

1 there.

2 All right. Now, let me ask this next
3 question. Have -- do any -- does anyone feel that you
4 or someone close to you has been treated unjustly by
5 the police or a prosecutor or some state or government
6 agency? And if you've told us something, you don't
7 need to go back into this, and I don't want to really
8 focus on the IRS at all with this question.

9 So sort of avoiding the IRS and what you've
10 already told us, is there anyone here who feels that
11 you or someone close to you has been treated unjustly
12 by the police or a prosecutor or some state or
13 government agency?

14 All right. Let's go to Mr. Reed, No. 26.

15 **PROSPECTIVE JUROR NO. 15-0040:** Yes. It's
16 about my wife, what we just shared with you earlier.
17 She was involved in a bankruptcy as well as a civil
18 situation where she had a business that was stolen
19 underneath from her, and then that person turned around
20 and sued her for it. The courts -- and both courts,
21 bankruptcy as well as the civil, wouldn't -- since she
22 was under self-representation, she was not able to
23 present all the evidence that was necessary.

24 **THE COURT:** Okay. All right. Thank you for
25 sharing that with us, Mr. Reed.

1 Anybody else? Okay. Seeing no other hands.

2 Now, just a couple more questions and then
3 we'll break for lunch.

4 Have any -- has anyone here ever been called
5 upon to testify at a trial or in a deposition?

6 Okay. We have a few hands with that. Let's
7 go to No. 3, Ms. Adams.

8 **PROSPECTIVE JUROR NO. 15-0049:** The one that
9 I spoke of earlier. I wasn't sure if we should bring
10 that up again. I did testify as a witness.

11 **THE COURT:** When -- and that was in reference
12 to?

13 **PROSPECTIVE JUROR NO. 15-0049:** The domestic
14 violence.

15 **THE COURT:** Oh, the domestic violence? Okay.

16 Is there anything in reference to your
17 experience testifying, focusing on that, that would
18 keep you from being able to be a fair juror in this
19 case?

20 **PROSPECTIVE JUROR NO. 15-0049:** No.

21 **THE COURT:** All right. Thank you.

22 And I think, Mr. Morris, you raised your
23 hand?

24 **PROSPECTIVE JUROR NO. 15-0050:** I -- I was a
25 witness for an auto burglary. It was a long time ago.

1 **THE COURT:** Okay. A long time ago?

2 **PROSPECTIVE JUROR NO. 15-0050:** Yeah. Like,
3 30 years ago or something.

4 **THE COURT:** Thirty years ago?

5 Anything about that experience that would
6 keep you from being able to be a fair juror in this
7 case?

8 **PROSPECTIVE JUROR NO. 15-0050:** No. I've
9 also given a couple of depositions on corporate matters
10 but nothing criminal.

11 **THE COURT:** When was those?

12 **PROSPECTIVE JUROR NO. 15-0050:** Twenty years
13 ago.

14 **THE COURT:** All right. Again, anything about
15 those experiences that would affect your ability to be
16 fair?

17 **PROSPECTIVE JUROR NO. 15-0050:** No.

18 **THE COURT:** All right. Anybody else in the
19 back row? All right. Let's go down to No. 8,
20 Ms. Diaz.

21 **PROSPECTIVE JUROR NO. 15-0012:** Yes. I was
22 deposed in a school matter, and it didn't go father
23 than that.

24 **THE COURT:** I'm sorry?

25 **PROSPECTIVE JUROR NO. 15-0012:** It doesn't go

1 any further than that.

2 **THE COURT:** All right. What kind of matter
3 was it?

4 **PROSPECTIVE JUROR NO. 15-0012:** A student
5 accusing the school administration of negligence.

6 **THE COURT:** Okay. And was that here in Clark
7 County?

8 **PROSPECTIVE JUROR NO. 15-0012:** No. In
9 Detroit, Michigan.

10 **THE COURT:** Okay. And you gave a deposition
11 in regard to what?

12 **PROSPECTIVE JUROR NO. 15-0012:** Yes. The --
13 the charges that the -- that were being brought was --
14 were false, and I had evidence of that and during the
15 deposition it all came out.

16 **THE COURT:** Okay. All right. Anything about
17 that experience that would affect your ability to be a
18 fair juror in this case?

19 **PROSPECTIVE JUROR NO. 15-0012:** Well, I tend
20 to believe teachers, and I tend to believe school
21 administrators.

22 **THE COURT:** All right. Well, I understand
23 that, you know, you have that experience back then
24 working with that, and I'm going to talk about, in a
25 second here, about the testimony of, like, law

1 enforcement people. So teachers can testify, law
2 enforcement people can testify, and I'm sure that, you
3 know, not everybody's perfect. So there are good
4 people and there are bad people, and I'm going to go
5 through, as part of my instructions on the law, the
6 kind of things that you should look for in evaluating a
7 witness' testimony and determining whether you want to
8 believe some or part or none of a witness' testimony.

9 Do you feel that you can listen to the
10 testimony that's here, look at the witness, and look at
11 their testimony in regard to all the other testimony in
12 the case, and then go back with the other jurors and be
13 fair and -- to both sides in this matter?

14 **PROSPECTIVE JUROR NO. 15-0012:** Yes. Yes, I
15 do.

16 **THE COURT:** All right. Do you feel you could
17 follow my instructions and fairly and unbiasedly apply
18 those instructions to the evidence admitted?

19 **PROSPECTIVE JUROR NO. 15-0012:** Yes.

20 **THE COURT:** All right. Thank you very much,
21 Ms. Diaz.

22 All right. Let's go -- anybody in the second
23 row? All right. Let's go to No. 14, Ms. Castillo.

24 **PROSPECTIVE JUROR NO. 15-0020:** As an
25 evidence custodian, I was called upon to be the expert

1 witness testimony for evidence that was submitted.

2 **THE COURT:** All right. I can understand that
3 since that's your job.

4 Is there anything about the times you were
5 called on to do that that would affect your ability to
6 be fair in this case?

7 **PROSPECTIVE JUROR NO. 15-0020:** No.

8 **THE COURT:** All right. Anybody else in that
9 second row? No?

10 Anybody in the bottom row? All right. Let's
11 go to No. 22.

12 **PROSPECTIVE JUROR NO. 15-0034:** Yeah. I've
13 done a lot of depositions between 2002 to 2006, and
14 mostly I think medical cases.

15 **THE COURT:** And what were generally the
16 nature of your testimony?

17 **PROSPECTIVE JUROR NO. 15-0034:** Back
18 injuries.

19 **THE COURT:** I'm sorry?

20 **PROSPECTIVE JUROR NO. 15-0034:** Back
21 injuries.

22 **THE COURT:** All right. Okay. Anything about
23 your experience with those depositions that would
24 affect your ability to be a fair juror in this case?

25 **PROSPECTIVE JUROR NO. 15-0034:** No.

1 **THE COURT:** All right. Anybody in the first
2 row of the gallery -- oh, I'm sorry. One more with
3 Mr. Ciminise.

4 **PROSPECTIVE JUROR NO. 15-0036:** Just several
5 depositions over the years for corporate matters.

6 **THE COURT:** All right. When was the last
7 one?

8 **PROSPECTIVE JUROR NO. 15-0036:** Probably four
9 years ago.

10 **THE COURT:** All right. And generally what
11 did you testify about?

12 **PROSPECTIVE JUROR NO. 15-0036:** In banking.
13 So basically represented the bank's side of the -- of
14 the suit.

15 **THE COURT:** Okay. All right. Anything about
16 those experiences that would affect your ability to be
17 a fair juror in this case?

18 **PROSPECTIVE JUROR NO. 15-0036:** No.

19 **THE COURT:** Okay. Thank you.

20 Now, anybody else over here? All right.
21 Anyone in the first row of the gallery? No hands.

22 All right. We sort of got into it just a
23 second ago with Ms. Diaz and her talking about the
24 possible testimony of witnesses -- of teachers or
25 school administrators, but let me just ask, if a -- and

1 as I explained at that point in time, every witness is
2 going to come up here. You're going to have maybe some
3 school police. You may have some teachers. Every
4 witness, when they come up here, needs to be evaluated
5 by each of you as jurors, and you need to take their
6 testimony when they start out as fresh and new, no
7 slate, and then look at their testimony in terms of
8 what they say up here and whether it's consistent with
9 other testimony, whether their demeanor is such on the
10 stand as consistent with how you view somebody who
11 would be truthful, whether or not their testimony makes
12 sense or how it fits in with other evidence. I will
13 give you an instruction in terms of various factors
14 that you can consider in evaluating a witness'
15 credibility and whether you want to accept all of it --
16 their testimony, some of their testimony, or none of
17 their testimony.

