

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH ALEXANDER,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Oct 12 2016 10:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Docket No. 70214

APPELLANT'S APPENDIX – VOLUME 3 OF 7

Appellant Ralph Alexander, by and through the undersigned counsel,
submits this appendix to his Fast Track Statement.

DATED this 11th of October, 2016.

/s/ John Parris

JOHN P. PARRIS, ESQ.

Nevada Bar No. 7479

LAW OFFICES OF JOHN P. PARRIS

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Attorney for Appellant

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Verdict	7	109-13	12/7/2015

CERTIFICATE OF SERVICE

I hereby certify that on the 11th of October, 2016, I served this document on the following:

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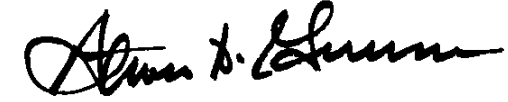
Attorney for Appellant

AFFIRMATION

Pursuant to NRS 239B.030, this document contains no social security numbers.

/s/ John Parris
John P. Parris, Esq.

10-11-16
Date



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-308719-1
	.	CASE NO. C-308719-2
Plaintiff,	.	
	.	DEPT. NO. XII
vs.	.	
	.	TRANSCRIPT OF
RALPH ALEXANDER, a/k/a	.	PROCEEDINGS
RALPH LEONE ALEXANDER,	.	
and JAMES EARL PARKER,	.	
	.	
Defendants.	.	
.	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

**ROUGH DRAFT TRANSCRIPT OF
JURY TRIAL - DAY 1**

TUESDAY, DECEMBER 1, 2015

FOR THE STATE:	GIANCARLO PESCI, ESQ. SARAH J. KILLER, ESQ. <i>Deputy District Attorneys</i>
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FOR DEFENDANT ALEXANDER:	JOHN P. PARRIS, ESQ.
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FOR DEFENDANT PARKER:	MICHAEL W. SANFT, ESQ.
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COURT RECORDER:

KRISTINE CORNELIUS
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

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

1 LAS VEGAS, NEVADA, TUESDAY, DECEMBER 1, 2015, 1:03 P.M.

2 (Outside the presence of the prospective jurors)

3 THE MARSHAL: All rise. The Eighth Judicial
4 District Court, Department 12, is now in session, the
5 Honorable Michelle Leavitt presiding.

6 THE COURT: Good afternoon.

7 THE MARSHAL: Come to order and be seated, please.

8 THE COURT: Can I have the sheet to call the case?
9 State of Nevada vs. Alexander and Parker, correct?

10 MR. PESCI: Yes, Your Honor.

11 MR. PARRIS: Yes, Your Honor.

12 THE COURT: They're both -- just remind me who's
13 Alexander, and who's --

14 MR. PARRIS: This is Mr. Alexander --

15 DEFENDANT PARKER: I'm Parker.

16 MR. PARRIS: -- Your Honor.

17 THE COURT: Mr. Alexander's over here, and Mr.
18 Parker?

19 DEFENDANT PARKER: Parker.

20 THE COURT: Okay. And will the parties state their
21 appearances?

22 MR. SANFT: Your Honor, on behalf of Mr. Parker,
23 Michael Sanft.

24 MR. PARRIS: And Your Honor, John Parris
25 representing Mr. Alexander.

ROUGH DRAFT TRANSCRIPT

1 MS. KILLER: Sarah Killer and Giancarlo Pesci for
2 the State.

3 THE COURT: Okay. Is this a witness?

4 MR. PESCI: Looks like it is. I'll take care of
5 it.

6 THE COURT: Okay. I heard you had something
7 outside the presence, so I think Officer Hawks (phonetic) is
8 going to go get our jury panel --

9 THE MARSHAL: Yes, ma'am.

10 THE COURT: -- while we take care of this.

11 MR. SANFT: Yes, Your Honor.

12 MR. PARRIS: Certainly, Your Honor. Your Honor,
13 there --

14 (Pause in the proceedings)

15 THE COURT: Who wanted the outside the presence?

16 MR. PARRIS: Your Honor, just one brief issue.

17 There's a witness who -- we had discussed this previously at
18 the calendar call. I don't believe it was on the record, but
19 it certainly was off the record.

20 There is a crime scene analyst, Ms. Kaitlin King,
21 who could not be present. She performed some analyses and
22 took some photographs at one of the crime scenes. To -- or,
23 excuse me, and did find some fingerprints as well. To
24 expedite matters, it's my understanding we will be
25 stipulating to the admission of the Kaitlin King exhibits,

ROUGH DRAFT TRANSCRIPT

1 since she could not be present to testify this week.

2 THE COURT: What are -- what are the exhibit
3 numbers?

4 MR. PESCI: Judge, actually, what we have, and we
5 could ask defense counsel what they want to do, is we have
6 her report, if they want to do that. The whole basis of this
7 is because she lifts prints that are analyzed by the
8 fingerprint expert and they come back negative. We assumed
9 defense counsel would want that, and the fact that we don't
10 have that witness that lifted them would make it impossible
11 for those to come in --

12 THE COURT: Okay.

13 MR. PESCI: -- without a stipulation. So, we came
14 to them and said, look, before we announce ready, here's this
15 issue. If you want this in -- we assume you do, because it's
16 beneficial for your clients, because they do not come back to
17 that location -- then we need a stipulation to the lifts
18 being taken from her. So, whatever way we formulate it, it
19 was just going to kind of put her in the link of the chain of
20 evidence to get to the fingerprints.

21 THE COURT: Okay, so you're going to stipulate to
22 the chain of custody then?

23 MR. SANFT: Yes, Your Honor.

24 MR. PARRIS: Yes, Your Honor.

25 THE COURT: Okay, as to certain exhibits?

ROUGH DRAFT TRANSCRIPT

1 MR. SANFT: Yes.

2 MR. PARRIS: Yes.

3 THE COURT: But they can't come in now because,
4 obviously, we haven't had the person that analyzed them
5 testify yet.

6 MR. PESCI: But before she gets on the stand, we
7 would --

8 THE COURT: You would have put --

9 MR. PESCI: -- ask for the stipulation. There's
10 photos that she took of the scene, and then the fact that she
11 lifts prints and those come back negative that was --

12 THE COURT: Okay, but you'll let me know when those
13 exhibits come up?

14 MR. SANFT: Yes, ma'am.

15 MR. PARRIS: Certainly, Your Honor.

16 THE COURT: Okay. Anything else?

17 MR. PESCI: The only other thing I proposed to
18 defense counsel for them to think about, we have I think
19 around 42 witnesses. We have five separate incidents;
20 there's video from all of them. If defense counsel comes to
21 the conclusion that we don't need to bring the custodian of
22 records for each of those establishments, we could probably
23 cut out four to six witnesses.

24 But that's obviously nothing that we're asking them
25 to commit to, it's just an idea out there to try to

ROUGH DRAFT TRANSCRIPT

1 streamline this, because I understand Mr. Parris has
2 something he has to be at on Thursday morning?

3 MR. PARRIS: Yes, Your Honor. Just from a
4 scheduling perspective, we can take care of this now as well.
5 Regarding -- excuse me, regarding Thursday's calendar, I have
6 -- I was scheduled to testify this morning; however, the
7 hearing was continued until this Thursday at 10:30 before
8 District Court 3, Judge Herndon, on a potential Motion to
9 Withdraw a Guilty Plea. And that was continued until
10 Thursday at 10:30, so I would essentially be unavailable
11 until I would assume at least 11:00 --

12 THE COURT: No.

13 MR. PARRIS: -- on Thursday.

14 THE COURT: Herndon can reschedule that.

15 MR. PARRIS: If that's the -- if that would --

16 THE COURT: No.

17 MR. PARRIS: That's fine. I'm just saying, I --

18 THE COURT: Don't you really think if Judge Herndon
19 knew you were in trial that he would -- you know, he's a
20 reasonable guy.

21 MR. PARRIS: He certainly is, Your Honor, as are
22 you.

23 THE COURT: I just can't imagine he would want me
24 to hold up a jury trial.

25 (Pause in the proceedings)

ROUGH DRAFT TRANSCRIPT

1 THE COURT: I just can't believe he'd want me to
2 hold up a jury panel and all that for -- and why would you be
3 testifying in a Motion to Withdraw a Guilty Plea?

4 MR. PARRIS: I've been subpoenaed.

5 THE COURT: Okay.

6 MR. PARRIS: I made an appearance --

7 THE COURT: Was it your client at some point?

8 MR. PARRIS: I made an appearance on behalf of
9 another individual who did represent him, and a motion was
10 filed. I've spoken to both the -- Ms. Pandukht from the DA's
11 office who's been assigned to that case, as well as Ms.
12 Nguyen, who is representing this individual. They both asked
13 me to be present to be questioned regarding my interactions
14 with this particular client of someone else's. So I'm just --
15 --I'm just putting it on the Court's radar. I will certainly
16 contact both individuals there and inform them --

17 THE COURT: Yeah, you're in trial. I just think
18 that trial supercedes everything.

19 MR. PARRIS: I understand. And now, I know that
20 Your Honor does have criminal calendars on Tuesdays and
21 Thursdays.

22 THE COURT: Right.

23 MR. PARRIS: I don't know how big Your Honor's
24 calendar is on Thursday. I didn't know how much of a problem
25 it was going to be because I don't know the size of your

ROUGH DRAFT TRANSCRIPT

1 calendar this Thursday.

2 THE COURT: Well, you should --

3 THE CLERK: Same as ours this day.

4 THE COURT: Yeah, we'll start at 10:00 -- we don't
5 have 10:00 --

6 THE CLERK: No.

7 THE COURT: We're going to start at 10:30.

8 MR. PARRIS: 10:30?

9 THE COURT: Yeah. I think he'll -- he'll -- you
10 know.

11 MR. PARRIS: I will see if perhaps, if they want to
12 keep that date, to try and have the hearing earlier, say
13 10:00 o'clock, so I could --

14 THE COURT: Right.

15 MR. PARRIS: -- still make it here at 10:30. But I
16 will email them during one of the breaks and we will -- I
17 will schedule around this trial, obviously.

18 THE COURT: Okay, because maybe -- it doesn't sound
19 like you have much to offer. You made one appearance for
20 somebody else?

21 MR. PARRIS: That's correct, Your Honor. I'm not
22 sure why --

23 THE COURT: And you're subpoenaed?

24 MR. PARRIS: I'm subpoenaed. I -- again --

25 MR. PESCI: Who subpoenaed you? Us?

ROUGH DRAFT TRANSCRIPT

1 THE COURT: See --

2 MR. PARRIS: Yes. Well, effectively, yes. And
3 speaking with Ms. Pandukht, Ms. Nguyen indicated that --

4 MR. PESCI: Oh, okay.

5 MR. PARRIS: -- her clients wanted this to occur.
6 The State indicated it needed me here and would subpoena me
7 if I so desired, and we went from there.

8 MR. PESCI: Gotcha.

9 THE COURT: Okay.

10 MR. PESCI: Well, Judge, we're going to accommodate
11 whatever he needs, so whatever --

12 MR. PARRIS: So --

13 MR. PESCI: -- we need done, we'll do.

14 THE COURT: Okay.

15 MR. PARRIS: Regarding --

16 THE COURT: Hopefully, maybe you can testify early.
17 I don't -- it doesn't sound like you're going to have much to
18 offer.

19 MR. PARRIS: I don't -- while I don't know what the
20 questions will be, I -- my interaction with this individual
21 was rather limited. It was only one court appearance wherein
22 he entered his guilty plea, and nothing else.

23 THE COURT: Oh, you were present when he entered
24 his guilty plea, and it's a Motion to Withdraw the Guilty
25 Plea?

ROUGH DRAFT TRANSCRIPT

1 MR. PARRIS: That's correct, Your Honor.

2 THE COURT: Okay. Well, I take it back then. They
3 might need you for a few more minutes and expect it.

4 MR. PARRIS: I don't -- I think I have an idea as
5 to where the questioning will go, but again, I'm at their
6 mercy.

7 THE COURT: Okay.

8 MR. PARRIS: So, regarding tomorrow, both Mr. Sanft
9 and I have several matters on before Judge Kephart in
10 District Court 19. Judge Kephart has an extraordinarily
11 large calendar. We're going to do our --

12 THE COURT: Why?

13 MR. PARRIS: Scheduling matters. I don't know. I
14 believe he has a 30-plus-page calendar tomorrow morning.

15 THE COURT: Oh, okay.

16 MR. SANFT: That's what he informed me today. I
17 spoke with Judge Kephart about that.

18 THE COURT: Okay.

19 MR. PARRIS: So, if we could perhaps start at -- I
20 don't know what time Your Honor wants to start tomorrow. I
21 just cannot --

22 THE COURT: Tomorrow's Wednesday.

23 THE CLERK: Nothing.

24 THE COURT: Yeah, we could start as early as you
25 want.

ROUGH DRAFT TRANSCRIPT

1 MR. PARRIS: I just can't guarantee that Mr. Sanft
2 and I will be able to get out of there before 9:00 o'clock.
3 I know I have two matters for calendar call, both with
4 speciality teams. I can do my best to corral people there
5 early, but --

6 THE COURT: How about 9:30?

7 MR. PARRIS: I think 9:30 would be much more
8 feasible.

9 MR. PESCI: And Judge, I also have the wonderful
10 saga of Ross and Kulter (phonetic) that's made its way into
11 that courtroom, so I need to be there, because there are some
12 interesting motions being made about how it shouldn't have
13 been sent there and it should go somewhere else, and I
14 unfortunately kind of need to appear on that one to try to
15 maintain the record.

16 MR. SANFT: And I'll be there for that motion as
17 well.

18 THE COURT: Oh, I forgot. I forgot.

19 MR. PARRIS: I will not appear on that case, Your
20 Honor. I will not appear on that case.

21 THE COURT: Will you stay away from there?

22 MR. PARRIS: Happily.

23 THE COURT: Just stay away from -- okay, but 9:30
24 should get everybody here?

25 MR. SANFT: Yes, ma'am.

ROUGH DRAFT TRANSCRIPT

1 MR. PESCI: That's a good hope.

2 MR. SANFT: We'll call it quick.

3 MR. PESCI: Well, we're going to be hostage to
4 Figler being on time.

5 MR. SANFT: Okay.

6 MR. PARRIS: And Your Honor, we have various cell
7 phone --

8 THE COURT: He was on time today.

9 MR. PARRIS: We have various --

10 THE COURT: He did good today.

11 THE CLERK: He was.

12 MR. PARRIS: We have various cell phone numbers of
13 court staff and other personnel. We'll certainly be in
14 contact to update you as best as we can with what we
15 anticipate our ETA will be, since I think Mr. Pesci and Mr.
16 Sanft will both be together, and again, we'll be beholden to
17 other people's schedules tomorrow morning.

18 THE COURT: Okay. Well, okay. Now, you know, I
19 want to pick 14. Do you think we probably need two because
20 of the time frame?

21 MR. SANFT: Yes, ma'am.

22 MR. PARRIS: Yes, Your Honor.

23 THE COURT: And we might go through the weekend?

24 MR. PESCI: I think we'll go through the weekend,
25 yeah.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: So, I was going to pick 14, so, you
2 know, you each have four, and then one for the alternate.

3 MR. SANFT: Yes, ma'am.

4 THE COURT: Okay, so you know you guys are going to
5 have to share them?

6 MR. PESCI: Share.

7 MR. PARRIS: Yes, Your Honor.

8 THE COURT: Right? Okay, and you're not going to
9 have any objection to that, right?

10 MR. SANFT: No, Your Honor.

11 MR. PARRIS: No.

12 THE COURT: Okay. Anything else?

13 MR. PARRIS: Regarding Friday's start, just so we
14 can start cuing things up, do we plan on starting at 9:00
15 o'clock?

16 THE COURT: I can start at 9:00 o'clock. I can
17 start as early as you want, or usually, attorneys don't have,
18 you know, early morning hearings on Fridays; is that fair?

19 MR. SANFT: Yes, Your Honor.

20 THE COURT: Unless you're in like another -- not in
21 district court, at least, you don't.

22 MR. PARRIS: Correct.

23 THE COURT: And you guys are mostly in district
24 court. We can start as early as you want. Or we can start
25 at 9:00 o'clock. It's up to you all.

ROUGH DRAFT TRANSCRIPT

1 MR. PESCI: 9:00's good with the State, or do you
2 have something --

3 MR. PARRIS: I do not have anything that would
4 preclude me from starting at 9:00.

5 THE COURT: Okay, we can start at 9:00.

6 MR. PESCI: Okay, so Thursday is 10:30, Friday's
7 9:00 o'clock, and tomorrow morning is a hopeful 9:30?

8 MR. PARRIS: Yes.

9 THE COURT: Yes.

10 MR. PESCI: Okay. Thank you, Judge.

11 MR. PARRIS: Thank you, Your Honor.

12 THE COURT: We can probably go off until --

13 (Off the record at 1:15 P.M. until 1:18 P.M.)

14 (Outside the presence of the prospective jurors)

15 THE COURT: Okay, they're all out there? We have
16 50. Any -- can we bring the jury panel in?

17 MR. SANFT: Yes, ma'am.

18 THE COURT: Okay. We have 50.

19 (Pause in the proceedings)

20 THE MARSHAL: Thank you. Please come in. All rise
21 for the entering jury panel, please.

22 (Within the presence of the prospective jurors)

23 (Pause in the proceedings)

24 THE MARSHAL: Thank you. All the jurors are here,
25 ma'am.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Okay, thank you.

2 THE MARSHAL: Please be seated.

3 THE COURT: Does the State stipulate to the
4 presence of the jury venire?

5 MR. PESCI: Yes, Your Honor.

6 THE COURT: The defense?

7 MR. SANFT: Yes, Your Honor.

8 MR. PARRIS: Yes, Your Honor.

9 THE COURT: Mr. Sanft, Mr. Parris? Thank you.
10 Good afternoon, ladies and gentlemen, and welcome to
11 Department 12 of the Eighth Judicial District Court. You
12 have been summonsed here today to serve as jurors in a
13 criminal trial entitled State of Nevada vs. Parker and
14 Alexander. Before I do allow the attorneys to address you
15 and give you a brief statement of the facts, I'm going to
16 introduce some of the members of the staff in Department 12
17 and tell you what they do.

18 You've already met Officer Hawks. He is the court
19 marshal in Department 12. He's in charge of the security in
20 the courtroom. He's also the person you will have the most
21 contact with. Throughout this process of selecting a jury
22 and after we do have a jury selected, myself, my staff, with
23 the exception of Officer Hawks, the attorneys, and the
24 parties are not permitted to have any communication with you
25 whatsoever outside of the courtroom. So, if there's anything

ROUGH DRAFT TRANSCRIPT

1 that you need to discuss with the Court, you do so in the
2 courtroom in the presence of both sides.

3 Also, importantly, to let you know, Officer Hawks
4 cannot excuse you from jury duty, so when we have a break,
5 please don't ask him to excuse you from jury duty. The only
6 person that has the authority to excuse you from jury duty is
7 myself, and those things will be handled in the courtroom on
8 the record.

9 To my right is Susan. Susan is the court clerk in
10 Department 12. It's her job to keep the official record.
11 She'll also take charge of all of the evidence that's
12 admitted at the time of trial.

13 To her right is Mr. Andrew Blaylock. He's a
14 licensed attorney in the State of Nevada. He's the law clerk
15 in Department 12.

16 In front of me is Kris. Kris is the court recorder
17 in Department 12. It's her job to take down everything that
18 is being said in the courtroom. At some point, she'll be
19 called upon by myself to prepare what we call a written
20 transcript of the proceedings. That means that she will
21 listen to the proceedings and she will be required to type
22 verbatim everything that is said in this courtroom. So, I
23 ask that if you are called upon to address the Court or the
24 lawyers, that you please state your name, the badge number
25 that's been provided to you by the jury commissioner before

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1 responding to any question.

2 So, at this time, I've introduced all the members
3 of the staff. I'm going to allow the State of Nevada to
4 introduce themselves. They're going to give you a brief
5 statement of the facts. They're also going to tell you their
6 witnesses; all the witnesses that they intend to call. Both
7 sides will be doing this, so I ask you to pay close attention
8 to the names of the witnesses who will be called to testify,
9 because at some point, I will be asking you if you're
10 familiar with any of the witnesses who will be called upon to
11 testify. Go ahead.

12 MS. KILLER: Thank you, Your Honor. Good
13 afternoon, ladies and gentlemen. My name is Sarah Killer,
14 and this is Giancarlo Pesci. We're the district attorneys
15 assigned to prosecute this case of State vs. Ralph Alexander
16 and James Parker.

17 The defendants are charged with the following
18 crimes: burglary while in possession of a firearm, robbery
19 with use of a deadly weapon, conspiracy to commit robbery,
20 attempt robbery with use of a deadly weapon, and assault with
21 a deadly weapon.

22 They are charged with these crimes for events that
23 occurred on the following dates and at the following
24 locations: June 15th, 2015 at Boulder Station Hotel and
25 Casino at 4111 Boulder Highway here in Las Vegas, Clark

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1 County, Nevada. June 19th, 2015 at Kwik-E-Mart at 6055 East
2 Lake Mead here in Las Vegas, Clark County, Nevada. June
3 26th, 2015 at the LV Nail Spa here --

4 THE COURT: At the -- at the --

5 MS. KILLER: LV, as in Las Vegas --

6 THE COURT: Okay.

7 MS. KILLER: -- Nail Spa at 4430 East Charleston
8 here in Las Vegas, Clark County, Nevada. June 30th, 2015 at
9 the Rainbow Market at 5075 East Washington here in Las Vegas,
10 Clark County, Nevada. And July 9th, 2015 at the Family
11 Dollar Store at 4365 East Lake Mead here in Las Vegas, Clark
12 County, Nevada.

13 The State may call or you may hear of some of the
14 following witnesses, and I apologize this list is rather
15 long. Jazmayne Alexander, Ralph Bellis (phonetic), Gabriel
16 Carrera, Elana Chavarria-Ojeda, Cameron Duvall, Regina
17 Duvall, Angelina Espinoza, Alma Gutierrez, Basil Hamika, Ron
18 Main, Tonya Martin, Angelica Miranda, Iracema Montes-
19 Cervantes, Iraiis Montes-Cervantes, Lien Nguyen, James
20 Minchey, Anuttiya Painschab, Rafael Ramirez, Armando Ramirez,
21 Keshawn Richardson, Douglas Salter, Sean Shawl, Cang Tran,
22 Craig Tunnell, Kyle Toomer, Ramon Vasquez, Briauna Williams,
23 Chad Williams, Laray Williams, Raymond Wold.

24 The Clark County District Attorney investigator,
25 Jamie Honaker. And the following Las Vegas Metropolitan

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1 Police Department officers or CSAs: Douglas Bishop, Michael
2 Brinkley, Joshua Carbone, Ryan Courtney, the custodian of
3 records for Metro, Anthony Diaz, James Easterling, Chad
4 Embry, Heather Gouldthorpe, Jeffery Guyer, Noelle Herring,
5 H-e-r-r-i-n-g. Sean Hubbard, Gayle Johnson, Scott
6 Kavon, Kaitlin King, James Krylo, Karl Lorson, Alice Maceo,
7 Eric Mancao, Julie Marschner, Blaine Martell, Kristen Meckler
8 Tucker, David Miller, Marc Moses, Keith Parker, Kenneth
9 Parker, Vito Pasqualicchio, Allison Rubino, Donald Sutton,
10 Stephanie Thi, and Damian Walburn.

11 THE COURT: Thank you.

12 MS. KILLER: Thank you.

13 THE COURT: Mr. Sanft, you want to do first?

14 MR. SANFT: Yes, Your Honor. Good afternoon. My
15 name is Michael Sanft. I represent James Parker. James, can
16 you stand up for a second? James has been charged with the
17 crimes that you've heard here today by the State of Nevada.
18 We intend on calling no witnesses outside of proving Mr.
19 Parker's not guilty based upon cross-examination of the
20 State's case in chief. Thank you.

21 THE COURT: Okay, thank you, Mr. Sanft. Mr.
22 Parris?

23 MR. PARRIS: Thank you, Your Honor. Ladies and
24 gentlemen, my name is John Parris. I represent Mr. Ralph
25 Alexander. Mr. Alexander has entered pleas of not guilty to

ROUGH DRAFT TRANSCRIPT

1 all counts in this particular case. Thank you.

2 THE COURT: Thank you, Mr. Parris. At this time,
3 the clerk will call the roll of the panel of prospective
4 jurors. When your name is called, if you'll please answer
5 "present" or "here."

6 THE CLERK: Thank you, Your Honor.

7 (Roll of prospective jury panel called by the clerk)

8 THE COURT: Is there anyone whose name was not
9 called by the clerk of the court? The record will reflect no
10 response from the panel. If you'll all please stand and
11 raise your right hand so the clerk can administer the oath.

12 THE CLERK: Please raise your right hands.

13 (Prospective jury panel sworn)

14 THE CLERK: Thank you.

15 THE COURT: Thank you, you can be seated. Ladies
16 and gentlemen, we're about to commence what is called voir
17 dire examination. The term "voir dire" means to tell the
18 truth. During this process, you'll be asked questions
19 bearing upon your ability to sit as fair and impartial
20 jurors. To accomplish this result, various questions will be
21 asked of you by myself or counsel for the parties.

22 On occasion, some of these questions will seem
23 somewhat personal. While we do not wish to unnecessarily pry
24 into your personal lives, the questions are necessary so that
25 counsel and the Court can make an intelligent determination

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1 as to your capabilities to serve fairly and impartially. I
2 want you to know that myself, and the attorneys, and all
3 other persons involved in this case are concerned with having
4 this matter tried by jurors who are completely open-minded,
5 neutral, objective, and unbiased in their thinking.

6 Wide discretion is vested in the trial judge as to
7 the method of examination of jurors. As I stated previously,
8 I will personally conduct the voir dire, but I will give the
9 attorneys the opportunity to participate in this questioning.
10 It is important that you know the significance of full,
11 complete, and honest answers to all the questions we're about
12 to ask you.

13 I caution you not to try to hide or withhold
14 anything which might indicate bias or prejudice of any sort
15 by any of you. Should you fail to answer truthfully, if you
16 hide or withhold anything touching upon your qualifications,
17 that fact may tend to contaminate your verdict, and subject
18 you to further inquiry, even after you're discharged as
19 jurors. Your decision should be based upon all of the
20 evidence presented during this trial, and not based upon
21 preconceived prejudice or bias.

22 I will conduct a general voir dire examination of
23 all of you while you are seated in the audience. After those
24 general questions, the clerk will then call the first 24
25 names, using the order provided to us by the jury

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1 commissioner to fill the jury box.

2 At some point during the process of selecting a
3 jury, the attorneys for both sides will have the right to ask
4 that a particular person not serve as a juror. These
5 requests are called challenges. There are two types of
6 challenges: challenges for cause and peremptory challenges.
7 A challenge for cause means that a juror has been excused
8 because his or her answers to some of the voir dire questions
9 indicate that he or she would have a difficult time in giving
10 a fair and impartial hearing to the case.

11 I will ask the attorneys to pass or waive the
12 prospective jurors for a cause challenge when they are done
13 questioning the prospective jury panel. A peremptory
14 challenge means that a juror can be excused from duty
15 without counsel having to give a reason for the excusal.
16 Please do not be offended should you be excused by either of
17 the challenge procedures. They are simply a part of the
18 procedures designed to protect the rights of the parties
19 under our system of government.

20 Again, if you wish to respond to a question
21 individually and in the affirmative, please raise your hand,
22 state your name, and indicate the number that's been provided
23 to you by the jury commissioner on your badge.

24 Is there anyone on the panel who's ever been
25 convicted of a felony? The record will reflect no response

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1 from the panel. Is there anyone on the panel who is not a
2 citizen of the United States? The record will reflect no
3 response from the panel. Is there anyone on the panel who is
4 not a resident of Clark County, Nevada? The record will
5 reflect no response from the panel.

6 Is there anyone who has such a sympathy, prejudice,
7 or bias relating to age, religion, race, gender, or national
8 origin that they feel would affect their ability to be open-
9 minded, fair, and impartial jurors? Okay. If you want to
10 stand and state your name and badge number, sir.

11 PROSPECTIVE JUROR NO. 916: Alvarado, Melvin, 916.
12 I'm racist.

13 THE COURT: You're racist?

14 PROSPECTIVE JUROR NO. 916: Ma'am, yes, ma'am.

15 THE COURT: Against who? Against everybody?

16 PROSPECTIVE JUROR NO. 916: I really don't want to
17 say it in this room.

18 THE COURT: You understand you're under oath and
19 you've --

20 PROSPECTIVE JUROR NO. 916: I'm racist against --

21 THE COURT: -- raised your hand and decided to
22 answer this question?

23 PROSPECTIVE JUROR NO. 916: -- the dark-skinned
24 people.

25 THE COURT: Okay, so African American people?

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1 PROSPECTIVE JUROR NO. 916: Ma'am, yes, ma'am.

2 THE COURT: Okay, you have a general racist opinion
3 about all African Americans?

4 PROSPECTIVE JUROR NO. 916: Yeah. I grew up in a
5 bad neighborhood, so I don't have a good opinion about most
6 of them.

7 THE COURT: Okay. Would that interfere with your
8 ability to be fair and impartial in this case?

9 PROSPECTIVE JUROR NO. 916: Oh, definitely.

10 THE COURT: Okay, have a seat. Anyone else? The
11 record will reflect no response -- no further response from
12 the panel.

