

1 you to wear. Do you wish to wear those civilian clothes?

2 THE DEFENDANT: I feel comfortable in the outfit
3 that I have on now.

4 THE COURT: I will interpret your answer that
5 you have given to me at least three or four times as
6 nonresponsive to my actual question. I will however
7 interpret you are comfortable wearing those clothes as a
8 rejection of the civil clothes.

9 I will also note for the record that the Court
10 has made it clear that you have civil clothes that you
11 are able to wear. And your intention to stay here in
12 your silence, if you in fact stay here in your jail
13 clothing and your chains, your shackles, is your choice.

14 At any point in time if you wish to change your
15 mind and not choose to be here dressed that way you are
16 welcome to make that choice. But it is this Court's
17 interpretation of your answers that you are in fact
18 choosing to stay present in your jail clothing in the
19 shackles.

20 I will tell you that it is my understanding of
21 the supreme court's review of these matters that they
22 would not find an appellate issue for you. Although to
23 the extent that whatever you are doing here is by design
24 for that purpose because this is your voluntary waiver of
25 your right to not be compelled to be here this way.

1 Ultimately, to say it differently, you have the
2 right to wear the civilian clothes. You have now been
3 informed of that right. You have now been told that
4 those civilian clothes are available, if in fact you
5 weren't told previously, which I suspect you were, but
6 you have certainly been told now and your response to the
7 Court of you are comfortable in theses clothes, which you
8 appear to want to continue to repeat, and you are welcome
9 to repeat it as often as you would like, will be
10 considered by the Court your answer that you wish to
11 remain in the court in the jail clothes in the shackles.

12 And all of those things collectively will
13 potentially impact the jurors in your presumption of
14 innocence. But, again, to the extent that you believe
15 that somehow you are creating some appeal issue, it is
16 this Court's belief that the presumption of innocence is
17 not distinguished between whether you have the jail
18 clothing on or the chains or both and that the prejudice,
19 the impact will be there but as long as you voluntarily
20 and knowingly waive that right that is your right to do.

21 The Court has made every effort to protect this
22 process from your choices and to protect you to the
23 extent that you want to be pre-protected from your
24 choices but at this point in time we have now had two
25 days where we have had this discussion. I believe you

1 are well aware of what your rights are. I believe you
2 are making a volitional choice to dress the way you wish
3 to dress. I think you have reasons why you are doing
4 that that will not turn out to be successful for you,
5 but, again, that's your choice.

6 I am going to ask at this time that counsel
7 without obviously violating any attorney-client privilege
8 indicate to the Court -- the Court has asked counsel two
9 things; whether or not the Court should be aware of
10 issues of competency involving Mr. Collins at this time
11 as we proceed with trial as of today's date, as well as
12 whether counsel has advised Mr. Collins of his choice in
13 this matter and the potential consequences of that choice
14 and the potential for the impact on the presumption of
15 innocence and the likelihood of there being no appeal
16 related to that.

17 Counsel has responded in chambers to those
18 questions that competent counsel would have brought those
19 matters to the attention of the client and that counsel
20 if there was a competency issue with regard to
21 Mr. Collins would have also brought that to the attention
22 of the Court.

23 Mr. Schieck, can you please confirm that
24 discussion that we had in chambers.

25 MR. SCHIECK: (No audible response.)

1 THE COURT: Mr. Collins, I asked Mr. Schieck the
2 question. If you need to have a conference with him I
3 will ask you and Mr. Schieck to step into the holding
4 area to have a conversation. But I need Mr. Schieck's
5 answer to the question.

6 If you want to speak to your client first,
7 Mr. Schieck, you let me know. But I am not letting
8 Mr. Collins drive your answer to this question.

9 MR. SCHIECK: Your Honor, we did meet in
10 chambers and the Court inquired whether or not defense
11 counsel felt there was a competency issue with regard to
12 Mr. Collins and I advised the Court that if there was a
13 competency question in our minds we would have been
14 required to bring that to the Court's attention and we
15 have not done so.

16 With respect to conversations that we had with
17 Mr. Collins leading up to today and even this morning, I
18 indicated to the Court with respect to the exact
19 conversations we had that I felt those were privileged
20 conversations, however, I did inform the Court that
21 competent counsel, being Mr. Hyte and myself, would be
22 expected to have those conversations with any client if
23 this issue were to arise and that I feel that Mr. Hyte
24 and I were indeed competent counsel.

25 THE COURT: Thank you. Mr. Hyte, did you have

1 anything that you wish to add?

2 MR. HYTE: Nothing to add, Your Honor.

3 THE COURT: At this time then I will ask counsel
4 and Mr. Collins to take a seat. He has chosen to be
5 present dressed as he is and the Court will proceed and
6 no mention further will be made of the circumstances,
7 obviously, in front of the potential jurors. But at this
8 time it is the Court's determination that he has
9 knowingly and voluntarily waived his right to wear
10 civilian clothes.

11 There has been ample discussion in the record
12 for any appellate court to see that this choice is
13 Mr. Collins' and Mr. Collins' alone for whatever reason
14 he chooses to proceed in this fashion.

15 My marshal has just stepped out to see if the
16 panel is here. My notes from yesterday says that we
17 would have two vacant seats that I need to fill in the
18 top 32 seats. This is just going off of my notes and
19 comparing it with my marshal's notes.

20 MS. LUZAICH: I don't have two vacant. I have
21 13, 20, 21, 22 and 32 vacant.

22 THE COURT: Say it again.

23 MS. LUZAICH: 13, 20, 21, 22 and 32 in the first
24 32 seats.

25 MR. SCHIECK: And I think, Your Honor, we

1 discussed having three alternates, which would result in
2 an additional alternate preempt for each side.

3 THE COURT: We just had that conversation
4 yesterday.

5 MS. LUZAICH: Two preempts, but it would require
6 qualifying one more of 33 instead of 32.

7 THE COURT: Pardon my confusion. But we just
8 had a conversation yesterday about whether we needed to
9 qualify more than 32 and I thought the conversation was
10 because the preempts are the same --

11 MS. LUZAICH: It is one more than 32 because
12 there's going to be one extra person on the jury, so 15
13 jurors, plus 18 preempts; 9 each, is 33 in my mind.

14 Because usually what we do is there's 14 jurors
15 for two alternates --

16 THE COURT: Right.

17 MS. LUZAICH: -- and 18 preempts is 32, so just
18 because there is one more alternate it would be qualify
19 33 but the preempts remain the same.

20 THE COURT: All right. Yes. You are right and
21 that is just not something that the Court thought through
22 beyond that point. And as I said this is our first
23 experience with that request being made.

24 MS. BLUTH: Judge, two questions for Your Honor.
25 Ms. Luzaich and I were speaking yesterday and we do not

1 remember receiving a roll call when everybody came in.

2 THE COURT: I don't do roll calls.

3 MS. BLUTH: Oh, you don't. All right.

4 THE COURT: I have my marshal do the roll calls.

5 MS. BLUTH: And secondly, there was a juror who
6 tried to speak to the four of us while we were waiting
7 for the elevator and I couldn't remember if the Court
8 gave the admonishment. Is that something Your Honor
9 normally does?

10 THE COURT: I don't think we got to that
11 yesterday. I certainly do that at some point in the
12 process. I indicated that the marshal would be the
13 person that they would speak to but I didn't necessarily
14 give an admonishment out of the gate not to talk to
15 anybody because by the time we finish and they go in and
16 out they are not talking to anybody and then we're done.
17 But obviously in these circumstances we need to admonish.

18 Do you have any recollection of who it was?

19 MR. HYTE: An older gentleman.

20 MS. BLUTH: He didn't even get anything out
21 before we said something.

22 MR. HYTE: My recollection, Your Honor, is that
23 Ms. Bluth kindly informed him that he could not speak
24 with us and it appeared to be a pleasant exchange so I
25 don't think there's any prejudice.

1 THE COURT: We'll just do a general reminder.
2 MS. BLUTH: Thank you, Your Honor.
3 THE COURT: I will do a roll call of the 32 when
4 we fill the seats.
5 MS. BLUTH: Okay. Thank you.
6 THE MARSHAL: Juror No. 114 was not present.
7 MS. LUZAICH: He might not have been here
8 yesterday because Ms. Bluth and I asked about the roll
9 call when people were sitting there yesterday our number
10 32 was female but the 32nd person was male.
11 THE COURT: We did not have 114 as a no-show
12 from yesterday. But as I explained to counsel I don't do
13 the roll call in here because my understanding is the
14 roll call is done when Tom brought the people up here.
15 So, Tom, do you have a record that 114 was not
16 present?
17 THE MARSHAL: No.
18 THE COURT: Do you have a record of doing a roll
19 call and he was present?
20 THE MARSHAL: I believe that he was present.
21 THE COURT: I have Middlebrooks as number 37 not
22 32. I get this list of everybody with their actual seat
23 numbers but I have been working off the same ones you
24 guys have been working off of and Middlebrooks was 37 not
25 32 on my list.

1 MS. BLUTH: I was confused because Ms. Marotta
2 was sitting right here in this seat, Your Honor, and then
3 right next to her was Mr. Brar and Mr. Middlebrooks
4 should have been sitting right in between them. I don't
5 think he ever showed up.

6 MS. LUZAICH: Well, just based on the numbers
7 because Marotta is 104, Middlebrooks is 114 and Brar is
8 120.

9 THE MARSHAL: I don't have a record of checking
10 him off.

11 THE COURT: But you do not have him on the list
12 of no-shows?

13 THE MARSHAL: No. Not that Jury Services gave
14 me and my own record of checking him off says that he was
15 here.

16 MS. BLUTH: We'll just do a roll call today.

17 THE COURT: All right. Let's bring them in and
18 do the roll call and we'll figure it out.

19 THE COURT: You did a roll call today, Tom?

20 THE MARSHAL: Yes.

21 THE COURT: Jury Services is contacting us that
22 there are other no-shows, that you have only indicated
23 that 114 is missing. They might not have checked in with
24 Jury Services. That's possible.

25 What are the numbers that did not check in with

1 Jury Services?

2 THE CLERK: 009, 080, 086, 093.

3 MS. LUZAICH: 080 was gone yesterday.

4 THE COURT: Whoever Jury Services is saying
5 didn't show I want all the numbers and then we will
6 reconcile it with the ones we let go yesterday who
7 apparently did not go back to Jury Services to check out
8 or for whatever Jury Services didn't get it, so we'll
9 figure out what's left.

10 So just read off all the numbers.

11 THE CLERK: 094, 136, 170, 182, 193, 196, 197,
12 239, 245, 250, 254, 317, 319 and 331.

13 THE COURT: So apparently no one who got excused
14 went back down to Jury Services or they didn't account
15 for it, which is more likely.

16 MS. LUZAICH: Some of those people weren't
17 excused.

18 THE COURT: Right. Some were not excused so we
19 have to double check.

20 So just for your list, 331 was excused
21 yesterday. 319, 317, 254, 250. I do not have 245 being
22 excused.

23 MS. LUZAICH: I don't either.

24 THE COURT: 239 was, 197 was, 196 was, 194 was,
25 192, 170, 136, 94, 93. I do not have 86 being excused.

1 MS. LUZAICH: Neither do we.

2 THE COURT: And I do not have 9 being excused.

3 MS. LUZAICH: Neither do we.

4 THE COURT: So of that list everybody but 009,
5 086 and 245 were excused yesterday during the course of
6 our handling of the selection between 2:00 and 4:30 and
7 were told to go back down to the third floor to check
8 out, so I believe that they have that information and
9 they just didn't reconcile it with the list.

10 But as far as these other three, Tom, can you
11 please go and check right now on 009, 086 and 245 and see
12 if they are currently present. Maybe they came up here
13 and just didn't check in.

14 THE MARSHAL: All three are present. All three
15 say they did check in.

16 THE COURT: Okay. We'll make that clarification
17 with Jury Services also.

18 Let's bring them all in.

19 (Potential jurors enter courtroom.)

20 THE COURT: At this time because we did lose a
21 few folks, I want to make sure that the vacant seats that
22 we have do match. I think everybody sat in the right
23 place. I am going to do a brief roll call at this point
24 and I am going to do it this way to expedite it.

25 As I call your name please raise your hand.

1 (Whereupon, roll call was taken.)

2 THE COURT: Okay. Yesterday I indicated that we
3 were going to qualify 32 people. We are actually going
4 to qualify 33 people to ensure that we have the proper
5 number of jurors to cover the 12 who will deliberate and
6 three alternates. So we have 33 jurors that we are going
7 to qualify. Right now those seats are through and
8 including Mr. Reynold's seat.

9 Right now because we have vacant seats we are
10 going to call you forward in the order in which you are
11 seated. At this point we are going to focus on the
12 questions with regard to the individual seats I just
13 named.

14 I do see a gentlemen whose hand is raised. Is
15 it related to the hardship discussion that we had
16 yesterday?

17 A PROSPECTIVE JUROR: Yes.

18 THE COURT: What is your name and last three
19 digits of your badge number?

20 A PROSPECTIVE JUROR: Robert Chesnovsky, 230.
21 About a week ago my boss told me they thought the company
22 would pay for me to be on jury duty. Today he texted me
23 and said there is no pay for jury duty. I live paycheck
24 to paycheck. It is going to be devastating for me and my
25 family if I am in trial for more than a couple days.

1 THE COURT: I don't know what, and I'm not
2 necessarily asking what your rate of pay is, are you
3 aware of what the pay for jury services is?

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: And we appreciate that the voucher
6 of the daily stipend is not necessarily wages but that in
7 and of itself is not a basis for excusal.

8 What I would like to do at this time is proceed
9 because we are already somewhat delayed in getting
10 started. You are already here for today's purposes,
11 let's see if and when we reach you and we may have an
12 answer for you after I have a chance to confer with
13 counsel but at this point I would like to proceed.

14 I have a vacant seat No. 13 in the middle row
15 and that will be filled by Katherine Isom. And then the
16 first seat as you reach them in the front row here the
17 next person in line to be called forward is Douglas Von
18 Heeder. And next to Mr. Von Heeder will be Phillip
19 Loomer. Next to Mr. Loomer will be Ms. Soto. And then
20 next in line is Mr. Manuel Bernardino.

21 At this time ladies and gentlemen the 33 of you,
22 again, as I explained how the process will work yesterday
23 at this point in time unless we develop some information
24 that indicates to us that you for whatever reason may not
25 serve in this trial you are otherwise considered

1 qualified.

2 As we continue to go forward the Court has any
3 number of questions it will be asking and then the
4 conclusion of the process will be counsel to ask
5 questions of the potential jurors. We are going to focus
6 all of our questions at this time now on the 33 of you
7 who are seated here.

8 Anybody who is in line behind now where
9 Mr. Reynolds is seated would only be called forward if
10 and when there is a vacancy in the seating in the first
11 33.

12 What we are going to do to begin this process is
13 I have a list of questions that I have placed on the
14 board there in front of you. I appreciate for those
15 folks that are in the seats 25 through 33 that it might
16 be a little more difficult to see, but at the end of the
17 day I think by the time we get to you I think you will
18 have a pretty good idea of the information that we are
19 looking for initially. And, of course, I am happy to
20 assist you and direct you through those questions.

21 The information in this first set of information
22 generally what we are trying to find out is who you are,
23 what you do for a living, what is your current or former
24 occupation. If you are retired or unemployed, what your
25 job was that you most recently did. If you have a spouse

1 or domestic partner who they are and what their jobs are.

2 And let me be clear, we are looking for the
3 title of your job and your employer. We are looking for
4 some specifics. Same for your spouse or domestic partner
5 if you have one. What your highest level education is.
6 We would like to know the -- and I have that slightly in
7 a different order here -- you may speak about yourself
8 first, your job or former job, highest level of
9 education. And then again your spouse or domestic
10 partner's job or former job.

11 If you have any children old enough to work in
12 this jurisdiction we would like to know where they work.
13 One of the reasons we ask these questions about jobs is
14 not only to get to know you a little bit better but there
15 might also be some connection with family members to the
16 trial that we would reveal through that information.

17 We would like to know how long you have lived in
18 Las Vegas. If it has been less than five years we would
19 like to know before you moved here. And we would also
20 like to know if you have ever been a juror before. That
21 question is specific to jury service here or anywhere.
22 It is not just jury service here.

23 If you have, we would like to know whether it
24 was a criminal or civil trial whether or not a verdict
25 was reached, not when the verdict was, and whether or not

1 you were the foreperson in that trial.

2 So that is the list of questions we are going to
3 start with. After I run through that list of questions
4 with the 33 of you then we will take a break and come
5 back and I will have some more specific questions for the
6 group as a whole.

7 I will start with the first juror in the top
8 row. First, please identify yourself and then give us
9 the last three digits of your badge.

10 A PROSPECTIVE JUROR: Alexandra Foss, Badge No.
11 006. I am a cashier at Hobby Lobby. I am currently
12 taking my second year at UNLV for college.

13 THE COURT: What are you studying?

14 A PROSPECTIVE JUROR: Psychology. I do not have
15 any spouse. I don't have any children. I lived in Las
16 Vegas my whole life, so 19 years, and I have never been a
17 juror before.

18 THE COURT: Okay. Thank you.

19 Ms. Loera.

20 A PROSPECTIVE JUROR: Raquel Loera, 009. I work
21 for Apex Medical Center as a medical assistant. I
22 completed through high school. I went to a medical
23 assistant school.

24 THE COURT: So is it an associates program?
25 What is the medical assistant program?

1 A PROSPECTIVE JUROR: I went to a program for a
2 couple years in California.

3 THE COURT: Okay.

4 A PROSPECTIVE JUROR: My husband works at the
5 Aria Casino as a banquet worker.

6 THE COURT: His name?

7 A PROSPECTIVE JUROR: Stephen. I have a
8 daughter, Jennifer. She works at an exterminator
9 company.

10 THE COURT: Name of the company?

11 A PROSPECTIVE JUROR: I do not know. I have
12 been here in Vegas for nine years.

13 THE COURT: Jury service here or anywhere else?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: All right. Thank you.

16 A PROSPECTIVE JUROR: Otto Wusnack, 036. I have
17 lived here 11 years. I am retired from Cirque de Solei.
18 I worked as an usher at Ka. Before that I retired as an
19 attorney, which I did for 30 years in Mississippi.

20 THE COURT: What kind of law?

21 A PROSPECTIVE JUROR: Seven to eight years in
22 private practice. Did criminal defense work. Did some
23 prosecution work for the City of Long Beach. I was a
24 court-appointed attorney for criminal cases. In the
25 middle 70s that is all we had; we had no public

1 defender's. And the last 17 years I spent at legal
2 services. And I left in 2004 to come here. My wife is
3 Kathy. She is assistant head of wardrobe at Aria at
4 Zarkana. And I have a daughter, Victoria, who works at
5 the Venetian as a server. And that is the whole family.

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

7 A PROSPECTIVE JUROR: Yes, ma'am, I was in 1983.
8 I had a short stay in California and I was on a jury in
9 Glendale. It was a criminal case and we did reach a
10 verdict.

11 THE COURT: Were you the foreperson?

12 A PROSPECTIVE JUROR: Yes, I was.

13 THE COURT: Thank you.

14 A PROSPECTIVE JUROR: Jennifer Allee, 048. I am
15 self-employed. I am a writer. My fiance is Nicholas
16 Barry. He is a taxi driver for Yellow Checker Star.
17 Sorry if I miss anything because I cannot actually see
18 the questions.

19 THE COURT: Your highest level of education.

20 A PROSPECTIVE JUROR: Second year of college but
21 I do not have a degree.

22 THE COURT: Do you have any children old enough
23 to work in our community?

24 A PROSPECTIVE JUROR: Yes. William Allee,
25 graduated from UNLV. He is 22 and he works at UNLV now.

1 Not as a teacher; he is working on a project where they
2 are creating a new computer language. It's very
3 technical. I have lived here about nine years. I almost
4 was on a jury. I made it through the whole process and
5 then they declared a mistrial because something happened
6 in the elevator between two people and so that is as far
7 as I got in that process.

8 THE COURT: And that is the only time you have
9 ever been called?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: So I am going to take a minute and
12 break before we move on to the next juror because what
13 you just mentioned is something that I need to remind
14 folks of, although, I was going to wait until our first
15 break to do that.

16 But counsel did advise me that there was one of
17 the panel members who engaged in a polite conversation at
18 the elevators unrelated to the case, of course, but one
19 of the things once you are seated you will be admonished
20 about and will need to understand is that it is an
21 ethical obligation of all of us, the Court as well as the
22 counsel, parties, everyone except the marshal who can be
23 a conduit of conversation to the Court, we are not
24 allowed to speak with you. We are not allowed to
25 acknowledge you in any way. We are not allowed to have

1 any conversation whether it is about the case or anything
2 else.

3 And you, of course, will be admonished on a
4 regular basis because the supreme court requires that I
5 admonish you on a regular basis once you are seated
6 because once you are seated I will also read the
7 admonishment that you are not to speak about this case
8 with anyone else even yourselves until you actually go
9 into the room to deliberate.

10 So it is certainly human nature that when we see
11 people, especially people that we now recognize, we might
12 want to acknowledge them or say hello or engage in some
13 polite conversation but we cannot have those
14 conversations.

15 It may be an innocent conversation at the
16 elevator but somebody standing across the hallway who
17 sees a potential juror and sees counsel having a
18 conversation, they are not going to know what that
19 conversation is about.

20 And our ultimate goal always is to avoid the
21 appearance of impropriety, so we need to do that in all
22 circumstances. So it is not that we're antisocial or
23 that we don't like you or very much appreciate your
24 service it's just ethically we cannot have those
25 conversations.

1 The safest people in the building to talk to are
2 the ones wearing the exact same badges because you know
3 they are of the same admonishment.

4 But now let's proceed with the next potential
5 juror.

6 A PROSPECTIVE JUROR: My name is Amnesty
7 Woodhall, 054. I work for Southwest Airlines for the
8 past 15 years.

9 THE COURT: What do you do for Southwest?

10 A PROSPECTIVE JUROR: I'm flight attendant. I
11 am not married and I do not have any children. I have
12 never been a juror and I have lived in Las Vegas for 18
13 years.

14 THE COURT: Thank you. Next.

15 A PROSPECTIVE JUROR: Rhonda Fulkerson, 055. I
16 am a senior security specialist for National Security
17 Technology. I am not married. I do have a son who is IT
18 for National Security Technology. I have lived in Las
19 Vegas for about 16 years. I have been a juror before.
20 It was a criminal case. I was not the foreperson and we
21 did reach a verdict. And my education is high school.

22 THE COURT: I am not familiar with National
23 Security Technology.

24 A PROSPECTIVE JUROR: It is a contractor to the
25 Department of Energy. They are a management and

1 operations contractor.

2 THE COURT: So they are not the folks that do
3 anything at the airport or that type of security?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: You deal with the Department of
6 Energy. And you are a senior security technologist.
7 Does that mean you are a computer --

8 A PROSPECTIVE JUROR: Senior computer specialist
9 for personnel and physical security for locations.

10 THE COURT: All right. Thank you. And you said
11 that prior trial was a criminal trial?

12 A PROSPECTIVE JUROR: Yes, ma'am.

13 THE COURT: Thank you.

14 Mr. Douglas.

15 A PROSPECTIVE JUROR: My name is Troy Douglas,
16 056. I am building facilities engineer at Ballys, Las
17 Vegas. My education is some trade school after high
18 school. Spouse's name is Tammy Douglas. She is a Keno
19 shift supervisor at the Orleans. I have one son who is
20 old enough to work. He is a valet attendant at the new
21 Summerlin mall. And I have been in Las Vegas for 36
22 years. I have never been a juror before.

23 THE COURT: All right. Thank you.

24 A PROSPECTIVE JUROR: James Bowers, Badge No.
25 058. My job is I am the graphic specialist with Sun Dial

1 Controls. My highest level of education is digital
2 entertainment and game design from ITT. I have no
3 spouse. I have no children. I have lived in Las Vegas
4 for 13 years and I have never been a juror before.

5 THE COURT: Thank you, sir.

6 A PROSPECTIVE JUROR: Earl Wedgeworth, 062. I
7 am retired but I did work for Boeing as a project
8 engineer on the shuttle program. I have a high school
9 educate with some college. No degrees. I have a spouse
10 and her last employment was here as a Clark County clerk
11 downstairs.

12 THE COURT: Can we get her name.

13 A PROSPECTIVE JUROR: Beverly Wedgeworth.

14 THE COURT: And you say a clerk. We have a
15 couple of different clerk positions. Was she a court
16 clerk?

17 A PROSPECTIVE JUROR: No. Downstairs in the
18 County Clerk's Office.

19 THE COURT: Okay. County Clerk. Which building
20 was she in?

21 A PROSPECTIVE JUROR: In this building
22 downstairs.

23 THE COURT: Okay.

24 A PROSPECTIVE JUROR: I have a son -- we have a
25 son that is presently out of work but works typically as

1 an IT doing sales and services in small businesses. We
2 moved here in 2003. I have served on a criminal case
3 that had no decision and a personal injury suit that they
4 settled before we came to a verdict.

5 THE COURT: So that first case is the civil case
6 that you did not --

7 A PROSPECTIVE JUROR: No. The first case was a
8 DUI. It was a hung jury.

9 THE COURT: Okay.

10 A PROSPECTIVE JUROR: And the second one was an
11 accident and they settled before we came to a verdict.

12 THE COURT: During the course of the second case
13 did you also receive evidence and how long did the case
14 go before it settled?

15 A PROSPECTIVE JUROR: It went about three days
16 into the case before they came into the agreement.

17 THE COURT: Were you the foreperson on either of
18 these juries?

19 A PROSPECTIVE JUROR: No, I was not.

20 THE COURT: Okay. Thank you.

21 A PROSPECTIVE JUROR: Sandra Gibbons, 067. I am
22 unemployed right now. I was an administrative assistant.
23 I have three children.

24 THE COURT: Do you have a spouse?

25 A PROSPECTIVE JUROR: I have a spouse.

1 THE COURT: What does he do for a living and
2 what is his name?

3 A PROSPECTIVE JUROR: He works for the Bellagio.

4 THE COURT: What does he do for the Bellagio?

5 A PROSPECTIVE JUROR: Electrical engineer.

6 THE COURT: Are any of your children working in
7 our community now?

8 A PROSPECTIVE JUROR: Yes. One works for a
9 pharmacy. I do not know the name and she also is also a
10 hairstresser, independent. My other two do not work. One
11 live in California and one lives here.

12 THE COURT: How long have you worked here?

13 A PROSPECTIVE JUROR: I have lived here six
14 years. I have been a juror in California.

15 THE COURT: How long ago was that?

16 A PROSPECTIVE JUROR: In 1992.

17 THE COURT: So some time ago. Do you remember
18 if it was a civil or criminal trial?

19 A PROSPECTIVE JUROR: Criminal.

20 THE COURT: And do you remember if a verdict was
21 reached?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: You don't remember or, no, there
24 wasn't one?

25 A PROSPECTIVE JUROR: It was a hung jury.

1 THE COURT: Were you the foreperson?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Okay. Sir, back to you,
4 Mr. Wedgeworth, and I am not sure if you said, but how
5 long ago was your jury service in the first criminal case
6 that you described?

7 A PROSPECTIVE JUROR: A long time ago.

8 THE COURT: So it did not take place here in
9 Nevada?

10 A PROSPECTIVE JUROR: Southern, California.

11 THE COURT: You say long time. Was it 10 years,
12 20 years?

13 A PROSPECTIVE JUROR: Oh, 10 to 15 years.

14 THE COURT: As far as the civil case, was that
15 here?

16 A PROSPECTIVE JUROR: No. Both cases were in
17 Southern California.

18 THE COURT: How long ago approximately?

19 A PROSPECTIVE JUROR: Both were around the same
20 time frame.

21 THE COURT: Okay. Thank you.

22 Next.

23 A PROSPECTIVE JUROR: Heidi Cwik, 069. I am a
24 special education teacher. I have a bachelors degree in
25 teaching students with specific learning disabilities. I

1 am divorced. My child is not old enough to work. I have
2 lived in Las Vegas for 21 years and I have been a juror
3 before on a civil case where we had to award somebody a
4 certain sum of money.

5 THE COURT: Civil damages case?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: Was it a car accident? What type of
8 case?

9 A PROSPECTIVE JUROR: No. She was walking
10 downstairs and the stairs crumbled.

11 THE COURT: So slip and fall type?

12 A PROSPECTIVE JUROR: Yes.

13 THE COURT: Was that here?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: And how long ago?

16 A PROSPECTIVE JUROR: About 12 years ago.

17 THE COURT: Did you say a verdict was reached?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Were you the foreperson?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Thank you.

22 Ma'am.

23 A PROSPECTIVE JUROR: Hope Juarez, 078. I am a
24 makeup artist at Sephora. Trade technical school is the
25 highest education. I am not married. I do not have any

1 kids. I have lived here for 26 years and I have never
2 been a juror before.

3 THE COURT: You have never been a juror here or
4 anywhere?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Thank you.

7 Ms. Isom.

8 A PROSPECTIVE JUROR: My name is Katherine Isom,
9 176. I work for a home builder in town selling new
10 homes. The name of the builder is Harmony Homes. So I
11 try to sell houses. My education is high school and real
12 estate school. I am divorced. I have two adult
13 children. I have a son who is 33 and works for the
14 library system. I have a daughter who is 30 who is a
15 hairdresser. I have lived in Las Vegas for 46 years and
16 I have never been a juror before.

17 THE COURT: Your ex-spouse, I don't know how
18 long ago that occurred, but what was his occupation?

19 A PROSPECTIVE JUROR: Home inspector.

20 THE COURT: And Ms. Cwik, the same question for
21 you. I knew there was a question I forgot to ask you.

22 A PROSPECTIVE JUROR: He was also a teacher.

23 THE COURT: All right. Thank you.

24 Next.

25 A PROSPECTIVE JUROR: Richard Seligman, Badge

1 No. 082. I am an auto mechanic at Frias Transportation.
2 I have a 12th grade education and then GM training after
3 that. I am a part-time fiddle player. My wife is Jackie
4 Seligman and she works at Harbor Freight part time and my
5 son is 31. He is unemployed. My daughter is 33 and
6 lives in Florida and works at a Christian preschool.

7 THE COURT: The main reason of where they work
8 would be to know who is working in this community and
9 that might overlap with the case. So the other
10 jurisdictions are not likely to have that impact, but we
11 appreciate you letting us know.

12 How long have you lived here?

13 A PROSPECTIVE JUROR: Over 20 years.

14 THE COURT: Have you ever been a juror here or
15 anywhere?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Next, Ms. Andrews.

18 A PROSPECTIVE JUROR: My name is Debra Andrews,
19 085. I am currently retired. I have about 30 years of
20 local governmental experience at both the city and county
21 level. My last job was in Houston, Texas. I was the
22 chief assistant account auditor over all the accounting
23 functions in Houston. I have a bachelors degree in
24 business. I have a certificate -- I am a certified
25 public accountant.

1 THE COURT: Have you ever worked for the
2 government local or whatnot here in Nevada?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: You just retired here.

5 A PROSPECTIVE JUROR: Retired to Nevada. We
6 were looking for less rain.

7 THE COURT: Understood.

8 A PROSPECTIVE JUROR: My husband is Ralph
9 Andrews. He is also retired. He again has 30 years as
10 an attorney. His last position was as a federal US
11 attorney prosecutor where he did major drug cases and the
12 assets forfeitures of them. We have no children. We
13 relocated to Las Vegas. We do not live in Las Vegas. We
14 live in a Mesquite, so I have a three-hour commute every
15 day and I am about to impose on the county about between
16 \$800 to \$1000 of mile charges, which I would ask you all
17 to keep in consideration.

18 THE COURT: We appreciate that. I was aware
19 that there were some from Mesquite in the panel. I was
20 aware that there was someone from Laughlin who may be in
21 the additional panel that we are going to perhaps need.

22 Clark County is a very large county and it is
23 necessary unfortunately sometimes as we reach into the
24 pool to secure jurors from those areas. But we do
25 appreciate you bringing that to our attention and we are

1 and we will be mindful of that.

2 A PROSPECTIVE JUROR: We have lived out here for
3 about 14 years. I did serve on a jury in about 1980 in
4 Corpus Christi, Texas. It was a civil matter and there
5 was a verdict reached.

6 THE COURT: Were you the foreperson?

7 A PROSPECTIVE JUROR: No, I was not a
8 foreperson.

9 THE COURT: How long ago?

10 A PROSPECTIVE JUROR: About 1980.

11 THE COURT: Thank you so much.

12 A PROSPECTIVE JUROR: My name is Georgios
13 Bougalis, Badge No. 086. I am a mechanical engineer at
14 Coal Laboratories. I have a masters degree in
15 information systems. No spouse. No children. I have
16 lived in Las Vegas for six years and I have not served as
17 a juror before.

18 THE COURT: Where did you live prior?

19 A PROSPECTIVE JUROR: I was overseas.

20 THE COURT: Military service?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: You said you have been here six
23 years. You have never been a juror here or anywhere?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: Can you go back for a minute. I am

1 not familiar with the laboratory that you mentioned and
2 you said you were a mechanical engineer. I am just
3 trying to understand a little bit better what is the work
4 that you do.

5 A PROSPECTIVE JUROR: I design and research
6 systems and components.

7 THE COURT: Thank you.

8 And just so folks know as we go through these
9 initial questions I am going to come back and we are
10 going to have questions about folks who perhaps know
11 folks who are in law enforcement and the legal services.

12 So those of you who have already addressed that
13 we will be coming back and asking you more questions
14 about those who might have familiarity with, again,
15 attorneys and law enforcement. I am not going to go into
16 those now because we are just trying to get the basic
17 information from you first.

18 I know that we have a great deal of information
19 from the questionnaires but I think it is always
20 important that we get a little bit of the information
21 flushed out from you now.

22 Thank you, Mr. Bougalis. And moving on to --

23 A PROSPECTIVE JUROR: Sacoya Counce, 087. I
24 work at Express Scrips Pharmacy as a patient care
25 advocate. I have one year of college still pending. No

1 degree yet. No spouse. My child is not old enough to
2 work. I have lived her for 30 years and I have never
3 been on a jury.

4 THE COURT: All right. Thank you, Ms. Counce.
5 Sir.

6 A PROSPECTIVE JUROR: Alexander Savell. I do
7 not have a job or ever had one. I finished high school.
8 No spouse. No children. Lived here 18 years and I have
9 not served on a jury.

10 THE COURT: Is that your age, how long you have
11 lived here?

12 A PROSPECTIVE JUROR: Yes. I have lived here my
13 whole life.

14 THE COURT: Did you say you completed high
15 school?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Are you looking for employment?

18 A PROSPECTIVE JUROR: I am not currently.

19 THE COURT: Okay. Thank you.

20 Front row.

21 A PROSPECTIVE JUROR: Wennie Balaoro, 089. I
22 work as a cashier at M and M's World on the strip. I
23 graduated high school and six months of bookkeeping. And
24 my husband's name is Jimmy Balaoro and he works at Ballys
25 as a cook. I have two children. One is a student and

1 the other one is old enough to work but I do not know
2 where he's at. I lived here for 14 years now and I have
3 never been on a jury before.

4 THE COURT: Is English your first language or
5 your second language?

6 A PROSPECTIVE JUROR: Second.

7 THE COURT: How long have you lived here in the
8 US?

9 A PROSPECTIVE JUROR: Half of my life.

10 THE COURT: So some period of time. What would
11 you say is your percentage of understanding of English?
12 I do not want to presuppose that it is not 100 percent.
13 I also want to make sure that if you had any questions or
14 concerns with language in terms of following the
15 proceedings that we identify that.

16 A PROSPECTIVE JUROR: Well, in regards to law I
17 am not really good.

18 THE COURT: You mean legal terms, legalese. Is
19 that what you mean when you say in regards to the law?

20 A PROSPECTIVE JUROR: Yes. This thing, this
21 case, I am not really --

22 THE COURT: Well, I do not think any anybody
23 here except perhaps maybe our attorney that is on the
24 panel and perhaps the lady's whose husband is an attorney
25 would be terribly familiar with how these processes work

1 and these legal terms.

2 What I am really trying to get at is not whether
3 you are familiar with the process yet but whether or not
4 there is a language barrier. Have you perceived any
5 language barriers so far?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: Can you help me understand what that
8 barrier has been. You were able to answer the questions
9 and we appreciate that. You did not indicate that I
10 recall on the questionnaire having language issues. You
11 said you lived here half your life and you have
12 employment that I am assuming requires you to converse
13 with the public primarily in English?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: So can you help me understand if
16 there have been barriers what they have been. I know it
17 is a difficult question to answer what is it that you do
18 not understand, but what I am trying to help me
19 understand is where was there something so far that you
20 have not followed?

21 A PROSPECTIVE JUROR: Well, when it comes to
22 like in this room right now, well, if you ask me what you
23 are going to be for -- like punishment, I am not really
24 good with that.

25 THE COURT: That is a different question. I am

1 obviously going to have questions that talk about other
2 potential issues that may impact your ability to serve.
3 Right now I am asking about language barriers. Do you
4 have any language barriers?

5 A PROSPECTIVE JUROR: I understand.

6 THE COURT: Okay. We will get back to your
7 other issues. We will have plenty of opportunity to
8 speak with everyone.

9 Next in that row.

10 A PROSPECTIVE JUROR: Douglas Von Heeder, 184.
11 I am a self-employed photographer. I have two years of
12 college. No degree. My wife, Lisa Von Heeder, is a
13 secretary with the Southern Nevada Water Authority. I
14 have no children in this state and I have lived here for
15 16 years.

16 THE COURT: Have you ever been a juror?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: You are a photographer. Did you
19 indicate where you work?

20 A PROSPECTIVE JUROR: I have my own studio.

21 THE COURT: So still photographer, portrait
22 photographer, not a news person.

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Thank you.

25 A PROSPECTIVE JUROR: Philip Loomer, 189. I

1 work in a shop right now, a body shop.

2 THE COURT: Which one?

3 A PROSPECTIVE JUROR: Tucker's. Education is

4 some trade school. I am married to Melissa Loomer. Then

5 I have one child.

6 THE COURT: What does she do?

7 A PROSPECTIVE JUROR: She works at the Cosmo.

8 THE COURT: Doing what?

9 A PROSPECTIVE JUROR: Guest relations.

10 THE COURT: So front desk.

11 A PROSPECTIVE JUROR: Yes. And then lived here

12 for ten years and I have never been a juror.

13 THE COURT: Here or anywhere?

14 A PROSPECTIVE JUROR: Anywhere.

15 THE COURT: Okay. Thank you.

16 Ma'am.

17 A PROSPECTIVE JUROR: My name is Gabriela Soto,

18 194. I just got a job at Cesar's Palace as a runner.

19 Yesterday was supposed to be my first day but I didn't go

20 because I was here. I have three years at UNLV. I am

21 currently still there majoring in human services and

22 minoring in public health. I have no spouse. I have no

23 kids. I lived here my whole life, which is 21 years and

24 I have never been a juror.

25 THE COURT: Did you have a conversation with

1 your employer about --

2 A PROSPECTIVE JUROR: Yes, they understood.

3 THE COURT: They understand. Good.

4 Next.

5 A PROSPECTIVE JUROR: My name is Patricia
6 Tiffany, 099. I work at Sunrise Hospital. I work in the
7 Environmental Service Department. I have a high school
8 education. My husband is medically retired.

9 THE COURT: From what profession?

10 A PROSPECTIVE JUROR: He used to be in carpet,
11 worked for Carpeteria and they went out of business and
12 then he got hurt and he medically retired.