18 So teachers, like police officers, or anyone
19 else are going to come up here and testify, and I want
20 to ask, if a police officer or other government agent
21 or a witness was to testify in this case, would you be
22 able to judge as an ordinary witness -- judge them as
23 an ordinary witness and evaluate their testimony like
24 everyone else in the case?

25 Anybody would have a problem following that

1 basic principle of our -- of our jury system? Okay.

2 Seeing no hands.

3 Last question before we -- next to last
4 question before we break for lunch. Is there anyone
5 here -- it's important -- again, important principle in
6 terms of our jury system that you would -- you don't
7 follow -- you don't form any opinion or make up your
8 mind until after all the evidence comes in and I've
9 given you the law and the attorneys have given you the
10 closing arguments. So, if you're selected, you need to
11 keep an open mind through the course of the -- of the
12 case.

13 So what I want to know is will you be able to
14 wait in forming your opinion as to an appropriate
15 verdict until after all the evidence and arguments are
16 presented and the law is given and you get together
17 with all your other jurors as a whole jury to
18 deliberate? Is there anyone who thinks they would have
19 a problem doing that? All right. Seeing no hands in
20 that regard.

21 All right. The last question before we break
22 for lunch. At this point in time, is there anything
23 that any of you would want to raise at this point in
24 time that you feel we should know about your ability to
25 be a fair juror in this case? All right. Seeing no

1 other hands in that regard.

2 Okay. We're going to take our break for
3 lunch, then, right now. We'll try -- let's see. It's
4 25 minutes till 1:00. If I can get you all back here
5 at -- let's try to get started at 1:35, that would be
6 great.

7 And, again, it's very important that you all
8 get back here. If you can get back here a few minutes
9 earlier so we can get started right -- yes, ma'am? And
10 that's No. 12, Ms. Thomas-Jenson.

11 **PROSPECTIVE JUROR NO. 15-0018:** Excuse me.
12 What time do you think that our day will end today?

13 **THE COURT:** 5:00 o'clock.

14 **PROSPECTIVE JUROR NO. 15-0018:** 5:00 o'clock?
15 Okay.

16 **THE COURT:** All right. And with that, my
17 goal, if possible, is to get done with jury selection
18 today. I can't guarantee that. If we don't get done
19 with it today, then we're going to have to have
20 everybody come back tomorrow.

21 So I want to try to get going as soon as we
22 can get going to keep the process moving. So if you
23 could get back ideally at 1:30 so that we can for sure
24 get started at 1:35, that would be wonderful. And as I
25 told you, if any of you are late, we all sit around

1 waiting for you to get here. So we really need
2 everybody to get back within the hour. All right?

3 As I said before, while you're out on this
4 break, don't talk to each other about the case or about
5 anyone who has anything to do with it. Do not talk
6 with anyone else about the case beyond telling your
7 boss that you're here on jury selection process or
8 letting your family members know that you're here being
9 considered for a jury. Don't discuss anything else
10 with them. Do not let anyone else talk to you about
11 the case or about anything that has to do with it. If
12 someone should try to talk to you, report it to me
13 immediately by contacting the marshal. Don't read any
14 news stories or articles or listen to any radio or
15 television reports about the case. Don't do any sort
16 of research on your own in regard to the case or visit
17 the scene of any events regarding the case, and keep an
18 open mind and do not form or express any opinion until
19 the case would ultimately be submitted to you.

20 All right. Ladies and gentlemen, have a
21 great lunch, and thank you for your focus and attention
22 today.

23 **THE MARSHAL:** All rise. Jury exiting.

24 *(Venire exiting.)*

25 **THE COURT:** Okay. Why don't we go ahead and

1 do the for cause at this point in time.

2 Let me start with the State. Anybody you
3 want to have removed for cause?

4 **MS. KOLLINS:** Court's indulgence.

5 Your Honor, at this time the only for cause
6 challenges the State would have would be Robert Reed
7 and Patricia Diaz.

8 **THE COURT:** Who?

9 **MS. KOLLINS:** Patricia Diaz in Seat No. 8.

10 **THE COURT:** Okay. What's your basis for
11 Ms. Diaz.

12 **MS. KOLLINS:** Because she would always
13 automatically believe a teacher or an administrator.

14 **THE COURT:** She didn't say that. She said
15 she could be fair and unbiased. I'm going to deny that
16 one.

17 Mr. Reed, what's the State -- or the defense
18 position on that?

19 **MR. GUROVICH:** I don't know if we can excuse
20 him for cause, Your Honor, honestly, Mr. Reed.

21 **THE COURT:** Well, Mr. Reed, on the other
22 hand, I think has made it about as clear as possible
23 that he cannot be fair and unbiased in this case, and
24 made it as clear as possible that he does not want to
25 be here. I'm going to grant the government's --

1 between everything that he's -- he's -- he said,
2 it's -- he's made it very clear that he cannot be fair
3 and unbiased, in particular toward the State. So I am
4 going to grant the State's motion as to Mr. Reed.

5 Anybody else from the State?

6 **MS. KOLLINS:** No, Your Honor. Thank you.

7 **THE COURT:** Okay. What about the defense
8 now? Anyone for cause?

9 **MR. GUROVICH:** Your Honor, No. 3, Ms. Adams.
10 She -- she's been -- she's been a victim of several --
11 several times, and she said she's biased. And I don't
12 know if she would be able to -- to maintain
13 impartiality.

14 **THE COURT:** Okay. What's the State's
15 position on Ms. Adams?

16 **MS. KOLLINS:** Actually, I think she said she
17 could be fair and impartial and she can set that aside.
18 I don't think she maintained, after questioning by Your
19 Honor, that she would be biased.

20 **THE COURT:** I'll ask -- I'll go back and take
21 a look at that during -- I -- it seems like I thought
22 she was the one who said she wasn't sure, but let me go
23 back and look at it.

24 **MR. MARGOLIS:** Your Honor, I thought she
25 said, "I'll try, I'll try," three or four times.

1 **THE COURT:** Well, I --

2 **MR. MARGOLIS:** And then after a certain
3 amount of prodding, yes, I can be impartial.

4 **THE COURT:** Well, ultimately she's determined
5 she can, then that goes a long way with the Court. But
6 I'm going to look at -- I thought there was more to
7 what she said. So I'm going to take a look at that
8 during the lunch hour, and I'll make a ruling before we
9 come back.

10 Anyone else?

11 **MR. GUROVICH:** Yes, Your Honor. Before we
12 proceed to the next -- to the next prospective juror,
13 Your Honor, again, I don't mean to -- to direct the
14 Court what to do but, you know, I think we should look
15 at not just what people say but how they say it. You
16 know, there's a lot of emotion involved, there's a lot
17 of facial expressions, there's a lot of body language
18 that goes together with "I will be unbiased," and I
19 believe we need to look at that in addition to just the
20 words themselves. And I think -- I think Ms. Adams
21 displayed a lot of those factors that we need to
22 address. So just -- just -- I'm just -- I'm just
23 letting the Court knows my thoughts.

24 **THE COURT:** And I fully understand what
25 you're saying, but the nature of being a juror is not

1 an easy nature. It's a lot of responsibility and a lot
2 of people who are good, honest people who will apply
3 things in a fair and unbiased manner really try to
4 focus on the issue of whether or not they can do it and
5 concerns. And so, you know, ultimately, you know, I
6 think they feel in the end that they can be fair and
7 unbiased, I generally think they can be. But you're
8 certainly -- A, I thought there was more than Ms. -- I
9 wasn't -- my recollection was Ms. Adams I wasn't sure
10 did come around and say that she could be -- was
11 confident that she could be fair and unbiased. I'm
12 going to go back and take a look at that during the
13 lunch.

14 **MR. GUROVICH:** All right.

15 **THE COURT:** But if I deny your motion as to
16 her, you're certainly fair to use some of your time to
17 question her and try to flush that out a little bit
18 more when I give you an opportunity to talk to her.

19 **MR. GUROVICH:** And the other person, I
20 believe, Your Honor, is number. . .

21 **MR. MARGOLIS:** I mean, I would propose No. 14
22 for cause, Your Honor. I know that she also, much like
23 No. 3, said that she could, in fact, remain impartial.
24 But she's a former victim of crime, she's a former
25 evidence technician who worked closely with the

1 district attorney. Her cousin's a district attorney in
2 Long Beach. She was a former crime victim in her
3 youth, and then she was in witness protection. I feel
4 like there's a lot of indications that she's going to
5 be inclined a certain way. And she acknowledged that
6 while saying that she would still remain unbiased, but
7 I have the same concerns for her that I have for No. 3.

