROSPECTIVE JUROR #042: He's kind of burned all his bridges with his  
12 family.

13 THE COURT: I understand. Do you feel that he's been treated fairly in his  
14 cases?

15 PROSPECTIVE JUROR #042: Yes.

16 THE COURT: Has the Court Clark District Attorney's office prosecuted him?

17 PROSPECTIVE JUROR #042: Yes.

18 THE COURT: Okay. Will the fact that they've prosecuted him cause you to  
19 either be prejudiced against their office or favor their office?

20 PROSPECTIVE JUROR #042: No.

21 THE COURT: Do you think you can be fair to both sides here, ma'am?

22 PROSPECTIVE JUROR #042: I think so, yes.

23 THE COURT: And will your son's cases and what he's gone through in his  
24 cases affect your ability to be fair and impartial?

25 PROSPECTIVE JUROR #042: No; it just affects my ability to be fair and

1 impartial to him.

2 THE COURT: Fair enough.

3 THE COURT: Have you or anyone close to you been the victim of a serious  
4 crime?

5 PROSPECTIVE JUROR #042: No.

6 THE COURT: Is there anything about the charges in this case that would  
7 make it difficult for you to be fair and impartial?

8 PROSPECTIVE JUROR #042: I don't believe so, no.

9 THE COURT: Can you base your verdict solely on the evidence brought out  
10 at trial and the law that applies as stated in my instructions without fear of criticism  
11 or popular opinion?

12 PROSPECTIVE JUROR #042: Yes.

13 THE COURT: Have you ever been a juror before?

14 PROSPECTIVE JUROR #042: No. I've gotten this far; I never stayed.

15 THE COURT: Right. But you've never actually been seated?

16 PROSPECTIVE JUROR #042: No.

17 THE COURT: Okay. If you were a party to this case would you be  
18 comfortable with jurors of a like frame of mind as yourself sitting in judgment?

19 PROSPECTIVE JUROR #042: Yes.

20 THE COURT: And, ma'am, how long have you lived in Clark County?

21 PROSPECTIVE JUROR #042: I'm going to say 40 years.

22 THE COURT: Okay. What's the highest level of education you completed?

23 PROSPECTIVE JUROR #042: I have a master's degree plus hours.

24 THE COURT: So, what's your master's in?

25 PROSPECTIVE JUROR #042: Master of education.

1 THE COURT: And what was your undergraduate degree in?  
2 PROSPECTIVE JUROR #042: Bachelor of science in mathematics.  
3 THE COURT: And are you employed?  
4 PROSPECTIVE JUROR #042: I am.  
5 THE COURT: What do you do?  
6 PROSPECTIVE JUROR #042: I'm a teacher.  
7 THE COURT: And what do you teach?  
8 PROSPECTIVE JUROR #042: Mathematics.  
9 THE COURT: Makes sense. And are you married?  
10 PROSPECTIVE JUROR #042: I am.  
11 THE COURT: Is your spouse employed?  
12 PROSPECTIVE JUROR #042: He is not; he's retired.  
13 THE COURT: What did he do before retiring?  
14 PROSPECTIVE JUROR #042: He was a teacher.  
15 THE COURT: What did he teach?  
16 PROSPECTIVE JUROR #042: Math.  
17 THE COURT: Okay. So, we know you have a son and you have a daughter  
18 who is Metro --  
19 PROSPECTIVE JUROR #042: I have four children, two sons and two  
20 daughters.  
21 THE COURT: Okay. So, we know about two of them now. What are the  
22 other two doing?  
23 PROSPECTIVE JUROR #042: My youngest daughter works for a company  
24 in Portland, a start-up kind of company; my older daughter works in California at  
25 Vandenberg Air Force Base, and my oldest son works at the test site and it's his



1 wife who is -- works for Metro.

2 THE COURT: Okay. Got it. Okay. State.

3 MS. SUDANO: Thank you, Your Honor. Hi, Ms. Etnire, I'm Michelle. How  
4 are you doing?

5 PROSPECTIVE JUROR #042: I'm fine. Thank you.

6 MS. SUDANO: So, have you or a close family member ever been the victim  
7 of a domestic violence?

8 PROSPECTIVE JUROR #042: No.

9 MS. SUDANO: Have you or a close family member ever been accused of  
10 domestic violence?

11 PROSPECTIVE JUROR #042: No.

12 MS. SUDANO: And I'm going to ask the same question Ms. Baharav asked.  
13 Do you watch the CSI shows?

14 PROSPECTIVE JUROR #042: We watch the NCIS shows, not Las Vegas  
15 but, yeah.

16 MS. SUDANO: Same general idea though. You understand that some of the  
17 things in those shows aren't necessarily realistic?

18 PROSPECTIVE JUROR #042: Yes.

19 MS. SUDANO: You understand that the Las Vegas Metropolitan Police  
20 Department can't do some of the fancy high tech things --

21 PROSPECTIVE JUROR #042: Exactly.

22 MS. SUDANO: Right. And you understand that witness testimony and  
23 statements and things like that are also evidence to be considered?

24 PROSPECTIVE JUROR #042: Yes.

25 MS. SUDANO: Would you be able to come back with a verdict in this case

1 even if the State did not present DNA evidence, fingerprints?

2 PROSPECTIVE JUROR #042: Yes.

3 MS. SUDANO: Have you ever had any contact with Metro, Henderson Police,  
4 anything like that?

5 PROSPECTIVE JUROR #042: Well I have had contact with Metro when we  
6 had difficulties with my son.

7 MS. SUDANO: Okay. Anything about -- how would you characterize that  
8 interaction with law enforcement?

9 PROSPECTIVE JUROR #042: They were very supportive.

10 MS. SUDANO: Supportive of you?

11 PROSPECTIVE JUROR #042: Yes.

12 MS. SUDANO: Okay. Do you think that anything about those interactions  
13 would affect your ability to be fair and impartial to both sides in this case?

14 PROSPECTIVE JUROR #042: No.

15 MS. SUDANO: Do you think your son was treated fairly by the police in his  
16 cases?

17 PROSPECTIVE JUROR #042: Yes.

18 MS. SUDANO: Okay. And I think that Judge Cadish may have asked you  
19 questions about whether or not he had been prosecuted by our office, the Clark  
20 County DA's office previously?

21 PROSPECTIVE JUROR #042: Yes.

22 MS. SUDANO: And I noticed that you hesitated a little bit when you saying  
23 whether or not you thought he had been treated fairly.

24 PROSPECTIVE JUROR #042: I think he's been treated fairly, more than  
25 fairly sometimes, I think.

1 MS. SUDANO: So, the fact -- when you say that he's been treated more than  
2 fairly, do you want to explain a little bit?

3 PROSPECTIVE JUROR #042: You know, sometimes I felt like there should  
4 have been a longer sentence for him actually than he got.

5 MS. SUDANO: So, anything about that experience in thinking that our office  
6 maybe the Judge was too lenient on your son; would that affect your abilities to be  
7 fair and impartial?

8 PROSPECTIVE JUROR #042: No.

9 MS. SUDANO: Court's indulgence. Do you have any personal beliefs or  
10 religious convictions that would affect your ability to sit in judgment of someone  
11 else?

12 PROSPECTIVE JUROR #042: No.

13 MS. SUDANO: Your Honor, the State would ass Ms. Etnire for cause.

14 THE COURT: Thank you. Mr. Shetler.

15 MR. SHETLER: Thank you, Your Honor. Ms. Etnire, this is a fine way to  
16 celebrate teacher appreciation week.

17 PROSPECTIVE JUROR #042: Thank you.

18 MR. SHETLER: Thank you for being here. I want to ask again just as I  
19 inartfully did with Ms. Ward. Your honesty is greatly appreciated, and just as Ms.  
20 Downing's was. It's serious stuff and it impact people's lives on a daily basis. In the  
21 cases involving your son, I didn't hear if you mentioned if there was any drug usage  
22 or drug activity involved in those cases?

23 PROSPECTIVE JUROR #042: Yes.

24 MR. SHETLER: You may well hear testimony of drug usage or drug activity in  
25 this case; will that impact your decision to be a fair and impartial juror?

1 PROSPECTIVE JUROR #042: No.

2 MR. SHETLER: People have pretty strong feelings about drugs.

3 PROSPECTIVE JUROR #042: I have strong feelings about drugs, but that  
4 can be a basis, I guess, of causing behavior.

5 MR. SHETLER: And I mean this completely respectfully; I'm not trying to pry.  
6 Your son's activities do you believe that drugs played a significant role in his --

7 PROSPECTIVE JUROR #042: Yes.

8 MR. SHETLER: Okay. So, people might act differently under the influence of  
9 drugs?

10 PROSPECTIVE JUROR #042: I believe so, yes.

11 MR. SHETLER: And I know I'm asking you the same question one more time.  
12 Please bear with me. You can separate a person's activities while possibly using  
13 drugs or trying to acquire drugs from -- as they sit here in front of you for judgment?

14 PROSPECTIVE JUROR #042: I'm not sure I understand.

15 MR. SHETLER: If there were testimony put on that talked about Mr. Perry  
16 and drug usage or possibly drug -- selling drugs, is that going to impact your ability  
17 to listen to the evidence and make a determination just on those jury instructions as  
18 to what he's charged with here?

19 PROSPECTIVE JUROR #042: No.

20 MR. SHETLER: Does that make sense or am I making it too muddy?

21 PROSPECTIVE JUROR #042: It just seems like you're talking about -- I don't  
22 know if you're saying drug use played a role in the crime that he's accused of or  
23 you're just saying that's incidental and it might be brought up.

24 MR. SHETLER: If evidence -- and there are certain rules on what I can and I  
25 can't say right at this point.

1 PROSPECTIVE JUROR #042: Right. I understand.

2 MR. SHETLER: But if evidence were to come out in either of those fashions,  
3 would that impact your ability to sit as a fair and impartial juror, and most  
4 importantly, this is what Mr. Perry is worried about. If you were in a situation similar  
5 to Mr. Perry and a person with your experiences and what you've had to go through  
6 with your son's cases, will sitting on a jury would you be comfortable with that  
7 person sitting in judgment on you? That's really the nut of the matter.

8 PROSPECTIVE JUROR #042: I believe so, yes.

9 MR. SHETLER: That's fair enough. That's -- your patience is much  
10 appreciated. Thank you. Your Honor, we pass Ms. Etnire; correct? We pass for  
11 cause, Your Honor.

12 THE COURT: Thank you. Ms. De Paz, how are you?

13 PROSPECTIVE JUROR #004: Hello. Sorry I'm short.

14 THE COURT: Me too. It's all right. Is there any reason you could not be fair  
15 and impartial in this case?

16 PROSPECTIVE JUROR #004: I don't believe so.

17 THE COURT: Can you wait in forming your opinion on the appropriate result  
18 until all of the evidence has been heard?

19 PROSPECTIVE JUROR #004: Yes.

20 THE COURT: Have you or anyone close to you worked in law enforcement?

21 PROSPECTIVE JUROR #004: Kind of. I've been rein -- I can't say the word  
22 right now -- reacquainted with my mother's side of the family. I have an aunt who is  
23 a Los Angeles Sheriff and my mother's birth mother is a civilian service member with  
24 -- fortunately -- abuse cases, trials of domestic abuse.

25 THE COURT: Is that someone who you are close with?

1 PROSPECTIVE JUROR #004: No.

2 THE COURT: Okay. But she is a relative so I figured you need to know.

3 THE COURT: No, I do. I appreciate you letting me know. Thanks. So, my  
4 question is whether the fact that you've got those relatives who were in law  
5 enforcement would affect your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR #004: I don't believe so.

7 THE COURT: And the person you were just talking about, your mother's birth  
8 mom, does she work here in Las Vegas?

9 PROSPECTIVE JUROR #004: No; she lives in San Francisco.

10 THE COURT: Okay. And do you think that you would have a tendency to  
11 give extra weight or credibility to the testimony of law enforcement officers because  
12 they're law enforcement officers?

13 PROSPECTIVE JUROR #004: No; everybody's human, everybody makes  
14 mistakes.

15 THE COURT: Okay. So, you think you could weigh their testimony like you  
16 would weigh any witness testimony?

17 PROSPECTIVE JUROR #004: Yes.

18 THE COURT: Have you or anyone close to you been charged with a serious  
19 crime?

20 PROSPECTIVE JUROR #004: My father was charged with domestic abuse  
21 when I was 13 and before I was born he stole a car. I don't remember what that's  
22 called.

23 THE COURT: Okay. That's fine. The domestic abuse issue, were you  
24 present during the incident?

25 PROSPECTIVE JUROR #004: It was against -- it was because of me and my

1 sister. At the time I truly -- my stepmother or step-grandmother blew things out of  
2 proportion. We got hit by my dad. I -- now as an adult with kids of my own truly  
3 believe we deserved to get hit. We should not have been doing what we were doing  
4 which was hitting each other, but it blew out of proportion. The Court's threw it in as  
5 being beaten and so on and so forth and we were hit, we weren't beaten. So, that  
6 was the issue with that case. But we had a -- what is it called -- the social worker,  
7 he kept pushing it and pressing it and making it bigger than it was. Once we  
8 changed social workers, it completely away.

9 THE COURT: Was he actually convicted of a crime, your dad I mean?

10 PROSPECTIVE JUROR #004: He served time for the grand theft auto but  
11 not for -- he went to jail but he didn't go to prison for the domestic violence.

12 THE COURT: Okay. So, as you know, one of the charges here is for a  
13 domestic battery.

14 PROSPECTIVE JUROR #004: I do.

15 THE COURT: And the different charges relate to, I think, the same one  
16 incident. Okay. So, there are different charges that are brought and obviously we  
17 haven't heard any evidence about them yet. But my question is given that the  
18 nature of it involves a domestic situation, do you think that you could put aside your  
19 personal experience and base your decision in this case on the evidence presented  
20 and the law that I give you?

21 PROSPECTIVE JUROR #004: I do.

22 THE COURT: And do you have any difficulty following my instructions on the  
23 law even as to what does or doesn't constitute the crime of battery domestic  
24 violence?

25 PROSPECTIVE JUROR #004: No, I don't have a problem with that.

1 THE COURT: So, the next question is about whether you or anyone close to  
2 you has been the victim of a serious crime. You already talked about that --

3 PROSPECTIVE JUROR #004: Yes.

4 THE COURT: -- that circumstance.

5 PROSPECTIVE JUROR #004: Unfortunately my dad was abusive with my  
6 mother until I was about six years old, but they're still together, 32 years strong. I  
7 understand that drugs did have a role in it but he was able to change and things  
8 happen.

9 THE COURT: Okay. So, he stopped being abusive?

10 PROSPECTIVE JUROR #004: Yes.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR #004: Now it's just a really depressed old man.  
13 Sorry.

14 THE COURT: Okay. So, from -- I need to focus on you. Do you feel you can  
15 be fair to both sides here?

16 PROSPECTIVE JUROR #004: I do. I've been on both sides, my mother and  
17 my father so I can totally understand both sides of the story.

18 THE COURT: So, is there anything about the charges in this case that would  
19 make it difficult for you to be fair and impartial?

20 PROSPECTIVE JUROR #004: I don't believe so.

21 THE COURT: Can you base your verdict solely on the evidence brought out  
22 at trial and the law that applies as stated in my instructions without fear of criticism  
23 or popular opinion?

24 PROSPECTIVE JUROR #004: Of course.

25 THE COURT: Have you ever been a juror before?



1 PROSPECTIVE JUROR #004: No.

2 THE COURT: If you were a party to this case would you be comfortable with  
3 jurors of a like frame of mind as yourself sitting in judgment?

4 PROSPECTIVE JUROR #004: Yes.

5 THE COURT: And how long have you lived in Clark County?

6 PROSPECTIVE JUROR #004: Five years.

7 THE COURT: Where did you live before that?

8 PROSPECTIVE JUROR #004: Pasadena and Long Beach, California.

9 THE COURT: And what's the highest level of education you completed?

10 PROSPECTIVE JUROR #004: High school. I did a couple years in college  
11 but I never completed it.

12 THE COURT: Did you have a particular major or course of study in college?

13 PROSPECTIVE JUROR #004: I went into English and social work.

14 THE COURT: And are you employed?

15 PROSPECTIVE JUROR #004: I am.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR #004: I'm a receptionist at the spay and neuter  
18 center.

19 THE COURT: Okay. And are you married?

20 PROSPECTIVE JUROR #004: I guess. We're together; we're engaged, not  
21 officially married but we've been together for ten years --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR #004: -- which I heard is common law marriage.

24 THE COURT: Not in Nevada but okay.

25 PROSPECTIVE JUROR #004: Well that's good to know.

1 THE COURT: But you're engaged?

2 PROSPECTIVE JUROR #004: Yeah, we're engaged, yeah.

3 THE COURT: Is your fiancé employed?

4 PROSPECTIVE JUROR #004: Yes; he works for Walmart, overnight stock.

5 THE COURT: And do you have children?

6 PROSPECTIVE JUROR #004: I have one and one on the way.

7 THE COURT: Oh, congratulations.

8 PROSPECTIVE JUROR #004: Thank you.

9 THE COURT: And how old is your child?

10 PROSPECTIVE JUROR #004: She's ten months.

11 THE COURT: All right. State.

12 MS. BAHARAV: Hi.

13 PROSPECTIVE JUROR #004: Hello.

14 MS. BAHARAV: So, let's first start with the CSI show. I'm going to have to  
15 ask all of you questions and I'm apologizing in advance.

16 PROSPECTIVE JUROR #004: I watched all of 'em and I understand.

17 MS. BAHARAV: All right.

18 PROSPECTIVE JUROR #004: We would be broke, completely, and never  
19 ever see any kind of social anything if we were able to do that in our law  
20 enforcement.

21 MS. BAHARAV: Also some of that's fiction. So, some of that technology  
22 actually doesn't really exist, yes. So, will you hold it against the State if we do not  
23 present any DNA or fingerprint evidence in this case?

24 PROSPECTIVE JUROR #004: No.

25 MS. BAHARAV: You're not going to require the State to present that

1 particular type of evidence?

2 PROSPECTIVE JUROR #004: No.

3 MS. BAHARAV: You'll be able to listen to testimony and view photographs  
4 and things of that nature?

5 PROSPECTIVE JUROR #004: Yes.

6 MS. BAHARAV: Yes.

7 PROSPECTIVE JUROR #004: And based upon that evidence will you be  
8 able to come to a conclusion?

9 PROSPECTIVE JUROR #004: Yes.

10 MS. BAHARAV: If the State meets every element of the crimes beyond a  
11 reasonable doubt, will you be able to find the Defendant guilty?

12 PROSPECTIVE JUROR #004: Beyond a reasonable doubt, yes.

13 MS. BAHARAV: And similarly if we do not meet those elements beyond a  
14 reasonable doubt, would you be able to vote not guilty?

15 PROSPECTIVE JUROR #004: Yes.

16 MS. BAHARAV: So, I have to ask about this.

17 PROSPECTIVE JUROR #004: Go ahead.

18 MS. BAHARAV: This case involves domestic violence. I apologize for prying.

19 PROSPECTIVE JUROR #004: It's okay.

20 MS. BAHARAV: You indicated that the issue with your father and you two  
21 girls got blown a little bit out of proportion?

22 PROSPECTIVE JUROR #004: Yes.

23 MS. BAHARAV: Do you understand that there are situations where people  
24 can cross a line?

25 PROSPECTIVE JUROR #004: Yes; no, I completely understand. It is just

1 that situation we totally deserve what we got, and it wasn't as bad as it turned out  
2 being said it was.

3 MS. BAHARAV: You understand that some -- it's maybe a mandatory  
4 reporter have learned that you had been harmed in any physical way that they do  
5 have an obligation to provide that information to law enforcement.

6 PROSPECTIVE JUROR #004: Yes.

7 MS. BAHARAV: Okay. So, given the fact that you believe that issue was  
8 blown out of proportion but also that your mother was the victim of domestic  
9 violence, would you say that the issue involving your mother and father was different  
10 than the issue involving you and your sister?