13 Is there anyone on the panel who's acquainted with
14 Mr. Parker? Anyone who's acquainted with Mr. Parker? The
15 record will reflect no response. Anyone that's familiar with
16 Mr. Alexander? The record will reflect no response. Anyone
17 familiar with Mr. Parris or Mr. Sanft, the attorneys for the
18 defense? The record will reflect no response. Anyone on the
19 panel that's familiar with the deputy district attorneys
20 assigned to prosecute this matter? Okay. Your name and
21 badge number, ma'am?

22 PROSPECTIVE JUROR NO. 899: Pamela Sutton, badge
23 number 899.

24 THE COURT: Good afternoon.

25 PROSPECTIVE JUROR NO. 899: Good afternoon, Judge.

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1 Giancarlo Pesci. I work for the DA's office as a paralegal
2 in the civil division, but I am familiar with him as having
3 been a law clerk in our office. I've been with the DA's
4 office 15 years ago, and he was a law clerk then. Otherwise,
5 I don't really know him.

6 THE COURT: Okay. But you currently work in the
7 DA's office?

8 PROSPECTIVE JUROR NO. 899: Yes, ma'am, civil
9 division. I'm a civil litigation trial paralegal.

10 THE COURT: Okay, thank you. Anyone else that
11 wishes to respond to -- anyone else familiar with the
12 prosecutors in this matter? The record will reflect no
13 further response from the panel.

14 The district attorney's office employs many
15 deputies and other personnel. Is there anyone who has such a
16 close relationship with either the district attorney, Mr.
17 Steve Wolfson, his deputies, or other members of his staff
18 that you feel might affect your ability to serve as a fair
19 and impartial juror in this particular case? The record will
20 reflect no response from the panel.

21 Are there any of you acquainted with any of the
22 witnesses whose names were previously mentioned by the
23 attorneys? Okay. Ms. Sutton?

24 PROSPECTIVE JUROR NO. 899: LVM -- badge number
25 899. LVMPD Officer Donald Sutton is my nephew.

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1 THE COURT: Okay. You know what I'm going to do
2 right now, Ms. Sutton? I'm just going to excuse you. You
3 can go down to the third floor, because maybe they might be
4 able to use you this afternoon because it's still early, but
5 I think you're going to have problems serving on this panel,
6 so -- but thank you very much for appearing. And if there's
7 nothing else, Ms. Sutton, if there's -- if they can't
8 reassign you, then you're just excused, okay? Thank you.

9 Anyone else acquainted with any of the witnesses
10 who will be called to testify in this matter? The record
11 will reflect no further response from the panel. Okay. We
12 expect this case to last through this week, but I always like
13 to tell -- we expect it will go through this week, but
14 there's a possibility it could go into next week into Monday
15 or Tuesday. Again, I think that's -- today's Tuesday, right?

16 So, I don't think we would go further than next
17 Tuesday, but is there anyone that serving for that amount of
18 time would prove to be such an undue hardship or burden on
19 you such that it would make it impossible for you to be here?
20 Okay, I'm just going to start over here, and we'll go around
21 the -- go around the room.

22 PROSPECTIVE JUROR NO. 856: David Fleisher, badge
23 number 856. I run a small construction company. I do all
24 the estimating, all the scheduling, all the ordering,
25 everything else. The owner is here and there, so I'm the

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1 only one that runs the office.

2 THE COURT: Is the office open today?

3 PROSPECTIVE JUROR NO. 856: Yes.

4 THE COURT: Okay. Thank you very much for being
5 here. Anyone else? Over here. Is there anyone on that back
6 row that wishes to respond to the Court?

7 PROSPECTIVE JUROR NO. 853: My name is Dan Zamora.
8 My badge number 853, and I'd like to be excused for decision.

9 THE COURT: You'd like to be excused?

10 PROSPECTIVE JUROR NO. 853: Yes.

11 THE COURT: Why?

12 PROSPECTIVE JUROR NO. 853: Because I'm disabled,
13 ma'am.

14 THE COURT: Okay. You're -- what's your
15 disability?

16 PROSPECTIVE JUROR NO. 853: Well, I got me a bad
17 back, plus gout.

18 THE COURT: You have a bad back?

19 PROSPECTIVE JUROR NO. 853: Yes, and --

20 THE COURT: Okay. Does your -- does it prevent you
21 from sitting?

22 PROSPECTIVE JUROR NO. 853: Yes.

23 THE COURT: Okay. You can't sit for long periods?

24 PROSPECTIVE JUROR NO. 853: Yeah.

25 THE COURT: You're going to have to speak up,

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1 because I can't hear you. Can you sit for long periods?

2 PROSPECTIVE JUROR NO. 853: Yes, ma'am.

3 THE COURT: Okay. I -- you got the microphone too
4 close to your mouth. I can't hear you. Can you -- does your
5 -- does your back issue interfere with your ability to sit
6 for an hour or two at a time?

7 PROSPECTIVE JUROR NO. 853: Yes, it hurts.

8 THE COURT: Okay. And it's hurting right now?

9 PROSPECTIVE JUROR NO. 853: Yes.

10 THE COURT: Okay. All right, Mr. Zamora. I'm
11 going to excuse you, and you can go to the third floor and
12 check out, and you're excused for the day. Okay?

13 PROSPECTIVE JUROR NO. 853: Okay.

14 THE COURT: But thank you for being here.

15 PROSPECTIVE JUROR NO. 853: Thank you very much.

16 THE MARSHAL: Anybody else in the back row?

17 THE COURT: Okay, we're going to get to you. We
18 don't -- I promise, everyone will get to talk to me. Are you
19 okay, sir, getting down out of that jury box? Are you okay?
20 I just want to make sure he gets out okay. Okay. Your name
21 and --

22 PROSPECTIVE JUROR NO. 864: My name is Caroline
23 Ordillas, badge number 864.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 864: My mom having a

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1 doctor's appointment on Monday, and no one's going to take
2 her there, and there's no busses where I live, so -- and
3 she's only have one eye.

4 THE COURT: Okay, but doctor's appointments can be
5 rescheduled, right?

6 PROSPECTIVE JUROR NO. 864: Yes.

7 THE COURT: So, if you're asked to be here, and
8 you're the only one that can take her, her doctor's
9 appointment can be rescheduled?

10 PROSPECTIVE JUROR NO. 864: Okay.

11 THE COURT: When is it Monday?

12 PROSPECTIVE JUROR NO. 864: December 7th.

13 THE COURT: What time?

14 PROSPECTIVE JUROR NO. 864: Morning, I believe.

15 THE COURT: Okay. You'll probably be able to take
16 her and be here, because on Monday morning, we would start
17 later.

18 PROSPECTIVE JUROR NO. 864: Oh.

19 THE COURT: So, you'd probably be able to make the
20 appointment and get here on time if you're selected, if we go
21 into next week. But thank you very much for being here.
22 Okay, anyone on the second row?

23 PROSPECTIVE JUROR NO. 881: Laura Jackson, 881.

24 I'm a student at UNLV. This is the last week of classes, and
25 next week are finals, and it would be a hardship for me to be

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1 missing classes, and a real hardship for me to be missing
2 finals.

3 THE COURT: What year are you?

4 PROSPECTIVE JUROR NO. 881: I'm a master's student.

5 THE COURT: And finals are next week; is that what
6 you said?

7 PROSPECTIVE JUROR NO. 881: They are.

8 THE COURT: Okay. I'm going to -- I'm not going to
9 make you sit here; I'm going to let you go, okay? You can
10 just come and serve at a different time when you're not
11 preparing for finals, okay?

12 PROSPECTIVE JUROR NO. 881: Thank you.

13 THE MARSHAL: Thank you, ma'am. If you could just
14 pass the microphone down.

15 THE COURT: So, you can -- you can go. Go to the
16 third floor, check out, tell them you've been excused for the
17 day. Just make sure you study --

18 PROSPECTIVE JUROR NO. 881: I will.

19 THE COURT: -- now that I let you go. You brought
20 your books with you to study?

21 PROSPECTIVE JUROR NO. 881: Sure did.

22 THE COURT: Good for you. Okay.

23 PROSPECTIVE JUROR NO. 889: Hi. My badge number is
24 010889, and I have two doctor's appoint --

25 THE COURT: Can you state your name?

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1 PROSPECTIVE JUROR NO. 889: My name's Ogechi
2 Chieke.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 889: Okay. I have two
5 doctor's appointments Monday and Tuesday of next week at noon
6 both days.

7 THE COURT: And so if you were selected to serve,
8 those can be rescheduled, correct?

9 PROSPECTIVE JUROR NO. 889: No, those cannot be
10 rescheduled.

11 THE COURT: They can't?

12 PROSPECTIVE JUROR NO. 889: They cannot, they
13 cannot.

14 THE COURT: Why not?

15 PROSPECTIVE JUROR NO. 889: Because it's -- I'm
16 getting breast implants, and that's the last one for the
17 year.

18 THE COURT: Okay, so it's cosmetic in nature?

19 PROSPECTIVE JUROR NO. 889: Yes, but I can't --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 889: -- reschedule it
22 though.

23 THE COURT: Okay. Anyone else on that second row?
24 Anyone on the third row? Anyone over here on the first row
25 on the left?

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1 PROSPECTIVE JUROR NO. 960: My name's Bianca
2 Herrera, badge number --

3 THE COURT: Do you mind standing up?

4 PROSPECTIVE JUROR NO. 960: Sorry. Badge number
5 960. Perinatal nurse educator over at Siena Hospital, and
6 I'm set to teach antepartum nurses -- new nurses to be
7 antepartum nurses for our new opening, and the classes start
8 tomorrow to a week. And if we were to cancel them, then that
9 would push back our whole thing, and we wouldn't even have --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 960: -- nurses when we're
12 ready to open.

13 THE COURT: And when did you get your jury summons?
14 About a month ago?

15 PROSPECTIVE JUROR NO. 960: Like three weeks ago.

16 THE COURT: Okay, so about a month ago?

17 PROSPECTIVE JUROR NO. 960: Yeah, I guess so.

18 THE COURT: Okay. So, you've known about the jury
19 summons for at least three weeks?

20 PROSPECTIVE JUROR NO. 960: Um-hum.

21 THE COURT: And that you were going to be required
22 to be here?

23 PROSPECTIVE JUROR NO. 960: Yeah.

24 THE COURT: Okay, thank you.

25 PROSPECTIVE JUROR NO. 988: James Lee, Your Honor,

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1 badge number 988. I actually have plane tickets for Sunday,
2 and I'm going back east.

3 THE COURT: Sunday, you're going back east?

4 PROSPECTIVE JUROR NO. 988: Yes, ma'am.

5 THE COURT: What for? The holidays?

6 PROSPECTIVE JUROR NO. 988: No, family I haven't
7 seen in quite a while.

8 THE COURT: Okay. All right, thank you. Anyone
9 else on this front row?

10 PROSPECTIVE JUROR NO. 007: Christine McDonald,
11 1007. I have an interview on Thursday morning in New
12 Orleans, and I have a flight out tomorrow night.

13 THE COURT: An interview for what?

14 PROSPECTIVE JUROR NO. 007: A job.

15 THE COURT: Okay. All right, thank you.

16 PROSPECTIVE JUROR NO. 007: Thank you.

17 THE MARSHAL: Anybody in the front there?

18 THE COURT: Go ahead, ma'am.

19 PROSPECTIVE JUROR NO. 025: Good afternoon. My
20 name's Andrea Buenrostro. I'm currently a -- oh, badge
21 number is 1025. I'm currently a second-year pediatric
22 resident here in Las Vegas. If I miss more than two to three
23 days, I fail a block, and that will prolong my training. And
24 if this case goes on for longer than about a week, then --

25 THE COURT: You know what, I'm familiar with that

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1 rule, because one time, I had a resident actually on the
2 panel that forgot to tell me about that rule, and I had to
3 let him go, because I didn't want him to fail his residency.
4 Okay. So, I'm familiar with that, so you can just come and
5 serve another time.

6 PROSPECTIVE JUROR NO. 025: Thank you.

7 THE COURT: So, you go ahead and go.

8 PROSPECTIVE JUROR NO. 025: Thank you.

9 THE COURT: 1025.

10 THE COURT: But thank you for your willingness to
11 be here.

12 PROSPECTIVE JUROR NO. 025: Thank you.

13 THE COURT: Good luck to you.

14 PROSPECTIVE JUROR NO. 050: Samuel Trujillo, badge
15 number 1050. I have exams next week. I go to UNLV.

16 THE COURT: You're at UNLV?

17 PROSPECTIVE JUROR NO. 050: Um-hum. Yes, ma'am.

18 THE COURT: And you have exams next week?

19 PROSPECTIVE JUROR NO. 050: Yes, ma'am.

20 THE COURT: What are you studying?

21 PROSPECTIVE JUROR NO. 050: Sociology.

22 THE COURT: What year are you?

23 PROSPECTIVE JUROR NO. 050: A junior.

24 THE COURT: Okay. What classes are you taking this
25 semester?

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1 PROSPECTIVE JUROR NO. 050: History. A bunch of
2 just random classes like that I need to take.

3 THE COURT: No, if you're a student at UNLV, you
4 should be able to tell me what your classes are.

5 PROSPECTIVE JUROR NO. 050: Oh, they're --

6 THE COURT: Tell me your classes. Name them. How
7 many credits are you taking?

8 PROSPECTIVE JUROR NO. 050: Quite a few.

9 THE COURT: Tell me the number. You got to know
10 how many credits you're taking.

11 PROSPECTIVE JUROR NO. 050: 56.

12 THE COURT: Did you say 56? Did you say 56?

13 PROSPECTIVE JUROR NO. 050: Yes, ma'am. I'm just -
14 - I'm --

15 THE COURT: You said you're --

16 PROSPECTIVE JUROR NO. 050: I'm catching up,
17 honestly. I don't want to -- I'm catching up on my classes,
18 but I am a junior.

19 THE COURT: And you're currently right now taking
20 56 credits?

21 PROSPECTIVE JUROR NO. 050: No, not currently right
22 now, no.

23 THE COURT: Okay, how many credits are you taking
24 this semester?

25 PROSPECTIVE JUROR NO. 050: Sorry, ma'am. Quite a

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1 few. I can't really --

2 THE COURT: So, you don't know how many credits
3 you're taking?

4 PROSPECTIVE JUROR NO. 050: I do, but I'm just
5 really nervous right now. I'm so sorry.

6 THE COURT: Okay. You should be able to answer
7 these questions if you're in school. All right, what classes
8 are you taking? Tell me the classes.

9 PROSPECTIVE JUROR NO. 050: Sociology, English --

10 THE COURT: What number of sociology? What kind of
11 sociology?

12 PROSPECTIVE JUROR NO. 050: 326.

13 THE COURT: Sociology 326?

14 PROSPECTIVE JUROR NO. 050: Yeah, South American --

15 THE COURT: Who's your professor in Sociology 326?

16 PROSPECTIVE JUROR NO. 050: Dr. Hernandez.

17 THE COURT: Okay. What else are you taking?

18 PROSPECTIVE JUROR NO. 050: English 420.

19 THE COURT: Okay. Who's your professor?

20 PROSPECTIVE JUROR NO. 050: Mr. Doward (phonetic).

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 050: Professor Doward. What
23 else? Quite a few, ma'am.

24 THE COURT: Tell me what they are. I got all day
25 to listen. You've only said Sociology and English. Are you

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1 really a student at UNLV?

2 PROSPECTIVE JUROR NO. 050: Yes, I am, ma'am. I'm
3 just --

4 THE COURT: Are you currently enrolled?

5 PROSPECTIVE JUROR NO. 050: Yes, I am.

6 THE COURT: Okay, because you know how easy it
7 would be for me to find out, and you know you're under oath?

8 PROSPECTIVE JUROR NO. 050: Yes, ma'am.

9 THE COURT: Okay. What exams do you have next
10 week? What's your exam schedule?

11 PROSPECTIVE JUROR NO. 050: Honestly, I -- I
12 haven't looked at my schedule, honestly. I just -- I know I
13 have [inaudible] coming up. I'm falling behind, honestly. I
14 haven't been able to -- there's been a lot of financial
15 hardship in my family right now, and --

16 THE COURT: Okay, so you're in school, and you --

17 PROSPECTIVE JUROR NO. 050: Yes.

18 THE COURT: -- can't tell me how many credits
19 you're taking, you can't tell me --

20 PROSPECTIVE JUROR NO. 050: Honestly, ma'am --

21 THE COURT: -- the classes you're enrolled in --

22 PROSPECTIVE JUROR NO. 050: -- I haven't been going
23 to class, but I need to be going to class. I just -- it's
24 been -- I have a lot of financial problems, and my family's
25 in a situation right now. I just --

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1 THE COURT: You're not really enrolled --

2 PROSPECTIVE JUROR NO. 050: I haven't been able to
3 go.

4 THE COURT: -- at UNLV, are you?

5 PROSPECTIVE JUROR NO. 050: Yes, I am, ma'am.

6 THE COURT: Okay, then tell me the classes you're
7 enrolled in.

8 PROSPECTIVE JUROR NO. 050: Sociology, English,
9 Political Science, Algebra 2. Those are the ones that I just
10 -- that I've been failing, ma'am.

11 THE COURT: Okay, so you're taking four classes?

12 PROSPECTIVE JUROR NO. 050: Um-hum.

13 THE COURT: How many credits is that?

14 PROSPECTIVE JUROR NO. 050: Honestly, I really
15 don't know, ma'am.

16 THE COURT: You don't know how many credits you
17 have?

18 PROSPECTIVE JUROR NO. 050: I'm so sorry, ma'am.

19 THE COURT: You don't know how many credits you're
20 taking?

21 PROSPECTIVE JUROR NO. 050: I'm just -- I'm falling
22 behind right now. I really -- I -- my --

23 THE COURT: Okay, somebody that's a student that
24 has a hard time telling me what classes they're in and how
25 many credits they're taking -- you know, I can tell you, when

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1 I was in college, when I was going to school, if someone
2 said, what classes are you taking, I'd be able to tell them.

3 PROSPECTIVE JUROR NO. 050: Yes, ma'am. I just --

4 THE COURT: I wouldn't be fumbling and saying I
5 don't know. And I certainly would know how many credits I
6 was taking, because you have to pay for them.

7 PROSPECTIVE JUROR NO. 050: I'm sorry, ma'am.

8 THE COURT: All right. Have a seat.

9 THE MARSHAL: Anybody in the back row over here?

10 THE COURT: Anyone on the right side of the
11 courtroom that wishes to address the court? Okay, the record
12 will reflect no further response from the panel. Are there
13 any of you who believe that for any other reason you would be
14 unable to serve as a juror in this particular case? Go
15 ahead, sir.

16 PROSPECTIVE JUROR NO. 880: Hi, my name is Pierre
17 Flores, badge number -- it's 880.

18 THE COURT: Good afternoon. Thank you for being
19 here.

20 PROSPECTIVE JUROR NO. 880: Thank you. I just -- I
21 just believe, like from what I've heard, that they might be
22 guilty from these crimes.

23 THE COURT: Okay. You understand you haven't heard
24 any evidence?

25 PROSPECTIVE JUROR NO. 880: Yeah, I didn't hear any

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1 evidence, but, I mean, it's a couple locations.

2 THE COURT: Okay, and you understand that the
3 defendants are entitled to the presumption of innocence?

4 PROSPECTIVE JUROR NO. 880: Yes.

5 THE COURT: And as they sit here today, they are
6 presumed innocent?

7 PROSPECTIVE JUROR NO. 880: Uh-huh.

8 THE COURT: You understand that, correct?

9 PROSPECTIVE JUROR NO. 880: Yes.

10 THE COURT: Okay. And what the attorneys say is
11 not evidence. Do you understand that?

12 PROSPECTIVE JUROR NO. 880: Yes.

13 THE COURT: So, you understand you haven't heard
14 any evidence, so what are you basing your opinion on?

15 PROSPECTIVE JUROR NO. 880: It's just, you know,
16 you guys at first said a lot of locations. I mean, seems
17 like a lot of locations to just be accusing two people.

18 THE COURT: Okay, and you understand that these are
19 just -- these are just allegations at this point?

20 PROSPECTIVE JUROR NO. 880: Yeah, I understand.

21 THE COURT: And the State has the burden of proving
22 what they've alleged in their charging document by proof
23 beyond a reasonable doubt; do you understand that?

24 PROSPECTIVE JUROR NO. 880: Yeah, I understand.

25 THE COURT: If the State fails to meet their burden

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1 of proof, are you going to have any problem finding the
2 defendants not guilty?

3 PROSPECTIVE JUROR NO. 880: No.

4 THE COURT: And visa versa. If the State meets
5 their burden of proof, are you going to have any problem
6 finding the defendants guilty?

7 PROSPECTIVE JUROR NO. 880: No.

8 THE COURT: Okay. Are you a person that can sit
9 here and listen to the evidence as it comes out?

10 PROSPECTIVE JUROR NO. 880: Yes.

11 THE COURT: And apply the law as given to you by
12 myself?

13 PROSPECTIVE JUROR NO. 880: Yes.

14 THE COURT: And will you base your decision in your
15 deliberations only on the evidence that's presented in the
16 courtroom and the instructions on the law as given to you by
17 myself?

18 PROSPECTIVE JUROR NO. 880: Yes.

19 THE COURT: Okay. Thank you, sir. Anyone else?

20 PROSPECTIVE JUROR NO. 847: I'm Angela Knudson,
21 847.

THE COURT: Good afternoon.

22 PROSPECTIVE JUROR NO. 847: I'm married to an LVMPD
23 officer, so I'm a little sensitive to everything when it
24 comes to this setting. That's all. I'm happy to be here, I
25 just -- I'm very sensitive to everything in this realm

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1 because I'm married to an officer, with everything that's
2 going on.

3 THE COURT: Okay, so you're married to a Metro
4 officer. What does he do?

5 PROSPECTIVE JUROR NO. 847: Now he's in PSU. He
6 was on patrol for seven years.

7 THE COURT: So, the Problem Solving Unit?

8 PROSPECTIVE JUROR NO. 847: Um-hum.

9 THE COURT: Is that a yes?

10 PROSPECTIVE JUROR NO. 847: Yes.

11 THE COURT: Okay. How long has he been on the
12 force?

13 PROSPECTIVE JUROR NO. 847: Seven-and-a-half years.

14

15 THE COURT: And you know if you're selected to be
16 on this panel that you won't be able to discuss this case
17 with him?

18 PROSPECTIVE JUROR NO. 847: Um-hum. Absolutely.

19 THE COURT: Okay. Do you have a problem with that?

20 PROSPECTIVE JUROR NO. 847: No, not at all.

21 THE COURT: Do you think there's anything about his
22 employment that would interfere with your ability to be fair
23 and impartial?

24 PROSPECTIVE JUROR NO. 847: Possibly. I just -- I
25 have a --

ROUGH DRAFT TRANSCRIPT

1 THE COURT: How so?

2 PROSPECTIVE JUROR NO. 847: I just have a biased
3 opinion. I -- it's hard to say. I just don't -- I see
4 things through a tunnel, I guess I would say. I'm just
5 telling you. I'm making you aware, that's all. I'm happy to
6 be here. I'm not trying to runaway.

7 THE COURT: Okay, well I'm happy that you're here,
8 too, but we're all happy if we have jurors that can be fair
9 and impartial, okay? Not jurors that have tunnel -- whatever
10 you said, okay? Do you understand why that would concern me?

11 PROSPECTIVE JUROR NO. 847: Of course.

12 THE COURT: Okay. And so what is it you're trying
13 to tell me? Are you trying to tell me that because your
14 husband's a police officer, you have a different perception
15 of what goes on in this courtroom?

16 PROSPECTIVE JUROR NO. 847: That would be a good
17 way of putting it, yes. Probably better than I said it.

18 THE COURT: Have you ever been in a courtroom?

19 PROSPECTIVE JUROR NO. 847: I have.

20 THE COURT: Okay, how many times?

21 PROSPECTIVE JUROR NO. 847: One other time for jury
22 service.

23 THE COURT: Okay, and what happened in that case?

24 PROSPECTIVE JUROR NO. 847: I was excused. I
25 wasn't married at that time though.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: All right. Is -- and you think your
2 husband's employment will interfere with your ability to be
3 fair and impartial? How so? I mean, do you think the police
4 are fair and impartial?

5 PROSPECTIVE JUROR NO. 847: Absolutely.

6 THE COURT: Do you think your husband would want
7 you to be fair and impartial?

8 PROSPECTIVE JUROR NO. 847: Absolutely.

9 THE COURT: Do you think he'd want you to hold the
10 State to their burden of proof?

11 PROSPECTIVE JUROR NO. 847: Absolutely.

12 THE COURT: And if the State doesn't meet their
13 burden of proof, are you going to have any problem finding a
14 verdict of not guilty?

15 PROSPECTIVE JUROR NO. 847: No.

16 THE COURT: Okay. And if they meet their burden of
17 proof, are you going to have any problem with returning a
18 guilty verdict?

19 PROSPECTIVE JUROR NO. 847: No, not at all.

20 THE COURT: Okay, so tell me what it is that you
21 want me to know.

22 PROSPECTIVE JUROR NO. 847: I'm making you aware
23 that I'm -- that I'm married to an officer. I don't know how
24 that affects anything in this room, that's all.

25 THE COURT: Okay. Well, just because your

ROUGH DRAFT TRANSCRIPT

1 husband's a police officer doesn't mean you can't serve.

2 PROSPECTIVE JUROR NO. 847: I --

3 THE COURT: So, I --

4 PROSPECTIVE JUROR NO. 847: I didn't say that.

5 THE COURT: I appreciate you telling me that,
6 because at some point, I was going to ask that question.

7 PROSPECTIVE JUROR NO. 847: Okay.

8 THE COURT: My only question is, based on his
9 employment, can you still be a fair and impartial juror?

10 PROSPECTIVE JUROR NO. 847: Of course I can.

11 THE COURT: Okay. And you're not going to discuss
12 this case with him, correct?

13 PROSPECTIVE JUROR NO. 847: Nope, totally fine with
14 that.

15 THE COURT: You can tell him that you're a juror in
16 a criminal case, but you couldn't tell him anything else.

17 PROSPECTIVE JUROR NO. 847: Um-hum.

18 THE COURT: Do you understand that?

19 PROSPECTIVE JUROR NO. 847: Um-hum.

20 THE COURT: Are those both yeses?

21 PROSPECTIVE JUROR NO. 847: Yes, sorry.

22 THE COURT: Okay. You could tell him -- you could
23 talk about the case after you were discharged, you just
24 couldn't talk about --

25 PROSPECTIVE JUROR NO. 847: Oh, I know. I've gone

ROUGH DRAFT TRANSCRIPT

1 through that with him. Yeah, totally fine with keeping it to
2 myself. I understand.

3 THE COURT: You could talk about the case after you
4 were discharged; however, if you were a juror in serving, you
5 would not be permitted to talk to him. Do you understand
6 that?

7 PROSPECTIVE JUROR NO. 847: Yes, I do.

8 THE COURT: Would you comply with that order?

9 PROSPECTIVE JUROR NO. 847: Absolutely.

10 THE COURT: Okay, thank you. Anyone else? The
11 record will reflect no further response from the panel.

12 Has anyone on this panel ever been engaged in law
13 enforcement work, or have a spouse or close relative who's
14 been engaged in law enforcement work, other than what you've
15 just told me? Go ahead.

16 PROSPECTIVE JUROR NO. 007: Christine McDonald,
17 1007. My father was a sheriff in Selma, Alabama.

18 THE COURT: Anything about that employment that
19 would affect your ability to be fair and impartial?

20 PROSPECTIVE JUROR NO. 007: No, ma'am.

21 THE COURT: Thank you. Anyone else?

22 PROSPECTIVE JUROR NO. 858: I was a clerk --

23 THE COURT: Your name and badge number?

24 PROSPECTIVE JUROR NO. 858: Shirley Ritz, badge
25 number 858. I was clerk of the San Jose Appeals Hearing

ROUGH DRAFT TRANSCRIPT

1 Board for eight years. I was working for code enforcement in
2 the City of San Jose as clerical.

3 THE COURT: Anything about that employment that
4 would affect your ability to be fair and impartial?

5 PROSPECTIVE JUROR NO. 858: No.

6 THE COURT: Okay, thank you. Thank you for being
7 here. Anyone else? Go ahead, ma'am. If you'll stand,
8 usually I can hear you better.

9 PROSPECTIVE JUROR NO. 015: Equilla Hicks, badge
10 number 1015. I worked with Metro in the fingerprint
11 department for about six months.

12 THE COURT: You worked with Metro in the
13 fingerprint department --

14 PROSPECTIVE JUROR NO. 015: Um-hum.

15 THE COURT: -- for about six months?

16 PROSPECTIVE JUROR NO. 015: Yes.

17 THE COURT: When was that?

18 PROSPECTIVE JUROR NO. 015: I think 2000 -- yeah,
19 in 2000. Anything about that that would affect your ability
20 to be fair and impartial?

21 PROSPECTIVE JUROR NO. 015: No.

22 THE COURT: Okay, thank you.

23 PROSPECTIVE JUROR NO. 067: Eric -- excuse me, Eric
24 Holtzman, badge number 1067. My brother-in-law is currently
25 a Metro police officer.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Your brother-in-law?