8 **THE COURT:** No, and she, though -- my
9 recollection is she did say that she could be fair and
10 unbiased, and she's been pretty solid in being fair and
11 unbiased in reference to all these issues as we've gone
12 through it. I mean, she's obviously had life
13 experiences. If she can put those aside, none of those
14 are ones that would be disqualifying. So I'm going to
15 deny again as to Ms. Castillo.

16 Again, you can flush it out a little bit
17 more, if you want to, in your individual voir dire.

18 Anybody else?

19 **MR. GUROVICH:** No. 31, Your Honor.

20 **THE COURT:** Mr. Kachuk?

21 **MR. GUROVICH:** Yes, Your Honor.

22 **THE COURT:** Does the State have any problem
23 with him?

24 **MS. KOLLINS:** No.

25 **THE COURT:** All right.

1 *(Cell phone interruption in proceedings.)*

2 **THE COURT:** Sorry about that.

3 **MR. GUROVICH:** You know they take phones away
4 here, Your Honor.

5 **THE COURT:** I usually turn -- I turn it down
6 to -- let's see.

7 I have no problem excusing Mr. Kachuk.

8 All right. So at this point in time, I'm
9 going to take a look at Ms. Adams, and then we'll
10 excuse Mr. Reed and Mr. Kachuk.

11 What I'm going to do, we'll put on the new
12 people, go through prior questions or issues with them.
13 Then I'm going to have them each go through a little
14 bit of personal history about themselves, and then I'll
15 give you each a chance to spend some time talking with
16 them.

17 How much time do you think you're going to
18 need to do individual voir dire?

19 **MS. KOLLINS:** At least an hour and a half, I
20 would guess.

21 **THE COURT:** Well, let's shoot for closer to
22 an hour, and after 60 minutes, if you feel you need
23 more time for some reason, we can have a sidebar and
24 you can explain to me why you need more time.

25 **MS. KOLLINS:** Well, okay.

1 **THE COURT:** So we'll do that with the
2 defense, too.

3 All right. Again, I'm not holding you,
4 saying that that is a firm lock. But after about an
5 hour, I want to know what the plan is to bring it in in
6 terms of what we need to go forward.

7 **MS. KOLLINS:** That being said, will the Court
8 address the media issue so we don't spend 20 minutes
9 talking to someone about whether or not they've read
10 about this case, seen it on television --

11 **THE COURT:** Okay.

12 **MS. KOLLINS:** -- seen it on the internet?
13 Because maybe, if you handle it, we can run through it
14 quicker.

15 **THE COURT:** Okay. All right. Besides
16 saying, you know, that has anyone seen any media
17 relating to Mr. Lofthouse or the allegations relating
18 to having had inappropriate contact -- sexual contact
19 with a student, what more would you like me to --

20 **MS. KOLLINS:** And I would just -- I would
21 just ask that the Court include social media. Because
22 I understand there was quite a social media presence
23 after Mr. Lofthouse's arrest.

24 **THE COURT:** Okay. That I can do.

25 All right. Do you want to go ahead and enter

1 the stipulations that you wanted to at this point in
2 time?

3 **MS. KOLLINS:** Certainly, Your Honor. Court's
4 indulgence.

5 I cause to be marked for purposes of
6 identification today 20 pieces of evidence, most of
7 which are just discs and paper. It's my understanding
8 that defense counsel is willing to stipulate to the
9 registration paperwork from both the Aliante and the
10 Cannery, as well as the videotape from the Cannery.
11 That would alleviate us calling four witnesses.

12 **THE COURT:** All right. What exhibit numbers
13 are those?

14 **MS. KOLLINS:** 4, 5, and 6, Your Honor.

15 **THE COURT:** Is that correct from the defense?

16 **MR. GUROVICH:** Yes, that's correct, Your
17 Honor.

18 **THE COURT:** Okay. Those will be admitted.
19 *(Whereupon, State's Exhibits 4 through 6 were*
20 *admitted into evidence.)*

21 **THE COURT:** Anything else?

22 **MS. KOLLINS:** Not at this time, Your Honor.

23 **THE COURT:** All right. Now, you want to just
24 deal orally with the motion in limine?

25 **MS. KOLLINS:** I can, Your Honor.

1 **THE COURT:** If you want some more time, we
2 can probably put it off until either the end of the day
3 or first thing tomorrow.

4 **MS. KOLLINS:** No. I can respond orally right
5 now.

6 **THE COURT:** All right. Let's go ahead and
7 get that out of the way. Well, I mean, I've read it,
8 and I just ask, are you planning on introducing
9 evidence of any other actual or potential victims?

10 **MS. KOLLINS:** Your Honor, I understand what
11 my legal obligations are. If we were to do that, that
12 would have had to have been by motion, notice,
13 Petrocelli hearing. Obviously --

14 **THE COURT:** So the answer is no?

15 **MS. KOLLINS:** The answer is no.

16 **THE COURT:** All right. Well, that's good
17 then.

18 **MS. KOLLINS:** And that's in my case-in-chief.

19 **THE COURT:** Yeah, obviously -- now,
20 obviously, depending on what you guys do in terms of
21 rebuttal, that changes --

22 **MR. GUROVICH:** Of course, Your Honor.

23 **THE COURT:** -- their -- their -- or not -- or
24 not rebuttal, your case-in-chief, that would obviously
25 offer but okay. Good deal.

1 MS. KOLLINS: Thank you.

2 MR. GUROVICH: Thank you.

3 *(Lunch recess taken from 12:49 p.m. to 1:50*
4 *p.m.)*

5 THE COURT: I did want to -- let's go on the
6 record. Let the record reflect the presence of counsel
7 for both sides, the presence of the defendant.

8 Juror No. -- Mr. Simonson?

9 THE MARSHAL: Yes. Matthew.

10 THE COURT: All right. Matthew Simonson, 38,
11 has talked to the marshal numerous occasions. He
12 apparently -- what does he have?

13 THE MARSHAL: Ulceritis, colitis, or
14 something.

15 THE COURT: Ulcerated colitis and has to
16 frequently go to the bathroom. He's been struggling,
17 he's indicated, seriously with having to go to the
18 bathroom during the entire course of this.

19 Does anybody have a problem if we excuse him?

20 MS. KOLLINS: No, sir.

21 MR. GUROVICH: No, Your Honor.

22 THE COURT: So he's been suffering and he
23 needs to go relatively frequently.

24 All right. You can let him go. That's
25 No. -- his badge number is 15-0056. He was Panel

1 No. 38. Again, that's Matthew Simonson.

2 All the parties -- both parties concur?

3 **MR. GUROVICH:** I'm sorry, Your Honor?

4 **THE COURT:** Do you concur with letting him
5 go?

6 **MR. GUROVICH:** Yes, Your Honor.

7 **THE COURT:** All right. And the State
8 confers?

9 **MS. KOLLINS:** Yes, sir.

10 **THE MARSHAL:** I'll have him go to third
11 floor.

12 **THE COURT:** Have him go to the third floor
13 and bring everybody in.

14 Oh, wait. Well, why they're out there, I did
15 go back and look at the record relating to Ms. Adams.
16 She does state, "I believe I will be biased." The
17 Court then at that time says, "Okay. Now, as I said,
18 this is a totally different scenario, situation; the
19 facts are totally different, it's a different case.
20 You aren't involved with it; years have passed. The
21 question's going to be, can you focus on the evidence
22 that's introduced at this trial, the witnesses, and
23 exhibits, and go back and deliberate with the jurors"
24 --

25 **THE MARSHAL:** All rise. Jury entering.

1 **THE COURT:** Can you hold them just one
2 second?

3 **THE MARSHAL:** I thought you told me to bring
4 them in.

5 **THE COURT:** I did. I did. And I'm at fault.
6 If you could have them step just out for one
7 second, and I apologize. And I did tell you to come
8 in.

9 All right. Let the record reflect no juror
10 came in while the Court was reading that section of
11 the --

12 Does any party disagree with that?

13 **MR. MERBACK:** No, Your Honor.

14 **MS. KOLLINS:** No.

15 **THE COURT:** I need an oral rather than a head
16 shaking.

17 **MR. MARGOLIS:** No, Your Honor.

18 **THE COURT:** Okay. All right. All right.

19 "The question's going to be, you know, can
20 you focus on the evidence that's introduced at trial,
21 the witnesses, and exhibits, and go back and deliberate
22 with the jurors and follow my instructions? Do you
23 think you could do that?"

24 At which point Ms. Adams states, "I can
25 certainly try. I do still feel there will be some

1 biased involved."

2 The Court at that point said, "All right.
3 All right. Thank you for that."

4 All right. Based upon that, I am -- I
5 remember that and I am going to excuse Ms. Adams for
6 cause.

7 So, at this point, it will be Ms. Adams,
8 Mr. Reed, and Mr. Kachuk that will be excused for
9 cause.

10 All right. Anything else before we get
11 started?

12 All right. Go ahead and bring them in now.

13 **THE MARSHAL:** Okay.