11 PROSPECTIVE JUROR #004: Yes. I understand. I've spoken with both of  
12 them and I do know people who have had those kind of relationships. The thing is,  
13 is everybody is different. There's certain things that are going on, you know, people  
14 make mistakes and people can change. So, I believe that I can be impartial.

15 MS. BAHARAV: If you're provided some instructions by the Judge indicating  
16 that a particular behavior is a crime even if you maybe you think that was blown out  
17 of proportion, would you still be able to find somebody guilty of that charge?

18 PROSPECTIVE JUROR #004: I can, yes.

19 MS. BAHARAV: Now you indicated that aside from your father and your  
20 mother, did you know anyone else that has been the victim of domestic violence?

21 PROSPECTIVE JUROR #004: Not personally but heard of them. Not  
22 closely. I've known people in the neighborhood who have had situations, but we  
23 were never really close to our neighbors growing up but I know of it, yes.

24 MS. BAHARAV: What about accused of domestic violence; do you know  
25 anyone else like that?

1 PROSPECTIVE JUROR #004: I don't.

2 MS. BAHARAV: Now you were here earlier when certain people indicated  
3 that they can't sit in judgment of others. Is that something that you hold a belief or  
4 conviction that won't allow you to sit in judgment of somebody else?

5 PROSPECTIVE JUROR #004: Nope. But I want to hear all sides of the story  
6 before I pass judge.

7 MS. BAHARAV: And you understand that as Mr. Perry sits there he doesn't  
8 have to say one word?

9 PROSPECTIVE JUROR #004: Yes.

10 MS. BAHARAV: You understand that Mr. Shetler, though he won't do this  
11 because he's very professional, could sit there and give me dirty faces and giggle at  
12 randomly but he doesn't actually have to say anything?

13 PROSPECTIVE JUROR #004: Yes.

14 MS. BAHARAV: And if they don't say anything are you going to ultimately  
15 think that Mr. Perry is guilty because he did not provide you with a story?

16 PROSPECTIVE JUROR #004: No.

17 MS. BAHARAV: You understand that he doesn't have to say anything and it's  
18 the State's burden of proof in this case?

19 PROSPECTIVE JUROR #004: Yes.

20 MS. BAHARAV: Would you like someone such as yourself on this jury?

21 PROSPECTIVE JUROR #004: I believe so?

22 MS. BAHARAV: Why?

23 PROSPECTIVE JUROR #004: Because I want to hear -- I want to  
24 understand what's going on before I say anything or pass judgment.

25 MS. BAHARAV: Do you think you're a fair person?

1 PROSPECTIVE JUROR #004: I do.

2 MS. BAHARAV: And do you think that if somebody was facing or if you were  
3 sitting in the shoes of Mr. Perry that you would like yourself -- somebody like  
4 yourself on the jury?

5 PROSPECTIVE JUROR #004: Yes.

6 MS. BAHARAV: We'll pass for cause, Your Honor.

7 THE COURT: Thank you. Mr. Shetler.

8 MR. SHETLER: Thank you, Your Honor.

9 Ms. Paz, you've heard my earlier questions?

10 PROSPECTIVE JUROR #004: Yes.

11 MR. SHETLER: Any of those questions bring up any issues for you other  
12 than maybe slight boredom?

13 PROSPECTIVE JUROR #004: No, not at all.

14 MR. SHETLER: I think you are uniquely situated in some regards to sit on  
15 this jury. You understand that if -- what type of social work do you do?

16 PROSPECTIVE JUROR #004: I'm not in the social work field but I started to  
17 study it and I just -- I couldn't get past certain things. When you're a social worker  
18 for children you have to defend both the parent who abused the child and the child.  
19 I couldn't get past the sexual element of that. That's the only issue that I had.  
20 Personally growing up I had different types of social workers. I understand the pros  
21 and the cons. I understand that the law says that if you hit a child and you raise a  
22 welt or its red that is considered abuse. I understand that that is also considered  
23 overboard or not something that, you know, that can be blown out of proportion. I  
24 seriously should have got smacked for hitting my sister that day. Like, I understand  
25 these things. So, the only issue that I have with the social work deal that I couldn't

1 finish it was the sexual abuse part of it.

2 MR. SHETLER: We understand that. You understand that if someone is in  
3 fear of being hurt that they can defend themselves?

4 PROSPECTIVE JUROR #004: Yes.

5 MR. SHETLER: And that's somewhat involved in the situation with you and  
6 your sister. Your father, without getting into details, intervened to stop further  
7 violence, you could say.

8 PROSPECTIVE JUROR #004: Yes; with violence but it was necessary at the  
9 time.

10 MR. SHETLER: Right, right. And you understand that in Nevada if I walk into  
11 Ms. Baharav's home and I put my hand in my pocket and I aim at her and I tell her  
12 to do whatever, give me the keys to her car, if she thinks I have a gun and she  
13 doesn't know I only have my finger in a pocket and she thinks I have a gun, well  
14 whatever she thinks I have, but if she thinks I'm going to kill her she can kill me and  
15 it's okay with that.

16 PROSPECTIVE JUROR #004: Yeah. I was blown apart by that ruling in  
17 California. We don't have that or at least under my understanding.

18 MR. SHETLER: We are slightly different than California.

19 PROSPECTIVE JUROR #004: Yeah. It kind of blew my mind but, yes, I  
20 understand.

21 THE COURT: We'll instruct on the law later.

22 PROSPECTIVE JUROR #004: Sorry.

23 MR. SHETLER: Thank you, Your Honor. But it's just what's in her mind at  
24 the point in time that she makes that decision that's relevant.

25 PROSPECTIVE JUROR #004: Yes, yes, I understand.

1 MR. SHETLER: If I do giggle at Ms. Baharav, are you going to hold that  
2 against me? We'll pass, Your Honor.

3 THE COURT: Thank you. Okay. Mr. Williams, how are you today?

4 PROSPECTIVE JUROR #005: Pretty good.

5 THE COURT: Is there any reason you could not be fair and impartial in this  
6 case?

7 PROSPECTIVE JUROR #005: I don't think so.

8 THE COURT: Can you wait in forming your opinion on the appropriate result  
9 until all of the evidence has been heard?

10 PROSPECTIVE JUROR #005: Yes.

11 THE COURT: Have you or anyone close to you worked in law enforcement?

12 PROSPECTIVE JUROR #005: I have brother-in-law was a county deputy in  
13 Texas for several years, and my sister was a dispatcher in the same county.

14 THE COURT: Is that where you grew up?

15 PROSPECTIVE JUROR #005: Yeah -- yes.

16 THE COURT: Okay. Would the fact that they worked in law enforcement  
17 affect your ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR #005: No, I don't think so.

19 THE COURT: Do you think you would have a tendency to favor law  
20 enforcement officers because they are law enforcement?

21 PROSPECTIVE JUROR #005: No.

22 THE COURT: Have you or anyone close to you been charged with a serious  
23 crime?

24 PROSPECTIVE JUROR #005: No.

25 THE COURT: Have you or anyone close to you been the victim of a serious



1 crime?

2 PROSPECTIVE JUROR #005: Yes.

3 THE COURT: What's that; what happened?

4 PROSPECTIVE JUROR #005: It was my wife's ex son-in-law. He was shot  
5 and killed by another relative.

6 THE COURT: And how long ago did that happen?

7 PROSPECTIVE JUROR #005: I think ten years.

8 THE COURT: Did you know them at the time?

9 PROSPECTIVE JUROR #005: Yes.

10 THE COURT: Okay. We had his daughters at our house when it happened.  
11 I got the phone call.

12 THE COURT: And did the shooting happen here in Las Vegas?

13 PROSPECTIVE JUROR #005: Yes.

14 THE COURT: And was -- and were charges brought?

15 PROSPECTIVE JUROR #005: Yes, they were.

16 THE COURT: And was that the Clark County District Attorney's office that  
17 brought charges?

18 PROSPECTIVE JUROR #005: Yes.

19 THE COURT: Do you think that that case was handled appropriately in the  
20 legal system?

21 PROSPECTIVE JUROR #005: I believe so.

22 THE COURT: Is there anything about that set of circumstances that would  
23 affect your ability to be fair and impartial in this case?

24 PROSPECTIVE JUROR #005: No.

25 THE COURT: You think you can be fair to both the State and the Defendant,

1 Mr. Perry here?

2 PROSPECTIVE JUROR #005: Yes, I do.

3 THE COURT: And so similarly, was that the victim question or the charge  
4 question? You told me about that incident. Is there any other circumstance where  
5 your or someone close to you has been the victim of a serious crime?

6 PROSPECTIVE JUROR #005: No.

7 THE COURT: Is there anything about the charges in this case that would  
8 make it difficult for you to be fair and impartial?

9 PROSPECTIVE JUROR #005: I don't think so.

10 THE COURT: Can you base your verdict solely on the evidence brought out  
11 at trial and the law that applies as stated in my instructions without fear of criticism  
12 or popular opinion?

13 PROSPECTIVE JUROR #005: Yes.

14 THE COURT: Have you ever been a juror before?

15 PROSPECTIVE JUROR #005: Yes.

16 THE COURT: How many times?

17 PROSPECTIVE JUROR #005: Just once.

18 THE COURT: How long ago?

19 PROSPECTIVE JUROR #005: Quite a ways back, 20 plus years.

20 THE COURT: Was that here in Las Vegas?

21 PROSPECTIVE JUROR #005: No; it was in California.

22 THE COURT: And was that a civil or a criminal case?

23 PROSPECTIVE JUROR #005: The man was contesting his traffic ticket.

24 THE COURT: Okay. Sounds criminal, I guess. There was a jury on that;  
25 huh?

1 PROSPECTIVE JUROR #005: Yeah. He wanted to exercise his rights I  
2 guess.

3 THE COURT: Okay. Without telling us what the verdict was, did the jury  
4 reach a verdict in that case?

5 PROSPECTIVE JUROR #005: No; he gave up.

6 THE COURT: Oh, they ended up -- there ended up being a deal before you  
7 had to deliberate?

8 PROSPECTIVE JUROR #005: Yes.

9 THE COURT: Okay. Anything about that jury experience that would affect  
10 your ability to be a fair and impartial juror in this case?

11 PROSPECTIVE JUROR #005: No.

12 THE COURT: If you were a party to this case would you be comfortable with  
13 jurors of a like frame of mind as yourself sitting in judgment?

14 PROSPECTIVE JUROR #005: Yes.

15 THE COURT: How long have you lived in Clark County?

16 PROSPECTIVE JUROR #005: Twenty-five years.

17 THE COURT: And what's the highest level of education you completed?

18 PROSPECTIVE JUROR #005: High school with a little college; nothing  
19 finished.

20 THE COURT: And are you employed?

21 PROSPECTIVE JUROR #005: Yes.

22 THE COURT: Doing what?

23 PROSPECTIVE JUROR #005: I'm a construction manager for -- I'm a  
24 construction manager consultant to the Clark County Public Works.

25 THE COURT: Okay. And are you married?

1 PROSPECTIVE JUROR #005: Yes.

2 THE COURT: Is your spouse employed?

3 PROSPECTIVE JUROR #005: No, she's not.

4 THE COURT: Okay. Do you have children?

5 PROSPECTIVE JUROR #005: I married into them.

6 THE COURT: Got it. Are they all adults?

7 PROSPECTIVE JUROR #005: Yeah. Her three daughters are, yeah.

8 THE COURT: State.

9 MS. SUDANO: Hello.

10 PROSPECTIVE JUROR #005: Hello.

11 MS. SUDANO: All right. You said that you have some family, a brother-in-  
12 law and a sister that were in law enforcement?

13 PROSPECTIVE JUROR #005: Yes.

14 MS. SUDANO: Would anything about that cause you to give more or less  
15 weight to a police officer's testimony just because they are police officers?

16 PROSPECTIVE JUROR #005: No, I don't believe so.

17 MS. SUDANO: You understand that there are good and bad people in every  
18 sort of job employment?

19 PROSPECTIVE JUROR #005: Sure.

20 MS. SUDANO: So, the CSI question.

21 PROSPECTIVE JUROR #005: Don't watch it.

22 MS. SUDANO: So, are you going to hold it against us if we don't present  
23 DNA or fingerprint evidence?

24 PROSPECTIVE JUROR #005: No; you just have to convince us; right?

25 MS. SUDANO: Right. So, if the State's able to prove to you beyond a

1 reasonable doubt in this case that the Defendant's guilty, could you come back with  
2 a verdict of guilty?

3 PROSPECTIVE JUROR #005: I believe so.

4 MS. SUDANO: So, right now if we had you go in the back to deliberate what  
5 would your verdict be?

6 PROSPECTIVE JUROR #005: Right now probably guilty.

7 MS. SUDANO: And do you understand that we haven't presented any  
8 evidence in this case?

9 PROSPECTIVE JUROR #005: Yes, I do.

10 MS. SUDANO: And you understand the -- are you familiar with the phrase  
11 innocent until proven guilty?

12 PROSPECTIVE JUROR #005: Say that again. Sorry.

13 MS. SUDANO: You're familiar with the phrase innocent until proven guilty?

14 PROSPECTIVE JUROR #005: Yes.

15 MS. SUDANO: So, if the State hasn't presented any evidence in this case,  
16 what is innocent until proven guilty mean to you?

17 PROSPECTIVE JUROR #005: Well you have to prove that he's guilty to me  
18 so maybe I can think whatever I want. But you have to -- you're going to change my  
19 mind at this point. Perhaps.

20 MS. SUDANO: So, if you were to go back there right now you understand  
21 you don't have any evidence; right?

22 PROSPECTIVE JUROR #005: Right.

23 MS. SUDANO: And so if you went back there right now could you find the  
24 Defendant not guilty?

25 PROSPECTIVE JUROR #005: I don't have any evidence.

1 MS. SUDANO: Right. And so what would you have to do?

2 PROSPECTIVE JUROR #005: Isn't he innocent until proven guilty theory. I  
3 can't honestly say.

4 MS. SUDANO: So, move on a little bit. Have you ever had any contact with  
5 Metro or any other law enforcement agency?

6 PROSPECTIVE JUROR #005: Nothing a crime or a ticket manner.

7 MS. SUDANO: Have you contact with them in any other way?

8 PROSPECTIVE JUROR #005: In some statements and some things that I've  
9 witnessed around the neighborhood in the past.

10 MS. SUDANO: Okay. So, nothing too serious?

11 PROSPECTIVE JUROR #005: No.

12 MS. SUDANO: Anything about that, positive, negative, neutral?

13 PROSPECTIVE JUROR #005: Neutral.

14 MS. SUDANO: Okay. So, it hasn't given you any positive or negative  
15 feelings about law enforcement one way or the other?

16 PROSPECTIVE JUROR #005: No.

17 MS. SUDANO: Would that affect your ability to be fair and impartial in this  
18 case?

19 PROSPECTIVE JUROR #005: Does it affect it? No.

20 MS. SUDANO: Now have you or any close members of your family ever been  
21 the victims of domestic violence?

22 PROSPECTIVE JUROR #005: No.

23 MS. SUDANO: Have you or any close family members ever been accused of  
24 domestic violence?

25 PROSPECTIVE JUROR #005: No.

1 MS. SUDANO: Okay. So, I want to follow back up with you on the innocent  
2 until proven guilty. So, you understand that the State has the burden of showing  
3 you evidence, right, in proving this case beyond a reasonable doubt?

4 PROSPECTIVE JUROR #005: Yes.

5 MS. SUDANO: And you understand that the Defendant in this case doesn't  
6 have to get up, doesn't have to testify, doesn't have to tell you anything?

7 PROSPECTIVE JUROR #005: Yes.

8 MS. SUDANO: You understand similarly that Mr. Shetler could just not open  
9 his mouth the entire trial?

10 PROSPECTIVE JUROR #005: Yes, I do.

11 MS. SUDANO: And that's still our burden?

12 PROSPECTIVE JUROR #005: Yes.

13 MS. SUDANO: Okay. So, if you were sitting in the position of the State,  
14 would you want somebody like yourself on this jury?

15 PROSPECTIVE JUROR #005: Yeah, I think so.

16 MS. SUDANO: Okay. What about if you were in Mr. Perry's position right  
17 now; would you want somebody like yourself?

18 PROSPECTIVE JUROR #005: Honestly probably not.

19 MS. SUDANO: Okay. And why do you say that?

20 PROSPECTIVE JUROR #005: Because of my previous statement. You  
21 asked me if, right off the bat, if I thought it was guilty or not.

22 MS. SUDANO: We've had people kind of -- that have been excused  
23 previously but has indicated that just based on the nature of the charges they would  
24 have a hard time finding Mr. Perry not guilty; would you say you're in that same  
25 situation?

1 PROSPECTIVE JUROR #005: Not -- just since this has been talking I've  
2 been thinking back and I think recognize the situation, the case or whatever you  
3 want to call it whatever happened. It's just starting to sound familiar. If it is what I  
4 was thinking of I thought it was pretty heinous. I'm guess I'm entering this a little  
5 prejudiced already.

6 MS. SUDANO: So, you think you might have some previous knowledge  
7 about this case?

8 PROSPECTIVE JUROR #005: Nothing more than whatever you've read or  
9 heard.

10 MS. SUDANO: Okay. So, something you saw in the newspaper or the news?

11 PROSPECTIVE JUROR #005: Yes.

12 MS. SUDANO: Okay. So, if you do know anything about this case, do you  
13 think you could set aside what you know and what you may have heard in the media  
14 about this case and just judge it based on the evidence that's presented to you in  
15 the courtroom?

16 PROSPECTIVE JUROR #005: I think so.

17 MS. SUDANO: So, you could set all that stuff aside and when you go back  
18 into the jury room all that's in your mind is what's come before you?

19 PROSPECTIVE JUROR #005: I think to think so.

20 MS. SUDANO: Your Honor, the State would pass for cause.

21 THE COURT: Mr. Shetler.

22 MR. SHETLER: Your Honor, can you approach?

23 THE COURT: Yeah. Why don't you come on up.

24 [Bench conference -- begins]

25 MR. SHETLER: In the interest of time, do you want me to ask -- I don't think



1 he should be here. It's hard to tell what's playing or not but he's gone a little far. I  
2 don't think there was anything in the press.

3 MS. BAHARAV: There wasn't anything. This case never made it to the news.  
4 This is Colleen.

5 THE COURT: Right; yeah, that's what I was wondering. I didn't think this  
6 would ever, you know, been in the news.

7 MS. BAHARAV: I'm just a little concerned that he indicated he would be fine.  
8 He was saying who Mr. Perry is but then when Ms. Sudano followed up with okay  
9 well would you be fair and impartial to Mr. Perry he said no. I mean, he didn't say  
10 [indiscernible] but he said he already had some preconceived notions about Mr.  
11 Perry. So, I'm not sure --

12 MR. SHETLER: He's made a pretty good record both ways really. He's all  
13 over.

14 MS. SUDANO: It's pretty ambiguous at this point where he stands.

15 THE COURT: Yeah; I know you tried to clarify --

16 MS. BAHARAV: Yeah. She did a good job of clarifying but he changed his  
17 story a couple times.

18 MR. SHETLER: Mm-hmm; more than once.

19 THE COURT: So --

20 MS. BAHARAV: Are you challenging for cause?

21 MR. SHETLER: Well we don't have a lot of people. I'm getting worried about  
22 that. But I don't think he should be on the jury. Period. I am.

23 MS. BAHARAV: Okay.

24 MR. SHETLER: I am challenging him.

25 THE COURT: So, you think there's casue?

1 MR. SHETLER: Yeah, there's too much there. It's that comment, that  
2 bothersome comment, but I don't want to take a lot of time. He shouldn't be here, I  
3 don't think. And I recognize [indiscernible]. I don't mean that, Your Honor.

4 THE COURT: No, no, no. I wasn't taking offense. I just want to be clear that  
5 -- I mean, that you think there's cause to excuse him in this situation.