2 PROSPECTIVE JUROR NO. 067: Brother-in-law, yeah.

3 THE COURT: Okay. What kind of police officer?
4 Patrol?

5 PROSPECTIVE JUROR NO. 067: He's on the street.
6 Patrol car.

7 THE COURT: Anything about his employment that
8 would affect your ability to be fair and impartial?

9 PROSPECTIVE JUROR NO. 067: No.

10 THE COURT: You know you couldn't talk about the
11 case with him?

12 PROSPECTIVE JUROR NO. 067: Yes.

13 THE COURT: Until you were discharged as a juror.
14 And would you comply with that order?

15 PROSPECTIVE JUROR NO. 067: Yes.

16 THE COURT: Okay, thank you. Anyone else? Okay,
17 the record will reflect no further response from the panel.

18 Is there anyone on the panel who may not be able to
19 follow all the instructions of the Court on the law, even if
20 the instructions differ from your personal conceptions of
21 what the law ought to be? Anyone who believes they cannot
22 follow the law as given to you by myself, even if you
23 disagree with the law? Okay, the record will reflect no
24 response from the panel.

25 As a follow up to the previous question, in any

ROUGH DRAFT TRANSCRIPT

1 criminal trial, the members of the jury sitting collectively
2 are the judges of the questions of fact in this case. As the
3 Judge in the case, I'm the Judge of the questions of law, and
4 it's my responsibility to be sure that I give instructions on
5 the law that apply to this particular case. It would be a
6 violation of a juror's duty if he or she tried to render a
7 judgment based upon what he or she believed the law to be if
8 that differed from my instructions.

9 With that in mind, is there anyone who feels that
10 they could not be fact finders and follow my instructions on
11 the applicable law in this case? The record will reflect no
12 response from the panel.

13 Under our system, there are certain principles of
14 law that apply in every criminal trial. They are that the
15 Information filed in this case is a mere accusation and is
16 not evidence of guilt. As the defendants sit here today,
17 they are presumed innocent, and the State therefore must
18 prove that the defendants are guilty by proof beyond a
19 reasonable doubt. Does anyone not understand or believe in
20 these basic precepts of American justice? The record will
21 reflect no response from the panel.

22 Does anybody know anything about this case, other
23 than what has been stated in the courtroom here today? The
24 record will reflect no response from the panel?

25 At this time, ladies and gentlemen, I'm going to

ROUGH DRAFT TRANSCRIPT

1 take a short recess with the attorneys. Court's still going
2 to be in session. You'll stay in here; the court marshal
3 will be in here. You're still on the record. Don't talk
4 about the case amongst yourselves. We're just going to go
5 out here in the hallway for a minute, because it's easier for
6 us to leave and come back than to excuse you. So, we'll see
7 you in a few minutes.

8 (Pause in the proceedings)

9 THE MARSHAL: Please come back to order. Court is
10 now back in session.

11 MR. PARRIS: And I'm sorry, Your Honor. Mr. Sanft
12 is --

13 MS. KILLER: He's in the restroom.

14 MR. PARRIS: -- still in the back hallway in the
15 restroom.

16 THE COURT: Oh, okay. We'll wait.

17 (Pause in the proceedings)

18 THE COURT: Thank you. Does the State stipulate to
19 the presence of the panel?

20 MR. PESCI: Yes, Your Honor.

21 THE COURT: Mr. Sanft?

22 MR. SANFT: Yes, Your Honor.

23 THE COURT: Mr. Parris?

24 MR. PARRIS: Yes, Your Honor.

25 THE COURT: Okay. The clerk will now call the

ROUGH DRAFT TRANSCRIPT

1 first 24 names who will take their seat in the box. When
2 your name is called, please sit in the seat according -- go
3 ahead.

4 THE CLERK: Yes, Your Honor. Thank you. Denise
5 Johnson will remain in seat number 1. Angela Knudson will
6 remain in seat number 2. James Estergren will be remaining
7 in seat number 3. David Fleisher will be seat number 4.

8 THE COURT: So, if you'll just --

9 THE MARSHAL: If you guys will just move over when
10 she calls your name --

11 THE COURT: There you go.

12 THE MARSHAL: -- to the appropriate seat.

13 THE CLERK: Thank you. Shirley Ritz, seat number
14 5. Janet Bonine, seat number 6. Caroline Ordillas, seat
15 number 7. Alyssa Devera, seat number 8. Pierre Flores, seat
16 number 9.

17 THE MARSHAL: You're going to go up top to that
18 last seat, sir.

19 THE CLERK: Second row will be Sean McAllister,
20 seat number 10. Robin Bayley, seat number 11. Ogechi
21 Chieke, seat number 12.

22 THE MARSHAL: You're going to slide all the way
23 down.

24 THE COURT: That's you.

25 THE CLERK: Krysha Watts, seat number 13. Heidi

ROUGH DRAFT TRANSCRIPT

1 Vogel, seat number 14. Robert Preston, seat number 15.

2 THE COURT: Okay. So, Mr. Alvarado, if you'll come
3 out of that seat, and you can go sit in the back of the
4 courtroom.

5 PROSPECTIVE JUROR NO. 916: Yes, ma'am.

6 THE COURT: Doubles Pongrance, seat number 16.
7 Denise Groves, seat number 17. Kaitlyn Devolve, seat number
8 18. Thomesha Robinson, seat number 19. Jennifer McGowan,
9 seat number 20. Bianca Herrera, seat number 21. Saralynn
10 Solo, seat number 22. Molly Ogara, seat number 23. And Mark
11 Armstrong, seat number 24. Thank you.

12 THE COURT: Thank you. Ms. Johnson, how long have
13 you lived in Clark County?

14 PROSPECTIVE JUROR NO. 845: For about 16 months.

15 THE COURT: Welcome to Clark County.

16 PROSPECTIVE JUROR NO. 845: Thank you.

17 THE COURT: Your education background?

18 PROSPECTIVE JUROR NO. 845: A master's degree in
19 education.

20 THE COURT: What do you do for a living?

21 PROSPECTIVE JUROR NO. 845: I'm a fourth grade
22 teacher.

23 THE COURT: For the Clark County School District?

24 PROSPECTIVE JUROR NO. 845: Yes, ma'am.

25 THE COURT: Okay. How long have you done that?

ROUGH DRAFT TRANSCRIPT

1 Well, I guess about 16 months. Was this your first year
2 teaching?

3 PROSPECTIVE JUROR NO. 845: No, it is not. This is
4 my 12th year teaching.

5 THE COURT: Well, I guess in Clark County, is this
6 your first year teaching here?

7 PROSPECTIVE JUROR NO. 845: It's my second year
8 teaching.

9 THE COURT: Second year? Okay. Your marital
10 status?

11 PROSPECTIVE JUROR NO. 845: Married.

12 THE COURT: Is your spouse employed?

13 PROSPECTIVE JUROR NO. 845: Yes, he is.

14 THE COURT: What does he do?

15 PROSPECTIVE JUROR NO. 845: He works for Michael's
16 craft stores.

17 THE COURT: Okay. Do you have any children?

18 PROSPECTIVE JUROR NO. 845: Three children.

19 THE COURT: Are any of your three kids old enough
20 to be employed?

21 PROSPECTIVE JUROR NO. 845: No, they are not.

22 THE COURT: Any reason why you could not be a
23 completely fair and impartial juror if you were selected to
24 serve?

25 PROSPECTIVE JUROR NO. 845: No.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Thank you very much for being here.

2 PROSPECTIVE JUROR NO. 845: Thank you.

3 THE COURT: Ms. Angela Knudson, how long have you
4 lived in Clark County?

5 PROSPECTIVE JUROR NO. 847: 16 years.

6 THE COURT: Your employment, training, and
7 education background?

8 PROSPECTIVE JUROR NO. 847: Just high school
9 graduate. I'm a professional dancer in a show on the Strip.

10 THE COURT: Do you mind telling us which one? I'm
11 just --

12 PROSPECTIVE JUROR NO. 847: No, I'm in the Matt
13 Goss Show.

14 THE COURT: In the what?

15 PROSPECTIVE JUROR NO. 847: Matt Goss.

16 THE COURT: Oh.

17 PROSPECTIVE JUROR NO. 847: At Caesars Palace.

18 THE COURT: How long have you done that?

19 PROSPECTIVE JUROR NO. 847: Two years there. And I
20 teach dance as well.

21 THE COURT: Okay. And you're married, correct?

22 PROSPECTIVE JUROR NO. 847: Correct.

23 THE COURT: And we know your husband's a Metro
24 officer.

25 PROSPECTIVE JUROR NO. 847: Um-hum.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Do you have any kids?

2 PROSPECTIVE JUROR NO. 847: One on the way.

3 THE COURT: Oh. Didn't know, but congratulations.

4 PROSPECTIVE JUROR NO. 847: Thank you.

5 THE COURT: Are you okay --

6 PROSPECTIVE JUROR NO. 847: Yeah, I'm good.

7 THE COURT: -- to be here?

8 PROSPECTIVE JUROR NO. 847: Yeah.

9 THE COURT: You feel good and everything?

10 PROSPECTIVE JUROR NO. 847: Yeah, totally.

11 THE COURT: Okay. Any reason why you could not be
12 a completely fair and impartial juror if you were selected to
13 serve?

14 PROSPECTIVE JUROR NO. 847: No.

15 THE COURT: Thank you. Thank you for being here.
16 Mr. Estergren --

17 PROSPECTIVE JUROR NO. 848: Correct.

18 THE COURT: -- how long have you lived in Clark
19 County?

20 PROSPECTIVE JUROR NO. 848: 12 months.

21 THE COURT: Again, welcome to Clark County.

22 PROSPECTIVE JUROR NO. 848: Thank you for having
23 me.

24 THE COURT: Your education background?

25 PROSPECTIVE JUROR NO. 848: I'm a high school

ROUGH DRAFT TRANSCRIPT

1 graduate. I work for MGM Resorts as a facilities technician.

2 THE COURT: What does a facilities technician do?

3 PROSPECTIVE JUROR NO. 848: Basically a handyman.

4 I repair everything. Plumbing, electrical, HVAC.

5 THE COURT: Okay. Your marital status?

6 PROSPECTIVE JUROR NO. 848: Single. Divorced.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 848: No.

9 THE COURT: Any reason why you could not be a
10 completely fair and impartial juror if you were selected to
11 serve?

12 PROSPECTIVE JUROR NO. 848: No.

13 THE COURT: Thank you. Thank you for being here.

14 Mr. David Fleisher, how long have you lived in Clark County?

15 PROSPECTIVE JUROR NO. 856: 19 years.

16 THE COURT: And your employment, training,
17 education background?

18 PROSPECTIVE JUROR NO. 856: Let's see. Some
19 college. I haven't -- didn't graduate. I'm in construction.
20 As I said, I'm the head person at the -- at Hammond Caulking
21 and Deck Systems (phonetic).

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR NO. 856: I'm married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: What does your spouse do for a living?

2 PROSPECTIVE JUROR NO. 856: She's a registrar for
3 Academia America.

4 THE COURT: She's a registrar for --

5 PROSPECTIVE JUROR NO. 856: Academia America, a
6 private charter school.

7 THE COURT: Do you have children?

8 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

9 THE COURT: How many?

10 PROSPECTIVE JUROR NO. 856: Three.

11 THE COURT: Are any of them old enough to be
12 employed?

13 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

14 THE COURT: How many?

15 PROSPECTIVE JUROR NO. 856: One.

16 THE COURT: What does that child do for a living?

17 PROSPECTIVE JUROR NO. 856: Well, she still goes to
18 school, but she has a part-time job as a dry cleaner.

19 THE COURT: Is she under 18?

20 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

21 THE COURT: Okay, then I don't think -- that's
22 good, okay? Any reason why you could not be a completely
23 fair and impartial juror --

24 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

25 THE COURT: -- if you were selected to serve?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

2 THE COURT: There is a reason?

3 PROSPECTIVE JUROR NO. 856: Yes, because I want out
4 of here to do my job. So, whatever the majority of whoever I
5 was serving with is going, that's where I'm going to go.

6 THE COURT: Okay, you realize that's not going to
7 get you off jury duty?

8 PROSPECTIVE JUROR NO. 856: I'm just telling you
9 fair and square. That's what it is.

10 THE COURT: Okay. So, because you've been called
11 here to do your civic duty --

12 PROSPECTIVE JUROR NO. 856: Which I disagree with.

13 THE COURT: You disagree with what?

14 PROSPECTIVE JUROR NO. 856: The civic duty. I
15 think my civic duty is to be an employer; not to do this.
16 I'm putting food on the table for other people.

17 THE COURT: Okay, but you understand -- you don't
18 believe that jury duty is a civic duty?

19 PROSPECTIVE JUROR NO. 856: No, I don't.

20 THE COURT: What is it then?

21 PROSPECTIVE JUROR NO. 856: It's a waste of time.

22 THE COURT: A waste of time. Why don't you have a
23 seat. Ms. Ritz, how long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 858: 14 years.

25 THE COURT: Your employment, training, education

ROUGH DRAFT TRANSCRIPT

1 background?

2 PROSPECTIVE JUROR NO. 858: I have a bachelor's
3 degree from Antioch College in Yellow Springs, Ohio. I
4 worked for the City of San Jose in a clerical capacity for 16
5 years. They still send me some work to transcribe, and I
6 also have a rental property business. I own ten rental
7 houses that I have managers managing for me.

8 THE COURT: Okay, so you have ten rental
9 properties? And you have managers running that for you, or
10 do you do it?

11 PROSPECTIVE JUROR NO. 858: Well, the managers do
12 basic mundane things. If anything unusual comes up, then I
13 have to do it.

14 THE COURT: Okay. Your marital status?

15 PROSPECTIVE JUROR NO. 858: I'm married. My
16 husband is a school crossing guard.

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR NO. 858: I have three adult
19 children, two of whom are gainfully employed.

20 THE COURT: What do those two do for a living?

21 PROSPECTIVE JUROR NO. 858: Well, my son Walter is
22 a second-level manager at F5 Systems in Santa Clara County,
23 and my son Charles does computer work for the National Guard
24 in Raleigh, North Carolina.

25 THE COURT: Any reason why you could not be a

ROUGH DRAFT TRANSCRIPT

1 completely fair and impartial juror if you were selected to
2 serve?

3 PROSPECTIVE JUROR NO. 858: No.

4 THE COURT: Okay. Thank you, Ms. Ritz. Thank you
5 for being here. Ms. Janet Bonine, how long have you lived in
6 Clark County?

7 PROSPECTIVE JUROR NO. 860: 36 years.

8 THE COURT: Your employment, training, education
9 background?

10 PROSPECTIVE JUROR NO. 860: I'm a high school
11 graduate, and right now, I'm unemployed.

12 THE COURT: What was your last job?

13 PROSPECTIVE JUROR NO. 860: I worked 35 years at
14 the -- it was LVH, then it went to -- it was Las Vegas
15 Hilton, it went to LVH, and now it's West Gate.

16 THE COURT: Okay. What did you do?

17 PROSPECTIVE JUROR NO. 860: I was a floor
18 supervisor.

19 THE COURT: Your marital status?

20 PROSPECTIVE JUROR NO. 860: Single, divorced.

21 THE COURT: Do you have children?

22 PROSPECTIVE JUROR NO. 860: Yes, two.

23 THE COURT: Are either of those children old enough
24 to be employed?

25 PROSPECTIVE JUROR NO. 860: Both of them.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Okay, what do they do for a living?

2 PROSPECTIVE JUROR NO. 860: My son is security at
3 The D Hotel, and my daughter is -- works at ESG -- EGS as a
4 call center.

5 THE COURT: Any reason why you could not be a
6 completely fair and impartial juror if you were selected to
7 serve?

8 PROSPECTIVE JUROR NO. 860: No.

9 THE COURT: Okay. At this time, ladies and
10 gentlemen, we're going to take a short recess.

11 During this recess, you're admonished not to talk
12 or converse amongst yourselves or with anyone else on any
13 subject connected with this trial, or read, watch, or listen
14 to any report of or commentary on the trial, or any person
15 connected with this trial, by any medium of information,
16 including, without limitation, newspapers, television, the
17 internet, or radio, or form or express any opinion on any
18 subject connected with this trial until the case is finally
19 submitted to you.

20 The first 24, if you'll just remember where you're
21 sitting, because when you come back in, you have to sit in
22 those same seats. And Mr. -- Juror number 4, if you'll
23 please stay here, everyone else is excused.

24 THE MARSHAL: Thank you. All rise for the exiting
25 jury panel, please. Jurors.

ROUGH DRAFT TRANSCRIPT

1 (Outside the presence of the prospective jurors)

2 (Within the presence of Prospective Juror No. 856)

3 THE COURT: Okay. The record will reflect that
4 this hearing is taking place outside the presence of the jury
5 panel, with the exception of David Fleisher, who has been
6 asked to remain in the courtroom at my request, badge number
7 0856.

8 So, Mr. Fleisher, I'm a little concerned about your
9 comments, and I don't want you to contaminate my entire jury
10 panel. That's why I excused them. What's the problem? This
11 is -- clearly, you know this is your civic duty, and I'm not
12 quite sure what the problem is, so --

13 PROSPECTIVE JUROR NO. 856: I disagree. I mean, I
14 understand it's in the Constitution, but no, I think I have a
15 better responsibility to employ the people that I have
16 underneath me, and to put food on their table.

17 THE COURT: Okay, and --

18 PROSPECTIVE JUROR NO. 856: By me being here, it
19 does not do that.

20 THE COURT: Okay. Remember, I asked you earlier
21 when you told me you had those obligations, I said, was the
22 office open today?

23 PROSPECTIVE JUROR NO. 856: The question is, yes,
24 the office is open, but nobody's running it.

25 THE COURT: Okay. So, what's everybody doing?

ROUGH DRAFT TRANSCRIPT

1 Sitting there, twiddling their thumbs?

2 PROSPECTIVE JUROR NO. 856: I have -- I scheduled
3 yesterday for today, but I can't get bids out. Bids don't
4 care when my jury style is -- when it is.

5 THE COURT: Okay. Do you not think that everybody
6 in the courtroom --

7 PROSPECTIVE JUROR NO. 856: I don't really --

8 THE COURT: -- has stuff to do? Do you know my
9 secretary right now is serving on a jury panel, and if I get
10 -- I've been called to jury duty, and I've taken my butt down
11 there, and I sat, and I got called up into a courtroom and
12 sat there myself, and other judges have as well. I'm just
13 trying to figure out why you think --

14 PROSPECTIVE JUROR NO. 856: I lose money if I'm
15 sitting here, and my crews lose money.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 856: And the company has a
18 possibility of going defunct.

19 THE COURT: If you --

20 PROSPECTIVE JUROR NO. 856: That's reality.

21 THE COURT: You'll go bankrupt?

22 PROSPECTIVE JUROR NO. 856: Yes. We are that tight
23 right now.

24 THE COURT: Okay, what kind of company is it?

25 PROSPECTIVE JUROR NO. 856: Hammond Caulking and

ROUGH DRAFT TRANSCRIPT

1 Deck Systems. We do specialized sealants on the exterior
2 sides of buildings, and then we do a lot of track housing
3 work.

4 THE COURT: And how many employees?

5 PROSPECTIVE JUROR NO. 856: I have three right now.

6 THE COURT: You own the company?

7 PROSPECTIVE JUROR NO. 856: No.

8 THE COURT: Who owns the company?

9 PROSPECTIVE JUROR NO. 856: Greg Munoz.

10 THE COURT: Okay. And --

11 PROSPECTIVE JUROR NO. 856: He is MIA. I don't
12 know where he is.

13 THE COURT: Okay. And you're telling me you won't
14 be able to -- it's not -- it's not your business; you don't
15 own it?

16 PROSPECTIVE JUROR NO. 856: I'm in the process of
17 trying to purchase it, yes.

18 THE COURT: Okay, but you don't own it?

19 PROSPECTIVE JUROR NO. 856: Not right now.

20 THE COURT: But you're telling me that you have
21 enough information to know that the company's going to go
22 bankrupt if you're here?

23 PROSPECTIVE JUROR NO. 856: Yes, ma'am. I look at
24 the financials every day.

25 THE COURT: Okay. And this company's going to go

ROUGH DRAFT TRANSCRIPT

1 under if you're here?

2 PROSPECTIVE JUROR NO. 856: Yes. If I miss out on
3 a couple of bids, yeah, we won't have any future work, and I
4 don't have enough capital sitting there to maintain it for a
5 month or six weeks.

6 THE COURT: Okay, and you have bids that are ready
7 to go out?

8 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

9 THE COURT: Okay, and how come they haven't gone
10 out?

11 PROSPECTIVE JUROR NO. 856: Because it's not due
12 yet.

13 THE COURT: Okay, what bids are due?

14 PROSPECTIVE JUROR NO. 856: And then I have bids
15 that are also due while I'm sitting here that just came out
16 yesterday, but they bid on Friday.

17 THE COURT: And I mean, I'm just wondering, because
18 my office runs just fine if I'm not there.

19 PROSPECTIVE JUROR NO. 856: You have an office
20 staff; I do not.

21 THE COURT: I thought you said you have three
22 employees?

23 PROSPECTIVE JUROR NO. 856: They're in the crew.
24 They're in the field. They don't do what I do.

25 THE COURT: Okay, what is it that you do?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 856: I do the estimating, I
2 do the ordering, I do the scheduling, I do face-to-face
3 meetings.

4 THE COURT: Let me ask you this. If you were
5 accused of a crime, would you want someone like yourself
6 sitting on the panel?

7 PROSPECTIVE JUROR NO. 856: No.

8 THE COURT: Would you want people in the community
9 that were willing to do their civic duty?

10 PROSPECTIVE JUROR NO. 856: No.

11 THE COURT: You wouldn't?

12 PROSPECTIVE JUROR NO. 856: No, I'd ask for a judge
13 trial.

14 THE COURT: You'd ask for a bench trial?

15 PROSPECTIVE JUROR NO. 856: Yes.

16 THE COURT: Okay. All right. And you basically
17 told me you're not going to be fair and impartial?

18 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

19 THE COURT: Is that accurate?

20 PROSPECTIVE JUROR NO. 856: Yes, ma'am.

21 THE COURT: Okay, and that's because you just think
22 you're just too good to be here for jury duty?

23 PROSPECTIVE JUROR NO. 856: No, I just want out.

24 THE COURT: You just want out because you think you
25 shouldn't have to do it?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 856: No, I don't believe in
2 it.

3 THE COURT: You don't believe in it?

4 PROSPECTIVE JUROR NO. 856: No.

5 THE COURT: Why not?

6 PROSPECTIVE JUROR NO. 856: Because I don't know
7 anything to what these guys know on the law, like you.
8 That's where it should be; not me.

9 THE COURT: Okay, but you understand people have
10 the right to request a jury --

11 PROSPECTIVE JUROR NO. 856: Yes.

12 THE COURT: -- trial, correct?

13 PROSPECTIVE JUROR NO. 856: We've been through
14 this. Yes, I understand it, but I don't agree with it, and I
15 don't have to.

16 THE COURT: You're right, you don't have to.

17 PROSPECTIVE JUROR NO. 856: Okay.

18 THE COURT: Okay, but what has to happen is you
19 can't act like that towards me; do you understand that?

20 PROSPECTIVE JUROR NO. 856: Yes.

21 THE COURT: I just ask that you be respectful,
22 that's it. I'm being respectful to you.

23 PROSPECTIVE JUROR NO. 856: No, you keep asking the
24 same question expecting a different answer, ma'am.

25 THE MARSHAL: You need to quit now and be

ROUGH DRAFT TRANSCRIPT

1 respectful to the Court, or it's my turn to talk with you.

2 THE COURT: So, basically, you want out so bad, you
3 don't even have a problem insulting the Court?

4 PROSPECTIVE JUROR NO. 856: I didn't mean to insult
5 the Court.

6 THE COURT: Okay. Well, it's pretty offensive,
7 because this is what I do for a living, to have someone come
8 in and talk the way you're talking. I mean, the parties --
9 this is -- this is important. Don't you think this is
10 important?

11 PROSPECTIVE JUROR NO. 856: No.

12 THE COURT: You don't think it's important? Okay,
13 here's what I'm going to do, Mr. Fleisher. Based on your
14 questions, I'm going to ask you to go to the third floor.
15 Will you call the jury commissioner and see if he can be
16 reassigned to a civil case?

17 THE MARSHAL: Yes, ma'am.

18 THE COURT: Sir, you can go back down to the third
19 floor, and you'll be reassigned.

20 (Outside the presence of Juror No. 856)

21 THE COURT: The record will reflect that he has
22 left the courtroom. I felt uncomfortable moving forward
23 after some of the answers he gave me, so I think it's
24 appropriate that I let him go. Does anyone have any
25 objection?

ROUGH DRAFT TRANSCRIPT

1 MR. SANFT: No objection, Your Honor.

2 MR. PARRIS: None, Your Honor.

3 MR. PESCI: No from the State. Thank you, Your
4 Honor.

5 THE COURT: Okay. So, what I'm going to do is
6 number 4 is going to be Spencer Cranney. So, when they come
7 back in, we'll put Mr. Cranney in seat number 4. I'll bring
8 him up to speed, and then we'll -- and I think I stopped at
9 Ms. Bonine.

10 THE MARSHAL: She doesn't have any other places
11 today; she's going to reassign him to another day.

12 THE COURT: Okay.

13 THE MARSHAL: [Inaudible].

14 THE COURT: Does anyone need a bathroom break
15 before I bring the jury back in?

16 MR. PARRIS: Your Honor, if I could just have like
17 a quick two minutes.

18 THE COURT: Okay, go ahead.

19 MR. PARRIS: Thank you, Your Honor.

20 THE COURT: I think I'll do the same, so.

21 THE MARSHAL: Thank you. Court will be in recess.

22 (Court recessed at 2:30 P.M. until 2:37 P.M.)

23 (Outside the presence of the prospective jurors)

24 THE MARSHAL: Please come back to order.

25 THE COURT: Okay, we can bring the panel back in.

ROUGH DRAFT TRANSCRIPT

1 THE MARSHAL: Yes, ma'am.

2 (Pause in the proceedings)

3 THE MARSHAL: All rise for the entering jury,
4 please. Jurors.

5 (Within the presence of the prospective jurors)

6 THE COURT: Does the State stipulate to the
7 presence?

8 MR. PESCI: Yes, Your Honor.

9 THE COURT: Mr. Sanft?

10 THE MARSHAL: Thank you, please be seated.

11 MR. SANFT: Yes, Your Honor.

12 THE COURT: Mr. Parris?

13 MR. PARRIS: Yes, Your Honor.

14 THE COURT: Thank you very much. At this time, I'm
15 going to ask that Mr. Spencer Cranny -- Mr. Spencer Cranny,
16 if you'll take seat number 4. You'll go up in the box and be
17 in seat number 4. Mr. Cranny, how long have you lived in
18 Clark County?

19 PROSPECTIVE JUROR NO. 005: Eight years, Your
20 Honor.

21 THE COURT: Your employment, training, education
22 background?

23 PROSPECTIVE JUROR NO. 005: I'm a funeral home
24 owner, funeral director, retired. The other question, a
25 degree in mortuary science, equivalent to a bachelor's degree.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Okay, what's your bachelor's in?

2 PROSPECTIVE JUROR NO. 005: Mortuary science.

3 THE COURT: Oh, okay. Mortuary science is your
4 bachelor's degree? Okay. And are you retired now?

5 PROSPECTIVE JUROR NO. 005: I am.

6 THE COURT: Okay, did you move to Las Vegas after
7 you retired?

8 PROSPECTIVE JUROR NO. 005: I did.

9 THE COURT: Okay. Where did you do your employment?

10 PROSPECTIVE JUROR NO. 005: I had -- I owned and
11 operated Cranny Mortuary in Logan, Utah.

12 THE COURT: Oh, okay. Your marital status?

13 PROSPECTIVE JUROR NO. 005: I'm married.

14 THE COURT: Is your spouse employed?

15 PROSPECTIVE JUROR NO. 005: She is.

16 THE COURT: What does she do?

17 PROSPECTIVE JUROR NO. 005: She's a quilt designer
18 and instructor at the quilt store in Henderson.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 005: We do. We have six that
21 are all adults now. We have one handicapped with cerebral
22 palsy. He's 42, he lives with us.

23 THE COURT: Okay. And the other five children, are
24 they employed?

25 PROSPECTIVE JUROR NO. 005: Housewives -- mothers,

ROUGH DRAFT TRANSCRIPT

1 housewives, and some are employed with the airlines, and --

2 THE COURT: Okay, so you have -- you have five kids
3 that can work --

4 PROSPECTIVE JUROR NO. 005: Five that are on their
5 own, yeah.

6 THE COURT: Okay. Why don't we start at the top,
7 and just tell me what each kid does.

8 PROSPECTIVE JUROR NO. 005: Okay.

9 THE COURT: Usually, I just tell you to start with
10 the oldest and go down.

11 PROSPECTIVE JUROR NO. 005: The oldest is an agent
12 for JetBlue. The next is a son; he's an attorney in Seattle.

13 THE COURT: What kind of law does he practice?

14 PROSPECTIVE JUROR NO. 005: Basically, he does
15 property law, purchase, permitting, all of those kinds of
16 things, getting it ready for development. Third child is our
17 handicapped son.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 005: Fourth child is a
20 daughter. She works for the State of Utah. She's a
21 psychologist with the Department of Corrections, Youth
22 Corrections.

23 THE COURT: So, in the juvenile system?

24 PROSPECTIVE JUROR NO. 005: Yes.

25 THE COURT: Okay. So, is she in Salt Lake?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 005: She's in Logan.

2 THE COURT: In Logan?

3 PROSPECTIVE JUROR NO. 005: Uh-huh.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 005: They have a large
6 facility there.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 005: Then I have twin
9 daughters. They're both mothers and housewives.