14 **THE COURT:** Sorry.

15 **THE MARSHAL:** All rise. Jury entering.

16 *(Venire entering.)*

17 **THE COURT:** All right. Let the record
18 reflect the presence of the defendant, the attorneys
19 for both sides.

20 Do counsel -- does counsel stipulate to the
21 presence of the jury panel?

22 **MS. KOLLINS:** Yes, Your Honor.

23 **MR. GUROVICH:** Yes, Your Honor.

24 **THE COURT:** All right. Ladies and gentlemen,
25 thank you for getting back. I was hoping to get

1 started a little bit earlier, but I appreciate, when
2 we're dealing with so many people and probably limited
3 facilities and lunchrooms, that I'm pushing the
4 envelope. But we're going to get started as soon as
5 possible in terms of trying to get things done today.

6 At this point in time, I have talked with the
7 counsel, and we are going to excuse three members of
8 the panel. We're going to excuse Juror No. 3,
9 Ms. Adams. Ms. Adams, thank you for your service here
10 today and for coming down and participating. I do need
11 you to check in with pretrial services -- or not
12 pretrial services -- Jury Services before you leave.

13 **PROSPECTIVE JUROR NO. 15-0049:** Thank you.

14 **THE COURT:** Thank you. All right.

15 *(Whereupon, Kristen Adams exits the*
16 *proceedings.)*

17 **MR. GUROVICH:** That's federal, Your Honor.

18 **THE COURT:** And it's not Jury Services
19 either.

20 All right. We're going to excuse No. 26,
21 Mr. Reed. Again, if you would check-out with Jury
22 Services before you leave today. Thank you for coming
23 down here and participating in the process. We
24 appreciate it.

25 *(Whereupon, Robert Reed exits the*

1 *proceedings.)*

2 **THE COURT:** And then we're going to excuse
3 No. 31, Mr. Kachuk. Again, Mr. Kachuk, thank you for
4 your participation today. I'll need you to check-out
5 with Jury Services.

6 **PROSPECTIVE JUROR NO. 15-0045:** Thanks.

7 *(Whereupon, David Kachuk exits the*
8 *proceedings.)*

9 **THE COURT:** All right. Thank you.
10 We're going to need, now, a new Juror No. 3.
11 That's going to be Mr. Edgar Rincon.

12 We need a new Juror No. 26, and that will be
13 Mr. Rommell Dacumos.

14 And we'll need a new Juror No. 31, and that
15 will be Ms. Siriwan Swartz.

16 All right. Mr. Rincon, No. 3, am I
17 pronouncing that right?

18 **PROSPECTIVE JUROR NO. 15-0057:** Yes, sir.

19 **THE COURT:** Okay. Have you had a chance to
20 here all the questions that I've asked previous today?

21 **PROSPECTIVE JUROR NO. 15-0057:** Yes, I have.

22 **THE COURT:** And is there any of those that
23 you would have answered?

24 **PROSPECTIVE JUROR NO. 15-0057:** Yes.

25 **THE COURT:** Which ones would you have

1 answered?

2 **PROSPECTIVE JUROR NO. 15-0057:** Can I talk
3 about this in private?

4 **THE COURT:** Okay. Before we do that, is
5 there any -- is that -- is there just one you would
6 need to answer in private, or is there any other
7 questions that we can answer outside here?

8 **PROSPECTIVE JUROR NO. 15-0057:** Yeah,
9 several.

10 **THE COURT:** Okay. Let's go through any one
11 that you don't need to answer in private.

12 **PROSPECTIVE JUROR NO. 15-0057:** They're all
13 pretty private.

14 **THE COURT:** Okay. We'll go out in a second.
15 Hold on just a second before we do that.

16 Let's go now to No. 26, Mr. Dacumos.

17 Am I pronouncing your last name correctly?

18 **PROSPECTIVE JUROR NO. 15-0058:** Dacumos.

19 **THE COURT:** Okay. Have you had a chance to
20 hear all the questions that I asked today?

21 **PROSPECTIVE JUROR NO. 15-0058:** Yes.

22 **THE COURT:** Is there any of those that you
23 would have answered?

24 **PROSPECTIVE JUROR NO. 15-0058:** Yes.

25 **THE COURT:** All right. Which ones would you

1 have answered?

2 PROSPECTIVE JUROR NO. 15-0058: I'm actually
3 leaving town this Wednesday to go to California, and
4 I'm coming back Friday evening.

5 THE COURT: And what are you leaving town
6 for?

7 PROSPECTIVE JUROR NO. 15-0058: Taking the
8 family to Universal Studios.

9 THE COURT: All right. So this was a
10 preplanned vacation?

11 PROSPECTIVE JUROR NO. 15-0058: Yes.

12 THE COURT: Okay. All right. Any other
13 questions you would have answered?

14 PROSPECTIVE JUROR NO. 15-0058: No.

15 THE COURT: All right. Thank you very much.
16 And then 31, Ms. Swartz?

17 PROSPECTIVE JUROR NO. 15-0060: Yes.

18 THE COURT: Did you hear all the questions
19 that I asked previous today?

20 PROSPECTIVE JUROR NO. 15-0060: Yes.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 15-0060: Yes.

23 THE COURT: Oh, okay. And would you have
24 answered any of those questions?

25 PROSPECTIVE JUROR NO. 15-0060: Yes,

1 scheduling.

2 THE COURT: I'm sorry?

3 PROSPECTIVE JUROR NO. 15-0060: Time.

4 THE COURT: All right. What's your time
5 concerns?

6 PROSPECTIVE JUROR NO. 15-0060: I have five
7 kids. I'm a stay-at-home mom.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 15-0060: So this week
10 is okay, but if it continues on to the following week,
11 I have to be home with my kids.

12 THE COURT: All right. So you're good for
13 this week, though?

14 PROSPECTIVE JUROR NO. 15-0060: Mm-hmm.

15 THE COURT: You need to answer "yes" or "no."

16 PROSPECTIVE JUROR NO. 15-0060: Yes.

17 THE COURT: Okay. Thank you very much.

18 PROSPECTIVE JUROR NO. 15-0060: Thank you.

19 THE COURT: All right. Any other questions
20 you would have answered?

21 PROSPECTIVE JUROR NO. 15-0060: No.

22 THE COURT: No? Okay.

23 All right. Let's, then -- if I could have
24 counsel and Mr. Rincon in the back, please.

25 *(Whereupon, a sidebar was held as follows:)*

1 **THE COURT:** All right. Mr. Rincon, which
2 questions that I had asked earlier would you have
3 answered?

4 **PROSPECTIVE JUROR NO. 15-0057:** Well, sexual
5 molestation.

6 **THE COURT:** Okay.

7 **PROSPECTIVE JUROR NO. 15-0057:**
8 Unfortunately, I come from a family of a long line of
9 child molesters, and it breaks my heart every time I
10 hear about that. So, for me, the defense would have to
11 do a hell of a job to prove that this gentleman's not
12 guilty. I recognized as soon as I came in the room, I
13 go, this has to be some kind of -- I'm sorry. I
14 just -- I felt that this gentleman was a predator, and
15 I don't want to be dismissed from this case. And
16 that's the thing, is I -- these people need to be --
17 if -- if proven --

18 **THE COURT:** I was going to -- I think you've
19 made it fairly -- but I do realize this is a totally
20 separate case from anything that your family --

21 **PROSPECTIVE JUROR NO. 15-0057:** These are
22 predators. There are many of these people. I'm sorry,
23 but there are.

24 **THE COURT:** No, I understand.

25 Do you think there's any way you'd be able to

1 be fair to both sides?

2 **PROSPECTIVE JUROR NO. 15-0057:** Like I said,
3 if -- if the defense can prove to me that this
4 gentleman is --

5 **THE COURT:** Well --

6 **PROSPECTIVE JUROR NO. 15-0057:** See, and
7 that's -- I can't do --

8 **THE COURT:** The defense doesn't have --

9 **PROSPECTIVE JUROR NO. 15-0057:** This is a
10 minor. For all due respect, Your Honor, this is a
11 minor that has no voice.

12 **THE COURT:** I understand what you're saying,
13 and I appreciate what you're saying. But as I talked
14 about a little bit earlier, the defense doesn't have
15 any obligation to do anything. We have to presume the
16 defendant innocent, and the State has to prove he's
17 guilty beyond a reasonable doubt. Are you saying --

18 **PROSPECTIVE JUROR NO. 15-0057:** That's very
19 hard to do. When proven that the glove didn't fit, he
20 didn't commit the crime. And you know what I'm talking
21 about.