6 MR. SHETLER: Yes.

7 MS. BAHARAV: Based upon my concern about his comment that he'd be fine  
8 if he was the Defendant but noting that Mr. Perry's different and he thinks he's guilty,  
9 I'm going to submit it.

10 MR. SHETLER: And, Your Honor --

11 MS. BAHARAV: I submit it.

12 MR. SHETLER: Yeah.

13 THE COURT: Okay. Then I guess I'll go ahead and excuse him.

14 MR. SHETLER: Sorry, Judge.

15 THE COURT: You might want to check and see if there's more jurors  
16 tomorrow.

17 MR. SHETLER: We're awfully late I know, but my client says he's about to  
18 have an accident, bathroom accident.

19 THE COURT: Okay.

20 MR. SHETLER: I can take the heat if you need me to but -

21 THE COURT: No, that's fine. So, I will excuse him and then we can take a  
22 short break.

23 [Bench conference -- concludes]

24 THE COURT: All right. Mr. Williams, I'm going to go ahead and excuse you  
25 at this time. Thanks very much for your time today. Just go down to the third floor

1 at jury services and let them know I excused you.

2 THE COURT CLERK: Next in seat number 4, Badge number 043, Douglas  
3 Nelson.

4 THE COURT: Okay. Folks, so we're going to take a short break in just a  
5 minute and let everyone use the facilities because we've been going for a while. But  
6 before we take a break I need to explain some things to you about that.

7 First, the attorneys, parties, witnesses, everybody involved in the case  
8 they're not allowed to talk to you during the course of these proceedings. That's  
9 probably pretty obvious. But not only can they not talk to you about the case but  
10 they shouldn't even be talking to you about anything, the weather, clothing, shoes,  
11 whatever. So, they know to avoid talking with you guys even during the breaks  
12 during the trial and you should also avoid having interactions with them. And so if  
13 they kind of walk the other way, avoid taking an elevator with you or kind of try to  
14 distant themselves from you, please don't be offended. They're just complying with  
15 their duty not to have those interactions with you.

16 Additionally, you are required while you're a jury not to discuss the case  
17 with anybody until after you're excused from jury service regarding this case. And  
18 when I say you're not allowed to discuss this case that includes discussing the  
19 charges themselves, anybody involved with the case or even the questions and  
20 answers that are given during the jury selection process. So, when you go out on  
21 break you can't be talking about oh can you believe this one asked that question or  
22 can you believe this juror gave that answer. Don't have questions or discussions  
23 like that. And it would also include not only in person conversations with each other  
24 but also any communications with anyone else, your spouse's boyfriend's whoever  
25 else you might communicate with. You can't talk about the case in any way shape

1 or form. You can let your boss or childcare givers and things like that know that you  
2 are here as part of the jury selection process; that if you're part of the jury that the  
3 case will go the rest of this week and possibly Monday. You can let them know that  
4 much but don't get into any of the details of the case, what it's about, anything else.

5 Also when I say you're not to communicate it includes not only in  
6 person discussions, it includes telephone calls; it includes social media. So, don't  
7 go on Facebook and make a post I can't believe Judge Cadish is still talking; no  
8 Tweets, no other communications of any kind about the case until after you're  
9 completely done as a juror with this case. Okay. That's very important.

10 Also, you're not allowed to do any independent research regarding the  
11 case. So, you know, these days everyone as soon as they hear about some new  
12 issue or person they want to get on their phones and start Googling everybody. You  
13 can do that in your ordinary life outside your jury service, but as a juror you can't do  
14 that. So, you're not allowed to do any independent research; you can't start  
15 Googling anybody involved with the case or any other related issues or laws or  
16 anything like that. All the jurors have to base their decision on the evidence they  
17 see here in the courtroom and on the law instructions that I give you. So, you can't  
18 do any independent research whatsoever. And of course the folks who sit as jurors  
19 shouldn't be forming any opinion about the case until after all the evidence is  
20 presented and they go back to the jury room to deliberate at the end. So, don't allow  
21 yourselves to be forming any opinions in the case prematurely.

22 So, I'm about to read these admonitions that I'm required to read to you  
23 each time we take a break during the course of the trial. It's just basically a  
24 summary of the instructions I just gave you and they're so important that I'm  
25 required to read them to you each time we take a break. Okay. During this recess,

1 you are admonished not talk or converse among yourselves or with anyone on any  
2 subject connected with this trial or to read, watch or listen to any report or  
3 commentary on the trial or any person connected with this trial by any medium of  
4 information, including without limitation, newspapers, television, the internet or radio  
5 or to form or express any opinion on any subject connected with this trial until the  
6 case is submitted to you. Try to keep it to about ten minutes so we can get going  
7 again.

8 [Recess taken at 4:01 p.m.]

9 [Proceedings resumed at 4:11 p.m.]

10 [Outside the presence of the prospective jury panel]

11 THE COURT: On the good side I've arranged for the jury commissioner to  
12 bring in like ten extra jurors tomorrow just in case we need them. Things are going  
13 slowly but I really can't really fault you based on some of the answered we've  
14 gotten.

15 MR. SHETLER: It's been an interesting pool.

16 THE COURT: So, you guys are being pretty cooperative. It just takes a while  
17 sometimes. So, we'll keep moving.

18 MR. SHETLER: Ms. Baharav did find out that we do have warrant returns on  
19 at least one of those prelims for tomorrow.

20 MS. BAHARAV: Just one.

21 MR. SHETLER: Oh, just one. So, we'll know more in the morning, Judge.

22 THE COURT: Okay.

23 MS. BAHARAV: That doesn't mean they go forward. That usually means  
24 they resolve because our victims are there.

25 THE COURT: Right. I mean, the thing is look if I'm going to tell the jurors not

1 to come until 11 then we can't do any -- I mean, if we have evidentiary issues we  
2 can discuss those at nine if you're here and I'm here. But I can't just, you know, if  
3 you come upstairs and say nine I'm ready, I can't start.

4 MR. SHETLER: I completely understand, Judge, completely. Just making  
5 sure you know when we know.

6 THE COURT: Okay. Thank you. Get the jurors.

7 [Inside the presence of the prospective jury panel]

8 THE COURT: All right. You can go ahead and have a seat, folks. So, Mr.  
9 Nelson, how are you today?

10 PROSPECTIVE JUROR #043: During fine, thank you.

11 THE COURT: Good. Glad to hear it.

12 THE COURT: Is there any reason you could not be fair and impartial in  
13 this case?

14 PROSPECTIVE JUROR #043: No.

15 THE COURT: Can you wait in forming your opinion on the appropriate result  
16 until all of the evidence has been heard?

17 PROSPECTIVE JUROR #043: Yes.

18 THE COURT: Have you or anyone close to you worked in law enforcement?

19 PROSPECTIVE JUROR #043: No.

20 THE COURT: Have you or anyone close to you been charged with a serious  
21 crime?

22 PROSPECTIVE JUROR #043: No.

23 THE COURT: Have you or anyone close to you been the victim of a serious  
24 crime?

25 PROSPECTIVE JUROR #043: No.

1 THE COURT: Is there anything about the charges in this case that would  
2 make it difficult for you to be fair and impartial?

3 PROSPECTIVE JUROR #043: No.

4 THE COURT: Can you base your verdict solely on the evidence brought out  
5 at trial and the law that applies as stated in my instructions without fear of criticism  
6 or popular opinion?

7 PROSPECTIVE JUROR #043: Yes.

8 THE COURT: Have you ever been a juror before?

9 PROSPECTIVE JUROR #043: No.

10 THE COURT: If you were a party to this case would you be comfortable with  
11 jurors of a like frame of mind as yourself sitting in judgment?

12 PROSPECTIVE JUROR #043: Yes.

13 THE COURT: How long have you lived in Clark County?

14 PROSPECTIVE JUROR #043: Sixty-six years.

15 THE COURT: Okay. What's the highest level of education you completed?

16 PROSPECTIVE JUROR #043: Twelve.

17 THE COURT: And are you employed?

18 PROSPECTIVE JUROR #043: Yes, I am.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR #043: I'm an instructor full time faculty at Clark  
21 County at College of Southern Nevada. I go back to Clark County Community  
22 College.

23 THE COURT: Right. I understand. What do you teach?

24 PROSPECTIVE JUROR #043: Construction courses.

25 THE COURT: Okay. And are you married?

1 PROSPECTIVE JUROR #043: Yes, I am.  
2 THE COURT: Is your spouse employed?  
3 PROSPECTIVE JUROR #043: No, she's not.  
4 THE COURT: Do you have children?  
5 PROSPECTIVE JUROR #043: Nine.  
6 THE COURT: Nine. Okay. Are they all grown?  
7 PROSPECTIVE JUROR #043: The youngest is 25.  
8 THE COURT: Okay. Do you have any living at home?  
9 PROSPECTIVE JUROR #043: One; they always come back.  
10 THE COURT: That's what I hear. Okay. All right, State.  
11 MS. BAHARAV: Good afternoon, sir. You heard my question about CSI Las  
12 Vegas; have you ever watched that show?  
13 PROSPECTIVE JUROR #043: I don't watch it; I don't like it.  
14 MS. BAHARAV: Okay.  
15 PROSPECTIVE JUROR #043: I watch other cop shows a lot though.  
16 MS. BAHARAV: Anything about those other cop shows that you'll want to see  
17 here in the courtroom?  
18 PROSPECTIVE JUROR #043: No.  
19 MS. BAHARAV: You understand that those cop shows are generally fiction?  
20 PROSPECTIVE JUROR #043: I know. You busted my bubble today.  
21 MS. BAHARAV: I busted everybody's bubble. It's awful. I know. I was really  
22 hoping when I went to visit the lab they had all those fancy things.  
23 PROSPECTIVE JUROR #043: I know me too.  
24 MS. BAHARAV: They really don't.  
25 PROSPECTIVE JUROR #043: It's so cool.



1 MS. BAHARAV: They are. Would you require the State -- let me just get right  
2 to it. Would you like the State to provide DNA or fingerprint evidence in every single  
3 case?

4 PROSPECTIVE JUROR #043: No.

5 MS. BAHARAV: Do you understand in some cases the testimony and the  
6 photographic evidence will be the evidence that exists in the case?

7 PROSPECTIVE JUROR #043: Yes.

8 MS. BAHARAV: And if you have just that evidence will you be able to come  
9 to a conclusion as to guilt or innocence of the Defendant?

10 PROSPECTIVE JUROR #043: Yes.

11 MS. BAHARAV: Has anyone in your family ever been the victim of domestic  
12 violence?

13 PROSPECTIVE JUROR #043: My wife, verbally, not from me though. From  
14 her ex-husband.

15 MS. BAHARAV: Okay. And do you know -- you said it was just verbal?

16 PROSPECTIVE JUROR #043: Yes, it was verbal.

17 MS. BAHARAV: Did she stay in that relationship for a long period of time?

18 PROSPECTIVE JUROR #043: Too long.

19 MS. BAHARAV: And she explained to you kind of why she would stay in that  
20 relationship for so long?

21 PROSPECTIVE JUROR #043: A lot of it was fear.

22 MS. BAHARAV: Eventually she did get up the courage to leave?

23 PROSPECTIVE JUROR #043: Yes.

24 MS. BAHARAV: And obviously she met you?

25 PROSPECTIVE JUROR #043: Of course.

1 MS. BAHARAV: So, people can move on from those relationships?

2 PROSPECTIVE JUROR #043: Say that again.

3 MS. BAHARAV: People can move on from those relationships?

4 PROSPECTIVE JUROR #043: Yes, they can.

5 MS. BAHARAV: In that prior relationship that your wife had, were there  
6 periods of calm where there wasn't any sort of a violence or abuse going on?

7 PROSPECTIVE JUROR #043: I don't know; I'm sure there was.

8 MS. BAHARAV: So, it wasn't always an abusive situation for your wife --

9 PROSPECTIVE JUROR #043: No.

10 MS. BAHARAV: -- is what I'm trying to get at?

11 PROSPECTIVE JUROR #043: Right.

12 MS. BAHARAV: Anyone you know been accused of domestic violence?

13 PROSPECTIVE JUROR #043: No.

14 MS. BAHARAV: And have you ever contact with Metro, parking tickets,  
15 speeding tickets, stuff like that?

16 PROSPECTIVE JUROR #043: Just traffic tickets only.

17 MS. BAHARAV: Anything about that contact with Metro kind of stand out to  
18 you positive or negative?

19 PROSPECTIVE JUROR #043: No.

20 MS. BAHARAV: No negative feelings towards Metro?

21 PROSPECTIVE JUROR #043: No.

22 MS. BAHARAV: And you don't hold Metro up to the highest regard in the  
23 sense of you'll listen to Metro over anybody else? What I mean by that is you'll be  
24 able to listen to all the evidence and all the witnesses no matter where they come  
25 from and evaluate them just based upon what you're tell you?

1 PROSPECTIVE JUROR #043: Yes, I will.

2 MS. BAHARAV: Anything about your background that won't let you sit in  
3 judgment of other people?

4 PROSPECTIVE JUROR #043: No.

5 MS. BAHARAV: We'll pass for cause. Thank you, Judge.

6 THE COURT: Thank you. Mr. Shetler.

7 MR. SHETLER: Thank you, Your Honor. Mr. Nelson, you heard my earlier  
8 questions. Anything I've said whether brief or long winded --

9 PROSPECTIVE JUROR #043: Yes.

10 MR. SHETLER: -- strike a chord?

11 PROSPECTIVE JUROR #043: I have.

12 MR. SHETLER: It didn't even strike a chord or bring forth any more  
13 comment?

14 PROSPECTIVE JUROR #043: No.

15 MR. SHETLER: Did you always -- have you always taught construction  
16 class?

17 PROSPECTIVE JUROR #043: Well I did do it but now I teach it, yes. I taught  
18 at the college for 26 years.

19 MR. SHETLER: Other topics as well or just in that area.

20 PROSPECTIVE JUROR #043: Just construction technology.

21 MR. SHETLER: And when you were in construction what type of role did you  
22 play; manager?

23 PROSPECTIVE JUROR #043: Yeah, I built custom homes.

24 MR. SHETLER: Were you the general --

25 PROSPECTIVE JUROR #043: Contractor.

1 MR. SHETLER: You were the contractor. And you have nine kids?

2 PROSPECTIVE JUROR #043: Yeah, I do. They're all girls except for the  
3 right boys.

4 MR. SHETLER: Have you ever had an opportunity for any of those nine  
5 children, two or more of them to come to you with different stories about the same  
6 event?

7 PROSPECTIVE JUROR #043: Different stories. You mean, different  
8 versions of it, yes.

9 MR. SHETLER: Yes. Did you find some later resolve and get to a resolution  
10 that you were comfortable with?

11 PROSPECTIVE JUROR #043: Yes.

12 MR. SHETLER: And how did you do that?

13 PROSPECTIVE JUROR #043: A father always knows.

14 MR. SHETLER: And in all honestly, going down that vein just a little bit, the  
15 fact that two people might have different versions of the same event not going to  
16 prevent you from sitting here and listening to the evidence?

17 PROSPECTIVE JUROR #043: No.

18 MR. SHETLER: Would you be surprised if two people had the same version  
19 of the same event?

20 PROSPECTIVE JUROR #043: No.

21 MR. SHETLER: It happens.

22 PROSPECTIVE JUROR #043: It could, yes.

23 MR. SHETLER: All right. Likely to happen?

24 PROSPECTIVE JUROR #043: I don't know. I have to listen.

25 MR. SHETLER: The questions that I was asking Ms. De Paz about self-

1 defense, you're familiar with that concept?

2 PROSPECTIVE JUROR #043: No; what do you mean by that?

3 MR. SHETLER: That as a general rule -- and this goes a little bit into what  
4 she was studying -- we generally don't want people putting their hands on each  
5 other in this country; right? We make certain exceptions when we say it's okay, it's  
6 okay to put your hands on somebody else, it's okay if you believe that you're  
7 protecting yourself --

8 PROSPECTIVE JUROR #043: Right.

9 MR. SHETLER: -- or protecting others or in some cases just protection of  
10 property?

11 PROSPECTIVE JUROR #043: Yes.

12 MR. SHETLER: Any issues with that concept?

13 PROSPECTIVE JUROR #043: No.

14 MR. SHETLER: It makes sense?

15 PROSPECTIVE JUROR #043: It does.

16 MR. SHETLER: And have you had to be in that situation?

17 PROSPECTIVE JUROR #043: No, I haven't.

18 MR. SHETLER: Is that small brood of children ever found themselves in that  
19 situation?

20 PROSPECTIVE JUROR #043: No.

21 MR. SHETLER: Good. Thank you for patience today. We'll pass for cause,  
22 Your Honor.

23 THE COURT: Thank you. Ma'am, how do you pronounce your last name?

24 PROSPECTIVE JUROR #006: Wokasch.

25 THE COURT: Wokasch.

1 PROSPECTIVE JUROR #006: Wokasch.

2 THE COURT: Okay. Ms. Wokasch, how are you today?

3 PROSPECTIVE JUROR #006: I'm good. How are you?

4 THE COURT: Good. Is there any reason you could not be fair and impartial  
5 in this case?

6 PROSPECTIVE JUROR #006: No.

7 THE COURT: Can you wait in forming your opinion on the appropriate result  
8 until all of the evidence has been heard?

9 PROSPECTIVE JUROR #006: Yes.

10 THE COURT: Have you or anyone close to you worked in law enforcement?

11 PROSPECTIVE JUROR #006: No.

12 THE COURT: Have you or anyone close to you been charged with a serious  
13 crime?

14 PROSPECTIVE JUROR #006: Define serious.

15 THE COURT: If you thought it was serious.

16 PROSPECTIVE JUROR #006: Years ago when I was an active alcoholic  
17 drug addict, I have been charged but I'm been clean and sober now 16 years so all  
18 that's been ratified and cleared.

19 THE COURT: Okay. Very good. Okay. So, you had been charged. So, was  
20 the offenses you were charged with back at that time related to possession of the  
21 drugs themselves?

22 PROSPECTIVE JUROR #006: Yes.

23 THE COURT: Okay. And were those cases here in Nevada?

24 PROSPECTIVE JUROR #006: No.

25 THE COURT: Where was that?

1 PROSPECTIVE JUROR #006: One was somewhere in the state of  
2 Wisconsin because we were on tour when we got picked up. And then a second  
3 one was in Utah so that was it.

4 THE COURT: Okay. And do you feel you were treated fairly in those cases?

5 PROSPECTIVE JUROR #006: Yeah.

6 THE COURT: Anything about those circumstances that would affect your  
7 ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR #006: No.

9 THE COURT: Have you or anyone close to you been the victim of a serious  
10 crime?

11 PROSPECTIVE JUROR #006: As in like domestic or --

12 THE COURT: Domestic would be serious.

13 PROSPECTIVE JUROR #006: Okay. Case in point back in my old life when  
14 I was out there, I had been domestically abused so yes.

15 THE COURT: And did you report that abuse to the police at all?

16 PROSPECTIVE JUROR #006: Oh, yeah.

17 THE COURT: Okay. And was that person charged?

18 PROSPECTIVE JUROR #006: He spent a night in jail and then -- I forget. I  
19 was still in my alcoholic frenzy. So, I was just kind of fleeing. I think I left state nine  
20 days after the scenario and just dropped it.

21 THE COURT: Okay. And so although you've had that prior experience with  
22 domestic abuse, do you think you could put aside your personal experiences and  
23 base a decision in this case on the evidence presented in the courtroom and the law  
24 that I give you?

25 PROSPECTIVE JUROR #006: Yes.

1 THE COURT: Do you think you could be fair to both sides here?

2 PROSPECTIVE JUROR #006: Yes.

3 THE COURT: Is anything about the charges in this case that would make it  
4 difficult for you to be fair and impartial?

5 PROSPECTIVE JUROR #006: No.

6 THE COURT: Can you base your verdict solely on the evidence and the law  
7 that applies without fear of criticism or popular opinion?