13 THE COURT: Okay.

14 A PROSPECTIVE JUROR: I have four children. The
15 oldest, Jackie, works for the post office. Jason works
16 at Terribles. Matthew is disabled, he has SSI. Heather
17 works at the Excalibur, she does reservations and that
18 kind of stuff. I have lived here for 29 years and I have
19 not been on a jury.

20 THE COURT: Here or anywhere?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: Thank you.

23 Sir.

24 A PROSPECTIVE JUROR: My name is Roger Molett.
25 I am VA disability now. I have held a number of jobs.

1 My last job I just held for a couple months I taught
2 English at a language school in Henderson. Before that I
3 was a legal adviser for a company called Spector Trading
4 and Evaluation. I have a BA in political science and a
5 juris doctorate. My wife is a food server at a
6 restaurant on Spring Mountain. I have a son but he does
7 not live here and is not old enough to work. I have
8 lived here three times. Most recently I moved back here
9 January of 2014 and before that I was living in Dubai. I
10 have never been on a jury.

11 THE COURT: Where else have you lived?

12 A PROSPECTIVE JUROR: I lived in United Arab
13 Emirates for two years and then I lived in Turkey and
14 before that I was in Reno.

15 THE COURT: Okay. You said VA disability.
16 Thank you for your service. Were you an attorney in the
17 service?

18 A PROSPECTIVE JUROR: No, I was enlisted. I was
19 in communications.

20 THE COURT: You said you had a juris doctorate.
21 Did you practice law?

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: You mention being a legal adviser to
24 a company. Can you give us a little bit more information
25 about where and when you practiced law.

1 A PROSPECTIVE JUROR: I was a legal advisor in
2 the United Arab Emirates, basically I was general counsel
3 and then I practiced here in Las Vegas for a couple
4 years.

5 THE COURT: What time frame?

6 A PROSPECTIVE JUROR: From '99 to 2002.

7 THE COURT: Did you practice private?

8 A PROSPECTIVE JUROR: Yes. Of course, I did my
9 time in the salt mines doing construction defect and then
10 I did criminal defense and family law and stuff like
11 that.

12 THE COURT: So a little bit of everything.

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Was that the only time that you
15 practiced law was here in Las Vegas in '98 to '02?

16 A PROSPECTIVE JUROR: Other than the UAE, yes.

17 THE COURT: All right. Thank you, sir. You
18 said you have never been a juror before?

19 A PROSPECTIVE JUROR: No. But when I was a law
20 clerk up in Carson City I supervised the juries.

21 THE COURT: Who did you clerk for?

22 A PROSPECTIVE JUROR: Judge Griffin.

23 THE COURT: What time frame was that?

24 A PROSPECTIVE JUROR: 1999.

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

1 Now we are going to move over to our 25 seats
2 here, starting with you, ma'am.

3 A PROSPECTIVE JUROR: Sally Marotta, 104. I am
4 a single mom with two kids that are not old enough to
5 work.

6 THE COURT: And you are not working yourself?

7 A PROSPECTIVE JUROR: I am currently unemployed.
8 I was an assistant manager.

9 THE COURT: Do you have a spouse or prior
10 spouse?

11 A PROSPECTIVE JUROR: No spouse. One ex is
12 actually in prison now. I am not sure where the other
13 one is at.

14 THE COURT: And just to make those connections,
15 what was it that your ex-spouse did for a living?

16 A PROSPECTIVE JUROR: He is in construction.

17 THE COURT: Okay. And you mentioned one of them
18 is in incarcerated. Is that here in Nevada?

19 A PROSPECTIVE JUROR: In California.

20 THE COURT: Okay. Can you help us understand
21 what the incarceration is for.

22 A PROSPECTIVE JUROR: That was drug related. He
23 is in on a felony right now. I lived in Vegas for 14
24 years. I completed high school. I have never served on
25 a jury here or anywhere else.

1 THE COURT: All right. Next seat, Mr. Brar.

2 A PROSPECTIVE JUROR: My name is Harpreet Brar,
3 Badge No. 120. I am self-employed at a convenience
4 store. My wife is a dental assistant. I have two kids
5 who are not old enough to work yet. I have been here for
6 11 years and never been on a jury.

7 THE COURT: So Mr. Brar, same question I asked
8 the other lady on the panel that appears that English
9 would be your second language; is that correct?

10 A PROSPECTIVE JUROR: No. I do not have any
11 problem.

12 THE COURT: Is English your second language?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: How long have you been in the United
15 States?

16 A PROSPECTIVE JUROR: 25 years.

17 THE COURT: And at this point you are indicating
18 to me that you have not had any language barriers with
19 anything that you have heard so far.

20 A PROSPECTIVE JUROR: No.

21 THE COURT: There is going to be testimony that
22 will come in some of which may be scientific related to
23 the allegations in the case and obviously whatever
24 evidence that comes to light. You don't believe that
25 there is going to be any problem with you receiving that

1 evidence?

2 A PROSPECTIVE JUROR: No. No problem.

3 THE COURT: Okay. Thank you, Mr. Brar.

4 Mr. Tom.

5 A PROSPECTIVE JUROR: C. Tom, 126. I worked for
6 Master Securities Technologies. I have been there for 50
7 years.

8 THE COURT: So do you all know each other?

9 A PROSPECTIVE JUROR: No. So I travel to test
10 sites. I am a widow. I have two step children, Kelly
11 works for the school district. Karen, I don't know where
12 she is or what she does. She was a problem child.

13 I have two years college. I have been on a
14 civil case. It settled before it went to trial.

15 THE COURT: You said it was a civil case?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Was that here in Clark County?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: How long ago was that?

20 A PROSPECTIVE JUROR: I think ten years ago.

21 THE COURT: So you did not have an opportunity
22 to deliberate; is that correct?

23 A PROSPECTIVE JUROR: Correct.

24 THE COURT: How many days were you on the jury
25 before it settled?

1 A PROSPECTIVE JUROR: We did not even get
2 started.
3 THE COURT: So it settled right out of the gate.
4 A PROSPECTIVE JUROR: Yes.
5 THE COURT: But you were selected to be on the
6 panel.
7 A PROSPECTIVE JUROR: Yes.
8 THE COURT: Thank you, sir.
9 A PROSPECTIVE JUROR: Dan Mast, 137. My wife's
10 name is Darlene. She is a mortgage banker for Wells
11 Fargo.
12 THE COURT: Did you say what you do?
13 A PROSPECTIVE JUROR: Graphic artist.
14 THE COURT: Okay. Thank you. Any children old
15 enough to work in our community?
16 A PROSPECTIVE JUROR: No children.
17 THE COURT: Okay. How long have you lived here?
18 A PROSPECTIVE JUROR: 63 years.
19 THE COURT: Have you ever been a juror before?
20 A PROSPECTIVE JUROR: Yes. Once. It was a
21 civil case and it settled out of court.
22 THE COURT: Did you have any opportunity to
23 serve as a juror before it settled or when did it settle?
24 A PROSPECTIVE JUROR: It was the second day and
25 it was beginning questions just like we are having now

1 and they settled it out of court.

2 THE COURT: This is voir dire. So you never
3 received evidence?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: That was here in Clark County?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: How long ago?

8 A PROSPECTIVE JUROR: It must have been in the
9 early 90s.

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

11 Mr. Torrence.

12 A PROSPECTIVE JUROR: Yes. My name is Sammy
13 Torrence, 153. I currently work for the Department of
14 Aviation in McCarran as a assistant superintendant of
15 terminal operations. My education is high school. I am
16 not married. I have one son that does work here in
17 customer service as an IT rep. I do not know the name of
18 the company. I lived out here for about 26 years. I
19 have served on a jury before about three years ago. It
20 was a criminal case. It was not a jury because he took a
21 plea agreement.

22 THE COURT: So you never actually deliberated.
23 The case resolved prior to --

24 A PROSPECTIVE JUROR: Correct. And I was not a
25 foreperson.

1 THE COURT: Did it resolve after the
2 deliberations had already started?

3 A PROSPECTIVE JUROR: It actually started after
4 they had presented certain parts of the evidence.

5 THE COURT: I see.

6 A PROSPECTIVE JUROR: And then the judge went to
7 a recess and then it resolved.

8 THE COURT: How long ago was that?

9 A PROSPECTIVE JUROR: About three years ago.

10 THE COURT: So that's fairly recent here in
11 Clark County.

12 A PROSPECTIVE JUROR: Correct.

13 THE COURT: We already asked if you have
14 recognized any of the counsel or names of the potential
15 witnesses, but you had another day to reflect on that.
16 Does anybody appear familiar to you?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: We may have some additional
19 questions about that for you, but thank you for letting
20 us know that.

21 Sir.

22 A PROSPECTIVE JUROR: Francisco Isakoff, 161. I
23 work for Title Freight as a pickup and delivery driver in
24 the city. I lived here for ten years. My wife's name is
25 Elaine Isakoff. She is retired. We have two kids. One

1 works as audit controller at Costco and the other one is
2 a nurse at Sunrise Hospital.

3 THE COURT: What position did your wife retire
4 from?

5 A PROSPECTIVE JUROR: Office manager.

6 THE COURT: Have you ever been a juror?

7 A PROSPECTIVE JUROR: Twice.

8 THE COURT: Take your time. What was the first
9 case, civil or criminal?

10 A PROSPECTIVE JUROR: The first case was -- they
11 were both criminal. One in California and one here in
12 Clark County.

13 THE COURT: The first one in California predated
14 the one here; was a verdict reached?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: Were you the foreperson?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: The one that was here, when did that
19 take place?

20 A PROSPECTIVE JUROR: Last two years.

21 THE COURT: Was a verdict reached in that case?

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: Were you the foreperson that time?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: In that particular case, same

1 questions that I asked to Mr. Torrence. Upon reflection,
2 have you recognized anybody related to this case?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Okay. And you said you were not the
5 foreperson. Normally there is a couple of years that
6 goes on between service. Was it at least that much time?

7 A PROSPECTIVE JUROR: I think so.

8 THE COURT: But you did deliberate and there was
9 a verdict reached?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: Thank you.

12 Mr. Torrence, let me just ask you, your former
13 spouse, what did they do for a living?

14 A PROSPECTIVE JUROR: She was a nurse's
15 assistance within the state of Texas.

16 THE COURT: Okay. Thank you, sir.

17 A PROSPECTIVE JUROR: Manuel Bernardino, 204. I
18 work at the Alper's as a house person from eight to four
19 and then six to 12 from the airport. My wife is 65. She
20 is retired as a Keno runner. I have been in Las Vegas
21 for eight years. I have two children. My oldest
22 daughter is working at Walmart as a cashier and my son is
23 in the Philippines.

24 THE COURT: Have you ever been a juror here or
25 anywhere?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Is English your second language?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: Have you followed all of the
5 proceedings that we have had so far? I appreciate before
6 you were seated in the next row back you may have been a
7 little removed from the proceedings. You are now a
8 little closer in and we are actually conversing now on
9 some things. Have you had any language barriers to
10 understand the proceedings so far?

11 A PROSPECTIVE JUROR: I understand.

12 THE COURT: You do not believe that you would
13 have any barriers to receive the evidence and deliberate
14 with your fellow jurors?

15 A PROSPECTIVE JUROR: Yes, I understand.

16 THE COURT: Well, we may have some further
17 questions to ask about that but we will come back to you.

18 Ms. Lopez.

19 A PROSPECTIVE JUROR: Mariana Lopez, 172. I
20 work at Soltice Sunglasses. Education I finished 10th
21 grade and I have two daughters who are not old enough to
22 work. I have lived here 18 years.

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

24 A PROSPECTIVE JUROR: No.

25 THE COURT: All right. Mr. Reynolds.

1 A PROSPECTIVE JUROR: I am currently unemployed.
2 I have only been in Nevada for a year and four months.

3 THE COURT: What was your prior occupation?

4 A PROSPECTIVE JUROR: Produce in grocery stores.

5 THE COURT: Okay.

6 A PROSPECTIVE JUROR: I am married. I have one
7 child but not in this state.

8 THE COURT: Where did you live previously?

9 A PROSPECTIVE JUROR: New York.

10 THE COURT: Have you ever been a juror before
11 here or there?

12 A PROSPECTIVE JUROR: No.

13 THE COURT: Have you ever had any other
14 occupations besides that?

15 A PROSPECTIVE JUROR: Yes, but mostly in food
16 service.

17 THE COURT: And no jury service here or in New
18 York?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: All right. What we are going to do
21 at this time is we're going to take a recess. We will
22 return at 3:30.

23 Let me just remind you of a couple things. We
24 will resume with some additional questions that the Court
25 will have for the panel. I am going to read you an

1 admonishment that I mentioned that once you are seated as
2 jurors you will hear it on every break that we take. It
3 is something that the supreme court requires us to do but
4 it is that important and even though it is tailored for
5 folks who are already serving because we have had that
6 question come up please understand that during this
7 recess you are admonished not to talk or converse among
8 yourselves or with anyone connected with this trial or
9 read, watch or listen to any report of or commentary on
10 the trial or any person connected with this trial by any
11 means of information including without limitation
12 newspaper, television, radio, Internet or social media of
13 any kind, or to form or express any opinion on any
14 subject connected with the trial until the case is
15 finally submitted to you.

16 We will see you back here at 3:30.

17 (Potential jurors exit courtroom.)

18 THE COURT: It is my hope to finish all of my
19 questions today.

20 MS. LUZAICH: I was going to ask you if we could
21 start tomorrow even if you finish. If I can go through
22 some of this I think I can cut a lot of my questions out.

23 THE COURT: I think that's fine.

24 (Whereupon, a recess was taken.)

25 THE COURT: I want to see the shirt outside of

1 the chains --

2 THE DEFENDANT: I cannot write.

3 THE COURT: You just did it the whole time we
4 were in here.

5 THE DEFENDANT: No, I didn't because when I sit
6 down I took it back out.

7 THE COURT: I want to see the shirt outside the
8 chains and then I want to see the availability of the
9 chains on the side. They appear to be available to me.
10 I don't see how that is impeding your ability to write in
11 any way.

12 THE DEFENDANT: When I was sitting down I was
13 trying to write like this (indicating) and it was going
14 against my skin, my bare skin. I was comfortable with me
15 doing it this way.

16 THE COURT: Let the record reflect that
17 Mr. Collins has made a further choice to have the chains
18 displayed outside of his shirt, which the Court does not
19 perceive to be necessary in his efforts to be able to
20 communicate with counsel. But as Mr. Collins has made
21 the choice to have the chains visible outside of the
22 shirt that the shackles at this point will be visible to
23 the jurors.

24 It was not my impression that it was visible
25 prior to the break we just took, but at this time it is

1 likely as he is standing. Certainly there is no reason
2 why the shirt cannot be covering the chains while you are
3 standing up and don't need to write. So the shirt will
4 be outside the chain while you are standing up and don't
5 need to write. You may then do as you did previously,
6 which is if you sit down adjust the shirt accordingly so
7 you can do your writing.

8 Officer please adjust the shirt -- Mr. Collins,
9 thank you for already doing so.

10 THE DEFENDANT: It was already adjusted like
11 this when the jury came in.

12 THE COURT: Sir, the Court observed -- asked the
13 officer to pull the shirt over the chains, which the
14 officer did. The Court observed it. There was no chains
15 visible. As you stood as the jurors came in you may have
16 made that adjustment after you were seated, which you can
17 do again as we sit, but that is not the case and that is
18 not what the record will reflect.

19 We are ready for the jurors to return.

20 THE COURT: Mr. Collins, leave the shirt outside
21 the chains while the jurors come in.

22 THE DEFENDANT: No. When I was already sitting
23 down he asked me -- he came and you can ask him. He came
24 after I was sitting down.

25 THE COURT: Mr. Collins, the Court heard every

1 bit of it. Stop talking please while the jurors are
2 entering the courtroom.

3 (Potential jurors enter courtroom.)

4 THE COURT: Please make sure your cells phones
5 are off or silenced.

6 The next set of questions that the Court will
7 have to ask of you, what I am going to do is ask them of
8 a group, to the 33 of you that we just have spoken to,
9 and if you have an answer to give to the question, just
10 like yesterday when we talked about the hardship and time
11 to serve, if you have an answer to give raise your hand
12 first and I will note and see where the hands are and
13 depending on how many there are I may go right to you or
14 I may have to go row by row to make sure we get everyone.

15 Raise your hands first so I can see. These are
16 going to be general questions to the group to find out if
17 in fact you have an answer to the questions and then we
18 can go further into the answer to the question.

19 MR. HYTE: Pardon, me, Your Honor. I forgot to
20 bring this up. From where I am seated the podium is
21 obscuring my view. May I move that?

22 THE COURT: Certainly. Nobody appears to be
23 using it.

24 MR. HYTE: Thank you, Your Honor.

25 THE COURT: One of the things that we discussed

1 yesterday before we got started or at least in sort of
2 the early part of the process was to understand that in
3 our American system of justice there are certain
4 principles of law that apply in every criminal trial.

5 I stated one of those principles, which, of
6 course, is the defendant as he sits there today is in
7 fact innocent and the only way he would be determined to
8 be guilty of any one or more of the charges is if the
9 State meets its burden to prove his guilt beyond a
10 reasonable doubt.

11 The total principles that would apply in this as
12 in any criminal trial are that there is an information or
13 indictment, a charging document, if you will, which will
14 charge the defendant with a particular crime or more than
15 one crime and that is simply a charging document. It is
16 an accusation only. It is not any evidence of guilt of
17 the defendant, that the defendant is in fact presumed
18 innocent or is in fact innocent until proven guilty and
19 that the State must prove the guilt beyond a reasonable
20 doubt. That is the fuller statement, if you will, of our
21 principle of American justice.

22 May I see by a show of hands if there is anyone
23 who does not understand those principles of our American
24 justice system? Seeing no hands.

25 Is there anyone here that would not follow those

1 principles of our American justice system? Seeing no
2 hands. We had some discussion with each of you as we
3 went along. Some of you who identified that you were
4 either attorneys yourselves or you had a close family
5 member who was an attorney.

6 At this time I am going to ask can I see by a
7 show of hands anyone in the panel who is themselves an
8 attorney, or if you have a -- hold on -- all of these
9 questions are going to be related to you as the potential
10 juror, any family member or any close friend.

11 So just assume whether I say it or not that I am
12 asking that question beyond the scope of just you
13 individually but to address your family members, close
14 friends, people that might have because of your knowledge
15 of their work it may have some influence on you
16 potentially to serve on this case, okay.

17 So with that sort of large caveat, and I
18 appreciate anyone who is themselves an attorney or ever
19 practiced or has a family member who has ever practiced
20 as an attorney or has a close friend who has ever
21 practiced as an attorney, may I see by a show of hands.

22 So I believe it is the three individuals that we
23 have already spoken to. Is there anything about the
24 service as an attorney that we did not discuss that you
25 would want to address further?

1 I think we have had the folks who were the
2 practitioners, juror in the 3 spot and then in the 24
3 spot. And just again to make sure that I am clear for
4 our record, the folks who raised their hand are Juror No.
5 036, Juror No. 100, and Juror No. 085.

6 And, Ms. Andrews, I believe your husband was an
7 attorney. We'll come back to that. I believe with the
8 other gentleman you did at some time in your careers,
9 correct me if I'm wrong, engage in the practice of
10 criminal practice. I think one of you indicated,
11 primarily on the defense side, I think one of you
12 indicated as a prosecutor at some point in time.

13 Let me start with Mr. Wusnack. Can you give us
14 a little bit more information about how long again you
15 practiced in that area of criminal practice.

16 A PROSPECTIVE JUROR: Yes, ma'am. I left law
17 school in '73 and by June of '74 I was appointed to
18 represent a defendant in a murder case. So I did about
19 six of those cases over the years. Mostly court
20 appointed because that was the system we had at the time.

21 After a while I went to prosecuting in the City
22 of Long Beach and also in the youth court, so I have been
23 on actually both sides of it, although my prosecutions
24 were limited to misdemeanors and traffic. No felonies.

25 THE COURT: Okay. So you did not prosecute

1 felonies, but as you have indicated you have seen both
2 sides.

3 Counsel, I'm certain, will want to ask you more
4 questions about that service. But let me just ask you
5 sort of the general obvious question. Is there any
6 reason that you believe that your prior service as an
7 attorney whether or not the criminal practice that you
8 served or any other practice would prevent you from being
9 fair and impartial as a juror in this trial?

10 A PROSPECTIVE JUROR: Absolutely not. Nothing
11 at all.

12 THE COURT: Is there any reason why you would
13 tend to lean more to one side or the other based on your
14 prior practice or for any other reason?

15 A PROSPECTIVE JUROR: No, Your Honor.

16 THE COURT: All right. Like I said, I think
17 counsel may have some more questions to flush that out
18 but I just wanted to highlight those issues that might
19 identify where someone might have had some prior
20 experience or exposure that might impact their ability to
21 serve. And the natural follow-up question will be, Well,
22 will it in fact impact your ability to serve.

23 Let me let move to the other attorney, Mr.
24 Mollett. I believe you indicated that you had done
25 criminal defense work. I can't recall if you had also

1 done any prosecution work. Has it only been the one
2 side?

3 A PROSPECTIVE JUROR: Yes. I never did
4 prosecution.

5 THE COURT: Okay. And the criminal defense work
6 that you did, was it inclusive of felony charges?

7 A PROSPECTIVE JUROR: Yes.

8 THE COURT: So you have technically worked one
9 side of the fence but you are certainly as an attorney
10 understand the American Justice System. Do you believe
11 that your prior practice or any other for any other
12 reason that it would impact your ability to be fair and
13 impartial in this trial?

14 A PROSPECTIVE JUROR: No. It would not affect
15 my ability to serve. I have been a law clerk standing on
16 both sides, look at both sides.

17 THE COURT: You have had occasion to address
18 both sides or at least to be impartial I think is what
19 you are indicating from your law clerk service.

20 So just to clarify, there is no reason that you
21 could see that you would start with any one side or the
22 other having any advantage.

23 A PROSPECTIVE JUROR: No.

24 THE COURT: And you would understand that the
25 State bears the burden beyond a reasonable doubt the

1 defendant's guilt, that the defense actually has nothing
2 that they would have to prove or show at any point during
3 trial. If the State does not meet its burden then there
4 could not be a conviction. Do you understand that
5 process?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: And same question for you,
8 Mr. Wusnack.

9 A PROSPECTIVE JUROR: Yes, ma'am.

10 THE COURT: Thank you.

11 Ms. Andrews, you indicated that your husband was
12 an attorney, a federal prosecutor.

13 A PROSPECTIVE JUROR: He had also been a county
14 prosecutor also.

15 THE COURT: Did he ever work on the defense side
16 of the process?

17 A PROSPECTIVE JUROR: Yes. Very shortly in the
18 beginning part of his career.

19 THE COURT: I am assuming that you would have
20 discussed his work with him over the years.

21 A PROSPECTIVE JUROR: Bits and pieces, yes.

22 THE COURT: Is there any reason why you believe
23 you would be or why you would favor I guess I should say
24 one side or the other in this case simply because of that
25 experience that you had with your husband's work?

1 A PROSPECTIVE JUROR: No. But being a CPA I
2 would be very analytical in my review of things.

3 THE COURT: Certainly.

4 A PROSPECTIVE JUROR: Sometimes black and white
5 likes to be right there.

6 THE COURT: And the real question about that is,
7 and I think everybody -- there's a specific jury
8 instruction that talks about you obviously cannot
9 completely separate yourself from your life experiences,
10 but we obviously would want people to set aside any
11 experiences that would tend to bias them and go ahead and
12 receive the evidence in this trial and apply the law as
13 the Court gives it and then deliberate with their fellow
14 jurors to reach a fair and impartial verdict.

15 And that is ultimately what we are looking for
16 for someone to do. And how everyone approaches that, the
17 instruction very specifically says that you must bring to
18 your deliberations your common sense as reasonable men
19 and women and that I think naturally brings with it how
20 folks tend to think about things.

21 But understanding that you would be analytical
22 do you still at this time believe that you would be able
23 to receive the evidence, give it whatever weight to which
24 you believe it is entitled, apply the law, deliberate
25 with your fellow jurors to reach a fair and impartial

1 verdict?

2 A PROSPECTIVE JUROR: Yes.

3 THE COURT: Thank you.

4 The next question I have is broader than just
5 the legal profession. What I am looking for now is to
6 find out if any of you, and interestingly enough, I don't
7 think I heard any of the 33 mention that they had any
8 family members who currently serve in law enforcement,
9 but I am asking the question now again from the broadest
10 scale, you yourself in any prior position or a family
11 member or a close friend, is there anyone here in the
12 panel that has anybody in that regard, themselves, again,
13 family member, close friend that currently or formally
14 served as a member of law enforcement.

15 Okay. We do have quite a few more hands, so
16 let's do this. Let me start with the back row. Juror in
17 the number four position.

18 A PROSPECTIVE JUROR: Jennifer Allee, 048. My
19 uncle is retired now. His name is Joel Stats. He was
20 deputy sheriff LAPD. He has been retired for probably
21 20 years now and lives in Arizona.

22 THE COURT: Is that the only family member with
23 connection to law enforcement that you have?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Did you ever discuss with your uncle

1 his profession?

2 A PROSPECTIVE JUROR: No. We are not close at
3 all.

4 THE COURT: You seem likable so I don't know why
5 that would be the case, but in all seriousness, the
6 follow-up question would be would there be any reason why
7 having a family member in law enforcement, would you tend
8 to give the testimony of a law enforcement person any
9 greater, or frankly lesser weight, simply because they
10 are a member of law enforcement?

11 A PROSPECTIVE JUROR: No.

12 THE COURT: The other way to ask that question a
13 little more artfully, would you receive evidence that
14 came in through law enforcement equally to all other
15 evidence and give it the weight to which you deem it is
16 entitled and then deliberate fairly and impartially with
17 your fellow jurors regarding that evidence?

18 A PROSPECTIVE JUROR: Yes, ma'am.

19 THE COURT: Thank you. Next person.

20 A PROSPECTIVE JUROR: Amnesty Woodhall, 054. I
21 have a distant cousin in Utah.

22 THE COURT: What is the position?

23 A PROSPECTIVE JUROR: I believe he is just a
24 police officer.

25 THE COURT: Did you have occasion to discuss his

1 work with him at all?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Do you have any reason to believe
4 that having a family member in law enforcement will
5 affect your ability to be fair and impartial in this
6 trial?

7 A PROSPECTIVE JUROR: No, Your Honor.

8 THE COURT: Would you give the weight of law
9 enforcement, again, just such weight as you deem it
10 entitled but no greater or lesser weight, but just such
11 weight as you deem entitled as you received that
12 evidence?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: All right. Thank you. Any other
15 hands in that row?

16 Yes, sir.

17 A PROSPECTIVE JUROR: Earl Wedgeworth, 062. My
18 father was a reserve deputy with the sheriff's department
19 in the Firestone area in Southern California. He passed
20 on by the time I was 16 so we did not do a whole lot of
21 talking about that, but that was his primary job.

22 THE COURT: But of course it being your father
23 and it being a job that he held it may be something that
24 you would hold in a certain regard.

25 I guess the question, again, what we need to

1 know is would you have any reason to give greater weight
2 or undue weight to any evidence or testimony simply
3 because it was coming in from a member of law
4 enforcement?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Would you receive any evidence
7 including that of law enforcement equally to just give it
8 whatever weight you deem it entitled?

9 A PROSPECTIVE JUROR: I can do that.

10 THE COURT: Is there any reason why having that
11 connection to law enforcement would affect your ability
12 to be fair and impartial?

13 A PROSPECTIVE JUROR: No, it wouldn't.

14 THE COURT: All right. Thank you.

15 The middle row.

16 A PROSPECTIVE JUROR: Sandra Gibbons, 067.

17 THE COURT: And what is your connection to law
18 enforcement?

19 A PROSPECTIVE JUROR: My uncle is a sheriff.

20 THE COURT: Where?

21 A PROSPECTIVE JUROR: In LA. And I guess I kind
22 of raised her, she is a police officer in LA.

23 THE COURT: And what is that family connection?

24 A PROSPECTIVE JUROR: My best friend's daughter.
25 I kind of took care of her.

1 THE COURT: So you consider her part of your
2 family?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: She is an officer?

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: Do you have occasion or had occasion
7 to speak to either of them about the work that they do?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: And do you believe that that would
10 impact how you would receive evidence in this case if the
11 evidence was coming from a member of law enforcement?

12 A PROSPECTIVE JUROR: No, ma'am.

13 THE COURT: You don't believe you would give it
14 any greater weight just simply because you have close
15 family members or friends that are in law enforcement?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: The question that I have asked and
18 I know it sounds repetitive after a while, but I need
19 each juror's answer to this to be sure, and there is no
20 right or wrong answer to these questions, or for any of
21 the questions that the Court asks.

22 We are simply looking for, you took your oath
23 yesterday, honest answers. And I don't have any reason
24 to doubt that anyone was not giving me honest answers,
25 but we want honest and complete answers.

1 So the follow-up question, of course, is will
2 you receive the evidence from a member of law enforcement
3 equally to anyone else, give it just such weight as it is
4 entitled in your mind and ultimately deliberate with your
5 fellow jurors to reach a fair and impartial verdict?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: All right. Thank you.

8 The next person.

9 A PROSPECTIVE JUROR: Hope Juarez, 078. Both of
10 my neighbors work for North Las Vegas Police Department.
11 One is a vice cop and investigator and the other one is a
12 dispatcher.

13 THE COURT: Do you have occasion to speak with
14 them about their work?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: Do you have any reason to believe
17 that the work that they do that are in law enforcement
18 would that affect your ability to be fair and impartial
19 in this trial?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Do you believe that you would give
22 the testimony of any law enforcement officer just equal
23 weight or whatever weight you deem it entitled but no
24 greater weight than any other witness.

25 A PROSPECTIVE JUROR: No.

1 THE COURT: I probably asked that question badly
2 because I was expecting a yes to that.

3 A PROSPECTIVE JUROR: Yeah.

4 THE COURT: Will you weigh that evidence equally
5 and give it no greater weight than any other evidence?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: So you are not going to be partial
8 to one side or the other simply because evidence may be
9 coming in from law enforcement; is that correct?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: Thank you. Anybody else in this
12 middle row?

13 A PROSPECTIVE JUROR? Debra Andrews, 085. I
14 have quite a bit of experience and involvement with law
15 enforcement from everything from finance of the City of
16 Corpus Christy, I would be asked on a Friday afternoon
17 with a phone call to do flash money to do drug deals from
18 the police officers.

19 I was also an assistant city manager over
20 administrative services which had all the police and fire
21 contracts; therefore, I wanted to get a better
22 understanding of police and fire and I served -- I had
23 the opportunity to be in the citizen's police academy for
24 six weeks and got a much better understanding of what a
25 police officer's job is and such.

1 I had direct involvement with the police chief,
2 assistant chief and such in administrative meetings. I
3 was a city manger in Jersey Village, Texas, of which I
4 was basically over the police department. We had a small
5 city staff of 48, so I had direct knowledge of the police
6 officers and I also had personal friends, previous police
7 chief of Houston, who then became a judge.

8 THE COURT: And it is understandable why someone
9 who worked in government certainly in the capacity in
10 which you worked would have had all of those connections.

11 I also would suspect that someone who is
12 obviously as analytical as you would be would recognize
13 the importance of being analytical and actually receiving
14 evidence and weighing it.

15 What we are looking for is folks who will do
16 exactly that, who will receive the evidence, be
17 analytical, not give anything any greater weight other
18 than what they think it is entitled, and would not be
19 influenced by those prior work connections in this case.

20 And so the question really for you is can you
21 and will you be impartial and analytical in your receipt
22 of evidence and deliberate with your fellow jurors or do
23 you believe that those ties that you have to law
24 enforcement would bias you in some way?

25 A PROSPECTIVE JUROR: I think my experiences

1 show that law enforcement people having the training that
2 they have to go through and plus what they have to
3 encounter then become much better observers of the
4 circumstance that is going on.

5 And many times the individual who be it the
6 person involved in it, a family member, you are not
7 always as cognizant to all the facts that are coming in.

8 As to a traffic accident, sometimes a person who
9 is at the accident can't even identify what the correct
10 color of the car is that may have been in the accident,
11 so I do probably put a much higher degree of their
12 analytical and their ability to see what has gone on at
13 the scene.

14 THE COURT: And certainly, again, from the
15 experience, and you're entitled to give whatever weight
16 you believe is entitled to the evidence, and there would
17 be various different types of ways in which law
18 enforcement encountered the evidence or observed the
19 evidence in this case, but I guess what we are looking
20 for is the State already ahead of the game?

21 A PROSPECTIVE JUROR: Maybe.

22 THE COURT: If everybody is lined up are they
23 even or is one ahead of the other?

24 A PROSPECTIVE JUROR: I think a police officer
25 is going to be able to see the facts better.

1 THE COURT: I know you have already told me what
2 you believe to be the case of what a police officer will
3 or will not do and I understand that that is your
4 particular opinion, but that is not really my question
5 and I do not think that that was responsive to my
6 question.

7 My question is the State has a burden to meet.
8 Is the State already ahead of the game, so to speak, are
9 they on their way to or from your perspective met their
10 burden even before they present any evidence?

11 A PROSPECTIVE JUROR: Well, I do not know what
12 the State's case is so I can't answer that.

13 THE COURT: Well, you can answer whether or not
14 in your mind they already have an advantage based on your
15 prior experiences.

16 A PROSPECTIVE JUROR: Well, I would, again,
17 evaluate the information that I got from an analytical
18 point of view.

19 THE COURT: Respectfully, I think that those can
20 be two different things so I am going to try one more
21 time to see if I can get an answer to my question, and
22 then of course counsel will have an opportunity to ask
23 you some questions as well.

24 My question is we understand that you have these
25 experiences that you have and the ways in which you would

1 perhaps weigh the evidence, but what we are again looking
2 for is someone who recognizes that as we start this trial
3 that they do not have any evidence at this point, that as
4 the evidence comes in they will receive the evidence,
5 weigh it fairly and impartially with their fellow jurors
6 to reach a verdict, and that they are not going to start
7 the trial believing that one side or the other is
8 advantaged.

9 Do you believe that you will receive and weigh
10 the evidence impartially and that the State is at no
11 greater advantage as you sit here today.

12 A PROSPECTIVE JUROR: Yes, based on my life
13 experiences.

14 THE COURT: Okay. Anybody else in this row.
15 Yes, ma'am.

16 A PROSPECTIVE JUROR: Sacoya Counce, 087. My
17 uncle, Sal Goins is a police officer here.

18 THE COURT: Is that with Metro?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: What position?

21 A PROSPECTIVE JUROR: Police officer. I don't
22 know the extent. We don't discuss his work.

23 THE COURT: But he is with Metro?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Do you believe that having a family

1 member, and actually most of the other folks their
2 connections are outside of this jurisdiction, but you
3 have someone who is with Metro. Would you have any
4 reason to believe that would impact your ability to be
5 fair and impartial here?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: And I have heard this question asked
8 a different way, so I am going to ask it of you this way.
9 Would you have any problem depending on the outcome of
10 this case going back and facing a family member who is
11 police if you were to find that the evidence was not
12 sufficient to prove guilt beyond a reasonable doubt, the
13 State had not met its burden and the choice of the jury
14 was to acquit, would you have any problem doing that?

15 A PROSPECTIVE JUROR: I do not think I am really
16 understanding.

17 THE COURT: As we sit here today the defendant
18 is innocent. The State has the burden to prove beyond a
19 reasonable doubt guilt as to the charges against the
20 defendant. If the jurors in weighing the evidence
21 deliberate and find that the State has not met its
22 burden, so therefore they cannot determine guilt, would
23 you have any problem returning to your family when all is
24 said and done, because they are going to know that you
25 are on a criminal trial, going back and relaying, You

1 know what, there was not enough evidence there so we
2 acquitted. Do you think that would be difficult for you?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Okay.

5 Sir.

6 A PROSPECTIVE JUROR: Richard Seligman, 082. My
7 son-in-law's father recently retired as Metro.

8 THE COURT: His name.

9 A PROSPECTIVE JUROR: Glenn Denny.

10 THE COURT: Okay.

11 A PROSPECTIVE JUROR: And then Carol Denny, they
12 just recently divorced, is still active in the bureau.
13 Now she has never talked about any work-related stuff and
14 he has talked a little bit like maybe we were sitting in
15 a restaurant and he was off duty and seen somebody take a
16 tip off the table and showed them his badge and they will
17 put it back. That is all they ever said.

18 THE COURT: So it sounds like you have not had a
19 lot of opportunity to discuss with them their work but
20 with the fact that you have this family connection, would
21 that impact your ability to be fair and impartial here?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: Do you think you would give any
24 greater weight to the testimony to someone specifically
25 because they are a member of law enforcement?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: You would weigh all the evidence

3 equally and give it what weight you think it is entitled?

4 A PROSPECTIVE JUROR: Yes.

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

6 Going now to the front row.

7 A PROSPECTIVE JUROR: Roger Mollet, Badge 100.

8 My brother just retired as chief of police from the City

9 of Silverton, Ohio.

10 THE COURT: Do you talk to him about his work?

11 A PROSPECTIVE JUROR: Yeah. When I lived in

12 Ohio I went on a few ride-alongs with him and stuff and

13 also most of my military career I was full time in the

14 International Guard in Ohio and we did some law

15 enforcement things for the State. We were activated one

16 time during a prison riot and also during some natural

17 disasters.

18 THE COURT: Okay. I have asked a question from

19 the perspective of you as an attorney and as someone who

20 has worked in primarily criminal defense in the criminal

21 justice system, but from this perspective of having

22 family members with that connection and certainly people

23 you would have worked with, friends, is that going to

24 impact your ability to be fair and impartial in this

25 trial?

1 A PROSPECTIVE JUROR: No. Besides my brother I
2 have some friends who are police officers. People are
3 people. I am not influenced one way or another based on
4 whether they are a police officer or not.

5 THE COURT: You would not necessarily give any
6 greater weight to someone who has testified simply
7 because they are a member of law enforcement?

8 A PROSPECTIVE JUROR: No.

9 THE COUR: Would you appreciate that whatever
10 you have experienced or whatever those connections are
11 that you would be able to set those connections aside and
12 deliberate fairly and impartially with whatever evidence
13 you find and apply the law as I give it to you in this
14 case; would you be able to do that?

15 A PROSPECTIVE JUROR: Absolutely.

16 THE COURT: Thank you.

17 Anybody in the row behind counsel table.

18 A couple folks. Let's start with Mr. Tom. What
19 is your connection with law enforcement?

20 A PROSPECTIVE JUROR: C. Tom, 0126. I have a
21 friend that I know as a coworker and also a friend I play
22 golf with and his son is a Metro sergeant. All I hear is
23 stories from him and I don't even know what the evidence
24 is.

25 THE COURT: That's true, nobody at this point

1 knows what the evidence is.

2 A PROSPECTIVE JUROR: I have heard stories but I
3 don't remember anything.

4 THE COURT: And we know that you recognize that
5 you have not heard any evidence yet in case. And as you
6 said, you heard stories but clearly none related to this
7 case, correct?

8 A PROSPECTIVE JUROR: Correct.

9 THE COURT: The question, of course, that I need
10 to ask you is the same question I have asked all the
11 others who have a law enforcement connection. Are you
12 going to be influenced in any way to be bias toward one
13 side or the other in this case because you know someone
14 in law enforcement?

15 A PROSPECTIVE JUROR: It is not that I know
16 somebody or the stories I've heard because I don't
17 remember but when something comes up that I do remember
18 it may affect my decision.

19 THE COURT: Well, let me just be sure I'm clear.
20 You have no reason to believe that something may come up
21 and you are going to somehow recognize that you already
22 know about this case, right? You are just talking about
23 general?