22 **THE COURT:** Okay. All right. Were there any
23 other questions you would have answered?

24 **PROSPECTIVE JUROR NO. 15-0057:** It was mainly
25 along that line. You know?

1 **THE COURT:** Okay. All right. Thank you very
2 much, sir. We'll have you go back out and sit down
3 with the -- in your juror spot.

4 **PROSPECTIVE JUROR NO. 15-0057:** Like I said,
5 I don't -- I would like to serve through this because
6 my company is paying my time and everything. I have
7 no --

8 **THE COURT:** Well, I'm glad to hear that your
9 company is supportive of the system. So thank you for
10 that, and thank them for that. All right. Thank you.

11 *(Whereupon, Edgar Rincon exits the sidebar*
12 *proceedings.)*

13 **MR. MARGOLIS:** I'm sure he's a nice man, Your
14 Honor, but he seemed pretty --

15 **THE COURT:** Are you moving for cause?

16 **MR. MARGOLIS:** Absolutely, yes.

17 **THE COURT:** Does the State object?

18 **MS. KOLLINS:** I really can't given how
19 emotional he is.

20 **THE COURT:** All right. We will strike him
21 for cause.

22 All right. What was the other -- oh.
23 Mr. Dacumos with the preplanned vacation to Universal
24 Studios --

25 **MR. MARGOLIS:** I'm surprised we haven't run

1 into it more.

2 **THE COURT:** I'm surprised we haven't either.
3 Of course I guess this is spring break week. Right?

4 **MS. KOLLINS:** Mm-hmm, yeah.

5 **THE COURT:** I guess I'm surprised we
6 haven't -- I guess, if you're going to do something,
7 you've already started to do it.

8 **MR. GUROVICH:** Your Honor, I have -- I
9 have -- I agree with everybody here. However, if I
10 were a juror coming into court knowing that I might be
11 picked and I have a preplanned vacation, I would bring
12 some proof, to be honest with you, but that's just me.

13 **THE COURT:** Well, are you going to object
14 then to excusing him?

15 **MR. GUROVICH:** No, no. I'm just making --

16 **THE COURT:** Does anybody have a problem with
17 that?

18 **MS. KOLLINS:** No.

19 **THE COURT:** If all of the sudden we start
20 having a lot of people saying they have preplanned
21 vacations, I'll tighten it up. But, you know, he
22 seemed pretty good with Universal Studios and
23 everything, and it wasn't till Wednesday. He didn't
24 say tomorrow or tonight.

25 **MR. GUROVICH:** All right.

1 **THE COURT:** All right. We'll excuse him.

2 **MS. KOLLINS:** That rolled off his tongue
3 pretty easy. Either he practiced it or --

4 **THE COURT:** Yeah. All right. So we'll
5 excuse Mr. Rincon and Mr. Dacumos.

6 *(Sidebar concluded.)*

7 **THE COURT:** All right. I talked with counsel
8 and, Mr. Rincon, we're going to excuse you at this
9 time. Thank you very much for coming down and meeting
10 your civic obligation and being willing to serve on a
11 jury. I appreciate it. I know the parties all do. If
12 you'll check out at Jury Services before you leave.

13 *(Whereupon, Edgar Rincon exits the*
14 *proceedings.)*

15 **THE COURT:** And then, Mr. Dacumos, if you --
16 we're going to excuse you. If you would check out with
17 Jury Services before you leave.

18 **PROSPECTIVE JUROR NO. 15-0058:** Thank you.

19 **THE COURT:** Thank you for your participation
20 here today.

21 *(Whereupon, Rommel Dacumos exits the*
22 *proceedings.)*

23 **THE COURT:** All right. We'll need a new
24 Juror No. 3. That's going to be Mr. William Hathaway,
25 and we're going to need a Juror No. 26 and that's going

1 to be Jaimee Thompson.

2 All right. Mr. Hathaway, have you had a
3 chance to hear all the questions that I've asked today?

4 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

5 **THE COURT:** And would you have answered any
6 of those?

7 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

8 **THE COURT:** Which ones would you have
9 answered?

10 **PROSPECTIVE JUROR NO. 15-0062:** The law
11 enforcement officers.

12 **THE COURT:** Okay. Who do you know in law
13 enforcement?

14 **PROSPECTIVE JUROR NO. 15-0062:** I have a --
15 my niece's husband here in Las Vegas, Lake Mead
16 Recreation District, as a game warden.

17 **THE COURT:** All right. Anybody else?

18 **PROSPECTIVE JUROR NO. 15-0062:** I have
19 another friend that's not -- it's up in -- up in
20 Oregon. She's actually a special investigator for
21 school districts into teacher crimes. Close friends
22 so. . .

23 **THE COURT:** Okay. All right. Well, that --
24 how long has she been doing that?

25 **PROSPECTIVE JUROR NO. 15-0062:** Six or seven

1 years.

2 **THE COURT:** All right. And your niece out at
3 Lake Mead, how long has she been doing that?

4 **PROSPECTIVE JUROR NO. 15-0062:** It's her
5 husband. Almost 20 years.

6 **THE COURT:** Oh, wow. Quite a while.

7 **PROSPECTIVE JUROR NO. 15-0062:** He's retiring
8 this year.

9 **THE COURT:** And you indicated your friend in
10 Oregon, what does she do?

11 **PROSPECTIVE JUROR NO. 15-0062:** She's
12 actually a special investigator for -- for school
13 districts into different teacher issues.

14 **THE COURT:** All right. So she investigates
15 in Oregon?

16 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

17 **THE COURT:** And how close is she as a friend?

18 **PROSPECTIVE JUROR NO. 15-0062:** We've talked
19 quite a bit over the year so.

20 **THE COURT:** All right. How long have you
21 known her?

22 **PROSPECTIVE JUROR NO. 15-0062:** Since I was
23 14.

24 **THE COURT:** Okay.

25 **PROSPECTIVE JUROR NO. 15-0062:** Yeah, I'm a

1 little bit older.

2 **THE COURT:** Not that long ago.

3 **PROSPECTIVE JUROR NO. 15-0062:** A couple
4 years ago.

5 **THE COURT:** All right. Is there anything
6 about your relationship with your niece and her husband
7 and his work and your friend and her work that would
8 affect your ability to be fair in this case?

9 **PROSPECTIVE JUROR NO. 15-0062:** I don't think
10 so.

11 **THE COURT:** All right. Do you think you'd be
12 able to follow my instructions and fairly and
13 unbiasedly apply them to the evidence admitted?

14 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

15 **THE COURT:** All right. Thank you very much.

16 All right. And now let's go to Ms. Thompson,
17 No. 26, have you had a chance to hear all the questions
18 that I've asked today?

19 **PROSPECTIVE JUROR NO. 15-0063:** Yes.

20 **THE COURT:** And would you have answered any
21 of those?

22 **PROSPECTIVE JUROR NO. 15-0063:** No.

23 **THE COURT:** All right. Well, that makes that
24 quick and easy.

25 Okay. I do want to sort of deal with any

1 possible -- the possibility that any of you may have
2 heard of this case in -- in the media. I'd asked
3 earlier if any of you knew the defendant in this case,
4 Mr. Lofthouse, and no one indicated that they knew him.

5 Does anyone think they've heard any news
6 report or any newspaper articles, radio articles,
7 television articles, or any social media making
8 reference to Mr. Lofthouse?

9 Okay. Hold on. Let's go to the top row.
10 And I saw -- did I see your hand, Mr. Hathaway?

11 **PROSPECTIVE JUROR NO. 15-0062:** Yeah.

12 **THE COURT:** Okay. Let's hand it off to
13 Mr. Hathaway first, No. 3.

14 **PROSPECTIVE JUROR NO. 15-0062:** Yeah, I
15 actually work for the school district.

16 **THE COURT:** Okay.

17 **PROSPECTIVE JUROR NO. 15-0062:** So I work for
18 Adult Ed and some of our branches are at Rancho.

19 **THE COURT:** Some of your braches -- and, I'm
20 sorry --

21 **PROSPECTIVE JUROR NO. 15-0062:** Yeah, we have
22 adult education classes at night at Rancho.

23 **THE COURT:** Okay.

24 **PROSPECTIVE JUROR NO. 15-0062:** That's -- I
25 just -- I don't know a lot. I mean, that's -- I've

1 just heard.

2 **THE COURT:** All right. I don't want to
3 really get into what you've heard or anything like
4 that, but let me ask, have you heard a lot about the
5 matter or a little about the matter?

6 **PROSPECTIVE JUROR NO. 15-0062:** No I haven't
7 heard that much.