8 PROSPECTIVE JUROR #006: Yes.

9 THE COURT: Have you ever been a juror before?

10 PROSPECTIVE JUROR #006: Yes.

11 THE COURT: Have many times?

12 PROSPECTIVE JUROR #006: I was on a grand jury once in Minneapolis.

13 THE COURT: Okay. For how long were you on the grand jury?

14 PROSPECTIVE JUROR #006: It was an eight week event and it was, I think,  
15 it was one day week for eight weeks.

16 THE COURT: Okay. And you understand that there's a different burden that  
17 applies generally in a grand jury versus a case like this. Would you follow my  
18 instructions on the burden that applies in this case?

19 PROSPECTIVE JUROR #006: Absolutely.

20 THE COURT: Anything about your grand jury experience that affect your  
21 ability to be a fair and impartial juror in this case?

22 PROSPECTIVE JUROR #006: No.

23 THE COURT: If you were a party to this case would you be comfortable with  
24 jurors of a like frame of mind as yourself sitting in judgment?

25 PROSPECTIVE JUROR #006: Yeah.



1 THE COURT: How long have you lived here in Nevada?  
2 PROSPECTIVE JUROR #006: August it will be 17 years.  
3 THE COURT: And what's the highest level of education you completed?  
4 PROSPECTIVE JUROR #006: Completed -- graduated high school, some  
5 college; finished my degree in film and television.  
6 THE COURT: In film and television?  
7 PROSPECTIVE JUROR #006: Yeah.  
8 THE COURT: Okay. And are you employed?  
9 PROSPECTIVE JUROR #006: Yes.  
10 THE COURT: Doing what?  
11 PROSPECTIVE JUROR #006: I work as a stage hand for the International  
12 Alliance of Theatrical Station employees.  
13 THE COURT: And are you married?  
14 PROSPECTIVE JUROR #006: No.  
15 THE COURT: Do you have children?  
16 PROSPECTIVE JUROR #006: No.  
17 State.  
18 MS. SUDANO: Thank you, Your Honor.  
19 Good afternoon Ms. Wokasch.  
20 PROSPECTIVE JUROR #006: Yes.  
21 MS. SUDANO: Did I get it right?  
22 PROSPECTIVE JUROR #006: Yes, you did.  
23 MS. SUDANO: Okay.  
24 PROSPECTIVE JUROR #006: I know it's a tough one.  
25 MS. SUDANO: I'm sorry I'm going to ask you this. I don't want to pry too

1 much into your relationship, but you said that you've been the victim of domestic  
2 violence?

3 PROSPECTIVE JUROR #006: Yes.

4 MS. SUDANO: And at some point you ending up leaving the state?

5 PROSPECTIVE JUROR #006: Yeah.

6 MS. SUDANO: Okay. So, you were able to get out of that relationship; right?

7 PROSPECTIVE JUROR #006: Oh, yeah.

8 MS. SUDANO: Was this just a one time thing or was it something that had  
9 had happened more than once?

10 PROSPECTIVE JUROR #006: It was the first and last time he hit me, yeah.

11 MS. SUDANO: Before that was it always just the physical violence or was  
12 there any sort of emotional abuse or verbal abuse going on before that?

13 PROSPECTIVE JUROR #006: Honestly I'm going to be straight up honest  
14 and that life I was living then it was one big alcoholic blur.

15 MS. SUDANO: Okay. So, to be fair my judgment was completely impaired  
16 the whole time because that's what alcohol does, it affects your judgment as any  
17 opiate does and such, you know.

18 MS. SUDANO: So, it sounds like you got out of that situation pretty quickly;  
19 right

20 PROSPECTIVE JUROR #006: Yeah. But I was still in my disease so I was  
21 jumping from one mess to another.

22 MS. SUDANO: Do you understand that somebody else might not be able to  
23 get out of that situation as quickly?

24 PROSPECTIVE JUROR #006: Yeah.

25 MS. SUDANO: Would you hold that against somebody else?

1 PROSPECTIVE JUROR #006: No.

2 MS. SUDANO: Okay. So, if you're seated on this jury is there anything that  
3 would prevent you from collaborating with the other jurors, working together with  
4 those jurors to come to a verdict?

5 PROSPECTIVE JUROR #006: Anything that would affect me from working --

6 MS. SUDANO: Prevent you --

7 PROSPECTIVE JUROR #006: Prevent me, no.

8 MS. SUDANO: No. The CSI questions.

9 PROSPECTIVE JUROR #006: I used to work on CSI.

10 MS. SUDANO: You did? Okay.

11 PROSPECTIVE JUROR #006: I set up the smoke one day and I set up the  
12 mirrors other day so --

13 MS. SUDANO: Beautiful. So, you know it's all fake.

14 PROSPECTIVE JUROR #006: I know it's all smoke and mirrors.

15 THE COURT: Smoke and mirrors then; okay, got it.

16 MS. SUDANO: Beautiful. So, you understand that some of that technology is  
17 just what you invented?

18 PROSPECTIVE JUROR #006: Yeah, unfortunately. It's all not real. Even  
19 the daylight looks like it's real.

20 MS. SUDANO: Oh, it's inside.

21 PROSPECTIVE JUROR #006: No; it's all light.

22 MS. SUDANO: Okay. So, you're not going to require the State to have  
23 forensic evidence, DNA, fingerprints, anything like that to come back in this case  
24 with you?

25 PROSPECTIVE JUROR #006: That all sounds great but unfortunately, no.

1 MS. SUDANO: Have you ever had contact with the Las Vegas Metropolitan  
2 Police Department or Henderson Police, anything like that?

3 PROSPECTIVE JUROR #006: For like traffic tickets or whatnot?

4 MS. SUDANO: Yeah.

5 PROSPECTIVE JUROR #006: Sure.

6 MS. SUDANO: Do you have positive negative interactions with them or are  
7 they fairly neutral?

8 PROSPECTIVE JUROR #006: A positive. I'm going to say ninety eight  
9 percent positive.

10 MS. SUDANO: Okay. So, anything about that that would affect your ability to  
11 be fair and impartial in this case?

12 PROSPECTIVE JUROR #006: No.

13 MS. SUDANO: Are you going to give more or less weight to a police officer's  
14 testimony just because he or she is a police officer?

15 PROSPECTIVE JUROR #006: Not at all.

16 MS. SUDANO: Is there anything about your life experiences that would  
17 prevent you from sitting in judgment of anybody else?

18 PROSPECTIVE JUROR #006: No; I actually think it would be beneficial. It  
19 sounds strange.

20 MS. SUDANO: What do you mean by that?

21 PROSPECTIVE JUROR #006: Well being clean and sober I'm aware of the  
22 fact that, you know, our views are altered by old habits. So, someone trying to, you  
23 know, change their -- if something dramatic happens in your life -- and I've had girls  
24 come to me getting sober where, you know, they've approached me for, you know,  
25 sponsor walking through the steps, and it's really about being accountable and

1 having gumption and improving your life. So, sometimes scenarios in life like the  
2 case in point myself, when I had gotten arrested for possession and charges and  
3 having to deal with that and take care of those situations. Those, I think, are acts of  
4 providence and that I've been able to take that and turn it around and help  
5 somebody else who is going through the same thing.

6 MS. SUDANO: First of all, congratulations on your sobriety.

7 PROSPECTIVE JUROR #006: Hey, man, it ain't all me.

8 MS. SUDANO: So, if you're in -- if you were in the State's position would you  
9 want somebody such as yourself on the jury?

10 PROSPECTIVE JUROR #006: Sure.

11 MS. SUDANO: What about if you were in Mr. Perry's position?

12 PROSPECTIVE JUROR #006: Yeah.

13 MS. SUDANO: Okay. Your Honor, the State would pass for cause.

14 THE COURT: Thank you. Mr Shetler.

15 MR. SHETLER: Ms. Wokasch.

16 PROSPECTIVE JUROR #006: Yes.

17 MR. SHETLER: Again, thank you for your honesty. That's all I can possibly  
18 hope for or Mr. Perry can hope for. I appreciate it. And just congratulations on still  
19 being on the planet.

20 PROSPECTIVE JUROR #006: Yeah, right. Those are the options death or  
21 jail or --

22 MR. SHETLER: In the situation where you were still out using and still  
23 running and getting, did you ever have an opportunity to come into contact with  
24 people who might falsely accuse somebody to the police to try and achieve some  
25 benefit?

1 PROSPECTIVE JUROR #006: Sure, yeah.

2 MR. SHETLER: It didn't surprise you if activity like that came out of that type  
3 of lifestyle?

4 PROSPECTIVE JUROR #006: It wouldn't surprise me at all, no. Actually,  
5 honestly, nothing surprises me.

6 MR. SHETLER: Right. You talked to -- you mentioned that you worked with  
7 different people in the program. When people come into the program early on, are  
8 you treating them with a different level of credibility that someone who's got some  
9 more time under their belt?

10 PROSPECTIVE JUROR #006: I think if you're new in recovery and you're  
11 trying to change your old habits, it's harder in the beginning from my own  
12 experience, and I needed that longevity with people with hardcore recovery around  
13 me. I needed to stick with 'em to learn how to live differently. You know, changing  
14 your life is hard especially when that was your path for so long, you know, and now  
15 I've surpassed the years of recovery now than of years of wreckage I've done. So,  
16 I'm kind of like in unfamiliar territory which is pretty awesome, you know, it's like a  
17 whole another life. So, when I speak of those old things that happened to me it was  
18 another lifetime ago. But, yeah, people who are very new they're just starting to  
19 learn this. If they really have a willingness and their honest and they're open  
20 minded to the concept of changing their life for the better, it really kind of opens like  
21 a clean slate for them to really start anew and look at themselves on their side of the  
22 street and clean house. You know, it's really about helping others too in the end.  
23 Did I answer your question? I don't know.

24 MR. SHETLER: You're doing fantastic.

25 PROSPECTIVE JUROR #006: Okay.

1 MR. SHETLER: The Judge asked you, the prosecution asked you, the self  
2 defense idea I was talking about earlier does that make sense? Any questions  
3 about that or any concerns it raised for you?

4 PROSPECTIVE JUROR #006: Can you reiterate? I might have been reading  
5 a book at that time.

6 MR. SHETLER: Just the idea that while we generally don't want people  
7 putting their hands on other people --

8 PROSPECTIVE JUROR #006: Sure.

9 MR. SHETLER: -- and we do make certain exceptions and one of those  
10 exceptions if you believe in self defense?

11 PROSPECTIVE JUROR #006: Sure; yeah.

12 MR. SHETLER: And that it's really your subjective point of view at the time  
13 you make that decision is what controls that issue whether you believe in self  
14 defense or not?

15 PROSPECTIVE JUROR #006: Right; oh, yeah.

16 MR. SHETLER: And you're comfortable with that concept?

17 PROSPECTIVE JUROR #006: Yes.

18 MR. SHETLER: And some other said some things about whether they could  
19 or couldn't withhold judgment. Based on your own personal experiences, is that  
20 going -- do you feel that you're going to have carry the torch for one side or the  
21 other?

22 PROSPECTIVE JUROR #006: I believe everyone has their view --

23 MR. SHETLER: Right; of course.

24 PROSPECTIVE JUROR #006: -- and their perception.

25 MR. SHETLER: Right.

1 PROSPECTIVE JUROR #006: And in my -- even in my career because I act  
2 as a steward at times in my union. So, I have to take facts and not emotions when  
3 sitting in like grievance and arbitration in situations or if there's, you know -- but  
4 everyone has a perception and everyone has, you know, they're way of seeing  
5 things and you can find the equilibrium there. I don't feel I need to hold the torch to  
6 anybody. I think everyone has their own torch.

7 MR. SHETLER: Clearly an individual who has a high level of sensitivity and  
8 passion, and there will be photographs of injuries in this case. Is that going to be  
9 problem for you?

10 PROSPECTIVE JUROR #006: No.

11 MR. SHETLER: And I'm sure that there will be testimony that's just plain  
12 unpleasant.

13 PROSPECTIVE JUROR #006: Sure.

14 MR. SHETLER: Ms. Wokasch, thank you very much. Pass for cause.

15 THE COURT: Thank you. Ms. Hamilton, how are you today?

16 PROSPECTIVE JUROR #007: I'm good. How are you?

17 THE COURT: Good. Is there any reason you could not be fair and  
18 impartial in this case?

19 PROSPECTIVE JUROR #007: No.

20 THE COURT: Can you wait in forming your opinion on the appropriate result  
21 until all of the evidence has been heard?

22 PROSPECTIVE JUROR #007: Yes.

23 THE COURT: Have you or anyone close to you worked in law enforcement?

24 PROSPECTIVE JUROR #007: No.

25 THE COURT: Have you or anyone close to you been charged with a serious



1 crime?

2 PROSPECTIVE JUROR #007: My grandson was charged with burglary  
3 involving drugs.

4 THE COURT: How long ago was that?

5 PROSPECTIVE JUROR #007: About five years.

6 THE COURT: Was he convicted?

7 PROSPECTIVE JUROR #007: Yes; twice.

8 THE COURT: Did he go to prison or is he on probation?

9 PROSPECTIVE JUROR #007: He's in Colorado. He spent time and then  
10 probation.

11 THE COURT: I see. Do you think he was treated fairly in his case?

12 PROSPECTIVE JUROR #007: I really have no idea.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #007: I know he was addicted to drugs.

15 THE COURT: Right. Is there anything about his case or circumstances that  
16 would affect your ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR #007: I don't think so.

18 THE COURT: Have you or anyone close to you been the victim of a serious  
19 crime?

20 PROSPECTIVE JUROR #007: Not that I know of -- that I can think of.

21 THE COURT: Sure. Is there anything about the charges in this case that  
22 would make it difficult for you to be fair and impartial?

23 PROSPECTIVE JUROR #007: No.

24 THE COURT: Can you base your verdict solely on the evidence brought out  
25 at trial and the law that applies as stated in my instructions without fear of criticism

1 or popular opinion?

2 PROSPECTIVE JUROR #007: Yes.

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

4 PROSPECTIVE JUROR #007: No.

5 THE COURT: If you were a party to this case would you be comfortable with  
6 jurors of a like frame of mind as yourself sitting in judgment?

7 PROSPECTIVE JUROR #007: Yes.

8 THE COURT: How long have you lived in Clark County?

9 PROSPECTIVE JUROR #007: Forty-two years.

10 THE COURT: And what's the highest level of education you completed?

11 PROSPECTIVE JUROR #007: Twelfth; high school.

12 THE COURT: And are you employed?

13 PROSPECTIVE JUROR #007: No; I'm retired.

14 THE COURT: What did you before?

15 PROSPECTIVE JUROR #007: Food service.

16 THE COURT: Food service?

17 PROSPECTIVE JUROR #007: Yes.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR #007: Yes.

20 THE COURT: Is your spouse employed?

21 PROSPECTIVE JUROR #007: No; he's retired also.

22 THE COURT: And what did he previously do?

23 PROSPECTIVE JUROR #007: He was a truck driver, construction truck  
24 driver.

25 THE COURT: Do you have children?

1 PROSPECTIVE JUROR #007: Yes; I have a son.

2 THE COURT: And what does he do?

3 PROSPECTIVE JUROR #007: He's disabled right now. He was a pre-fab  
4 sign maker but he was injured on the job.

5 THE COURT: I see. Okay. State.

6 MS. BAHARAV: Good afternoon. Do you know anyone that's ever been the  
7 victim of domestic violence?

8 PROSPECTIVE JUROR #007: My sister was, but it was like 16 years ago  
9 and they ended up divorced.

10 MS. BAHARAV: Do you know if the domestic violence actually precipitated  
11 that divorce?

12 PROSPECTIVE JUROR #007: Yes, it did.

13 MS. BAHARAV: Was there any violence before that one incident?

14 PROSPECTIVE JUROR #007: Yeah, both physical and mental.

15 MS. BAHARAV: Were you familiar with your sister's relationship?

16 PROSPECTIVE JUROR #007: Yes.

17 MS. BAHARAV: Was it always violent or were there periods of kind of calm in  
18 between?

19 PROSPECTIVE JUROR #007: Well her husband was alcoholic. I think that's  
20 mostly what caused it.

21 MS. BAHARAV: Did you ever see your sister after she had been injured in a  
22 domestic violent incident?

23 PROSPECTIVE JUROR #007: Yes, I did.

24 MS. BAHARAV: Knowing that your sister had been the victim of domestic  
25 violence, is there anything about that experience that you'll hold against Mr. Perry in

1 this case?

2 PROSPECTIVE JUROR #007: No, I don't think so.

3 MS. BAHARAV: You're able to look at all the evidence that's presented here  
4 and make a decision?

5 PROSPECTIVE JUROR #007: I think I can.

6 MS. BAHARAV: Now we know that your sister has been the victim, but have  
7 you -- do you know anyone that's ever been accused of domestic violence?

8 PROSPECTIVE JUROR #007: No.

9 MS. BAHARAV: Have you ever gotten any traffic tickets or anything?

10 PROSPECTIVE JUROR #007: No, I have not.

11 MS. BAHARAV: Good job, good job. It's really rare in Las Vegas for that,  
12 really, really rare. Have you ever had the opportunity to watch those crimes scene  
13 shows --

14 PROSPECTIVE JUROR #007: I have.

15 MS. BAHARAV: And you've heard it now and now we know smoke and  
16 mirrors is sitting in between you. You understand that that's not reality?

17 PROSPECTIVE JUROR #007: Right.

18 MS. BAHARAV: And not on every case the State doesn't always have DNA  
19 and fingerprints?

20 PROSPECTIVE JUROR #007: Right.

21 MS. BAHARAV: Are you going to require the State to present DNA or  
22 fingerprints?

23 PROSPECTIVE JUROR #007: No, not at all.

24 MS. BAHARAV: Okay. You'll listen to the testimony and any photographs  
25 presented and come to a conclusion that way?

1 PROSPECTIVE JUROR #007: Right.

2 MS. BAHARAV: Anything about your history that won't let you sit in judgment  
3 of other people?

4 PROSPECTIVE JUROR #007: No.

5 MS. BAHARAV: All right. Thank you. We'll pass for cause, Your Honor.

6 THE COURT: Thank you. Mr. Shetler.

7 MR. SHETLER: Your Honor, we don't have any questions for Ms. Hamilton.  
8 We'll pass for cause.

9 THE COURT: Thank you. Go ahead and pass the mic.

10 Mr. Luh, how are you today?

11 PROSPECTIVE JUROR #008: I'm fine. Thank you.

12 THE COURT: Is there any reason you could not be fair and impartial in this  
13 case?

14 PROSPECTIVE JUROR #008: No.

15 THE COURT: Can you wait in forming your opinion on the appropriate result  
16 until all of the evidence has been heard?

17 PROSPECTIVE JUROR #008: Yes.

18 THE COURT: Have you or anyone close to you worked in law enforcement?

19 PROSPECTIVE JUROR #008: No.

20 THE COURT: Have you or anyone close to you been charged with a serious  
21 crime?

22 PROSPECTIVE JUROR #008: No.

23 THE COURT: Have you or anyone close to you been the victim of a serious  
24 crime?

25 PROSPECTIVE JUROR #008: No.

1 THE COURT: Is there anything about the charges in this case that would  
2 make it difficult for you to be fair and impartial?

3 PROSPECTIVE JUROR #008: No.

4 THE COURT: Can you base your verdict solely on the evidence brought out  
5 at trial and the law that applies without fear of criticism or popular opinion?

6 PROSPECTIVE JUROR #008: Yes.

7 THE COURT: If you were a party to this case would you be comfortable with  
8 jurors of a like frame of mind as yourself sitting in judgment?