24 A PROSPECTIVE JUROR: General. Something his
25 son went through that may affect my decision but I don't

1 know what that is.

2 THE COURT: I appreciate we have the unknown
3 here, okay, and that is important to always keep in mind
4 that until actual evidence is presented we don't know
5 what that evidence is or will be.

6 I guess what I'm asking is at whatever point in
7 time, and I appreciate you cannot predict the future but
8 at whatever point in time, do you believe that you can
9 set aside whatever you have heard, stories otherwise, and
10 just make a decision in this case based on the evidence
11 in this case?

12 A PROSPECTIVE JUROR: I believe so.

13 THE COURT: Okay. Thank you, sir.

14 A PROSPECTIVE JUROR: Sammy Torrence, 153. I
15 worked as a state correctional officer for one year here
16 in the state of Nevada in Indian Springs and I also was a
17 correctional officer for the federal government for five
18 years.

19 THE COURT: How long ago was that that you
20 worked in that --

21 A PROSPECTIVE JUROR: I have been retired. I
22 was medically retired from the Department of Justice
23 about 20 years ago now.

24 THE COURT: So it has been more than 20 years
25 since you have worked in this capacity?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: So you have seen a different side of
3 the law enforcement process than some of the other folks
4 that we have talked to here today.

5 But let me ask you from your perspective would
6 you -- is either side here starting out ahead of the game
7 or would you be able to consider this case from its
8 inception, which is you are going to have to receive
9 evidence, weigh that evidence with your fellow jurors,
10 apply the law and reach a fair and impartial verdict
11 related to this case only; are you able to do that?

12 A PROSPECTIVE JUROR: I am able to do that, yes.

13 THE COURT: So you will not necessarily give any
14 greater weight to anyone in the case simply because they
15 are a member of law enforcement.

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Was there anybody else in that row?
18 Mr. Reynolds.

19 A PROSPECTIVE JUROR: Juror 173. My wife has a
20 family on her father's side, virtually the whole family
21 is in law enforcement.

22 THE COURT: You have only been here a year so is
23 that some place else?

24 A PROSPECTIVE JUROR: Yes. In Arizona.

25 THE COURT: So your in-laws are in law

1 enforcement. Do you have occasion to speak with them
2 about their work?

3 A PROSPECTIVE JUROR: Yes. We go up a couple
4 times a year for a couple weeks at a time to stay with
5 her grandmother and we stay the whole time with that side
6 of the family.

7 THE COURT: Is that something you believe would
8 impact your jury service here?

9 A PROSPECTIVE JUROR: Perhaps.

10 THE COURT: When you say perhaps do you want to
11 give us an idea of --

12 A PROSPECTIVE JUROR: My problem was like what
13 the other lady was saying; I spent a lot of time with
14 them so I trust them and know what their opinions are and
15 how they were trained and things like that and so I think
16 I would probably -- I do not like to have to say it but I
17 would probably give the State more weight.

18 THE COURT: Again, we are just looking for
19 candid answers. Counsel may have some further questions
20 to ask.

21 The thing that strikes me and I want to at least
22 point out and get your take on is as is with Ms. Andrews
23 and you, these are not individuals that are part of the
24 law enforcement personnel here in Clark County.

25 A PROSPECTIVE JUROR: No.

1 THE COURT: So would you be able to set aside
2 your familiarity with the training and/or the operation
3 and/or the handling of matters there and address whatever
4 you see as the evidence and weigh the evidence here?

5 A PROSPECTIVE JUROR: I am not sure.

6 THE COURT: Like I said, we already talked about
7 and you did not raise your hand, but we already talked
8 about the principles of our American justice system;
9 there is a charging document. That is not evidence.
10 That there is a presumption of innocence for the
11 defendant, and of course, it is the State's burden to
12 prove the guilt of the defendant.

13 Would you follow those principles of American
14 justice?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: And your concern then or question
17 would be you are not certain that you wouldn't tend to
18 give greater weight to someone simply because they are a
19 member of law enforcement.

20 A PROSPECTIVE JUROR: Exactly.

21 THE COURT: We, again, will have other
22 opportunities to flush that out a little bit more. Any
23 other connections to law enforcement?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: The next set of questions that the

1 Court wishes to ask you are going to be more specific to
2 you or a family member or a close friend, encounters that
3 you may have had with the criminal justice system itself.

4 Obviously, we have the folks we have already
5 talked to who has either legal professional or related to
6 legal professionals or law enforcement and have had those
7 connections.

8 What I am looking for now is by a show of hands
9 if there is anyone here who they themselves, family
10 member or close friend has ever been accused of a crime?

11 Looks like we have a few hands here. Please
12 understand we are not trying to be prying into your
13 personal business or to be invasive in any way. What we
14 are trying to do, again, is further understand whether or
15 not there might be some things that might create a
16 problem for you to serve on this jury, and if that is not
17 the case, that's not the case and if it is the case then,
18 of course, we would need to know.

19 There's enough hands that I will have to go row
20 by row, so I will start with the back row.

21 A PROSPECTIVE JUROR: Wennie Balaoro, 009. My
22 brother he was 11 years old when they accused him of
23 killing somebody.

24 THE COURT: Where did this occur, ma'am?

25 A PROSPECTIVE JUROR: In California. He was

1 43 years old and he just got out last year.

2 THE COURT: So you have a younger brother who
3 was accused and ultimately convicted of a crime or did he
4 plead guilty?

5 A PROSPECTIVE JUROR: He pled guilty. He pled
6 guilty because of his friends.

7 THE COURT: So you have a younger brother who at
8 the age of 11 was accused of and ultimately pled guilty
9 to a crime and is still serving time.

10 A PROSPECTIVE JUROR: He got out for that case
11 and then he went back to prison again. I was young. I
12 don't remember that much.

13 THE COURT: That was going to be my next
14 question. How old were you at the time?

15 A PROSPECTIVE JUROR: Like 13.

16 THE COURT: So you are slightly older than he is
17 but you have a experience in your family -- how do you
18 feel that the system handled that circumstance with your
19 brother?

20 A PROSPECTIVE JUROR: I don't know. I was young
21 and my mom did not talk to us about it. I just know that
22 he was in prison for that. We did not discuss it that
23 much.

24 THE COURT: Do you harbor any negative feelings
25 about the criminal justice system because of that?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Have you had other experiences with
3 other family members or close friends with the criminal
4 justice system?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Do you believe with what you do know
7 about your brother's circumstances or the fact that he
8 was someone that was incarcerated, would that impact your
9 ability to be fair and impartial in this trial?

10 A PROSPECTIVE JUROR: No.

11 THE COURT: Would you tend to consider one side
12 or the other at an advantage at this point or would you
13 just receive the evidence and proceed?

14 A PROSPECTIVE JUROR: Receive the evidence and
15 proceed.

16 THE COURT: Thank you.

17 Mr. Wusnack.

18 A PROSPECTIVE JUROR: Otto Wusnack, 036. My
19 brother at age 61 was arrested in Arizona for
20 transporting some drugs. He spent five years in prison
21 there. He is out now and is off parole and back at his
22 old job.

23 THE COURT: Did he plead guilty?

24 A PROSPECTIVE JUROR: He plead guilty. I spoke
25 with him at length about the case. He pled guilty. This

1 was the suggestion.

2 THE COURT: How do you feel that the system
3 handled the circumstances in your brother's case?

4 A PROSPECTIVE JUROR: Very well, Your Honor.

5 THE COURT: We have already had many questions
6 with you about the system and your feelings about it and
7 the fact that that would not impact your ability to be
8 fair and impartial here but what about these
9 circumstances with your brother, any reason to believe
10 that that would impact your ability to be fair and
11 impartial?

12 A PROSPECTIVE JUROR: I don't think so, not at
13 all.

14 THE COURT: Thank you.

15 Anybody else in that first row?

16 A PROSPECTIVE JUROR: Amnesty Woodhall, 054. I
17 was arrested myself for a DUI, which was reduced down to
18 reckless driving.

19 THE COURT: How long ago was that, ma'am?

20 A PROSPECTIVE JUROR: February.

21 THE COURT: Of this year?

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: Was it a fairly quick process that
24 you ultimately had that reduction and entered that plea?

25 A PROSPECTIVE JUROR: It took a few months.

1 THE COURT: The reason I ask is because I am
2 really ultimately going to ask what your experience was,
3 how do you feel that the system overall handled your
4 case?

5 A PROSPECTIVE JUROR: Very fair.

6 THE COURT: Do you have any concerns or
7 questions or would you harbor any negative feelings about
8 the criminal justice system?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: You would not try to somehow bring
11 that into this case, right, you would be able to set that
12 aside?

13 A PROSPECTIVE JUROR: I really do not even want
14 to talk about it.

15 THE COURT: You would not have even told anyone
16 unless I asked you.

17 A PROSPECTIVE JUROR: Right.

18 THE COURT: Well, everybody makes mistakes,
19 ma'am, and it sounds like you have addressed them so we
20 appreciate you being candid about that here today.

21 A PROSPECTIVE JUROR: Is this just for people
22 who were convicted or like victims?

23 THE COURT: As I said victim of crime, so that
24 does not necessarily have to mean that it ultimately
25 resulted in some conviction.

1 Obviously, what is happening here is we are
2 dealing with people who are accused of a crime. My first
3 question actually was more if somebody had been the
4 victim of a crime but since we are getting the answers if
5 you have something that you think might be responsive, go
6 ahead. I'm still going to come back and ask it again.

7 A PROSPECTIVE JUROR: My ex-girlfriend was a
8 rape victim in Clark County.

9 THE COURT: How long ago was that, sir?

10 A PROSPECTIVE JUROR: We were in high school at
11 the time, so it was probably about eight years ago.

12 THE COURT: Was this somebody that was known to
13 her?

14 A PROSPECTIVE JUROR: He was known to her.

15 THE COURT: Was the person charged?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Did the case go to trial?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: The way you asked your question
20 makes me think the outcome was other than a conviction
21 but ultimately were you involved directly in the
22 experience, meaning, did you experience it at the time or
23 is that something that you heard about after the fact?

24 A PROSPECTIVE JUROR: I was a friend of hers at
25 the time and when it happened to her I got very concerned

1 and asked the family some questions and of course they
2 could tell me what they could by how the trial went he
3 got her and as the trial went on it seemed like the
4 defense latched on to something because she was young and
5 probably said the wrong thing and they latched onto it
6 and the prosecution could not push any further and he
7 pretty much got a slap on the wrist, had to move out of
8 the county and that was the end of it.

9 THE COURT: To some degree from the way you
10 expressed that, those facts, from your understanding of
11 them it sounded like you have a negative feeling about
12 the handling of that case; would that be accurate?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Would you be able to set aside that
15 experience that you had and not bring it in here and have
16 it influence your service as a juror in this case?

17 A PROSPECTIVE JUROR: I am kind of 50/50 on it
18 because I know it's a different trial and different
19 circumstances but to me I would have to say the
20 prosecution seemed like they just kind of handed the
21 case, what they had, to the judge and they heard all the
22 testimony and then the defense just latched on to it.

23 THE COURT: Well, at the end of the day there
24 was a jury that reached a verdict, correct?

25 A PROSPECTIVE JUROR: I am not sure if there was

1 or not.

2 THE COURT: If it was a criminal case there
3 would have been a jury.

4 A PROSPECTIVE JUROR: Okay. Like I said, I was
5 just a friend at the time. I did not know how in detail
6 that case was handled.

7 THE COURT: Were you ever present in court?

8 A PROSPECTIVE JUROR: No.

9 THE COURT: So is the information about how that
10 was handled more secondhand than firsthand?

11 A PROSPECTIVE JUROR: More secondhand.

12 THE COURT: I still come back around to you and
13 I think you said you were 50/50, so you know there may be
14 some more questions certainly that counsel may want to
15 ask and may give you some time to think about that when
16 you come back tomorrow.

17 But we are looking for folks who whatever their
18 life experiences have been can still set those aside, or
19 if the answer is that they could not, understood. But to
20 understand that this case this is as you said right out
21 of the gate this is a different case and that bears no
22 relationship to that case and that would receive the
23 evidence as you find it to be, apply the law as the Court
24 gives it to you and weigh it fairly and impartially with
25 your fellow jurors. Do you believe as you sit here today

1 that you can do that?

2 A PROSPECTIVE JUROR: Yes.

3 THE COURT: So your qualms and maybe where you

4 were 50/50 is just not being sure how --

5 A PROSPECTIVE JUROR: How it was handled because

6 I was not there firsthand.

7 THE COURT: Do you have any doubts on how it

8 would impact you or just doubts about what you know of

9 the circumstances?

10 A PROSPECTIVE JUROR: What I know of the

11 circumstances.

12 THE COURT: Thank you. We will probably have

13 further questions for, you Mr. Bowers.

14 Now on to the middle row.

15 A PROSPECTIVE JUROR: Sandra Gibbons, 067. My

16 daughter's husband is going to trial the 1st of August

17 for violence against her.

18 THE COURT: Here in Clark County?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: So your daughter currently is

21 involved in a case and you said it was her husband?

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: And he was accused of and is facing

24 charges for what?

25 A PROSPECTIVE JUROR: Violence.

1 THE COURT: And you said that trial is happening
2 next month?

3 A PROSPECTIVE JUROR: Yes. First week of
4 August.

5 THE COURT: Is that the first appearance or is
6 that the trial?

7 A PROSPECTIVE JUROR: I am not sure. All I know
8 is that he is supposed to show up to court.

9 THE COURT: What are you feelings generally
10 about how the system so far has worked in your daughter's
11 case?

12 A PROSPECTIVE JUROR: (No audible response.)

13 THE COURT: Do you have any problems with how
14 the case has been handled up to this point?

15 A PROSPECTIVE JUROR: So far, no.

16 THE COURT: Is there any reason that that case
17 pending in the circumstances of having something with the
18 criminal justice system, would that impact your ability
19 to be fair and impartial here?

20 A PROSPECTIVE JUROR: I do not think so.

21 THE COURT: You hesitated just a little bit
22 there. Another way to ask is are you going to be able to
23 set that aside and just be a juror in this case and just
24 receive the evidence and deliberate in this case?

25 A PROSPECTIVE JUROR: I cannot really answer

1 that because I don't know how I would feel. If that
2 makes sense.

3 THE COURT: Certainly.

4 A PROSPECTIVE JUROR: I could set it aside and
5 say it would be okay but I do not want to lie.

6 THE COURT: Maybe it would help me to sort of
7 pinpoint where you have concerns. Are you afraid that
8 even though you know this case is completely unrelated to
9 that one that somehow you might --

10 A PROSPECTIVE JUROR: My daughter, if this could
11 happen to her, you know, so I really can't say yes or no.
12 I am going to say yes because I am going to try.

13 THE COURT: Like I said, people will bring to
14 the case their common sense as reasonable men and women
15 and they are going to have had their life experiences.

16 As you sit there today do you have any bias one
17 way or the other as to either side of this case?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: Okay. We will have some more
20 questions for you I'm sure.

21 Anymore in the middle row?

22 A PROSPECTIVE JUROR: Katherine Isom, 176. I
23 was a victim of a crime in my early 20s. A rape. And it
24 never went to trial. The person was never found but when
25 the police officers came to my apartment they pretty much

1 treated me like I had invited this person into my
2 apartment and it was not handled well.

3 THE COURT: And I can see that it brings out
4 some emotions for you now at this time. And, again, the
5 last thing in the world we want to do is upset anyone or
6 be invasive in anyone's privacy. But, of course, if
7 there is any reason why that would impact your ability to
8 be fair and impartial in this trial we would need to know
9 that.

10 How do you feel that circumstance would impact
11 your ability to be fair and impartial in this trial?

12 A PROSPECTIVE JUROR: I think for a long time I
13 was resentful for the way the officers handled it and the
14 way I think they treated me but I think I would be okay.

15 THE COURT: You said it was some time ago, but
16 obviously some of those feelings are still fresh.
17 Obviously, I ask the people who had law enforcement
18 connections. Most of them we would presume potentially
19 in a positive way, although, we did make one joke about
20 the possibility because the family members weren't close
21 that maybe it was not in a positive way.

22 But do you believe as you sit there today that
23 the testimony coming in from law enforcement that you
24 could give it the weight to which you believe it is
25 entitled.

1 A PROSPECTIVE JUROR: (No audible response.)

2 THE COURT: You are nodding your head yes, but
3 would there be any reason why you believe because of your
4 experience you would tend to not give it fair weight.

5 A PROSPECTIVE JUROR: No. I think I would be
6 good.

7 THE COURT: What about the circumstances of just
8 yourself having been the victim of a crime with
9 circumstances related or allegations of a crime being
10 committed; do you think that might be difficult for you?

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: Do you think that the difficulty
13 would be such that it would impact your ability to
14 actually receive the evidence and then ultimately
15 deliberate and weigh the evidence?

16 A PROSPECTIVE JUROR: I would like to say it
17 wouldn't but it might.

18 THE COURT: Thank you, Ms. Isom, for your
19 candor.

20 Sir.

21 A PROSPECTIVE JUROR: Richard Beligman, 082. My
22 son has been in and out of prison since he was like 18
23 years old.

24 THE COURT: Different criminal issues?

25 A PROSPECTIVE JUROR: Yes. He started off with

1 stealing a car then driving it to California and spent
2 like three years in prison down there.

3 And then he told me it has pretty much turned
4 him into a very violent person from all the fighting and
5 so all his other charges are pretty much battery.

6 THE COURT: I asked the questions a couple
7 different ways as we talked about this area, but do you
8 have any concerns with how your son's various cases have
9 been handled in the criminal justice system?

10 A PROSPECTIVE JUROR: No. Like when he would
11 call from jail, it seemed like it was always, Well, if I
12 plead guilty to this then I would only get this amount of
13 time; if it goes to trial I could get ten years. So they
14 were always trying to make a deal type of thing.

15 THE COURT: And separate and apart from that or
16 those concerns can you set aside the circumstances you
17 know to exist with your son or your perceptions of what
18 has occurred in his case and not bring that here to your
19 deliberations as a juror in this case.

20 A PROSPECTIVE JUROR: No, I do not have a
21 problem with it.

22 THE COURT: You believe that you can be fair and
23 impartial here?

24 A PROSPECTIVE JUROR: Sure.

25 THE COURT: You are not giving one side or the

1 other any greater weight?

2 A PROSPECTIVE JUROR: No. I was a victim of his
3 assaults on me at one point too.

4 THE COURT: So you have seen both sides. You
5 have a family member --

6 A PROSPECTIVE JUROR: Yes. Get a restraining
7 order against him and then he disappeared from the state
8 and then three years later he got arrested in Arizona and
9 they took him back to California and then he ended up
10 back here and beat up somebody else and then he finally
11 paid for it, the charges that I filed against him.

12 THE COURT: Did your case ever go to an actual
13 trial?

14 A PROSPECTIVE JUROR: No. But I remember him
15 saying that he got like three months for attacking me and
16 that was added on for the time he had gotten for
17 attacking someone else.

18 THE COURT: So he did have some punishment.

19 A PROSPECTIVE JUROR: Yes. It was just years
20 later.

21 THE COURT: How long ago was all this?

22 A PROSPECTIVE JUROR: Five years ago.

23 THE COURT: Fairly recently. And you said it
24 was here?

25 A PROSPECTIVE JUROR: He did serve here. He

1 never served in prison here it was always in the county
2 jail because it was always under a year.

3 THE COURT: Okay. Do you believe that you could
4 set that aside --

5 A PROSPECTIVE JUROR: I would not have a problem
6 with it.

7 THE COURT: Thank you. Anybody else?

8 Ma'am.

9 A PROSPECTIVE JUROR: Sacoya Counce, 087. My
10 cousin did two years for them saying that he murdered
11 someone and he didn't so they let him out but they
12 tormented him to come by our house and drive by and look
13 at him and then they like destroyed my grandmother's
14 house, broke down doors and stuff like that.

15 THE COURT: I am only going to interrupt you
16 because you are saying "they" and "them" and that's not
17 clear.

18 First of all, let me break it down. So you said
19 he did two years. Do you mean that while he was pending
20 the charges?

21 A PROSPECTIVE JUROR: Yes.

22 THE COURT: So he never actually pled guilty or
23 was convicted.

24 A PROSPECTIVE JUROR: Right.

25 THE COURT: Was he out of custody or in custody?

1 A PROSPECTIVE JUROR: He was in custody.

2 THE COURT: Because I thought when you said he

3 did two years that's what you meant.

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: But somehow while he was in custody

6 that there was some harassment by the police.

7 A PROSPECTIVE JUROR: Well, they came and picked

8 him up from my grandma being in the hospital, he was

9 visiting my grandma in the hospital and some un-uniformed

10 officer came in the room and removed him from the room

11 and then they followed us from the hospital and other

12 officers in uniform broke down my grandmother's door.

13 THE COURT: To do the search?

14 A PROSPECTIVE JUROR: Right.

15 THE COURT: What jurisdiction was this?

16 A PROSPECTIVE JUROR: This one.

17 THE COURT: Metro.

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: And we obviously talked about the

20 fact that you have a family member who is in Metro law

21 enforcement, correct?

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: And so this is somewhat of opposite

24 experience perhaps in terms of how you might have

25 perceived it.

1 A PROSPECTIVE JUROR: Yeah.

2 THE COURT: Would you have any impact from that
3 experience that might impact your ability to be fair and
4 impartial in this case?

5 A PROSPECTIVE JUROR: No. As long as there is
6 like actual evidence I would be fine.

7 THE COURT: And there will be questions that
8 counsel is going to ask in terms of what evidence and
9 what the expectations are. And that goes true for both
10 sides.

11 I mentioned it briefly earlier in speaking with
12 one of the attorney potential jurors, but as I indicated,
13 the defense is under no obligation to put on any defense
14 whatsoever. It is the State's burden and the State's
15 burden entirely to prove the guilt of the defendant to
16 the charges against him.

17 But we have to flush out what expectations are
18 you going to have. Are you going to hold the State to a
19 higher burden than beyond a reasonable doubt to do their
20 job?

21 A PROSPECTIVE JUROR: I will just say as long as
22 it is just there. Okay. Like, that's it. I don't want
23 to be part of assuming something.

24 THE COURT: Ultimately, it is hard as your jobs
25 as jurors is to find what the evidence is. The State's

1 job is to present the evidence through the witnesses and
2 the exhibits, but it is ultimately up to the jurors to
3 determine to be the factfinders. That is entirely what
4 your job is. Do you believe that you can do that?

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: And the burden that you would hold
7 the State to, would you follow the law as the Court gives
8 you regardless of what you think the law ought to be?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: Thank you.

11 Anybody else in that row? How about the front
12 row?

13 Mr. Loomer.

14 A PROSPECTIVE JUROR: Phillip Loomer, 189. My
15 brother was arrested because his wife's sister's friend
16 that was a cop led his child to say that he was beating
17 his kid.

18 THE COURT: So you have a brother who was
19 arrested for child abuse.

20 A PROSPECTIVE JUROR: Yes. He was arrested for
21 child abuse so that way she could have her child that she
22 cheated on him with in the hospital and tried to get him
23 in prison for ten years for that and the cop was friends
24 with her sister and --

25 THE COURT: Obviously these circumstances are

1 very unique. I am only cutting you off because I do not
2 know how much detail we need about these circumstances,
3 but these circumstances are very unique to those people.

4 Is that going to impact your -- we talked a
5 minute ago about connections with law enforcement. I
6 tried to write down --

7 A PROSPECTIVE JUROR: I don't really personally
8 know any police officers but I just don't really trust
9 them as a whole.

10 THE COURT: Well, we are getting to that. So I
11 am asking about connections to law enforcement, family
12 member or close friend, and you have a brother here who,
13 if I am understanding correctly, has a child with someone
14 who is in law enforcement?

15 A PROSPECTIVE JUROR: No. My brother was
16 married to someone -- her sister went to church with a
17 police officer and she was friends with him.

18 THE COURT: So family members with some friend
19 connection.

20 A PROSPECTIVE JUROR: Yes.

21 THE COURT: So through this one experience that
22 has caused you to have questions about law enforcement in
23 general?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Would you be able to set that aside

1 and hear the evidence in this case and weigh it and give
2 it whatever weight you think it deserves?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: You said a minute ago that you don't
5 trust law enforcement.

6 A PROSPECTIVE JUROR: I mean I don't trust them
7 as a whole. I'm not going to say that they are all
8 criminals but I have known a few police officers that had
9 run-ins in the law and they are not always accurate with
10 what they do.

11 THE COURT: Would it be fair to say that you
12 have known police officers who have done good things and
13 law officers who have done bad things?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: Would you, again, be able to set
16 aside whatever those experiences were and take in the
17 evidence in this case?

18 A PROSPECTIVE JUROR: Yes and no.

19 THE COURT: Are you going to give negative
20 weight because the person testifying is a member of law
21 enforcement?

22 A PROSPECTIVE JUROR: I will be cautious and pay
23 attention to what they say but I would be open minded.

24 THE COURT: But you do not believe that you
25 would weigh it more harshly or weigh against it simply

1 because they are law enforcement?

2 A PROSPECTIVE JUROR: I will not be prejudice.

3 THE COURT: All right. I am sure counsel will
4 have some follow-up questions. This is just the Court
5 getting through some basic understanding of your
6 experiences.

7 Any other experiences that you should bring to
8 our attention?

9 A PROSPECTIVE JUROR: Smaller things.

10 THE COURT: Your own experiences?

11 A PROSPECTIVE JUROR: Yes. I was arrested
12 because I understand that they had a gray area to believe
13 it but I was arrested because I had an ex-girlfriend, who
14 no longer lived with me, break in and I called the cops
15 and they arrested me for domestic violence and she did
16 not even live there and I had not even seen her for a
17 couple of months and she broke in.

18 THE COURT: So that was prompted by actions she
19 did or --

20 A PROSPECTIVE JUROR: Well, yeah, because I
21 called the cops and she ran after them and saw the car
22 before I had a chance to talk to them and they believed
23 her.

24 THE COURT: What happened with that case?

25 A PROSPECTIVE JUROR: It was dismissed.

1 THE COURT: Is there any reason that that
2 particular case would impact you any differently than
3 what you have already described?

4 A PROSPECTIVE JUROR: No. Same story.

5 THE COURT: Okay. Is there anything else that
6 you think we should know about?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Okay. Next down the row.
9 Ma'am.

10 A PROSPECTIVE JUROR: Patricia Tiffany, 099. I
11 have a brother-in-law who is in Indian Springs.

12 THE COURT: For what crime?

13 A PROSPECTIVE JUROR: Murder.

14 THE COURT: Murder?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: How long ago was he incarcerated?

17 A PROSPECTIVE JUROR: 1970.

18 THE COURT: Since 1970?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: Did you --

21 A PROSPECTIVE JUROR: I know nothing about it.
22 All I know is where he's at and I've been told what he
23 has done and that's all. I have not even seen him in
24 over 20 years.

25 THE COURT: But you were in the relationship

1 with your husband when this happened? I mean you were
2 aware of it at the time?

3 A PROSPECTIVE JUROR: (No audible response.)

4 THE COURT: I guess what I'm trying to get at is
5 had this occurred before you got married or was this
6 something that --

7 A PROSPECTIVE JUROR: After we got married. My
8 husband was overseas in the war when this happened.

9 THE COURT: Okay. And so you don't have any
10 direct knowledge of it, just the outcome, if you will.

11 A PROSPECTIVE JUROR: Just the outcome.

12 THE COURT: Okay. Is there any reason that you
13 believe that the experience of that family member would
14 impact you?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Thank you.

17 A PROSPECTIVE JUROR: Roger Mollet, Badge No.
18 100. I was charged with battery domestic violence in I
19 believe 2003 in Henderson.

20 THE COURT: And what became of that case?

21 A PROSPECTIVE JUROR: I pled no contest.

22 THE COURT: How do you feel that that matter was
23 handled?

24 A PROSPECTIVE JUROR: Police were doing their
25 job. It was something that happened.

1 THE COURT: Understand. Is that going to impact
2 your ability to be fair and impartial in this trial?

3 A PROSPECTIVE JUROR: No, not at all.

4 THE COURT: Thank you, sir.

5 Anybody in the row behind counsel table?

6 Mr. Torrence.

7 A PROSPECTIVE JUROR: Sammy Torrence Badge No.
8 153. My son was arrested as a juvenile for misdemeanor
9 break in and entering and he went to juvenile and was
10 released that night to my custody. He did 200 hours of
11 community service, so he was treated fairly.

12 THE COURT: Did he get more punishment from his
13 dad?

14 A PROSPECTIVE JUROR: He did.

15 THE COURT: I was suspecting that might be the
16 case. Was there any concern that you have about how that
17 matter was handled?

18 A PROSPECTIVE JUROR: No. The officers from
19 north town as well juvenile handled it very well.

20 THE COURT: Okay. Anything about that
21 circumstance that would affect your ability to be fair
22 and impartial?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Anybody else in that row?

25 Ma'am.

1 A PROSPECTIVE JUROR: Sally Marotta, 104. I
2 have a daughter and her father is in prison right now in
3 California.

4 THE COURT: Oh, right. We said we would come
5 back to you and speak about that. Did you indicate it
6 was on drug-related charges?

7 A PROSPECTIVE JUROR: Yes. Drug related.

8 THE COURT: How long has he been incarcerated?

9 A PROSPECTIVE JUROR: I have been with him for
10 14 years.

11 THE COURT: Was it after you began your
12 relationship?

13 A PROSPECTIVE JUROR: It was before and is
14 continuing now.

15 THE COURT: So what are your feelings about how
16 the system handled his charges?

17 A PROSPECTIVE JUROR: Fair.

18 THE COURT: Do you have any negative feelings
19 about the criminal justice system based on those
20 experiences?

21 A PROSPECTIVE JUROR: No, not at all.

22 THE COURT: Is there anything about the fact
23 that he is currently incarcerated or has gone through
24 those experiences and your knowledge of them that would
25 impact your ability to be fair and impartial here?

1 A PROSPECTIVE JUROR: No, not at all.

2 THE COURT: Okay. Now let me move down to the

3 end. Go ahead, Ms. Lopez.

4 A PROSPECTIVE JUROR: Mariana Lopez, 172. My

5 boyfriend's brother is in jail in Colorado for something.

6 I'm am not sure but I think it is for transporting drugs.

7 THE COURT: Is he awaiting charges or has he

8 already pled guilty and been convicted of those charges?

9 A PROSPECTIVE JUROR: Honestly, I don't' know

10 because every time we ask him he just says that he has a

11 court date.

12 THE COURT: So you are not sure if he has been

13 convicted yet?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Do you have any direct knowledge

16 about what has occurred in this case?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Is there any reason why knowing this

19 circumstance would impact your ability to be fair and

20 impartial in this trial?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: Would you keep it out of this trial

23 and just deliberate on the facts and evidence in this

24 trial?

25 A PROSPECTIVE JUROR: Yes.

1 THE COURT: Thank you. Is there anyone else?

2 I am going to come back to the panel now because
3 when I originally asked the question it was my intention
4 to ask the question in two parts. The first being anyone
5 having experience with the criminal justice system as a
6 victim of crime and then the second part can be is there
7 anyone who has had experience with the criminal justice
8 system as accused of a crime, and of course, that being
9 themselves, a family member or close friend.

10 I think we got both answers but I just want to
11 make sure as I come back to the panel, is there anyone
12 here who now that you have heard other folks who have had
13 those experiences themselves, family member or close
14 friend who has not yet raised their hand and shared that
15 information with us? Again, either accused of or the
16 victim of a crime.

17 All right. May I have counsel at the bench.

18 (Off-the-record bench conference.)

19 THE COURT: Ladies and gentlemen of the panel,
20 it is ten minutes to five. I have completed the set of
21 questions that I intended to inquire of the panel before
22 I turn it over to counsels' questions and they are going
23 to commence their questions tomorrow when we return.

24 As I indicated to you we were going to probably
25 take up to three days to select the jury and could

1 possibly even go to a fourth day. So, again, with those
2 folks who have not been brought forward yet, our
3 apologies to you. But the reason that we have the number
4 of people that we have, and as you can see we have
5 already gone through a great number of people in attempts
6 to qualify 33 people.

7 We do need you all to return tomorrow for jury
8 selection. It is possible that we will complete the
9 selection tomorrow. If we do not then we will resume on
10 Thursday. We will definitely complete selection this
11 week at some point tomorrow or Thursday. But we do need
12 you all to return.

13 Same process. Please make sure that you go to
14 Jury Services first with your badge to check in and then
15 return up here so that when we are ready to start at
16 1:30. Please remember where your seats are.

17 Remember your admonishment that you are not to
18 discuss this trial with anyone or speculate with regard
19 to anything regarding this case and although you can
20 certainly tell people that you are involved in a criminal
21 trial, criminal jury selection, nothing beyond that at
22 this time.

23 Thank you all. Have a good evening and we will
24 see you all tomorrow at 1:30.

25 (Prospective jurors exit courtroom.)

1 THE COURT: Just a couple of quick housekeeping
2 things. I do want to acknowledge that Mr. Collins when
3 he stood up did have his shirt over his chains, so thank
4 you for that. We do appreciate that.

5 The additional 20 jurors to the extent that we
6 may need them, they are going to return tomorrow. The
7 questionnaires were provided and I believe my JEA brought
8 them in on the last break.

9 The way the list was provided it looks different
10 than the other list that we have. It picks up with Juror
11 No. 91 on the list and they were just tacked on at the
12 end.

13 It is my intention, I will double check it with
14 my marshal and I will confirm it with him tomorrow, but
15 my intention would be to leave them downstairs rather
16 than bring them up to the room since we are as far along
17 the process as we are. There is pros and cons to it.

18 When we bring folks up and they have not been
19 canvassed -- I certainly don't want to bring them up,
20 canvass them, do the hardship and do all of that. We do
21 have one juror in the pool who I suppose we could ask
22 Jury Services to tell him not to return that has travel
23 that he identified in his questionnaire. And that is
24 Jury No. 395, Justin Moreno. He has travel so we could
25 excuse him and that would give us 19 additional. Does

1 anybody have a problem with that?

2 MR. SCHIECK: No objection from the defense,
3 Your Honor.

4 MS. LUZAICH: No, Your Honor.

5 THE COURT: Okay. I will notify Jury Services
6 to excuse Mr. Moreno. And then otherwise we will have
7 the other 19. If we do determine to change our mind we
8 will give you a heads-up, but at this point we will
9 excuse him.

10 Is there anything that we need to address before
11 we adjourn for the night?

12 MR. SCHIECK: No, Your Honor.

13 MS. BLUTH: Your Honor, can counsel come back at
14 1:15?

15 THE COURT: Certainly, I have no problem
16 starting at 1:15.

17 (Proceedings were adjourned.)

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1 REPORTER'S CERTIFICATE

2
3 STATE OF NEVADA)
4 COUNTY OF CLARK) ss.
5)

6 I, BRENDA SCHROEDER, a certified court reporter
7 in and for the State of Nevada, do hereby certify that
8 the foregoing and attached pages 1-____, inclusive,
9 comprise a true, and accurate transcript of the
10 proceedings reported by me in the matter of THE STATE OF
11 NEVADA, Plaintiff, versus LSEAN TARUS COLLINS, Defendant,
12 Case No. 09C252804, on July 28, 2015.
13
14
15

16 Dated this 10th day of January, 2016.
17

18 /s/ Brenda Schroeder
19 BRENDA SCHROEDER, CCR NO. 867
20
21
22
23
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25

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESEAN COLLINS

Electronically Filed
May 16 2016 09:01 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Docket No. 69269

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Kathleen Delaney, District Judge
District Court No. 25

**APPELLANT'S APPENDIX
VOLUME 4 OF 11**

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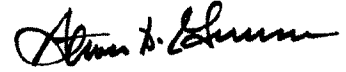
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8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 LESEAN COLLINS,
14 #0857181

15 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

16 **ORDER DENYING DEFENDANT'S MOTION TO EXCLUDE OTHER EVIDENCE**
17 **OF ARSON CHARGES AND ANY ALLEGATIONS RELATED THERETO AS**
18 **BAD ACT EVIDENCE OR IRRELEVANT PRIOR CRIMINAL ACTIVITY**

19 DATE OF HEARING: AUGUST 20, 2014
20 TIME OF HEARING: 9:00 A.M.

21 THIS MATTER having come on for hearing before the above entitled Court on the
22 20TH day of AUGUST, 2014, the Defendant being present, represented by DAVID
23 SCHIECK, SPD, the Plaintiff being represented by STEVEN B. WOLFSON, District
24 Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and the Court
25 having heard the arguments of counsel and good cause appearing therefor,

26 //

27 //

28 //

//

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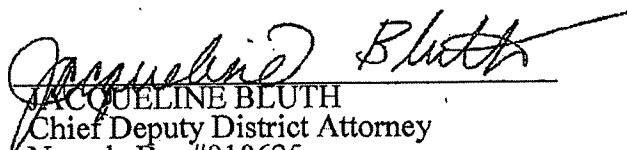
1 **IT IS HEREBY ORDERED** that the DEFENDANT'S MOTION TO EXCLUDE
2 OTHER EVIDENCE OF ARSON CHARGES AND ANY ALLEGATIONS RELATED
3 THERETO AS BAD ACT EVIDENCE OR IRRELEVANT PRIOR CRIMINAL
4 ACTIVITY, shall be, and is, DENIED as limited evidence and facts of the Defendant's
5 previous arson case will come in under NRS 41.05 to show plan and consciousness of guilt.

6 DATED this 26th day of August, 2014.

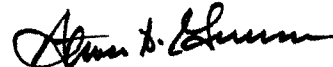
7
8 
9 DISTRICT JUDGE

10 STEVEN B. WOLFSON
11 Clark County District Attorney
Nevada Bar #001565

12 BY

13 
14 JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625

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27
28 hjc/SVU



CLERK OF THE COURT

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11 THE STATE OF NEVADA,

12 Plaintiff,

13 -vs-

14 LESEAN COLLINS,
15 #0857181

16 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

17 **ORDER DENYING DEFENDANT'S MOTION TO DISQUALIFY**

18 **THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE**

19 DATE OF HEARING: AUGUST 18, 2014

20 TIME OF HEARING: 9:00 A.M.

21 THIS MATTER having come on for hearing before the above entitled Court on the
22 18th day of August, 2014; the Defendant being present, represented by MICHAEL HYTE,
23 SPD, and DAVID M. SCHIECK, SPD; the Plaintiff being represented by STEVEN B.
24 WOLFSON, District Attorney, through JACQUELINE BLUTH, Chief Deputy District
25 Attorney, and the Court having heard the arguments of counsel and good cause appearing
therefor,

26 //

27 //

28 //


1 **IT IS HEREBY ORDERED** that the Defendant's Motion to Disqualify the Clark
2 County District Attorney's Office, shall be, and is, **DENIED**, conditional to State's filing
3 affidavits by JACQUELINE BLUTH, Chief Deputy District Attorney, LISA LUZAICH,
4 Chief Deputy District Attorney, TERRA JONES, Deputy District Attorney and ABIGAIL
5 FRIERSON, Deputy District Attorney.

6 DATED this 10th day of September, 2014.

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8 
9 DISTRICT JUDGE

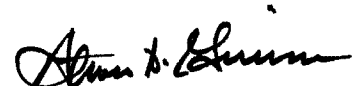
10 STEVEN B. WOLFSON
11 Clark County District Attorney
Nevada Bar #001565

12 BY

13 
14 JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625

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28 hjc/SVU

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,)
) Case No. 09C252804
Plaintiff,)
) Dept. No. XXV
vs.)
)
LESEAN TARUS COLLINS,)
)
Defendant.)
)
_____)

BEFORE THE HONORABLE KATHLEEN DELANEY

NOVEMBER 17, 2014, 9:00 A.M.