8 **THE COURT:** All right. And what you've heard
9 about the matter, are you -- would you be able to put
10 that aside, focus on what the evidence is here in
11 court? That -- what you've heard or may have heard or
12 anything that's been in the news, that's not evidence
13 and can't be considered by you or any of the jurors as
14 evidence in this case. The evidence is what's
15 testified to by the witnesses and what's admitted as
16 exhibits.

17 Would you be able to put that aside and be
18 fair to both sides in this case?

19 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

20 **THE COURT:** All right. Would you be able to
21 follow my instructions and fairly and unbiasedly apply
22 those instructions to the evidence that's admitted?

23 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

24 **THE COURT:** Okay. Thank you very much.

25 All right. Mr. Morris, did you indicate you

1 have heard of this case?

2 **PROSPECTIVE JUROR NO. 15-0050:** Yes. I heard
3 about it on the news, I've read about it a little bit,
4 and I'm currently a teacher in the Clark County School
5 District. A high school teacher.

6 **THE COURT:** What school?

7 **PROSPECTIVE JUROR NO. 15-0050:** Desert Pines.

8 **THE COURT:** All right. Did you say you've
9 heard a -- you've read or heard a lot? I don't want to
10 get into what you've heard, but have you read or heard
11 a lot about the case or a little about the case?

12 **PROSPECTIVE JUROR NO. 15-0050:** A little.

13 **THE COURT:** All right. Again, the evidence
14 in this case can't be what you've read or heard in the
15 news or news media. The evidence has to be what's
16 testified to or admitted as exhibits.

17 Do you feel that you'd be able to put aside
18 what you've heard and be fair to both sides in this
19 case?

20 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

21 **THE COURT:** And do you feel that you could
22 fair -- take my instructions to you and fairly and
23 unbiasedly apply those instructions to the evidence
24 that's admitted here at trial?

25 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

1 **THE COURT:** All right. Thank you very much.
2 Anybody else in that back row? I thought I
3 saw --

4 All right. Let's hand that down to No. 8,
5 Ms. Diaz.

6 **PROSPECTIVE JUROR NO. 15-0012:** Yes. I've --
7 I saw it on the news, and I read a little bit about it
8 in the newspaper.

9 **THE COURT:** Okay. Again, I don't want to get
10 into what you -- what you've read or heard, but do you
11 feel you've heard a lot about the case or a little bit
12 about the case?

13 **PROSPECTIVE JUROR NO. 15-0012:** No. Just --
14 it just struck me that this happens fairly often in
15 this county, being new to Nevada.

16 **THE COURT:** All right. So you would say
17 you've heard just a little bit about the case?

18 **PROSPECTIVE JUROR NO. 15-0012:** Yes. Very
19 little.

20 **THE COURT:** All right. Again, the evidence
21 is what's going to be presented here. You can't
22 consider anything you heard in the news or saw in the
23 news or anything like that.

24 Do you think you'd be able to put that --
25 whatever you read or heard aside and be fair to both

1 sides in this matter?

2 **PROSPECTIVE JUROR NO. 15-0012:** Yes. Yes, I
3 do.

4 **THE COURT:** Do you feel that you would be
5 able to take my instructions and fairly and unbiasedly
6 apply those instructions to the evidence that's
7 admitted here in court at trial?

8 **PROSPECTIVE JUROR NO. 15-0012:** Yes, I do.

9 **THE COURT:** All right. Thank you very much.
10 Anybody in the second row? Okay. We got a
11 couple hands. Let's first that hand that to No. 12,
12 Ms. Thomas-Jenson.

13 **PROSPECTIVE JUROR NO. 15-0018:** Hi. I don't
14 watch much television or read the paper, but I have
15 seen the defendant at -- what my recollection is, is
16 just like a -- I recognized him when I sat down in
17 the -- in the courtroom, but -- but I don't have an
18 impression. I don't remember what I heard or --

19 **THE COURT:** Okay.

20 **PROSPECTIVE JUROR NO. 15-0018:** I just saw
21 it, and I'm not biased.

22 **THE COURT:** All right. So you -- you don't
23 really even remember why you saw the defendant's face;
24 you just remember you've seen it before?

25 **PROSPECTIVE JUROR NO. 15-0018:** Right. And

1 very careful not to give any facts. So I'm curious.

2 **THE COURT:** All right. Well, I appreciate
3 that you're curious.

4 **PROSPECTIVE JUROR NO. 15-0024:** Never saw
5 anything on the news.

6 **THE COURT:** All right. So you haven't -- you
7 really haven't heard anything in terms of the facts of
8 this case?

9 **PROSPECTIVE JUROR NO. 15-0024:** Correct.

10 **THE COURT:** Okay. Whatever you've heard,
11 again, you can't consider for purposes of your
12 deliberations, if you were picked as a juror.

13 Do you feel that you can put aside anything
14 you've seen or heard before or anything you saw or
15 heard on the e-mails and be fair to both sides in this
16 case?

17 **PROSPECTIVE JUROR NO. 15-0024:** Absolutely.

18 **THE COURT:** All right. Do you feel you can
19 take my instructions and fairly and unbiasedly apply
20 those instructions to the evidence that's admitted here
21 at trial?

22 **PROSPECTIVE JUROR NO. 15-0024:** Yes.

23 **THE COURT:** All right. Thank you very much,
24 ma'am.

25 Anybody here in the bottom row? Okay. We --

1 No. 21, Mr. Moore?

2 PROSPECTIVE JUROR NO. 15-0033: Yes.

3 THE COURT: All right.

4 PROSPECTIVE JUROR NO. 15-0033: Kind of
5 similar, I read -- just read an article about the case.
6 One of my co-worker's child got, you know, like one of
7 the e-mails. You know, got an alert. So she was
8 telling everybody at work, so I pulled up an article
9 and read the article. That's about it.

10 THE COURT: Okay. So you -- that's about all
11 you've been involved with in terms of --

12 PROSPECTIVE JUROR NO. 15-0033: Yeah.

13 THE COURT: -- information?

14 PROSPECTIVE JUROR NO. 15-0033: Yes.

15 THE COURT: All right. Again, that article
16 is not going to be evidence here in the case. That's
17 something you can't consider or factor into your
18 deliberations, if you're picked as a juror.

19 Do you feel that you can put that aside and
20 be fair to both sides?

21 PROSPECTIVE JUROR NO. 15-0033: Yes.

22 THE COURT: All right. Do you feel you can
23 take my instructions and apply those instructions
24 and -- fairly and unbiasedly to the evidence admitted
25 here at trial?

1 **PROSPECTIVE JUROR NO. 15-0033:** Yes.

2 **THE COURT:** All right. Thank you very much.
3 If you'd hand that down now to 23, Ms. Reyes.

4 **PROSPECTIVE JUROR NO. 15-0051:** I heard about
5 the article through a third party. She works for the
6 CCSD school district in the law stuff. Like, she
7 figures out if there's arson, and she deals with that
8 mess that comes with it. But I don't recall much about
9 what she said other than he very --

10 **THE COURT:** I don't want to get into what --

11 **PROSPECTIVE JUROR NO. 15-0051:** Just the top.

12 **THE COURT:** All right. So you -- would you
13 say you've heard a lot about the case or a little?

14 **PROSPECTIVE JUROR NO. 15-0051:** Very little.
15 I walked into the conversation, walked out kind of
16 thing.

17 **THE COURT:** All right. Again, that can't be
18 part of what you would consider if you were picked as a
19 juror. Do you think you could put that aside and be
20 fair to both sides?

21 **PROSPECTIVE JUROR NO. 15-0051:** Yes, I do.

22 **THE COURT:** All right. Do you think you can
23 follow my instructions and fairly and unbiasedly apply
24 those instructions to the evidence that's admitted here
25 at trial?

1 **PROSPECTIVE JUROR NO. 15-0051:** Yes.

2 **THE COURT:** All right. Thank you.

3 All right. Anybody in the first row of the
4 gallery over here?

5 All right. Let's go to No. 27,
6 Ms. Castellanos-Zamora.

7 **THE MARSHAL:** There's one more.

8 **THE COURT:** Oh, I'm sorry. I didn't see your
9 hand. Ms. Thompson, No. 26.

10 **PROSPECTIVE JUROR NO. 15-0063:** I saw it
11 through Facebook, but I just remember seeing his face
12 and what it said. But I didn't read about it or
13 anything.

14 **THE COURT:** Okay. So you would say you've
15 seen very little in regard to this matter?

16 **PROSPECTIVE JUROR NO. 15-0063:** Yes.

17 **THE COURT:** All right. Do you think that you
18 could put that aside?

19 **PROSPECTIVE JUROR NO. 15-0063:** Yes.

20 **THE COURT:** All right. And in putting it
21 aside, be fair to both sides in this?