10 THE COURT: Okay, and that makes the -- so you have
11 twin daughters?

12 PROSPECTIVE JUROR NO. 005: Uh-huh.

13 THE COURT: The last ones were twins?

14 PROSPECTIVE JUROR NO. 005: Yeah, two for one.

15 THE COURT: Oh my gosh, that's not -- I mean --

16 PROSPECTIVE JUROR NO. 005: Great.

17 THE COURT: So, the last pregnancy, you had twins?

18 PROSPECTIVE JUROR NO. 005: Yeah.

19 THE COURT: Daughters?

20 PROSPECTIVE JUROR NO. 005: Daughters. Not --

21 THE COURT: So, you were surprised, obviously?

22 PROSPECTIVE JUROR NO. 005: Not identical, yes.

23 THE COURT: And they both are stay-at-home moms?

24 PROSPECTIVE JUROR NO. 005: They are.

25 THE COURT: Okay. Any reason why you could not be a

ROUGH DRAFT TRANSCRIPT

1 completely fair and impartial juror if you were selected to
2 serve on this panel?

3 PROSPECTIVE JUROR NO. 005: I would like to think
4 so, Your Honor. However, my profession, I have very vivid
5 memories of violent --

6 THE COURT: You know what, before you go any
7 further, I'm just going to have you approach the bench.

8 PROSPECTIVE JUROR NO. 005: Okay.

9 THE COURT: So, we'll just do it privately up here.
10 (Bench conference)

11 THE COURT: Mr. Cranny, you can come right up here.

12 PROSPECTIVE JUROR NO. 005: Okay.

13 THE COURT: Thank you. All four lawyers are present
14 at the bench with Mr. Cranny.

15 PROSPECTIVE JUROR NO. 005: [Inaudible].

16 THE COURT: That's okay. And you were starting to
17 say that you would hope that you'd be fair and impartial, and
18 I was kind of worried what you'd say because of what your
19 background is.

20 PROSPECTIVE JUROR NO. 005: I'm very much pleased
21 that I can be here. However --

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR NO. 005: -- my memory in having
24 worked with families of violent crime, and seeing both sides
25 of the things that it does to bodies and the things that it

ROUGH DRAFT TRANSCRIPT

1 does to families runs around in the back of my head.

2 Similarities to this case to other cases that I've worked
3 with --

4 THE COURT: Okay, but you only work with -- and I
5 don't mean to be facetious --

6 PROSPECTIVE JUROR NO. 005: And I did coroner's
7 work.

8 THE COURT: But you only do dead people, right?

9 PROSPECTIVE JUROR NO. 005: I work with the families
10 for month and months after as well.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 005: And so, I just -- I --

13 THE COURT: But deceased people, correct?

14 PROSPECTIVE JUROR NO. 005: Correct, but the
15 families are alive.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 005: And they need help, too,
18 so I work with them as well?

19 THE COURT: Sure, sure.

20 PROSPECTIVE JUROR NO. 005: Yeah.

21 THE COURT: But you understand this isn't a murder
22 case?

23 PROSPECTIVE JUROR NO. 005: Yes.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 005: But it's the violent

ROUGH DRAFT TRANSCRIPT

1 crime aspect that was noted by the attorneys in the beginning.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 005: And so I just -- I just
4 want you to be aware of that, and I want to be an impartial --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 005: -- juror.

7 THE COURT: Well, you know, opinions don't prevent
8 you from serving as a juror.

9 PROSPECTIVE JUROR NO. 005: That's true.

10 THE COURT: Okay. What would prevent you from
11 serving as a juror is if your opinions are so difficult to set
12 aside such that you can't be fair and impartial.

13 PROSPECTIVE JUROR NO. 005: That's my fear, that my
14 prejudice would enter in, and I don't want that.

15 THE COURT: Okay, well, I don't want that either.

16 PROSPECTIVE JUROR NO. 005: Because of past
17 experience.

18 THE COURT: Okay, but you're the only one who can
19 tell me. Can you leave that at the door and judge this case
20 --

21 PROSPECTIVE JUROR NO. 005: I don't think a person
22 can.

23 THE COURT: You mean a person like yourself?

24 PROSPECTIVE JUROR NO. 005: I don't think anybody
25 can that has that knowledge of the things I've seen, and done,

ROUGH DRAFT TRANSCRIPT

1 and the people I had to work with, and so forth.

2 THE COURT: Okay, so you believe your life
3 experiences are going to interfere with your ability to be
4 fair and impartial?

5 PROSPECTIVE JUROR NO. 005: On the one hand, I think
6 so, yes, and I'm going to leave it there.

7 THE COURT: Okay. Well, if that -- if one of the
8 defendants over there was one of your children, would you want
9 someone like yourself sitting on the panel?

10 PROSPECTIVE JUROR NO. 005: No.

11 THE COURT: Why not?

12 PROSPECTIVE JUROR NO. 005: Again, because of the
13 influence it might have, and my not being a clear cut, fair,
14 impartial --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 005: -- juror.

17 THE COURT: And so --

18 PROSPECTIVE JUROR NO. 005: I -- my point is that I
19 just -- it's running around in the back of my head.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 005: From the beginning of
22 this court when we were told what the charges were, all the
23 sudden, I started remembering the cases that I worked on.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 005: And I have the knowledge

ROUGH DRAFT TRANSCRIPT

1 also of this -- the news reports of these fellows, so.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 005: And that was a long time
4 ago, so I don't remember much.

5 THE COURT: All right. Does either side have any
6 follow up?

7 MR. PESCI: If I could, Judge, we're being recorded,
8 right?

9 THE COURT: Yeah, of course.

10 MR. PESCI: Giancarlo Pesci for the State. Sir,
11 would it change or affect your feelings that you're sharing
12 with us right now if you knew that in this particular
13 instance, nobody was shot, nobody was stabbed, nobody was
14 physically injured in any of these incidents, tying it back to
15 your experience with the job that you have, obviously, that
16 dealt with people that were killed based on this violence,
17 nobody in this situation --

18 PROSPECTIVE JUROR NO. 005: Well, to a large degree,
19 however, the threat to others in the commission of the crime,
20 even if it was murder, is -- is irreprehensible and leaves an
21 impression.

22 MR. PESCI: Sure. And the fact that you have those
23 feelings in the back of your mind [inaudible] is totally
24 understandable, and it's not necessarily a reason to
25 disqualify you, so to speak. I guess the question is, would

ROUGH DRAFT TRANSCRIPT

1 you hold the State, us, to our burden, which is we have to
2 prove it beyond a reasonable doubt. No matter how much the
3 charges sound serious or scary, if we don't prove it, then a
4 not guilty verdict is what the law requires. Would you have a
5 problem returning a not guilty if we did not prove it?

6 PROSPECTIVE JUROR NO. 005: Well, if you did not
7 prove it, certainly. I just -- I just don't want to be an --
8 or a partial juror. That's what I'm afraid of.

9 MR. PESCI: Okay.

10 PROSPECTIVE JUROR NO. 005: And --

11 THE COURT: Okay. And you don't believe you can be
12 fair and impartial?

13 PROSPECTIVE JUROR NO. 005: Well, if it's going to
14 get me in trouble --

15 THE COURT: No, you're not getting in trouble. When
16 you said you were pleased to be here --

17 PROSPECTIVE JUROR NO. 005: I just think --

18 THE COURT: -- that's all I wanted to hear.

19 PROSPECTIVE JUROR NO. 005: Oh, I am, I am. I'm a
20 veteran. I -- you know, I'm a patriotic person, having served
21 --

22 THE COURT: Absolutely.

23 PROSPECTIVE JUROR NO. 005: -- on a city counsel and
24 everything, but I just -- I'm just concerned about the --

25 THE COURT: When you said you worked with the

ROUGH DRAFT TRANSCRIPT

1 families for long periods of time after the decedent, what
2 does that mean?

3 PROSPECTIVE JUROR NO. 005: Well --

4 THE COURT: Do you have other experience?

5 PROSPECTIVE JUROR NO. 005: No, no. Once you serve
6 a family, you take care of the funeral, and then you have
7 follow up meetings with them, and you have -- they'll come to
8 you. They'll come to you for help, and I can't get over this,
9 and I have feelings about this, and they want to talk to you,
10 and then I can direct them to the help that they need. That's
11 one of the things --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 005: -- a funeral director's
14 trained to do. So, we -- you know, we're talking a year,
15 year-and-a-half.

16 THE COURT: Okay, but obviously, you would be
17 dealing with murder victims, correct?

18 PROSPECTIVE JUROR NO. 005: Not all the time.
19 [Inaudible] wounded people.

20 THE COURT: Well, wounded people don't come to you,
21 right?

22 PROSPECTIVE JUROR NO. 005: Yeah, yeah, but then you
23 have --

24 THE COURT: Because they're still alive.

25 PROSPECTIVE JUROR NO. 005: Yeah. Well, I'm not

ROUGH DRAFT TRANSCRIPT

1 going to argue that. You're --

2 THE COURT: Well, you're confusing me, because --

3 PROSPECTIVE JUROR NO. 005: I don't know. What I'm
4 saying is there's a lot of different victims in a crime, and I
5 just want to be impartial, that's all.

6 THE COURT: Okay. And is this a case you believe
7 you can't be impartial?

8 PROSPECTIVE JUROR NO. 005: Well, you know, I came
9 in here thinking, yes, I'm as partial as anybody could
10 possibly be.

11 THE COURT: Sure.

12 PROSPECTIVE JUROR NO. 005: And then they announced
13 the charges, and now all these things are running around in my
14 head; past cases, and I just [inaudible] defense.

15 THE COURT: Okay. Any questions?

16 MR. SANFT: No.

17 THE COURT: Okay. So, Mr. Cranny, I'm just going to
18 ask that you go -- you can go sit back in the back of the
19 courtroom.

20 PROSPECTIVE JUROR NO. 005: All right, thank you.

21 THE COURT: You don't need to return to the jury
22 box.

23 PROSPECTIVE JUROR NO. 005: Thank you.

24 MR. SANFT: Thank you for your time.

25 THE COURT: Thank you. So, don't go. So, he'll be

ROUGH DRAFT TRANSCRIPT

1 excused for cause. Seat number 4 looks like it's going to be
2 jinxed.

3 MR. PESCI: For the record, the defense has no
4 objection?

5 THE COURT: Yeah, you have no objection --

6 MR. SANFT: No.

7 MR. PARRIS: None, Your Honor.

8 THE COURT: Thank you. It will be Vernon Anderson.

9 MR. PESCI: Is number 4 now?

10 THE COURT: Is number 4 now.

11 MR. PESCI: Okay.

12 THE COURT: Because Christine McDonald, we're not
13 going to call.

14 THE CLERK: He's 100 -- 1011.

15 MR. PESCI: [Inaudible].

16 THE COURT: Are we good?

17 MR. PRINCE: Yeah.

18 THE COURT: Okay. Can you turn the noise off, Kris?

19 THE COURT RECORDER: Yeah, I'm sorry, Your Honor.

20 THE COURT: That's okay.

21 (End of bench conference)

22 THE COURT: At this time, I'm going to ask Vernon
23 Anderson to take seat number 4. Vernon Anderson. Mr.
24 Anderson, how long have you lived in Clark County?

25 PROSPECTIVE JUROR NO. 011: About 11 years.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Your employment, training, education,
2 background?

3 PROSPECTIVE JUROR NO. 011: A little college, trade
4 school --

5 THE COURT: What kind of trade school?

6 PROSPECTIVE JUROR NO. 011: Massage therapy school.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR NO. 011: Massage therapy.

9 THE COURT: Okay. What do you do for a living?

10 PROSPECTIVE JUROR NO. 011: I own my own business,
11 and I'm a professional boxer.

12 THE COURT: You own your own business? What is your
13 own business?

14 PROSPECTIVE JUROR NO. 011: Rush Hour Motors, a car
15 dealership.

16 THE COURT: You own a car dealership?

17 PROSPECTIVE JUROR NO. 011: Yes, ma'am.

18 THE COURT: And you're a professional boxer as well?

19 PROSPECTIVE JUROR NO. 011: Yes, ma'am, and a
20 surgical tech.

21 THE COURT: And a surgical tech? What does a
22 surgical tech do?

23 PROSPECTIVE JUROR NO. 011: Assists the doctor
24 during surgery.

25 THE COURT: Okay. Where do you work when you do

ROUGH DRAFT TRANSCRIPT

1 that?

2 PROSPECTIVE JUROR NO. 011: Desert Springs Hospital.

3 THE COURT: Okay. Yeah, that's a lot of things.

4 You have a business. Boxing, I'm assuming you train every
5 day?

6 PROSPECTIVE JUROR NO. 011: Every day.

7 THE COURT: And you're a surgical tech?

8 PROSPECTIVE JUROR NO. 011: Yes, ma'am.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR NO. 011: Single.

11 THE COURT: Because you don't have time. You're
12 busy. Do you have any children?

13 PROSPECTIVE JUROR NO. 011: Two daughters.

14 THE COURT: Two daughters. Are they old enough to
15 be employed?

16 PROSPECTIVE JUROR NO. 011: Oh, no.

17 THE COURT: Any reason why you could not be a
18 completely fair and impartial juror if you were selected to
19 serve?

20 PROSPECTIVE JUROR NO. 011: No.

21 THE COURT: Thank you, Mr. Anderson. Thank you very
22 much for being here. Okay. I was on Caroline? Yes, Caroline
23 Ordillas? Okay. How long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 864: Ten years.

25 THE COURT: Ten years? Your employment, training,

ROUGH DRAFT TRANSCRIPT

1 education background?

2 PROSPECTIVE JUROR NO. 864: Some college from the
3 Phillippines, and I currently work for MGM Resorts.

4 THE COURT: And what do you do?

5 PROSPECTIVE JUROR NO. 864: A clerk.

6 THE COURT: You're a clerk?

7 PROSPECTIVE JUROR NO. 864: Yes.

8 THE COURT: Like a front desk clerk?

9 PROSPECTIVE JUROR NO. 864: No, it's casino credit.

10 THE COURT: Casino credit?

11 PROSPECTIVE JUROR NO. 864: Yes.

12 THE COURT: Markers?

13 PROSPECTIVE JUROR NO. 864: Marker operations.

14 THE COURT: Okay. Your marital status?

15 PROSPECTIVE JUROR NO. 864: Divorced.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR NO. 864: One.

18 THE COURT: Is that child old enough to be employed?

19 PROSPECTIVE JUROR NO. 864: He's a full-time
20 student, and he's working at Caesars -- The Linq, sorry.

21 THE COURT: Okay. Any reason why you could not be a
22 completely fair and impartial juror if you were selected to
23 serve?

24 PROSPECTIVE JUROR NO. 864: No.

25 THE COURT: Thank you. Thank you for being here.

ROUGH DRAFT TRANSCRIPT

1 Alyssa Devera, how long have you lived in Clark County?

2 PROSPECTIVE JUROR NO. 877: Just nine years.

3 THE COURT: Nine years? Your employment, training,
4 education background?

5 PROSPECTIVE JUROR NO. 877: High school graduate,
6 currently in college, and I'm currently a sales associate at a
7 retail store.

8 THE COURT: You're currently in college?

9 PROSPECTIVE JUROR NO. 877: Yeah.

10 THE COURT: Where do you go to school?

11 PROSPECTIVE JUROR NO. 877: CSN.

12 THE COURT: Can you be here?

13 PROSPECTIVE JUROR NO. 877: Yeah. I can reschedule
14 my exams.

15 THE COURT: You can?

16 PROSPECTIVE JUROR NO. 877: Um-hum.

17 THE COURT: All right, so school's not going to
18 interfere with you being here?

19 PROSPECTIVE JUROR NO. 877: No.

20 THE COURT: Okay. And you said you also worked?
21 Where do you work?

22 PROSPECTIVE JUROR NO. 877: The Children's Place.

23 THE COURT: The Children's --

24 PROSPECTIVE JUROR NO. 877: It's a retail store.

25 THE COURT: Okay. Your marital status?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 877: Single.

2 THE COURT: Do you have any children?

3 PROSPECTIVE JUROR NO. 877: No.

4 THE COURT: Any reason why you could not be a
5 completely fair and impartial juror if you were selected to
6 serve?

7 PROSPECTIVE JUROR NO. 877: No.

8 THE COURT: Thank you. Thank you for being here.
9 Mr. Pierre Flores, how long have you lived in Clark County?

10 PROSPECTIVE JUROR NO. 880: 15 years.

11 THE COURT: Your employment, training, education
12 background?

13 PROSPECTIVE JUROR NO. 880: Some college, and I work
14 at the Cannery Casino as a bar runner.

15 THE COURT: Your marital status?

16 PROSPECTIVE JUROR NO. 880: Single.

17 THE COURT: Do you have children?

18 PROSPECTIVE JUROR NO. 880: No.

19 THE COURT: Any reason why you could not be a
20 completely fair and impartial juror if you were selected to
21 serve?

22 PROSPECTIVE JUROR NO. 880: No.

23 THE COURT: Thank you, sir. Thank you for being
24 here. Mr. McAllister, how long have you lived in Clark
25 County?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 885: Ten years, Your Honor.

2 THE COURT: Your employment, training, education
3 background?

4 PROSPECTIVE JUROR NO. 885: A bachelor's degree, and
5 I'm an anchor and executive producer at Fox 5.

6 THE COURT: You're an anchor and executive producer
7 at Fox 5?

8 PROSPECTIVE JUROR NO. 885: Correct.

9 THE COURT: What -- so you anchor the news?

10 PROSPECTIVE JUROR NO. 885: The entertainment
11 program, More Access.

12 THE COURT: Okay. How long have you done that?

13 PROSPECTIVE JUROR NO. 885: How long?

14 THE COURT: Uh-huh.

15 PROSPECTIVE JUROR NO. 885: Four years. I've been
16 with the station ten years.

17 THE COURT: Your marital status?

18 PROSPECTIVE JUROR NO. 885: Single.

19 THE COURT: Do you have children?

20 PROSPECTIVE JUROR NO. 885: No.

21 THE COURT: Do you know of any reason why you could
22 not be a completely fair and impartial juror if you were
23 selected to serve?

24 PROSPECTIVE JUROR NO. 885: No, Your Honor.

25 THE COURT: Okay. You know if you're selected to

ROUGH DRAFT TRANSCRIPT

1 serve, you can't like talk about this, and it can't be part of
2 the news. You know that, right?

3 PROSPECTIVE JUROR NO. 885: I -- yes, I do.

4 THE COURT: Just humor me. I have to ask these
5 questions. And you know that while you're -- if you're picked
6 to be on this panel, you couldn't talk to anyone, including
7 the people at your work, and it couldn't be -- anything that
8 went on here couldn't be part of the news. Do you understand
9 that?

10 PROSPECTIVE JUROR NO. 885: Yes, I do.

11 THE COURT: Okay. After you're discharged, you can
12 talk about the case, but until then, you could not. And you
13 understand all that?

14 PROSPECTIVE JUROR NO. 885: I understand all that.
15 I would still need to look at work email and perform some
16 duties outside of court hours.

17 THE COURT: Oh, that's fine.

18 PROSPECTIVE JUROR NO. 885: Okay.

19 THE COURT: Just as long as you don't have a story
20 on --

21 PROSPECTIVE JUROR NO. 885: No.

22 THE COURT: -- your program about our trial.

23 PROSPECTIVE JUROR NO. 885: I will not.

24 THE COURT: You know what I mean?

25 PROSPECTIVE JUROR NO. 885: Yep.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: I'm going to the extreme. You wouldn't
2 do that, right?

3 PROSPECTIVE JUROR NO. 885: I would not.

4 THE COURT: Okay, thank you.

5 PROSPECTIVE JUROR NO. 885: You're welcome.

6 THE COURT: All right.

7 (Pause in the proceedings)

8 THE COURT: Okay. Ms. Bayley? Robin Bayley, how
9 long have you lived in Clark County?

10 PROSPECTIVE JUROR NO. 888: 38 years.

11 THE COURT: 38 years? Your education background?

12 PROSPECTIVE JUROR NO. 888: Some college.

13 THE COURT: What do you do for a living?

14 PROSPECTIVE JUROR NO. 888: Table games supervisor.

15 THE COURT: Where at?

16 PROSPECTIVE JUROR NO. 888: Palazzo.

17 THE COURT: Palazzo? How long have you done that?

18 PROSPECTIVE JUROR NO. 888: 37 years.

19 THE COURT: Several years?

20 PROSPECTIVE JUROR NO. 888: 37.

21 THE COURT: Oh, 37? Okay. Your marital status?

22 PROSPECTIVE JUROR NO. 888: Single.

23 THE COURT: Do you have any children?

24 PROSPECTIVE JUROR NO. 888: Yes.

25 THE COURT: How many?

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 888: One.

2 THE COURT: Is that child old enough to be employed?

3 PROSPECTIVE JUROR NO. 888: Yes.

4 THE COURT: What does that child do for a living?

5 PROSPECTIVE JUROR NO. 888: He's an ER doctor and a
6 director of Emergency Medical Services for the county in
7 Raleigh, North Carolina.

8 THE COURT: Okay. Any reason why you could not be a
9 completely fair and impartial juror --

10 PROSPECTIVE JUROR NO. 888: No.

11 THE COURT: -- if you were selected to serve?

12 PROSPECTIVE JUROR NO. 888: No.

13 THE COURT: Thank you. Thank you for being here.
14 Ma'am, do you mind stating your name? I just don't want to
15 butcher it.

16 PROSPECTIVE JUROR NO. 889: It's Ogechi, Chieke.

17 THE COURT: Okay. How long have you lived in Clark
18 County?

19 PROSPECTIVE JUROR NO. 889: About two years.

20 THE COURT: Your education background?

21 PROSPECTIVE JUROR NO. 889: Master's degree.

22 THE COURT: A master's degree? What is your
23 master's in?

24 PROSPECTIVE JUROR NO. 889: It's in new media art.

25 THE COURT: I'm sorry.

ROUGH DRAFT TRANSCRIPT

1 PROSPECTIVE JUROR NO. 889: New media and computer
2 art.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 889: Yeah.

5 THE COURT: What do you do for a living?

6 PROSPECTIVE JUROR NO. 889: I'm an entertainer.

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR NO. 889: Single.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR NO. 889: No.

11 THE COURT: Do you know of any reason why you could
12 not be a completely fair and impartial juror if you were
13 selected to serve?

14 PROSPECTIVE JUROR NO. 889: Maybe for this case,
15 because I think I recognize someone in the courtroom.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR NO. 889: I think I might
18 recognize somebody in the courtroom.

19 THE COURT: Who?

20 PROSPECTIVE JUROR NO. 889: It's the guy with long
21 hair. He looks familiar to me. I don't know why, but he just
22 does.

23 THE COURT: Oh, okay. I'm like, what? You might
24 recognize one of the attorneys?

25 PROSPECTIVE JUROR NO. 889: Yeah.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Okay. What would you recognize this
2 attorney from?

3 PROSPECTIVE JUROR NO. 889: Maybe from my job, but
4 I'm not sure.

5 MR. PARRIS: Your Honor, perhaps we should approach?

6 THE COURT: Sure, why don't we --

7 MR. SANFT: No, it's all right. We can [inaudible].

8 THE COURT: Do you mind stepping down and
9 approaching the bench?

10 (Bench conference)

11 THE COURT: I'm trying to help you out.

12 MR. SANFT: I know [inaudible].

13 PROSPECTIVE JUROR NO. 889: He looks like this
14 regular at my --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 889: -- at my club. I'm not
17 sure.

18 THE COURT: All right. All four lawyers are
19 present. He looks like a regular at --

20 PROSPECTIVE JUROR NO. 889: At my club.

21 THE COURT: What's your club?

22 PROSPECTIVE JUROR NO. 889: The Spearmint Rhino.

23 THE COURT: Okay.

24 MR. PARRIS: This is John Parris. I'm sorry. I
25 apologize for approaching. I -- I figured this should be off

ROUGH DRAFT TRANSCRIPT

1 the record.

2 THE COURT: Is there anything about that that would
3 interfere --

4 PROSPECTIVE JUROR NO. 889: No.

5 THE COURT: -- with your ability to be fair and
6 impartial?

7 PROSPECTIVE JUROR NO. 889: No.

8 THE COURT: Okay, but you think you might recognize
9 him? Okay.

10 PROSPECTIVE JUROR NO. 889: He looks very familiar.

11 THE COURT: Pardon?

12 PROSPECTIVE JUROR NO. 889: Looks very familiar.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 889: Okay.

15 THE COURT: Okay, but even regardless of that, I
16 mean, you know he's representing one of the defendants?
17 Anything about that that would affect your ability to be fair
18 and impartial?

19 PROSPECTIVE JUROR NO. 889: No, I want to see
20 justice served.

21 THE COURT: Okay. So, you'll hold the State to
22 their burden of proof?

23 PROSPECTIVE JUROR NO. 889: The State?

24 THE COURT: The State of Nevada.

25 MS. KILLER: Us.

1 MR. PESCI: Us.

2 PROSPECTIVE JUROR NO. 889: Okay.

3 THE COURT: Okay. Yes?

4 PROSPECTIVE JUROR NO. 889: Yeah.

5 THE COURT: And you'll follow the instructions on
6 the law?

7 PROSPECTIVE JUROR NO. 889: Yeah.

8 THE COURT: Okay. Thank you very much.

9 MR. SANFT: Well, if I may, just a very brief follow
10 up.

11 THE COURT: Oh --

12 MR. PARRIS: John Parris.

13 THE COURT: Mr. Parris. Tread nicely.

14 MR. PARRIS: No, the fact that Mr. -- the fact that
15 the long-haired gentleman to my left may patronize your
16 establishment, will that -- would you feel that you would --

17 MR. PARRIS: Would you feel compelled to rule one
18 way or another to either curry favor with him or something
19 along those lines, or could you be completely down the middle,
20 irrespective of how often you may or may not see him?

21 PROSPECTIVE JUROR NO. 889: Maybe.

22 MR. PARRIS: Maybe to which? Maybe that might
23 affect you?

24 PROSPECTIVE JUROR NO. 889: Maybe, yeah.

25 MR. PARRIS: Okay.

1 PROSPECTIVE JUROR NO. 889: Um-hum.

2 MR. SANFT: Can I ask a couple questions as the
3 long-haired gentleman?

4 THE COURT: Sure.

5 MR. PESCI: Did you say gentleman?

6 MR. SANFT: Gentleman.

7 THE COURT: And this is the person you think you
8 recognize, Mr. Sanft?

9 PROSPECTIVE JUROR NO. 889: Yeah.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 889: Yeah. When I first came
12 in the courtroom, he looked very familiar.

13 THE COURT: Okay.

14 MR. SANFT: When's the last time I was in your club?

15 PROSPECTIVE JUROR NO. 889: I don't know. Could
16 be --

17 THE COURT: Assumes facts not in evidence.

18 PROSPECTIVE JUROR NO. 889: I want to say like maybe
19 like this week, last week, something like that.

20 MR. SANFT: Okay. And you're saying that the person
21 that I resemble is someone that comes into your club quite
22 frequently?

23 PROSPECTIVE JUROR NO. 889: Maybe like every few
24 months.

25 THE COURT: She thinks you are the one.

1 MR. SANFT: Well, I know. I'm asking --

2 PROSPECTIVE JUROR NO. 889: Yeah.

3 MR. SANFT: -- it in the third person.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 889: I would say like every
6 few months. Like, not like every day, but like every few
7 months type --

8 MR. SANFT: Okay. And is it -- what time of day do
9 I -- does this person typically come in?

10 PROSPECTIVE JUROR NO. 889: It changes, it varies.
11 I would say like maybe 2:00 -- 2:00 A.M.

12 MR. SANFT: Okay. And would this person -- is he a
13 pretty good tipper?

14 PROSPECTIVE JUROR NO. 889: No.

15 MR. SANFT: I just want to ask the question, because
16 I think it goes to the issue of motive.

17 MR. PARRIS: The potential pecuniary --

18 PROSPECTIVE JUROR NO. 889: I'm sorry, I can't with
19 this.

20 MR. PARRIS: The potential pecuniary --

21 PROSPECTIVE JUROR NO. 889: I can't.

22 MR. PARRIS: -- benefit is potentially an issue
23 here. That's what I was kind of driving at.

24 MR. SANFT: We're not trying to be facetious; we're
25 just asking [inaudible].

1 PROSPECTIVE JUROR NO. 889: I can't with this.

2 THE COURT: Do you guys -- can we just call it a
3 day?

4 MR. SANFT: Well, yeah, I mean, it's --

5 THE COURT: This is all on the --

6 MR. SANFT: Right, and I just want to make sure we
7 understand each other. It's not me, but we're just asking the
8 questions because we don't want you to be motivated one way or
9 the other based upon an idea that somehow you'd make money off
10 of this or something if you were to vote one way or the other.
11 Do you understand?

12 THE COURT: Okay, I understand the question now.

13 MR. SANFT: Yeah. That's what we're asking.

14 THE COURT: The fact that you may recognize this
15 person as being somebody that goes to your club, would you
16 feel like maybe you had to rule in that person's favor because
17 it may affect --

18 PROSPECTIVE JUROR NO. 889: Oh.

19 THE COURT: -- future --

20 MR. SANFT: Business or whatever.

21 THE COURT: -- business, tips --

22 MR. PARRIS: Patronage is the term.

23 THE COURT: -- the likes? Patronage?

24 PROSPECTIVE JUROR NO. 889: I would hope so, but no.
25 I guess, I don't know. I said, I mean, I would hope so but --

1 THE COURT: Okay, well you're the only one who can
2 tell us.

3 PROSPECTIVE JUROR NO. 889: Yeah, that's what I'm
4 saying. I would hope so.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 889: Yeah.