REPORTER'S TRANSCRIPT
OF
STATUS CHECK: RESET TRIAL

APPEARANCES:

(See separate page)

REPORTED BY: BRENDA SCHROEDER, CCR NO. 867

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APPEARANCES:

For the Plaintiff:

JACQUELINE BLUTH, ESQ.
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

LISA LUZAICH, ESQ.
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

For the Defendant:

DAVID M. SCHIECK, ESQ.
Deputy Special Public Defender
330 S. Third Street, Suite 800
Las Vegas, Nevada 89155

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LAS VEGAS, CLARK COUNTY, NEVADA
MONDAY, NOVEMBER 17, 2014, 9:00 A.M.

PROCEEDINGS
* * *

THE COURT: State of Nevada versus Lesean Collins. We don't have Mr. Collins here today. The Court set this on calendar to reset the trial date in light of the rulings from the supreme court.

MR. SCHIECK: Correct, Your Honor. We actually filed a petition for rehearing on Friday. We have no objection while that's pending if the Court wants to set a trial date now so that if the supreme court denies the hearing we don't have to come back to reset the trial date.

MS. LUZAICH: That's what we would like to do.

THE COURT: We can do that too. There is a couple of other things out there as well and we did not get Mr. Collins here today, but he has filed two pro se motions; one to withdraw counsel and one to dismiss counsel. They are essentially the same.

MS. LUZAICH: Oh, I have not seen them. Does the Court want us to respond in writing?

MR. SCHIECK: Are those recent?

THE COURT: No. These were filed back in August. You might remember the calendar call before the

1 writ was filed he was talking about wanting to represent
2 himself and there was some discussion about that and he
3 indicated at the time that he would have to file a
4 motion.

5 And then shortly after that, I would say within
6 a few days, he did file those two motions. They've just
7 been sitting there because when it went up to the supreme
8 court they just sat there.

9 So we probably will need to move on them at some
10 point, but I don't know if there have been any
11 communication, Mr. Schieck, that would lead you to
12 believe that he might not still be trying to file those
13 motions and pursue those motions.

14 MR. SCHIECK: I have seen him numerous times
15 since those motions were filed, even as late as last
16 Tuesday, Your Honor, so I do not think that those will be
17 an issue.

18 If we could set this for a status check in 30
19 days and if the Court desires, bring him in.

20 THE COURT: Why don't we to this. Why don't we
21 get our trial date, if we can, with the folks that are
22 here and we will just put in the minutes and we'll make
23 sure that a copy gets provided, or you will make sure
24 that a copy gets provided to Mr. Collins, and that if he
25 still wants to pursue those motions he will need to

1 re-file them, okay?

2 MR. SCHIECK: Yes, Your Honor.

3 THE COURT: And we will go ahead -- and I think
4 obviously because we have a jury questionnaire in this
5 situation that we need to set a firm setting so that we
6 know what we're dealing with.

7 Have you guys talked about when you might want
8 to go?

9 MR. SCHIECK: We talked about July, Your Honor,
10 however, Your Honor does have a case in July that might
11 affect our ability to go in this department in July.

12 THE COURT: I think it would definitely do that.

13 MR. SCHIECK: I think all parties are pretty
14 well full in April, which is your next stack. I think
15 July is the most viable option.

16 THE COURT: Well, we have two capital cases
17 going in the April/May stack alone, so it's not looking
18 good. We are looking at maybe the following stack then.

19 Does anybody have any heartburn over that in the
20 circumstances?

21 MS. LUZAICH: We had not looked at September
22 because we could all do July of 2013.

23 THE COURT: I know for a fact we will be in that
24 trial. We booked that trial at the very beginning of
25 July and it could go two to three weeks depending on the

1 circumstances. We just kind of assumed we were going to
2 use up the bulk of July. We could put you toward the
3 end.

4 MS. LUZAICH: That's fine.

5 THE COURT: What is the end of the stack?

6 THE CLERK: July 27th is the last week of that
7 stack.

8 THE COURT: We potentially need two weeks for
9 the trial, and I don't like to do this typically but
10 August is usually kind of thin in terms of going forward
11 with a civil trial.

12 What we will do is give you the last week of
13 July just to be sure it doesn't cross over into my civil
14 trial and then the first week of our civil stack.

15 THE CLERK: So your calendar call will be
16 July 20th at 9:30, with a trial date of July 27th at
17 10:30.

18 THE COURT: And that will be firm.

19 MS. LUZAICH: And then we will put it on
20 calendar earlier for jury questionnaires to get together
21 and get them out.

22 THE COURT: Yes, we definitely want to do that.
23 We probably should have a status check anyway somewhere
24 in there. We don't need to come back too soon. Any
25 preference with that date?

1 MR. SCHIECK: Let's do late January.
2 THE COURT: That sounds good.
3 THE CLERK: January 26th at 9:00.
4 MS. LUZAICH: Thank you.
5 THE COURT: Thank you all.
6 (Proceedings were concluded.)
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I, BRENDA SCHROEDER, a certified court reporter
in and for the State of Nevada, do hereby certify that
the foregoing and attached pages 1-8, inclusive, comprise
a true, and accurate transcript of the proceedings
reported by me in the matter of THE STATE OF NEVADA,
Plaintiff, versus LESEAN TARUS COLLINS, Defendant, Case
No. C252804, on November 17, 2014.

/s/ Brenda Schroeder
BRENDA SCHROEDER, CCR NO. 867

TRAN
CASE NO. 09-C-252804
DEPT. NO. 25

Electronically Filed
01/15/2016 10:21:27 AM

Allen D. Lerner

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff,

VS.

LESEAN COLLINS,

Defendant.

REPORTER'S TRANSCRIPT
OF
STATUS CHECK

BEFORE THE HONORABLE DAVID BARKER
DISTRICT COURT JUDGE

DATED: MONDAY, JANUARY 26, 2015

REPORTED BY: Sharon Howard, C.C.R. #745

1 APPEARANCES:

2 For the State:

JACQUELINE BLUTH, ESQ.

3 ELISSA LUZAICH, ESQ.

4
5
6
7 For the Defendant:

DAVID SCHIECK, ESQ.

8 MICHAEL HYTE, ESQ.

9
10
11 * * * * *

1 LAS VEGAS, NEVADA; MONDAY, JANUARY 26, 2015

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: Page 1, State of Nevada vs. Lesean
6 Collins, C-252804. Mr. Collins is present in custody with
7 counsel from the special PD's office.

8 State your appearances.

9 MR. HYTE: Michael HYTE, bar No. 10088.

10 MS. LUZAICH: Elissa Luzaich and Jacqueline
11 Bluth for the State.

12 MS. BLUTH: Good morning.

13 THE COURT: This is time set for status
14 check/juror questionnaire. Trial dates pending -- trial
15 date set July 27th.

16 Frankly I just stepped into this. I gave the minutes
17 a quick review I received through court staff. I believe
18 questionnaire --

19 MR. HYTE: I believe the questionnaire we did
20 the eve of trial, just let the court know, we were right
21 at the threshold of trial. We had the jury questionnaire
22 done. We filed a writ in our office and the Supreme Court
23 granted our stay of a trial. So we prosecuted that writ.
24 It was denied. We filed for rehearing. It was denied.
25 We've elected not to file for petition for on bond.

1 I thought today's purpose was to advise the court as
2 far as we were concerned our prosecution writ is --

3 THE COURT: Interlocutory efforts failed.
4 Moving forward for date set. Do I need to make any
5 decisions or does Judge Delaney, more particularly, need
6 to make decisions or involve herself in the questionnaire
7 at all.

8 MR. HYTE: Not to my knowledge.

9 MS. LUZAICH: They were done. The jury
10 questionnaires were done. We can use the same one.

11 THE COURT: We, the court, had the questionnaire
12 that's been agreed to by the parties and it's going to be
13 handled through court staff to get that questionnaire to
14 jury commissioner so they can move forward as they have
15 to.

16 MS. LUZAICH: Correct.

17 THE COURT: The status check is off calendar.
18 Questions are answered. Mr. Collins, do you have any
19 questions. Do you understand.

20 THE DEFENDANT: I'll talk to my attorney.

21 THE COURT: All right.

22 Next date set is July 20th for calendar call, with
23 July 27th jury trial date. Unless there is anything else,
24 we'll move to the next case.

25 MS. LUZAICH: Thank you.

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MR. HYTE: Thank you.

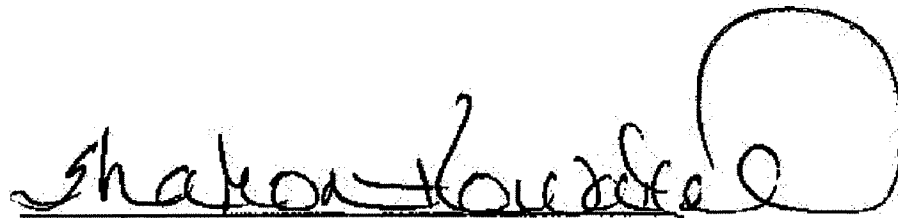
* * * * *

CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.

A handwritten signature in cursive script, reading "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard
C.C.R. #745


CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

LESEAN TARUS COLLINS,
#0857181

Defendant.

CASE NO: 09C252804

DEPT NO: XXV

FIFTH SUPPLEMENTAL NOTICE OF WITNESSES

AND/OR EXPERT WITNESSES
[NRS 174.234(2)]

TO: LESEAN TARUS COLLINS, Defendant; and

TO: DAVID SCHIECK and MICHAEL HYTE,

Special Public Defenders, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following expert witnesses in its case in chief:

*indicates additional witness(es) and/or modification(s)

ADAMS; LVMPD#10072

ALBY; LVMPD#01810

BEASLEY, DONITA; 2901 FERRET FALL AVE, NLV 89030

BORLA, FELICIA; CLARK COUNTY CORONER'S OFFICE

//

1 CABRALES, ALLEN; LVMPD#02045; Will testify as an expert as to the
2 nature, process and limitations of crime scene investigation, and/or as to the crime
3 scene investigation in the instant case.

4 CHAVEZ; NLVPD#1660

5 COR or Designee; AVIS CAR RENTAL

6 COR or Designee; CCDC

7 COR or Designee; LVMPD COMMUNICATIONS

8 COR or Designee; LVMPD RECORDS

9 COR or Designee; NLVFD

10 COR or Designee; NLVPD COMMUNICATIONS

11 COR or Designee; NLVPD DETENTION CENTER

12 COR or Designee; NLVPD RECORDS

13 *CUSTODIAN OF RECORDS, SPRINT/NEXTEL, Will testify as an expert in the area of
14 cellular phones and cellular system technology, including cell tower generation of calls and
15 ability to determine the location where generated based upon historical records of cellular
16 phones as well as the creation, functioning, data collection and information received and
17 collected by cellular provider sites, its analysis and conclusions which can be drawn therefrom
18 and is expected to testify thereto.

19 DAVISON, DONALD; 5965 S BRONCO ST, LVN 89118

20 EDDINS, SHALANA; 176 JUDY CT #B, HND 89015

21 EDDINS, ROBERT; c/o CCDA-SVU

22 FRIED, JONATHAN; LVMPD#08174; Will testify as an expert as to the nature,
23 process and limitations of crime scene investigation, and/or as to the crime scene investigation
24 in the instant case.

25 FURLOW, VIVIAN; c/o CCDA-SVU

26 GAUTHIER, KELLIE; LVMPD#08691; Will testify as an expert as to the nature,
27 process and limitations of DNA collection, analysis and identification, and/or as to the
28 collection, analysis and identification of DNA evidence in the instant case.

1 GRANDE, BEN; 4073 ARROWWOOD DR, LVN 89147
2 HARDY; LVMPD#03031
3 HENSON; LVMPD#03918
4 HICKS; LVMPD#06069
5 HICKS, RUFUS; 5855 VALLEY DR #2160, NLV 89031
6 HOLSTEIN, DANIEL; LVMPD#03861; Will testify as an expert as to the nature,
7 process and limitations of crime scene investigation, and/or as to the crime scene
8 investigation in the instant case.
9 HORN, DAVID; LVMPD#01928; Will testify as an expert as to the nature, process
10 and limitations of crime scene investigation, and/or as to the crime scene investigation in
11 the instant case.
12 JEFFREY, ERIKA; 2701 N BUCHANAN BLVD #1016, LVN 89108
13 KELSON, JOANNE; 7300 RED CINDER ST, LVN 89131
14 KELSON, MICHAEL; 2814 CENTRAL AVE, ALAMEDA, CA 94501
15 KOBRYIS; LVMPD#04983
16 LOMPNEY, JEFF; NLV FIRE AND RESCUE; Will testify as an expert as to the
17 nature, process and limitations of fire investigations, and/or as to the fire investigation in
18 the instant case.
19 LOPEZ, MARIA; HUNTINGTON BEACH POLICE DEPARTMENT; Will testify
20 as an expert as to the nature, process and limitations of crime scene investigation, and/or as
21 to the crime scene investigation in the instant case.
22 MADRIGAL, PEDRO; 1913 ALWILL ST #D, LVN 89106
23 MOGG, CLIFFORD; LVMPD#05096
24 MONTGOMERY; NLVPD#1800
25 MORGENSTERN; LVMPD#04665
26 NARVAEZ; NLVPD#2001
27 PAYTON, GLORIA; 333 ORCHID OASIS AVE, NLV 89031
28 PAYTON, TAMMY; 2554 OLIVE DR #124, PALMDALE, CA 93550

1 PENDLETON; LVMPD#03289
2 PERKINS, MICHAEL; LVMPD#04242
3 PRATT, WANNETTE; 515 N LAMB BLVD #5, LVN 89110
4 PROIETTO, DANIEL; LVMPD#08180; Will testify as an expert as to the nature,
5 process and limitations of crime scene investigation, and/or as to the crime scene investigation
6 in the instant case.
7 SCOTT; LVMPD#04532
8 SIMMS, DR. LARY; CLARK COUNTY CORONER'S OFFICE; Will testify as an
9 expert as to the nature, process and limitations of post-mortem examinations, and/or as to post-
10 mortem examination of the victim in the instant case.
11 SPOOR, MONTE; LVMPD#03856; Will testify as an expert as to the nature, process
12 and limitations of crime scene investigation, and/or as to the crime scene investigation in the
13 instant case.
14 STANCIL; NLVPD#2149
15 TURNER, JASON; CUSTODIAN OF RECORDS, AVIS
16 WHEELER; NLVPD#2144
17 WILLIAMS; LVMPD#05456
18 WILLIAMS, THERESA; 5330 E CHARLESTON BLVD #78, LVN 89142
19 These witnesses are in addition to those witnesses endorsed on the Information or
20 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert
21 Witnesses has been filed
22 //
23 //
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27 //
28 //

1 The substance of each expert witness' testimony and a copy of all reports made by or
2 at the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

6 BY 

7 JACQUELINE BLUTH
Chief Deputy District Attorney
8 Nevada Bar #010625

9
10 CERTIFICATE OF ELECTRONIC MAIL

11 I hereby certify that service of State's Fifth Supplemental Notice of Witnesses and/or
12 Expert Witnesses, was made this 2nd day of July, 2015, by e-mail to:

13 DAVID SCHIECK,
Deputy Special Public Defender
14 E-Mail: dschieck@clarkcountynv.gov

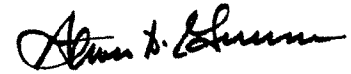
15 MICHAEL HYTE,
Deputy Special Public Defender
16 E-Mail: mhyte@clarkcountynv.gov

17 KATHLEEN FITZGERALD,
Legal Executive Assistant
18 E-Mail: kfitzger@clarkcountynv.gov

19
20 BY: 

21 J. Robertson
Secretary of the District Attorney's Office
22
23
24
25
26
27

28 08FN2467X/jr/MVU



CLERK OF THE COURT

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 LESEAN TARUS COLLINS,
13 #0857181
14 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

15 SIXTH SUPPLEMENTAL NOTICE OF WITNESSES
16 AND/OR EXPERT WITNESSES
17 [NRS 174.234]

18 TO: LESEAN TARUS COLLINS, Defendant; and

19 TO: DAVID SCHIECK AND MICHAEL HYTE,
Special Public Defenders, Counsel of Record:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
21 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

22 *indicates additional witness(es) and/or modification(s)

23 ADAMS; LVMPD#10072

24 ALBY; LVMPD#01810

25 BEASLEY, DONITA; 2901 FERRET FALL AVE, NLV 89030

26 BORLA, FELICIA; CLARK COUNTY CORONER'S OFFICE

27 //

1 CABRALES, ALLEN; LVMPD#02045; Will testify as an expert as to the nature,
2 process and limitations of crime scene investigation, and/or as to the crime scene investigation
3 in the instant case.

4 *CARTER, MAURIO; c/o CCDC - SVU

5 CHAVEZ; NLVPD#1660

6 COR or Designee; AVIS CAR RENTAL

7 COR or Designee; CCDC

8 COR or Designee; LVMPD COMMUNICATIONS

9 COR or Designee; LVMPD RECORDS

10 COR or Designee; NLVFD

11 COR or Designee; NLVPD COMMUNICATIONS

12 COR or Designee; NLVPD DETENTION CENTER

13 COR or Designee; NLVPD RECORDS

14 CUSTODIAN OF RECORDS, SPRINT/NEXTEL, Will testify as an expert in the area of
15 cellular phones and cellular system technology, including cell tower generation of calls and
16 ability to determine the location where generated based upon historical records of cellular
17 phones as well as the creation, functioning, data collection and information received and
18 collected by cellular provider sites, its analysis and conclusions which can be drawn therefrom
19 and is expected to testify thereto.

20 DAVISON, DONALD; 5965 S BRONCO ST, LVN 89118

21 EDDINS, SHALANA; 176 JUDY CT #B, HND 89015

22 EDDINS, ROBERT; c/o CCDA-SVU

23 FRIED, JONATHAN; LVMPD#08174; Will testify as an expert as to the nature,
24 process and limitations of crime scene investigation, and/or as to the crime scene investigation
25 in the instant case.

26 FURLOW, VIVIAN; c/o CCDA-SVU

1 GAUTHIER, KELLIE; LVMPD#08691; Will testify as an expert as to the nature,
2 process and limitations of DNA collection, analysis and identification, and/or as to the
3 collection, analysis and identification of DNA evidence in the instant case.

4 GRANDE, BEN; 4073 ARROWWOOD DR, LVN 89147

5 HARDY; LVMPD#03031

6 *HEER, DARLENE; c/o CCDA - SVU

7 HENSON; LVMPD#03918

8 HICKS; LVMPD#06069

9 HICKS, RUFUS; 5855 VALLEY DR #2160, NLV 89031

10 HOLSTEIN, DANIEL; LVMPD#03861; Will testify as an expert as to the nature,
11 process and limitations of crime scene investigation, and/or as to the crime scene investigation
12 in the instant case.

13 HORN, DAVID; LVMPD#01928; Will testify as an expert as to the nature, process and
14 limitations of crime scene investigation, and/or as to the crime scene investigation in the instant
15 case.

16 JEFFREY, ERIKA; 2701 N BUCHANAN BLVD #1016, LVN 89108

17 KELSON, JOANNE; 7300 RED CINDER ST, LVN 89131

18 KELSON, MICHAEL; 2814 CENTRAL AVE, ALAMEDA, CA 94501

19 KOBRYIS; LVMPD#04983

20 LOMPNEY, JEFF; NLV FIRE AND RESCUE; Will testify as an expert as to the
21 nature, process and limitations of fire investigations, and/or as to the fire investigation in the
22 instant case.

23 LOPEZ, MARIA; HUNTINGTON BEACH POLICE DEPARTMENT; Will testify as
24 an expert as to the nature, process and limitations of crime scene investigation, and/or as to the
25 crime scene investigation in the instant case.

26 MADRIGAL, PEDRO; 1913 ALWILL ST #D, LVN 89106

27 MOGG, CLIFFORD; LVMPD#05096

28 MONTGOMERY; NLVPD#1800

1 MORGENSTERN; LVMPD#04665
2 NARVAEZ; NLVPD#2001
3 PAYTON, GLORIA; 333 ORCHID OASIS AVE, NLV 89031
4 PAYTON, TAMMY; 2554 OLIVE DR #124, PALMDALE, CA 93550
5 PENDLETON; LVMPD#03289
6 PERKINS, MICHAEL; LVMPD#04242
7 PRATT, WANNETTE; 515 N LAMB BLVD #5, LVN 89110
8 PROIETTO, DANIEL; LVMPD#08180; Will testify as an expert as to the nature,
9 process and limitations of crime scene investigation, and/or as to the crime scene investigation
10 in the instant case.

11 SCOTT; LVMPD#04532
12 SIMMS, DR. LARY; CLARK COUNTY CORONER'S OFFICE; Will testify as an
13 expert as to the nature, process and limitations of post-mortem examinations, and/or as to post-
14 mortem examination of the victim in the instant case.

15 SPOOR, MONTE; LVMPD#03856; Will testify as an expert as to the nature, process
16 and limitations of crime scene investigation, and/or as to the crime scene investigation in the
17 instant case.

18 STANCIL; NLVPD#2149

19 TURNER, JASON; CUSTODIAN OF RECORDS, AVIS

20 WHEELER; NLVPD#2144

21 WILLIAMS; LVMPD#05456

22 WILLIAMS, THERESA; 5330 E CHARLESTON BLVD #78, LVN 89142

23
24 These witnesses are in addition to those witnesses endorsed on the Information or
25 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
26 Witnesses has been filed.

27 //

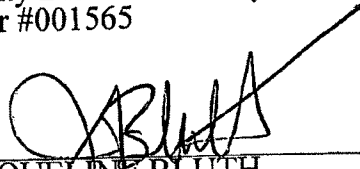
28 //

1 The substance of each expert witness' testimony and copy of all reports made by or at
2 the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

8 BY


9 JACQUELINE BLUTH
10 Chief Deputy District Attorney
11 Nevada Bar #010625

12 CERTIFICATE OF ELECTRONIC MAIL

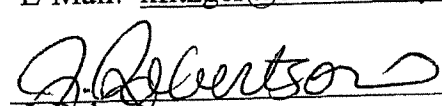
13 I hereby certify that service of State's Sixth Supplemental Notice of Witnesses and/or
14 Expert Witnesses, was made this 15th day of July, 2015, by e-mail to:

15 DAVID SCHIECK,
16 Deputy Special Public Defender
17 E-Mail: dschieck@clarkcountynv.gov

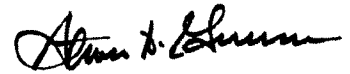
18 MICHAEL HYTE,
19 Deputy Special Public Defender
20 E-Mail: mhyte@clarkcountynv.gov

21 KATHLEEN FITZGERALD,
22 Legal Executive Assistant
23 E-Mail: kfitzger@clarkcountynv.gov

24 BY:


25 J. Robertson
26 Secretary of the District Attorney's Office
27
28

08FN2467X/jr/MVU



CLERK OF THE COURT

NWEW
DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
State Bar No. 0824
MICHAEL W. HYTE
Deputy Special Public Defender
State Bar No. 10088
330 South Third Street, 8th Floor
Las Vegas, NV 89155
Tel: (702) 455-6265
Fax: (702) 455-6273
dschieck@clarkcountynv.gov
mhyte@clarkcountynv.gov

Attorneys for Collins

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)	CASE NO. 09C252804-1
)	DEPT. NO. 25
Plaintiff,)	
)	
vs.)	
)	
LESEAN COLLINS, #0857181,)	
)	
Defendant.)	

NOTICE OF DEFENDANT'S SUPPLEMENTAL WITNESSES

DATE: N/A
TIME: N/A

TO: THE STATE OF NEVADA, Plaintiff, and

TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Defendant, LeSean Collins, by and through his attorneys, DAVID M. SCHIECK, Special Public Defender, and MICHAEL W. HYTE, Deputy Special Public Defender, intends to call the following witnesses in addition to those already provided in the previous Notice of Witnesses:

Donita Beasley aka Donita Starks
2221 W Bonanza Rd # 83
LVN

Curtis McKinzie
100 S. Martin Luther King
LVN

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Tricia Brewer
840 N. Clearview Ave.
Odessa TX 76763

Manual Vital
NLVPD

Carolyn White
NLVPD

Ryan McDonald, Deputy District Attorney
200 Lewis Ave.
Las Vegas NV

Rufus Hicks
Unknown Address

Wannette Pratt
Unknown Address

Melvin Earley
Unkown Address

In addition, the defense reserves the right to call any and all witnesses noticed by the State of Nevada including but not limited to those in the Information/Indictment and any amended Information/Indictment.

Dated: July 16, 2015.

RESPECTFULLY SUBMITTED

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER

/s/ MICHAEL W. HYTE

DAVID SCHIECK
MICHAEL W. HYTE
Attorneys for Collins

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing, was made on July 16, 2015, by
Electronic Filing to: DISTRICT ATTORNEY'S OFFICE by email: motions@clarkcountyda.com

/s/ Kathleen Fitzgerald

Legal Executive Assistant for
Special Public Defender


CLERK OF THE COURT

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 LESEAN TARUS COLLINS,
13 #0857181

14 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

15 SEVENTH NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
16 [NRS 174.234]

17 TO: LESEAN TARUS COLLINS, Defendant; and

18 TO: DAVID SCHIECK AND MICHAEL HYTE,
19 Special Public Defenders; Counsel of Record:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
21 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

22 **indicates additional witness(s) and/or modification(s)

23 ADAMS; LVMPD#10072

24 ALBY; LVMPD#01810

25 BEASLEY, DONITA; 2901 FERRET FALL AVE, NLV 89030

26 BORLA, FELICIA; CLARK COUNTY CORONER'S OFFICE

27 //

28 //

1 CABRALES, ALLEN; LVMPD#02045; Will testify as an expert as to the nature,
2 process and limitations of crime scene investigation, and/or as to the crime scene investigation
3 in the instant case.

4 CARTER, MAURIO; c/o CCDC - SVU

5 CHAVEZ; NLVPD#1660

6 COR or Designee; AVIS CAR RENTAL

7 COR or Designee; CCDC

8 COR or Designee; LVMPD COMMUNICATIONS

9 COR or Designee; LVMPD RECORDS

10 COR or Designee; NLVFD

11 COR or Designee; NLVPD COMMUNICATIONS

12 COR or Designee; NLVPD DETENTION CENTER

13 COR or Designee; NLVPD RECORDS

14 CUSTODIAN OF RECORDS, SPRINT/NEXTEL, Will testify as an expert in the area of
15 cellular phones and cellular system technology, including cell tower generation of calls and
16 ability to determine the location where generated based upon historical records of cellular
17 phones as well as the creation, functioning, data collection and information received and
18 collected by cellular provider sites, its analysis and conclusions which can be drawn therefrom
19 and is expected to testify thereto.

20 DAVISON, DONALD; 5965 S BRONCO ST, LVN 89118

21 EDDINS, SHALANA; 176 JUDY CT #B, HND 89015

22 EDDINS, ROBERT; c/o CCDA-SVU

23 FRIED, JONATHAN; LVMPD#08174; Will testify as an expert as to the nature,
24 process and limitations of crime scene investigation, and/or as to the crime scene investigation
25 in the instant case.

26 FURLOW, VIVIAN; c/o CCDA-SVU

1 GAUTHIER, KELLIE; LVMPD#08691; Will testify as an expert as to the nature,
2 process and limitations of DNA collection, analysis and identification, and/or as to the
3 collection, analysis and identification of DNA evidence in the instant case.

4 GRANDE, BEN; 4073 ARROWWOOD DR, LVN 89147

5 HARDY; LVMPD#03031

6 HEER, DARLENE; c/o CCDA - SVU

7 HENSON; LVMPD#03918

8 HICKS; LVMPD#06069

9 HICKS, RUFUS; 5855 VALLEY DR #2160, NLV 89031

10 HOLSTEIN, DANIEL; LVMPD#03861; Will testify as an expert as to the nature,
11 process and limitations of crime scene investigation, and/or as to the crime scene investigation
12 in the instant case.

13 HORN, DAVID; LVMPD#01928; Will testify as an expert as to the nature, process and
14 limitations of crime scene investigation, and/or as to the crime scene investigation in the instant
15 case.

16 JEFFREY, ERIKA; 2701 N BUCHANAN BLVD #1016, LVN 89108

17 KELSON, JOANNE; 7300 RED CINDER ST, LVN 89131

18 KELSON, MICHAEL; 2814 CENTRAL AVE, ALAMEDA, CA 94501

19 KOBRY; LVMPD#04983

20 LOMPNEY, JEFF; NLV FIRE AND RESCUE; Will testify as an expert as to the
21 nature, process and limitations of fire investigations, and/or as to the fire investigation in the
22 instant case.

23 LOPEZ, MARIA; HUNTINGTON BEACH POLICE DEPARTMENT; Will testify as
24 an expert as to the nature, process and limitations of crime scene investigation, and/or as to the
25 crime scene investigation in the instant case.

26 MADRIGAL, PEDRO; 1913 ALWILL ST #D, LVN 89106

27 MOGG, CLIFFORD; LVMPD#05096

28

1 **MOLNAR, DAVID L., Supervisory Criminal Investigator, Office of the Inspector
2 General, 3955 W. Russell Road, Las Vegas, Nevada 899118

3 MONTGOMERY; NLVPD#1800

4 MORGENSTERN; LVMPD#04665

5 NARVAEZ; NLVPD#2001

6 PAYTON, GLORIA; 333 ORCHID OASIS AVE, NLV 89031

7 PAYTON, TAMMY; 2554 OLIVE DR #124, PALMDALE, CA 93550

8 PENDLETON; LVMPD#03289

9 PERKINS, MICHAEL; LVMPD#04242

10 PRATT, WANNETTE; 515 N LAMB BLVD #5, LVN 89110

11 PROIETTO, DANIEL; LVMPD#08180; Will testify as an expert as to the nature,
12 process and limitations of crime scene investigation, and/or as to the crime scene investigation
13 in the instant case.

14 SCOTT; LVMPD#04532

15 SIMMS, DR. LARY; CLARK COUNTY CORONER'S OFFICE; Will testify as an
16 expert as to the nature, process and limitations of post-mortem examinations, and/or as to post-
17 mortem examination of the victim in the instant case.

18 SPOOR, MONTE; LVMPD#03856; Will testify as an expert as to the nature, process
19 and limitations of crime scene investigation, and/or as to the crime scene investigation in the
20 instant case.

21 STANCIL; NLVPD#2149

22 TURNER, JASON; CUSTODIAN OF RECORDS, AVIS

23 WHEELER; NLVPD#2144

24 WILLIAMS; LVMPD#05456

25 WILLIAMS, THERESA; 5330 E CHARLESTON BLVD #78, LVN 89142

1 These witnesses are in addition to those witnesses endorsed on the Information or
2 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
3 Witnesses has been filed.

4 The substance of each expert witness' testimony and copy of all reports made by or at
5 the direction of the expert witness has been provided in discovery.

6 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

7
8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

10 BY M. Fleck for
11 JACQUELINE BLUTH
12 Chief Deputy District Attorney
13 Nevada Bar #010625

14
15 CERTIFICATE OF ELECTRONIC MAIL

16 I hereby certify that service of State's Seventh Supplemental Notice of Witnesses
17 and/or Expert Witnesses, was made this 15th day of July, 2015, by e-mail to:

18 DAVID SCHIECK,
19 Deputy Special Public Defender
E-Mail: dschieck@clarkcountynv.gov

20 MICHAEL HYTE,
21 Deputy Special Public Defender
22 E-Mail: mhyte@clarkcountynv.gov

23 KATHLEEN FITZGERALD,
24 Legal Executive Assistant
E-Mail: kfitzger@clarkcountynv.gov

25 BY: J. Robertson
26 J. Robertson
27 Secretary of the District Attorney's Office

28 08FN2467X/jr/MVU


CLERK OF THE COURT

MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LEASEANN TARUS COLLINS,
#0857181

Defendant.

CASE NO: 09C252804

DEPT NO: XXV
DEPARTMENT XXV

NOTICE OF HEARING
DATE 7/22/15 TIME 9:00am

APPROVED BY B

NOTICE OF MOTION AND MOTION IN LIMINE

DATE OF HEARING: JULY 22, 2015
TIME OF HEARING: 10:30 A.M. 9:00am

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and files this Notice Of Motion And Motion In Limine.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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NOTICE OF HEARING

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department XXV thereof, on ~~Monday~~ ^{Wednesday} the ~~27th~~ ^{22nd} day of July, 2015, at the hour of ~~10:30~~ ^{9:00 am} o'clock A.M., or as soon thereafter as counsel may be heard.

DATED this 17th day of July, 2015.

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

BY M. Fleck for
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar #010625

The State asks this Court to limit the testimony of designated Defense expert, John Paglini, Psy.D. As currently noticed it appears as though Dr. Paglini, "will testify as to the state of mind of the Defendant at the time of the offense." While an expert may review and rely upon otherwise inadmissible evidence, they certainly are not entitled to rely on or opine over any unsworn statement given to them by a Defendant. The State is unclear as to whether or not Dr. Paglini has spoken with the Defendant, however, it's difficult for the State to see how Dr. Paglini would have any knowledge of Defendant's state of mind at the time of crime without doing so. That being said, unless the Defendant takes the stand and discusses his mental state at the time of the crime, Dr. Paglini will have no vehicle in which to provide testimony on the topic.

OPINIONS AND DEFENDANT'S STATEMENTS ARE INADMISSIBLE

A defendant cannot call an expert to testify to their thoughts in an effort to avoid taking the witness stand themselves thereby avoiding cross-examination. See *Walker v. State*, 113 Nev. 853, 944 P.2d 762 (1997), cert. denied, 525 U.S. 950, 119 S. Ct. 377 (1998). In *Walker v. State*, 113 Nev. 853, 944 P.2d 762 (1997), cert. denied, 525 U.S. 950, 119 S. Ct. 377 (1998), Walker attempted to admit the testimony of an internal medicine doctor detailing Walker's

1 history of abuse of drugs and alcohol and his level of intoxication at the time of the crime.
2 Walker sought to admit the testimony to claim he lacked the mens rea for the crime of first
3 degree murder. Id. at 871, 944 P.2d at 774. The proposed testimony was hearsay. In
4 excluding the testimony, the trial court determined that the testimony did not fall under the
5 medical diagnosis exception to the hearsay rule, id., 944 P.2d at 774, and therefore, the doctor
6 could not testify as to what Walker told him about his state of intoxication at the time of the
7 crime.

8 NRS 50.285(2) states that “[i]f of a type reasonably relied upon by experts in forming
9 opinions or inferences upon the subject, the facts or data need not be admissible in evidence.”
10 In other words, the statute allows experts to rely on information which may not conform to the
11 rules of evidence. The statute, however, does not allow for the rules of evidence to be
12 suspended so that the expert may recount this inadmissible evidence in their testimony to the
13 jury. The statute simply allows experts to review information which may not be admissible to
14 form an opinion if such information is normally relied upon in their field. Nowhere in the
15 statute is it said that an expert can recite this inadmissible evidence to a jury.

16 In fact, when referencing NRS 50.285(2), the Nevada Supreme Court has specifically
17 recognized that while the statute allows experts to rely on inadmissible evidence to form an
18 opinion, it does not allow for the admission of hearsay through an expert. In *Estes v. State*,
19 122 Nev. 1123, 146 P.3d 1114 (2007), the State presented the testimony of Dr. Elizabeth
20 Neighbors. Dr. Neighbors was called to testify regarding whether Estes was competent. When
21 Dr. Neighbors testified, she testified to the “collective opinion” of other doctors as well herself.
22 The Nevada Supreme Court noted:

23 We conclude that Dr. Neighbor’s testimony as to the opinions of
24 other doctors was likely erroneous in that such testimony
25 constituted inadmissible hearsay. NRS 50.285, however, allows
26 experts to base their opinions on facts or data that are otherwise
27 inadmissible, if such information is of a type reasonably relied
28 upon by experts in that field. Thus, Dr. Neighbors’ reasonable
reliance upon the opinions of her colleagues in forming her own
diagnosis was marginally appropriate.

1 Id. at 1126. Significantly, the Court did not conclude that the testimony that Dr. Neighbors
2 related regarding the opinions of other non-testifying doctors was somehow admissible via
3 NRS 50.285. In fact the court noted that admission of such testimony violated the statute
4 against hearsay. Id. n.51. The court merely said that it was "marginally" appropriate for Dr.
5 Neighbors to rely on those other opinions in forming her own diagnosis.

6 In addition, NRS 50.295 does not allow for the admission of hearsay evidence or,
7 significantly, for an expert to detail a version of facts offered by a witness or a defendant.
8 NRS 50.295 states that "[t]estimony in the form of an opinion or inference otherwise
9 admissible is not objectionable because it embraces an ultimate issue to be decided by the trier
10 of fact." In other words, if deemed relevant, an expert may testify that a defendant or victim
11 suffers from a certain psychological or mental condition. However, this latitude regarding
12 expert opinion testimony does not allow experts to give a version of facts offered by a victim
13 or defendant in lieu of the individual testifying. Such a holding would invade the fact-finding
14 function of the jury and would essentially put inadmissible evidence which had not been
15 subject to cross-examination before the jury.

16 For instance, in *Townsend v. State*, 103 Nev. 113, 734 P.2d 705 (1987), the State
17 introduced the testimony of an expert who examined the child-victim of a sexual assault. The
18 State presented expert testimony that the child had, in fact, been sexually assaulted and that
19 Townsend was the perpetrator. In that non-expert, factual testimony was elicited from the
20 expert along with the expert's diagnosis, the Nevada Supreme Court found error. It explained:

21 Here the expert not only opined that the child had been sexually
22 assaulted, but proceeded to identify Townsend as the perpetrator.
23 This was improper testimony as it transcended the test of jury
24 enlightenment and entered the realm of fact-finding that was well
within the capacity of the lay jury. . . it was improper to identify
the victim's father as the specific source of the assault.

25 Id. at 118, 734 P.2d at 708. Thus, the Nevada Supreme Court precludes an expert from
26 relaying factual information to a jury. Equally important, in *Townsend*, the victim testified
27 and it was still error for the expert to relay information that related to fact-finding. A jury is
28 to determine facts--whether certain events did or did not occur. That is not the province of an

1 expert. *See also In re Assad*, 185 P.3d 1044 (Nev. 2008) (expert testimony is not admissible
2 simply because it helps the proponent's case; if the testimony is irrelevant or if it
3 impermissibly encroaches on the trier of fact's province, then it is properly excluded); *Lickey*
4 *v. State*, 108 Nev. 191, 196, 827 P.2d 824, 827(1992) (noting that an expert may not comment
5 on the veracity of a witness because that would invade the prerogative of the jury).

6 The State has not yet determined whether or not Defendant's statement to law
7 enforcement will be presented during trial. Further, it is unclear whether or not Defendant has
8 made the decision to testify. Either one would be a pre-requisite for this information to
9 potentially become admissible or relevant. "If [expert testimony] is irrelevant or if it
10 impermissibly encroaches on the trier of fact's province, then it is properly excluded." *In re*
11 *Assad*, 124 Nev. 391, 400, 185 P.3d 1044, 1050 (2008).