22 **PROSPECTIVE JUROR NO. 15-0063:** Yes.

23 **THE COURT:** Do you feel you could follow my
24 instructions and fairly and unbiasedly apply those
25 instructions to the evidence that's admitted here in

1 this case?

2 **PROSPECTIVE JUROR NO. 15-0063:** Yes.

3 **THE COURT:** All right. Thank you very much.

4 If you'd hand that off now to Juror No. 27.

5 **PROSPECTIVE JUROR NO. 15-0041:** I actually
6 know someone that went to Rancho or goes there, and I
7 kind of remember them mentioning it. But I really
8 don't remember what they said.

9 **THE COURT:** All right.

10 **PROSPECTIVE JUROR NO. 15-0041:** I just know
11 it was there and --

12 **THE COURT:** Okay. So you essentially heard
13 something, you don't remember quite what, from a third
14 party?

15 **PROSPECTIVE JUROR NO. 15-0041:** Yeah. I just
16 know it was Rancho. I know someone that goes there.

17 **THE COURT:** All right. Very good.

18 Was there anything -- you know, again,
19 whatever you friend said to you can't be considered by
20 you in --

21 **PROSPECTIVE JUROR NO. 15-0041:** Yeah.

22 **THE COURT:** -- your deliberations, if you're
23 picked.

24 Do you think you can put that aside and be
25 fair to both sides?

1 **PROSPECTIVE JUROR NO. 15-0041:** Yes.

2 **THE COURT:** And do you believe you could
3 follow my instructions and fairly and unbiasedly apply
4 those instructions to the evidence that's admitted here
5 at trial?

6 **PROSPECTIVE JUROR NO. 15-0041:** Yes.

7 **THE COURT:** Okay. Anybody else in that --
8 all right. Let's go -- let's go down to Juror No. 30,
9 Ms. Urban.

10 **PROSPECTIVE JUROR NO. 15-0044:** Yes. I just
11 remember hearing it on the evening news, vaguely
12 remember the details. Just a vague memory of it.

13 **THE COURT:** Okay. Do you feel you've heard a
14 lot about the case or a little about the case?

15 **PROSPECTIVE JUROR NO. 15-0044:** Very little.

16 **THE COURT:** All right. Do you feel -- again,
17 you've heard me talk about how you can't consider that
18 in any way at all in your deliberations. The only
19 evidence that you can consider is what's admitted here
20 in court.

21 Would you be able to put that aside, whatever
22 you heard or saw, and be fair to both sides?

23 **PROSPECTIVE JUROR NO. 15-0044:** Yes.

24 **THE COURT:** Do you believe you'd be able to
25 follow my instructions and fairly and unbiasedly apply

1 those instructions to the evidence that's admitted here
2 at trial?

3 **PROSPECTIVE JUROR NO. 15-0044:** Yes.

4 **THE COURT:** All right. Thank you very much.
5 Anybody else in that first row of the
6 gallery? All right.

7 Focusing again in terms of news media, there
8 may have been articles over the course of the years
9 referencing allegations made in reference to teachers
10 at any of the schools, either here in Las Vegas or
11 Southern Nevada, or anywhere in the country.

12 What I'd like to know is, is there anything
13 about any of those articles in reference to other
14 matters or other parts of the country concerning
15 possible allegations made against teachers that would
16 affect any of your ability to be fair to both sides in
17 this case? All right. No hands.

18 Again, considering those other articles that
19 may relate to other activities or actions by others in
20 Southern Nevada or in other parts of the country, is
21 there anything about any of those that you feel would
22 keep you from being able to follow my instructions and
23 fairly and unbiasedly apply those instructions to the
24 facts in this case? All right. Seeing no hands in
25 that regard.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 All right. At this point in time, ladies and
2 gentlemen, I'm going to hand around this sheet of
3 paper. We're going to find out a little bit about all
4 of you. We aren't going to probe too deeply, but I do
5 want you to tell us how long you've lived here and
6 where generally in the valley you live. I just want to
7 know generally. I don't want to know a street address
8 or anything like that. So if you live in North Las
9 Vegas, say North Las Vegas; Boulder City, just say
10 Boulder City; Henderson or Green Valley or Summerlin
11 Southern Highlands. Just give us a general area of
12 where you live.

13 If you've lived here less than ten years,
14 where did you live before you moved here? So if you've
15 lived here only five years, tell us "I moved here from
16 Green Bay, Wisconsin," or wherever you -- I want to
17 know, you know, how far did you go in school, how you
18 are currently employed, and what is the name of your
19 employer or employing business. And if it's not
20 obvious from your job title, what you do generally. So
21 if you're a consultant, tell us what you're a
22 consultant of. If you're an engineer, tell us what
23 you're an engineer of. If you're retired, tell us with
24 what business you were employed when you retired and
25 how long you've been retired. Let us know if you're

1 married or have a partner, and what your spouse or
2 partner's job is. Do you have any children, and what
3 are the ages of those children still living at home?

4 And we have had people who've had pretty old
5 children living at home. So don't feel embarrassed if
6 you -- you are one of those people.

7 And then we've -- we'd like to know, if
8 you've ever been a juror, was it a civil or criminal
9 trial? We don't want you to tell us the verdict of the
10 cases, if you've sat as a juror, but what we want to
11 know is did you reach a verdict and were you the
12 foreperson.

13 All right. So let's get that. And we'll
14 start up here with No. 1, Ms. Lee.

15 **PROSPECTIVE JUROR NO. 15-0001:** I've lived in
16 the state of Nevada for 12 years. I live in Henderson,
17 Nevada. My education level is two weeks of Mount St.
18 Mary's college. I'm employed with Delta Air Lines. I
19 am single. I have three grown children; none are
20 living at home. I have been a juror before, and I
21 believe it was a civil and it was dismissed before we
22 ever reached anything. And, no, I was not the
23 foreperson.

24 **THE COURT:** What do you do for Delta?

25 **PROSPECTIVE JUROR NO. 15-0001:** I'm a

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 customer service representative. I've been with them
2 for 30 years.

3 **THE COURT:** Okay. Thank you very much.
4 If you'd hand that off now to No. 2.

5 **PROSPECTIVE JUROR NO. 15-0002:** Okay. I've
6 lived in Las Vegas all my life, 21 years. I'm in
7 Henderson. I completed my associate's degree in
8 college. I am employed with Ultimate Collision.

9 **THE COURT:** I'm sorry, with what?

10 **PROSPECTIVE JUROR NO. 15-0002:** Ultimate
11 Collision.

12 **THE COURT:** Oh, okay.

13 **PROSPECTIVE JUROR NO. 15-0002:** It's an auto
14 body shop. I'm not married, I don't have any children,
15 and I -- this is my first jury summons.

16 **THE COURT:** Okay. Thank you very much.

17 If you'd hand off now to No. 3, Mr. Hathaway.

18 **PROSPECTIVE JUROR NO. 15-0062:** I've lived
19 here for -- excuse me -- three years. Before that, I
20 was in Pahrump.

21 **THE COURT:** Where do you live here in the
22 valley generally?

23 **PROSPECTIVE JUROR NO. 15-0062:** UNLV area.

24 **THE COURT:** Okay.

25 **PROSPECTIVE JUROR NO. 15-0062:** Educational

1 level, I have a master's degree.

2 **THE COURT:** In what?

3 **PROSPECTIVE JUROR NO. 15-0062:** It's in
4 recreational therapy management programming.

5 **THE COURT:** Okay.

6 **PROSPECTIVE JUROR NO. 15-0062:** I'm employed
7 with CCSD. I work in the Adult Ed department.

8 **THE COURT:** All right.

9 **PROSPECTIVE JUROR NO. 15-0062:** I do
10 education, too.

11 I'm not married, I do not have any children,
12 and I have just been -- I've just been to jury duty but
13 never been a juror.

14 **THE COURT:** Okay. Thank you very much.

15 Hand that now to No. 4, Mr. Morris.

16 **PROSPECTIVE JUROR NO. 15-0050:** I've lived in
17 the Las Vegas area for 22 years. I live in Henderson.
18 I have a Ph.D. in Chemistry. I'm employed by CCSD at
19 Desert Pines High School as a science teacher.

20 **THE COURT:** Which high school?

21 **PROSPECTIVE JUROR NO. 15-0050:** Desert Pines.

22 **THE COURT:** Okay.

23 **PROSPECTIVE JUROR NO. 15-0050:** I'm married;
24 she doesn't work. I have four grown children; none of
25 them at home. I've been a juror twice. Both were

1 criminal; one we reached a verdict, and the other one
2 was no verdict, deadlock.

3 **THE COURT:** Okay. Were you ever the
4 foreperson?