7 THE COURT: So, you believe you can be fair and
8 impartial, even though you recognize this person?

9 PROSPECTIVE JUROR NO. 889: It's kind of funny.
10 It's kind of a funny situation. I was thinking I shouldn't
11 say anything about it, but then you said --

12 THE COURT: No, we appreciate --

13 PROSPECTIVE JUROR NO. 889: Yeah.

14 MR. PESCI: I'm very glad you did. Thank you.

15 THE COURT: You're -- no, you're -- we're all cool.
16 We want to know these things.

17 PROSPECTIVE JUROR NO. 889: Um-hum.

18 THE COURT: Okay? But even though you've told us
19 all this, do you still believe you can be fair and impartial?

20 PROSPECTIVE JUROR NO. 889: Fair and impartial. I
21 don't even want to look at this guy anymore. I'm just like,
22 oh my goodness.

23 THE COURT: You don't have to look at him.

24 PROSPECTIVE JUROR NO. 889: Yeah, okay, that's fine.

25 MR. SANFT: You really don't.

1 THE COURT: Yeah. You don't have to --

2 PROSPECTIVE JUROR NO. 889: All right.

3 THE COURT: -- look at him.

4 PROSPECTIVE JUROR NO. 889: All right. Fair and
5 impartial in this case?

6 THE COURT: Yeah.

7 PROSPECTIVE JUROR NO. 889: Yeah, I think so.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 889: Yeah.

10 THE COURT: To both defendants?

11 PROSPECTIVE JUROR NO. 889: Yeah.

12 THE COURT: And to the State of Nevada?

13 PROSPECTIVE JUROR NO. 889: Yeah, yeah, yeah, yeah.

14 THE COURT: Okay, regardless of any future patronage
15 or anything of that like?

16 PROSPECTIVE JUROR NO. 889: Well, I didn't say he
17 was my customer. I just said he looks familiar.

18 THE COURT: No, I didn't say that either.

19 PROSPECTIVE JUROR NO. 889: Oh, okay.

20 THE COURT: Okay, I didn't say that either. Okay?

21 PROSPECTIVE JUROR NO. 889: Yeah, yeah, yeah, yeah.

22 THE COURT: Okay. Any other questions?

23 MR. SANFT: No.

24 THE COURT: Okay. You can go take your seat back in
25 the box.

1 PROSPECTIVE JUROR NO. 889: Okay.

2 THE COURT: The attorneys will stay here.

3 PROSPECTIVE JUROR NO. 889: Thank you. Okay.

4 THE COURT: Is everyone okay with me keeping her?

5 MR. PESCI: No, State's definitely not. I was going
6 to ask her some follow up questions, too. I think this is
7 challenge for cause.

8 THE COURT: You want me to get her back?

9 MR. PESCI: Well, Judge, I don't think I need to
10 have her come back for a challenge for cause. I mean, she's
11 indicated -- the terminology that she used was a regular in
12 describing defense counsel. She did say he was not her
13 customer, but a regular, and she said she hoped so when it
14 came to whether she could be fair and impartial. I think it's
15 -- like let's make it akin to Ms. Sutton who was -- who knew
16 me 15 years ago as a law clerk in the civil division.

17 THE COURT: I've seen it happen with that person
18 once before. Just --

19 MR. SANFT: That's awesome.

20 THE COURT: I'm not going to -- because I love him,
21 but --

22 MR. SANFT: Here's --

23 MR. PESCI: [Inaudible] though, right?

24 THE COURT: Right.

25 MR. PESCI: Yeah.

1 THE COURT: Right.

2 MR. SANFT: Here's my issue. I think I actually
3 would agree with the State to keep the record clean, that that
4 would be -- we would -- we won't object to if she is struck.
5 However, just for the record, it's not me. That's Michael
6 Sanft.

7 MR. PARRIS: John Parris. I would recommend Mr.
8 Sanft refraining from making any sort of admissions or denials
9 on the record --

10 MR. PESCI: And --

11 MR. PARRIS: -- toward that end.

12 MR. PESCI: Mr. Pesci for the State --

13 THE COURT: I don't know what you guys are doing to
14 me today. I'm going to go home and think I was in the
15 Twilight Zone all day.

16 MR. PARRIS: John Parris. At least she wasn't in
17 seat 4, Your Honor.

18 THE COURT: I know.

19 MR. PARRIS: Now we have a new seat to worry about.

20 THE COURT: Number -- so it's Ms. Hicks that's going
21 to become number 12.

22 MR. SANFT: Yes.

23 THE COURT: Okay.

24 MR. PESCI: And I thought we were opening today.

25 THE COURT: Gees.

1 MR. PARRIS: I did not. Sorry.

2 MR. PESCI: Thank you, Judge.

3 THE COURT: Okay, thank you.

4 MR. PARRIS: Thank you.

5 (End of bench conference)

6 THE COURT: Okay. Ma'am?

7 PROSPECTIVE JUROR NO. 889: Yes.

8 THE COURT: If you don't mind stepping out of your
9 seat, and you can sit in the back of the courtroom. You can
10 choose any seat that you like. I'm going to have Equilla
11 Hicks -- Ms. Hicks, you're going to become number 12. Ms.
12 Hicks, how long have you lived in Clark County?

13 PROSPECTIVE JUROR NO. 015: 20 years.

14 THE COURT: Your employment, training, education
15 background?

16 PROSPECTIVE JUROR NO. 015: Some college. I am not
17 employed, but I'm very active as a volunteer in my church,
18 where I'm the director of women's ministry.

19 THE COURT: Okay. Your marital status?

20 PROSPECTIVE JUROR NO. 015: I'm married.

21 THE COURT: Is your spouse employed?

22 PROSPECTIVE JUROR NO. 015: Yes, he his.

23 THE COURT: What does he do?

24 PROSPECTIVE JUROR NO. 015: He's a real estate
25 broker.

1 THE COURT: Do you have children?

2 PROSPECTIVE JUROR NO. 015: Two.

3 THE COURT: Any -- are either of those kids old
4 enough to be employed?

5 PROSPECTIVE JUROR NO. 015: Yes, they are.

6 THE COURT: Can you tell me what they each do for a
7 living?

8 PROSPECTIVE JUROR NO. 015: One is a front desk
9 manager for a hotel chain in Pensacola, Florida, and the other
10 works at Zappos.

11 THE COURT: Any reason why you could not be a
12 completely fair and impartial juror if selected to serve on
13 this panel?

14 PROSPECTIVE JUROR NO. 015: No.

15 THE COURT: Thank you. Thank you for being here.
16 Okay. We're on Ms. Watts?

17 PROSPECTIVE JUROR NO. 896: Yes.

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

19 PROSPECTIVE JUROR NO. 896: Ten years.

20 THE COURT: Your employment, training, education
21 background?

22 PROSPECTIVE JUROR NO. 896: Some college, and I'm a
23 stay-at-home mom.

24 THE COURT: How many kids do you have?

25 PROSPECTIVE JUROR NO. 896: Two.

1 THE COURT: And I'm assuming they're little ones?

2 PROSPECTIVE JUROR NO. 896: Yes, ma'am.

3 THE COURT: Okay. And you're married?

4 PROSPECTIVE JUROR NO. 896: Yes, ma'am.

5 THE COURT: Is your spouse employed?

6 PROSPECTIVE JUROR NO. 896: Yes, ma'am.

7 THE COURT: What does your spouse do?

8 PROSPECTIVE JUROR NO. 896: He's a medical sales
9 rep.

10 THE COURT: Any reason why you could not be a
11 completely fair and impartial juror if you were selected to
12 serve?

13 PROSPECTIVE JUROR NO. 896: No, ma'am.

14 THE COURT: Thank you. Thank you for being here.
15 Ms. Vogel?

16 PROSPECTIVE JUROR NO. 911: Yes.

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

18 PROSPECTIVE JUROR NO. 911: 23 years.

19 THE COURT: Your employment, training, education
20 background?

21 PROSPECTIVE JUROR NO. 911: Bachelor of science in
22 mechanical engineering, eight years in construction and
23 design, passed my certification for professional engineer,
24 civil engineering.

25 THE COURT: So you're a civil engineer?

1 PROSPECTIVE JUROR NO. 911: No, I have not gotten
2 that certification, because the board says since I have a
3 mechanical engineering degree, they put on another year.
4 Unfortunately, now, I'm unemployed. I'm injured. I have
5 scoliosis, had a C5/C6 replacement, and --

6 THE COURT: Fusion?

7 PROSPECTIVE JUROR NO. 911: L5 -- hm?

8 THE COURT: Fusion?

9 PROSPECTIVE JUROR NO. 911: Fusion, yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 911: And an L5 fracture at
12 the moment, but I can --

13 THE COURT: I'm sorry.

14 PROSPECTIVE JUROR NO. 911: Thank you. I can handle
15 it, so --

16 THE COURT: Are you okay?

17 PROSPECTIVE JUROR NO. 911: Yes, I'm okay.

18 THE COURT: Are you on any medication?

19 PROSPECTIVE JUROR NO. 911: Diclofenac is the only
20 thing. I've taken off all the other stuff. I can't stand --
21 they get me nauseous, so I --

22 THE COURT: What is that that you just said?

23 PROSPECTIVE JUROR NO. 911: That's for my feet, you
24 know, the pars -- plantar fasciitis. It's a muscle relaxer
25 for the feet, so that's the only thing I'm taking.

1 THE COURT: Okay. Does it affect your ability to
2 concentrate, or --

3 PROSPECTIVE JUROR NO. 911: No.

4 THE COURT: -- or drive, or --

5 PROSPECTIVE JUROR NO. 911: No, ma'am.

6 THE COURT: You can drive on it?

7 PROSPECTIVE JUROR NO. 911: Yes.

8 THE COURT: You can do everything on it?

9 PROSPECTIVE JUROR NO. 911: Yes. It's not -- it's
10 not a controlled substance.

11 THE COURT: Okay. All right. I just had never -- I
12 wasn't familiar with it. Okay, your marital status?

13 PROSPECTIVE JUROR NO. 911: Single.

14 THE COURT: Do you have children?

15 PROSPECTIVE JUROR NO. 911: No, ma'am.

16 THE COURT: Do you know of any reason why you could
17 not be a completely fair and impartial juror if you were
18 selected to serve?

19 PROSPECTIVE JUROR NO. 911: No, ma'am.

20 THE COURT: Okay, thank you. Thank you for being
21 here. Mr. Preston, how long have you lived in Clark County?

22 PROSPECTIVE JUROR NO. 920: 26 years, ma'am.

23 THE COURT: Your employment, training, education
24 background?

25 PROSPECTIVE JUROR NO. 920: Some college, and I'm

1 currently an engineer -- facilities engineer at the
2 Stratosphere.

3 THE COURT: Okay, we had another facilities engineer
4 earlier. Is that a good definition of what you do?

5 PROSPECTIVE JUROR NO. 920: Yeah.

6 THE COURT: You fix everything?

7 PROSPECTIVE JUROR NO. 920: Yeah, correct.

8 THE COURT: Okay, including like the air
9 conditioning and all that?

10 PROSPECTIVE JUROR NO. 920: All of the above.

11 THE COURT: Okay. Your marital status?

12 PROSPECTIVE JUROR NO. 920: I am married.

13 THE COURT: Is your spouse employed?

14 PROSPECTIVE JUROR NO. 920: Yes, she is. She --

15 THE COURT: What does she --

16 PROSPECTIVE JUROR NO. 920: She's an administrative
17 assistant for a medical x-ray supply company.

18 THE COURT: Do you have any kids?

19 PROSPECTIVE JUROR NO. 920: No, ma'am.

20 THE COURT: Any reason why you could not be a
21 completely fair and impartial juror if you were selected to
22 serve?

23 PROSPECTIVE JUROR NO. 920: Nope.

24 THE COURT: Thank you. Thank you for being here.
25 Mr. Douglas Pongrance?

1 PROSPECTIVE JUROR NO. 929: Yes, ma'am.

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

3 PROSPECTIVE JUROR NO. 929: 14 years.

4 THE COURT: Your employment, training, education
5 background?

6 PROSPECTIVE JUROR NO. 929: I am semi-retired now.
7 I have a Bachelor of Science degree.

8 THE COURT: Bachelor of Science degree in what?

9 PROSPECTIVE JUROR NO. 929: Electrical engineering.

10 THE COURT: Okay. What did you do before you became
11 semi-retired?

12 PROSPECTIVE JUROR NO. 929: I've done a number of
13 things, and my most recent real employment was as a realtor,
14 but prior to that, I was an engineer.

15 THE COURT: Okay, what did -- what kind of
16 engineering did you do?

17 PROSPECTIVE JUROR NO. 929: Electrical, electronics.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 929: Computers.

20 THE COURT: So, you worked on electronics?

21 PROSPECTIVE JUROR NO. 929: Yes.

22 THE COURT: And computers?

23 PROSPECTIVE JUROR NO. 929: Yes.

24 THE COURT: Okay. Your marital status?

25 PROSPECTIVE JUROR NO. 929: I'm married.

1 THE COURT: Is your spouse employed?

2 PROSPECTIVE JUROR NO. 929: Yes.

3 THE COURT: What does your spouse do?

4 PROSPECTIVE JUROR NO. 929: She's an accounting
5 clerk.

6 THE COURT: Do you have any kids?

7 PROSPECTIVE JUROR NO. 929: Yes.

8 THE COURT: How many?

9 PROSPECTIVE JUROR NO. 929: I have one grown
10 daughter.

11 THE COURT: Is she employed?

12 PROSPECTIVE JUROR NO. 929: I don't know.

13 THE COURT: You don't know?

14 PROSPECTIVE JUROR NO. 929: I don't know.

15 THE COURT: Okay. Any reason why you could not be a
16 completely fair and impartial juror if you were selected to
17 serve?

18 PROSPECTIVE JUROR NO. 929: Just seems like a
19 complicated case, but I'll give it my best.

20 THE COURT: Okay. You understand you haven't heard
21 any evidence though, right?

22 PROSPECTIVE JUROR NO. 929: Well, I heard a list of
23 -- a whole list of charges, and a whole list of witnesses, and
24 just seems like -- I thought we were going to be here for two
25 months.

1 THE COURT: No, we won't be here for two months.

2 PROSPECTIVE JUROR NO. 929: Okay. All right.

3 THE COURT: No. Once we get going, it moves a lot
4 quicker.

5 PROSPECTIVE JUROR NO. 929: All right, all right.

6 THE COURT: Okay? I try to move it along, but no,
7 we're not going to be here for two months.

8 PROSPECTIVE JUROR NO. 929: Okay.

9 THE COURT: I promise you, you'll --

10 PROSPECTIVE JUROR NO. 929: All right.

11 THE COURT: -- be home for Christmas. You'll be
12 home earlier than that, okay?

13 PROSPECTIVE JUROR NO. 929: All right. You said no
14 more than a week, so --

15 THE COURT: Yeah, it --

16 PROSPECTIVE JUROR NO. 929: -- I'll hold you to
17 that.

18 THE COURT: Right. You can hold me to that, because
19 that's what the attorneys tell me, okay? But we'll get it
20 done, I promise you.

21 PROSPECTIVE JUROR NO. 929: Okay.

22 THE COURT: Okay. Thank you very much, sir. Denise
23 Groves.

24 PROSPECTIVE JUROR NO. 931: Hi.

25 THE COURT: How long -- good morning -- or good

1 afternoon. How long have you lived in Clark County?

2 PROSPECTIVE JUROR NO. 931: Ten years.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 931: High school graduate.

5 I'm a pharmacy technician for 41 years, and I currently work
6 at Comprehensive Cancer Center.

7 THE COURT: Comprehensive Cancer Center? What do
8 you do there?

9 PROSPECTIVE JUROR NO. 931: Pharmacy technician.

10 THE COURT: Okay. Your marital status?

11 PROSPECTIVE JUROR NO. 931: Married.

12 THE COURT: Is your spouse employed?

13 PROSPECTIVE JUROR NO. 931: No, ma'am.

14 THE COURT: Do you have children?

15 PROSPECTIVE JUROR NO. 931: Yes, ma'am, one son.

16 THE COURT: Is that son old enough to be employed?

17 PROSPECTIVE JUROR NO. 931: Yes, ma'am.

18 THE COURT: What does he do?

19 PROSPECTIVE JUROR NO. 931: He's a disability claims
20 investigator for the State of Ohio.

21 THE COURT: Any reason why you could not be a
22 completely fair and impartial juror if you were selected to
23 serve?

24 PROSPECTIVE JUROR NO. 931: No, ma'am.

25 THE COURT: Thank you. Thank you for being here.

1 Ms. Kaitlyn Devolve, how long have you lived in Clark County?

2 PROSPECTIVE JUROR NO. 942: A little over 12 years.

3 THE COURT: Your education background?

4 PROSPECTIVE JUROR NO. 942: High school graduate.

5 THE COURT: What do you do for a living?

6 PROSPECTIVE JUROR NO. 942: I am a housewife.

7 THE COURT: So, you're married?

8 PROSPECTIVE JUROR NO. 942: Yes.

9 THE COURT: Do you have -- what does your spouse do
10 for a living?

11 PROSPECTIVE JUROR NO. 942: He's a lead man at a
12 titanium factory.

13 THE COURT: He's a what?

14 PROSPECTIVE JUROR NO. 942: A lead man.

15 THE COURT: A lead man? What does that mean?

16 He's basically overseas, the steelworkers.

17 THE COURT: So, he's the boss --

18 PROSPECTIVE JUROR NO. 942: Yes.

19 THE COURT: -- of the steelworkers?

20 PROSPECTIVE JUROR NO. 942: Yes.

21 THE COURT: Okay. And you have children?

22 PROSPECTIVE JUROR NO. 942: No.

23 THE COURT: No children? Any reason why you could
24 not be a completely fair and impartial juror if you were
25 selected to serve?

1 PROSPECTIVE JUROR NO. 942: I think I could be fair,
2 but I'm quite anxious.

3 THE COURT: You're anxious?

4 PROSPECTIVE JUROR NO. 942: Yes.

5 THE COURT: About?

6 PROSPECTIVE JUROR NO. 942: I have very bad issues
7 with anxiety.

8 THE COURT: Are you okay though? Are you just
9 nervous because you've probably -- have you ever been in a
10 setting like this?

11 PROSPECTIVE JUROR NO. 942: No.

12 THE COURT: Okay, but you don't need to be nervous
13 to be in here, okay? Are you going to be okay to be in here?

14 PROSPECTIVE JUROR NO. 942: Um-hum.

15 THE COURT: And if there ever comes a time where you
16 don't feel comfortable, you'll let me know, right?

17 PROSPECTIVE JUROR NO. 942: Absolutely.

18 THE COURT: Okay, but other than that, can you
19 serve?

20 PROSPECTIVE JUROR NO. 942: Yes.

21 THE COURT: Okay, thank you. Thank you for being
22 here. Ms. Robinson, how long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 952: For about a year.

24 THE COURT: Welcome to Clark County.

25 PROSPECTIVE JUROR NO. 952: Thank you.

1 THE COURT: That's our welcome note, a jury summons.
2 Your education background?

3 PROSPECTIVE JUROR NO. 952: High school graduate.

4 THE COURT: What do you do for a living?

5 PROSPECTIVE JUROR NO. 952: I work as a medical
6 representative for a CVS [inaudible].

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR NO. 952: Single.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR NO. 952: Yes, ma'am, I have one
11 son.

12 THE COURT: Is he old enough to be employed?

13 PROSPECTIVE JUROR NO. 952: No, ma'am.

14 THE COURT: Any reason why you could not be a
15 completely fair and impartial juror --

16 PROSPECTIVE JUROR NO. 952: No.

17 THE COURT: -- if you are selected to serve?

18 PROSPECTIVE JUROR NO. 952: No, ma'am.

19 THE COURT: Okay, thank you. Thank you for being
20 here.

21 PROSPECTIVE JUROR NO. 952: Thank you.

22 THE COURT: Ms. Jennifer McGowan, how long have you
23 lived in Clark County?

24 PROSPECTIVE JUROR NO. 958: I've been here for 14
25 years.

1 THE COURT: 14 years? Your education background?
2 PROSPECTIVE JUROR NO. 958: High school.
3 THE COURT: What do you do for a living?
4 PROSPECTIVE JUROR NO. 958: Customer service.
5 THE COURT: What kind of customer service?
6 PROSPECTIVE JUROR NO. 958: Online company.
7 THE COURT: For an online company?
8 PROSPECTIVE JUROR NO. 958: Um-hum.
9 THE COURT: Okay. Your marital status?
10 PROSPECTIVE JUROR NO. 958: Married.
11 THE COURT: Is your spouse employed?
12 PROSPECTIVE JUROR NO. 958: Yes.
13 THE COURT: What does your spouse do?
14 PROSPECTIVE JUROR NO. 958: He's security.
15 THE COURT: Security? Where at?
16 PROSPECTIVE JUROR NO. 958: For Sands Corporation.
17 THE COURT: Oh, for -- I'm sorry?
18 PROSPECTIVE JUROR NO. 958: The Sands Corporation.
19 THE COURT: Oh, so he works at the Sands in
20 security?
21 PROSPECTIVE JUROR NO. 958: Um-hum.
22 THE COURT: Is that a yes?
23 PROSPECTIVE JUROR NO. 958: Yes.
24 THE COURT: Okay. Do you have children?
25 PROSPECTIVE JUROR NO. 958: Yes, ma'am.

ROUGH DRAFT TRANSCRIPT

1 THE COURT: How many?

2 PROSPECTIVE JUROR NO. 958: Three.

3 THE COURT: Are any of your kids old enough to be
4 employed?

5 PROSPECTIVE JUROR NO. 958: No.

6 THE COURT: Any reason why you could not be a
7 completely fair and impartial juror if you were selected to
8 serve?

9 PROSPECTIVE JUROR NO. 958: No.

10 THE COURT: Thank you. Thank you for being here.
11 Ms. Bianca Herrera?

12 PROSPECTIVE JUROR NO. 958: Yes.

13 THE COURT: Good afternoon.

14 PROSPECTIVE JUROR NO. 958: Hello.

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

16 PROSPECTIVE JUROR NO. 958: 18 years.

17 THE COURT: Your education background?

18 PROSPECTIVE JUROR NO. 958: Yes, a --

19 THE COURT: I'm sorry?

20 PROSPECTIVE JUROR NO. 958: -- bachelor's.

21 THE COURT: In?

22 PROSPECTIVE JUROR NO. 958: Nursing.

23 THE COURT: What do you currently do?

24 PROSPECTIVE JUROR NO. 958: I'm a perinatal nurse
25 educator.

1 THE COURT: Okay, so you -- you have an RN degree?
2 Yes?

3 PROSPECTIVE JUROR NO. 958: Yes.

4 THE COURT: And you teach other nurses?

5 PROSPECTIVE JUROR NO. 958: Yes.

6 THE COURT: Is what it sounded like to me; is that
7 fair?

8 PROSPECTIVE JUROR NO. 958: Yeah, I'm a nurse, and
9 then I teach other nurses at Siena. So, I'm a perinatal
10 safety with all the initiatives, and I educate, and bring on
11 the new nurses and educate them.

12 THE COURT: Okay, that get hired at that hospital?

13 PROSPECTIVE JUROR NO. 958: Um-hum.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 958: For labor and delivery.

16 THE COURT: Oh, so you're a labor and delivery --

17 PROSPECTIVE JUROR NO. 958: Labor and delivery
18 nurse, yes, for ten years.

19 THE COURT: For ten years you've done that? Good
20 for you. Your marital status?

21 PROSPECTIVE JUROR NO. 958: Married.

22 THE COURT: Is your spouse employed?

23 PROSPECTIVE JUROR NO. 958: No. He's disabled.

24 THE COURT: I'm sorry. Do you have any children?

25 PROSPECTIVE JUROR NO. 958: Yes, two.

1 THE COURT: Two kids? Are either of those kids old
2 enough to be employed?

3 PROSPECTIVE JUROR NO. 958: No.

4 THE COURT: Any reason why you could not be a
5 completely fair and impartial juror if selected to serve?

6 PROSPECTIVE JUROR NO. 958: No.

7 THE COURT: Thank you. Thank you for being here.
8 Ms. Solo?

9 PROSPECTIVE JUROR NO. 984: Yes, ma'am.

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

11 PROSPECTIVE JUROR NO. 984: For 15 years.

12 THE COURT: Your education background?

13 PROSPECTIVE JUROR NO. 984: Some college.

14 THE COURT: What do you do for a living?

15 PROSPECTIVE JUROR NO. 984: I do marketing for a
16 preschool.

17 THE COURT: Marketing for a preschool?

18 PROSPECTIVE JUROR NO. 984: Yes.

19 THE COURT: What preschool?

20 PROSPECTIVE JUROR NO. 984: Children's Learning
21 Adventure.

22 THE COURT: Okay. Is there a lot of them?

23 PROSPECTIVE JUROR NO. 984: We have six in Nevada,
24 and 25 nationwide.

25 THE COURT: So, you do all their marketing?

1 PROSPECTIVE JUROR NO. 984: We all have different
2 people for each branch, and then we're under our corporate
3 office.

4 THE COURT: Okay. How long have you done that?

5 PROSPECTIVE JUROR NO. 984: For about three years
6 now.

7 THE COURT: Okay. Your marital status?

8 PROSPECTIVE JUROR NO. 984: Single.

9 THE COURT: Do you have any children?

10 PROSPECTIVE JUROR NO. 984: Yes, I have a daughter.

11 THE COURT: Is she old enough to be employed?

12 PROSPECTIVE JUROR NO. 984: No.

13 THE COURT: Any reason why you could not be a
14 completely fair and impartial juror if you were selected to
15 serve?

16 PROSPECTIVE JUROR NO. 984: No.

17 THE COURT: Thank you. Thank you for being here.
18 Ms. Molly Ogara?

19 PROSPECTIVE JUROR NO. 990: Hi.

20 THE COURT: Good afternoon. How long have you lived
21 in Clark County?

22 PROSPECTIVE JUROR NO. 990: Four years.

23 THE COURT: Your employment, training, education
24 background?

25 PROSPECTIVE JUROR NO. 990: I have a bachelor's, and

1 I currently work as a wardrobe attendant and technician at
2 Michael Jackson 1.

3 THE COURT: Michael Jackson 1?

4 PROSPECTIVE JUROR NO. 990: Yeah, the Cirque show at
5 Mandalay Bay.

6 THE COURT: Do you get to see the show every single
7 day?

8 PROSPECTIVE JUROR NO. 990: Most days, yeah.

9 THE COURT: Really?

10 PROSPECTIVE JUROR NO. 990: From backstage though.

11 THE COURT: Do you ever get bored?

12 PROSPECTIVE JUROR NO. 990: No.

13 THE COURT: Good for you. What's your bachelor's
14 degree in?

15 PROSPECTIVE JUROR NO. 990: Theater and English.

16 THE COURT: Theater and English? And how long have
17 you been the wardrobe tech?

18 PROSPECTIVE JUROR NO. 990: Four years.

19 THE COURT: Okay, and you like doing that?

20 PROSPECTIVE JUROR NO. 990: Yeah.

21 THE COURT: Your marital status?

22 PROSPECTIVE JUROR NO. 990: Married.

23 THE COURT: Is your spouse employed?

24 PROSPECTIVE JUROR NO. 990: Yes.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NO. 990: He's a lighting designer
2 for Freeman Audio Visual.

3 THE COURT: Do you have any children?

4 PROSPECTIVE JUROR NO. 990: Yes, one baby.

5 THE COURT: Any reason why you could not be a
6 completely fair and impartial juror if you were selected to
7 serve?

8 PROSPECTIVE JUROR NO. 990: Nope.

9 THE COURT: Thank you. Thank you for being here.
10 Mr. Armstrong, how long have you lived in Clark County?

11 PROSPECTIVE JUROR NO. 001: 21 years.

12 THE COURT: Your employment, training, education
13 background?

14 PROSPECTIVE JUROR NO. 001: I have an AA in business
15 technology, and many individual IT courses along the way.

16 THE COURT: Okay. What do you --

17 PROSPECTIVE JUROR NO. 001: I currently work for MGM
18 Resorts as a hardware technician -- computer hardware
19 technician.

20 THE COURT: So, you work for MGM Resorts?

21 PROSPECTIVE JUROR NO. 001: Correct.

22 THE COURT: Is that like the MGM Grand Hotel?
23 Correct.

24 PROSPECTIVE JUROR NO. 001: Correct.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 001: Well, it's for all the
2 MGM properties.

3 THE COURT: All the MGM properties? And what do you
4 do?

5 PROSPECTIVE JUROR NO. 001: Hardware engineer.
6 Basically support all the server hardware.

7 THE COURT: Okay, so the computers?

8 PROSPECTIVE JUROR NO. 001: Yes.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR NO. 001: Married.

11 THE COURT: Is your spouse employed?

12 PROSPECTIVE JUROR NO. 001: Yes.

13 THE COURT: What does your spouse do?

14 PROSPECTIVE JUROR NO. 001: She is a computer
15 technician for the school district.

16 THE COURT: Okay. Do you have any children?

17 PROSPECTIVE JUROR NO. 001: Yes, two.

18 THE COURT: Are either of your kids old enough to be
19 employed?

20 PROSPECTIVE JUROR NO. 001: One is.

21 THE COURT: What does that child do?

22 PROSPECTIVE JUROR NO. 001: And he is a full-time
23 student.

24 THE COURT: He's a full-time student? What's he
25 studying?

1 PROSPECTIVE JUROR NO. 001: Let's see. He attends
2 Santa Fe University of Art and Design, and he is a musical
3 theater.