12 CONCLUSION

13 For the reasons set forth above, the instant Motion should be granted.

14 DATED this 17th day of July, 2015.

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17 BY M. Fleck For
18 JACQUELINE BLUTH
19 Chief Deputy District Attorney
Nevada Bar #010625

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CERTIFICATE OF ELECTRONIC MAIL

I hereby certify that service of Notice of Motion and Motion In Limine was made this
17th day of July, 2015, by e-mail to:

DAVID SCHIECK, Special Public Defender
E-MAIL: dschieck@clarkcountynv.gov

MICHAEL HYTE, Special Public Defender
E-MAIL: mhyte@clarkcountynv.gov

KATHLEEN FITZGERALD, Legal Exec. Asst.
E-MAIL: kfitzger@clarkcountynv.gov

BY: 
J. ROBERTSON
Secretary for the District Attorney's Office

08FN2467X/JB/jr/MVU


CLERK OF THE COURT

1 **ORDER**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 LESEAN TARUS COLLINS,
13 #0857181

14 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

15 ORDER FOR PAYMENT OF WITNESS FEES

16 Upon the ex parte application and representation of STEVEN B. WOLFSON, District
17 Attorney, by and through his Chief Deputy District Attorney, JACQUELINE BLUTH, that
18 compelled witness RUFUS HICKS is entitled to witness fees in the sum of \$25.00 for
19 compelled appearance on the week of August 3, 2015, in the case of THE STATE OF
20 NEVADA vs. LESEAN TARUS COLLINS, Case Number 09C252804.

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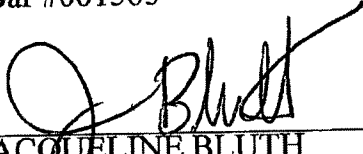
1 IT IS HEREBY ORDERED that the Comptroller of Clark County, State of Nevada, is
2 directed to make immediate payment to the said RUFUS HICKS for witness fees in the total
3 sum of \$25.00.

4 DATED this 17th day of July, 2015.

5 
6 DISTRICT JUDGE

7 STEVEN B. WOLFSON
8 District Attorney
9 Nevada Bar #001565

10 BY


11 JACQUELINE BLUTH
12 Chief Deputy District Attorney
13 Nevada Bar #010625
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jr/MVU


CLERK OF THE COURT

1 **CRTF**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 LESEAN TARUS COLLINS,
13 #0857181

14 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

15 CERTIFICATE FOR ATTENDANCE OF OUT-OF-STATE
16 WITNESS RUFUS HICKS

17 I, Kathleen Delaney, Judge of the Eighth Judicial District Court of the State of Nevada,
18 in and for the County of Clark, a Court of Record, do hereby certify:

19 1. That there is now pending in District Court the above entitled criminal
20 prosecution by the State of Nevada against LESEAN TARUS COLLINS, Defendant, wherein
21 said Defendant stands accused and charged with having committed the following criminal
22 offense(s) against the laws of the State of Nevada, to wit: the crimes of MURDER (Felony -
23 NRS 200.010, 200.030) and ROBBERY (Felony - NRS 200.380), in the following manner, to
24 wit:

25 That LESEAN TARUS COLLINS, the Defendant above named, on or about September
26 2, 2008, at and within the County of Clark, State of Nevada, contrary to the form, force and
27 effect of statutes in such cases made and provided, and against the peace and dignity of the
28 State of Nevada,

1 COUNT 1 - MURDER

2 did then and there wilfully, unlawfully, feloniously, without authority of law, and with
3 malice aforethought, kill BRANDI PAYTON, a human being, by asphyxiation and/or blunt
4 force trauma and/or manner and means unknown; said killing having been: (1) willful,
5 deliberate and premeditated; and/or (2) committed during the commission or attempted
6 commission of a felony, to-wit: Robbery.

7 COUNT 2 - ROBBERY

8 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:
9 a 2008 Hyundai bearing Nevada License No. 428UZS, cellular phone, jewelry, and/or a purse
10 and contents, from the person of BRANDI PAYTON, or in her presence, by means of force
11 or violence, or fear of injury to, and without the consent and against the will of the said
12 BRANDI PAYTON.

13 2. That the trial therein has been set by the Court to be held before the
14 Eighth Judicial District Court of the State of Nevada, in and for the County of Clark,
15 commencing on July 27, 2015, at the hour of 10:30 o'clock A.M. of said day.

16 3. That RUFUS HICKS, whose address is 150th E. 57th Street, Apartment
17 No. 3, Long Beach, CA. 90805, is a necessary and material witness and a principal witness
18 for the State of Nevada in such prosecution by reason of the following:

19 RUFUS HICKS is an essential witness because he was the boyfriend of the murder
20 victim and he was the last person to have contact with her and see her alive.

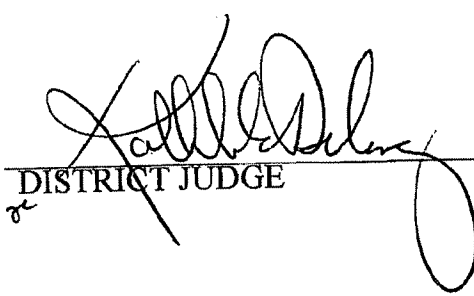
21 4. That the presence of the said RUFUS HICKS personally in said District
22 Court for the trial of the Defendant for the purpose of giving testimony therein upon the part
23 of the State of Nevada on the week of August 3, 2015, at the hour of 10:30 o'clock A.M. of
24 said day will be required for a period of one (1) day(s).

25 5. That if the said RUFUS HICKS as such witness comes into the State of
26 Nevada in obedience to a Subpoena directing him to attend and to testify at said trial, the laws
27 of the State of Nevada and of any other state through which said witness may be required to
28 pass by the ordinary course of travel to attend said trial, give him protection from arrest or the

1 service of process, civil or criminal, in connection with matters which arose before his entrance
2 into said state pursuant to said Subpoena.

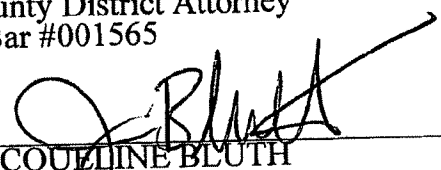
3 6. That this Certificate is made for the purpose of being presented to a Judge
4 of a Court of Record in the County of Los Angeles, State of California, where the said RUFUS
5 HICKS now is, upon proceedings to compel the said to attend and testify at the trial in said
6 criminal prosecution before the Eighth Judicial District Court of the State of Nevada, in and
7 for the County of Clark, upon the day and time hereinbefore set forth.

8 WITNESS, the Honorable Kathleen Delaney, Judge of the Eighth Judicial District
9 Court of the State of Nevada, in and for the County of Clark, this this 17th day of July,
10 2015.

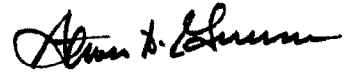
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12 
13 DISTRICT JUDGE
14

15 STEVEN B. WOLFSON
16 Clark County District Attorney
17 Nevada Bar #001565

18 BY


19 JACQUELINE BLUTH
20 Chief Deputy District Attorney
21 Nevada Bar #010625
22
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24
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27

28 jr/MVU



CLERK OF THE COURT

1 **RAOW**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 LESEAN TARUS COLLINS,
13 #0857181

14 Defendant.

CASE NO: 09C252804

DEPT NO: XXV

15 **REQUEST FOR ATTENDANCE OF OUT-OF-STATE**
16 **WITNESS RUFUS HICKS**

17 TO: The Honorable Judge of the above entitled Court:

18 The undersigned, JACQUELINE BLUTH, Chief Deputy District Attorney of the
19 County of Clark, State of Nevada, hereby reports and certifies as follows:

20 1. That there is now pending in District Court the above entitled criminal
21 prosecution by the State of Nevada against LESEAN TARUS COLLINS, Defendant, wherein
22 said Defendant stands accused and charged with having committed the following criminal
23 offenses against the laws of the State of Nevada, to wit: the crime(s) of MURDER (Felony -
24 NRS 200.010, 200.030) and ROBBERY (Felony - NRS 200.380), in the following manner, to
25 wit:

26 That LESEAN TARUS COLLINS, the Defendant above named, on or about September
27 2, 2008, at and within the County of Clark, State of Nevada, contrary to the form, force and
28

effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - MURDER

did then and there wilfully, unlawfully, feloniously, without authority of law, and with malice aforethought, kill BRANDI PAYTON, a human being, by asphyxiation and/or blunt force trauma and/or manner and means unknown; said killing having been: (1) willful, deliberate and premeditated; and/or (2) committed during the commission or attempted commission of a felony, to-wit: Robbery.

COUNT 2 - ROBBERY

did then and there wilfully, unlawfully, and feloniously take personal property, to-wit: a 2008 Hyundai bearing Nevada License No. 428UZS, cellular phone, jewelry, and/or a purse and contents, from the person of BRANDI PAYTON, 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 BRANDI PAYTON.

2. That the trial therein has been set by the Court to be held before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, commencing on July 27, 2015, at the hour of 10:30 o'clock A.M. of said day.

3. That RUFUS HICKS, whose address is 150th E. 57th Street, Apartment No. 3, Long Beach, CA. 90802, is a necessary and material witness and a principal witness for the State of Nevada in such prosecution by reason of the following:

RUFUS HICKS is an essential witness because he was the boyfriend of the murder victim and he was the last person to have contact with her and see her alive.

4. That the presence of the said RUFUS HICKS personally in said District Court for the trial of the Defendant for the purpose of giving testimony therein upon the part of the State of Nevada on the week of August 3, 2015, at the hour of 10:30 o'clock A.M. of said day will be required for a period of one (1) day(s).

5. That if the said RUFUS HICKS as such witness comes into the State of Nevada in obedience to a Summons directing him to attend and to testify at said trial, the laws

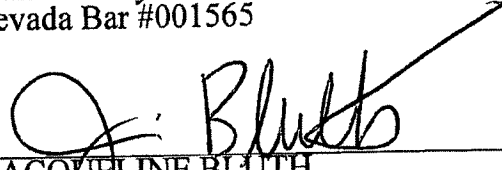
1 of the State of Nevada and of any other state through which said witness may be required to
2 pass by the ordinary course of travel to attend said trial, give him protection from arrest or the
3 service of process, civil or criminal, in connection with matters which arose before his entrance
4 into said state pursuant to said Summons.

5 WHEREFORE, it is requested, for and on behalf of the State of Nevada, that your
6 Honor certify to the above and foregoing by the issuance of a Certificate thereto under the seal
7 of the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark,
8 for the purpose of being presented to a Judge of a Court of Record in the State of California in
9 a proceeding to compel the attendance of the said RUFUS HICKS as a witness at said trial for
10 the time and date above set forth, and pursuant to law.

11 DATED this 15th day of July, 2015, in the City of Las Vegas, County of Clark,
12 State of Nevada.

13 STEVEN B. WOLFSON
14 Clark County District Attorney
Nevada Bar #001565

15
16 BY


17 JACQUELINE BLUTH
18 Chief Deputy District Attorney
19 Nevada Bar #010625
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jr/MVU

AFIDAVIT

STATE OF NEVADA)
COUNTY OF CLARK) ss:

JACQUELINE BLUTH, being first duly sworn deposes and says:

That she is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of seven (7) years.

This matter has been set for jury trial, said hearing to commence at or about 9:00 a.m. on the 27th day of July, 2015 in said Court.

Your affiant will advise the Court that one Rufus Hicks, ID# 01998634, of Las Vegas, Clark County, Nevada, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which he is a material and essential witness.

In June of 2015, Mr. Hicks was subpoenaed to testify in the trial currently commencing on July 27th before this Court.

I have been the prosecuting attorney on this case since its inception in 2008. This matter has been set for trial multiple times over 7 years, I do not believe that service has ever been effectively made on Mr. Hicks.

When I learned that Mr. Hicks was not responding to service and that his family members would not discuss his whereabouts, I asked District Attorney Criminal Investigator, Ron Acuna to attempt to serve Mr. Hicks. His affidavit of his efforts are attached as "Exhibit 1".

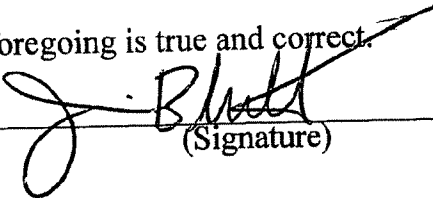
The District Attorney's Office now has information that Mr. Hicks is living in Long Beach, California. Again, as aforementioned, he will not respond to any attempts to make contact with him and his family will not advise the State as to where he is.

1 THEREFORE, your affiant would respectfully pray that this Honorable Court under
2 the authority of NRS 178.494 issue an Order directing that any police officer of this State shall
3 forthwith take the said Rufus Hicks, ID# 01998634, into custody and forthwith convey to the
4 jail of the County of Clark, State of Nevada, for incarceration to insure his presence before the
5 Eighth Judicial District Court.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on

7/15/15
(Date)


(Signature)

AFFIDAVIT

STATE OF NEVADA)
COUNTY OF CLARK) ss:

RON ACUNA, being first duly sworn deposes and says:

That I am employed in the Office of the Clark County District Attorney, State of Nevada as an investigator assigned to the Major Violators Unit of the Clark County District Attorney's Office. I have been employed with Clark County since March of 2005.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which he is a material and essential witness.

One of my duties is to locate and serve criminal subpoenas for those witnesses who are material to the matter before the court. I have made the following attempts to locate and serve Rufus Hicks.

I have recently been assigned to assist the prosecution of the State of Nevada v. Lesean Tarus Collins, C252804. This case is set for trial on July 27, 2015 at 9:00 A.M.

On June 30th, 2015, I ran a National Comprehensive report of Rufus Hicks. I learned through this report, Rufus Hicks has a last known address of 5529 Dairy Ave, Long Beach California.

I also ran a search through California DMV which shows he has an expired Driver's License listing his address as 150th E. 57th St Apt. #3 Long Beach California.

I then checked for local, (Nevada) driver's license and/or utilities for local addresses. Could not locate current a current residence.

I ran a database search through "NCIC" and saw a 2008 arrest for transporting PCP out of Long Beach California.

I checked to see if Rufus Hicks was in custody in Nevada and California and found that he is not in custody at the local or state level.

I checked California Department of Probation, Hicks is off probation with no current holds.

1 I contacted Homicide Investigator Mark Mattia, 562-247-2200, Long Beach Police
2 Department. I requested his assistance in locating Rufus Hicks in the Long Beach area Det.
3 Mattia contacted residents at the following locations:
4 5529 Dairy Ave #2 Long Beach Calif. This is the residence of Monica Hicks, sister of Rufus
5 Hicks. Claims no contact with Rufus Hicks. She also would not provide any forwarding
6 information as to her brother. Contact was also made at 150th E. 57th Street, Apartment No. 3,
7 Long Beach, California. This address shows utilities in the name of Rufus Hicks. Occupants
8 of the apartment complex would not provide any information regarding Rufus Hicks.

9 Contact has been made with multiple individuals related to Mr. Hicks, they are
10 unwilling to provide any information on his whereabouts.

11
12 I declare under penalty of perjury that the foregoing is true and correct.

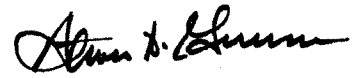
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14 Executed on

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1 TRAN
2 CASE NO. 09-C-252804
3 DEPT. NO. 25

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CLERK OF THE COURT

4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 * * * * *

8
9 THE STATE OF NEVADA,)

10 Plaintiff,)

11 vs.)

12 LESEAN COLLINS,)

13 Defendant.)
14 _____)

REPORTER'S TRANSCRIPT
OF
CALENDAR CALL

15
16
17 BEFORE THE HONORABLE KATHLEEN DELANEY
18 DISTRICT COURT JUDGE

19 DATED: MONDAY, JULY 20, 2015
20
21
22
23
24

25 REPORTED BY: Sharon Howard, C.C.R. #745

1 APPEARANCES:

2 For the State:

ELISSA LUZAICH, ESQ.

3 JACQUELINE BLUTH, ESQ.

4
5
6
7 For the Defendant:

DAVID SCHIECK, ESQ.

8 MICHAEL HYTE, ESQ.

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1 LAS VEGAS, NEVADA; MONDAY, JULY 20, 2015

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: Page 8, State of Nevada vs. Lesean
6 Collins. We know this matter is ready to go, I believe.
7 I think there are a couple of housekeeping matters we
8 should address. You may have an order.

9 MS. LUZAICH: I do. When we were -- the defense
10 and I were with the court's clerk last week copying
11 exhibits from the arson case, there are some things she
12 did not have the ability to copy, they're discs. So the
13 court signed an order releasing the discs to me. I'll
14 copy them and give a copy to defense and give them right
15 back to the clerk.

16 THE COURT: Okay. We are ready.

17 Did we identify --

18 MS. LUZAICH: Exactly what they are.

19 THE COURT: Thank you.

20 Mr. Schieck, anything from --

21 MR. SCHIECK: Mr. Collins requested not to be
22 transported today for the calendar call, so we'd ask you
23 to waive his appearance.

24 THE COURT: He stood up when I called the matter
25 and nobody else was here, so we were surprised as well.

1 But he is --

2 MR. SCHIECK: It was not on our transport order.
3 Our order was not served on the prison.

4 MR. HYTE: Your Honor, we got the jurors we've
5 agreed to excused. That was emailed over this morning.

6 THE COURT: We were anticipating that by noon
7 today. When it comes in my JEA will process it. We were
8 just looking for, I think what you indicated you were
9 going to give us, a complete listing of the ones you've
10 agreed upon. I think we had some contact with regard to
11 some others that we had also excused.

12 MS. LUZAICH: The Defense and the State had
13 agreed to all of the ones that the court sent us. They
14 were on our list as well, we just have a few above and
15 beyond that.

16 MR. HYTE: I'll e-mail that this morning.

17 THE COURT: We'll look for that.

18 MR. HYTE: Additionally your Honor, the State on
19 Friday filed a motion to limit the testimony of the expert
20 that we endorsed, Dr. Pagalini. We're not opposing that
21 motion. I don't know if it makes sense to vacate that
22 hearing. It is set for Wednesday.

23 THE COURT: We could have a stipulation to
24 vacate that hearing. I'd like to have an order in the
25 record. Is someone willing to prepare that.

1 MS. BLUTH: The State will, your Honor.

2 THE COURT: I'll have the State prepare the
3 order. We'll accept that stipulation and vacate the
4 matter on calendar for Wednesday.

5 Anything else.

6 MR. HYTE: Additionally, your Honor, I've got
7 an order to transport Mr. Collins for the trial next
8 week.

9 May I approach.

10 THE COURT: You may.

11 I did sign the ex-parte order to transport the
12 Defendant. I don't know why that would be the case, but I
13 know we have had circumstances in the past where sometimes
14 if the order is coming from someone other than the State
15 it doesn't happen. But we have officers here and my
16 assumption would be they would be making notes he's to be
17 transferred back for trial. I don't know if it's worth a
18 call from the State to make sure that happens. I don't
19 anticipate a problem, but one never knows.

20 I would like to pick our start time for next week as
21 well. I know it is in the system as 10:30. That's the
22 standard time frame we give. We can't start the jury
23 selection until the afternoon. I would anticipate we're
24 looking at a couple of days of jury selection.

25 MS. LUZAICH: State agrees.

1 THE COURT: Unless someone tells me otherwise.

2 MS. LUZAICH: Can we approach on an unrelated
3 issue.

4 THE COURT: Please.

5 (Discussion held at the bench.)

6 THE COURT: Thank you.

7 I appreciate the opportunity to discuss that
8 scheduling matter, which we'll address more specifically
9 when we commence the trial on Monday. Our start time for
10 jury selection is 1:30.

11 Is there anything else we need to address.

12 MS. LUZAICH: Just real quickly. Do you
13 think -- this is -- we won't hold you to it. Will Tuesday
14 be starting in the morning at the end of your civil
15 calendar or would that be an afternoon also -- just
16 Tuesday.

17 THE COURT: I know that we have a terrible
18 calendar tomorrow and the following Tuesday is bad. It
19 will have to be an afternoon start. But we can start at
20 1:00.

21 MS. LUZAICH: 1:00 o'clock Tuesday.

22 THE COURT: Yes. By Monday I'll have a clear
23 idea of what the remainder of the week will be and looking
24 into the following week to the best of our ability. We
25 have crazy calendars right now. I don't know what's going

1 on with them. They are out of control.

2 Mr. Schieck, anything else.

3 MR. SCHIECK: Your Honor, a couple of things.

4 We have an out-of-state expert we intend to utilize
5 concerning cell phones. We have flexibility on that date.
6 We had planned bring him in on Monday to testify Tuesday
7 of the second week of trial, and we had discussions
8 outside and again at the bench there would be some
9 accommodation of calling him out of order if necessary.
10 One thing that we want to be able to do is call him after
11 the State presents their cell phone testimony. So there
12 may have to be some flexibility there. Otherwise, I think
13 we're ready to go.

14 There is one additional matter that has come to my
15 attention. This flows out of the arson case. As the
16 court is aware, there was a post-conviction proceeding in
17 the arson case in Department 12, which has been denied by
18 the court. There has not been a written order filed yet
19 so there hasn't been an appeal pursued yet out of that
20 Department 12 case.

21 However, at the argument, we ordered the transport
22 out of Department 12 to confirm this information. At the
23 argument it was represented by the State that their arson
24 expert's testimony at the Petrocelli hearing was in some
25 manner incorrect, and that they were going to correct that

1 during the course of the trial. Well, your Honor based
2 the decision at the Petrocelli hearing based in part on
3 that testimony.

4 We have received no notice as to how it was incorrect
5 and the what explanation is for it being incorrect and why
6 it hasn't been corrected in the record up to this point
7 when we're at calendar call getting ready to go to trial.
8 We may need to have another Petrocelli hearing so we have
9 the correct testimony for the court to make its ruling
10 on.

11 If in fact the State is aware their witness gave
12 incorrect testimony, we should have been noticed as soon
13 as they were aware of that, not learning it second hand
14 from the post-conviction hearing.

15 THE COURT: Ms. Bluth.

16 MS. BLUTH: Jacqueline Bluth on behalf of the
17 State.

18 I was the individual who made the representations in
19 Department 12. The representations I made was that Mr.
20 Schieck was the one who figured out the representations
21 during the Petrocelli hearing were incorrect. If you
22 remember at trial the arson expert testified there were 3
23 independent fires started. In the Petrocelli hearing he
24 said 4. And then Mr. Schieck is the one that said that
25 would be incorrect because at trial you stated there were

1 3. It kind of went back and forth.

2 It was my understanding from his investigation from
3 the first trial there were 3. So I'm not sure whether
4 there was 3 fires or 4 fires, what that has to do with
5 anything having to do with the Petrocelli hearing.

6 The fact that he made a mistake and said there was
7 the starting of one more fire than his original testimony,
8 I don't believe that's relevant in any way in regards to
9 the decisions your Honor made before -- after the
10 elimination of the Petrocelli hearing.

11 I apologize. It's not that I was trying to hide the
12 ball from Mr. Schieck. It was my understanding that Mr.
13 Schieck was the one who had figured that out during the
14 hearing in and of itself. So what I meant by it being
15 corrected was if we do choose to use the arson case in the
16 murder, then we would have a pretrial and discuss whether
17 there were 3 independent fires started or 4. It has
18 always been the State's position and always has been the
19 fire investigator's opinion there were 3 independent fires
20 started.

21 It's my belief that he was just mistaken and said 4
22 during the Petrocelli hearing. That is all that went on
23 during Department 12's post-conviction hearing.

24 MR. SCHIECK: I have the transcript and my
25 question was, the question I'm getting to is how many

1 distinct areas of fire did you find in the house.

2 Their arson investigator said, there was 4, sir.

3 It wasn't something I made up and tricked him into
4 saying there were 4 distinct areas of fire.

5 THE COURT: I don't hear anyone accusing you of
6 tricking him. I hear the argument being that it would not
7 change the outcome of the Petrocelli hearing. I'm just
8 getting this information for the first time right now. I
9 would be happy to look at the transcript and see. I can't
10 anticipate at this point that it would change the outcome
11 of the hearing, but I do think we would want to clarify
12 that testimony if and when the State is going to procure
13 it for this case.

14 But I need obviously to review that and see. But
15 innocent misrecollection of testimony is not going to be
16 something that's going to change the basis upon which the
17 court determined that the prior trial would be able to, on
18 a limited basis, be utilized in this trial. But I'll take
19 a look at the transcript and we can address it on
20 Monday.

21 MR. SCHIECK: Thank you, your Honor.

22 THE COURT: Let's plan on being together at
23 1:15. That way we have a little time for housekeeping
24 matters, address this further.

25 MR. SCHIECK: Mr. Collins had indicated to me

1 earlier he was not going to come to the trial. So your
2 Honor, the transport order is in place and we'll deal with
3 that --

4 THE COURT: For the record, I can hear that
5 Mr. Collins is saying something. I can't make out what
6 that is.

7 THE OFFICER: He wants out.

8 THE COURT: Because defense counsel is between
9 me and Mr. Collins.

10 I'll note that Mr. Collins has requested to be
11 removed from the court. We are removing him from the
12 courtroom at his request.

13 So you are aware, Mr. Schieck, we have had prior
14 trials where the Defendant has absented himself from the
15 courtroom. I did so in those circumstances with a full
16 canvass of the Defendant, making sure he understood what
17 his rights were.

18 It is the right of a Defendant not to have to be
19 forced to be present for the time of trial, but that he
20 understands the potential consequences of that. And I had
21 an admonishment that I read to the jurors. It's patterned
22 very much after the right of a defendant not to be
23 compelled to testify. I read it each day that the
24 defendant chose not to be present.

25 So we obviously with Mr. Collins being removed just

1 now have not had the opportunity to engaged in that
2 canvass. I trust and the best course of action right now
3 is between now and when we return on Monday you'll have
4 further opportunity to speak with Mr. Collins and
5 encourage him to be present at the time of voir dire. If
6 he is not present as we commence trial Monday, I may do an
7 order to compel him to be present at least for me to do
8 the canvass, not for forcing him to stay for the trial. I
9 believe it's his right not to be present.

10 MR. SCHIECK: As it stands now, I think we need
11 to be prepared to do the canvass Monday. We'll address
12 the issue at that time.

13 THE COURT: If he refuses to come we'll do an
14 order to compel.

15 MR. SCHIECK: We are endeavoring to speak with
16 him at the prison this week.

17 THE COURT: If he's here Monday we'll address it
18 then. If he is not here Monday, we'll figure out a way to
19 address that.

20 MR. SCHIECK: If the court could, provide us
21 with a copy of the admonishment and canvass you would do
22 on the defendant so we can prepare him for that or voice
23 our own.

24 THE COURT: I have the instruction. I called it
25 an admonishment, but it's more an instruction to the

1 jurors. I don't have the canvass because I sort of made
2 that up because we weren't expecting it in the prior
3 trial. But it would be -- again, the whole thing for me
4 is patterned after the canvass we'd do for someone who is
5 making a determination whether or not they are going to
6 elect to testify. The instruction flows from the choice
7 not to testify in those circumstances.

8 I would be happy to forward that to you. The
9 possibility of not testifying came up in a trial recently
10 and I forwarded them that information so they can see what
11 the instruction looked like and where it was include in
12 the circumstances. This is a case Ms. Luzaich would be
13 familiar with -- Dr. Zangie.

14 MS. LUZAICH: Mr. Zangie.

15 THE COURT: Thank you.

16 So I will make sure that counsel gets copied on
17 that.

18 MR SCHIECK: Thank you.

19 THE COURT: Thank you all. See you Monday at
20 1:15.

21 THE CLERK: July 27th at 1:15.

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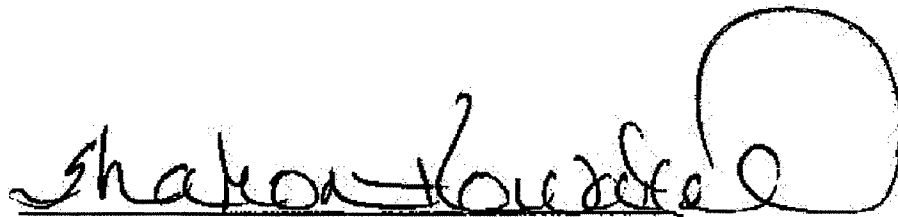
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CERTIFICATE
OF
CERTIFIED COURT REPORTER

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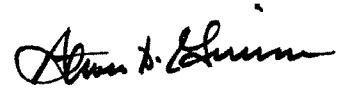
I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard
C.C.R. #745

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,)
) Case No. 09C252804
Plaintiff,)
) Dept. No. XXV
vs.)
)
LESEAN TARUS COLLINS,)
)
Defendant.)
)
)
)

BEFORE THE HONORABLE KATHLEEN DELANEY

JULY 27, 2015, 1:15 P.M.

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

APPEARANCES:

(See separate page)

REPORTED BY: BRENDA SCHROEDER, CCR NO. 867

1 APPEARANCES:

2 For the Plaintiff:

3 JACQUELINE BLUTH, ESQ.
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6 Las Vegas, Nevada 89155

7 LISA LUZAICH, ESQ.
8 Chief Deputy District Attorney
9 200 Lewis Avenue
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11 For the Defendant:

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13 Deputy Special Public Defender
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<p>1 LAS VEGAS, CLARK COUNTY, NEVADA</p> <p>2 MONDAY, JULY 27, 2015, 1:15 P.M.</p> <p>3 PROCEEDINGS</p> <p>4 * * *</p> <p>5 THE COURT: We are on the record in the State of</p> <p>6 Nevada versus Lescan Collins. For counsel's knowledge my</p> <p>7 marshal is on his way down to get the jurors. We have 70</p> <p>8 jurors at this point with the ones that were previously</p> <p>9 agreed upon to be excluded because of their travel plans</p> <p>10 or other hardship issues. There was a juror, Number 20,</p> <p>11 who we have not excused but who is not present today and</p> <p>12 she is on our list. The last three digits are 028, first</p> <p>13 page, Ms. Garcia.</p> <p>14 Apparently, she already has -- and this is just</p> <p>15 for the record, the note that we got from Jury Services</p> <p>16 this morning was Gissella Garcia is scheduled to return</p> <p>17 today for a panel for Department 25. She is not coming</p> <p>18 in due to a preplanned trip. She did not send any</p> <p>19 documents either. And so she could possibly have an</p> <p>20 order of contempt.</p> <p>21 In her questionnaire she did not say anything</p> <p>22 about any travel. She did have some information that she</p> <p>23 provided. She checked the box on the line that said, No,</p> <p>24 she couldn't serve, but she did not indicate any travel</p> <p>25 issues just other issues. So the Court is still</p> <p style="text-align: right;">3</p>	<p>1 What Mr. Collins has represented to me by your</p> <p>2 counsel right before we went on the record this morning</p> <p>3 is that you intend to remain present while we commence</p> <p>4 during jury selection in your jail blues. And the</p> <p>5 officer indicated that you did not wish to have your</p> <p>6 chains removed.</p> <p>7 I will tell you right now, Mr. Collins, I am not</p> <p>8 about to go down the road here where we set a trial up</p> <p>9 before we even begin for appeal because you are desiring</p> <p>10 to be present wearing a certain set of clothing and</p> <p>11 wearing your chains. That's just not going to happen.</p> <p>12 You certainly have the right not to be compelled</p> <p>13 to be present for the trial, and I will hear from counsel</p> <p>14 in the event they wish to speak to this. I do not</p> <p>15 believe you have the right to set up this trial for a</p> <p>16 mistrial. And I don't believe that you have the right to</p> <p>17 be present dressed in a certain way that would clearly do</p> <p>18 that in my opinion.</p> <p>19 So we need to, obviously, address this. And,</p> <p>20 again, you have the right not to be present, which is</p> <p>21 what you said last week and that's fine. We need to have</p> <p>22 a discussion about that. But that's fine. So I guess I</p> <p>23 am asking you directly, Mr. Collins, and I will note for</p> <p>24 the record that at no time as I have been speaking to you</p> <p>25 or your counsel have you looked up or acknowledged or</p> <p style="text-align: right;">5</p>
<p>1 contemplating how to address this and whether to issue a</p> <p>2 contempt order or not. Likely will but that will not</p> <p>3 have any impact on us proceeding today.</p> <p>4 My marshal is on his way down to get the panel.</p> <p>5 We can fit a couple of counsel chairs behind us to those</p> <p>6 rows. We can actually fit 70 people in the courtroom, so</p> <p>7 because that is the number we have, rather than leave</p> <p>8 anybody downstairs or anybody in the hallway, we will</p> <p>9 just bring them all in because I have a hunch we are</p> <p>10 going to lose some additional folks if not for additional</p> <p>11 hardship reasons, we've got some language issues. None</p> <p>12 of those were pre-excused, so I don't doubt for a minute</p> <p>13 that the room will be emptier, so to speak, once we get</p> <p>14 started.</p> <p>15 The main issue, obviously, that I think we have</p> <p>16 to address at this time is we have been notified earlier</p> <p>17 today that Mr. Collins had opted not to dress out for</p> <p>18 purposes of the trial to commence. And I assumed clearly</p> <p>19 and correctly so that that meant that Mr. Collins was</p> <p>20 going to follow through on what he had said last week at</p> <p>21 calendar call which was his intent not to be present at</p> <p>22 the time of trial.</p> <p>23 Obviously, we know we would have to have</p> <p>24 Mr. Collins here at some point to have a discussion with</p> <p>25 him about his rights whether or not to be present.</p> <p style="text-align: right;">4</p>	<p>1 engaged with the Court in any way. Now you are looking</p> <p>2 up and I appreciate that. But I need you to advise me</p> <p>3 whether or not you are going to choose to exercise your</p> <p>4 right not to be present once we bring the jurors in to</p> <p>5 start the jury selection and commence with trial. Are</p> <p>6 you going to be here or are you not going to be here?</p> <p>7 THE DEFENDANT: I am going to be here.</p> <p>8 THE COURT: You are going to be here?</p> <p>9 THE DEFENDANT: Yes, ma'am.</p> <p>10 THE COURT: What is the purpose behind your</p> <p>11 desire to be present in your blues with your chains?</p> <p>12 THE DEFENDANT: I have a right to be here.</p> <p>13 THE COURT: I did not say you didn't have a</p> <p>14 right to be here. What is your purpose for being here</p> <p>15 dressed in your blues with your chains?</p> <p>16 THE DEFENDANT: Do I have an excuse why?</p> <p>17 THE COURT: I am asking you if you have a</p> <p>18 reason.</p> <p>19 THE DEFENDANT: No. No specific reason.</p> <p>20 THE COURT: Then if you don't have a reason then</p> <p>21 you can dress out and put on regular clothes, right?</p> <p>22 THE DEFENDANT: What do you mean regular</p> <p>23 clothes? I don't wear other people's clothes. I don't</p> <p>24 need other people's clothes.</p> <p>25 THE COURT: You may not need other people's</p> <p style="text-align: right;">6</p>

1 clothes but if you don't have a reason for being in your
2 blues and chains then you could be here in regular
3 clothes and not chains.
4 So I could have the officers take you back down
5 and dress you out and bring you back up.
6 THE DEFENDANT: No. I am comfortable.
7 THE COURT: Does the State have any position?
8 MS. LUZAICH: I cannot remember if the case is
9 *Duckworth*, but the supreme court is very clear that if he
10 is in chains and/or jail blues it is incredibly
11 prejudicial and we would object.
12 I had a case some 15, 20 years ago where Judge
13 Loeher had her law clerk go to Fremont Street and buy a
14 T-shirt and a pair of pants for the defendant who was
15 refusing to dress out or wear somebody else's clothes.
16 So there is always that option. Fremont Street is not
17 that far.
18 THE COURT: Mr. Schieck.
19 MR. SCHIECK: Your Honor, I can represent that
20 our office has offered to provide street clothes for
21 Mr. Collins to wear if that was his desire and he
22 indicated it was not his desire, that he wished to wear
23 his jail blues.
24 THE COURT: Do you want to address the other
25 issue with regard to the prejudice that would be

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1 occasioned of Mr. Collins? If you don't have a position
2 on that I suppose that's fine. But I think we should
3 have a full record as to counsel's position on that.
4 MR. SCHIECK: Your Honor, it is my position and
5 our position that a defendant that appears in front of a
6 jury in shackles is prejudiced by that appearance because
7 it appears to the jury that he is of such a nature that
8 he has to be shackled to sit at counsel's table.
9 Likewise, it is always my advice to clients that
10 they wear regular clothes to court so that they are not
11 seen in their jail clothes and that is the advice that I
12 have given to Mr. Collins. I cannot, however, force a
13 client to wear something he does not wish to wear.
14 THE COURT: Understood.
15 So, Mr. Collins, I ask you again, what is your
16 reasoning for wanting to wear your jail blues and wanting
17 to wear your chains?
18 THE DEFENDANT: I'm comfortable.
19 THE COURT: I find that hard to believe, sir.
20 At the end of the day, here's how we're going to
21 address this. I'm going to send you -- you can keep
22 talking to your counsel all you want, Mr. Collins, but
23 the Court is making its determination now. Do you want
24 to confer with your counsel?
25 MS. LUZAICH: In theory, as long as they take

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1 off the chains if you turned the blues inside out so that
2 you cannot see "CCDC" --
3 MR. SCHIECK: Your Honor, I apologize. I cannot
4 listen to my client tell me one thing if Ms. Luzaich is
5 making argument at the same time.
6 THE COURT: That's fine. Go ahead, Mr. Schieck.
7 MR. SCHIECK: Give me one second and then I will
8 be able to pay attention.
9 THE COURT: No problem.
10 MR. SCHIECK: Your Honor, Mr. Collins points out
11 that he has the right to testify if he so chooses and if
12 he does testify the fact that he is convicted of previous
13 felonies is going to be known by this jury anyway and if
14 they are going to know then there's no prejudice for them
15 actually seeing him in his jail clothes because they are
16 going to know eventually that he is convicted, that he
17 has a record. And it is, again, his position that given
18 the fact the jury is going to learn this information
19 anyway.
20 And, again, we had a situation with the arson
21 case which had come in only recently in Nevada, we kept
22 stating in case they weren't going to admit the arson we
23 thought that arson conviction was going before the jury.
24 And so it is Mr. Collins' wish to be comfortable and he
25 is most comfortable in the blues -- actually it's jail

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1 clothes.
2 THE COURT: I used that terminology as well.
3 So one of the issues of prejudice, Mr. Collins,
4 is not just that the jurors might at some point find out
5 that you have another conviction within the last ten
6 years which could at least be what the conviction is and
7 that alone would come in unless you somehow denied it and
8 then more details could come in.
9 But that does not speak to the situation of your
10 current incarceration, the fact that you would be wearing
11 chains which could be perceived as you being somehow
12 particularly dangerous in this moment. The wearing of
13 the jail garb and the chains is a present moment
14 prejudice. It is not a they might find out if you take
15 the stand that there is a conviction. That is not the
16 concern.
17 So I appreciate that you are now at least
18 articulating something about why you have a thought
19 process that you have, but that does not address the
20 concerns that the Court has about setting this case up
21 for a mistrial or setting this case up for more likely an
22 appellate issue because you choose to sit there in what
23 you are describing as more comfortable wearing your
24 chains. That's not going to happen. Bottom line the
25 chains are coming off.