9 PROSPECTIVE JUROR #008: Yes.

10 THE COURT: How long have you lived in Clark County?

11 PROSPECTIVE JUROR #008: Ten years.

12 THE COURT: And what's the highest level of education you completed?

13 PROSPECTIVE JUROR #008: I have a medical degree.

14 THE COURT: Okay. And what was your undergraduate degree in?

15 PROSPECTIVE JUROR #008: Bachelors.

16 THE COURT: So, a bachelors in what?

17 PROSPECTIVE JUROR #008: Bachelors in biological sciences. I went to  
18 medical school after that.

19 THE COURT: Right. Are you employed?

20 PROSPECTIVE JUROR #008: Yes.

21 THE COURT: And what do you do?

22 PROSPECTIVE JUROR #008: I'm a physician.

23 THE COURT: Okay. Any particular specialty?

24 PROSPECTIVE JUROR #008: Ob-gyn.

25 THE COURT: Are you married?

1 PROSPECTIVE JUROR #008: Yes.  
2 THE COURT: Is your spouse employed?  
3 PROSPECTIVE JUROR #008: No.  
4 THE COURT: Do you have children?  
5 PROSPECTIVE JUROR #008: Yes.  
6 THE COURT: How many?  
7 PROSPECTIVE JUROR #008: I have one daughter.  
8 THE COURT: And how old is she?  
9 PROSPECTIVE JUROR #008: She is 12 years old.  
10 THE COURT: Okay. State.  
11 MS. SUDANO: Thank you, Your Honor. Hi. Dr. Luh.  
12 PROSPECTIVE JUROR #008: Hi.  
13 MS. SUDANO: So, in your profession have you ever come across victims of  
14 domestic violence?  
15 PROSPECTIVE JUROR #008: Yes.  
16 MS. SUDANO: Anything about that experience that would make it difficult for  
17 you to be fair and impartial in this case?  
18 PROSPECTIVE JUROR #008: No.  
19 MS. SUDANO: Outside of your practice, do you know anybody else that's  
20 been the victim of domestic violence?  
21 PROSPECTIVE JUROR #008: No.  
22 MS. SUDANO: You or any close family members or friends ever been  
23 accused of a domestic violence?  
24 PROSPECTIVE JUROR #008: No.  
25 MS. SUDANO: Okay. You understand that the State may not be able to

1 present forensic evidence, fingerprints, DNA in every case?

2 PROSPECTIVE JUROR #008: Understood.

3 MS. SUDANO: Would you be able to look past that in finding a verdict of  
4 guilty for the State?

5 PROSPECTIVE JUROR #008: I can look passed that.

6 MS. SUDANO: Okay. If we prove our case beyond a reasonable doubt,  
7 would you have any difficulty coming back with a verdict of guilty?

8 PROSPECTIVE JUROR #008: No.

9 MS. SUDANO: How about if we fail to prove our case beyond a reasonable  
10 doubt, would you have any difficultly coming back with a verdict of not guilty?

11 PROSPECTIVE JUROR #008: No.

12 MS. SUDANO: Now if there's an allegation of substantial bodily harm in this  
13 case, would you be able to look to the Court's definition and the instruction on the  
14 law as to what constitutes bodily harm even if it's different than your medical  
15 opinion?

16 PROSPECTIVE JUROR #008: Yes.

17 MS. SUDANO: Anything in your personal beliefs or religious convictions that  
18 would prevent you from sitting in judgment of another person?

19 PROSPECTIVE JUROR #008: No.

20 MS. SUDANO: Thank you, Your Honor. The State would pass for cause.

21 THE COURT: Thank you. Mr. Shetler.

22 MR. SHETLER: Thank you, Your Honor.

23 You took an oath to -- I want to butcher -- but to do no harm essentially;  
24 is that accurate?

25 PROSPECTIVE JUROR #008: Accurate.



1 MR. SHETLER: Notwithstanding the concept I talked about earlier with some  
2 of the jurors about self defense, do you take any issue with that idea, that concept?

3 PROSPECTIVE JUROR #008: I don't have any problems with that concept.

4 MR. SHETLER: Can you envision a situation where self defense -- using  
5 physical force to defend yourself to be appropriate?

6 PROSPECTIVE JUROR #008: A life threatening situation, I would think, right  
7 off the top of my head.

8 MR. SHETLER: All right. And likewise and I haven't come back to this in a  
9 while but just because the Las Vegas Metropolitan Police Department doesn't have  
10 a gigantic budget or has a financial obligation to balance a variety of competing  
11 interest, do you think that takes away their obligation to accurately investigate a  
12 case?

13 PROSPECTIVE JUROR #008: It doesn't take away their ability to investigate  
14 it properly.

15 MR. SHETLER: And I may have misspoke, ability or obligation?

16 PROSPECTIVE JUROR #008: I'm sorry. Can you repeat your question?

17 MR. SHETLER: Do you think they still have an obligation to adequately  
18 investigate a case?

19 PROSPECTIVE JUROR #008: Yes.

20 MR. SHETLER: Would you -- could you no matter how artfully the case is  
21 presented here in Court maintain and hold Metro to that same duty?

22 PROSPECTIVE JUROR #008: Yes.

23 MR. SHETLER: If you were in my shoes, counsel for Mr. Perry, would you  
24 have any concerns about yourself being on the jury?

25 PROSPECTIVE JUROR #008: I would not have concerns.

1 MR. SHETLER: Thank you, sir. Thank you, Dr. Luh. Pass for cause.

2 THE COURT: Thank you. Ms. Grayson.

3 PROSPECTIVE JUROR #030: Yes.

4 THE COURT: How are you today?

5 PROSPECTIVE JUROR #030: Doing well; yourself?

6 THE COURT: Is there any reason you could not be fair and impartial in this  
7 case?

8 PROSPECTIVE JUROR #030: No.

9 THE COURT: Can you wait in forming your opinion on the appropriate result  
10 until all of the evidence has been heard?

11 PROSPECTIVE JUROR #030: Yes.

12 THE COURT: Have you or anyone close to you worked in law enforcement?

13 PROSPECTIVE JUROR #030: My father and two uncles.

14 THE COURT: Okay. And have they worked with Metro?

15 PROSPECTIVE JUROR #030: No; this is back in Wisconsin.

16 THE COURT: Okay. You said your father and two uncles?

17 PROSPECTIVE JUROR #030: Mm-hmm.

18 THE COURT: And so was your father a police officer when you were growing  
19 up?

20 PROSPECTIVE JUROR #030: Yes; for 30 years.

21 THE COURT: Okay. So, was he friends with a lot of law enforcement officers  
22 as well?

23 PROSPECTIVE JUROR #030: Yes.

24 THE COURT: Did you kind of have law enforcement people around your  
25 house a lot?

1 PROSPECTIVE JUROR #030: Yes.

2 THE COURT: Okay. Do you think, you know, growing up with that  
3 background and those relatives in law enforcement would affect your ability to be  
4 fair and impartial in this case?

5 PROSPECTIVE JUROR #030: I think it used to because I've actually been a  
6 jury box and was struck immediately after answering that question when I said I may  
7 be -- put more weight towards a police officer's opinion because that was honestly  
8 what I thought due to the influence of my dad and my uncles and relatives. But I'm  
9 very well aware that they do not represent all police officers or people in the  
10 profession. So, I don't think that would affect my ability at all.

11 THE COURT: So, although you may have previously had a tendency to favor  
12 law enforcement, are you saying you now you don't have a particular bias in that  
13 regard?

14 PROSPECTIVE JUROR #030: I do not have a bias. I just need to see the  
15 information from both sides.

16 THE COURT: You think you could weigh the testimony of law enforcement  
17 officers just as you would weigh any witness testimony?

18 PROSPECTIVE JUROR #030: Yes.

19 THE COURT: Have you or anyone close to you been charged with a serious  
20 crime?

21 PROSPECTIVE JUROR #030: No.

22 THE COURT: Have you or anyone close to you been the victim of a serious  
23 crime?

24 PROSPECTIVE JUROR #030: No.

25 THE COURT: Is there anything about the charges in this case that would

1 make it difficult for you to be fair and impartial?

2 PROSPECTIVE JUROR #030: No.

3 THE COURT: Can you base your verdict solely on the evidence that comes  
4 out at trial and the law that applies as stated in my instructions without fear of  
5 criticism or popular opinion?

6 PROSPECTIVE JUROR #030: Yes.

7 THE COURT: Have you ever been a juror before?

8 PROSPECTIVE JUROR #030: I have not.

9 THE COURT: If you were a party to this case would you be comfortable with  
10 jurors of a like frame of mind as yourself sitting in judgment?

11 PROSPECTIVE JUROR #030: Yes.

12

13

14

15 THE COURT: How long have you lived in Clark County?

16 PROSPECTIVE JUROR #030: A year and a half.

17 THE COURT: And where did you live before that?

18 PROSPECTIVE JUROR #030: For about four years in Sacramento and then  
19 I was born and raised in Wisconsin.

20 THE COURT: What's the highest level of education you completed?

21 PROSPECTIVE JUROR #030: I have a bachelors in international relations  
22 and an associates degree in paralegal studies.

23 THE COURT: Are you employed:

24 PROSPECTIVE JUROR #030: I am.

25 THE COURT: Doing what?

1 PROSPECTIVE JUROR #030: I work in a law firm as an administrative  
2 assistant.

3 THE COURT: And what type of law firm, like what type of law do they  
4 practice?

5 PROSPECTIVE JUROR #030: Insurance defense, primarily dealing with  
6 construction defects and a little bit of bodily injury.

7 THE COURT: Okay. Have you ever worked in an office that did criminal  
8 defense work or prosecution?

9 PROSPECTIVE JUROR #030: No.

10 THE COURT: Regardless of what you may have learned in your legal  
11 studies, would you follow my instructions on the law that applies to this case?

12 PROSPECTIVE JUROR #030: Absolutely.

13 THE COURT: Are you married?

14 PROSPECTIVE JUROR #030: Yes.

15 THE COURT: Is your spouse employed?

16 PROSPECTIVE JUROR #030: Yes; he's in the Air Force.

17 THE COURT: Okay. Do you have children?

18 PROSPECTIVE JUROR #030: No; but I'm expecting.

19 THE COURT: Oh, congratulations. Okay. State.

20 MS. BAHARAV: Thank you. Where in Wisconsin is your family from?

21 PROSPECTIVE JUROR #030: Southeast Wisconsin just a couple hours  
22 north of Chicago

23 MS. BAHARAV: Anywhere near Madison?

24 PROSPECTIVE JUROR #030: An hour from Madison.

25 MS. BAHARAV: So, we're talking about a small town police department?

1 PROSPECTIVE JUROR #030: Yes.

2 MS. BAHARAV: And you understand that Las Vegas specifically has about  
3 half the size of the entire population of Wisconsin?

4 PROSPECTIVE JUROR #030: Yes.

5 MS. BAHARAV: Okay. There are two million people here and Wisconsin has  
6 about five million. Okay. We talked a little bit about CSI before. Knowing that your  
7 family is from a small town in Wisconsin, you understand that not every police  
8 department has those types of technology?

9 PROSPECTIVE JUROR #030: Correct.

10 MS. BAHARAV: And we've also learned that most of that was smoke and  
11 mirrors and wasn't even daylight?

12 PROSPECTIVE JUROR #030: Yes.

13 MS. BAHARAV: We're not going -- you're not going to hold that against the  
14 State of Nevada; are you?

15 PROSPECTIVE JUROR #030: No.

16 MS. BAHARAV: And you've already indicated this but nothing in your history  
17 with regards to your family is going to cause you to automatically think that Mr. Perry  
18 is guilty?

19 PROSPECTIVE JUROR #030: No; and certainly with my legal studies later in  
20 life I can appreciate the process a lot.

21 MS. BAHARAV: You understand that we the State, Ms. Sudano and I, have  
22 the burden of proof in this case?

23 PROSPECTIVE JUROR #030: Yes.

24 MS. BAHARAV: And if we got up and said hello and sat back down and  
25 presented no evidence, Mr. Perry's not guilty?

1 PROSPECTIVE JUROR #030: Correct.

2 MS. BAHARAV: Similarly, Mr. Shetler doesn't have to say anything, Mr. Perry  
3 remains not guilty?

4 PROSPECTIVE JUROR #030: Yes.

5 MS. BAHARAV: Anyone you know ever been the victim of domestic  
6 violence?

7 PROSPECTIVE JUROR #030: No.

8 MS. BAHARAV: Anyone you know ever been accused of domestic violence?

9 PROSPECTIVE JUROR #030: No.

10 MS. BAHARAV: And you've had lots of experience in law enforcement in  
11 other places. Have you had any experiences with law enforcement here in Nevada?

12 PROSPECTIVE JUROR #030: No, I haven't.

13 MS. BAHARAV: No traffic tickets or anything?

14 PROSPECTIVE JUROR #030: No.

15 MS. BAHARAV: There's two of you now. That's great. Is there anything  
16 about your history that would not allow you to sit in judgment of anyone else?

17 PROSPECTIVE JUROR #030: No.

18 MS. BAHARAV: And if you were sitting where Ms. Sudano and I were.  
19 Would like someone like yourself on the jury?

20 MS. BAHARAV: What about if you were sitting where Mr. Perry is. Would  
21 you like someone like yourself on the jury?

22 PROSPECTIVE JUROR #030: Yes.

23 MS. BAHARAV: Thank you, Your Honor. We'll pass for cause.

24 THE COURT: Thank you. Mr. Shetler.

25 MR. SHETLER: Thank you, Your Honor. Ms. Grayson, thank you for your

1 honesty. You mentioned that you had had a change of -- I don't want to put words in  
2 our mouth -- but you feel differently about the question would you hold police officers  
3 in a higher esteem possibly or give their testimony more credence; that's really what  
4 it's about; right?

5 PROSPECTIVE JUROR #030: Yes.

6 MR. SHETLER: And was there specific event, was it just not being selected  
7 for that jury, was it your legal training, what it just going through the walks of life?

8 PROSPECTIVE JUROR #030: It was me just growing up. I've since done a  
9 lot more studying. I was like -- I was very young on that panel and I've since done a  
10 lot of traveling and just opened up my views a lot more. I don't live in a small town  
11 anymore so I have a lot more interaction with, you know, big cities and different  
12 types of people.

13 MR. SHETLER: And you mentioned that you hadn't work in either side of the  
14 criminal field. Was there not for any specific reason it just hasn't come up or  
15 because of any opinions you have about the criminal field itself?

16 PROSPECTIVE JUROR #030: No opinions. This is actually the first law firm  
17 I've worked in.

18 MR. SHETLER: The self defense questions I was asking earlier, does that  
19 present any issues or concerns for you?

20 PROSPECTIVE JUROR #030: It does not.

21 MR. SHETLER: And there was one other point. Were you involved in the --  
22 this is the first law firm so you were not involved in legal activities in Sacramento?

23 PROSPECTIVE JUROR #030: No, I wasn't.

24 MR. SHETLER: What type of work were you doing there? Were you working  
25 there?



1 PROSPECTIVE JUROR #030: I was in food service while I was going to  
2 school.

3 MR. SHETLER: Okay. And where'd you go to school there?

4 PROSPECTIVE JUROR #030: I went to MTI College for my paralegal  
5 studies.

6 MR. SHETLER: All right. Thank you very much for your honesty, Ms.  
7 Grayson, I appreciate it. Pass for cause, Your Honor.

8 THE COURT: Thank you. Let's try to do one more.

9 Ms. Erickson, how are you today?

10 PROSPECTIVE JUROR #010: Great. Thank you.

11 THE COURT: Is there any reason you could not be fair and impartial in this  
12 case?

13 PROSPECTIVE JUROR #010: No.

14 THE COURT: Can you wait in forming your opinion on the appropriate result  
15 until all of the evidence has been heard?

16 PROSPECTIVE JUROR #010: Yes.

17 THE COURT: Have you or anyone close to you worked in law enforcement?

18 PROSPECTIVE JUROR #010: I have an ex-husband that works for Metro.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #010: He's not a police officer; he's a patrol services  
21 representative.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR #010: They call 'em PSRs.

24 THE COURT: Okay. How long have you been split from him?

25 PROSPECTIVE JUROR #010: It's been probably over six years.

1 THE COURT: Okay. I guess -- was he with Metro the whole time you were  
2 together?

3 PROSPECTIVE JUROR #010: Well prior to working for Metro he was on  
4 some type of volunteer program. He was out in the field and drove in the cars,  
5 carried a gun and everything. That particular program was dissolved. He did --  
6 when he wasn't doing that he was a truck driver. And then retired from that and  
7 then started working for Metro. So, it was probably about three years of our  
8 relationship time.

9 THE COURT: Okay. So, during the time you were together and he was with  
10 Metro, were you also socializing with other Metro employees?

11 PROSPECTIVE JUROR #010: There was times, yeah.

12 THE COURT: And would those relationships affect your ability to be fair and  
13 impartial in this case?

14 PROSPECTIVE JUROR #010: No.

15 THE COURT: Do you think that you would have a tendency to give extra  
16 weight or credibility to the testimony of law enforcement officers because they're law  
17 enforcement officers?

18 PROSPECTIVE JUROR #010: No.

19 THE COURT: Do you think you could weigh their testimony as you would  
20 weigh any witness testimony?

21 PROSPECTIVE JUROR #010: Yeah, yeah.

22 THE COURT: Have you or anyone close to you been charged with a serious  
23 crime?

24 PROSPECTIVE JUROR #010: No.

25 THE COURT: Have you or anyone close to you been the victim of a serious

1 crime?

2 PROSPECTIVE JUROR #010: Yes; my daughter.

3 THE COURT: And what happened to her?

4 PROSPECTIVE JUROR #010: She was molested when she was 12.

5 THE COURT: Okay. And was that by someone you knew?

6 PROSPECTIVE JUROR #010: Yes; it was by her best friend's mom's  
7 boyfriend.

8 THE COURT: Okay. Did that get reported to law enforcement?

9 PROSPECTIVE JUROR #010: Oh, yes.

10 THE COURT: How long ago was that, by the way?

11 PROSPECTIVE JUROR #010: That was about -- sorry -- she's -- it was about  
12 13 years ago.

13 THE COURT: Okay. So, was that here in Las Vegas?

14 PROSPECTIVE JUROR #010: Yes.

15 THE COURT: And it was reported at the time?

16 PROSPECTIVE JUROR #010: Yes.

17 THE COURT: And was that person charged?

18 PROSPECTIVE JUROR #010: Yes.

19 THE COURT: And convicted?

20 PROSPECTIVE JUROR #010: Yes.

21 THE COURT: Did he go to prison?

22 PROSPECTIVE JUROR #010: Yes.

23 THE COURT: Okay. And was that person prosecuted by the District  
24 Attorney's office?

25 PROSPECTIVE JUROR #010: Yes.

1 THE COURT: Did you meet with police and prosecutors during the course of  
2 that case?

3 PROSPECTIVE JUROR #010: Yes, I did.

4 THE COURT: Okay. You don't know these two ladies who are here now  
5 though?

6 PROSPECTIVE JUROR #010: I don't.

7 THE COURT: Okay. Anything about that set of circumstances that would  
8 affect your ability to be fair and impartial in this case?

9 PROSPECTIVE JUROR #010: I don't think so. I don't have any of the  
10 evidence so I don't know.

11 THE COURT: Sure. Well right. I mean, obviously it's appropriate for you to  
12 evaluate the case based on the evidence. What I want to be sure though that you're  
13 not going to favor police or prosecutors because of their assistance in pursuing that  
14 case involving your daughter.

15 PROSPECTIVE JUROR #010: No.

16 THE COURT: Okay. You think you can be fair to both sides here?

17 PROSPECTIVE JUROR #010: Yes.

18 THE COURT: Is there anything about the charges in this case that would  
19 make it difficult for you to be fair and impartial?

20 PROSPECTIVE JUROR #010: No.

21 THE COURT: Can you base your verdict solely on the evidence brought out  
22 at trial and the law that applies as stated in my instructions without fear of criticism  
23 or popular opinion?