4 THE COURT: Okay. Any reason why you could not be a
5 completely fair and impartial juror if you were selected to
6 serve?

7 PROSPECTIVE JUROR NO. 001: No reason, ma'am.

8 THE COURT: Thank you, sir. Thank you very much for
9 being here.

10 Now I just have a few questions for the entire panel
11 of 24 as a whole. So, if you want to respond, I just ask that
12 you raise your hand and you please state your name and badge
13 number before responding. Are there any of you who have ever
14 served as a juror before, so have been picked, sworn in, and
15 sat through? We'll start with Juror number 1. Your name and
16 badge number?

17 PROSPECTIVE JUROR NO. 845: Denise Johnson, 845.

18 THE COURT: How many times?

19 PROSPECTIVE JUROR NO. 845: One time.

20 THE COURT: Was it civil or criminal?

21 PROSPECTIVE JUROR NO. 845: It was criminal.

22 THE COURT: Were you selected to be the foreperson?

23 PROSPECTIVE JUROR NO. 845: No.

24 THE COURT: Without telling me what your verdict
25 was, were you able to reach a verdict?

1 PROSPECTIVE JUROR NO. 845: Yes.

2 THE COURT: Anything about that experience that
3 would affect your ability to be fair and impartial in this
4 case?

5 PROSPECTIVE JUROR NO. 845: No.

6 THE COURT: Thank you. Mr. Estergren?

7 PROSPECTIVE JUROR NO. 848: Estergren.

8 THE COURT: Okay. And you've served before?

9 PROSPECTIVE JUROR NO. 848: Yes, I have. Not in
10 Nevada.

11 THE COURT: How many times?

12 PROSPECTIVE JUROR NO. 848: I've served probably ten
13 times.

14 THE COURT: No.

15 PROSPECTIVE JUROR NO. 848: Yes.

16 THE COURT: You mean like where you've actually --

17 PROSPECTIVE JUROR NO. 848: I've been called and
18 been on a panel probably ten times, yes.

19 THE COURT: You've been impaneled at least ten
20 times?

21 PROSPECTIVE JUROR NO. 848: Yes.

22 THE COURT: Like sworn in and sat through a trial?

23 PROSPECTIVE JUROR NO. 848: Yes. A couple of them
24 in the middle, they settled, so --

25 THE COURT: What jurisdiction made you sit ten

1 times?

2 PROSPECTIVE JUROR NO. 848: Atlantic County in New
3 Jersey.

4 THE COURT: Was it a small county? Do they have a
5 small jury pool?

6 PROSPECTIVE JUROR NO. 848: I just am lucky, I
7 guess.

8 THE COURT: What a great attitude.

9 PROSPECTIVE JUROR NO. 848: [Inaudible].

10 THE COURT: So, out of those ten times that you
11 served --

12 PROSPECTIVE JUROR NO. 848: Yes.

13 THE COURT: -- and you were impaneled, were you ever
14 selected to be the foreperson?

15 PROSPECTIVE JUROR NO. 848: No, I never was.

16 THE COURT: Okay. In those ten cases, can you tell
17 me whether they were civil or criminal, how many were --

18 PROSPECTIVE JUROR NO. 848: Both.

19 THE COURT: Okay, so both?

20 PROSPECTIVE JUROR NO. 848: I think I did like three
21 criminal, and the rest were civil.

22 THE COURT: Okay. And in those cases, without
23 telling me what your verdict was, were you always able to
24 reach a verdict?

25 PROSPECTIVE JUROR NO. 848: Unless they settled

1 beforehand, correct. Yes.

2 THE COURT: Okay. But when you went back to
3 deliberate, were you always able to reach a verdict?

4 PROSPECTIVE JUROR NO. 848: Yes, we were.

5 THE COURT: Anything about those experiences that
6 would affect your ability to be fair and impartial?

7 PROSPECTIVE JUROR NO. 848: No.

8 THE COURT: Are you mad because you're here for the
9 11th time?

10 PROSPECTIVE JUROR NO. 848: Just feel lucky again.

11 THE COURT: You just feel lucky again? Okay, thank
12 you, I appreciate that. Thank you. Anyone else? You hold my
13 record. Ten. I've never had anyone that served ten times
14 before. Go ahead.

15 PROSPECTIVE JUROR NO. 858: I served on a --

16 THE COURT: Name and badge number?

17 PROSPECTIVE JUROR NO. 858: Oh, my name is Shirley
18 Ritz, and my badge number is 858.

19 THE COURT: How many times?

20 PROSPECTIVE JUROR NO. 858: I served on a jury once.

21 THE COURT: Was it civil or criminal?

22 PROSPECTIVE JUROR NO. 858: Civil.

23 THE COURT: Were you selected to be the foreperson?

24 PROSPECTIVE JUROR NO. 858: No.

25 THE COURT: Without telling me what your verdict

1 was, were you able to reach a verdict?

2 PROSPECTIVE JUROR NO. 858: Yes.

3 THE COURT: Anything about that experience that
4 would affect your ability to be fair and impartial in this
5 case?

6 PROSPECTIVE JUROR NO. 858: No.

7 THE COURT: Okay, thank you. Anyone else? Go
8 ahead. Your name and badge number?

9 PROSPECTIVE JUROR NO. 860: Janet Bonine, 860.

10 THE COURT: How many times?

11 PROSPECTIVE JUROR NO. 860: Once.

12 THE COURT: Civil or criminal?

13 PROSPECTIVE JUROR NO. 860: Criminal.

14 THE COURT: Were you selected to be the foreperson?

15 PROSPECTIVE JUROR NO. 860: No.

16 THE COURT: Without telling me what your verdict
17 was, were you able to reach a verdict?

18 PROSPECTIVE JUROR NO. 860: Yes.

19 THE COURT: Anything about that experience that
20 would affect your ability to be fair and impartial in this
21 case?

22 PROSPECTIVE JUROR NO. 860: No.

23 THE COURT: Okay. Anyone else?

24 THE MARSHAL: Sir.

25 PROSPECTIVE JUROR NO. 885: Sean McAllister, 885.

1 THE COURT: Okay. How many times have you served?

2 PROSPECTIVE JUROR NO. 885: One time. It was a
3 criminal case.

4 THE COURT: Okay. Was that here in Clark County?

5 PROSPECTIVE JUROR NO. 885: Yes, it was.

6 THE COURT: Were you selected to be the foreperson?

7 PROSPECTIVE JUROR NO. 885: I was not.

8 THE COURT: Without telling us what your verdict
9 was, were you able to reach a verdict?

10 PROSPECTIVE JUROR NO. 885: No.

11 THE COURT: Okay. So --

12 PROSPECTIVE JUROR NO. 885: It was a mistrial.

13 THE COURT: Okay. So, the judge granted a mistrial,
14 and so you --

15 PROSPECTIVE JUROR NO. 885: Correct.

16 THE COURT: -- you didn't have to deliberate?

17 PROSPECTIVE JUROR NO. 885: Correct.

18 THE COURT: Okay. Anything about that experience
19 that would affect your ability to be fair and impartial in
20 this case?

21 PROSPECTIVE JUROR NO. 885: No.

22 THE COURT: Okay, thank you, sir.

23 THE MARSHAL: Anybody else in the front?

24 THE COURT: Anyone else? Ms. Groves?

25 PROSPECTIVE JUROR NO. 931: Denise Groves, 931.

1 THE COURT: How many times have you served?

2 PROSPECTIVE JUROR NO. 931: Once.

3 THE COURT: Was it civil or criminal?

4 PROSPECTIVE JUROR NO. 931: Civil.

5 THE COURT: Were you selected to be the foreperson?

6 PROSPECTIVE JUROR NO. 931: No.

7 THE COURT: Without telling me what your verdict
8 was, were you able to reach a verdict?

9 PROSPECTIVE JUROR NO. 931: No, ma'am, the case was
10 dismissed after half-a-day of presentation.

11 THE COURT: So, you didn't have to deliberate?

12 PROSPECTIVE JUROR NO. 931: No, ma'am.

13 THE COURT: Anything about that experience that
14 would affect your ability to be fair and impartial in this
15 case?

16 PROSPECTIVE JUROR NO. 931: No, ma'am.

17 THE COURT: Thank you. Anyone else that's ever
18 served as a juror before? The record will reflect no further
19 response from the panel.

20 Have you or anyone close to you, such as a family
21 member or friend, ever been the victim of a crime? Okay,
22 Juror number 1, Ms. Denise Johnson, 845, go ahead.

23 PROSPECTIVE JUROR NO. 845: My family and I were
24 robbed, and my cousin was also murdered.

25 THE COURT: I'm sorry. Where -- where did these

1 incidences take place?

2 PROSPECTIVE JUROR NO. 845: We were robbed in Fort
3 Meyers, Florida, and my cousin was killed in San Jose,
4 California.

5 THE COURT: Okay. So, the part where you were
6 robbed, explain to me what happened.

7 PROSPECTIVE JUROR NO. 845: It was -- I went to
8 work. My husband was with our new baby daughter. My mom was
9 visiting, she wanted to go to the store, so my husband took
10 her to the store. When he came back, the people were jumping
11 out of the balcony -- or the patio area.

12 THE COURT: Of your house?

13 PROSPECTIVE JUROR NO. 845: Yes.

14 THE COURT: Okay. Did you call the police?

15 PROSPECTIVE JUROR NO. 845: Yes.

16 THE COURT: And did the police come and investigate?

17 PROSPECTIVE JUROR NO. 845: They did.

18 THE COURT: Were you happy with how the case was
19 handled?

20 PROSPECTIVE JUROR NO. 845: They never found the
21 people, but my husband and daughter were safe, so.

22 THE COURT: Okay, and that's what's important,
23 clearly?

24 PROSPECTIVE JUROR NO. 845: Yes.

25 THE COURT: And now, your cousin, did you follow

1 that case?

2 PROSPECTIVE JUROR NO. 845: A little bit. I was a
3 lot younger.

4 THE COURT: Okay, so you just know about it through
5 family members?

6 PROSPECTIVE JUROR NO. 845: Through my uncle.

7 THE COURT: Okay. Anything about those experiences
8 that would affect your ability to be fair and impartial?

9 PROSPECTIVE JUROR NO. 845: No.

10 THE COURT: Thank you. Anyone else?

11 THE MARSHAL: Can you pass that down, please?

12 PROSPECTIVE JUROR NO. 911: Heidi Vogel, badge
13 number 911. I guess I have a bad luck streak. As a child,
14 our house was robbed and set afire, arson. Also had several
15 other robberies of that same house. No one has ever --

16 THE COURT: You were a kid?

17 PROSPECTIVE JUROR NO. 911: Yes, as a kid.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 911: As a teenager, my
20 brother and I escaped barely an attack by a drunk driver who
21 attempted to veer us off the road, threw a bottle -- his
22 alcohol bottle into the windshield of our car. We got off the
23 road without getting in a wreck. That one, somehow, the
24 family of the person who owned the vehicle got them off. Even
25 though we had them -- you know, witnesses, et cetera, they got

1 off on charges on that.

2 Has -- I have had on my house that I live in now
3 with my family someone shot a bullet into our -- a .38, I
4 believe, into the house while we were away for festivities for
5 New Year's Eve. That was in the late 90s. So, yeah, a few
6 incidences here and there.

7 THE COURT: Anything about those experiences that
8 would affect your ability to be fair and impartial in this
9 case?

10 PROSPECTIVE JUROR NO. 911: No, ma'am.

11 THE COURT: Thank you. Anyone else?

12 PROSPECTIVE JUROR NO. 929: My name's Douglas
13 Pongrance, badge number 929. Mine was a break-in and some
14 vandalism at a rental property I owned.

15 THE COURT: Okay. Did you call the police?

16 PROSPECTIVE JUROR NO. 929: Yeah.

17 THE COURT: And they come -- did they come and
18 investigate?

19 PROSPECTIVE JUROR NO. 929: Not terribly seriously.
20 They didn't take it -- it wasn't all that serious, and they
21 didn't seem to take it very seriously.

22 THE COURT: Were you happy with the way it was
23 handled?

24 PROSPECTIVE JUROR NO. 929: I was unhappy, but it
25 didn't seem I could do anything about it. They just assumed

1 it was the tenants that had done it, and they said it wasn't a
2 criminal matter, and I don't know if it was the tenants or
3 not, to be honest.

4 THE COURT: Okay. Anything about that experience
5 that would affect your ability to be fair and impartial in
6 this case?

7 PROSPECTIVE JUROR NO. 929: No, huh-uh.

8 THE COURT: Okay, thank you, sir. I think the juror
9 behind you.

10 PROSPECTIVE JUROR NO. 864: Caroline Ordillas, badge
11 864. There are two incidents that I had been robbed. The
12 first one was in an apartment, and we were -- me and my sister
13 were working, and the apartment was just completely -- just --

14 THE COURT: So, when you came home, you and your
15 sister found that the apartment -- someone had been in there
16 while you were gone?

17 PROSPECTIVE JUROR NO. 864: Right.

18 THE COURT: And had stolen things?

19 PROSPECTIVE JUROR NO. 864: Right.

20 THE COURT: Did you report it?

21 PROSPECTIVE JUROR NO. 864: Yes.

22 THE COURT: And did the police come and investigate?

23 PROSPECTIVE JUROR NO. 864: I don't -- probably,
24 yeah. I can't remember. It's a long time ago.

25 THE COURT: Okay. And then you said --

1 PROSPECTIVE JUROR NO. 864: And then, the second
2 incident was in my house also. It's actually -- we were all
3 at work, and when we got home, it's -- my house was like
4 upside-down. Everything is a disaster.

5 THE COURT: Okay, when did that happen?

6 PROSPECTIVE JUROR NO. 864: That was in 1990, I
7 believe.

8 THE COURT: Anything about those --

9 PROSPECTIVE JUROR NO. 864: No, '92. Something like
10 that.

11 THE COURT: Anything about those experiences that
12 would affect your ability to be fair and impartial in this
13 particular case?

14 PROSPECTIVE JUROR NO. 864: No.

15 THE COURT: Okay, thank you. Anyone else has ever
16 been the victim of a crime? Okay, the record will reflect no
17 further response from the panel. Have you or anyone close to
18 you, such as a family member or friend, ever been accused of a
19 crime? Ever been accused of a crime?

20 PROSPECTIVE JUROR NO. 931: Denise Groves, badge
21 number 931. My brother was convicted three times of robbery
22 -- armed robbery.

23 THE COURT: Okay, in what jurisdiction?

24 PROSPECTIVE JUROR NO. 931: Florida and Ohio.

25 THE COURT: Do you think he was treated fairly?

1 PROSPECTIVE JUROR NO. 931: I don't know the
2 details. I can't honestly say. I don't know.

3 THE COURT: Where is your brother now?

4 PROSPECTIVE JUROR NO. 931: He's deceased.

5 THE COURT: Okay. Anything about those experiences
6 that would affect your ability to be fair and impartial?

7 PROSPECTIVE JUROR NO. 931: No, ma'am.

8 THE COURT: Okay, thank you.

9 THE MARSHAL: Hang on, ma'am, one more. Can you
10 pass that down, please? Can you stand up?

11 PROSPECTIVE JUROR NO. 858: Yes. Shirley Ritz,
12 badge 858. At one time, I owned a rental house in Austin,
13 Texas. Every day, the septic tank there was overflowing into
14 the neighbor's yard. The authorities said that was a separate
15 felony violation every day. My attorney said, you're never
16 going to get convicted of this; we will continue it into
17 oblivion. So, as soon -- as soon as I got the tenants out --

18 THE COURT: I'm sorry, I don't mean to laugh.

19 PROSPECTIVE JUROR NO. 858: As soon as --

20 THE COURT: The septic tank running onto somebody
21 else's property was a felony?

22 PROSPECTIVE JUROR NO. 858: That's what they said.
23 Every day was a separate felony. And they said they couldn't
24 shut off the water in an occupied house, but as soon as I
25 succeeded in getting the tenants out of the house, the water

1 was immediately shut off, and I was going to have to install a
2 new septic tank drain field.

3 THE COURT: Okay, but you never had to go to court
4 on any felonies, right?

5 PROSPECTIVE JUROR NO. 858: Well, yeah, I went to --

6 THE COURT: Oblivion hasn't come yet.

7 PROSPECTIVE JUROR NO. 858: Well, I had to go to
8 court.

9 THE COURT: You had to go to court?

10 PROSPECTIVE JUROR NO. 858: Yes, I did. I had an
11 attorney, and I went to court, and he said, you're never going
12 to get convicted on this charge, or we're going to continue it
13 into oblivion.

14 THE COURT: Is it still being continued?

15 PROSPECTIVE JUROR NO. 858: Well, I don't think it's
16 being continued anymore. I think it's been resolved.

17 THE COURT: Okay, but you weren't convicted of
18 anything, right?

19 PROSPECTIVE JUROR NO. 858: No.

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

22 PROSPECTIVE JUROR NO. 858: No.

23 THE COURT: Sounds like you were trying to do the
24 right thing.

25 PROSPECTIVE JUROR NO. 858: Yes, I had --

1 THE COURT: You got the tenants out, and you fixed
2 the problem, right?

3 PROSPECTIVE JUROR NO. 858: Right.

4 THE COURT: Okay, thank you. Anyone else?

5 THE MARSHAL: Can you hand it down right in front
6 there?

7 PROSPECTIVE JUROR NO. 015: Equilla Six -- I mean,
8 Equilla Hicks, badge number 1015. My younger brother served
9 time for -- probably in and out of jail for like 20 years in
10 Los Angeles County for burglary, robbery, and I don't know
11 what else.

12 THE COURT: Okay. Where is he now?

13 PROSPECTIVE JUROR NO. 015: He's in L.A. County.

14 THE COURT: In jail?

15 PROSPECTIVE JUROR NO. 015: He's not in jail. No,
16 he isn't.

17 THE COURT: He's out of jail?

18 PROSPECTIVE JUROR NO. 015: Yes, he is.

19 THE COURT: Okay. Things are better for him now?

20 PROSPECTIVE JUROR NO. 015: Way, yes.

21 THE COURT: Okay. Do you think he was treated
22 fairly during that time period?

23 PROSPECTIVE JUROR NO. 015: I believe so, yes.

24 THE COURT: Okay. Anything about his experiences
25 that would affect your ability to be fair and impartial in

1 this case?

2 PROSPECTIVE JUROR NO. 015: No.

3 THE COURT: Okay, thank you.

4 PROSPECTIVE JUROR NO. 911: Heidi Vogel, badge
5 number 911. I was wondering if you meant by accused just
6 arrested, or actually went to trial.

7 THE COURT: No. If you were accused; if you were
8 arrested.

9 PROSPECTIVE JUROR NO. 911: Okay. My brother, as
10 well as my father, have been arrested for domestic violence.

11 THE COURT: Anything about those experiences that
12 would affect your ability to be fair and impartial in this
13 case?

14 PROSPECTIVE JUROR NO. 911: No.

15 THE COURT: Okay, thank you. I think we have a
16 juror down here in front that wants to respond.

17 PROSPECTIVE JUROR NO. 958: Jennifer McGowan, and my
18 badge number is 958. My brother was arrested for shooting
19 firearms from his condo into neighbors' property, and also for
20 getting into an accident that was fatal for other parties. He
21 was sent to jail, and he did do time after that. He is now no
22 longer here in Clark County, but it was here.

23 THE COURT: Anything about those experiences that
24 would affect your ability to be fair and impartial?

25 PROSPECTIVE JUROR NO. 958: No, ma'am.

1 THE COURT: Okay. You think he was treated fairly?

2 PROSPECTIVE JUROR NO. 958: Yes, ma'am.

3 THE COURT: SO, he was prosecuted here in Clark
4 County?

5 PROSPECTIVE JUROR NO. 958: Yes, ma'am.

6 THE COURT: For the -- and one was a fatal car
7 crash?

8 PROSPECTIVE JUROR NO. 958: Yes.

9 THE COURT: Why was he prosecuted for that? Was it
10 a DUI?

11 PROSPECTIVE JUROR NO. 958: He was under the
12 influence --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 958: -- of alcohol and drugs.

15 THE COURT: So, it was a DUI with a death?

16 PROSPECTIVE JUROR NO. 958: Yes.

17 THE COURT: How much time did he do?

18 PROSPECTIVE JUROR NO. 958: To be honest, I don't
19 know. I don't keep track of that side of the family anymore.
20 I just --

21 THE COURT: Your brother?

22 PROSPECTIVE JUROR NO. 958: Yes.

23 THE COURT: Okay. Anything about what happened to
24 him that would affect your ability to be fair and impartial?

25 PROSPECTIVE JUROR NO. 958: No, ma'am.

1 THE COURT: And you know he was prosecuted here in
2 Clark County?

3 PROSPECTIVE JUROR NO. 958: Yes, ma'am.

4 THE COURT: Right? By the same office that's
5 prosecuting today; do you understand that?

6 PROSPECTIVE JUROR NO. 958: Yes, I do understand
7 that.

8 THE COURT: I mean, most likely. Do you have any
9 problems with that?

10 PROSPECTIVE JUROR NO. 958: No, ma'am.

11 THE COURT: Okay, thank you. Anyone else?

12 PROSPECTIVE JUROR NO. 960: My mother was arrested
13 for attempted murder.

14 THE COURT: Your name and badge number?

15 PROSPECTIVE JUROR NO. 960: Sorry. Bianca Herrera,
16 960. And my mother was arrested for attempted murder in
17 California.

18 THE COURT: What happened?

19 PROSPECTIVE JUROR NO. 960: She shot my step-dad.

20 THE COURT: Okay, and she was arrested and charged
21 with attempted murder?

22 PROSPECTIVE JUROR NO. 960: Yeah.

23 THE COURT: What was the outcome?

24 PROSPECTIVE JUROR NO. 960: He didn't want to press
25 charges, and I guess back in the 80s, they didn't pursue it

1 that bad. So, she did time. I don't know how much time; I
2 don't remember, but -- because I was in a foster home.

3 THE COURT: Okay. Anything about that that would
4 affect your ability to be fair and impartial? Okay, thank
5 you. Anyone else?

6 PROSPECTIVE JUROR NO. 952: Thomasha Robinson, badge
7 number 952. My sister was arrested. I don't want to say that
8 it was for like robbing the store, because she didn't rob the
9 store. I'm like really not familiar with the whole story, but
10 I do know she was arrested for attempting to rob Ross.

11 THE COURT: Ross?

12 PROSPECTIVE JUROR NO. 952: Yes.

13 THE COURT: Okay. Anything about that that would
14 affect your ability to be fair and impartial?

15 PROSPECTIVE JUROR NO. 952: No, ma'am.

16 THE COURT: Okay, thank you. Anyone else? Okay,
17 the record will reflect no further response from the panel.

18 Is there anyone on the panel who would have a
19 tendency to give more weight or credence, or less weight or
20 credence to the testimony of a police officer simply because
21 he or she is a police officer? Okay, the record will reflect
22 no further response from the panel. At this time, the State
23 of Nevada can voir dire the jury panel.

24 MR. PESCI: Thank you, Your Honor. Thank you for
25 your patience, ladies and gentlemen. I just want to kind of

1 go over a couple of things.

2 This woman right here is taking everything down
3 that's being recorded. It's going to be transcribed. That's
4 why, a few times, a couple of you have had the judge follow up
5 and say, is that a yes? Because in our conversations, when we
6 talk to each other, we say, um-hum. We understand that that
7 means a yes or a no, but for the record, it doesn't always
8 make sense. That's why those things were followed up with.
9 So, please don't take offense if any of us follow up like
10 that. We're just trying to make a clear record.

11 We want to also ask kind of -- I'd like to ask, if
12 the Court allows me, something to the entire panel, and then
13 I'll follow up with some individual ones.

14 THE COURT: Sure.

15 MR. PESCI: Does anybody here have any difficulty
16 standing in judgment of another human being, be it for
17 religious or personal conviction? [Inaudible] ask for your
18 badge number again, Ms. Hicks.

19 PROSPECTIVE JUROR NO. 015: Equilla Hicks, badge
20 number 1015. I'm a Christian, so I don't believe that I have
21 a right to judge anyone. I can, I guess, look at facts and
22 make a decision, but as far as judgment goes, I don't feel I
23 have a right to do that.

24 MR. PESCI: Thank you very much for the
25 distinguishing. As far as judging the facts, as the Court

1 said, you will all be the judges of the facts versus judging
2 the person. And so, that's what I'm trying to figure out, is
3 if judging the facts will be impeded by any religious
4 convictions or other reasons.

5 PROSPECTIVE JUROR NO. 015: I don't believe so.

6 MR. PESCI: Okay. So, you could listen to the facts
7 and make a determination?

8 PROSPECTIVE JUROR NO. 015: I could.

9 MR. PESCI: Wonderful. Thank you, ma'am. Anybody
10 else on that particular issue? Also, generally, you're going
11 to hear some, or you're likely to hear some information about
12 firearms. Sometimes people have very strong feelings one way
13 or the other about firearms. Does anybody have any feelings
14 that would impede their ability to be fair and impartial when
15 we hear the context of firearms? I see no responses from the
16 jury.

17 I want to kind of follow up on some specific
18 questions. Mr. Anderson, you said, of the many things that
19 you do, surgical tech is one of them, correct?

20 PROSPECTIVE JUROR NO. 011: Correct.

21 MR. PESCI: And it was at Desert Springs Hospital?

22 PROSPECTIVE JUROR NO. 011: Yes.

23 MR. PESCI: Do you ever deal with people in trauma
24 situations where they're brought in from let's say an
25 ambulance and some sort of an incident?

1 THE MARSHAL: Can we get your name and badge number
2 first?

3 PROSPECTIVE JUROR NO. 011: Vernon Anderson, and
4 it's 011.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR NO. 011: Yes, I do.

7 MR. PESCI: Okay. And are you kind of in the area
8 when they first come in, or are you in a situation where it's
9 a planned surgery and your scheduled to be assisting on a
10 particular day?

11 PROSPECTIVE JUROR NO. 011: I actually am both. In
12 my department, say something gets caught in somebody's throat
13 in the middle of the night. If I'm on call, they'll call me
14 in, and my team has to take it out.

15 MR. PESCI: Okay. In that capacity, are there any
16 police officers that sometimes come in with the EMTs?

17 PROSPECTIVE JUROR NO. 011: Yes.

18 MR. PESCI: So, do you interact with the police
19 officers?

20 PROSPECTIVE JUROR NO. 011: Sometimes.

21 MR. PESCI: Okay. Is it mostly Metro?

22 PROSPECTIVE JUROR NO. 011: It's correct -- COs,
23 corrections officer, Metro, everybody.

24 MR. PESCI: All right. And then, we listed a ton of
25 names of different officers. Did any of them ring a bell?

1 PROSPECTIVE JUROR NO. 011: No.

2 MR. PESCI: All right. In your interaction with
3 police officers in that capacity, would that affect your
4 ability to be fair and impartial to anyone here?

5 PROSPECTIVE JUROR NO. 011: No.

6 MR. PESCI: All right, thank you very much. There
7 are quite a few of you had who relatives or friends that had
8 been charged or accused with a crime. Some of them were here.
9 The Judge specifically followed up on the incident where the
10 death occurred with the car accident. It would be the
11 district attorney's office if it's here in Clark County that
12 would have prosecuted that incident.

13 Does anybody have any difficulty with any of those
14 family members or relatives being prosecuted by our office
15 where I work and Ms. Killer works? This is [inaudible], by
16 the way. Sorry, [inaudible]. Would you hold it against us as
17 the prosecutors because somebody else in our office had
18 prosecuted someone related to you?

19 And then, there are quite a few of you,
20 unfortunately, that were victims of different crimes. Some of
21 them were -- a good number of them, unfortunately, were
22 followed up by by police, and not necessarily charges came
23 from that, or you didn't feel that it was handled well.
24 You're going to hear from police officers in this particular
25 case.

1 Will the experience that you had in the past affect
2 your ability to listen to or assess these officers because
3 some other police officers maybe didn't see your particular
4 incident all the way through? Okay. No answers from anyone,
5 okay. This is the interactive portion. We can talk, it's all
6 right. No one's going to yell at you if you give an answer.

7 I want to also ask -- there were a few people that
8 said that they were robbed. There's burglary and robbery.
9 You know, if someone's not home and someone goes in and steals
10 something, that would be burglary. A robbery would be more
11 akin to a gun put to you, and -- or a knife, and things taken
12 from you.

13 A robbery charge and burglary charges are in this
14 case. Does anybody feel that they cannot be fair because they
15 or someone close to them was a victim of a burglary or a
16 victim of a robbery? No [inaudible].

17 All right. So, I'm going to go in on individuals,
18 see if we can get some more conversation. And Ms. Knudson, is
19 that how you pronounce it?

20 PROSPECTIVE JUROR NO. 847: Good job.

21 MR. PESCI: All right, thank you. Now, you
22 indicated that your husband works with Metro, and you shared
23 that at the beginning and talked about how that could play a
24 part in how you assess things? Is that a fair rendition?

25 THE MARSHAL: Name and badge number.

1 PROSPECTIVE JUROR NO. 847: Yes. Angela Knudson,
2 847.

3 MR. PESCI: Thank you. The Court has explained to
4 some of the other individuals that if you're selected, while
5 you're on the jury, you can't talk to your husband or anybody
6 else, for that matter, about the case. Could you follow that
7 instruction?