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1 Now, if you want to sit there in your blues,
2 what Ms. Luzaich was pointing out and while you were
3 talking to your counsel and we stopped that communication
4 at that moment was that there is only one aspect of your
5 clothing that reflects CCDC and otherwise there is a lot
6 of people that run around in scrubs and sweat clothes and
7 whatever other things that might be more comfortable and
8 that would not automatically reveal.
9 Now, I'm assuming, and I didn't look to see if
10 he's got the sandals and the orange socks --
11 MR. SCHIECK: He does.
12 THE COURT: So some people may know what that
13 means but there is only so much we can do. It is not my
14 intention, sir, to have you sitting here in chains and in
15 your jail clothes.
16 Now there's one of two ways we can do this. I
17 can send you back down with the officers because it is
18 still going to take a few minutes to get these jurors up
19 here and you can change your clothes into street clothes
20 and give your counsel and this trial the opportunity to
21 proceed fairly and whatever shenanigans you want to do
22 put them aside. Or you can go in the back here, we'll
23 take the chains off and we'll take the orange socks off
24 and we'll turn your shirt inside out.
25 If you go back down to change your clothes and

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1 decide not to come back up you certainly have your right
2 not to be present at the time of trial. So arguably
3 wouldn't you be more comfortable some place else but I
4 want you here but it's still your choice.
5 So if this is all about your comfort, take a
6 choice: Clothes you have on now with some adjustments
7 and no chains, go down and actually put some reasonable
8 appropriate clothes on for somebody who is facing a jury
9 and protesting their innocence, or go back down and don't
10 return because you have that right as well.
11 THE DEFENDANT: There is no such thing as
12 appropriate clothes.
13 THE COURT: I am not here to debate you, sir.
14 Those are your three choices. What do you want to pick?
15 MR. SCHIECK: Can we go in the back and talk
16 with him for a few minutes, Your Honor?
17 THE COURT: Absolutely. We'll take a brief
18 recess.
19 (Whereupon, a recess was taken.)
20 THE COURT: All right. Back on the record. I
21 want to note for the record that counsel and Mr. Collins
22 have now returned to the courtroom. Before we took that
23 break for counsel to speak with Mr. Collins I posed three
24 options to Mr. Collins. Mr. Collins, what is your
25 choice?

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1 THE DEFENDANT: Your Honor, I decline all the
2 options that you put forth. If you have to force me to
3 do something then you have to force me to do it.
4 THE COURT: I will force you then to step in the
5 back. We will remove the chains and turn the shirt
6 inside out and we will take the orange socks off. You
7 will remain present here without any visible outward
8 indicia that you are currently housed at the Clark County
9 Detention Center. I will ask the officers to take you in
10 the back.
11 By the way, I would note that I just checked
12 with my JEA and the jurors are still not up here yet. We
13 had built in a few minutes anyway separate and apart from
14 this issue to address anything that might be outstanding.
15 Do we have anything further that we need to
16 address?
17 MS. LUZAICH: One thing I was just thinking,
18 could we potentially get three alternates instead of two
19 since we are going to go over two weekends?
20 THE COURT: I do not have an opposition to that
21 it's just in terms of how many people we have to qualify
22 and redo the math in my head, I haven't done it yet.
23 MS. LUZAICH: No. It's just one more person
24 because if there's one alternate we get one preempt. If
25 there's two or more alternates we get two preempts, so

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1 the one more alternate is equal to one more person.
2 THE COURT: I haven't actually had that come up
3 before so I didn't realize -- like the preempts I thought
4 we just had to add a person to the alternates or how many
5 people we were going to qualify.
6 MS. LUZAICH: It is my understanding that, no,
7 one preempt for one alternate; two for two or more.
8 Agree? Disagree?
9 MR. SCHIECK: I believe that is correct.
10 THE COURT: Okay. Good to know. All right. Do
11 you have any opposition to us having a third alternate?
12 MR. SCHIECK: No opposition, Your Honor.
13 THE COURT: Okay.
14 MR. HYTE: Your Honor, one more thing. I did
15 notice when going through the questionnaires in this case
16 there was a body found out in the desert and
17 unfortunately that is not an uncommon way that bodies are
18 found in murder cases and so there are a number of jurors
19 that did indicate on their questionnaire I might have
20 known something about the case based on the media.
21 I think one gentleman said he saw this on Fox
22 news as an open-and-shut case. I just want to make sure
23 that when we are dealing with those types of situations
24 that we are maybe handling that in a sequestered manner
25 and not in front of the jury.

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1 THE COURT: I appreciate you bringing that up
2 because there was a couple of those circumstances, plus
3 the language people. Would it be perhaps in the long run
4 faster if we started off with a few folks coming in and
5 getting them under oath because if we have severe
6 language problems or we've got severe prejudice problems
7 or anything like that or knowledge problems that way then
8 we could eliminate them and bring in the whole panel when
9 we're ready. It's just a thought. We don't have to do
10 it that way.
11 MS. LUZAICH: That is fine.
12 THE COURT: So if you want to I had noted the
13 language ones. I hadn't noticed the others. Just trying
14 to figure out ways to shorten it.
15 MR. HYTE: And, Judge, just to follow-up on
16 that, are we voir diring only as to that issue and then
17 if they are okay we send them back out?
18 THE COURT: Yes.
19 MR. HYTE: So we are not going to do the whole
20 thing for that juror?
21 THE COURT: No, no. Because we are not going to
22 do the rest of them one by one that way so I would prefer
23 to just eliminate those that we have a pretty good idea
24 that we can and we should or at least talk to the ones
25 who think that they know the publicity, have a quick

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1 introduction as to who is who.
2 MR. HYTE: In that one vein, Your Honor, there
3 was also a juror who indicated on her questionnaire that
4 at 11 years old she was kicked out by her father and her
5 mother was killed in front of her --
6 THE COURT: I saw that one too.
7 MR. HYTE: -- and maybe this isn't the jury for
8 her. I'm wondering if even making her sit through a voir
9 dire is insensitive to someone in that position.
10 THE COURT: That one I had flagged too. Her
11 name is Ruby Ortiz. Again, we did not have an agreement
12 in advance to excuse so I don't typically pull the
13 trigger, so to speak, on anybody independently of that.
14 But we could bring her in and ask because I
15 don't know that I want to presuppose. It was flagged but
16 she seemed to indicate as I read her questionnaire --
17 MS. LUZAICH: That she was fine.
18 THE COURT: -- that she could go forward and did
19 not necessarily feel like this was an impediment to her.
20 And I'll give an example of someone in a trial not too
21 long ago, the jurors expressed something that had
22 occurred with them with a family member earlier in their
23 life, but how they had dealt with it through counseling
24 and gotten through other issues and I wasn't going to
25 presume the bias when they weren't expressing the bias.

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1 But I certainly have no problem talking to her
2 separately.
3 MR. HYTE: I guess my sensitivity was that if
4 she, you know, has been traumatized by this sitting in a
5 room for three days hearing about murder and those things
6 so maybe dismiss her so she does not have to sit through
7 that.
8 MS. LUZAICH: Well, right, but she will come in
9 first and she may be fine. There was nothing in her
10 questionnaire that indicated she really couldn't be in
11 here.
12 THE COURT: Who is the one who had said that
13 they for certain saw this story on the news and that they
14 perceived it to be an open-and-shut case.
15 MS. LUZAICH: See, I disagree with his
16 description. I think in the beginning the person said
17 they know nothing and then towards the end he said it was
18 an open-and-shut case.
19 THE COURT: I'm not seeing my notes for the
20 language people so if anybody has notations on those
21 people I would appreciate it otherwise I can go dig it
22 out of my pile on my desk.
23 MS. LUZAICH: I have one: This case makes me
24 feel uncomfortable I because I don't like "AA's." What
25 are AA's?

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1 MR. HYTE: African Americans.
2 MS. LUZAICH: That's what I thought but there
3 was that one question that was asked and that person said
4 no.
5 MR. HYTE: Your Honor, Juror No. 058 --
6 THE COURT: James Bowers.
7 MR. HYTE: That's right.
8 THE COURT: Does anybody have their notations?
9 MS. BLUTH: I do for the odds, Your Honor.
10 Numbers 0293, 0317 and 0193 that said no English.
11 MR. HYTE: I will give you my evens here in a
12 moment then.
13 THE COURT: Is that how you broke them out?
14 MS. LUZAICH: Right.
15 MR. SCHIECK: Did you say 093?
16 MS. LUZAICH: 0193.
17 MR. SCHIECK: I am odds, Your Honor.
18 MS. LUZAICH: I have 196 and 254 that don't
19 speak English.
20 MR. HYTE: I also have 196. I have 194. She
21 indicated that she did not speak English well. Her
22 reading comprehension, I don't know that that bears that
23 out except that she wrote things like, "Defense attorneys
24 are sophisticating." And that was Juror 0194.
25 THE COURT: So that may be one to speak with.

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1 MS. LUZAICH: 194, yes. She wrote, "Do not
2 understand" under hardship.
3 MR. HYTE: And you said 254?
4 MS. LUZAICH: 196 and 254 were my only two.
5 THE COURT: But 254 is Clara Pretel. I did not
6 have any --
7 MS. LUZAICH: She wrote, "I don't say
8 i-n-g-l-i-s-h w-a-l-l," which is what led me to believe.
9 THE COURT: Well, she may not write it well.
10 MS. LUZAICH: Can you give us an idea how you
11 want us to conduct jury selection. I have picked a lot
12 of juries in your court obviously but never with
13 questionnaires before --
14 THE COURT: Right.
15 MS. LUZAICH: And then odds and evens.
16 THE COURT: Well, honestly, the questionnaire
17 although it expedites some things it has not really
18 changed the way I have done the selection otherwise.
19 MS. LUZAICH: Okay.
20 THE COURT: As far as odds and evens, I pretty
21 much let counsel decide on which order they wish to go in
22 but it's fine however you wish to break it up.
23 MS. LUZAICH: But you are still going to ask the
24 questions that you always ask.
25 THE COURT: I'm sorry, yes. And we have added

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1 education level to the stock questions and then I still
2 ask the questions about the American justice system and
3 the criminal justice system either as a victim of crime
4 or accused of a crime and extended to close friends and
5 family members and get through all of that before I even
6 turn it over to you guys.
7 So at this point I have two to canvass that
8 might be because of their prior circumstances or
9 knowledge of the case that would need to be excused.
10 That being Ruby Ortiz and James Bowers.
11 MS. LUZAICH: What are the numbers?
12 THE COURT: Bowers is the first in the order in
13 the list and he is at 058. Then Ruby Ortiz is 136.
14 MR. HYTE: Your Honor, in addition to Mr. Bowers
15 I have the following jurors who indicated that they might
16 have heard about the case on the news and their numbers
17 are 126, 172, 244.
18 THE COURT: 244 was one of our no shows, so
19 that's only two more so let's go ahead and take care of
20 them. And these are the ones that might have more
21 general not as you perceived Mr. Bowers to be more
22 specific to this case.
23 MR. HYTE: That's correct, Your Honor.
24 (Pause in the proceedings.)
25 MR. HYTE: The CO indicated that Mr. Collins is

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1 refusing to take the chains off.
2 CORRECTIONS OFFICER: Yes and I didn't want to
3 escalate the situation by forcing his chains off so I
4 called my supervisor and if need be we'll get an order to
5 take them off.
6 THE COURT: Is the supervisor on the way up?
7 CORRECTIONS OFFICER: Yes.
8 THE COURT: Will the supervisor let us know what
9 order they need?
10 CORRECTIONS OFFICER: Yes.
11 THE COURT: We have given Mr. Collins several
12 options for comfort but I think the Court has gone beyond
13 accommodating Mr. Collins.
14 I know what Mr. Collins appears to want to do
15 which is to be present in front of the jurors looking
16 like a shackled defendant and creating a prejudice and an
17 appealable error and I'm not going to let it happen.
18 MS. LUZAICH: I will just ask if it is going to
19 escalate the situation and if he ends up being in chains
20 that you either advise the jury that he is dressed like
21 that in chains by his own choice.
22 THE COURT: It is an option but I would prefer
23 to address it without getting direct because I don't see
24 that the supreme court will receive it that way
25 regardless.

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1 MS. LUZAICH: As long a he makes the record that
2 it's his choice outside the presence of the jury I think
3 we have done what we can. The State of Nevada doesn't
4 want there to be any prejudice to the defendant. We want
5 to try a clean case so we have said we would rather he
6 not be dressed like that and not shackled. But if he is
7 choosing to do that I think as the record is clear is
8 that it's his choice but therefore I would ask you to
9 advise the jury that it is his choice and that they
10 shouldn't feel sympathy and all of those things.
11 THE COURT: Okay. Thank you. Well, we are
12 still trying to figure this out anyway.
13 Do we have an ETA on the supervisor?
14 CORRECTIONS OFFICER: Our supervisor is on her
15 way.
16 THE COURT: And I will say this for the record,
17 I perceive this to be an issue of if we don't nip this in
18 the bud today with whatever the circumstances are then we
19 are just going to have more efforts and attention-seeking
20 behavior or manipulation of the Court and counsel from
21 the defendant and I am not going to tolerate it in this
22 trial so we will figure it out.
23 (Pause in the proceedings.)
24 THE COURT: Tom, I would like you to bring these
25 individual people first because it will make it easier

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1 for us to follow.
2 THE MARSHAL: Okay.
3 THE COURT: The first one's last three digits
4 are 126, that's initial C, last name Tom. I then have
5 136, Rudy Ortiz. I apologize first is Juror No. 058,
6 James Bowers. We'll take Bowers first and then Tom and
7 then Ortiz. Next I have 172, Lopez and then 193.
8 There were also language concerns expressed
9 about No. 194, Gabriela Soto; 196, Luis Salcedo; 254
10 Pretel; and then 317, Ghyasi.
11 THE MARSHAL: Okay.
12 THE COURT: So those are the ones we'll bring in
13 first.
14 (Sergeant Trotter enters the courtroom.)
15 THE COURT: Hi, there. Thank you for coming on
16 up.
17 SGT. TROTTER: Not a problem.
18 THE COURT: First of all, let me get your name
19 for the record.
20 SGT. TROTTER: Sergeant Trotter.
21 THE COURT: Thank you, Sergeant Trotter.
22 So the defendant refused earlier today to dress
23 out and we knew that was the case and we asked the
24 defendant to be brought up if he was not willing to come.
25 We had not yet issued an order to bring him under any
23

1 means necessary but he had last week made a statement
2 that he was not going to be present for trial. I assumed
3 the refusal to dress out was a precursor to the refusal
4 to come up at all but he did in fact come up in his
5 blues, which was fine because we needed to have a
6 discussion with him anyway about if he was going to not
7 be present at the time, that was his choice and the
8 consequences.
9 Rather than that be what has occurred, what has
10 occurred is his demand to remain in the courtroom in
11 front of the jurors in trial while wearing his blues and
12 his chains.
13 SGT. TROTTER: Correct.
14 THE COURT: I indicated that he has one of three
15 choices and those three choices are to remain in the
16 courtroom in the blues without the chains with the shirt
17 turned inside out so the CCDC is not visible, if that
18 actually would work and presume it would, and the orange
19 socks off so that those indicia of his being in custody
20 are removed, or to go back downstairs and dress out in
21 the civilian clothes that his counsel prepared for them,
22 or to go back downstairs and stay and not return.
23 He went back and spoke with counsel briefly,
24 came back out and counsel represented that he refuses all
25 of those options and so we are at the point now where I
24

1 have indicated that my choice is to have him since he is
2 already here in his blues, the first option, which is to
3 remove the chains, turn the shirt inside out or we can
4 figure out a way to find another shirt for him to wear or
5 turn the shirt inside out so the CCDC is not visible and
6 remove the socks and bring him back in the courtroom.
7 He has refused to do that and so now we are at
8 the point of what do you need from us. Is that something
9 that can be carried out?
10 Truthfully, I am very concerned that if we allow
11 the defendant to engage in this attention-seeking
12 behavior and manipulating-the-court process that we are
13 just going to have more of same throughout the trial. So
14 I need it to be clear that when the Court has given
15 options and he has refused them and the Court has made a
16 decision that that decision gets carried out. But I also
17 appreciate that there is a process here so any guidance
18 you can give us would be appreciated.
19 SGT. TROTTER: From my understanding, he has
20 inferred that he -- or it was supposed to be told amongst
21 the jury that he was already a convicted felon and that
22 he was basically in custody already. So that was his
23 understanding.
24 THE COURT: I have already clarified that -- he
25 did raise that through his counsel and I have already
25

1 clarified for him that unless and until he takes the
2 stand the State is absolutely precluded from making any
3 mention of the fact that he is previously convicted or in
4 custody. And the fact that someone is previously
5 convicted does not necessarily mean that they are in
6 custody.
7 And the bigger concern, the potential prejudice
8 and we had a discussion while Mr. Collins has been in the
9 courtroom, is the jurors seeing him in a manner that
10 makes him appear to be a present danger and in other ways
11 indications that he is a convicted felon and he is in
12 custody, that type of thing. That those are the
13 prejudices that we need to avoid. That the supreme court
14 has made it clear to us that those are potential
15 appellate issues and I'm not about to let a defendant
16 create right out of the gate an appellate issue that
17 might result in the reversal of this case. So it is not
18 going to come to light to the jurors that he is
19 convicted. It is not going to come to the light of the
20 jurors that he is in custody unless and until we get to
21 the point in trial he takes the stand and that alone
22 still does not address the issue of why would he be
23 dressed this way in court otherwise, especially someone
24 who is here under a not guilty plea entry and seeking to
25 defend himself of the charges.
26

1 I asked him, by the way, what his reasoning was
2 for wanting to remain dressed that way and he had none.
3 And then when I told him that he indicated I really need
4 to know his reasoning and he said it was more comfortable
5 to be wearing his blues and wearing his chains.

6 And then when I still said that that was not an
7 option that is when he raised the issue, What difference
8 does it make because they are already going to know I am
9 convicted anyway. So that was the third thing he brought
10 up as to his interaction now.

11 SGT. TROTTER: Okay. In the past, we have had
12 people come in and say that it was their right to dress
13 in the blues, which if that is something that they want
14 to do I cannot necessarily say that you have to be in
15 those. I can talk to him and see what he's thinking and
16 where his mindset is.

17 But, again, he brought us to the reason why he
18 wanted to dress in his blues is because it was going to
19 be put out. That's what he heard. So, again, I have not
20 talked to him personally. I can go in and see what his
21 mindset is and where it is stemming from now.

22 THE COURT: Did you want to add something,
23 Mr. Schieck?

24 MR. SCHIECK: Yes. My concern, I think we had
25 moved passed that he was wearing the blues, I think we

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1 moved past that.

2 SGT. TROTTER: I just got in on this, though.

3 MR. SCHIECK: I think you were called as a
4 result of he did not want the chains taken off and the
5 transport officers did not want the situation to escalate
6 by trying to take his chains off against his wishes and so
7 my concern was, as with any client, I don't want the
8 situation to escalate that puts more tension into the
9 situation. So I was just concerned. I do not want
10 anything to escalate with Mr. Collins.

11 THE COURT: And the State has also expressed an
12 option from their perspective to not escalate or just to
13 simply inform the jurors that it is his choice to be
14 sitting here this way. I am not okay with that option
15 because, again, I firmly believe that if we allow this
16 case to proceed with a defendant who is sitting there
17 even by his own choice when it is not necessary otherwise
18 wearing chains and obvious jail garb that that's going to
19 create a prejudice in the minds of the jurors that we
20 cannot undo and that is why I want to avoid that process.

21 I know that counsel has already spoken with
22 their client a couple of times. I would very much
23 appreciate you speaking with him. Again, I give you that
24 background in terms of his first explanation for why he
25 wanted to be dressed this way was that he didn't have

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1 one. His second explanation after further questioning
2 was that it was more comfortable. And then after further
3 discussion, his third explanation was, Well, what
4 difference does it make because they already know that I
5 am convicted anyway. So that is sort of the evolution of
6 this thing.

7 I believe he is just playing games. I believe
8 he is testing this court to see how far he can push it.
9 I don't think for one minute this is anything other a
10 desire to, again, whatever it is, either get attention or
11 actually in fact set up that appeal error, which, again,
12 I am not going to allow.

13 Last week when he was here he said he was not
14 coming up at all, which I had the ability to canvass and
15 allow him to proceed and that's why I gave him as one of
16 the options if you want to go back downstairs and not be
17 here, that's fine. Or you can go back downstairs and
18 change out into the civi's which would make more sense
19 for someone who has pled not guilty and is trying to do
20 their best to pretend and through their counsel defend
21 their case. Or if you insist because it is somehow more
22 comfortable for you and the officer did express that it
23 is someone else's clothes and he doesn't want to wear
24 someone else's clothes, that that is fine, that he can be
25 here in these clothes with some alterations, meaning the

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1 chains come off, socks come off and the shirt goes inside
2 out.

3 SGT. TROTTER: Does counsel have dress clothes
4 for him?

5 THE COURT: I believe they do.

6 MR. SCHIECK: We did not check clothes in for
7 him because he had already indicated that he was not
8 going to wear clothes.

9 THE COURT: Oh, so you didn't bring any.

10 SGT. TROTTER: Okay. So maybe another option
11 could be, and I don't know if this is possible but if he
12 could wear his own clothes he brought in.

13 MR. SCHIECK: He has been up at High Desert for
14 many years.

15 THE COURT: And does not mean that we couldn't
16 go find some but at this point I just have him refusing
17 to have the chains taken off and do anything else.

18 I think switching the shirt inside out and
19 taking the socks and chains off is the easiest and
20 quickest path.

21 SGT. TROTTER: If I could have a word with him
22 for one moment.

23 THE COURT: Yes.

24 MR. SCHIECK: We do have clothes at the office
25 for him, Your Honor, if he was willing to wear those but

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1 it was my understanding over the weekend that he was not
2 going to --

3 THE COURT: Sergeant Trotter, that is an option
4 if he is willing to do that.

5 SGT. TROTTER: Yes, ma'am. I will talk to him
6 right now.

7 THE COURT: Thank you.
8 (Pause in the proceedings.)

9 THE COURT: I want to note for the record as we
10 return to the state of Nevada versus Lesean Collins that
11 Mr. Collins has returned to the courtroom. It appears
12 that Sergeant Trotter is now removing his chains. We
13 appreciate your assistance, Sergeant, but we also
14 appreciate Mr. Collins making a decision that will allow
15 us to proceed with him present, which is obviously
16 preferable over other options.

17 Well, the other changes that were occasioned
18 with his chains was that his shirt would be turned inside
19 out and his socks taken off.

20 SGT. TROTTER: He does not want to turn his
21 shirt inside out.

22 THE COURT: Okay. Bring him back in so I can
23 have one last discussion before I send him back to his
24 cell.

25 Okay. Noting for the record as we return to

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1 State of Nevada versus Lesean Collins that Mr. Collins
2 has returned to the courtroom. He is currently not
3 wearing his chains. The sergeant and CO's are present
4 with him.

5 Mr. Collins, I have been informed by this
6 sergeant but I would like you to inform me yourself that
7 despite the Court having made it clear what your three
8 choices are and despite some indication that you had
9 chosen one of those options by having your chains removed
10 that you are now refusing to comply with the remaining
11 conditions, which is have your shirt turned inside out
12 and have the orange socks removed.

13 I need to hear that from you directly and then I
14 need to speak with you about the Court's position on
15 that. But I want to make sure that I understand you
16 clearly that even though you agreed to have the chains
17 removed that the other circumstances that would allow you
18 to you remain in the courtroom in the current outfit that
19 you wanted to wear you said was more comfortable that you
20 are now refusing even that. What is your you position?

21 THE DEFENDANT: (No audible response.)

22 THE COURT: Mr. Collins, the Court is addressing
23 you directly, I would ask you to please respond. Are you
24 going to turn your shirt inside out?

25 THE DEFENDANT: (No audible response.)

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1 THE COURT: You are shaking your head so I am
2 taking that as a response, no, that you don't wish to
3 comply with the Court's directive.

4 Can you give for the record your reason why even
5 though you allowed your chains to be removed that you
6 will not turn your shirt inside out or take your socks
7 off.

8 THE DEFENDANT: I am very comfortable in my
9 outfit.

10 THE COURT: Again, in the circumstances the
11 Court does not recognize comfort as a basis for the
12 position that you are taking. I believe you are making
13 an effort to try to create what would be an appellate
14 error for this trial to proceed if you were to proceed
15 present in your prison, or I should say in this case jail
16 blues and the other indicators that you are in custody.

17 Now, we had the chains removed which removes one
18 of the concerns of the prejudice that the Court has but
19 not all of them. And before I make a final determination
20 stated to Mr. Collins directly of how the Court intends
21 to proceed for today's purposes does either counsel have
22 anything they wish to add for the record?

23 MR. SCHIECK: Just that it is our position that
24 Mr. Collins has expressed his position that his desire to
25 be present wearing clothing that he desires to wear and

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1 that is his right.

2 THE COURT: Mr. Schieck, do you have anything
3 specific to point to that would make it a right such that
4 the Court would be in some way violating some
5 Constitutional right by refusing to accept your client's
6 desire of how he wishes to be dressed.

7 MR. SCHIECK: I do not have a case to cite, Your
8 Honor, as I stand here at this moment. I would indicate
9 that the Constitution entitles the defendant to be
10 present during the proceedings and the Constitution does
11 not speak about what clothing the defendant should wear
12 when he has the right to be present during his court
13 proceedings and I would on behalf of Mr. Collins assert
14 that he has the right to wear what he chooses to wear.

15 THE COURT: Ms. Luzaich, did you have anything
16 you wanted to add for the record?

17 MS. LUZAICH: I do briefly, Judge. I'm looking
18 at a case called Estelle, E-s-t-e-l-l-e versus William, a
19 United States Supreme Court case that says that a
20 defendant cannot be compelled to go to trial in prison or
21 jail clothes because of the impairment of the presumption
22 of innocence, et cetera, et cetera.

23 So I think that if the defendant's choice is to
24 be wearing the shirt and the orange socks that say CCDC,
25 I would just ask that rather than send him back that you

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1 inform the jury that it was his choice.
2 THE COURT: Okay. And, Mr. Schieck, back to you
3 for a moment. This is, of course, the first day of trial
4 and in fact the first day of jury selection. We have not
5 yet had any jurors present in the courtroom, but we do
6 have a method in which we intend to proceed in terms of
7 how we are going to inquire of the jurors once we get
8 started.
9 Is there any reason why you or Mr. Hyte believe
10 that you cannot proceed and protect the rights of
11 Mr. Collins should he not be present during the course of
12 jury selection?
13 MR. SCHIECK: Well, Your Honor, Mr. Hyte and
14 myself believe we are competent to select a jury. The
15 problem is a defendant's input into jury selection is
16 always something I solicit and so to say can we
17 competently select a jury, I would say, yes, but we would
18 be doing so without the defendant's input and without his
19 presence.
20 And with respect to Ms. Luzaich's suggestion
21 that we somehow inform the jury which highlights, there
22 is no need to inform the jury of anything.
23 MS. LUZAICH: I take that back. That is true.
24 It would draw attention to it.
25 THE COURT: All right. So here is the Court's

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1 decision. Mr. Collins, you don't have to look at me if
2 you don't wish but I just want to be clear for the
3 record, and I will note now that you are at least looking
4 at me and listening to what I am saying.
5 At this point in time it is a quarter to three
6 on Monday. It is very clear to me that we are going to
7 likely get no further in the course of jury selection
8 than identifying those who have hardships and are unable
9 to serve and that we are very unlikely to get to any
10 specific actual discussion/inquiry with these individuals
11 that would impact Mr. Collins' opinion or Mr. Schieck's
12 or Mr. Hyte's ability to elicit Mr. Collins' opinion in
13 the event you should return tomorrow appropriately
14 dressed.
15 However, for today, I am not going to concede
16 the point that it is any right that supercedes the
17 concern that this court has over the prejudice that would
18 be created.
19 I find the same outcome if I were to compel him
20 to be sitting there in his prison garb or his jail garb
21 that's his choice to sit there the prejudice still
22 attaches. I am not going to have a problem with this
23 trial before we even bring the first juror in this
24 courtroom and I am not going allow the defendant to
25 decide how this courtroom and how this trial proceeds.

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1 He has been given three choices. These are all
2 reasonable choices. His arguments of comfort do not have
3 any relationship to where the Court would find a
4 reasonable argument when he can be just as comfortable
5 sitting there in the exact same clothing with the shirt
6 turned inside out. And some would argue that it is
7 cooler with no socks on, not to be ridiculous or
8 facetious about this.
9 At the end of the day, there is no relationship
10 to any reasonable argument that this court can discern.
11 I think Mr. Collins is trying to manipulate this process
12 and I think he is trying to set this case up for
13 appellate error and I'm not going to allow it.
14 So I will have you removed from the courtroom at
15 this time. It's your choice because you do not wish to
16 select one of the three options that the Court gave you,
17 two of which would allow you to remain in the courtroom,
18 that you are volitionally choosing to not remain in the
19 courtroom and I am going to remove you.
20 Tomorrow you will be given the same choice upon
21 which to dress out and I will direct counsel to bring you
22 clothes, fresh clothes that can be your clothes, that you
23 can wear and the Court will expect that you will dress
24 out and return here if in fact it is your desire to
25 participate in jury selection.

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1 If you refuse to return tomorrow then you have
2 to understand that it is your choice and I am going to
3 advise you right now that for any day of the trial in
4 which you are not present then the Court will inform the
5 jurors that it is the right of the defendant in a
6 criminal trial that he may not be compelled to be present
7 at the time of trial and that they should not draw any
8 inference from his lack of presence and that his presence
9 here today should not be factored in in any way in the
10 ultimate deliberations for anyone who should be empaneled
11 and serve as jurors in this case.
12 At this time I realize this is a little bit of a
13 unique situation because this is not you refusing to be
14 here. It is the Court determining that you are
15 effectively refusing to be here by refusing to follow the
16 Court's orders and dress appropriately. But we will
17 revisit this each day.
18 I will also put in place an order that you be
19 brought present to the Court under any means necessary
20 for tomorrow's purposes because if you are not going to
21 be here tomorrow then we need to have a fuller canvass as
22 to why and what your intentions are going forward.
23 But I hope that you understand that the Court is
24 not going to play these games. I hope that you
25 understand that the Court has made a determination here

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1 today that this will not affect your ability to aid and
2 assist counsel in your jury selection because we are not
3 likely going to get to any substantive discussions with
4 any jurors, only to identify those jurors who cannot
5 remain in the trial and to excuse them.
6 And at this point in time we expect you to be
7 present tomorrow and you still have the two options for
8 your presence, which is you either wear civilian clothes
9 that your counsel will provide or to be dressed in the
10 courtroom here in what you have deemed to be comfortable
11 for you but at least appropriately disguises the fact
12 that those are in fact jail clothing. All right.
13 Anything further for the record before I have
14 Mr. Collins removed from the courtroom?
15 MR. SCHIECK: Mr. Collins did express to me that
16 if he was not going to be here today he would like to be
17 transported back to High Desert State Prison where he is
18 serving his sentence.
19 THE COURT: He will remain at the Clark County
20 Detention Center until he is brought up tomorrow of his
21 own choosing about the Court's order to make a final
22 expression of whether he intends to be present at the
23 time of trial. I am not sending him back and forth to
24 NDOC each day. But at this point I don't have a clear
25 determination unless that was already the transport

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1 order, I'm not going to interfere with that. But I am
2 going to have him stay here today to make a determination
3 -- I'm assuming he was going to stay at CCDC tonight; am
4 I wrong about that?
5 MR. SCHIECK: Actually, he was not supposed to
6 be brought down until today from High Desert.
7 THE COURT: Well, I can't speak to that. I was
8 not obviously involved in that decision. But it was
9 their intention to keep him here, correct?
10 MR. SCHIECK: That is my understanding of their
11 intention and if it's the Court's order that he needs to
12 be brought back tomorrow and kept here tonight I think
13 tomorrow would probably be if things haven't changed
14 re-asking that he be allowed to go back to High Desert
15 tomorrow.
16 THE COURT: The Court's order is that he be kept
17 here this evening in Clark County Detention Center and
18 that he have a chance to think through whether he is
19 going to stay here and participate in this trial and aid
20 and assist his counsel, or whether by his own volitional
21 choosing he doesn't wish to be present pursuant to the
22 Court's options that it has given him and if he wishes to
23 absent himself and go back to NDOC we will canvass him at
24 that time and that certainly is his option if he wishes
25 to choose it.

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1 All right. Thank you. We will see you
2 tomorrow, Mr. Collins.
3 Anything else before we bring the jurors in?
4 MR. SCHIECK: I think we would like to remove
5 the empty chair so as to not highlight his absence.
6 THE COURT: I do not disagree with that.
7 Let me inquire of you, Mr. Schieck the sort of
8 admonishment --
9 MR. SCHIECK: Court's indulgence.
10 THE COURT: So, Mr. Schieck, I appreciate and I
11 don't disagree and we have all gotten on the same page
12 about ways in which we do not wish to highlight what's
13 going on but I think that there would be an expectation
14 that there would be somebody present and my intention
15 would be to advise the jurors that the defendant has
16 chosen not to be present for today, not the circumstances
17 and background as to why but to at least make that clear
18 so they do not read anything into it or consider it in
19 any way.
20 MR. SCHIECK: I do not disagree with you.
21 THE COURT: Okay. Then let's go ahead and bring
22 them in.
23 THE MARSHAL: Don't you want the individuals
24 that you named first?
25 THE COURT: Oh, that's right. Thank you. Let's

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1 start with Mr. Bowers first.
2 MR. HYTE: And these are the ones that are being
3 brought in for the limited purpose.
4 THE COURT: Right. Just to find out if they
5 have a bias or a language barrier that would preclude
6 them from service.
7 MR. HYTE: Thank you, Your Honor.
8 THE COURT: Hello, Mr. Bowers.
9 A PROSPECTIVE JUROR: Good afternoon.
10 THE COURT: We know that we have a whole group
11 of you waiting outside. Let me just first introduce
12 myself. I am Judge Kathleen Delaney. I am the judge who
13 is presiding over the trial. You have been brought
14 forward with a lot of other folks in a case the State of
15 Nevada versus Lesean Collins. I know you already know
16 that because you filled out a questionnaire prior to
17 coming back here today and were asked some questions and
18 were given a little bit of information about this trial.
19 In that questionnaire, you expressed the fact
20 that you may have knowledge of this particular case in
21 some way. I am not trying to put words in your mouth. I
22 want you to be able to perhaps explain that to us.
23 The facts and circumstances of this case
24 although on one hand unique to it are certainly not
25 unique in that they have never otherwise occurred, so we

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1 want to be sure that before we presume someone has
2 knowledge of the case that would exclude them from being
3 able to be jurors that we are sure that that is in fact
4 the case.
5 What I would typically do is at the beginning of
6 the process introduce my entire staff, ask the counsel to
7 introduce themselves, state any witnesses, and ultimately
8 to make a statement about what the case is regarding.
9 But at this point before I do that if that is even
10 necessary what is it that you believe you know about this
11 case?
12 A PROSPECTIVE JUROR: I just heard a report on
13 the news about a man who was arrested and just from the
14 description it just clicked in my mind. But as for the
15 details and whatnot it has been so long ago that I might
16 have just forgot.
17 THE COURT: Do you have a recollection of when
18 you might have heard it on the news?
19 A PROSPECTIVE JUROR: Maybe around March. I'm
20 not too sure.
21 THE COURT: Is it your specific recollection
22 that it was this particular case or just the facts were
23 similar to what you remember here?
24 A PROSPECTIVE JUROR: Probably around the facts,
25 you know somebody went missing and somebody was caught

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1 and just brought in. I thought that was already done by
2 how long ago it was.
3 THE COURT: Yes. There was some indication,
4 too, that we could interpret that a couple different ways
5 about whether you thought from what you had seen that
6 case should be done, so to speak, or was in fact done.
7 It sounds like what you are telling me is you thought it
8 might have been over.
9 A PROSPECTIVE JUROR: Yes. They had him and it
10 was already in process and done at least by now.
11 THE COURT: Have you had the experience of
12 hearing more than one news story similar to this one?
13 A PROSPECTIVE JUROR: No.
14 THE COURT: Okay. Let me ask counsel, is there
15 any reason that there may have been a news story related
16 to this case in March of this year?
17 MS. LUZAICH: No.
18 THE COURT: So is there any doubt that you might
19 have in terms of time frame you are talking about? It
20 was this year for certain?
21 A PROSPECTIVE JUROR: Yes. I know it was this
22 year.
23 THE COURT: We would not be aware that there
24 would have been any news story related to this case in
25 the news in that time frame, so is it possible that the

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1 story that you heard was related to a different story?
2 A PROSPECTIVE JUROR: It was probably a
3 different one.
4 THE COURT: Regardless of whether or not it was
5 related to a different case, is it going to impact your
6 ability to be fair and impartial here?
7 A PROSPECTIVE JUROR: No. What they said was
8 that they got him and it was quiet after that so there
9 were no details and if there was I didn't see it.
10 THE COURT: Because obviously there is going to
11 be a whole lot of questions that are going to be posed to
12 the jurors once we figure out who can stay and who can't
13 go. I think we already asked this question in the
14 questionnaire but let me switch gears for one minute.
15 Originally we thought the trial would complete
16 by the end of next week. In fact, although, we are going
17 to have trial days this week and next week we are also
18 going to go over into the following week for at least a
19 couple of days. We are trying to qualify jurors for the
20 additional days of August 10th, 11th and 12th. Do you
21 have any reason to believe that you would not be able to
22 be present for those additional dates?
23 A PROSPECTIVE JUROR: The only thing I can think
24 of is like my company we are getting a lot of big
25 projects coming up and we are starting to get real busy

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1 and I would hate to miss all that work. And if my
2 company could at least cover me for so many days and then
3 we could talk to them again about covering additional
4 days, but with everything gearing up the way it is I
5 would really hate to miss all that work.
6 THE COURT: And just so that you know, and we'll
7 have more discussion on that, you would not be here five
8 days a week. You would be here up to potentially four
9 days this week, three days only next week and three days
10 only at the most the following week.
11 The Thursdays and Fridays for the next two weeks
12 you would not be here.
13 A PROSPECTIVE JUROR: All right.
14 THE COURT: So I would hope that that would
15 lessen the impact. I just meant, and I should have been
16 more specific, you don't have any prepaid travel beyond
17 the dates that we had previously given you, do you?
18 A PROSPECTIVE JUROR: The only thing I have is I
19 have to see my doctor on the 6th.
20 THE COURT: Which is a Thursday.
21 A PROSPECTIVE JUROR: Yes.
22 THE COURT: And we would not be in court that
23 day for certain.
24 And so coming back now to the other questions
25 that we were asking. Obviously at this point from

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1 everything we know, it is likely if not certain that the
2 story you might have seen was not related to this case --
3 A PROSPECTIVE JUROR: Yeah, I think not.
4 THE COURT: But regardless of any of those
5 things, are you going to be able as a juror to set aside
6 any preconceived ideas that you might have and be able to
7 receive the evidence in this case should you be one of
8 the jurors and deliberate fairly and impartially with
9 your fellow jurors and reach a verdict that you think is
10 appropriate from the evidence in this case?
11 A PROSPECTIVE JUROR: Yes.
12 THE COURT: All right. Does the State have any
13 questions for Mr. Bowers?
14 MS. LUZAICH: No, Your Honor.
15 THE COURT: Does the defense?
16 MR. HYTE: Just briefly, Your Honor.
17 Good afternoon, Mr. Bowers. You indicated in
18 your questionnaire that you didn't remember maybe the
19 facts but that it sounded like an open-and-shut case.
20 A PROSPECTIVE JUROR: It seemed like they got
21 him and because of how fast it was that it just left the
22 news, it just seemed like they got him. She went
23 missing, they looked for him, they got him and then it
24 was closed and never talked about again.
25 MR. HYTE: Okay. And the reason I am asking is

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1 This is the trial of the State of Nevada versus Lesean
2 Collins. And we know that you know that or at least some
3 information about this trial already because you had to
4 fill out a questionnaire.

5 In that questionnaire you had indicated that
6 there's a possibility that you might have some
7 familiarity with this case or this trial based on
8 something that you might have seen in the news. It was
9 very general as I perceived what you wrote but we just
10 wanted to make sure before we got started that you did
11 not actually have any familiarity with this case.

12 And more importantly, that whatever it is that
13 you think you may have seen in the news that you would be
14 able to set that aside and be a fair and impartial juror
15 should you be selected in this case.