24 PROSPECTIVE JUROR #010: Yes.

25 THE COURT: Have you ever been a juror before?

1 PROSPECTIVE JUROR #010: No.

2 THE COURT: If you were a party to this case would you be comfortable with  
3 jurors of a like frame of mind as yourself sitting in judgment?

4 PROSPECTIVE JUROR #010: Yes.

5 THE COURT: How long have you lived in Clark County?

6 PROSPECTIVE JUROR #010: Almost 23 years.

7 THE COURT: What's the highest level of education you completed?

8 PROSPECTIVE JUROR #010: High school and then I have some college.

9 THE COURT: Did you have a particular major or course of study in college?

10 PROSPECTIVE JUROR #010: It was mostly in finance and real estate.

11 THE COURT: And are you employed?

12 PROSPECTIVE JUROR #010: Yes.

13 THE COURT: Doing what?

14 PROSPECTIVE JUROR #010: I work for a home builder, work with the sales  
15 and escrow and the broker.

16 THE COURT: Okay. And are you married?

17 PROSPECTIVE JUROR #010: Yes.

18 THE COURT: Is your spouse employed?

19 PROSPECTIVE JUROR #010: No; he's retired.

20 THE COURT: What did he do before retiring?

21 PROSPECTIVE JUROR #010: He was a manager for a rental yard in  
22 California.

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

24 PROSPECTIVE JUROR #010: I have two, two daughters.

25 THE COURT: And what do they do?

1 PROSPECTIVE JUROR #010: One is an insurance agent and the other one  
2 works for a investment company.

3 THE COURT: Okay. State.

4 MS. SUDANO: Thank you, Your Honor. Last but not least for today.

5 So, you said that you had some involvement with the DA's office and  
6 Metro regarding your daughter?

7 PROSPECTIVE JUROR #010: Mm-hmm.

8 MS. SUDANO: Do you think that your daughter was treated fairly?

9 PROSPECTIVE JUROR #010: Yeah.

10 MS. SUDANO: Do you think that the process worked in her case?

11 PROSPECTIVE JUROR #010: Yes.

12 MS. SUDANO: Okay. What about the individual, the mom's boyfriend; do  
13 you think that he was treated fairly in that case?

14 PROSPECTIVE JUROR #010: Yes.

15 MS. SUDANO: And you said that your husband -- excuse me -- your ex-  
16 husband was a PSR for a while?

17 PROSPECTIVE JUROR #010: Yes. That's not the father of her.

18 MS. SUDANO: Right.

19 PROSPECTIVE JUROR #010: Yeah.

20 MS. SUDANO: When you were together did he ever discuss cases with you,  
21 people that he talked to during the day or anything like that?

22 PROSPECTIVE JUROR #010: Nothing like specific or anything. He might  
23 bring up like a general situation or something, an example if we saw oh you can't do  
24 that, you know.

25 MS. SUDANO: Did he ever talk to you about domestic violence cases that he

1 may have been involved in?

2 PROSPECTIVE JUROR #010: Not that I recall.

3 MS. SUDANO: Have you or any close family members or friends been the  
4 victims of domestic violence?

5 PROSPECTIVE JUROR #010: I have.

6 MS. SUDANO: You have? Okay. So -- I don't mean to pry; I'm sorry to ask  
7 these questions but was it just one act of violence or was it more than one?

8 PROSPECTIVE JUROR #010: It was the last two years of my first marriage.

9 MS. SUDANO: Okay. Was it always violent or were there some periods of  
10 calm in there?

11 PROSPECTIVE JUROR #010: No. The first 16 years were fine. It was just  
12 the last two years.

13 MS. SUDANO: Okay. And was it all physical or were there issues with  
14 emotional abuse, verbal abuse, things like that?

15 PROSPECTIVE JUROR #010: It was verbal and physical.

16 MS. SUDANO: Did you experience any isolation from friends or family  
17 members?

18 PROSPECTIVE JUROR #010: Looking back that's what he was trying to do,  
19 yes.

20 MS. SUDANO: But it sounds like he probably wasn't successful?

21 PROSPECTIVE JUROR #010: I'm sorry, what?

22 MS. SUDANO: He wasn't successful. You stayed in contact with those  
23 people.

24 PROSPECTIVE JUROR #010: I didn't for a little bit of time and then, you  
25 know, I got myself out of the situation.

1 MS. SUDANO: Did those people help you get out of the situation?

2 PROSPECTIVE JUROR #010: Yes.

3 MS. SUDANO: And do you think if you hadn't had those core people there to  
4 support you it would have been harder to get out of the situation?

5 PROSPECTIVE JUROR #010: Probably, yeah.

6 MS. SUDANO: So, you were able to get out of that situation and move on  
7 with your life?

8 PROSPECTIVE JUROR #010: Right.

9 MS. SUDANO: And you think it's possible for other people do that as well?

10 PROSPECTIVE JUROR #010: Yes.

11 MS. SUDANO: But do you understand that maybe there's some other people  
12 who stay in a relationship longer than they should?

13 PROSPECTIVE JUROR #010: Right; mm-hmm.

14 MS. SUDANO: Would you hold that against somebody if they stayed in a  
15 relationship?

16 PROSPECTIVE JUROR #010: No.

17 MS. SUDANO: What about somebody that went back to a violent  
18 relationship; would you hold that against them?

19 PROSPECTIVE JUROR #010: No.

20 MS. SUDANO: Do you understand there might be reasons for going back into  
21 a relationship or staying?

22 PROSPECTIVE JUROR #010: Right.

23 MS. SUDANO: Anything about your personal beliefs that would prevent you  
24 from sitting in judgment of another?

25 PROSPECTIVE JUROR #010: No.



1 MS. SUDANO: Thank you, Your Honor. The State passes for cause.

2 THE COURT: Mr. Shetler.

3 MR. SHETLER: Thank you, Your Honor.

4 Ms. Erickson, thank you for being so honest. I've got a couple of  
5 questions. I'm sorry. Were you able to attribute why things changed in the  
6 relationship with your first husband after the first 16 years?

7 PROSPECTIVE JUROR #010: I'm sorry, say that again.

8 MR. SHETLER: What changed after the first 16 years; would you ever able to  
9 figure out?

10 PROSPECTIVE JUROR #010: We moved here from California and he got  
11 involved with drugs, I think was mostly the problem.

12 MR. SHETLER: And you said -- you made a comment, I believe, that he tried  
13 to -- I don't want to misquote it -- but isolate you from your family and friends a little  
14 bit?

15 PROSPECTIVE JUROR #010: He had some cousins that lived here that  
16 helped me; is that what you're asking as far as --

17 MR. SHETLER: I may have misunderstood the question whether he, your  
18 first husband, tried to isolate you from other family and friends.

19 PROSPECTIVE JUROR #010: Yeah. He kind of just -- he just tried to  
20 convince me that there was nowhere for me to go, that I didn't have any money or I  
21 couldn't make it on my own.

22 MR. SHETLER: Did you have -- again please bear with me. I appreciate it  
23 and I'm terribly sorry I have to ask you these questions.

24 PROSPECTIVE JUROR #010: It's okay.

25 MR. SHETLER: Did the drugs actually make it into the home?

1 PROSPECTIVE JUROR #010: I never could find any. He did admit during  
2 the divorce -- I didn't know that there was any for a long time. I couldn't figure out  
3 was wrong with the behavior. He admitted to me later on that that's what he was  
4 doing and he admitted to -- we had a court mediator during the divorce and he  
5 admitted to that person. And so then there was some -- he had to go through some  
6 drug testing, but that was about it, and as far as I know he hasn't touched any since.

7 MR. SHETLER: That experience is a traumatic experience and unfortunately  
8 you've had other traumatic experiences as well. I want to talk just briefly about the  
9 perpetrator in your daughter's case. Did that case go to trial?

10 PROSPECTIVE JUROR #010: Yes.

11 MR. SHETLER: Were you -- the fact that person went to trial, does that have  
12 any impact on your ability to sit here on a jury?

13 PROSPECTIVE JUROR #010: I don't believe so.

14 MR. SHETLER: In other words, do you think that it was okay that it went to  
15 trial?

16 PROSPECTIVE JUROR #010: Do I think what?

17 MR. SHETLER: It was okay that it went to trial?

18 PROSPECTIVE JUROR #010: That that case was okay to go to trial?

19 MR. SHETLER: It was okay that he went to trial as opposed to taking a deal?

20 PROSPECTIVE JUROR #010: I can't hear you.

21 MR. SHETLER: It's probably this damn -- excuse me.

22 THE COURT: Hey, hey, hey.

23 MR. SHETLER: I'm sorry.

24 PROSPECTIVE JUROR #010: I don't hear very good.

25 MR. SHETLER: No, it's my -- the fact that he went to trial and did not take a

1 deal, do you feel that it was appropriate for him to go to trial?

2 PROSPECTIVE JUROR #010: Yes.

3 MR. SHETLER: And obviously if that case went to trial there were a number  
4 of uncomfortable moments in there for yourself and your daughter; did that  
5 experience leave anything in your -- cause you any reason not to sit on this jury?

6 PROSPECTIVE JUROR #010: No.

7 MR. SHETLER: In that domestic violence -- in a domestic relationship if one  
8 person is being physically violent with another person, do you think it's okay for the  
9 other person to use violence to stop it?

10 PROSPECTIVE JUROR #010: To defend themselves.

11 MR. SHETLER: Correct. And did you ever find yourself in that situation  
12 where you had to defend yourself?

13 PROSPECTIVE JUROR #010: Yes.

14 MR. SHETLER: Were you able to do so?

15 PROSPECTIVE JUROR #010: Not very well.

16 MR. SHETLER: I understand. But that concepts makes perfect sense to you?

17 PROSPECTIVE JUROR #010: I'm sorry?

18 MR. SHETLER: That concept makes perfect sense to you?

19 PROSPECTIVE JUROR #010: Yes, it does.

20 MR. SHETLER: Thank you again for all your honesty. I sincerely appreciate  
21 it.

22 MS. BAHARAV: Your Honor, can we approach?

23 THE COURT: Yeah, come on up.

24 [Bench conference -- beings]

25 MS. BAHARAV: I know we said eleven but I'm concerned that he has a self

1 return on that case tomorrow.

2 THE COURT: That he has what?

3 MS. BAHARAV: There's a subpoena return on the case that Mr. Shetler has  
4 to appear on tomorrow. So, I'm wondering would the Court be okay with one. That  
5 would allow you to get your meeting. Or do you want it go at eleven?

6 MR. SHETLER: Yeah. I just -- it's entirely possible to go till -- even a pro tem  
7 we'll probably end up in there until noon.

8 THE COURT: I don't mind. I'm just worried because we still have a lot of jury  
9 selection left. We're not leaving any time for the actual trial.

10 MS. BAHARAV: I know.

11 THE COURT: So, I'm just concerned.

12 MR. SHETLER: And my concern, the other case notwithstanding, my  
13 obligation is not withstanding but certainly my obligation to Mr. Perry.

14 THE COURT: Right.

15 MR. SHETLER: And I know the Court recognizes that.

16 THE COURT: Yeah, I mean, because tomorrow is Thursday. So, if we start  
17 at one and it takes us, you know, at least a couple hours to finish jury selection, I  
18 don't know how many witnesses you have?

19 MS. BAHARAV: We have six; we might have five.

20 THE COURT: So, we could -- you could call some tomorrow afternoon. Can  
21 you start Friday morning?

22 MR. SHETLER: I just have that calendar call on the other darn case which is  
23 appropriate because they need to know what's going on; right?

24 THE COURT: On overflow at 8:30. So, overflow shouldn't be done in 15  
25 minutes, you know.

1 MS. BAHARAV: You can tell Barker that you have to go first.

2 MR. SHETLER: Ms. Baharav can tell him that.

3 THE COURT: I can tell him that.

4 MR. SHETLER: Yes.

5 MS. BAHARAV: I think -- because three of our witnesses are very fast, ten  
6 minutes apiece.

7 THE COURT: Right.

8 MS. BAHARAV: Three of them are a little longer but I don't anticipate we will  
9 need to go into Monday still. I think we can finish it.

10 MR. SHETLER: Could we come back to this juror?

11 MS. BAHARAV: Do you have more questions?

12 MR. SHETLER: No, I don't have questions. I'm worried that I believe there  
13 could be testimony that he tried -- that my client tried to isolate the victim in this case  
14 from friends and family. There are text messages to that effect. I'm worried that  
15 that may be --

16 MS. BAHARAV: Well I'm not planning on admitting this.

17 MR. SHETLER: -- too close to -- I don't know. I mean, it's just a concern. I  
18 don't -- I like certainly some of her responses and I'm quite comfortable with, but it is  
19 pretty close to the bone and I don't know that particular issue and there was a lot of  
20 head nodding from one of the potential jurors in the front row on that question. I'm  
21 concerned about her. I would like to challenge but.

22 MS. BAHARAV: The State's going to object to your challenge for cause. I  
23 think the peremptory would be most appropriate in this situation. She indicated she  
24 could be fair and impartial.

25 THE COURT: Right. I mean, what I've heard from her to me doesn't

1 establish that there's cause to excuse her although she had some similar  
2 circumstances, she did indicate she could separate that from the evidence here and  
3 could be fair. So, I'm going to deny the challenge.

4 MR. SHETLER: I understand. Thank you.

5 MS. BAHARAV: Okay.

6 THE COURT: So, 1 o'clock.

7 MS. BAHARAV: We'll do it. A Judge will make it happen.

8 THE COURT: Okay.

9 MR. SHETLER: Thank you, Judge.

10 [Bench conference -- concluded]

11 THE COURT: All right, folks. So, I apologize. I know it is a little past five  
12 now. I am going to be excusing you for the day and we're going to be picking up  
13 tomorrow. Because of some other conflicting hearings and things that we're  
14 involved in, we're going to be starting tomorrow at 1 o'clock not in the morning. I still  
15 -- we're still talking.

16 UNKNOWN PERSON: 1 a.m.?

17 THE COURT: Sorry. 1 p.m. I will not be here at 1 a.m. I should have been  
18 more clear. One in the afternoon. So, you don't need to be here in the morning.

19 But what I'm telling you though is what I told you about the schedule  
20 earlier that we're still expecting to finish the presentation of the trial Friday is still  
21 accurate but there may be some deliberations still going on on Monday for your own  
22 planning purposes.

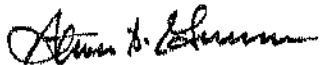
23 Remember what I talking about earlier in terms of not talking to anyone  
24 about the case other than the minimal information that you are in jury selection in a  
25 criminal case and what the general timeframe you're looking at is. So, between now

1 and tomorrow at one in the afternoon, you are admonished not to talk or converse  
2 among yourselves or with anyone else on any subject connected with this trial or to  
3 read, watch or listen to any report of or commentary on the trial or any person  
4 connected with the trial by any medium of information, including without limitation,  
5 newspapers, television, the internet or radio or to form or express any opinion on  
6 any subject connected with this trial until the case is finally submitted to you. See  
7 you tomorrow afternoon at one.

8  
9 [Jury Trial, Day 1, concluded at 5:12 p.m.]  
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20 ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I  
21 acknowledge that this is a rough draft transcript, expeditiously prepared, not  
22 proofread, corrected, or certified to be an accurate transcript.

23   
24 PATRICIA SLATTERY  
25 Court Transcriber



CLERK OF THE COURT

1 RTRAN

2  
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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,  
9  
10 Plaintiff,

CASE #: C298879-1

DEPT. VI

11 VS.

12 GENARO PERRY,  
13 Defendant.  
14

15  
16 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE  
17 THURSDAY, MAY 7, 2015  
18 **RECORDER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
19 **JURY TRIAL - DAY 2**

20 APPEARANCES:

21 For the State:

MICHELLE SUDANO, ESQ.  
COLLEEN BAHARAV, ESQ.  
Deputy District Attorneys

22  
23 For the Defendant:

TRAVIS S. SHETLER, ESQ.

24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER



1 THURSDAY, MAY 7, 2015 AT 1:30 P.M.

2  
3 [Outside the presence of the prospective jury panel]

4 MS. BAHARAV: Your Honor, to be fair --

5 THE COURT: It's no longer morning.

6 MS. BAHARAV: Good afternoon. The State recently had two witness issues.  
7 So, we are down to four witnesses.

8 THE COURT: Okay.

9 MS. BAHARAV: But in light of the fact that one of the witnesses was the  
10 doctor that is no longer available; he had an emergency surgery in California  
11 tomorrow. He had to cancel the reason he was going to be in Las Vegas because  
12 of that emergency surgery. I believe that opposing counsel has a request of the  
13 Court to make. So, that's why we asked to talk to you outside the presence of the  
14 jury.

15 THE COURT: Okay.

16 MR. SHETLER: Very briefly, Your Honor.

17 Ms. Baharav has been extremely gracious in putting together the notes  
18 and agreeing to use her doctor to get in my expert's testimony because he is also  
19 unavailable. In reviewing the notes and talking with my client, we would ask to  
20 continue the matter because we think that having no doctor here to talk about  
21 anything for the jury is a little too risky because that is one of the aggravating factors  
22 of the crimes we're charged with.

23 MS. BAHARAV: The State's prepare to present its case without the testimony  
24 of a doctor and to, I guess, allay some of the concerns of opposing counsel. We did  
25 agree to admit some information from their doctor along with our medical records

1 and then allow the parties to argue. The State is of the opinion that we could  
2 proceed without a doctor. I'm not sure if they're arguing that it's their theory of  
3 defense or that it is part of their defense that they will need a doctor. So, if that's  
4 something that they're arguing then that obviously goes to an issue that they might  
5 have. I understand --

6 THE COURT: If they want to challenge whether there's substantial bodily  
7 harm.

8 MR. SHETLER: It's the crux of the most significant issue of my client's. And I  
9 mean this with all sincerity for the record and for my colleague who it's a pleasure to  
10 work with, they have bent over backwards to accommodate us on the records.

11 THE COURT: Right. So -- okay. So, to back up, and I know you guys had  
12 talked about some of this before. You had retained a doctor for the Defense --

13 MR. SHETLER: Correct.

14 THE COURT: -- but that doctor wasn't available this week.

15 MR. SHETLER: Correct.

16 THE COURT: So, then you were both going to proceed using --

17 MS. BAHARAV: Our doctor.

18 THE COURT: -- the doctor State was going to present. Is that actually a  
19 treating doctor?

20 MS. BAHARAV: He actually did the surgery to the victim's eye --

21 THE COURT: Right.

22 MS. BAHARAV: -- to repair the orbital fracture.

23 THE COURT: Okay. So, yes, it's a treating.

24 MS. BAHARAV: Yes; sorry.

25 THE COURT: Okay. And now that doctor who did that is not available

1 tomorrow because he had some emergency come up?

2 MS. BAHARAV: He did.

3 THE COURT: And so yesterday there was some conversation about the  
4 possibility, for other reasons, that you might not call the doctor and there was some  
5 talk about whether you could reach certain stipulations or use the records. So I  
6 gather that after further discussion and analysis that you feel like that's not sufficient  
7 without a witness.

8 MR. SHETLER: Right. After reviewing the record which again the State very  
9 generously took care of the redactions and putting together the documents. I talked  
10 about it with my client and what that entails, what the risk are, and what part of our  
11 Defense is possibly disabled by not being able to get questions and answers with  
12 the treating professional because of the serious bodily injury element. That's been  
13 the primary factor that he's been mostly concerned about throughout the course of  
14 the case. We probably would have resolved the case earlier but for that factor. And  
15 I understand completely where the State's at. They have documentation that says  
16 she has a fractured orbit and they've got to protect the public. I completely  
17 understand that.

18 THE COURT: Right. So -- I understand that to some extent there's strategy  
19 and attorney-client communication. So, I'm not trying to unduly infringe on that, but  
20 as a strategy or to best represent your client you think that it's better to have the  
21 doctor on the stand to attack instead of the records without a witness?

22 MR. SHETLER: But there are --

23 THE COURT: I'm just asking.

24 MR. SHETLER: -- It's a very legitimate question, Your Honor, and it's a little  
25 bit like Mr. -- I can't pass judgment and yet I have a lot of judgment to say -- there's

1 two sides to the argument.