8 PROSPECTIVE JUROR NO. 847: Absolutely.

9 MR. PESCI: All right. After, as the Court said,
10 you can talk to whoever you want about whatever you want, but
11 just during the trial, you cannot. Would you feel compelled
12 to have to come back with a conviction because your husband
13 works in law enforcement?

14 PROSPECTIVE JUROR NO. 847: No.

15 MR. PESCI: Would you have any problems telling your
16 husband, you know what, Pesci and Killer, they just didn't
17 get it done, they didn't prove it, so we came back with a not
18 guilty?

19 PROSPECTIVE JUROR NO. 847: No, not at all.

20 MR. PESCI: The fact that your husband is a police
21 officer is not going to have you say, oh, I'm just going to go
22 with the State because they work with the police officers?

23 PROSPECTIVE JUROR NO. 847: No, I'd look at the
24 evidence first.

25 MR. PESCI: Okay. Speaking of that -- thank you

1 very much, ma'am. The burden of proof is on the State of
2 Nevada. We have the burden, proof beyond a reasonable doubt.
3 The Court has told you that, and she'll instruct exactly what
4 that is, but for now, the burden is completely ours. The
5 defense does not have to put on any evidence, any at all.
6 Does anybody have any problems with that?

7 And if the State does not prove the case beyond a
8 reasonable doubt, would anybody have any difficulty coming
9 back with a not guilty verdict? And if the State proves the
10 case, if we're able to put on the evidence and show it, could
11 you come back with a guilty verdict?

12 I wanted to ask some follow up questions to Ms.
13 Ritz. It's 858, Shirley --

14 PROSPECTIVE JUROR NO. 858: Ritz.

15 MR. PESCI: -- Ritz. Ma'am you said you were on an
16 appellate board?

17 PROSPECTIVE JUROR NO. 858: I served as clerk of the
18 San Jose Appeals Hearing Board. We heard appeals cases from
19 the police department, amongst other cases, and we were told
20 that a different standard of proof applied to cases that we
21 heard from the police department. If we felt that the chief
22 of police had any basis for rendering the decision, which he
23 did, we were to uphold his decision. One time, we didn't, and
24 it had a lot of repercussions.

25 MR. PESCI: Okay. So, do you have -- it seems then

1 from your experience you do not have a problem making a
2 decision, even if it might not be popular?

3 PROSPECTIVE JUROR NO. 858: Well, I didn't make the
4 decisions. I just sort of kept the records.

5 MR. PESCI: Oh, okay, you kept the records?

6 PROSPECTIVE JUROR NO. 858: Yes.

7 MR. PESCI: So, the board made that decision?

8 PROSPECTIVE JUROR NO. 858: Yeah, the board made a
9 decision which resulted in a lot of repercussions, and after
10 that, we were told that if -- that cases on appeal from the
11 police department had a different standard of proof from other
12 cases; that if the chief of police had any basis on which to
13 make his decision, we were to uphold the decision of the
14 police department.

15 MR. PESCI: Okay. And that's kind of what I wanted
16 to focus on, a different standard of proof. Many of you have
17 said you served on a jury before, including civil jury trials.
18 There's a different standard of proof in a civil case, versus
19 a criminal case, versus an appellate review of the police
20 department. The Judge is going to give you what the standard
21 of proof is, that proof beyond a reasonable doubt.

22 Can all of you that have served on juries before set
23 aside whatever standards you've been given in the past and
24 apply what this Court gives you? Does anybody have a problem
25 applying only what this Court gives as far as instruction.

1 PROSPECTIVE JUROR NO. 858: No.

2 MR. PESCI: Does anybody else have any problem?

3 Okay, perfect. Mr. -- is it McAllister?

4 PROSPECTIVE JUROR NO. 885: Yes.

5 THE MARSHAL: Pass the microphone down, please.

6 MR. PESCI: I apologize, your number is?

7 PROSPECTIVE JUROR NO. 885: 885.

8 MR. PESCI: 885. You talked about how, if you
9 served, you might have to do some job responsibilities,
10 including email?

11 PROSPECTIVE JUROR NO. 885: Correct. Sean
12 McAllister, 885.

13 MR. PESCI: Thank you very much.

14 PROSPECTIVE JUROR NO. 885: That's correct.

15 MR. PESCI: We don't see any reporters here,
16 correct?

17 PROSPECTIVE JUROR NO. 885: Correct.

18 MR. PESCI: They may come, they may not, but if they
19 were to come, would you expect -- or is your work email of the
20 type that headlines come across?

21 PROSPECTIVE JUROR NO. 885: Yes.

22 MR. PESCI: All right. How is it -- or is it
23 possible for you to somehow filter that? I honestly don't
24 expect any media to be attending any of this, but let's assume
25 for the sake of our conversation it did, could that come

1 across in an email for you in work?

2 PROSPECTIVE JUROR NO. 885: It could, yes.

3 MR. PESCI: Okay. Is there any way that you can not
4 look at your email if you're seated?

5 PROSPECTIVE JUROR NO. 885: No. Given the
6 responsibilities I have, I would need to do some work outside
7 of here.

8 MR. PESCI: Okay. And I think you said you served
9 on a jury before, but there was a mistrial granted?

10 PROSPECTIVE JUROR NO. 885: Correct.

11 MR. PESCI: All right. So, was there any
12 instruction given to you during that trial as far as what you
13 could or couldn't do with your work?

14 PROSPECTIVE JUROR NO. 885: There was not, other
15 than not talking about it.

16 MR. PESCI: Not talking about it? All right. But
17 there was no restrictions as far as your email?

18 PROSPECTIVE JUROR NO. 885: No.

19 MR. PESCI: Were you in the same position when you
20 were serving that jury?

21 PROSPECTIVE JUROR NO. 885: I was not.

22 MR. PESCI: Okay. Did you have different
23 responsibilities as far as working with your email, things of
24 that nature?

25 PROSPECTIVE JUROR NO. 885: No, the email situation

1 was the same.

2 MR. PESCI: Okay. All right, thank you very much.

3 Ms. -- is it Vogel, which --

4 THE MARSHAL: Pass it down.

5 MR. PESCI: -- is number 911. You had a lot happen
6 to you?

7 PROSPECTIVE JUROR NO. 911: Yeah. Heidi Vogel, 911.

8 MR. PESCI: Okay. And if I understood correctly,
9 there was a bullet shot into your house in the late 90s. Was
10 that here in Clark County?

11 PROSPECTIVE JUROR NO. 911: That's correct,
12 Enterprise Township.

13 MR. PESCI: Okay. And did the police come and
14 investigate?

15 PROSPECTIVE JUROR NO. 911: Yeah, they came and
16 investigate. They took the bullet. There was no way to
17 determine exactly, you know, who did it. At the time, the
18 area -- the area in front of the house on the other side of
19 the road was still undeveloped, in which case -- and also,
20 we've had many incidences where we find abandoned vehicles
21 that were stripped in that area. In the 90s, it was very
22 undeveloped, and so therefore, a lot of other people who would
23 strip cars would just drop them off in the undeveloped area.
24 So, it --

25 MR. PESCI: So, it was difficult for the police to

1 follow up and find someone?

2 PROSPECTIVE JUROR NO. 911: That's correct.

3 MR. PESCI: Did charges ever get filed?

4 PROSPECTIVE JUROR NO. 911: No.

5 MR. PESCI: All right. Did you or your family feel
6 as if the police department fell short in their
7 responsibilities to you and the family?

8 PROSPECTIVE JUROR NO. 911: There's nothing they
9 could do. We just wanted to validate, hey, this has happened;
10 we don't know. We had a few neighbors that we had some issues
11 with, and we do know that a few of them had children that grew
12 up to be -- but there's no way to prove it, and that's -- we
13 can't expect, you know, all the sudden, someone go on a
14 lynching mob. No.

15 MR. PESCI: Okay.

16 PROSPECTIVE JUROR NO. 911: I'm sorry.

17 MR. PESCI: No, it's okay. And you wouldn't hold
18 that against the police department now or the district
19 attorney's office?

20 PROSPECTIVE JUROR NO. 911: No, no. That's -- it's
21 -- the only thing you could do -- they did -- after that
22 incident, they did actually add more patrols into the area.
23 We've also had our neighbor when they built their house, two
24 times while they were building their house, they had their
25 house robbed of equipment and stuff. We stopped them from

1 actually doing it because we could hear them crashing through
2 the gates, but again, there's not really anything you can do,
3 and there's no video or anything; no evidence.

4 MR. PESCI: Okay. And speaking of evidence, the
5 State of Nevada will have the burden of presenting evidence,
6 and it will take different shapes and different forms. Like
7 you just said, video. Sometimes, it's testimony; someone will
8 say what they saw or heard. Do any of you have in your minds
9 a requirement that there has to be video, or there has to be a
10 fingerprint, or DNA in order to be able to make a
11 determination on guilt or innocence?

12 PROSPECTIVE JUROR NO. 911: It would have to be more
13 than just hearsay.

14 MR. PESCI: It would have to be more than hearsay?
15 And the Court's going to tell you all what hearsay is. You
16 might hear that come up. It has to be competent evidence; it
17 has to be evidence that's admissible in court. But some
18 people feel as if, look, if there isn't any video, then I
19 can't make this kind of determination. Does anybody feel like
20 that? Seeing to answers, may I Have the Court's indulgence?

21 THE COURT: You may.

22 MR. PESCI: Pass for cause, Your Honor. Thank you.

23 THE COURT: You'll pass the panel for cause?

24 MR. PESCI: Yes.

25 THE COURT: Okay. Mr. Sanft, Mr. Parris, who wants

1 to go first?

2 MR. SANFT: I'll go first, Your Honor. Hello.
3 First question, anyone here need to take a break right now
4 before we continue? About an hour left. Anybody?

5 THE COURT: Oh, okay. If you need a break, I'll be
6 happy to take a break.

7 MR. SANFT: And let me maybe just preface, and just
8 make sure we're clear. If you're selected as somebody to be
9 on this jury, and you have to go take a break, or you have to
10 take medication, would you be the type of person that would
11 hold that and wait for someone to basically suggest that to
12 you, or could you be the type of person that could raise your
13 hand and say, I'd like to take a break, or I need to take a
14 break? Anyone here would feel uncomfortable in raising their
15 hand during the course of the trial and saying -- you would
16 actually be uncomfortable?

17 PROSPECTIVE JUROR NO. 858: Yeah, well, I --

18 THE MARSHAL: Hang on, hang on.

19 THE COURT: Okay, Mr. Sanft, you're delaying me from
20 letting them take a break.

21 MR. SANFT: I know, I'm sorry. Let me just hold
22 that question, and then we can talk about that when we come
23 back, Ms. Ritz.

24 THE COURT: Okay. During this recess, you're
25 admonished not to talk or converse amongst yourselves or with

1 anyone else on any subject connected with this trial, or read,
2 watch, or listen to any report of or commentary on the trial,
3 or any person connected with this trial, by any medium of
4 information, including, without limitation, newspapers,
5 television, the internet, or radio, or form or express any
6 opinion on any subject connected with this trial until the
7 case is finally submitted to you.

8 We'll be in recess for the next 15 minutes. Thank
9 you.

10 THE MARSHAL: Please rise for the exit of the jury.

11 (Court recessed at 3:58 P.M. until 4:07 P.M.)

12 (Outside the presence of the prospective jurors)

13 (Pause in the proceedings)

14 THE MARSHAL: All right, all rise for the entering
15 jury.

16 (Pause in the proceedings)

17 (Within the presence of the prospective jurors)

18 THE COURT: Does the State stipulate to the presence
19 of the jury panel?

20 MR. PESCI: Yes, Your Honor.

21 THE COURT: Mr. Sanft?

22 MR. SANFT: Yes, Your Honor.

23 THE COURT: Mr. Parris?

24 MR. PARRIS: Yes, Your Honor.

25 THE COURT: Mr. Sanft, you may continue.

1 MR. SANFT: Thank you, Your Honor. All right. The
2 only question I have is, has anyone ever heard about this case
3 at all in the last [inaudible]? Anyone think that they may
4 have heard of this case, or read about anything?

5 Third question I have is, there's a lot of this
6 [inaudible] Mr. Pesci had talked about the difference between
7 robbery versus burglary. You'll have an opportunity, if you
8 are selected as a juror in this case, to be instructed as to
9 what the law in the State of Nevada is about certain things,
10 and one of those things is the definition of a robbery versus
11 a burglary.

12 Now, some of us that have talked about their
13 experiences being robbed, coming home, for instance, and
14 seeing somebody jump out of the balcony area, someone that was
15 being robbed. Let me make sure we're clear. Has anyone ever
16 been threatened in such a way which you felt induced to give
17 something to somebody, meaning someone holds a gun to you and
18 says, give me your money, or holds a knife to you and says,
19 give me your purse, or wallet, or anything like that? Has
20 anyone ever had that experience before?

21 THE MARSHAL: Name and badge number.

22 PROSPECTIVE JUROR NO. 920: Robert Preston, number
23 920.

24 MR. SANFT: Okay. Mr. Preston, did you share that
25 with us before?

1 PROSPECTIVE JUROR NO. 920: No, I just thought about
2 it actually.

3 MR. SANFT: Okay, all right. And can you share a
4 little bit about that experience, how long ago that happened,
5 and so forth?

6 PROSPECTIVE JUROR NO. 920: This was probably 10, 15
7 years ago, maybe. I was going into a 7-Eleven and there was a
8 guy asking for change. Came out, he said, I saw you put the
9 money in your pocket, and I told him I didn't have any, so he
10 held a gun to me and I gave it to him.

11 MR. SANFT: Okay. Was that matter reported to the
12 police?

13 PROSPECTIVE JUROR NO. 920: Yes, it was.

14 MR. SANFT: Did -- what was the result of that?

15 PROSPECTIVE JUROR NO. 920: I do not know.

16 MR. SANFT: Did you ever have to go to court and
17 testify?

18 PROSPECTIVE JUROR NO. 920: No. I don't know if
19 they ever found the guy. He just went behind the 7-Eleven and
20 took off, so.

21 MR. SANFT: Okay. Now, during the time when this
22 happened, you spoke with police, I'm assuming; is that
23 correct?

24 PROSPECTIVE JUROR NO. 920: Yes.

25 MR. SANFT: Were you able to give a description of

1 the individual?

2 PROSPECTIVE JUROR NO. 920: Yes.

3 MR. SANFT: Did you write that down in a report and
4 help the police, or?

5 PROSPECTIVE JUROR NO. 920: Well, when they came
6 out, I just gave them the description of the guy, and that was
7 it.

8 MR. SANFT: Okay. And it's kind of interesting you
9 didn't remember this before. Any particular reason why?

10 PROSPECTIVE JUROR NO. 920: Just probably the way
11 you just presented it. There's a lot of stuff that happens
12 that I just kind of don't really tend to -- I just kind of
13 shine it on. It's just kind of stuff that happens.

14 MR. SANFT: Okay. As you sit here today, would you
15 be able to give me a pretty accurate description of the
16 person?

17 PROSPECTIVE JUROR NO. 920: Yeah.

18 MR. SANFT: Okay, why's that?

19 PROSPECTIVE JUROR NO. 920: Probably just because
20 it's ingrained in my memory.

21 MR. SANFT: Pretty traumatic experience, right?

22 PROSPECTIVE JUROR NO. 920: Fairly. Not so much
23 traumatic, just kind of -- kind of scary. A little bit. I
24 guess you could consider that traumatic, but.

25 MR. SANFT: And what do you -- would you also agree

1 with me that it would be a unique experience based upon your
2 life?

3 PROSPECTIVE JUROR NO. 920: Yeah, definitely.

4 MR. SANFT: Thank you. I appreciate that.

5 PROSPECTIVE JUROR NO. 920: You're welcome.

6 MR. SANFT: Now, Mr. Pesci had also talked a little
7 bit about video and so forth. I think we've had the
8 discussion about things that the State can use to help them
9 with their burden.

10 Now, we've talked a little bit about the burden.
11 Does anyone understand that the State of Nevada -- I think Mr.
12 Pesci had broached the subject before. They have the burden
13 of proving beyond a reasonable doubt all the elements of every
14 single charge against my client, Mr. Parker, as well as Mr.
15 Alexander. Do you understand that? Does anyone not
16 understand that? Is there anyone here who doesn't agree with
17 that, doesn't believe that that's fair, or it shouldn't be
18 that way, anything like that? Just for the record, no
19 response to anything.

20 In addition to that, does anyone here believe that
21 there's a better way of doing things besides having, for
22 instance, a jury trial? Anyone believe that there's a better
23 way of doing -- of figuring out whether or not the State of
24 Nevada has proven its case beyond a reasonable doubt against
25 an individual that's charged with a crime? Does anyone here

1 believe that there's some other way -- better way of doing it?

2 No response? None?

3 The reason why I'm asking that question is this.
4 What the State of Nevada did in the beginning when Ms. Killer
5 got up and told you the types of charges and the times in
6 which this happened, you understand that there are multiple
7 events that occur, right; multiple times and multiple places
8 where these events occur?

9 Does anyone here have a problem or issue of parsing
10 out every single event in and of itself, meaning you are going
11 to hold the State of Nevada to its burden with each individual
12 element for each individual incident that occurred? Does
13 anyone have a problem with that? And before you talk, we'll
14 have the microphone handed over to you. And your name and
15 badge number?

16 PROSPECTIVE JUROR NO. 929: Oh. Douglas Pongrance,
17 929. Well, that's kind of what I said before is it just seems
18 complicated, and if we're supposed to keep track of all these
19 charges and the witnesses that apply to each charge, it just
20 seems awfully complicated to me, and that's my -- was my only
21 concern, and I was kind of surprised it was only going to take
22 a couple of days, because as I understand it, like you say,
23 this thing happened on this day, something else happened on
24 some day. They're completely separate. You got to have proof
25 and witnesses for each and every --

1 THE COURT: I never said it would only take a couple
2 days. Remember what I said.

3 PROSPECTIVE JUROR NO. 929: All right.

4 THE COURT: This week, maybe the end of next week.

5 PROSPECTIVE JUROR NO. 929: All right, all right.

6 THE COURT: Okay.

7 MR. SANFT: Now -- and I appreciate that, but do you
8 understand that if you are selected as a juror in this case,
9 your job would be to hold the State of Nevada to its burden
10 with each individual charge and each element of that charge --

11 PROSPECTIVE JUROR NO. 929: Well, and you got two
12 defendants, too, so it's like a lot of stuff.

13 MR. SANFT: Okay. Does anyone here feel a little
14 bit overwhelmed with that and believe that they could not be a
15 fair and impartial juror in this case if you are selected
16 because of potentially the complicated --

17 PROSPECTIVE JUROR NO. 929: I mean, I'll give it my
18 best, but it's -- you know, I'm not a lawyer, so I mean --

19 MR. SANFT: Well, you're actually a little bit
20 smarter. You're an electrical engineer; is that --

21 PROSPECTIVE JUROR NO. 929: Yeah, well, that's
22 simple compared to this kind of stuff.

23 MR. SANFT: Well, would you be able to do your best
24 if you are selected on this jury?

25 PROSPECTIVE JUROR NO. 929: Yes, I believe I could

1 do my best, yes.

2 MR. SANFT: All right. Thank you, I appreciate it.
3 And Ms. Ritz, you had also raised your hand as well?

4 PROSPECTIVE JUROR NO. 858: I'm not quite sure what
5 we're supposed to do if we think the State has proven its case
6 in one charge -- or against one defendant, but not against,
7 you know, the whole -- all the charges and both defendants.

8 THE COURT: But if I instructed you about what you
9 were supposed to do, would that help you?

10 PROSPECTIVE JUROR NO. 858: Yes.

11 THE COURT: Okay. You'll be instructed on what to
12 do.

13 MR. SANFT: Great question; wonderful answer to the
14 question.

15 THE MARSHAL: What's your name and badge number,
16 please?

17 PROSPECTIVE JUROR NO. 858: Shirley Ritz, badge 858.

18 THE MARSHAL: Thank you.

19 MR. SANFT: Thank you. I appreciate it, Ms. Ritz.
20 Does that answer your question as well?

21 PROSPECTIVE JUROR NO. 858: Yes.

22 MR. SANFT: Now, one of the things that's happened
23 here is that we're going to hear testimony from police
24 officers, and we've had some discussion about police officers,
25 right? Somebody who's a surgical tech has a certain standard

1 of performance, which we all agree to, right? There would be
2 certain things that you do in your job, Mr. --

3 THE MARSHAL: Can you hand the microphone over,
4 please? Name and badge number?

5 PROSPECTIVE JUROR NO. 011: Vernon Anderson, 011.

6 MR. SANFT: Would it be fair to say that you have a
7 job in which there are certain standards of performance you
8 have to meet in your job as a surgical tech?

9 PROSPECTIVE JUROR NO. 011: Correct.

10 MR. SANFT: Okay. And would it be fair to say that
11 your job as a surgical tech would be different from say the
12 job of someone who's an executive producer at Fox 5?

13 PROSPECTIVE JUROR NO. 011: Correct.

14 MR. SANFT: He's held to a different standard of
15 performance; is that right?

16 PROSPECTIVE JUROR NO. 011: Correct.

17 MR. SANFT: Okay. Now, would it be fair to say that
18 we understand that police officers are held to their own
19 standard of performance as well? Anyone here disagree with
20 that?

21 Now, since most of us have lived in this community
22 for some time, outside of the people that have been here for a
23 very short period of time, we understand that there's economic
24 impact that has occurred in our county -- in our community.
25 Would that be fair to say as well? Would economics be an

1 excuse or a reason why you would think that a police officer's
2 not doing their job?

3 Say for instance, they don't have enough people to
4 do certain parts of certain things that would satisfy their
5 standards of performance. Would you be the type of person to
6 say, well, they just couldn't afford it, we understand that
7 we're in an economic crisis, so therefore, I'm going to give
8 them a pass, or have him cut a corner? Would you be the type
9 of person to do that in this case? All right, I'm going to
10 pick on Ms. Knudson?

11 PROSPECTIVE JUROR NO. 847: Knudson.

12 MR. SANFT: Knudson.

13 THE MARSHAL: Name and badge number.

14 PROSPECTIVE JUROR NO. 847: Angela Knudson, 847.

15 MR. SANFT: All right, Ms. Knudson. You shook your
16 head no; is that a yes?

17 PROSPECTIVE JUROR NO. 847: Yes.

18 MR. SANFT: Okay.

19 PROSPECTIVE JUROR NO. 847: I'm sorry, I keep
20 forgetting.

21 MR. SANFT: And as a result of that, would it be
22 fair to say that someone who is married to a police officer --
23 I'm assuming that you probably hear a lot of criticism with
24 your husband in terms of how his job [inaudible]?

25 PROSPECTIVE JUROR NO. 847: Yes.

1 MR. SANFT: Would you excuse a police officer who
2 gets up on the stand and, on cross-examination, you may hear
3 some things that are similar to maybe some of the challenges
4 that your husband comes home and tells you about or shares
5 with you when he's talking about his job?

6 PROSPECTIVE JUROR NO. 847: So, what's the question?

7 MR. SANFT: The question is, is that would you give
8 that police officer a pass up here if you heard some of his
9 challenges in terms of his job? Meaning I ask the question,
10 and the question is, did you do something that you were
11 supposed to do, and the answer is, no, but these are the
12 reasons why I didn't do it.

13 PROSPECTIVE JUROR NO. 847: It would depend on the
14 reasons why.

15 MR. SANFT: Okay. What if it's based upon a lack of
16 resources?

17 PROSPECTIVE JUROR NO. 847: Then that goes to the
18 higher ups. That's not an individual. Like you said, it's
19 economy. I don't think that's an area that we should skimp
20 on.

21 MR. SANFT: Okay. Let's say for instance, in this
22 case, if that happens and someone cuts a corner, do you put
23 the owners back on the defense, meaning, do you say, I'm going
24 to give them a pass because I understand that they may have
25 skimmed on something, but I understand the reasons for that?

1 Would you give the State of Nevada a pass on proving its
2 burden beyond a reasonable doubt to you?

3 PROSPECTIVE JUROR NO. 847: No, because I don't
4 think that would be the only evidence. I think that's one
5 piece.

6 MR. SANFT: Okay.

7 PROSPECTIVE JUROR NO. 847: And I would take it as a
8 whole.

9 MR. SANFT: All right, let's talk about that. There
10 is going to be some testimony presumably, as we talked a
11 little bit earlier, not only from people that were present
12 during the course of these events, but also video and so
13 forth. Is that the kind of evidence you're talking about that
14 would help you make a decision as to whether or not someone's
15 committed a crime beyond a reasonable doubt?

16 PROSPECTIVE JUROR NO. 847: I'm talking about all
17 evidence, regardless if it was video, testimony, whatever.
18 Take it as a whole. That's our job as a juror is to look at
19 everything, not just one piece.

20 MR. SANFT: Thank you, I appreciate that. And would
21 you be the type of juror that would withhold your judgment
22 until you hear all the evidence and the case is finally
23 submitted to you as a juror?

24 PROSPECTIVE JUROR NO. 847: Absolutely.

25 MR. SANFT: Okay. Meaning that you're not going to

1 come to a judgment in the beginning after hearing say, for
2 instance, just the openings?

3 PROSPECTIVE JUROR NO. 847: Of course.

4 MR. SANFT: Or after hearing just one to two
5 testimony of individuals that are up here?

6 PROSPECTIVE JUROR NO. 847: No, you have to hear the
7 whole thing; whole story.

8 MR. SANFT: What if you are hearing this testimony,
9 and you're hearing about event number 1, and you're like,
10 okay, and you hear about event number 2, do you then presume
11 to think, okay, if event number 3 and 4 are similar to event
12 number 1 and 2, then at that point, I don't have to hear
13 anymore?

14 PROSPECTIVE JUROR NO. 847: No.

15 MR. SANFT: Why is that?

16 PROSPECTIVE JUROR NO. 847: Because like I said, you
17 have to look at it as a whole, and as you stated, each
18 instance is its own.

19 MR. SANFT: Okay. Thank you, I appreciate that.
20 Now, does -- has anyone ever seen the show CSI? It's a
21 relatively new show. Hasn't been around for a while. It's
22 not in multiple cities, so you don't have one in Miami, or Las
23 Vegas, or New York. And does anyone understand there's a
24 difference between CSI in terms of what's depicted on TV
25 versus what's in real life? Okay.

1 Now, has anyone seen CSI on some level? Okay, we
2 can all confess to this. It's all right. We're friends,
3 right? But would it be fair to say that with CSI, has anyone
4 followed the series and seen the show where they don't find
5 the person they're looking for at the end of the show? Has
6 anyone seen that episode before? Okay.

7 And has anyone seen the episode of CSI Where it's a
8 week-long show on one case, and not just one in the course of
9 one hour? Has anyone seen that show for CSI? Okay. Once
10 again, Your Honor, no response to those two questions.

11 THE COURT: Thank you.

12 MR. SANFT: But the reason for -- I'm asking that
13 question is do we understand that there's a difference between
14 real life and what's depicted on TV?

15 MEMBERS OF THE PROSPECTIVE JURY PANEL: Yes.

16 MR. SANFT: Okay. And is anyone here concerned or
17 feeling like, hey, we have to come to a conclusion or an
18 answer to the question at the end of this trial? Does anyone
19 feel like they have to do that; that there has to be an answer
20 at the end of this trial? Meaning --

21 PROSPECTIVE JUROR NO. 911: You have to have.

22 THE MARSHAL: Hang on, microphone. Name, badge
23 number, please.

24 PROSPECTIVE JUROR NO. 911: Heidi Vogel, badge
25 number 911. You have to have a verdict, correct? Are you

1 asking for a -- a --

2 MR. SANFT: I'm asking for a decision.

3 PROSPECTIVE JUROR NO. 911: A decision, yes. There
4 has to be a decision whether innocent or guilty, or whatever
5 the Judge, you know, tells us is the instructions.

6 MR. SANFT: Okay. And you do understand that the
7 burden is not necessarily innocent or guilty, but beyond a
8 reasonable doubt?

9 PROSPECTIVE JUROR NO. 911: That's correct.

10 MR. SANFT: Do you understand the difference?

11 PROSPECTIVE JUROR NO. 911: Yes.

12 MR. SANFT: Okay, you're going to be instructed as
13 to what that means by the Court later. But in terms of this
14 particular case, you do understand that CSI, looking at the
15 image of a person in the eyeball of whatever is not what we're
16 talking about here?

17 PROSPECTIVE JUROR NO. 911: No. Most of that,
18 actually, they've had news coverage on that, stating that most
19 of the stuff on CSI actually doesn't exist.