16 So can you tell us a little bit more about what
17 it is that you saw in the news.

18 A PROSPECTIVE JUROR: No, I can't. It was just
19 something in the news that I thought that I might
20 mention.

21 THE COURT: Did you remember seeing the name
22 Lesean Collins in the news?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Okay.

25 A PROSPECTIVE JUROR: But I heard something

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1 because open and shut, as the judge pointed out, kind of
2 globally has a different meaning as well. In other
3 words, there's not much there for the defendant to defend
4 on. You know, they caught him and the case is as good as
5 done because he's got no shot.

6 A PROSPECTIVE JUROR: It was just how fast it
7 fell off the news radar.

8 MR. HYTE: Okay. And you specifically said that
9 you saw this on Fox. Do you remember if that was local
10 news program?

11 A PROSPECTIVE JUROR: Yes. It Fox Five Las
12 Vegas and that is the only one I really watch and so that
13 was before work and I thought I heard something about it
14 and I didn't want to omit that so I just brought it up.

15 MR. HYTE: Thank you, Mr. Bowers.

16 Nothing further, Your Honor.

17 THE COURT: Thank you, Mr. Bowers. I am going
18 to ask you to step back outside. We will recall the
19 group back in, including you, as soon as we're able to,
20 okay?

21 A PROSPECTIVE JUROR: Okay.

22 THE COURT: The next one is the language guy,
23 Mr. Tom, No. 126.

24 Mr. Tom, welcome. My name is Judge Delaney and
25 I am the district court judge presiding over this trial.

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1 about a death or somebody in the desert or something.
2 I'm not sure if that's what it was.

3 THE COURT: Well, again, whatever the facts are
4 in this case those will be brought forward at the time of
5 trial and given to the jurors who are selected.

6 Can you recall approximately when you might have
7 seen the news story that you thought might relate to
8 this?

9 A PROSPECTIVE JUROR: About a month ago.

10 THE COURT: Okay. I don't believe that there
11 would have been any reason why this case would have been
12 in the news a month ago. Is it possible that whatever
13 you saw was unrelated?

14 A PROSPECTIVE JUROR: Very possible.

15 THE COURT: I appreciate that. And you just
16 appreciate our caution and wanting to be sure.

17 A PROSPECTIVE JUROR: Yes.

18 THE COURT: Even if it was possible if not
19 certain that what you saw was unrelated to this case, can
20 you still set aside whatever it is you might have seen
21 and recognize that whatever the verdict is in this trial
22 has to be the product of fair deliberations of the jurors
23 based upon the evidence presented in this case.

24 Would you be able to carry out your duty as a
25 juror to receive the evidence as you find it to be, apply

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<p>1 the law as I give it to you and deliberate with your 2 fellow jurors and reach a verdict? 3 A PROSPECTIVE JUROR: I believe so. I don't 4 even know what I saw. 5 THE COURT: Good to know. 6 A PROSPECTIVE JUROR: I was just trying to 7 answer the questionnaire. 8 THE COURT: We appreciate that and that's why we 9 are asking the questions. 10 One more thing unrelated to that topic. The 11 Court is aware now, recent development in terms of 12 scheduling that we are not going to be able to complete 13 the trial by the end of next week as we originally hoped 14 but we are going to have less trial days next week and 15 then carry over into and including qualifying jurors 16 today through August 10th, 11th and 12th. Do you have 17 any prearranged travel or anything else that would be a 18 problem for you to serve on those dates? 19 A PROSPECTIVE JUROR: I just have an event 20 coming up. 21 THE COURT: That is your work concerns. And 22 we'll have a chance to discuss those and you are 23 certainly welcome to raise that as we actually have the 24 whole group in here to talk about potential hardships 25 during the time to serve.</p> <p style="text-align: right;">51</p>	<p>1 your particular case the reason is because of the 2 circumstance that you pointed out in your questionnaire 3 of the -- 4 A PROSPECTIVE JUROR: My dad. 5 THE COURT: The circumstances in your family. 6 I'm trying to think of a delicate way to put it but I 7 don't suppose I need to. The circumstances of what 8 occurred with your father and your mother and in these 9 circumstances I do not want to put words in your mouth. 10 I thought you were very candid in your 11 questionnaire about that circumstance and I perceived 12 from that ultimate review of your questionnaire that you 13 felt that you could proceed in this trial and be a fair 14 and impartial juror. But, again, I do not want to put 15 words in your mouth and now you are here today and now 16 you are going to be dealing with the actual fact and 17 circumstances at some point if you are chosen as a juror 18 in this trial. 19 What is your opinion as you sit here today of 20 your ability to serve in this trial? 21 A PROSPECTIVE JUROR: Honestly, I think it would 22 be too traumatic because even afterwards I was thinking 23 about it while I was writing it and I tried to put it as 24 best as I could. 25 THE COURT: Okay. Does either counsel want to</p> <p style="text-align: right;">53</p>
<p>1 Just so that you are thinking about it while you 2 go back out there before we bring you back in with the 3 group. The dates now will be through and including 4 possibly Thursday of this week, possibly only Wednesday 5 but up through and including Thursday of this week; 6 Monday, Tuesday, Wednesday afternoons next week, and 7 Monday, Tuesday possibly Wednesday afternoons the 8 following week. No Thursday or Friday other than 9 possibly this Wednesday. 10 A PROSPECTIVE JUROR: It's just the schedule of 11 what I am doing at work. 12 THE COURT: Okay. I appreciate your time. 13 Does the State have anything for Mr. Tom? 14 MS. LUZAICH: No, Judge. Thank you. 15 THE COURT: Does the defense? 16 MR. HYTE: We do not. 17 THE COURT: Thank you, Mr. Tom. I will ask you 18 to step back outside. We will bring you back in when we 19 bring in the entire panel. 20 The next one will be Ruby Ortiz, Badge No. 136. 21 We appreciate you coming in today, Ms. Ortiz, 22 not only for your service but I wanted to bring you in 23 individually. There were some folks, and we already 24 brought a couple people in and we have a few more to 25 bring in, that we wanted to talk to individually. And in</p> <p style="text-align: right;">52</p>	<p>1 ask any questions? 2 MR. HYTE: No, Your Honor. 3 MS. LUZAICH: No. 4 THE COURT: So, Ms. Ortiz, coming in here today, 5 again, we did not pre-excuse you because we did not want 6 to presume anything and certainly from your answers you 7 have done remarkable things to deal with what none of us 8 could possibly fathom, the difficulties that you have had 9 to deal with, but that is why we brought you in today. 10 Secondly, because we wanted to know have you had 11 any other thoughts since you filled out your 12 questionnaire and whether or not this would be 13 problematic for you. 14 The last thing in the world we would want, first 15 and foremost, is to have anything be traumatic to a 16 juror. But even equal to or just as important if not 17 more important than that is this has to be a fair trial 18 for the State and the defendant and ultimately to be 19 understood that he is innocent unless and until he is 20 proven guilty and for the State to prove beyond a 21 reasonable doubt his guilt as to the charges. 22 And every juror that is there listening to the 23 evidence, weighing the evidence and it is going to go on 24 for a while, this trial, and then the evidence is going 25 to come in and then they are going to have to hear the</p> <p style="text-align: right;">54</p>

1 law to be applied and weigh that with their fellow jurors
2 and deliberate on those facts. We just want to make sure
3 that whoever is doing that is going to do that as fairly
4 and impartially as possible and it is completely
5 understandable if you don't believe that you can do that.
6 You said traumatic, but is it ultimately that
7 you are telling us that you don't believe that you could
8 sit through the trial?
9 A PROSPECTIVE JUROR: Yes.
10 THE COURT: Okay. Thank you for your time
11 today. You are excused. Please take your badge and
12 return to the third floor Jury Services.
13 All right. The next one will be Mariana Lopez,
14 Badge No. 172.
15 Ms. Lopez, thank you so much for being here
16 today. My name is Kathleen Delaney and I am the
17 presiding judge overseeing this trial in the case of the
18 State of Nevada versus Lesean Collins. We are going to
19 bring the whole panel in here in a minute but we had a
20 few folks that we wanted to talk to separately for a
21 couple of reasons but in your particular case you had
22 mentioned perhaps seeing some pretrial publicity or
23 seeing some publicity of some kind that might have
24 related to this trial. And obviously we want whoever is
25 going to be potentially on this panel and ultimately

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1 selected for this jury to be fair and impartial and not
2 have any knowledge of the actual case or any preconceived
3 ideas about the case.
4 I think your information was very general. It
5 didn't seem that you had specific recollection of seeing
6 something about this specific case. And the last thing
7 we want to do is ask those questions in front of
8 everybody else and then have someone go, Oh, yeah, I saw
9 this, that and the other thing.
10 So do you recall -- and you have already filled
11 out the questionnaire so you have some idea. Do you
12 recall if you saw anything that was specific to this
13 case?
14 A PROSPECTIVE JUROR: No. The first time I
15 heard about it was when I read the questionnaire.
16 THE COURT: Okay. In terms of the specific name
17 of the defendant and the facts?
18 A PROSPECTIVE JUROR: Yes.
19 THE COURT: You said you might have seen
20 something on the news, though. How long ago was that
21 that you might have seen something?
22 A PROSPECTIVE JUROR: I honestly don't remember.
23 I just thought I saw something.
24 THE COURT: Would it have been like sometime
25 this year?

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1 A PROSPECTIVE JUROR: No.
2 THE COURT: It would have been in the past?
3 A PROSPECTIVE JUROR: Yeah. I thought I saw
4 something in the news. Maybe it would have been a
5 similar case but I don't know.
6 THE COURT: Well, rather than try to get you to
7 force your memory, as you sit here today it seems, and,
8 again, I don't want to put words in your mouth so you
9 tell me if I'm wrong about this or tell us your thoughts,
10 it seems that you might have seen something in the news
11 but it doesn't, that you know of, actually pertain
12 directly to this case.
13 A PROSPECTIVE JUROR: Yes.
14 THE COURT: That's correct?
15 A PROSPECTIVE JUROR: Yes.
16 THE COURT: And regardless of what you might
17 have seen, though, and whether or not it might pertain to
18 this case, whatever you may have seen in the news,
19 whatever you may see in the news related to any case, can
20 you set that aside?
21 A PROSPECTIVE JUROR: Yes.
22 THE COURT: And if you are selected as a juror
23 receive the evidence that comes in in this trial, apply
24 the law that I give to you and then deliberate with your
25 fellow jurors to reach a fair and impartial verdict. Do

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1 you believe you can do that?
2 A PROSPECTIVE JUROR: Yes.
3 THE COURT: And unrelated to sort of that issue
4 because I have you here, we originally anticipated this
5 trial to go through this week and next, but not go over
6 to the next week after that, but we have determined that
7 we are not going to be able to have a couple of trial
8 dates later this week and the end of next week, so we are
9 going to go over into August 10th, 11th and 12th. We
10 might complete by the 11th, but we are going to qualify
11 people, meaning, that they can serve if needed the 12th,
12 so I just want to see if you have any prearranged travel?
13 A PROSPECTIVE JUROR: No.
14 THE COURT: Does the State have any questions?
15 MS. LUZAICH: No.
16 THE COURT: Does the defense?
17 MR. HYTE: None.
18 THE COURT: Thank you, Ms. Lopez. I am going to
19 ask you to rejoin the group and we will bring you all in
20 shortly.
21 A PROSPECTIVE JUROR: Okay. Thank you.
22 THE COURT: Okay. The rest of these folks are
23 language folks.
24 This next one is Ms. Bermudez, No. 193.
25 Ms. Bermudez, you may have a seat.

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1 A PROSPECTIVE JUROR: I don't speak English.
2 THE COURT: Can you tell me how long you have
3 been in the United States? How long you lived here?
4 A PROSPECTIVE JUROR: Excuse me?
5 THE COURT: Do you work here? Do you have a job
6 here?
7 A PROSPECTIVE JUROR: No.
8 THE COURT: You do not have a job?
9 A PROSPECTIVE JUROR: (No audible response.)
10 THE COURT: Hold on. I need to pull out her
11 questionnaire. Please have a seat.
12 Ms. Bermudez, you filled out this questionnaire.
13 Do you remember that?
14 A PROSPECTIVE JUROR: No.
15 THE COURT: Does this look familiar to you?
16 A PROSPECTIVE JUROR: I'm sorry I do not know.
17 THE COURT: I do not have the facility to ask
18 the questions in any other way other than English, so I
19 don't know if we want to try to get an interpreter. I
20 mean there are answers to questions that are clearly --
21 MS. LUZAICH: That indicate that she
22 understands.
23 THE COURT: And I don't know if she had someone
24 helping her but she has indicated right now that she
25 cannot understand a single word I am saying. I find that

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1 difficult to believe but that is the response I am
2 getting from Ms. Bermudez, Juror No. 193.
3 MS. LUZAICH: She can come back tomorrow with an
4 interpreter.
5 THE COURT: That's true, she certainly can. Or
6 we can try to get one up here.
7 MR. SCHIECK: There are a number of Spanish
8 speakers so maybe that would be helpful on all of them.
9 THE COURT: Good point.
10 THE CLERK: All right. Someone is on their way
11 up.
12 THE COURT: Have a seat, Ms. Bermudez. Well, we
13 can send her back out and we will be calling you back in
14 so you are not to leave.
15 (Interpreter enters the courtroom.)
16 THE COURT: Hello, madam interpreter. Thank you
17 for coming up so quickly.
18 Can we just get your name for our record.
19 THE INTERPRETER: Tanya King.
20 THE COURT: Okay, Ms. King, so here's what we
21 are doing. This is a juror, Ms. Bermudez. Can you
22 please help her understand that we would like her to go
23 be seated in the jury box and you go with her and join
24 her.
25 THE INTERPRETER: Yes.

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1 THE COURT: Ms. Bermudez, we have brought an
2 interpreter here to help you communicate with the Court.
3 The Court is having a hard time understanding that you
4 are unable to understand the Court in any way because we
5 have a questionnaire that you filled out that indicates
6 at least some basic understanding of the English
7 language.
8 Do you have any understanding of the English
9 language?
10 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
11 No, I don't understand. You're reading, I
12 understand some of it when it's written.
13 THE COURT: Well, one of the questions that she
14 answered was how long has she lived in Las Vegas and the
15 answer she gave was 19 years.
16 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
17 That's correct.
18 THE COURT: So she has been here 19 years and
19 has never had to learn the English language; is that
20 correct?
21 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
22 No.
23 THE COURT: Can you ask her what her job is.
24 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
25 I have not had a job for two years.

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1 THE COURT: Okay. What was her job previously?
2 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
3 I worked for 15 years washing dishes.
4 THE COURT: Where?
5 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
6 In Boulder Station.
7 THE COURT: And I have had some experience with
8 kitchen worker positions in hotels not the Station Hotel,
9 and while I understand much of the job can be done in
10 your native language, I also know that the casinos offer
11 opportunities for language classes to learn English and I
12 also know that the casinos offer the vast majority of the
13 information to employees in English.
14 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
15 I'm sorry. Can you say that again.
16 THE COURT: There would have been the
17 opportunity to take English classes and that the
18 information that the casino provides about benefits and
19 other information is always in English. So is it still
20 her position that she has had no opportunity to and does
21 not understand any English that is spoken.
22 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
23 Our employees all of them they speak Spanish. When
24 I started I went to some classes that were given there.
25 I have learned how to provide my name and my phone number

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1 and things like that.

2 THE COURT: All right. There were other

3 questions on the questionnaire. Does she remember

4 filling out the questionnaire?

5 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

6 Yes.

7 THE COURT: Did she fill it out on her own?

8 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

9 Yes.

10 THE COURT: So nobody assisted you in filling

11 this out?

12 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

13 No. I just was able to put in there what I could

14 understand.

15 THE COURT: One of the questions that she

16 answered was regarding her marital status and there were

17 four choices and she chose one very specific one and hand

18 wrote it out in English. So, again, I am just trying to

19 understand what her level of comprehension is.

20 What is her current marital status?

21 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

22 I am separated.

23 THE COURT: That's what she indicated here.

24 She also answered a number of questions. There

25 were some questions that she did not answer but there

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1 were some questions that she apparently attempted to

2 answer.

3 Let me ask another question. Does she have any

4 relatives or close friends who work in the justice

5 system?

6 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

7 No.

8 THE COURT: You do not have any friends who are

9 attorneys or police officers or corrections officers,

10 anything having to do with criminal justice of any kind?

11 Friends or family members.

12 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

13 I have a nephew in California who is a police

14 officer.

15 THE COURT: Okay. I focused on that one so I

16 would have a question to compare with the answer that she

17 gave versus what may be the correct answer being able to

18 converse with her in her native language.

19 I am not trying belabor the point. It just

20 always bothers me when someone is not necessarily genuine

21 about their level of comprehension of the English

22 language, which is the concern I have here.

23 Does either counsel wish to inquire of

24 Ms. Bermudez?

25 MS. BLUTH: The State does not, Judge.

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1 MR. SCHIECK: No, Your Honor.

2 THE COURT: Ms. Bermudez, you are excused from

3 service. I want you to be clear that I have my doubts

4 that you are being candid with us about your language

5 comprehension, but at the end of the day we need people

6 on the jury who will be able to receive the evidence and

7 understand and receive the law to be applied to the

8 evidence and deliberate fairly and impartially with their

9 fellow jurors. And as we have the concern that your

10 language would be a barrier to that we are going to

11 excuse you.

12 You need to now return to the third floor Jury

13 Services and give them your badge and get any further

14 instructions they may have for you.

15 Does she have any questions about what she needs

16 to do now?

17 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

18 No. Just to go down -- well, She has doubts about

19 how to reach the Jury Services office.

20 THE COURT: Well, I do not understand that

21 because you came from there so I do not know how to tell

22 her to go back there other than to go back the way she

23 came up. There's a public elevator, go down to the third

24 floor. Look for the information that says Jury Services.

25 You said you read better than you speak English language.

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1 Take a right out of the elevator and go to Jury Services.

2 I am sure that there will be someone there that can give

3 you further instructions but you have to turn in your

4 badge.

5 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

6 And then I go to the third floor. My daughter is

7 waiting for me.

8 THE COURT: Where is she waiting for her?

9 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

10 In the room or lounge.

11 THE COURT: That sounds like that is where she

12 is going back to but she has to turn in her badge and

13 check out with Jury Services first.

14 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):

15 Okay. I am really sorry about that.

16 THE COURT: The next one is Ms. Soto, Badge No.

17 194.

18 Ms. Soto, we have an interpreter here that will

19 assist you just in case it's necessary.

20 A PROSPECTIVE JUROR: Okay.

21 THE COURT: Please take a seat here. The

22 interpreter is here to help but that is for you and to

23 speak to each other.

24 A PROSPECTIVE JUROR: No. I speak perfect

25 English.

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<p>1 THE INTERPRETER: Oh, no problem.</p> <p>2 THE COURT: Good to know. Your questionnaire</p> <p>3 was flagged as the possibility of there being some</p> <p>4 concern about the English language, so that's why we were</p> <p>5 not going to have an interpreter up here because we had</p> <p>6 hoped it would be the dialogue that you and I are about</p> <p>7 to have not and you would not need the assistance of an</p> <p>8 interpreter. But the first juror we brought in indicated</p> <p>9 she could not speak English at all so we needed the</p> <p>10 assistance of an interpreter.</p> <p>11 So is English your second language?</p> <p>12 A PROSPECTIVE JUROR: No, actually it's my</p> <p>13 first.</p> <p>14 THE COURT: Okay. I'm sorry for the confusion.</p> <p>15 I am not sure where that came in.</p> <p>16 I guess one of the things since we have you in</p> <p>17 here to ask would be we now know that the trial is going</p> <p>18 to be a little bit longer than we anticipated. We are</p> <p>19 going to have less days that we are in trial over the</p> <p>20 next two weeks but then we will actually spill over into</p> <p>21 the first few days of the following week which would be</p> <p>22 August 10th and 11th and possibly the 12th. So everybody</p> <p>23 we are qualifying is through and including the 12th.</p> <p>24 Other than perhaps the inconvenience of it, is</p> <p>25 there any prepaid travel plan or any other hardship that</p> <p style="text-align: right;">67</p>	<p>1 MR. HYTE: No, Your Honor.</p> <p>2 MS. LUZAICH: No, Your Honor.</p> <p>3 THE COURT: Sorry for the confusion. You may</p> <p>4 step back out.</p> <p>5 The next one is Luis Garcia-Salcedo, 196.</p> <p>6 MR. HYTE: Yes. Then Your Honor as to 194,</p> <p>7 Ms. Soto, the reason I had flagged her was just for the</p> <p>8 Court's edification first question: Are you able to</p> <p>9 serve as a juror? No. And then the response to the</p> <p>10 second question she put I don't understand.</p> <p>11 But I do note that the rest of her questionnaire</p> <p>12 seemed like she was comprehending fine.</p> <p>13 THE COURT: Okay. We'll find out more I guess</p> <p>14 about that.</p> <p>15 Mr. Garcia-Salcedo, we have an interpreter here</p> <p>16 because we want to be sure that we are able to ask you</p> <p>17 some questions about your ability to serve and</p> <p>18 specifically that you indicated maybe you would have</p> <p>19 difficulty with the language.</p> <p>20 Do you need the help of an interpreter to</p> <p>21 communicate with me?</p> <p>22 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>23 Well, I can't do it by myself actually.</p> <p>24 THE COURT: Let me ask you a question. How long</p> <p>25 have you lived in Las Vegas? I know this information may</p> <p style="text-align: right;">69</p>
<p>1 you know that would mean that you couldn't serve.</p> <p>2 A PROSPECTIVE JUROR: No, not really. I just go</p> <p>3 to work and school.</p> <p>4 THE COURT: So you are busy.</p> <p>5 A PROSPECTIVE JUROR: Yes.</p> <p>6 THE COURT: What's going to happen just so you</p> <p>7 know because we are going to bring in the whole panel in</p> <p>8 a minute and we are going to ask about hardship issues</p> <p>9 with serving during the time frame once I give everybody</p> <p>10 the new time frame but I figured since I had you in here</p> <p>11 I could ask you.</p> <p>12 We will go through three, possibly four days</p> <p>13 this week to complete the jury selection process. Then</p> <p>14 we are going to reconvene for three days next week;</p> <p>15 Monday, Tuesday and Wednesday only. Not Thursday or</p> <p>16 Friday. They will be half days 1:30 to 5:00.</p> <p>17 And then we will reconvene the following week</p> <p>18 Monday and Tuesday and if necessary Wednesday, again,</p> <p>19 1:30 to 5:00 to complete the trial process with a</p> <p>20 possible half hour swing maybe as early as a 1:00 start</p> <p>21 but no later than 1:30. So those three days. No</p> <p>22 Thursday or Friday of the following two weeks.</p> <p>23 A PROSPECTIVE JUROR: Okay.</p> <p>24 THE COURT: Does either counsel have any</p> <p>25 questions?</p> <p style="text-align: right;">68</p>	<p>1 be on your questionnaire but since I don't have it in</p> <p>2 front of me right now just indulge me and let me ask you</p> <p>3 a couple questions. How long have you lived in Las</p> <p>4 Vegas?</p> <p>5 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>6 Since 2001.</p> <p>7 THE COURT: Did you move here from outside the</p> <p>8 country or did you come from another state? How long</p> <p>9 have you been in the United States?</p> <p>10 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>11 I arrived here in '98.</p> <p>12 THE COURT: So you have been here for a fairly</p> <p>13 significant period of time. Have you worked since you</p> <p>14 have been here in the United States?</p> <p>15 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>16 Yes.</p> <p>17 THE COURT: Do you currently work?</p> <p>18 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>19 Yes.</p> <p>20 THE COURT: What is your job?</p> <p>21 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>22 I do maintenance.</p> <p>23 THE COURT: Where?</p> <p>24 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):</p> <p>25 In a company. An apartment company.</p> <p style="text-align: right;">70</p>

1 THE COURT: You mean it's a company that has a
2 contract to clean certain apartments?
3 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
4 Yes.
5 THE COURT: Okay. How long have you worked for
6 that company?
7 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
8 I started there the 27th of April.
9 THE COURT: This year?
10 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
11 Yes.
12 THE COURT: Where did you work before that?
13 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
14 Doing the same for another company.
15 THE COURT: Have you ever worked in any position
16 other than maintenance?
17 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
18 No.
19 THE COURT: Have you ever worked for any of the
20 casino companies here in town?
21 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
22 No.
23 THE COURT: What would you tell me your estimate
24 of what percentage of English you can speak and
25 understand.

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1 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
2 Could be 30, 40 percent.
3 THE COURT: Okay. Does the State have any
4 questions?
5 MS. LUZAICH: No.
6 THE COURT: The defense?
7 MR. HYTE: No. I will just point out that on
8 his questionnaire, Questions 1 and 2 are incomplete and
9 four were left blank and in the comment section he wrote,
10 I don't speak English well. On Question 10 regarding
11 what's the occupation of your spouse his answer was no.
12 THE COURT: Obviously, we need to be sure that
13 whoever is going to be a juror in this or any trial has
14 the ability to receive all of the evidence as it comes
15 into evidence and has the ability to understand and apply
16 the law that the Court would give to the jurors and then
17 deliberate with the fellow jurors to reach a verdict.
18 And because we have those concerns of your
19 ability to do that with your language, we appreciate your
20 candidate answers to our questions here today we are
21 going to go ahead and excuse you from the service.
22 What you will need to do is take the badge that
23 you were given at Jury Services on the third floor, so
24 return to the third floor and check back out, if you
25 will, turn your badge in. Explain to them that you have

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1 been excused and see if they have any further
2 instructions for you, okay?
3 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
4 The people on the third floor?
5 THE COURT: Jury Services on the third floor
6 where you came from, yes. I do not know what else they
7 will tell you. I don't know what other instructions they
8 may have for you so when you go back down there tell them
9 that you have been excused here, turn your badge in and
10 see if they have any additional information for you.
11 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
12 All right. Thank you.
13 THE COURT: Thank you.
14 Next is Ms. Pretel, Juror No. 254.
15 Ms. Pretel, please take a seat in the jury box.
16 Do you speak English?
17 A PROSPECTIVE JUROR: Not too much.
18 THE COURT: But a little bit. Where are you
19 from?
20 A PROSPECTIVE JUROR: Guatemala.
21 THE COURT: We have a Spanish interpreter here
22 that could assist you. Would that help you?
23 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
24 Yes.
25 THE COURT: So we are just going to communicate

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1 then with the interpreter. We brought you in for that
2 reason. We noticed on your questionnaire that you
3 indicated you might have difficulty with the English
4 language as this trial obviously the evidence presented
5 is going to be in English and the law that you would have
6 to apply to the evidence would be presented in English.
7 But we wanted to ask you a few questions before
8 we got started with the whole group here today to see if
9 we could even keep you or whether we need to let you go
10 at this point.
11 How long have you lived in the United States?
12 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
13 Since 1970.
14 THE COURT: 1970. That is an awfully long time
15 to be in the United States and not have developed the
16 English language better. Have you been employed since
17 you have been here?
18 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
19 Yes.
20 THE COURT: What jobs have you had since you
21 have been here?
22 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
23 I have worked in a factory.
24 THE COURT: What factory?
25 ///

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1 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
2 Christmas -- they would manufacture those Christmas
3 bulbs and Christmas decorations.
4 THE COURT: Where was that?
5 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
6 Back in Los Angeles, California.
7 THE COURT: Where else have you worked?
8 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
9 I used to live there.
10 THE COURT: Where else have you worked?
11 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
12 I work here in the Mirage casino for 17 years.
13 THE COURT: All right. What years did you work
14 at the Mirage casino?
15 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
16 I started in '99 and ended back in December of this
17 last year.
18 THE COURT: Okay. So, actually, I don't know --
19 I will tell you that I worked at the Mirage casino for
20 part of the time that you were describing, a very small
21 part of the time that you are describing, so I have some
22 understanding. What did you do for the Mirage?
23 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
24 Housekeeping and room service.
25 THE COURT: Now, my understanding of how those

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1 places worked, how those jobs worked is while there was
2 some communication in your native language that there
3 would have still been the need to understand English for
4 benefits purposes, for other purposes, and that English
5 as a second language classes were provided. Did you ever
6 take advantage of any of those classes?
7 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
8 I started to take some at the job because they give
9 these classes there but only for a short time.
10 THE COURT: Again, I only overlapped with your
11 service for a brief period of time.
12 Obviously, we want people who are able to serve
13 on the jury who can receive the evidence, understand the
14 evidence and apply the law.
15 Can you tell me at this point even with the
16 amount of time that you have been here, and again it is
17 difficult to understand, what percentage would you
18 estimate of English do you understand reading or
19 speaking?
20 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
21 Spoken English I understand a little bit more but
22 written English is almost nothing. It is too few.
23 Spoken language I understand more but when people speak
24 fast I do not understand.
25 THE COURT: Does counsel have any further

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1 questions for Ms. Pretel?
2 MS. LUZAICH: Not by the State.
3 MR. HYTE: No, Your Honor. And for the record,
4 on her questionnaire she left blank more than 50 percent
5 of the questions. And on the comment section she noted,
6 I don't speak English well.
7 THE COURT: And that was your comment when she
8 first came in as well.
9 So, Ms. Pretel, you are excused at this time
10 because of our concerns of your ability to receive the
11 evidence and weigh the evidence and apply the law given
12 to you if you were to be seated as a juror in this case.
13 You will need to return to third floor Jury
14 Services and turn in the badge that you have on your
15 shirt. Go back to this third floor Jury Services and
16 explain to them that you have been excused. Turn in your
17 badge and receive any further instructions that they
18 might have.
19 A PROSPECTIVE JUROR (THROUGH THE INTERPRETER):
20 Okay.
21 THE COURT: Thank you. Next is Mr. Ghyasi, 317.
22 Come on in and sit down, Mr. Ghyasi. My name is
23 Kathleen Delaney. I am the judge presiding over this
24 trial. We asked you in and you did in fact fill out a
25 questionnaire previously; do you remember doing that?

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1 A PROSPECTIVE JUROR: Yes.
2 THE COURT: We wanted to talk to you about what
3 you indicated on your questionnaire about the trouble you
4 might have with English. Can I ask you how long have you
5 lived in the United States.
6 A PROSPECTIVE JUROR: 33 years.
7 THE COURT: While you have been here have you
8 been employed?
9 A PROSPECTIVE JUROR: Yes.
10 THE COURT: What jobs have you done?
11 A PROSPECTIVE JUROR: Landscaping.
12 THE COURT: Where? Is that the only job you've
13 had?
14 A PROSPECTIVE JUROR: Yes. After this I am a
15 bus person.
16 THE COURT: You are a bus person?
17 A PROSPECTIVE JUROR: I used to be.
18 THE COURT: What casinos did you work for?
19 A PROSPECTIVE JUROR: Frontier and after that I
20 worked in the Circus Circus.
21 THE COURT: So certainly I know in the bus
22 person job and certainly as a dealer job you would have
23 to communicate with guests so you would have to have some
24 English capacity, correct?
25 A PROSPECTIVE JUROR: Yes.

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<p>1 THE COURT: What would you estimate to be your 2 understanding percentage wise of English being spoken or 3 written?</p> <p>4 A PROSPECTIVE JUROR: My problem is reading and 5 writing.</p> <p>6 THE COURT: I asked you to estimate for me the 7 percentage of English do you read and write.</p> <p>8 A PROSPECTIVE JUROR: Most of the time I cannot 9 understand the question.</p> <p>10 THE COURT: Did anybody assist you in filling 11 out the questionnaire?</p> <p>12 A PROSPECTIVE JUROR: No. I did it.</p> <p>13 THE COURT: Do you believe that you understood 14 the questions on the questionnaire?</p> <p>15 A PROSPECTIVE JUROR: No.</p> <p>16 THE COURT: Again, the difficulty that the Court 17 has is it needs to be sure before it excuses anybody that 18 there is a justification to do that and it's hard to 19 understand that someone who has lived here for 30 plus 20 years, worked for a casino company in which the vast 21 majority of the information that would be provided to you 22 to understand your pay, your benefits, et cetera, would 23 all be in English, certainly not in Persian, and yet you 24 are here today indicating that you do not read, write or 25 understand the English language at all.</p> <p style="text-align: right;">79</p>	<p>1 risk this trial with regard to having anybody on the jury 2 that cannot or would not understand the information that 3 is provided, understand the law that is to be applied and 4 to deliberate fairly and impartially with their fellow 5 jurors, so I am going to excuse you at this time with 6 some doubts in my mind. Again, return to the third floor 7 Jury Services to return your badge.</p> <p>8 A PROSPECTIVE JUROR: Okay. Appreciate it.</p> <p>9 THE COURT: Thank you.</p> <p>10 I think that is about all of our individual 11 canvassing. Let's have the whole panel brought in. (Potential jurors enter the courtroom.)</p> <p>12 THE COURT: I will ask the panel to please stand 13 to take an oath as we proceed with questioning you as 14 potential jurors. Please all stand.</p> <p>15 THE CLERK: You do solemnly swear that you will 16 well and truly answer such questions put to you touching 17 upon your qualifications as jurors on the case at issue 18 so help you God. (Potential jurors answer in the affirmative.)</p> <p>19 THE COURT: Thank you all. As you take your 20 seats I will just remind the remainder of you to please 21 make sure you have your cell phones are off or silent. 22 And certainly no one is to be using the cell phone while 23 they are in here; no texting, no facebook, no tweeting, 24 25</p> <p style="text-align: right;">81</p>
<p>1 A PROSPECTIVE JUROR: I understand it but most 2 questions I do not answer the question.</p> <p>3 THE COURT: Does the State have any questions 4 for Mr. Ghyasi?</p> <p>5 MS. BLUTH: No, Your Honor.</p> <p>6 THE COURT: Does the defense have any questions?</p> <p>7 MR. SCHIECK: No, Your Honor.</p> <p>8 THE COURT: Do you want to make any record?</p> <p>9 MR. SCHIECK: I would just note for the record, 10 Your Honor, that he did not answer at least half of the 11 questions. And on the last page he did indicate he is 12 having difficulty with the English language. And the 13 spelling on his answer was phonetic at best.</p> <p>14 My concerns would be on complicated jury 15 instruction type issues or issues of a technical nature 16 he would struggle with understanding of the English 17 version of what that testimony was.</p> <p>18 THE COURT: All right. Mr. Ghyasi, you are 19 excused, however, you do still need to take that badge 20 that was given to you that is on your shirt, you have to 21 return down to the third floor Jury Services where we 22 brought you up from so that you can tell them that you 23 have been excused.</p> <p>24 I have concerns about the information that has 25 been provided today but at the end of the day I cannot</p> <p style="text-align: right;">80</p>	<p>1 blogging or anything like, okay?</p> <p>2 We appreciate it's 4:00 on a Monday and you all 3 have been here the better part of the day anticipating 4 coming in for the jury selection. We had a number of 5 matters we had to address. And then of course we have 6 talked to a number of your fellow jurors already to 7 address certain pieces of information and that is one of 8 the benefits when we can have a questionnaire because it 9 sort of helps us expedite the process.</p> <p>10 First of all, I need to ask and I need to be 11 sure that Jury Services has not sent us someone who is 12 ineligible to serve and there are two basic criteria's to 13 make sure that you are eligible to serve: You must be a 14 US citizen; and if you are a convicted felon you must 15 have had your rights restored to enable you to have jury 16 service, right to vote, et cetera.</p> <p>17 Is there anyone here who is not a US citizen or 18 is a convicted felon whose rights have not been restored?</p> <p>19 I see one hand. Sir, if you can give us your 20 name and the last three digits of your badge number.</p> <p>21 A PROSPECTIVE JUROR: Mr. Adams, 211.</p> <p>22 THE COURT: Mr. Adams, what is the circumstance 23 that makes you ineligible to serve?</p> <p>24 A PROSPECTIVE JUROR: I was convicted of a 25 felony in 2000 and I have never had anything restored or</p> <p style="text-align: right;">82</p>

<p>1 anything like that.</p> <p>2 THE COURT: All right. I probably could take a</p> <p>3 minute and look you up. Was that here in Clark County?</p> <p>4 A PROSPECTIVE JUROR: Yes.</p> <p>5 THE COURT: And when you say you haven't had</p> <p>6 your rights restored, did you serve a term of</p> <p>7 incarceration, were you on probation, what happened?</p> <p>8 A PROSPECTIVE JUROR: I was on probation.</p> <p>9 THE COURT: All right. So were you honorably</p> <p>10 discharged?</p> <p>11 A PROSPECTIVE JUROR: Yes.</p> <p>12 THE COURT: At that point in time I believe that</p> <p>13 your rights would be automatically restored; is that not</p> <p>14 the case?</p> <p>15 MS. LUZAICH: No. You have to affirmatively</p> <p>16 move to get them restored.</p> <p>17 THE COURT: Okay. I thought I heard differently</p> <p>18 recently.</p> <p>19 At this time, Mr. Adams, I do not have any basis</p> <p>20 to independently confirm that. You would not necessarily</p> <p>21 have to come back to court to do that but you would have</p> <p>22 had to ask for and do something that would have got your</p> <p>23 rights restored. So if you do not believe that your</p> <p>24 rights have been restored then you would be ineligible to</p> <p>25 serve.</p> <p style="text-align: right;">83</p>	<p>1 last three digits of your badge number. That is just a</p> <p>2 pre-reminder and I will continue to remind you as we go</p> <p>3 along.</p> <p>4 Also in the courtroom is Dania Batiste, the</p> <p>5 court clerk and I have Tom Lobkowitz who is our marshal</p> <p>6 and he will be the one if you do have to have any</p> <p>7 communications with the Court he will be the one who will</p> <p>8 facilitate that for you.</p> <p>9 I also have behind the scenes two additional</p> <p>10 staff members. I have a judicial executive assistant.</p> <p>11 Her name is Cindy Springberg. I have a law clerk by the</p> <p>12 name of Jamie Combs and I have a court extern who is a</p> <p>13 Boyd Law School student at this time named Kyle Wyant.</p> <p>14 Those are all the staff members for the Court.</p> <p>15 I am going to ask now for the State and for the</p> <p>16 defense to introduce themselves and their witnesses. But</p> <p>17 I will note that the case that you have been sent to</p> <p>18 serve as potential jurors is the case of the State of</p> <p>19 Nevada versus Lesean Collins. I know that you are</p> <p>20 probably aware of that from the questionnaire that you</p> <p>21 filled out.</p> <p>22 I will note for the record that Mr. Collins is</p> <p>23 not present with us here today. It is the right of a</p> <p>24 defendant to elect to not be present for any portion of</p> <p>25 the trial. And Mr. Collins has in fact elected his right</p> <p style="text-align: right;">85</p>
<p>1 I will ask you to please return to third floor</p> <p>2 Jury Services to turn in your badge and explain to them</p> <p>3 and see if they have any further instructions for you.</p> <p>4 The next circumstance I would like to address is</p> <p>5 we need to find out if there is anyone here who is</p> <p>6 acquainted with, knowledgeable of either me, members of</p> <p>7 my staff, the counsel who will be trying this case,</p> <p>8 parties or witnesses relevant to this case. And so I</p> <p>9 will take a moment now and introduce my staff and then I</p> <p>10 am going to ask counsel to each introduce themselves and</p> <p>11 any witnesses they may call and to give you a very brief</p> <p>12 understanding of what the case is about from their</p> <p>13 perspective.</p> <p>14 I will note as we proceed -- well, let me go</p> <p>15 ahead and first introduce my staff. Again, my name is</p> <p>16 Kathleen Delaney. I am the district court judge</p> <p>17 presiding in Department 25 of the Eighth Judicial</p> <p>18 District Court. That is where you have been assigned as</p> <p>19 potential jurors.</p> <p>20 I have present in the courtroom with me several</p> <p>21 members of my staff. I have a court reporter, Brenda</p> <p>22 Schroeder. And I will tell you in advance it is very</p> <p>23 important any time that you are going to speak because</p> <p>24 she has the duty of writing down everything that is</p> <p>25 discussed that you identify yourself by name and by the</p> <p style="text-align: right;">84</p>	<p>1 not to be present for today's purposes, so he will not be</p> <p>2 here.</p> <p>3 You are instructed to not consider that in any</p> <p>4 way, one way or the other. It is certainly, again, his</p> <p>5 right to make that choice. And if you are impaneled to</p> <p>6 serve on this jury not to have that considered in your</p> <p>7 deliberations in any way, okay?</p> <p>8 Let me ask at this time for the State's counsel</p> <p>9 to introduce themselves and their witnesses and their</p> <p>10 statement of the case.</p> <p>11 MS. BLUTH: Thank you, Your Honor.</p> <p>12 Good afternoon, ladies and gentlemen. My name</p> <p>13 is Jacqueline Bluth. Sitting with me at counsel table is</p> <p>14 Lisa Luzaich. We are both chief deputy district</p> <p>15 attorneys with the Clark County District Attorney's</p> <p>16 Office and we have been assigned to prosecute the case of</p> <p>17 the State of Nevada versus Lesean Collins.</p> <p>18 We intend to present evidence to you that on</p> <p>19 September 2nd of 2008 the defendant murdered Brandi</p> <p>20 Payton at his home or a home he shared with an individual</p> <p>21 by the name of Shalana Eddins.</p> <p>22 After that was done he then transported her body</p> <p>23 on State Route 156, which is near the 95 freeway as you</p> <p>24 head out north.</p> <p>25 During the trial we intend to call some of the</p> <p style="text-align: right;">86</p>

1 following people. And I will read those names out right
2 now. From the Las Vegas Metropolitan Police Department:
3 Tiffany Adams, Rocky Alby, Allen Cabrales, Jonathan
4 Fried, Kelly Gauthier, Ken Hardy, Jason Henson, Oscar
5 Hicks, Daniel Holstein, David Horn, Brian Kobrys, Maria
6 Lopez, Cliff Mogg, James Pendleton, Michael Perkins,
7 Daniel Proietto, John Scott, Monte Spoor, Illian
8 Williams, Ken Morgenstern.
9 From the North Las Vegas Police and Fire
10 Department: Sean Montgomery, Officer Chavez, Officer
11 Stancil, Officer Wheeler, Jeffrey Longprey.
12 From the Clark County Coroner's Office:
13 Dr. Lary Simms, Felicia Borla.
14 From the Office of the Inspector General: David
15 Molnar and the following lay witnesses: Donita Beasley,
16 Maurio Carter.
17 Custodian of records from Avis: Jason Turner,
18 Donald Davidson, Shalana Eddins, Robert Eddins, Vivian
19 Furlow, Ben Grand, Darlene Heer, Rufus Hicks, Erika
20 Jeffery, Joanne Kelson, Michael Kelson, Pedro Madrigal,
21 Gloria Payton, Tammy Payton, Wannette Pratt and Theresa
22 Williams. Thank you.
23 THE COURT: I will ask the defense at this time
24 to introduce themselves and any witnesses they wish to
25 call.