2 THE COURT: Yes.

3 MR. SHETLER: There are two sides to -- there are some great value to not  
4 having a magic witness on the stand that the jury can listen to and become  
5 enamored with and just have paper with the proper instructions to our currently  
6 sitting Ob-Gyn on the jury. However, such it is a key element of the crime, that's the  
7 strategy that we've discussed in length, the pros and cons, and my client's most  
8 comfortable with having a doctor on the stand at this point in time. And you've gone  
9 right to the crux of the matter.

10 THE COURT: The doctor that you had who unfortunately isn't available this  
11 week but you had consulted with him about how to address this issue --

12 MR. SHETLER: Right. And he had reviewed the records --

13 THE COURT: -- is that to say?

14 MR. SHETLER: -- her prior and current medical records as well and as a  
15 great deal of commentary which a lot of that is still within the redacted section.  
16 Some of our allegations are overtreatment or pre-existing conditions although the  
17 fracture is pretty difficult to lay a solid foundation for that issue.

18 THE COURT: Okay. So, State feels that you can proceed in establishing our  
19 case without the doctor using the records.

20 MS. BAHARAV: Yes, Your Honor.

21 THE COURT: And obviously Defense feels that he can't fully present his  
22 defense without a witness.

23 MR. SHETLER: Correct, Your Honor.

24 THE COURT: And did you ever reach any stipulation about the medical  
25 records?

1 MS. BAHARAV: Yes; we did converse this morning and after I found out that  
2 our doctor is unavailable, to see about which particular information from his doctor  
3 would be admissible and then also the records from our physician that would be  
4 admissible. It's my understanding that counsel at this point did not have an issue  
5 with the records as they are. He indicated he wanted to talk to his client first before  
6 discussing whether or not he needed a witness also.

7 THE COURT: Right. Because to be specific, the reason for my question is  
8 that if this is the Defense's position and I don't know where you are but if, as a result  
9 of that they won't stipulate to the records coming in without the doctor, you may  
10 have a problem with your case as well.

11 MS. BAHARAV: Yes, Your Honor, we would at this point have a problem.  
12 She could testify but I think it strengthens the substantial bodily harm with the  
13 medical records themselves.

14 THE COURT: Right. You've got -- the victim could testify to some extent  
15 about her injuries.

16 MS. BAHARAV: But the short answer is yes. Without actual documentation  
17 that she sought medical attention for those, I mean, the argument can always be  
18 made that she's exacerbating so that would put the State at a disadvantage.

19 MR. SHETLER: Your Honor, I'm happy to consult once again with my client  
20 after this discussion here in the courtroom and make sure that the full -- both sides  
21 of the sword are clearly presented. It may have a different impact but --

22 THE COURT: Let's talk a little more about logistics and then I'll give you  
23 some time.

24 MR. SHETLER: Yes, Your Honor.

25 THE COURT: So, the underlying events of this case apparently happened

1 May 1<sup>st</sup> of 2014; right?

2 MS. BAHARAV: Yes, Your Honor.

3 THE COURT: So, a year ago. Has he been in custody this whole time for a  
4 year now? Okay. And if we need to continue this --

5 MS. BAHARAV: Yes. If we need to continue I guess we need to look  
6 [indiscernible].

7 MR. SHETLER: I misspoke. He was apprehended not immediately, there  
8 were a couple weeks.

9 THE COURT: Okay. So, it wouldn't have been right then but --

10 MS. BAHARAV: Fifty weeks he's been in custody.

11 THE COURT: Right. So, close to a year. Okay. So, if we're not doing it right  
12 now, you know, in the stack I'm in the middle of, the next criminal trial stack I have  
13 starts June 29<sup>th</sup> through the week of July 27<sup>th</sup>. That's five weeks there. And then I  
14 have another one in September.

15 MS. BAHARAV: I could do the week of the 13<sup>th</sup>.

16 THE COURT: Of July.

17 MS. BAHARAV: Of July, yes.

18 THE COURT: Obviously this would be overflow eligible.

19 MS. BAHARAV: Yes.

20 THE COURT: I needed to put it in there. So, I at least wanted you to have in  
21 mind what we were looking at. If you feel we can't proceed and if you want to go  
22 ahead and call things off at this point, we haven't seated a jury so jeopardy hasn't  
23 attached yet. So, potentially we could do that obviously. That's not the ideal for  
24 anybody. But I wanted you to at least know what we were looking at if we do need  
25 to continue it.



1 [Proceedings resumed at 1:48 p.m.]

2 [Outside the presence of the prospective jury panel]

3 THE COURT: Okay. So, now that you've had an opportunity to talk with your  
4 client, where are we?

5 MR. SHETLER: Your Honor, we would like to continue the matter until we  
6 can have our physician attended and be able to cross-examine everybody. That  
7 goes to the crux of our Defense. And we have looked at some dates with the clerk  
8 and with the government and we do have a date that seems to work for everybody.

9 THE COURT: Okay. And to be clear and we've talked about this before, but  
10 you knew your doctor wasn't available but you at least thought you were going to be  
11 able to have the State's doctor --

12 MR. SHETLER: Yes.

13 THE COURT: -- and agreed to proceed on that basis. But now that that  
14 doctor is no longer available because of an unforeseen emergency which is beyond  
15 all of our control, he also can't be here for this trial.

16 MS. BAHARAV: Right.

17 MR. SHETLER: That's correct, Your Honor.

18 THE COURT: Okay.

19 MS. BAHARAV: And counsel found out at ten this morning.

20 THE COURT: Right. Let's have a clear record. Thank you. Okay. So, what  
21 are you looking at?

22 MR. SHETLER: It appears that you have availability the week of September  
23 28<sup>th</sup> for trial.

24 THE COURT: I do; yeah, we can put it over to there. I mean, it's fine with  
25 me. There's always cases set. You could always go to overflow if you need to as



1 long as Mr. Perry understands that that's, you know, four more months -- well more.

2 MR. SHETLER: We did talk at length about that and he understands that it is  
3 time sitting in custody and it's unfortunate.

4 THE COURT: Okay. Well, you know, as I'm sure you recognize it could be  
5 another opportunity for you to talk further about a possible negotiation. That  
6 ultimately obviously that's up to, you know, it's up to you guys to discuss and  
7 ultimately up to Mr. Perry. Okay. And Mr. Perry, I want to have a clear record. You  
8 agree with your -- what your client has said in terms of wanting to put off -- over the  
9 trial because of not having a doctor and re-scheduling it for the week of September  
10 28<sup>th</sup>?

11 THE DEFENDANT: Yes, ma'am. Patience is a virtue and both of these  
12 people work hard all year round. I mean, I've been here a year and the stuff that  
13 I've seen and cases. I mean, people need a break. And I know he definitely need a  
14 vacation.

15 THE COURT: Well we're not doing it because of that but that's fine.

16 THE DEFENDANT: Well you know I'm a man.

17 THE COURT: Right.

18 THE DEFENDANT: Patience is a virtue.

19 THE COURT: Right. I see. You had vacation scheduled in July. Got it.

20 MR. SHETLER: The earlier date did -- correct.

21 THE COURT: Right. And I, you know, I would rather not cause you to lose  
22 your vacation as well. Okay.

23 MR. SHETLER: Thank you. My wife thanks everybody.

24 THE COURT: So, let's schedule a calendar call and trial.

25 THE DEFENDANT: As long as I keep you, Judge Cadish, because you are a

1 very honest judge.

2 THE COURT: Well I appreciate that.

3 THE DEFENDANT: And fair and all that. Everybody likes you.

4 THE COURT: Oh, thank you. We should be clear though that you may get  
5 sent to overflow in any given week.

6 THE DEFENDANT: I'll sit until we can see you.

7 THE COURT: Well I appreciate your support. We'll see what happens. I  
8 mean, who knows what's going to go in any given week. I have a couple murder  
9 trials set that week. I have our friend, Mr. War Machine's trial, set that week.

10 MS. BAHARAV: Oh, so it's definitely your case because Rob's on that case  
11 too.

12 THE COURT: But, again, whether any of those will actually go that week  
13 remains to be seen and that's true for any week.

14 MR. SHETLER: One of the most challenging parts of this profession that  
15 complete lack of control. Thank you, Judge.

16 THE COURT: Let's go ahead and get that on the record.

17 THE COURT CLERK: Calendar call September 21<sup>st</sup> at 9:30; jury trial  
18 September 28<sup>th</sup> 10 a.m.

19 THE COURT: Okay. With respect to the jurors who have been waiting out  
20 there, you can just let them know that the trial is not proceeding and that they're  
21 dismissed. If they want to they can talk about the case now.

22 All right. Unfortunately we had these circumstances beyond our control  
23 for all of us all week. So, I appreciate that all of you have been very professional  
24 and courteous all week and I'm sure you will continue to be.

25 MS. BAHARAV: Thank you, Your Honor.

1 THE COURT: Okay. Thank you.

2 MR. SHETLER: A pleasure to be here.

3

4 [Jury Trial, Day 2, concluded at 1:52 p.m.]

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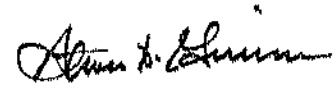
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ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I  
acknowledge that this is a rough draft transcript, expeditiously prepared, not  
proofread, corrected, or certified to be an accurate transcript.

  
PATRICIA SLATTERY  
Court Transcriber

  
CLERK OF THE COURT

1 RTRAN  
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 GENARO RICHARD PERRY,

11 Defendant.  
12  
13

CASE NO. C298879-1

DEPT. VI

ROUGH DRAFT

TRANSCRIPT OF PROCEEDINGS

14 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE  
15 MONDAY, JULY 21, 2014

16 **CALENDAR CALL**  
17  
18

19 APPEARANCES:

20 For the State:

ROBERT STEPHENS, ESQ.  
Deputy District Attorney

21  
22 For the Defendant:

TRAVIS SHETLER, ESQ.  
ROSS SMILLIE, ESQ.

23  
24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 LAS VEGAS, NEVADA, MONDAY, JULY 21, 2014, at 9:48 A.M.

2  
3 THE MARSHAL: Bottom of page 13, State of Nevada v. Perry, Genaro  
4 Richard.

5 MR. STEPHENS: Rob Stephens for the State.

6 MR. SHETLER: Good morning, Your Honor, Travis Shetler and Ross Smillie  
7 on behalf of the Defendant who's present, in custody.

8 THE COURT: Okay, good morning.

9 MR. SMILLIE: Good morning.

10 THE COURT: Okay, you're on for calendar call today. Where are we?

11 MR. SHETLER: We've -- we'll let Mr. Stephens speak.

12 MR. STEPHENS: Your Honor, I handed some discovery to Defense counsel  
13 some of the CCDC records along with some jail phone calls. Additionally, Your  
14 Honor, I will be forthcoming -- the victim is still seeking treatment for some of the  
15 injuries she sustained and so I have not obtained all the medical records at this time  
16 to disclose to Defense counsel.

17 Having said that, the State would be ready, although if the Defense  
18 would like a continuance being that I haven't disclosed all the discovery as of yet --  
19 it's still ongoing, Your Honor, so it's not like I don't have it and don't want to give it to  
20 them. Like I said, --

21 THE COURT: No, I know.

22 MR. STEPHENS: -- it's ongoing.

23 THE COURT: No, I'm not -- I understand you're giving what you can give and  
24 what you have.

25 MR. STEPHENS: Yeah.

1 THE COURT: Right, I --

2 MR. STEPHENS: So I'd have no objection, though, if the Defense requested  
3 a continuance.

4 THE COURT: Right. I mean he was also arraigned June 26<sup>th</sup> and invoked  
5 and here we are, you know, July 21<sup>st</sup>.

6 MR. SHETLER: Right, it's been a quick run, Your Honor, and I've -- I was  
7 involved in a ridiculous tax trial, at least what it took from mental capacity was  
8 ridiculous, not --

9 THE COURT: Okay.

10 MR. SHETLER: -- the rest of it --

11 THE COURT: Right.

12 MR. SHETLER: -- for about a month and a half.

13 I've spoken with our client, explained to him the lack of the medical  
14 records right now, explained that there's a possibility of the injury to the eye being  
15 significant enough that there may be a problem with retaining the eye on the victim  
16 and that that's an important issue for us to have resolved before we make a final  
17 decision about resolution and before we go to trial. He did invoke. He would prefer  
18 to keep the trial on for when it's going. We talked about the fact that my advice is  
19 we don't go to trial until we have those records and know exactly what our universe  
20 of potential outcomes is.

21 He does have another matter that he's currently detained on. If there is  
22 a stack in September, what I would ask is the Court's permission to talk to my client  
23 a little bit and see if that's a feasible resolution for him but we are in a little bit of a  
24 difficult spot.

25 THE COURT: Is this going to be an overflow eligible case when it goes?

1 MR. STEPHENS: It would be an overflow eligible case when it goes.

2 THE COURT: Okay. So then -- I mean I could put it over the top of some  
3 other matters I have in September if that works for everybody.

4 MR. SHETLER: We do have -- if we -- with the Court's permission, we'll talk  
5 to our client a little bit. If we could --

6 THE COURT: Okay.

7 MR. SHETLER: -- possibly go about when you were just talking about with  
8 the last case, that middle. I've got a trial the first week of September, so.

9 MR. STEPHENS: As do I but I could do the end of September.

10 THE COURT: So -- right. There's the week of the 22<sup>nd</sup> or the 29<sup>th</sup> or October  
11 6<sup>th</sup>.

12 MR. STEPHENS: The 29<sup>th</sup> or the 6<sup>th</sup> would be better for me.

13 THE COURT: Okay, so you want to talk with --

14 MR. SHETLER: With your permission, Your Honor.

15 THE COURT: -- your client? Okay, so let's trail this a little bit.

16 MR. SHETLER: Thank you very --

17 MR. STEPHENS: Thank you, Your Honor.

18 MR. SHETLER: -- much for the courtesy.

19 [Matter trailed at 9:51 a.m.]

20 [Matter recalled at 10:13 a.m.]

21 THE MARSHAL: Recalling the bottom of page 13, State of Nevada v. Perry,  
22 Genaro Richard.

23 MR. STEPHENS: Rob Stephens for the State.

24 THE COURT: Okay.

25 MR. SHETLER: Your Honor, thank you for the consideration. We've spoken

1 with our client, if it's possible to go on that -- September 29<sup>th</sup> did we say, Mr.  
2 Stephens?

3 MR. STEPHENS: Yes. Perfect.

4 THE COURT: Right, September 29<sup>th</sup>.

5 Okay, so it's -- in light of the short-type, short setting and the additional  
6 discovery still being provided, Defense requested for a continuance, correct?

7 MR. SHETLER: That's correct, Your Honor.

8 THE COURT: And -- with the understanding that I'm going to put it  
9 September 29<sup>th</sup>; is he waiving to allow that to happen?

10 MR. SHETLER: That is what we discussed over there. The Court, I  
11 understand, may need to address that further and I tried to brief him for that and --

12 THE COURT: Okay.

13 MR. SHETLER: -- prepare him.

14 THE COURT: So, Mr. Perry, with the understanding that I'm intending to  
15 continue the trial to September 29<sup>th</sup>, are you waiving your right to a speedy trial to  
16 allow that to happen?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay, let's go ahead and continue the trial then.

19 THE CLERK: Calendar call September 22<sup>nd</sup>, 9:30; jury trial September 29<sup>th</sup>,  
20 10:00 a.m.

21 MR. STEPHENS: Thank you, Your Honor.

22 THE COURT: Thank you.

23 /////

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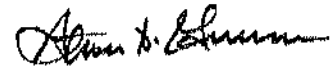
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[Proceedings concluded at 10:15 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.

Cynthia Georgilas  
CYNTHIA GEORGILAS  
Court Recorder/Transcriber  
Eighth Judicial District Court Dept. XVIII



CLERK OF THE COURT

1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6

7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 GENARO RICHARD PERRY,

11 Defendant.  
12  
13

CASE NO. C298879-1

DEPT. VI

ROUGH DRAFT

TRANSCRIPT OF PROCEEDINGS

14 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE  
15 THURSDAY, SEPTEMBER 17, 2015

16 **DEFENDANT'S MOTION TO ADMIT EVIDENCE PURSUANT TO NRS 48.045**  
17 **PETROCELLI HEARING**

18 APPEARANCES:

19 For the State:

MICHELLE L. SUDANO, ESQ.  
Deputy District Attorney

22 For the Defendant:

21 TRAVIS SHETLER, ESQ.  
23 ANAIS-MARIE CACCAMO, ESQ.  
24

25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 17, 2015, at 8:47 A.M.

2

3 THE MARSHAL: State of Nevada v. Perry, Genaro Richard.

4 THE DEFENDANT: Good morning, Judge.

5 THE COURT: Good morning.

6 All right --

7 THE MARSHAL: And Mr. Perry, you can have a seat for that. [Indiscernible]  
8 they want to talk.

9 THE COURT: All right, so what's up? Sorry, state your appearance.

10 MR. SHETLER: Travis Shetler on behalf of Genaro Perry who is present, in  
11 custody. With me at --

12 THE COURT: And we've told --

13 MR. SHETLER: -- counsel --

14 THE COURT: -- Mr. Perry he could have a seat, it's okay.

15 MR. SHETLER: With me at counsel table is Anais Caccamo.

16 THE COURT: Okay. How do you spell that last name?

17 MS. CACCAMO: C-A-C-C-A-M-O, and bar number 13083.

18 THE COURT: Okay.

19 THE CLERK: What was the first name?

20 MSS. CACCAMO: A-N-A-I-S, Anais.

21 THE COURT: Okay, so -- and we have Ms. Sudano --

22 MS. SUDANO: Good morning.

23 THE COURT: -- on this.

24 MS. SUDANO: So Ms. Carpenter is here and I have spoken to her. It's my  
25 understanding that if she were to get up on the stand she would acknowledge that

1 this incident at the TJ Maxx did occur. She would acknowledge that she did tell the  
2 Defendant, Mr. Perry, about that. So in light of that, I don't know that we need to call  
3 her to testify to those things. I believe that Mr. Shetler also was potentially going to  
4 call a security guard from TJ Maxx just to verify that it happened and maybe even  
5 his client to confirm that his client was aware of it. But in light of Ms. Carpenter's  
6 representations to me that I don't have any reason to doubt, I don't know that we  
7 need to take the Court's time by putting her up there. I think that we just need to  
8 then move on to the analysis of whether or not that comes in, if its more probative  
9 than prejudicial, and addressing the scope of how far into that we're going to get.

10 MR. SHETLER: I -- she's of course got it right I think.

11 THE COURT: So, I think at the last hearing we had on this matter my  
12 recollection of what you told us is that your intention was to use it only in support of  
13 the self-defense defense, that is, in an attempt to show that because your client  
14 knew about this prior incident that that affected how he responded to what  
15 happened that day.

16 MR. SHETLER: I think that that's the most meat for that information. I agree  
17 with that, Your Honor.

18 There is one other angle and that is going to be a little bit more of a  
19 battle for us and that is the idea that if, in fact, the victim was willing to use a knife on  
20 somebody in the middle of TJ Maxx then why wouldn't she do it in the privacy and  
21 comfort of her own home which now it's an argument basically that she did it once  
22 why didn't she do it again? And I understand that the government's going to be  
23 much more excited about that argument but --

24 THE COURT: Not in a good way.

25 MR. SHETLER: No, not in a positive fashion whatsoever. You're right.

1 You're right. But that would be the other benefit we would try and get in from that,  
2 Your Honor, but that's going to be very much dependent on the testimony at trial  
3 because it's going to have to come up at trial now.

4 THE COURT: So are you trying to use it to show she's a violent or  
5 aggressive person?

6 MR. SHETLER: Well, in a -- if everything lined up perfectly, yes, I understand  
7 that I'm -- that's my far reach. But the main thing is, look, we have -- we know this  
8 happened and we had to protect our self and that's solid ground I believe that we're  
9 in a good position on that.