20 MR. SANFT: Thank you, I appreciate that. And then,
21 finally, one final question. Does anyone here -- this goes to
22 the comment that was made about the long-haired gentleman in
23 the room [inaudible], but does anyone here in the jury panel
24 and in this entire room recognize anyone else in the jury
25 panel in this entire room? So, I'm sorry. Ma'am in --

1 THE MARSHAL: Can we hand the microphone down,
2 please? Name and badge number.

3 PROSPECTIVE JUROR NO. 958: Yes. My name is
4 Jennifer McGowan, and my badge number is 958.

5 THE COURT: Who do you recognize?

6 PROSPECTIVE JUROR NO. 958: Equilla. I used to go
7 to church with her.

8 MR. SANFT: Oh, okay.

9 THE COURT: Okay. And Equilla, you recognize her,
10 too?

11 PROSPECTIVE JUROR NO. 015: Yes, I do.

12 THE COURT: Okay.

13 MR. PARRIS: For the record, Equilla I believe is
14 Ms. Hicks, badge number --

15 PROSPECTIVE JUROR NO. 015: 1015.

16 MR. PARRIS: Thank you.

17 MR. SANFT: Do you want to ask some questions?

18 THE COURT: You can go ahead.

19 MR. SANFT: Okay. Say for instance you're both
20 lucky enough to be selected on this jury, and you both have an
21 opportunity to debate and discuss what you believe was the
22 evidence in the case, and what you believe the State was going
23 to be able to prove beyond a reasonable doubt, and say you
24 come to a disagreement, are you able to come to a disagreement
25 knowing full well that you both go to the same church?

1 PROSPECTIVE JUROR NO. 015: Well, I can -- I don't
2 go to that church anymore, so that's not a problem. If we
3 come to a disagreement, I don't see any reason why I couldn't
4 have an opinion and she have an alternate opinion and that be
5 a problem. Not at all.

6 MR. SANFT: But because of the fact that you share
7 the same faith, would that be something that would complicate
8 your decision as to which way you would stand on an issue in
9 your deliberations as a potential juror in this case?

10 PROSPECTIVE JUROR NO. 015: No. Facts are facts.

11 MR. SANFT: Okay.

12 PROSPECTIVE JUROR NO. 015: And there's no disputing
13 that.

14 MR. SANFT: Thank you, I appreciate that.
15 [Inaudible].

16 PROSPECTIVE JUROR NO. 015: Equilla Hicks, badge
17 number 1015.

18 MR. SANFT: Thank you, ma'am. You've heard my
19 questions earlier.

20 PROSPECTIVE JUROR NO. 015: Um-hum.

21 MR. SANFT: Any response --

22 PROSPECTIVE JUROR NO. 015: I feel exactly the same
23 way.

24 MR. SANFT: Okay.

25 PROSPECTIVE JUROR NO. 015: Yeah.

1 MR. SANFT: Thank you, I appreciate that. And with
2 that, at this particular point, I'll pass for cause.

3 THE COURT: You'll pass for cause? Mr. Parris?

4 MR. PARRIS: Thank you, Your Honor. Well, ladies
5 and gentlemen, I know we've been at this for about four hours
6 now. Usually, at this point in the day, you know, seems like
7 we've been on this horrific first date with one another with
8 all this prying in our personal and professional lives.
9 Unfortunately, I'm going to have to continue doing so.

10 I know we've had a lot of questions asked to you so
11 far today, so my first question to the bulk of you right here
12 is this. Regarding all of those questions, be it were they
13 asked by the Judge, Mr. Pesci, or Mr. Sanft, after sitting
14 here today, the last few hours, do any of you remember
15 something new, or would it change your answer based upon some
16 other responses or just more time to reflect on those
17 questions? Your Honor, a uniform negative response.

18 THE COURT: Thank you.

19 MR. PARRIS: Now, on the topic of questions, there's
20 actually a mechanism in Clark County wherein jurors can ask
21 questions of witnesses. Now, the Judge is going to instruct
22 everybody as to the exact mechanism, but -- assuming you are
23 selected as jurors, but in general, it works like this.

24 After a witness has done testifying, after the State
25 and/or the defense ask all of their questions, the Judge will

1 pause, and at that point in time, jurors are allowed to raise
2 their hand if they have a question, and then they would write
3 down that question on a piece of paper. Notebooks will be
4 provided to all of you. Then that question will be presented
5 to the judge, it will be reviewed, and then the judge would
6 make a determination if that question is an appropriate
7 question, and then would ask that question word for word. So,
8 none of you would actually be asking a question of one of the
9 witnesses.

10 Now, assuming that's the -- the general gist of how
11 you all can potentially ask questions of a witness, would
12 anyone here be too shy or too reserved to do that; to write
13 down that kind of a question if you actually had a genuine
14 question that you feel that neither of us -- that none of us
15 asked? Your Honor, uniform negative response.

16 We've also been made aware that there will be a lot
17 of -- a number of police officers testifying, and I'm sorry to
18 continue bringing up that topic, but in the past several
19 months, we've had numerous issues arise in places like
20 Ferguson, Missouri, or Baltimore, or New York, or North
21 Charleston, or Chicago most recently.

22 Regarding the things that we've heard on the news,
23 and obviously, we've all heard them, would anyone on the panel
24 -- or has anyone on the panel's perception of law enforcement
25 in general been changed, either in a positive or negative way

1 based upon those news reports that seem to be coming out on a
2 quasi-regular basis? No one had any change in their opinion?
3 Your Honor, uniform negative response.

4 THE COURT: Thank you.

5 MR. PARRIS: Now I'm going to start more individual
6 questions with Mr. Estergren, badge number 848. Sir, really,
7 ten trials?

8 PROSPECTIVE JUROR NO. 848: Yes, sir.

9 MR. PARRIS: None of them were in Clark County; is
10 that correct?

11 PROSPECTIVE JUROR NO. 848: No, no, they were in
12 Atlantic County. I just recently relocated here.

13 MR. PARRIS: Okay. Regarding your significant jury
14 service, what about those times that you've had to serve as a
15 juror, what did you dislike the most?

16 PROSPECTIVE JUROR NO. 848: I guess just being held
17 up from my normal life. I mean, most of the trials only last
18 two or three days, so it wasn't too, too bad, but other than
19 that --

20 MR. PARRIS: Okay. So, more the disruption to your
21 work life --

22 PROSPECTIVE JUROR NO. 848: My normal life, correct.

23 MR. PARRIS: Okay. Regarding the process, how
24 things are handled, did anything stick out as being
25 frustrating or annoying to you?

1 PROSPECTIVE JUROR NO. 848: No.

2 MR. PARRIS: Would you consider it a more positive
3 or a negative experience? I mean, not to sit on ten juries,
4 but --

5 PROSPECTIVE JUROR NO. 848: Sure. I mean, it's --
6 it is part of what we're required to do as citizens of the
7 United States, so it's part of our civic duty. And I would
8 hope that if I was ever in the case to be needing a jury of my
9 peers, that everybody would be willing to do it also.

10 MR. PARRIS: Okay, thank you. Ms. Johnson, badge
11 number 85 -- excuse me, 845, two down from you. Ms. Johnson,
12 you sat on a criminal jury, but I did not mark in my notes if
13 that was here in Clark County. Was it?

14 PROSPECTIVE JUROR NO. 845: It was in San Diego
15 County.

16 MR. PARRIS: It was in San Diego? And how long ago
17 was that approximately?

18 PROSPECTIVE JUROR NO. 845: About 12 years ago.

19 MR. PARRIS: Okay. Would you be willing, if you
20 haven't already, to forget anything about the law in San Diego
21 County or related to that particular trial?

22 PROSPECTIVE JUROR NO. 845: Not a problem. I don't
23 remember at all.

24 MR. PARRIS: Okay. And obviously, just apply the
25 law as the Judge instructs you, assuming you are selected?

1 PROSPECTIVE JUROR NO. 845: Yes.

2 MR. PARRIS: Thank you. And Ms. Bonine, badge
3 number 860. Ma'am, a similar question. You've sat on a
4 criminal jury. Was that here in Las Vegas?

5 PROSPECTIVE JUROR NO. 860: Yes.

6 MR. PARRIS: How long ago was it?

7 PROSPECTIVE JUROR NO. 860: I'm not sure how long.
8 It's been -- it's been a long time.

9 MR. PARRIS: Long time? I'm sure you can forget
10 anything you may have known about the laws that were told to
11 you back whenever you did that trial?

12 PROSPECTIVE JUROR NO. 860: Yeah.

13 MR. PARRIS: And only -- assuming you're selected,
14 only apply the law as the Judge instructs you?

15 PROSPECTIVE JUROR NO. 860: Yes.

16 MR. PARRIS: Perfect. Thank you. If you could pass
17 the microphone to Ms. Ritz, Juror 858. Ms. Ritz, you said
18 something interesting related to your work as a clerk in San
19 Jose. And it was -- and please correct me if I'm wrong, but
20 it was something to the effect of, if we received an appeal
21 from a decision that the chief of police had made, we were
22 supposed to uphold it, or else bad things happened. Is that
23 generally -- did I mishear you when you said that?

24 PROSPECTIVE JUROR NO. 858: That wasn't exactly what
25 I said. We had a case where we reversed a decision from the

1 police department. We were the body that heard appeals from
2 decisions rendered by the chief of police about licensing and
3 so forth, and the appeals hearing board decided that this tow
4 truck driver could continue to have a license as a tow truck
5 driver, even though the chief of police had ordered that his
6 license be revoked, which would kind of mean he couldn't earn
7 a living anymore, not as a tow truck driver anymore.

8 So, then the police department had this guy
9 arrested, and charged, and put in jail. He didn't just have
10 his license revoked, he was in big trouble after that. And we
11 were told that if the chief of police had any basis on which
12 to base his decision, the appeals hearing board should uphold
13 it. And this was a different standard from any other cases
14 that the appeals hearing board heard, which were not from the
15 police department.

16 MR. PARRIS: That's a lot to take in. Well,
17 obviously, in this case, the standard is whether the State
18 proved its case beyond a reasonable doubt. And again, the
19 definition will be provided to you by the Court. You had a
20 widely different standard when you were working as a clerk,
21 correct?

22 PROSPECTIVE JUROR NO. 858: Well, for police
23 department cases, we were told that the cases that were on
24 appeal from the police department, we were to apply a
25 different standard than to any other cases. The majority of

1 our cases did not come from the police department.

2 MR. PARRIS: You were -- as a clerk, you weren't
3 making the decisions though? You weren't a sitting member of
4 the board; is that correct?

5 PROSPECTIVE JUROR NO. 858: That's correct. I just
6 kept the minutes, and kept the records, and kept track of
7 them.

8 MR. PARRIS: Was there any -- from what you recall,
9 was there any frustration that the -- just because the
10 decision may have involved a decision made by the police
11 chief, that they should have a different standard applied to
12 them? Did people complain about that, be it on the board, or
13 civilians if they knew?

14 PROSPECTIVE JUROR NO. 858: Not that I'm aware of.
15 It was the police department that was unhappy about this
16 decision, as far as I'm aware of.

17 MR. PARRIS: So, the police didn't like it when
18 people ruled against them?

19 PROSPECTIVE JUROR NO. 858: No, they didn't.

20 MR. PARRIS: Okay. And they made their displeasure
21 known; is that fair to say?

22 PROSPECTIVE JUROR NO. 858: Well, I would say they
23 kind of retaliated; not against the board, but against this
24 guy who'd had his license reinstated or whatever. They were
25 determined he was not going to be working as a tow truck

1 operator.

2 MR. PARRIS: Did that fact sit well with you?

3 PROSPECTIVE JUROR NO. 858: I don't know. It did
4 seem kind of -- a little bit weird to me. And we had other
5 cases from the police department. I wasn't real thrilled with
6 the way that they were adjudicated, some of the -- well, one
7 other I'm thinking of where we revoked somebody's license to
8 be a ice cream truck driver.

9 This ice cream truck driver apparently was
10 propositioning a lot of kids, and so they took his license
11 away, and that was how he earned a living was being an ice
12 cream truck driver. And he said, well, can't I still do it if
13 my wife goes with me? And the decision was, no, you can't be
14 an ice cream truck driver anymore regardless.

15 MR. PARRIS: But it sounds like the -- I don't know
16 if it's the right term, but the kind of heavy-handedness by
17 the police didn't -- it was unsettling; is that fair to say?

18 PROSPECTIVE JUROR NO. 858: I guess so.

19 MR. PARRIS: Okay, thank you. I appreciate -- I
20 realize, again, we are prying into important facts, but I
21 appreciate you being honest with us regarding that situation.
22 If we could pass the microphone to Ms. Herrera, badge number
23 960.

24 PROSPECTIVE JUROR NO. 858: Where's that?

25 PROSPECTIVE JUROR NO. 960: Right here.

1 MR. PARRIS: Thank you. Couldn't find you there.
2 Ms. Herrera, earlier in the day, you had made reference to a
3 perinatal class that you are to teach some of your fellow
4 nurses, and we really haven't touched on it since you brought
5 it up originally. You know, the Court made it clear that --
6 it sounds like you received your notice three or four weeks
7 ago regarding jury services; is that correct? Is that a yes?

8 THE COURT: Is that a yes?

9 PROSPECTIVE JUROR NO. 960: Yes. Sorry, sorry.

10 MR. PARRIS: No worries. But you seem to be very --
11 you have indicated that'd be some -- there would be a ripple
12 effect if you were selected on this jury for the other nurses
13 or potential nursing staff members; is that fair to say?

14 PROSPECTIVE JUROR NO. 960: Yes.

15 MR. PARRIS: Okay. How much of a distraction will
16 that be, assuming you are picked to sit on this jury? And
17 what I'm asking essentially is will it be a situation where,
18 assuming you are selected, that you'll be sitting in here,
19 frustrated that all of these delays are occurring, and not
20 necessarily focusing on the evidence? Or assuming you're
21 selected, will it be a situation where you just kind of say,
22 nothing I can do, and kind of put it behind you?

23 PROSPECTIVE JUROR NO. 960: Right. I'll focus on
24 whatever's going on here. I'll deal with my job and whatever
25 when I go home, and deal with [inaudible].

1 MR. PARRIS: Okay. I don't know --

2 THE COURT: We all kind of have to -- the one thing
3 we all have to do is stay awake in here. I know sometimes it
4 can get a little boring, and you may want to doze off, but
5 there's just one thing you have to do, and you got to stay
6 awake and pay attention. I just wanted to make sure everyone
7 was paying attention to you, Mr. Parris.

8 MR. PARRIS: Thank you, Your Honor.

9 THE COURT: I'm confident they are now.

10 MR. PARRIS: I realize people don't love the sound
11 of my own voice as much as I do, but I don't have too many
12 more questions. And again, I do appreciate your collective
13 patience. I know this has been going on for a while, so. Ms.
14 Herrera, and all the other jurors, if there are any job
15 related issues, if your boss is giving you flack for being
16 here, please --

17 THE COURT: Just let me know.

18 MR. PARRIS: Well, yeah, just let the -- well, let
19 Marshal Hicks know -- Hawks, excuse me, know, and he will do
20 what needs to be done.

21 Ms. Herrera, if you could pass the microphone to Ms.
22 Vogel, badge number 911, almost directly behind you. Ms.
23 Vogel, you had told us about an incident involving you and
24 your brother where a drunk driver had threw his bottle into
25 your windshield. And the story kind of ended when you had

1 said, his family did something and the driver got off.
2 Obviously, you seem frustrated by that. Could you flesh out
3 that story?

4 PROSPECTIVE JUROR NO. 911: Okay. Heidi Vogel,
5 badge number 911. It was when I was a teenager, going on
6 Pyramid Lake Highway going northbound, it -- a woman was
7 driving, and the man was -- they were driving erratically in
8 front of us, and so my brother decided to attempt to pass
9 them.

10 THE COURT: Are you talking about Pyramid Lake up
11 north?

12 PROSPECTIVE JUROR NO. 911: Yes, Pyramid Lake
13 Highway. Used to live in Palomino Valley, just a little --
14 five miles south of Pyramid Lake. So, anyway, we're driving
15 30 miles open road two-lane highway. The person in front of
16 us was driving erratically, slowly, and then fast, so my
17 brother decided to try to pass him. When he was trying to
18 pass him, then the woman started speeding up, in which case my
19 brother couldn't pass, so he got down behind the person again.

20 Finally, my brother -- they started stopping and
21 slowing down, so my brother finally got in front of them. So,
22 then they started attempting to ram us from behind. The man
23 was in the passenger seat, yelling out the window at us. And
24 I turned around, and I memorized the -- back then, I had a
25 photographic memory. I memorized the license plate.

1 And then, finally, my brother said, well, hell,
2 let's just let them go past us, and maybe -- so they drove
3 past, and as he threw -- he didn't throw it into the
4 windshield; he threw it into my brother's window. And the
5 glass went through, hit my brother, as well as me with the
6 bottle coming in. So, we had the bottle --

7 MR. PARRIS: Okay.

8 PROSPECTIVE JUROR NO. 911: -- which had his
9 fingerprints on it. And they continued driving off. Luckily,
10 we were at one of the weigh stations that they have like one
11 or two weigh stations before you get to Pyramid Lake. We
12 stopped there, called the cops, and they came in, they took
13 our information. They also took the bottle.

14 We actually went to talk to the prosecutor about the
15 incident, and it appeared because the woman -- I guess her
16 family got the charges dropped, because she was driving, and
17 we didn't understand it either, because we didn't have an
18 attorney. We were just dealing with the prosecutor, and
19 prosecutor says, well, the charges were dropped. And not
20 quite sure exactly how it happened, why it happened, but it
21 just got scooted under the rug.

22 MR. PARRIS: Slipped under the rug?

23 PROSPECTIVE JUROR NO. 911: Um-hum.

24 MR. PARRIS: Understandably, you and your brother
25 were probably frustrated when you were told, sorry, nothing we

1 can do?

2 PROSPECTIVE JUROR NO. 911: Yeah, well, we just --
3 just brushed it off, because, you know, insurance -- I guess
4 our insurance, we had to fix our vehicle ourselves, so, you
5 know, nothing we could do about the insurance company, nothing
6 -- no information given to us about who exactly they were.
7 Everything was sort of like erased.

8 MR. PARRIS: Well, your frustration with the
9 prosecutor's office, any frustration you might have towards
10 that office -- obviously, a different office than this one?

11 PROSPECTIVE JUROR NO. 911: Yeah, it's a different
12 office.

13 MR. PARRIS: You would -- would you, I should ask.
14 Would you hold that against these prosecutors?

15 PROSPECTIVE JUROR NO. 911: No, I Wouldn't hold it
16 against --

17 MR. PARRIS: Okay.

18 PROSPECTIVE JUROR NO. 911: That's a totally
19 different -- I don't have these biases that I hold onto, and
20 then I blame other people for something that happened in the
21 past, no. That's not true. That's not right.

22 MR. PARRIS: And you pretty much answered my second
23 question. Then obviously, you would not hold that against
24 either Mr. Alexander or Mr. Parker, the fact that --

25 PROSPECTIVE JUROR NO. 911: No.

1 MR. PARRIS: -- this woman got off for whatever she
2 had done to her brother or the person in the car with her?

3 PROSPECTIVE JUROR NO. 911: That's correct. No, I
4 don't -- I don't believe in making someone else -- blaming
5 someone else for something that someone else did.

6 MR. PARRIS: Thank you. If you could pass the
7 microphone to the front, Ms. Devolve, badge number 942.
8 During our break, I was debating whether or not I should ask
9 you questions, quite candidly, just because you were very
10 honest, which is difficult to do in front of 50 strangers
11 about your anxiety issues.

12 Assuming you are selected as a juror though, you and
13 the other members, as you'll be instructed by the Judge, will
14 need to come to a unanimous verdict regarding whether the
15 State proved its burden. Would you feel comfortable enough if
16 you felt differently than most, or all, or some of the other
17 jurors? Would your anxiety issues -- or would you as a
18 person, would you feel the need to just cave in? Would you
19 just say, you know what, I don't --

20 PROSPECTIVE JUROR NO. 942: I have anxiety issues,
21 but I can speak for myself still, and when I have an opinion,
22 it's quite heard often.

23 MR. PARRIS: Good. So, assuming you felt
24 differently than others, you wouldn't just sit in the back and
25 say, okay, I'll go along with it?

1 PROSPECTIVE JUROR NO. 942: No.

2 MR. PARRIS: Okay, you'd make your opinion known?

3 PROSPECTIVE JUROR NO. 942: Yes. I would make my
4 opinion and answers on what I heard and the facts on my own,
5 as well as listen to what everybody else has to say.

6 MR. PARRIS: Okay, thank you. To the panel as a
7 whole, would anyone here -- a similar question to what I had
8 just asked Ms. Devolve. Would anyone here sit there and say,
9 you know what, I'm not strong enough to stand up. If I
10 honestly feel a certain way regarding the State's burdens in
11 this case, if I feel different than other people, would
12 anybody here just say, you know what, forget it, I want to go
13 home, I'll cave?

14 Would anyone here just cave in just to expedite
15 matters; just to go home to our families sooner rather than
16 later? Your Honor, a uniform negative response.

17 Mr. Anderson, badge number 011 in the back row. If
18 you could pass it back. Mr. Anderson, you wear a lot of hats.
19 You train every day, you've indicated you have a car
20 dealership, and you worked as a surgical tech -- or a surgery
21 tech, and it sounds like you do that to provide for your two
22 young daughters; is that fair to say?

23 PROSPECTIVE JUROR NO. 011: Correct.

24 MR. PARRIS: Is there anything you wouldn't do for
25 your two young daughters?

1 PROSPECTIVE JUROR NO. 011: No.

2 MR. PARRIS: Nothing?

3 PROSPECTIVE JUROR NO. 011: Nothing.

4 MR. PARRIS: Thank you. Your Honor, we pass for
5 cause.

6 THE COURT: Okay. All parties having passed the
7 panel for cause, at this time, the clerk has prepared what has
8 been marked as Court's Exhibit number 1. The State of Nevada
9 may exercise their first peremptory challenge.

10 (Pause in the proceedings)

11 THE COURT: Defense may exercise their first.

12 (Pause in the proceedings)

13 THE COURT: Officer, can you bring the -- yeah, can
14 you bring --

15 THE MARSHAL: Oh, yes. I'm sorry.

16 THE COURT: It's okay. State of Nevada and defense
17 can exercise their second -- me, too.

18 (Pause in the proceedings)

19 THE COURT: Defense can exercise their second
20 peremptory challenge.

21 (Pause in the proceedings)

22 THE COURT: State of Nevada and defense can exercise
23 their third peremptory challenge.

24 (Pause in the proceedings)

25 THE COURT: Defense can exercise their third.

1 (Pause in the proceedings)

2 THE COURT: State of Nevada and defense may exercise
3 their fourth.

4 (Pause in the proceedings)

5 THE COURT: Defense may exercise their fourth.

6 (Pause in the proceedings)

7 THE COURT: Okay. At this time, the State of Nevada
8 and defense may exercise their fifth and final peremptory
9 challenges as to 21 through 24 only.

10 (Pause in the proceedings)

11 THE COURT: Defense can exercise their fifth and
12 final challenge.

13 (Pause in the proceedings)

14 THE COURT: Okay. At this time, ladies and
15 gentlemen, we're going to take a very short break. I just
16 have to do something outside your presence. When you come
17 back in, I just ask that everybody sit in the gallery, and as
18 you come in, the clerk will be calling our panel of
19 prospective jurors. If your name is called, you'll be
20 impaneled; if not, you'll be free to go. Okay? So, just stay
21 close, because it really will only take us a couple of
22 minutes.

23 THE MARSHAL: Thank you. Jurors, please.

24 THE COURT: Thank you very much. You're excused.

25 THE MARSHAL: All rise for the exiting jury, please.

1 (Outside the presence of the prospective jurors)

2 THE COURT: The record will --

3 THE MARSHAL: Please be seated.

4 THE COURT: The record will reflect that this
5 hearing is taking place outside the presence of the jury
6 panel. Our jury panel will be as follows. Juror number 1,
7 Mr. Estergren. Number 2, Anderson. Number 3, Shirley Ritz.
8 Number 4, Janet Bonine. Number 5, Caroline Ordillas. Number
9 6, Alyssa Devera. Number 7, Hicks. Number 8, Watts. Number
10 9, Preston. 10, Groves. 11, Kaitlyn Devolve. 12, Thomasha
11 Robinson. Juror number 13 is Bianca Herrera, and number 14 is
12 Saralynn Solo. Any objection by the State?

13 MR. PESCI: No, Your Honor.

14 THE COURT: Any objection, Ms. Sanft?

15 MR. SANFT: No, Your Honor.

16 THE COURT: Mr. Parris?

17 MR. PARRIS: No, Your Honor.

18 THE COURT: Okay, we can bring them back in.

19 THE MARSHAL: Yes, Your Honor.

20 THE COURT: I'm just going to excuse them for the
21 day, and I'll swear them in in the morning. Again, it's 9:30,
22 right? 9:30?

23 MR. PARRIS: 9:30, Your Honor, yes.

24 THE COURT: 9:30? Okay.

25 MR. PARRIS: And again, we'll text if --

1 THE COURT: Okay.

2 MR. PARRIS: If they're in the middle of an
3 argument, I'll be down there, too, and I'll --

4 THE COURT: Because everybody's going to be there in
5 the same department?

6 MR. PARRIS: Yes, Your Honor.

7 THE COURT: Okay.

8 (Within the presence of the prospective jurors)

9 THE COURT: Told you it would be quick.

10 THE CLERK: Juror number 1, James Estergren. Juror
11 number 2, Vernon Anderson.

12 THE COURT: Mr. Anderson?

13 THE CLERK: He's still back there.

14 MR. SANFT: He's still back, Your Honor.

15 THE COURT: Are you Mr. Estergren?

16 PROSPECTIVE JUROR NO. 848: Yes.

17 THE COURT: Okay. You're number 1, so you're in
18 that seat right there.

19 PROSPECTIVE JUROR NO. 848: In the front?

20 THE COURT: In the back.

21 PROSPECTIVE JUROR NO. 848: Back?

22 THE CLERK: Juror number 2, Vernon Anderson.

23 (Pause in the proceedings)

24 THE CLERK: Juror number 2, Vernon Anderson.

25 THE MARSHAL: Mr. Anderson.

1 THE COURT: Mr. Anderson, you're number 2.

2 THE CLERK: Juror number 3, Shirley Ritz. Juror
3 number 4, Janet Bonine. Juror number 5, Caroline Ordillas.
4 Juror number 6, Alyssa Devera. Juror number 6, Equilla Hicks.
5 Juror number 8, Krysha Watts. Juror number 9, Robert Preston.
6 Juror number 10, Denise Groves. Juror number 11, Kaitlyn
7 Devolve. Juror number 12, Thomasha Robinson. Juror number
8 13, Bianca Herrera. And Juror number 14, Saralynn Solo.

9 THE COURT: Okay. At this time, ladies and
10 gentlemen, we do have our impaneled jury, so if your name was
11 not called, you are free to go. Thank you very much for being
12 here. You can go to the third floor, check out. You're free
13 to go. Thank you very much for your willingness to be here.

14 THE MARSHAL: Just return to the first floor. If
15 they're already gone, leave your white badges on the counter.
16 There's usually a basket there, okay? Thank you.

17 (Pause in the proceedings)

18 THE COURT: Okay. Ladies and gentlemen, I know
19 you've been here all day, and it's been a long day, and it's
20 after 5:00, so I'm going to let you go. I just want to tell
21 you, thank you very much for being here. You are our
22 impaneled jury.

23 We're going to start tomorrow morning at 9:30, so
24 when you return tomorrow, just come right to the 14th floor.
25 Do not come in the courtroom until Officer Hawks greets you

1 and brings you into the courtroom. Remember, you can't talk
2 about the case with anyone. You can tell your family,
3 friends, coworkers you're a juror in a criminal case, but you
4 cannot tell them anything else.

5 Again, we'll start tomorrow morning at 9:30. When
6 you -- when you come back, there will be some instructions by
7 myself, and then both sides will have an opportunity to speak
8 to you in opening statement, and then the State will be able
9 to call their first witness.

10 During this recess, you're admonished not to talk or
11 converse amongst yourselves or with anyone else on any subject
12 connected with this trial, read, watch, or listen to any
13 report of or commentary on the trial, or any person connected
14 with this trial, by any medium of information, including,
15 without limitation, newspapers, television, the internet, or
16 radio, or form or express any opinion on any subject connected
17 with this trial until the case is finally submitted to you.

18 You're further admonished you may not communicate
19 with anyone, including your fellow jurors, about this case on
20 your cell phone, through email, Blackberry, iPhone, text
21 messaging, Twitter, through any blog or website, through any
22 internet chat room, or by way of any other social networking
23 website, including, but not limited to Facebook, Myspace,
24 Linked In, and You Tube.

25 Also, did you give them the blue badges, Officer

1 Hawks?

2 THE MARSHAL: Yes, ma'am.

3 THE COURT: Okay, so you can take the white ones
4 off. You don't have to -- in fact, you can leave them here,
5 if you want. But when you come to the courthouse tomorrow,
6 and at all times when you are in the courthouse, I ask that
7 you wear that badge. It identifies you as a juror in
8 Department 12 so the people that are involved in the case and
9 people that work in the courthouse know not to talk about the
10 case when you're around. So, you can take it off once you
11 leave the courthouse, but when you're in the courthouse, I ask
12 that you wear that badge.

13 At this time, you are excused for the day. We'll
14 see you tomorrow morning at 9:30. Thank you very much for
15 being here and your courtesy.

16 THE MARSHAL: Thank you. All rise for exiting
17 jurors please.

18 THE COURT: You're excused.

19 (Outside the presence of the jurors)

20 THE COURT: Anything outside the presence?

21 MR. SANFT: No, Your Honor.

22 MR. PARRIS: No, Your Honor.

23 THE COURT: Okay, we'll see you all tomorrow
24 morning.

25 MR. SANFT: Thank you, Your Honor.

1 MR. PARRIS: Thank you, Your Honor.

2 THE COURT: Thank you.

3 (Court recessed at 5:11 p.m., until Wednesday,
4 December 2, 2015, at 9:52 a.m.)

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ACKNOWLEDGMENT

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

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