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1 MR. HYTE: Certainly. Thank you, Your Honor.
2 Good afternoon ladies and gentlemen. My name is
3 Michael Hyte. Seated with me at counsel table is David
4 Schieck from the Clark County Special Public Defender's
5 Office and together we represent the accused in this
6 case, Lesean Collins.
7 Mr. Collins has pleaded not guilty to the
8 charges. In addition to the names that the State has
9 just read to you we may call the following as witnesses
10 during this trial:
11 Thomas Blackburn, Tricia Brewer, Melvin Easley,
12 Juan Gollioto, Todd Grey, Philip MacKenzie and Carolyn
13 White. Thank you.
14 THE COURT: Thank you, Mr. Hyte.
15 Before I ask for anyone to identify if they
16 believe they are acquainted with any of the names you
17 have just heard either from me or from counsel, we
18 appreciate that that's a lot of names and we appreciate
19 that you didn't have the chance to write them all down.
20 Let's put it this way, if you knew one of those
21 people and/or you knew that they were somehow involved in
22 this case you would probably know that, okay. That's
23 what we are looking for you to identify here, anybody who
24 certainly is aware of this case or the people that have
25 been identified in their positions that they have been

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1 identified.
2 It is very possible that if you serve on this
3 jury and somebody comes in to actually give testimony on
4 the witness stand that you might recognize them. They
5 could be your son or daughter's soccer coach, they could
6 be someone you know from church but you just didn't
7 recognize the name. If that were to occur then of course
8 you would notify the Court through a note that you would
9 give to the marshal.
10 But at this point in time we understand that
11 there may be some names that sound familiar and that you
12 may or may not be sure. We certainly want you to
13 identify for us if you think you recognize the name and
14 then we can ask further of you why. But we want you to
15 appreciate that we do this part of the process fairly
16 quickly because, again, we know that you are going to
17 know if you for sure know one of those people or you know
18 facts or circumstances related to this case and then of
19 course we'll deal with the other aspects of who you might
20 find out you know as we go along.
21 Can I see at this time by a show of hands if
22 there is anyone who believes that they know or recognize
23 any of the names of any of the people participating or
24 conducting this trial that were just offered to you.
25 I see two hands. So what I'm going to do and

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1 this will sort of give you a flavor of how we're going to
2 proceed is we are going to call on folks always in the
3 order in which they are seated. And for your
4 understanding the way that you are seated is the way you
5 are listed, which is entirely random. We have no control
6 over that. That is how the system sort of spits
7 everyone's name out.
8 If you are seated with the first seat in order
9 being the top left of the jury box area all the way to
10 the left corner. So we are looking at you from left to
11 right starting with the back row all the way through and
12 up through and including the rows behind counsel table
13 with the last folks seated over here.
14 And so that you have even a better idea of why
15 you were seated that way what the Court needs to do for
16 purposes of this trial is I will need to qualify 32
17 people from whom 15 are going to be elected to serve as
18 jurors. That will include the 12 jurors who will be
19 those who will deliberate and three of those who will
20 serve as alternates who will all be present during the
21 course of the trial. But of course the alternates will
22 be asked to stand by to deliberate if and when there
23 would be a need. So we will qualify out of 32, 15
24 people.
25 So for all intents and purposes the folks in the

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1 first 32 seats are going to be considered qualified
2 unless and until circumstances are brought to light that
3 indicate that you cannot serve for some reason. The
4 folks beyond that first group of 32 which ends in the
5 first row behind counsel table on the right. For
6 everybody seated behind them in the order in which you
7 are seated is how you would be called forward to fill an
8 empty set in the 32.
9 So at this point if it hasn't quite clicked in,
10 the folks seated in the second row here are the first
11 that would be called forward on through, okay? So that
12 is kind of the process of how it will work.
13 And what we are going to do now is I will
14 inquire of the folks who raised their hand. So, ma'am,
15 if you could give us your name and you last three digits
16 of your badge number for the record first.
17 A PROSPECTIVE JUROR: Meghan Corrigan, 094.
18 THE COURT: Okay. Who is it that you believe
19 you are acquainted with?
20 A PROSPECTIVE JUROR: The question you asked
21 earlier I did not answer but I did believe my rights were
22 automatically restored but after hearing you have to
23 actually apply for it I have to say that I have never
24 applied for it.
25 THE COURT: Have we sent you into a panic now

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1 that you don't think you have restored rights?
2 A PROSPECTIVE JUROR: Yes, a little bit.
3 THE COURT: Again, it is just not a part of the
4 process that I would typically handle, so I apologize to
5 you that I can't say for certainty that you would not
6 have had your rights restored, but out of an abundance of
7 caution was your circumstance here in Clark County?
8 A PROSPECTIVE JUROR: No.
9 THE COURT: It was a felony in some other
10 jurisdiction?
11 A PROSPECTIVE JUROR: Yes.
12 THE COURT: Because we can't be certain and of
13 course we would have no way to either independently
14 verify I will with regret excuse you at this point in
15 time, but thank you for your candor on that. Please go
16 down to the third floor Jury Services, return your badge
17 and advise them of the reason you were excused and see if
18 they have any further directions for you.
19 A PROSPECTIVE JUROR: Thank you.
20 THE COURT: And then I saw one hand in the back
21 row. Could you please identify yourself and give us the
22 last three digits of your badge.
23 A PROSPECTIVE JUROR: Brian Chongtai, 206.
24 THE COURT: Mr. Chongtai, who is it that you
25 believe you are acquainted with?

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1 A PROSPECTIVE JUROR: John Fried and Dan
2 Holstein. They are both crime scene analysts.
3 THE COURT: How do you know them?
4 A PROSPECTIVE JUROR: My wife was a crime scene
5 analyst during that time. They were acquaintances of
6 ours.
7 THE COURT: And when you say acquaintances, I
8 know that means something specific to me but I don't know
9 what that means to you. Are these people that you are
10 currently socially active with?
11 A PROSPECTIVE JUROR: Not recently but during
12 that time we had been over to their houses.
13 THE COURT: And when you say "that time" which
14 time frame are you talking about?
15 A PROSPECTIVE JUROR: She was with Metro from
16 2004 to 2008.
17 THE COURT: Your wife.
18 A PROSPECTIVE JUROR: Yes.
19 THE COURT: Of course there is going to be a
20 time when we talk to folks about any connections they may
21 have with law enforcement and the criminal justice
22 system. But as you sit here today, let me just ask you
23 this question at this point, would your acquaintances
24 with these two individuals do you believe that that would
25 impact your ability to be fair and impartial in this

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1 trial?
2 A PROSPECTIVE JUROR: I don't feel that it
3 would.
4 THE COURT: And like I said, there may be
5 further questions on that issue. Certainly, and I think
6 we all know and let me just sort of preface it as we come
7 into this discussion and what our American system of
8 justice is, is that the defendant as he is accused
9 however is innocent and he will only be determined to be
10 guilty if the jurors find that the State meets its burden
11 to prove beyond a reasonable doubt his guilt as to the
12 charge or charges against him.
13 And so it is imperative and the whole purpose of
14 this selection process, which we anticipate will take
15 several days, is to ensure that the people who are going
16 to be selected to serve can and will receive the evidence
17 in this trial and only the evidence in this trial to
18 weigh and apply the law as the Court gives it to them
19 without regard to what they think the law ought to be but
20 they actually follow what the law is that the Court gives
21 them and sit down with their fellow jurors and deliberate
22 fairly and impartially to reach a verdict which does
23 equal justice to the parties, but also, again, recognizes
24 that it is the State that bears the burden to prove the
25 defendant guilty beyond a reasonable doubt.

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1 That is what we are looking for here today. So
2 we may have further questions of you, Mr. Chongtain, but
3 at this point we can proceed.
4 Now that everybody has had a little bit more
5 time to think about it, is there anybody who believes
6 that they may be acquainted with or may know any of the
7 folks related to the trial?
8 Yes, ma'am.
9 A PROSPECTIVE JUROR: Paula Rodriguez, Badge No.
10 093.
11 THE COURT: Yes, Ms. Rodriguez.
12 A PROSPECTIVE JUROR: I do not speak too much
13 English. I need someone to help me.
14 THE COURT: Well, Ms. Rodriguez, the only reason
15 I am a little surprised but it may just be that this is
16 something that we did not understand from your
17 questionnaire but we went through all of the
18 questionnaires and one of the reasons we are so late
19 starting here today is we brought in each and every one
20 of the people who indicated some inability to serve, not
21 the least of which were language problems and we did not
22 perceive that from your questionnaire. So there were
23 plenty of places where that could have been indicated.
24 So let me ask you now how long have you lived in
25 the United States?

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1 A PROSPECTIVE JUROR: 15 years.
2 THE COURT: Do you work?
3 A PROSPECTIVE JUROR: Yes.
4 THE COURT: Where do you work?
5 A PROSPECTIVE JUROR: In the electrical cables
6 but everybody speaks Spanish, nobody speaks English.
7 THE COURT: I understand that there are jobs
8 where you can mainly speak Spanish, however, certainly
9 most employers, especially the larger employers any
10 information they give you with regard to your pay, any
11 information with regard to your benefits, et cetera,
12 usually is always in English and you have been here for
13 15 years.
14 So I guess what I am going to ask you at this
15 time is if you can estimate for me what percentage of
16 English do you believe that you understand spoken or
17 written, what percentage?
18 A PROSPECTIVE JUROR: My question is I have ten
19 years of the hospital. I had an operation.
20 THE COURT: Are you talking about a medical
21 reason why you cannot serve?
22 A PROSPECTIVE JUROR: Yes. Friday I call and
23 you say, I don't care, you come in Monday at 1:00. And
24 today I don't take my medicine because it is too much
25 sleep.

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1 THE COURT: I am just going back over your
2 questionnaire, ma'am, because I don't recall seeing this
3 information in your questionnaire, but I certainly also
4 have some indication that some of the questionnaire was
5 not completed either.
6 Can I have counsel just briefly at the bench.
7 (Discussion held at the bench.)
8 THE COURT: Thank you, Ms. Rodriguez. In light
9 of the medical concerns that you have but primarily
10 because of the language concern that you have stated and
11 in re-reviewing your questionnaire seeing perhaps what I
12 did not see to begin with is the number of questions that
13 you did not answer.
14 Obviously, we would need folks on the panel who
15 can receive all of the evidence, weigh the evidence with
16 their fellow jurors, apply the law as the Court gives it
17 to them. We need to be sure that every juror can
18 accomplish that task and because we do now have concerns
19 that you cannot I am going to excuse you at this time.
20 Please return to the third floor Jury Services
21 and take your badge and give it to the people on the
22 third floor and get any further instructions. If you
23 have any other questions you can ask the marshal.
24 A PROSPECTIVE JUROR: Thank you so much.
25 THE COURT: As far as anybody with knowledge

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1 with regard to any circumstances of the case or the
2 potential parties involved or the witnesses involved in
3 the case is there anybody else that we have not talked
4 to?
5 Go ahead, sir.
6 A PROSPECTIVE JUROR: Allen Paguet, Badge No.
7 262. Your Honor, you and went I to high school about 32
8 years ago.
9 THE COURT: Okay. You don't have to give a
10 number. That is just wrong. Go Chargers.
11 A couple of juries ago I actually had somebody
12 raise their hand that turned out to be my eighth grade
13 teacher and that was horrifying to me that she remembered
14 me.
15 Nice to see you again. I have had a few folks
16 that have come in on the panel who would have known me or
17 who would have had interactions in the past. Is there
18 anything about the fact that we went to high school
19 together all those years ago going to impact your ability
20 to serve fairly and impartially in this trial.
21 A PROSPECTIVE JUROR: No, Your Honor.
22 THE COURT: All right. Nice to see you again.
23 All right. The next thing that we have to
24 address of course and some of this was addressed in the
25 questionnaire and some folks we have already excused

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1 because of what we had in their questionnaire is the time
2 for trial and whether or not you all have conflicts.
3 Mainly, of course, what we are looking for is
4 people who have already paid for travel that they cannot
5 get refunded for, perhaps travel related to work,
6 surgeries that are scheduled. I am not trying to give
7 you the list because you know what your schedule is, what
8 your potential hardship is.
9 Before we get to that, though, I need to tell
10 you that some of the circumstances have in fact changed
11 with regard to the timing of the trial and so when we did
12 the first questionnaire, when we did the questionnaire
13 initially it was our understanding and we did anticipate
14 the trial would go through the remainder of this week and
15 next week and then that would be the end of the trial.
16 The number of days are still the same but the
17 dates have changed. It is our expectation that we will
18 complete jury selection this week, likely perhaps by
19 Wednesday, at the latest by Thursday, but that we will
20 then not have any further trial this week. So we will
21 not be in trial on Friday this week and we may be in
22 trial only partial day on Thursday.
23 Our timing would be 1:30 start tomorrow, 1:30
24 start Wednesday and 10:00 a.m. start on Thursday and that
25 is because the Court has other scheduled matters that it

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1 has to address unrelated to the trial, so I give you that
2 information to weigh and digest as far as what the impact
3 will be.
4 So for the next two days we are talking 1:30 to
5 5:00 Tuesday and Wednesday and from 10:00 until we
6 complete if we even need to go Thursday.
7 The following week we would only be in trial
8 Monday, Tuesday and Wednesday. That would be the 3rd,
9 4th and 5th of August. We would not be in trial on the
10 6th or the 7th. There are several reasons for that
11 inclusive of the Court's schedule as well as witness
12 availability. Each of those days would be 1:30 start
13 time and complete at 5:00 but just Monday, Tuesday and
14 Wednesday. No trial Thursday or Friday.
15 But we would return the following week and these
16 are the dates that we had not known at the time and had
17 not asked you about, which would be the Monday, Tuesday,
18 Wednesday of the following week. It's possible that we
19 can complete and deliver the evidence and instructions
20 and the closing arguments to you by Tuesday but we are
21 qualifying everybody through Wednesday the 12th just to
22 be safe to make sure we have ample time to complete the
23 trial.
24 And then, of course, however long it is that it
25 takes for the jurors take to deliberate that's how long

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1 it takes to deliberate. We do not control that in any
2 way. But we are qualifying people here today through and
3 including August 12th with the understanding that we are
4 talking about half days other than if we need you this
5 Thursday, and no Thursdays and Fridays after this week.

6 With that understanding is there anybody here
7 who needs to and has not already through their
8 questionnaire expressed a hardship with their ability to
9 serve during the time frame that I have given you.

10 I do see a few hands. I will go through and
11 speak with each of you one by one in the order in which
12 you are seated. So what I am going to do to make it
13 easier is go row by row. So in the back row, which is,
14 again, our first nine jurors listed, I think I saw one
15 hand but let me see again by a show of hands of anyone
16 with a hardship that makes them unable to serve. Okay.
17 Now the second row.

18 A PROSPECTIVE JUROR: Yahaira Ramos, Badge No.
19 080. I stated on my questionnaire financial hardship and
20 I am going to start a new job on Monday and I am having a
21 financial hardship. I am trying to get food stamps right
22 now. And they would not want me to not show up on my
23 first day of work. But I did not tell them I had jury
24 duty. I did not want to keep coming up with excuses
25 because I was told that it was going to last five days so

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1 I told them I would start on Monday.

2 THE COURT: I do not think that trial was ever
3 going to complete in five days.

4 A PROSPECTIVE JUROR: Well, when we were filling
5 out the questionnaire I thought it was a three to
6 five-day trial that is why I had left this weak for this.

7 THE COURT: When you say you do not want to have
8 anymore continuations or excuses have you already
9 postponed the start of your job before?

10 A PROSPECTIVE JUROR: No. I was with an agency
11 doing day-to-day projects.

12 THE COURT: What is the job that you are
13 starting on this Monday?

14 A PROSPECTIVE JUROR: Medical assistant at
15 Nevada Health Center Clinic.

16 THE COURT: And you have not disclosed to them
17 at this point that you have jury duty?

18 A PROSPECTIVE JUROR: Correct.

19 THE COURT: Was there anybody else in that row?
20 How about the first row?

21 A PROSPECTIVE JUROR: Marie Rasco, 196. I am a
22 banquet provider and bartender and I am the bread winner
23 in my house; my husband is disabled and basically if I
24 don't work I don't get paid.

25 THE COURT: What is your typical schedule?

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<p>1 A PROSPECTIVE JUROR: It fluctuates</p> <p>2 tremendously.</p> <p>3 THE COURT: If it fluctuates, can it fluctuate</p> <p>4 around the days we have given you?</p> <p>5 A PROSPECTIVE JUROR: Yes. There are private</p> <p>6 functions and there are lunch functions and evening</p> <p>7 functions. And the evening functions usually start at</p> <p>8 2:00 in the afternoon.</p> <p>9 THE COURT: Well, I was asking the question a</p> <p>10 certain way for a certain reason and I think maybe you</p> <p>11 understood it a different way. When I asked could it</p> <p>12 fluctuate around the schedule, I meant can you tell your</p> <p>13 employer to schedule you in a way that allows you to work</p> <p>14 around what is otherwise a very limited schedule. We are</p> <p>15 talking about three and a half hours each afternoon other</p> <p>16 than if we need partial time on Thursday which would</p> <p>17 actually be before the typical start time you just stated</p> <p>18 and three days out of five in the week.</p> <p>19 A PROSPECTIVE JUROR: No because my functions</p> <p>20 start at a certain hour so we have so much time for set</p> <p>21 up for the function and you are done. Usually like five</p> <p>22 hours.</p> <p>23 THE COURT: Have you spoken to your employer</p> <p>24 about the fact that you have been called for jury</p> <p>25 service?</p> <p style="text-align: right;">103</p>	<p>1 have a beauty salon and it's my clients and me and I have</p> <p>2 to pay the rent. If I do not work I cannot pay the rent</p> <p>3 and my bills.</p> <p>4 THE COURT: I have not added up all the hours</p> <p>5 but relatively speaking we are talking about ten hours</p> <p>6 total this week, maybe a little bit more if we have to go</p> <p>7 into Thursday, ten hours the following week and the</p> <p>8 possibility of less perhaps maybe six or seven hours the</p> <p>9 following week up to potentially ten hours that week.</p> <p>10 As the owner of the salon do you have the</p> <p>11 ability to schedule around those times?</p> <p>12 A PROSPECTIVE JUROR: It is the end of the month</p> <p>13 and so I have to pay the rent and I do not know if I can</p> <p>14 make the rent if I miss my appointments.</p> <p>15 THE COURT: Thank you. You may have a seat.</p> <p>16 Anybody else in that row?</p> <p>17 A PROSPECTIVE JUROR: Sandra Clark, Badge No.</p> <p>18 182. I am a food server at a local bar and restaurant</p> <p>19 and my hours I work 11:00 to 4:00 on Wednesday, Thursday,</p> <p>20 Friday and from 6:00 in the morning until 2:00 in the</p> <p>21 afternoon on Tuesday. I work six days a week. I work</p> <p>22 Saturdays and Sundays. My only day off is Mondays.</p> <p>23 I have talked to my boss she has another girl</p> <p>24 out on vacation this week and there is no way I can pick</p> <p>25 up extra hours after 5:00.</p> <p style="text-align: right;">105</p>
<p>1 A PROSPECTIVE JUROR: Yes, I have.</p> <p>2 THE COURT: Have you spoken with them about the</p> <p>3 possibility of scheduling around your time frame?</p> <p>4 A PROSPECTIVE JUROR: No because we work on a</p> <p>5 rotation and when it's your turn, it's your turn.</p> <p>6 THE COURT: What is the name of the company you</p> <p>7 work for?</p> <p>8 A PROSPECTIVE JUROR: Venetian Hotel.</p> <p>9 THE COURT: So you work for a hotel that as I</p> <p>10 understand it is quite well aware of the importance of</p> <p>11 jury service in our community.</p> <p>12 A PROSPECTIVE JUROR: Yes.</p> <p>13 THE COURT: You have not yet discussed with them</p> <p>14 the effect of jury service on your duties; is that</p> <p>15 correct?</p> <p>16 A PROSPECTIVE JUROR: Well, I spoke with my boss</p> <p>17 and he told me, Make sure you bring the paperwork work</p> <p>18 in. And they will pay me my hourly, however, I will not</p> <p>19 be included in the gratuity pool.</p> <p>20 THE COURT: Understood. Thank you, ma'am.</p> <p>21 Anybody else in that row? Okay. Now to the row</p> <p>22 behind counsel table.</p> <p>23 Ma'am.</p> <p>24 A PROSPECTIVE JUROR: My name is Floripinas</p> <p>25 Thompson, Badge 170. I am a private business owner. I</p> <p style="text-align: right;">104</p>	<p>1 THE COURT: Okay. Thank you, ma'am. Anybody</p> <p>2 else in that row?</p> <p>3 Sir.</p> <p>4 A PROSPECTIVE JUROR: Mark Barnes, Badge No.</p> <p>5 197. My wife was diagnosed with an emergency medical</p> <p>6 condition last week and just today before my coming here</p> <p>7 was scheduled for surgery tomorrow.</p> <p>8 THE COURT: Did you bring any of that medical</p> <p>9 paperwork?</p> <p>10 A PROSPECTIVE JUROR: Yes, I did.</p> <p>11 THE COURT: You say the surgery is scheduled for</p> <p>12 tomorrow?</p> <p>13 A PROSPECTIVE JUROR: Yes. It will be an</p> <p>14 overnight stay at the hospital and then extended care</p> <p>15 afterwards.</p> <p>16 THE COURT: Thank you, sir. Anybody else in</p> <p>17 that row?</p> <p>18 Sir.</p> <p>19 A PROSPECTIVE JUROR: Ben Philips, 239.</p> <p>20 Scheduling issue for next Monday the 3rd, I have to be</p> <p>21 out of town for a meeting in Los Angeles. And the</p> <p>22 following week, August 9th through the 16th, I will be</p> <p>23 out of town on vacation.</p> <p>24 THE COURT: I know you would not have been</p> <p>25 prepared to bring that latter information because we</p> <p style="text-align: right;">106</p>

1 didn't know that we were going to be into that week, but
2 did you provide documentation about your travel for the
3 3rd?
4 A PROSPECTIVE JUROR: I just found out today but
5 I have an e-mail from my boss that confirms it and I have
6 e-mails about my travel arrangements on the 9th.
7 THE COURT: Is this a meeting that could take
8 place by you participating by phone?
9 A PROSPECTIVE JUROR: No because it is out of
10 town.
11 THE COURT: I understand that but I am asking if
12 you are unable to be excused and you are unable to
13 travel, would you still be able to attend that meeting?
14 A PROSPECTIVE JUROR: No. I would be excused
15 from the meeting.
16 THE COURT: Okay. What is the nature of your
17 role in the meeting?
18 A PROSPECTIVE JUROR: I am controller with a
19 construction company.
20 THE COURT: And the meeting is for what?
21 A PROSPECTIVE JUROR: A town hall meeting for
22 the West Coast in Los Angeles.
23 THE COURT: And your travel on the 9th through
24 the 16th, do you have plane travel?
25 A PROSPECTIVE JUROR: Yes.

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1 THE COURT: And what is your destination?
2 A PROSPECTIVE JUROR: Atlanta, Georgia.
3 THE COURT: Is that non-refundable?
4 A PROSPECTIVE JUROR: It is refundable.
5 THE COURT: Thank you for your information
6 there. But you do have the proof that you could show us
7 in your phone or something?
8 A PROSPECTIVE JUROR: Yes.
9 THE COURT: Thank you. Anybody else in that
10 row?
11 Sir.
12 A PROSPECTIVE JUROR: Jesse Tadych, 250. The
13 reason being I am self-employed and the roommate and
14 girlfriend is moving out so I am solely responsible for
15 the rent and I'm self-employed.
16 THE COURT: What is your employment?
17 A PROSPECTIVE JUROR: Massage therapist. And I
18 work 11:00 to 5:00 six days a week.
19 THE COURT: Did you talk to the employer about
20 the possibility of being on jury duty and the possibility
21 of other scheduling?
22 A PROSPECTIVE JUROR: The shifts are only 11:00
23 to 5:00 throughout day.
24 THE COURT: Where is this that you work?
25 A PROSPECTIVE JUROR: I do foot massage. I am

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1 an independent contractor for a company so I am not an
2 employee so I get only straight commission of what I
3 acquire.
4 THE COURT: Okay. Thank you, sir.
5 Anybody on this side?
6 Ma'am.
7 A PROSPECTIVE JUROR: Lisa Cretella, Badge No.
8 331. I stated on my questionnaire that I am
9 self-employed. I am a piano teacher. The only two days
10 that I am working in the summer are Tuesdays and
11 Wednesdays and that schedule was already created at the
12 beginning of the summer. I lose most of my clientele
13 during the summer months because they travel and so all
14 the clients were scheduled on the Tuesday and Wednesday.
15 I just recently went through a divorce at the
16 time that I filled out the questionnaire my ex-husband
17 and I were still cohabiting. I have found a place to
18 live and in the last two weeks have been moving out and I
19 have to be out of my residence by the 2nd, which is this
20 Sunday and my ex just lost his sister so he flew back
21 east and I have the sole responsibility of having
22 everything moved.
23 THE COURT: Your time frame for your move again
24 is this weekend?
25 A PROSPECTIVE JUROR: I have been trying to get

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1 it done over the last two weeks but as of Sunday I have
2 to be out of the current residence. And this Thursday I
3 have piano clients scheduled.
4 In regards to income, I received payment for
5 goods next month the last week of the month, so tomorrow
6 and Wednesday would be the two days that I would be
7 receiving income for the month of August, so if I don't
8 go tomorrow and Wednesday to teach these students I have
9 no income for August. I do not receive any alimony. I
10 have no other source of income period, so I am in a very
11 difficult financial situation right now.
12 THE COURT: All right. Thank you, ma'am.
13 Anybody else. Ma'am.
14 A PROSPECTIVE JUROR: Hi. My name is Deborah
15 Formica, Badge 319. I had made a doctor's appointment
16 for my nine-year-old daughter back in June and she was
17 diagnosed with a skin disease, so I just was able to make
18 her appointment for the 5th and 6th at the Las Vegas Skin
19 and Cancer Center so I would have to be there with her
20 for that.
21 THE COURT: What time is the appointment?
22 A PROSPECTIVE JUROR: Two.
23 THE COURT: You said the 8th?
24 A PROSPECTIVE JUROR: No. It's the 5th.
25 THE COURT: You just mentioned the 5th and 6th

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1 and I was just questioning because the 6th obviously we
2 are not going to be in court.
3 A PROSPECTIVE JUROR: It's the 5th. And my
4 husband also had a tumor on his neck and we are scheduled
5 to go to UCLA Medical Center.
6 THE COURT: When is that?
7 A PROSPECTIVE JUROR: In August.
8 THE COURT: When?
9 A PROSPECTIVE JUROR: I have a paper in my
10 wallet. And then my mother-in-law was just admitted into
11 St. Rose at 8:30.
12 THE COURT: Go ahead if you can, Ms. Formica,
13 retrieve the information from your phone so that you can
14 show the marshal and what I am going to do is ask folks
15 to keep their seats but I will ask counsel to meet with
16 me briefly in chambers and we will be back shortly to let
17 you know the outcome of our review.
18 (Off-the-record discussion in chambers.)
19 THE COURT: Thank you everybody. I have
20 discussed matters with counsel and the Court at this time
21 is determined that we are going to excuse some folks from
22 the panel and then what we are going to do is adjourn for
23 the evening and return tomorrow.
24 When we return tomorrow any of the seats that
25 are vacant in the first 32 we will bring forward the next

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1 in line to fill those seats and then we will begin the
2 process of questioning the folks that we, again, have
3 identified the first 32. Essentially we are going to
4 consider you qualified until we get information that that
5 is not the case.
6 The remainder of you, everyone who is not
7 excused as I read your names here shortly, everyone needs
8 to return here tomorrow. And here's how you will do
9 that. You will go to the third floor Jury Services as
10 you did today. The badge that you were given, scan that
11 in, check in essentially, and then you will come up here
12 to this courtroom door 15A and wait outside until we are
13 ready to bring you in. And you should be outside this
14 door ready to begin at 1:30. So build in whatever time
15 you need to park and make your way in to the third floor
16 to scan your badge and check in and then come up here at
17 1:30. That is for everybody who will be returning.
18 The only people who will not be returning at
19 this time, and for you all please as you exit today,
20 everybody else can leave, for those who hear their name
21 now you are in fact excused from the trial, you and the
22 other people who were previously excused, need to go to
23 the third floor now and turn those badges in. There
24 should be someone there to receive them. If they are not
25 present then there will be instructions on where you can

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1 leave your badge. So you need to go back to third floor
2 Jury Services on your way out.
3 The rest of you just go ahead and go home with
4 your badges and return here as we have already discussed.
5 The individuals who are excused at this time are
6 Juror 080, Ms. Ramos; Juror 096, Ms. Rasco. Please keep
7 your seat until I read all the names. I'm sorry if I
8 wasn't clear about that. Next juror is 170, Ms.
9 Thompson; Juror 182, Ms. Clark; Juror 197, Mr. Barns;
10 Juror 239, Mr. Phillips; Juror 250, Mr. Tadych; Juror
11 319, Ms. Formica; and Juror 331, Ms. Cretella. Thank
12 you. That is all the names. You are now excused.
13 Please return to Jury Services on the third floor and
14 turn in your badges. Everyone else we will see you
15 tomorrow at 1:30 outside of our courtroom door.
16 Thank you all. Have a good night.
17 (Jurors exit courtroom.)
18 THE COURT: I will have to sign the order to
19 bring Mr. Collins under any means necessary, if they need
20 it. What they always do is they keep it in their back
21 pocket, they tell them they have it. He knows because I
22 told him we were going to have it. Hopefully, he will
23 come up regardless in whatever manner he so chooses.
24 Hopefully he will dress out and there can be some
25 conversation with that or we can just get forward and get

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1 past this nonsense but I will be prepared for whatever.
2 But we will do that order for him to be here at 1:15 so
3 we have the time to do whatever we need to do.
4 MS. LUZAICH: Thank you.
5 THE COURT: Anything else?
6 MR. SCHIECK: No, Your Honor.
7 THE COURT: Thank you all and have a good night.
8 (Proceedings were adjourned.)
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REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, BRENDA SCHROEDER, a certified court reporter
in and for the State of Nevada, do hereby certify that
the foregoing and attached pages 1-130, inclusive,
comprise a true, and accurate transcript of the
proceedings reported by me in the matter of THE STATE OF
NEVADA, Plaintiff, versus LESEAN TARUS COLLINS,
Defendant, Case No. C252804, on July 27, 2015.

Dated this 5th day of January, 2016.

/s/ Brenda Schroeder
BRENDA SCHROEDER, CCR NO. 867

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,)
) Case No. 09C252804
Plaintiff,)
) Dept. No. XXV
vs.)
)
LESEAN TARUS COLLINS,)
)
Defendant.)
)
_____)

BEFORE THE HONORABLE KATHLEEN DELANEY

JULY 28, 2015, 1:15 P.M.

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

APPEARANCES:

(See separate page)

REPORTED BY: BRENDA SCHROEDER, CCR NO. 867

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APPEARANCES:

For the Plaintiff:

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Las Vegas, Nevada 89155

1 LAS VEGAS, CLARK COUNTY, NEVADA

2 TUESDAY, JULY 28, 2015, 1:15 P.M.

3 PROCEEDINGS

4 * * *

5 THE COURT: Calling to order the State of Nevada
6 versus Lesean Collins. I am noting now we have counsel
7 for the State present as well as counsel for the defense
8 and Mr. Collins is present in custody wearing his CCDC
9 clothing. I don't recall if I could see whether he had
10 his chains on or not. He does appear to have his chains
11 on as well.

12 My understanding was that counsel was having a
13 discussion with Mr. Collins with regard to his intentions
14 for today. What is his intentions for today?

15 MR. SCHIECK: His intentions are this is what he
16 desires to wear for court, Your Honor.

17 THE COURT: Mr. Collins, I need to sort of
18 canvass again or discuss again the things we discussed
19 yesterday. What is your reasoning today for wanting to
20 be dressed in your jail clothing and wearing your chains?

21 THE DEFENDANT: I feel comfortable.

22 THE COURT: Are you explaining to me that you
23 couldn't or wouldn't feel comfortable without the chains?

24 THE DEFENDANT: I feel comfortable this way.

25 THE COURT: I understand you feel comfortable

1 that way. I am asking for discussion on what other ways
2 you might feel comfortable. Yesterday at one point after
3 the sergeant came forward and there was a discussion you
4 came into court and you allowed the chains to be removed.
5 What is the purpose for having the chains on again today?

6 THE DEFENDANT: I feel safe and I feel
7 comfortable now.

8 THE COURT: You have to explain that to me
9 better because I don't understand what that means you
10 feel safe.

11 THE DEFENDANT: I feel safe and I feel
12 comfortable the way -- I feel comfortable in the outfit
13 that I'm in and I feel safe with the belly chains that I
14 have on.

15 THE COURT: You keep repeating the same thing
16 but I don't understand it. Help me understand it.

17 THE DEFENDANT: That is as specific as I can be,
18 ma'am.

19 THE COURT: I don't think it's as specific as
20 you can be, Mr. Collins. I think it's as specific as you
21 want it be.

22 Again, we have already talked about it in detail
23 about the fact that you are making a choice, if the Court
24 allows you to make it, that will absolutely put you in
25 front of jurors that have not been selected yet

1 ultimately to serve but of the panel those will be some
2 who will be selected to serve who will see you in
3 clothing that places you in custody in chains that places
4 you in whatever presumption they might make about that
5 being necessary for custody.

6 Also the possibility that you present some
7 danger to the Court that the Court has not found you to
8 present to the Court that otherwise this is your choice
9 to be dressed this way. And it most certainly will
10 occasion the possibility of some prejudice in the minds
11 of these jury members as to your case and your defense.

12 Why would you want to put forth --

13 THE DEFENDANT: That's speculation.

14 THE COURT: It's not speculation because we have
15 a US Supreme Court decision that says if the State were
16 to compel you to dress this way that that would
17 absolutely be prejudicial to you. There is no difference
18 in that regard whether the State compels you to dress
19 this way or you choose to dress this way.

20 So you are voluntarily placing yourself in a
21 position to be in front of jurors who are going to decide
22 the outcome of this case in a prejudicial light. Why are
23 you choosing to do that?

24 THE DEFENDANT: I feel comfortable in the outfit
25 that I'm in and I feel safe with the chains.

1 THE COURT: I do not know where you got the
2 language and I don't know why you keep repeating the
3 language, but that does not do us any benefit here today.

4 Mr. Collins, I want you to acknowledge for the
5 record that you understand that you have a right not to
6 be compelled to wear any jail or prison clothing. Do you
7 understand that you have a right not to be compelled to
8 do that?

9 THE DEFENDANT: If that is what you are saying.

10 THE COURT: You are going to answer my question,
11 Mr. Collins, one way or the other. I asked you a point
12 blank question. Do you understand that you have the
13 right not to be compelled to wear jail clothing and these
14 chains? Do you understand that you have the right not to
15 be compelled, yes or no?

16 THE DEFENDANT: No, I don't understand.

17 THE COURT: All right. Then we need to have a
18 discussion further about it, don't we.

19 I just had a discussion with you now that
20 there's really no practical difference between the State
21 forcing you to dress this way or you choosing to dress
22 this way. I am asking if you understand that the State
23 cannot force you to dress this way; do you understand
24 that?

25 THE DEFENDANT: No. I do not understand that.

1 THE COURT: All right. Can I have counsel in
2 chambers. Take Mr. Collins back to the holding cell.

3 (Discussion held in chambers.)

4 THE COURT: Reconvening now after the chambers
5 conference in the State of Nevada versus Lesean Collins.
6 We have counsel present along with Mr. Collins.

7 Mr. Collins, I still have a few questions that I
8 need to ask you rather than revisit the questions that I
9 have already asked you. What I need to have you
10 acknowledge and confirm for me is did counsel bring you
11 civilian clothes to wear?

12 THE DEFENDANT: I don't know.

13 THE COURT: You don't know if counsel brought
14 you civilian clothes to wear?

15 THE DEFENDANT: I don't know.

16 MR. SCHIECK: For the record, Your Honor, we did
17 drop off last night civilian clothing at the jail.

18 THE COURT: Would there be a record at the jail
19 of whether or not Mr. Collins was shown and offered those
20 clothes?

21 CORRECTIONS OFFICER: There wouldn't be a record
22 necessarily that he saw the clothes but there would be a
23 record that they were dropped off and received.

24 THE COURT: At this time, Mr. Collins, counsel
25 has indicated they have civilian clothes available for