10 THE COURT: Okay, so to the extent it's just being used to show what your  
11 client was aware of for a possible self-defense that's one thing. But to the extent  
12 that it's attempted to be used regarding Ms. Carpenter's character for aggression or  
13 violence, then that opened the door for the State to introduce similar evidence to  
14 rebut that position.

15 MR. SHETLER: Right, and that's a conversation that needs to be gone  
16 through a little more detail with Mr. Perry.

17 THE COURT: So what are we doing today?

18 MS. SUDANO: So today I think we just need to address whether or not this is  
19 going to be more probative or prejudicial as to the self-defense claim. I think  
20 obviously if that's the theory of Defense that they put forward at the time of trial it's  
21 going to be pretty darn probative and we're going to have a hard time arguing that  
22 it's prejudicial. But that obviously depends on them raising the self-defense claim at  
23 the time of trial. If we don't get into self-defense it's obviously not relevant at all for  
24 any purpose. And then to the extent that it's going to be used as character evidence  
25 or propensity evidence for Ms. Carpenter, its -- that's completely improper under the

1 statute and as Your Honor said it does open the door to his prior acts of violence at  
2 that point I think.

3 THE COURT: Well, I mean if it's trying to show that she was the aggressor, I  
4 mean there are some case law that allows evidence to show that, but yes, it opens  
5 the door for rebuttal evidence.

6 MS. SUDANO: That's correct. And so I think today one of the things that we  
7 need to address is the scope to which we're going to get into that information with  
8 her. It's the State's position that the question should be limited to, you know, very  
9 briefly, hey, did this incident happen? To the extent they think that that's going to be  
10 crucial, was there a knife involved, and then, you know, move on beyond that, you  
11 know, no testimony from any of the additional witnesses, no gory details, for lack of  
12 a better word, into it, just, hey, it happened and you told him and then we move on  
13 from it.

14 MR. SHETLER: I do feel -- no, go ahead.

15 THE COURT: Well, what I was going to say is to the extent that its being --  
16 that we're talking about possibly using knowledge of it on the self-defense issue,  
17 number one, that would be about the incident itself and wouldn't get into whatever  
18 legal convictions she may have from it. It would be about the incident itself is what  
19 would be at issue that --

20 MR. SHETLER: That's all that goes to our state of mind. You're right, Your  
21 Honor.

22 THE COURT: Okay. And that would not include whether she lied about her  
23 name at the time she was picked up; correct?

24 MR. SHETLER: Right.

25 THE COURT: Okay. I see a nodding; that's not on the record.

1 MR. SHETLER: You're right. I'm sorry, Judge.

2 THE COURT: Okay. And in that narrow circumstance I think it would be  
3 relevant to a self-defense defense, if he's raising a self-defense, and with respect to  
4 the other prongs under Petrocelli, the clear and convincing evidence, it sounds like  
5 based on talking to her you're not disputing clear and convincing evidence that the  
6 incident happened --

7 MS. SUDANO: And that he knew about it.

8 THE COURT: -- and that he knew about it.

9 MS. SUDANO: Correct.

10 THE COURT: So, it's -- the relevance, the clear and convincing and not more  
11 prejudicial. I mean --

12 MR. SHETLER: [Indiscernible].

13 THE COURT: -- to the extent its used in that context, I don't think it's more  
14 prejudicial and I think it could come in as -- to present some evidence that, yes, this  
15 incident happened and he was aware of it and that was part of what was in his mind  
16 when he was dealing with her that day.

17 MR. SHETLER: Right, and that's certainly the most important --

18 THE COURT: And -- okay, --

19 MR. SHETLER: -- item that comes out of this whole --

20 THE COURT: -- so that I think you win. If that's the context, I would allow  
21 based on the representation about Ms. Carpenter's testimony and the fact that that  
22 part of it is not disputed at this point.

23 MS. SUDANO: That's correct.

24 THE COURT: Okay. Now, when you say that's most of it, that doesn't give  
25 me great comfort because then we need to deal with whatever the rest of it is.

1 MR. SHETLER: Well, the issue regarding how she talked to my client about  
2 this matter and there's only one way really to get that in if she doesn't want to get  
3 into that and that's another issue because my client's very uncomfortable testifying  
4 and is not ready -- not in a position -- he's not made the decision yet he's willing to  
5 waive that right even for these limited purposes. There's other information that I  
6 don't even want to get into with the Court right now because I don't have it in the  
7 record any other way then from my busy little brain, but it is -- there is other  
8 information that [indiscernible] developed during trial that would go to what she had  
9 to say about that --

10 THE COURT: About?

11 MR. SHETLER: -- the fashion in which she told him about how that incident  
12 went down, the -- I'm trying to be very careful, Your Honor, the -- her analysis of how  
13 the system dealt with her and would deal with her in the future, if I can be slightly  
14 vague. Those are matters that are only residing in our heads and I don't anticipate  
15 that even on the stand those are things that she would get into, [indiscernible] --

16 MS. SUDANO: And I don't understand how any of that's relevant to the  
17 self-defense claim.

18 MR. SHETLER: It's -- no, no, I agree. We're -- I completely can see that  
19 that's not going to be part of our self-defense claim. It's purely trying to show prior  
20 bad -- basically bad character, character [indiscernible] which very dangerous and it  
21 goes both ways and it -- and that's a little bit developed depending on how it  
22 develops at trial.

23 THE COURT: Okay.

24 MR. SHETLER: The number one issue we're fine. The number two issue I  
25 can't put completely to bed because it's not completely my decision and we don't



1 know exactly what's going to happen with my client and his desire to waive or not  
2 waive his right to get on the stand. And from a strategy and legal advice point of  
3 view, I think stopping the bus at the point where we are may well be in my client's  
4 best interest. I just can't --

5 THE COURT: Well, okay. I mean I --

6 MR. SHETLER: -- leave chips on the table.

7 THE COURT: -- hear what you're saying about that, but at the same time  
8 other bad act stuff needs to be at least -- there are times that we -- that Petrocelli  
9 hearings are had right before the trial starts or even during the trial on a break  
10 without the jury. But having said that, there's -- I at least need to know what you're  
11 moving to admit I think. I don't know. I mean I --

12 MR. SHETLER: I don't think I have a basis to -- that's my problem, I don't  
13 have a basis to move to admit anything yet. I mean you need to know what she's  
14 going to say or we all -- it would be great but we're not going to know.

15 THE COURT: So, you want to leave it as, okay, so to the extent that he  
16 raises self-defense at trial and seeks to admit evidence about this incident of which  
17 he was aware to show what he -- to show that it affected his state of mind on this  
18 day, I would grant your request.

19 MR. SHETLER: And with the limitations that you've put on that and the -- to --  
20 I'm comfortable with that. That makes sense and I --

21 THE COURT: But to --

22 MR. SHETLER: -- think that's all they're --

23 THE COURT: -- the extent --

24 MR. SHETLER: -- entitled to --

25 THE COURT: -- you're asking --

1 MR. SHETLER: -- right now.

2 THE COURT: -- for anything else, I would not be granting that yet today.  
3 You're not clearly requesting more than that today, and so you would need to raise it  
4 outside the presence of the jury and take it up and we would need to do whatever  
5 hearings were necessary at that point should you want to introduce more.

6 MR. SHETLER: I would like to leave that option available. I don't want to  
7 waste time during trial and I know we're here today and I'm happy to do that, I just  
8 don't have -- my client is not in a position where he's willing to make the final  
9 decision on that issue right now whether he testifies or testify even in this limited --  
10 even if we were to have the hearing right now in this limited capacity he's not  
11 comfortable with that.

12 THE COURT: Ms. Sudano?

13 MS. SUDANO: I mean I don't know what else we can do here. It sounds like  
14 there's no additional information that we could even have a Petrocelli hearing on at  
15 this point. We've addressed the self-defense --

16 THE COURT: Right.

17 MS. SUDANO: -- prong and the rest of it we'll have to address during trial  
18 if it --

19 THE COURT: Right, but -- so here's --

20 MS. SUDANO: -- becomes relevant.

21 THE COURT: -- what I would say. I mean there is some case law out there  
22 that would indicate that in a dispute between two people that there is some area to  
23 introduce some character evidence about somebody's character for violence or  
24 aggression, whatever you want to call it, but it's also clear that if at least offered by  
25 an accused --

1 MR. SHETLER: Right.

2 THE COURT: -- and it's also clear under NRS 48.045(1) that in that  
3 context it allows similar evidence to be offered by the prosecution to rebut that  
4 evidence and if you're seek -- to the extent you chose to try to go into that area we'll  
5 have to talk about to what extent it opens the door for the State to rebut that by  
6 showing evidence that might indicate to the contrary.

7 MR. SHETLER: Exactly, and that's -- you're correct, Your Honor, and that's  
8 the part where Mr. Perry and I need to have a long, relaxed --

9 THE COURT: Right, because --

10 MR. SHETLER: -- discussion.

11 THE COURT: -- it could certainly end up coming back to bite him.

12 MR. SHETLER: Yes. Yes.

13 THE COURT: Okay.

14 So, I guess I'm granting your motion to admit evidence to the limited  
15 extent I described --

16 MR. SHETLER: As -- yes.

17 THE COURT: -- in connection with a proposed self-defense defense and  
18 based on him knowing about this incident and not getting into the -- and that -- about  
19 the incident itself, not getting into the conviction, not getting into lying about her  
20 name, but focused on the confrontation or, you know, act with the knife or a tire iron  
21 with this woman in the TJ Maxx store.

22 MR. SHETLER: Right.

23 MS. SUDANO: And this also doesn't get into her beliefs about the criminal  
24 justice system or anything like that; right, Your Honor?

25 THE COURT: Right.

1 MS. SUDANO: Right.

2 THE COURT: I don't have anything before me to indicate how that would  
3 become relevant.

4 MR. SHETLER: I understand what you're saying.

5 THE COURT: Okay. So, perhaps one of you should prepare an order so it's  
6 clear what I have and haven't done today.

7 MR. SHETLER: I'm happy to work on that and have Ms. Sudano check and  
8 make sure I've not --

9 THE COURT: And we didn't have the evidentiary hearing, but based on the  
10 representations and the offer of proof made about what she would say satisfied that  
11 those requirements are met under Petrocelli.

12 MS. SUDANO: Thank you, Your Honor.

13 THE COURT: I guess we're done with this for today. I mean we're back next  
14 Monday for calendar call so there's not a whole lot --

15 MR. SHETLER: Right.

16 THE COURT: -- more time.

17 MR. SHETLER: Correct. And my client, of course, is extremely -- there's two  
18 issues -- one other issue I think we should mention. My client does want to remain in  
19 this courtroom. My client is willing -- and it's only a request, it hasn't been decided  
20 and it's not our decision, my client would be comfortable with a bench if the Court -- I  
21 understand the government may have a different opinion about that but we have not  
22 addressed it. We just don't want to give you any extra surprises, Judge.

23 THE COURT: Right. I do have I think one murder case still set the same  
24 week as you so I have to see how that goes. Other cases that were set there that  
25 are high priority cases have for the most part moved off of that week for various

1 reasons but I have at least one left. I mean so I understand and I appreciate your  
2 confidence in me but you know there are so many weeks that nothing goes to trial  
3 but you know then it happens where they all want to go at once and you know we do  
4 the best we can to deal with it. I mean have you yet been in contact with the  
5 witnesses that you'll be bringing to know their availability?

6 MS. SUDANO: We don't have a lot of witnesses on this case to my  
7 knowledge.

8 THE COURT: Well, we already had to continue it once --

9 MS. SUDANO: Correct.

10 THE COURT: -- because one became --

11 MS. SUDANO: One of the doctors.

12 THE COURT: -- not available.

13 MS. SUDANO: Yeah, so they're going to be the hang-up I think again  
14 potentially would be the doctors. To my knowledge at this point we are prepared to  
15 go forward barring some emergency surgery like last time. We shouldn't have an  
16 issue.

17 THE COURT: Okay.

18 MR. SHETLER: My client does understand -- my client understands there are  
19 delays. You'll recall from the last hearing -- I'll stop talking. We've been here a long  
20 time but I think that -- I just don't want to surprise the Court. I want the Court to know  
21 at least as much as we know and --

22 THE COURT: Right.

23 MR. SHETLER: -- [Indiscernible].

24 THE COURT: Okay. All right, so that much is granted. We can talk more at  
25 calendar call when I see what else we have on for that week and -- so this criminal

1 stack you're on the second to last week of the stack. The last week of this criminal  
2 stack is October 5<sup>th</sup>. Obviously, -- I mean I've got you know of course a bunch of  
3 cases set every week and --

4 MR. SHETLER: Right.

5 THE COURT: -- you never know if they're going to go or not go, but.

6 MR. SHETLER: Was it a two week stack then or three week stack?

7 THE COURT: No, it's a five week stack but --

8 MR. SHETLER: We're at the end. We're --

9 THE COURT: Right.

10 MR. SHETLER: Okay.

11 THE COURT: Right, its -- right, it started a few weeks ago, so.

12 MR. SHETLER: Okay.

13 THE COURT: Right.

14 So, that's the current stack and then I go into a five week civil and then  
15 the next criminal stack is November 16<sup>th</sup> through December 14<sup>th</sup> weeks.

16 MR. SHETLER: All right, Judge. We'll get an order. Do you need the order  
17 before we're here next Monday?

18 THE COURT: Not necessarily, but certainly before trial.

19 MR. SHETLER: Right. Okay.

20 THE COURT: Okay.

21 MS. SUDANO: Thank you, Your Honor.

22 THE COURT: Thanks.

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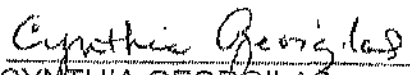
MR. SHETLER: Thank you for the courtesy, Judge.

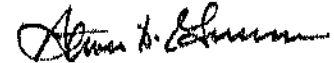
THE COURT: Okay.

[Proceedings concluded at 9:05 a.m.]

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.

  
CYNTHIA GEORGILAS  
Court Recorder/Transcriber  
Eighth Judicial District Court Dept. XVIII



CLERK OF THE COURT

1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6  
7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 GENARO RICHARD PERRY,

11 Defendant.

CASE NO. C298879-1

DEPT. VI

ROUGH DRAFT

TRANSCRIPT OF PROCEEDINGS

12  
13  
14 BEFORE THE HONORABLE ELISSA F. CADISH, DISTRICT COURT JUDGE  
15 MONDAY, SEPTEMBER 21, 2015

16 **CALENDAR CALL**

17  
18  
19 **APPEARANCES:**

20 For the State:

MICHELLE L. SUDANO, ESQ.  
Deputy District Attorney

21  
22 For the Defendant:

TRAVIS SHETLER, ESQ.

23  
24  
25 RECORDED BY: JESSICA KIRKPATRICK, COURT RECORDER



1 LAS VEGAS, NEVADA, MONDAY, SEPTEMBER 21, 2015, at 10:18 A.M.

2

3 THE MARSHAL: Page 13, State of Nevada v. Perry, Genaro Richard.

4 MR. SHETLER: Good morning, Your Honor.

5 THE COURT: Good morning.

6 State your appearance, please.

7 MR. SHETLER: Travis Shetler on behalf of Genaro Perry who is present, in  
8 custody, Judge.

9 THE COURT: Okay.

10 MS. SUDANO: Good morning; Michelle Sudano for the State, Your Honor.

11 THE COURT: Okay.

12 So, we're on for a calendar call today. Are you ready for trial next  
13 week?

14 MR. SHETLER: We are. I believe we're ready and we can proceed, yes.

15 MS. SUDANO: The State is also ready.

16 THE COURT: How long?

17 MS. SUDANO: Four to five days. The State has 7 to 9 witnesses. One of  
18 them is technically out of state.

19 THE COURT: Okay. Let me -- and I know you've been here a long time  
20 already this morning. I want to hear my other calendar calls and see --

21 MR. SHETLER: That's what we were just talking --

22 THE COURT: -- if I'm going to --

23 MR. SHETLER: -- yeah.

24 THE COURT: -- need to send you to overflow or not.

25 MR. SHETLER: And, Your Honor, we would, as I told you last week --

1 THE COURT: Oh, that's right.

2 MR. SHETLER: -- Mr. Perry --

3 THE COURT: You don't --

4 MR. SHETLER: -- would like to remain.

5 THE COURT: Right.

6 MR. SHETLER: He's willing to --

7 THE COURT: Okay. Right, so to determine --

8 MR. SHETLER: -- hang.

9 THE COURT: -- whether I can try it next week or not at a minimum.

10 MR. SHETLER: Thank you, Judge.

11 THE COURT: Okay so hang tight and --

12 MR. SHETLER: Yes.

13 THE COURT: -- we'll try to figure that out shortly.

14 MR. SHETLER: Yes, Your Honor.

15 [Matter trailed at 10:19 a.m.]

16 [Matter recalled at 11:29 a.m.]

17 THE COURT: Okay, it looks like I'm available for trial next week. So next  
18 Monday four to five days, so I guess can we start Monday afternoon with jury  
19 selection and move through the week?

20 MS. SUDANO: Yes, Your Honor.

21 MR. SHETLER: That would be great.

22 THE COURT: I want to take a quick look at my --

23 MR. SHETLER: I do have some help. I have a contractual obligation which  
24 usually requires chunks of the mornings during the week and I have help for next  
25 week to help cover those, but that would be great.

1 THE COURT: Okay, so -- because my criminal calendar next Monday is  
2 going to be pretty hefty. We put a lot over there although the rest of the week  
3 shouldn't be too bad on my end, so Monday at 1:30. Are we okay there? Hopefully  
4 --

5 MR. SHETLER: Yes, Your Honor.

6 THE COURT: -- that means we could get it done next week if we set it there.

7 MS. SUDANO: I anticipate --

8 MR. SHETLER: I feel confident.

9 MS. SUDANO: -- that shouldn't be an issue, Your Honor, no.

10 MR. SHETLER: Yes. And my client would like to renew his request that we  
11 waive the need for a jury, notwithstanding the State of Nevada's not super excited  
12 about that.

13 MS. SUDANO: And the State's not going to agree --

14 THE COURT: Okay.

15 MS. SUDANO: -- to waive the right to a jury trial in this particular case.

16 THE COURT: Okay, that's fine. I understand. So, we will have a jury then  
17 because we don't have a stipulation.

18 So, let's get the trial set for the 28<sup>th</sup> at 1:30.

19 THE CLERK: Okay, September 28<sup>th</sup> at 1:30.

20 THE COURT: And I would ask to get proposed instructions -- well, I'm going  
21 to be out this Wednesday but if you could get them to us Thursday that would be  
22 great.

23 MR. SHETLER: What type of format, Your Honor?

24 THE COURT: In Word with citations and without citations to my assistant, Mr.  
25 Kelly. You can get his e-mail address if you don't have it.

1 MR. SHETLER: I think we do from last time. We're good.

2 THE COURT: Okay, and I think that's about it.

3 MR. SHETLER: I know it's been a long morning and know the Court's  
4 made --

5 THE COURT: It has.

6 MR. SHETLER: -- a decision, my client would very much like to just make a  
7 comment about the need or not need for jury. I don't know if the Court would be  
8 willing to entertain that. I understand --

9 THE COURT: Without a stipulation there's nothing I can do in response to  
10 that. So I appreciate his confidence but the State has a right to a jury trial as well  
11 and if they're exercising that right we're going to have a jury.

12 MR. SHETLER: I understand. I just want to make sure.

13 Thank you, Judge.

14 THE COURT: Okay. Thank you.

15 [Proceedings concluded at 11:31 a.m.]

16 \* \* \* \* \*

17 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
18 audio/video recording in the above-entitled case to the best of my ability.

19   
20 CYNTHIA GEORGILAS  
21 Court Recorder/Transcriber  
22 Eighth Judicial District Court Dept. XVIII  
23  
24  
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