5 **PROSPECTIVE JUROR NO. 15-0050:** No.

6 **THE COURT:** All right. Thank you very much.
7 If you'd hand that now to No. 5, Ms. Payne.

8 **PROSPECTIVE JUROR NO. 15-0009:** I've lived
9 here for 22 years, so all my life. I live in the
10 northwest. I'm currently in college going to UNLV for
11 the nursing program. I'm not married. I am not
12 employed. And I don't have any children. And I've
13 never been a juror before.

14 **THE COURT:** Okay. Thank you very much.
15 If you'd give that now to No. 6, Ms. Chai.

16 **PROSPECTIVE JUROR NO. 15-0010:** I've lived
17 here for 15 years. I live in the northwest area. I'm
18 currently in school trying to get my bachelor's degree.
19 I'm not employed, I'm not married, I don't have
20 children, and this is my first time as a juror.

21 **THE COURT:** All right. Thank you.
22 If you'd hand that now to No. 7.

23 **PROSPECTIVE JUROR NO. 15-0011:** I've been
24 living in North Las Vegas for the last eight years.
25 Before that I was raised in California for the last 15

1 years. My education was high school diploma. I work
2 for a water delivery company. I'm a route sales
3 driver. I've been divorced for seven years. I have
4 one child. It is my first time in court.

5 **THE COURT:** All right. You've -- this is the
6 first time you've been pulled in for jury service?

7 **PROSPECTIVE JUROR NO. 15-0011:** Yes.

8 **THE COURT:** Okay. Thank you.

9 If you'd hand that to No. 8, Ms. Diaz.

10 **PROSPECTIVE JUROR NO. 15-0012:** My husband
11 and I have lived here for two and a half years. We
12 live in the Anthem area of Henderson. I have a
13 master's degree in bilingual bicultural education. I
14 am a retired elementary school principal from Detroit,
15 Michigan. My husband is a retired surgeon. We have
16 four children all grown and no one living at home. And
17 I have been a juror in Detroit, Michigan on criminal
18 trials, and in one instance I was the foreperson.

19 **THE COURT:** Okay. And were you able to reach
20 a verdict?

21 **PROSPECTIVE JUROR NO. 15-0012:** Yes.

22 **THE COURT:** Okay. All right. If you'd hand
23 that back -- let's come down and go to No. 9,
24 Mr. Hartman.

25 **PROSPECTIVE JUROR NO. 15-0013:** Hello. I've

1 been in Vegas about a year and a half. I moved from
2 San Diego. And I have a master's in engineering and an
3 MBA, and I work part time at CSN community college. I
4 teach engineering and physics. I'm single with no
5 kids. And I have a -- I was on a jury once, and we did
6 come to a verdict and I was not the foreperson.

7 **THE COURT:** Was it a civil or criminal trial?

8 **PROSPECTIVE JUROR NO. 15-0013:** Civil.

9 **THE COURT:** And just generally, where do you
10 live in town?

11 **PROSPECTIVE JUROR NO. 15-0013:** Oh. Green
12 Valley.

13 **THE COURT:** Okay. Thank you very much.

14 If you'd hand that now off to No. 10,
15 Ms. Lewis.

16 **PROSPECTIVE JUROR NO. 15-0015:** Yes. I've
17 lived in Summerlin for the last six years. I'm
18 originally from Chicago, about 25 miles west of Chicago
19 in the suburbs. I graduated high school and did about
20 a year of college. I am employed with the corporate
21 office of Check City. I work in the legal department.
22 I was married for 43 years; lost my husband in October.
23 We have three grown children, and I live with my oldest
24 son, daughter-in-law, and two grandkids. I've never
25 been a juror before, and I've never been a foreman

1 either.

2 **THE COURT:** All right. Well, thank you,
3 ma'am.

4 If you'd hand that off to No. 11.

5 **PROSPECTIVE JUROR NO. 15-0017:** I've lived in
6 the Las Vegas area for 18 years. I've got a bachelor's
7 degree in management technology. I retired three
8 times. I'm looking for my fourth job.

9 **THE COURT:** What was your last retirement?

10 **PROSPECTIVE JUROR NO. 15-0017:** My last
11 retirement was I was a courtesy clerk for Von's.

12 **THE COURT:** All right. What was your first
13 retirement?

14 **PROSPECTIVE JUROR NO. 15-0017:** My first
15 retirement was Ore-Ida foods up in Idaho. I worked for
16 them for 36 years.

17 **THE COURT:** Doing what?

18 **PROSPECTIVE JUROR NO. 15-0017:** I was in
19 management.

20 **THE COURT:** Okay.

21 **PROSPECTIVE JUROR NO. 15-0017:** I'm married.
22 I have three grown daughters. And I've been on a
23 criminal jury -- or criminal trial here in Clark
24 County, and we did reach a verdict and I wasn't the
25 foreman.

1 **THE COURT:** All right. And just generally
2 where do you live in the valley?

3 **PROSPECTIVE JUROR NO. 15-0017:** I live in
4 Henderson.

5 **THE COURT:** Okay. Thank you very much.

6 **PROSPECTIVE JUROR NO. 15-0018:** I've been in
7 Las Vegas --

8 **THE COURT:** Oh, let me stop. Let me make
9 sure we've got a clear record.

10 No. 12, Ms. Thomas-Jenson. I apologize.

11 **PROSPECTIVE JUROR NO. 15-0018:** I've lived in
12 Las Vegas since I was two years old. I live near
13 Sunset Park near the airport. My education is I have a
14 bachelor's degree in communications, and I almost
15 completed a master's and didn't make it.

16 As I mentioned, my husband passed away in
17 September, and I'm in the process of figuring life out.
18 No children at home. I have a dog at home --

19 **THE COURT:** What kind of dog?

20 **PROSPECTIVE JUROR NO. 15-0018:** -- and, yes,
21 I have been a juror twice. One was a criminal trial
22 and the other was a civil trial. I was not the
23 foreperson but we did have -- reach a verdict in both
24 trials.

25 **THE COURT:** Okay. I did -- what kind of dog

1 do you have?

2 **PROSPECTIVE JUROR NO. 15-0018:** A German
3 Shorthaired Pointer since before she was Best in Show.

4 **THE COURT:** Okay. All right. Thank you very
5 much.

6 Let's go to No. 13.

7 **PROSPECTIVE JUROR NO. 15-0019:** All right.
8 So I have lived in the valley for 12 years. I live in
9 the Henderson area, and I am a -- I am pursuing a
10 bachelor's degree in mechanical engineering. I am not
11 employed, I'm single, I do not have any children, and
12 I -- this is the first time I've been a jury.

13 **THE COURT:** Okay.

14 **PROSPECTIVE JUROR NO. 15-0019:** A juror.

15 **THE COURT:** Thank you very much.

16 If you'd hand that off to No. 14,
17 Ms. Castillo.

18 **PROSPECTIVE JUROR NO. 15-0020:** Okay. I've
19 been in Las Vegas for one year. I moved here from
20 Clover, Wisconsin. I lived in California before that.
21 I live in the North Las Vegas area. I have a master's
22 degree in forensic science, and I'm pursuing my second
23 master's in clinical psychology. I am employed with
24 the City of Las Vegas Building and Safety Department.
25 I am not married, I do not have any children, and I've

1 never been a juror.

2 **THE COURT:** All right. Thank you very much.

3 If you'd hand that to No. 15, Ms. Baillis.

4 **PROSPECTIVE JUROR NO. 15-0024:** Okay. I've
5 been in northwest Las Vegas for 14 years now. I've
6 been in Nevada for 14 years. I have a master's. I
7 have a bachelor's in geology and math and a master's in
8 computer science, and I'm teaching all of the above.

9 **THE COURT:** Where are you teaching?

10 **PROSPECTIVE JUROR NO. 15-0024:** Arbor View
11 High School --

12 **THE COURT:** Okay.

13 **PROSPECTIVE JUROR NO. 15-0024:** -- in the
14 northwest.

15 My husband is a retired piano teacher. And
16 let's see. No children. Two cats. I've been a juror
17 four times; two civils, two criminal. One -- we
18 reached verdicts in all three except for the one
19 criminal where somebody else confessed and they stopped
20 the trial.

21 **THE COURT:** Just like on TV.

22 **PROSPECTIVE JUROR NO. 15-0024:** Yeah.

23 **THE COURT:** Okay.

24 **PROSPECTIVE JUROR NO. 15-0024:** We're like,
25 what happened?

1 **THE COURT:** All right. Were you ever the
2 foreperson in any of those?

3 **PROSPECTIVE JUROR NO. 15-0024:** No, I have
4 not.

5 **THE COURT:** Okay. Thank you very much.

6 And like I said, I've been doing this for
7 over 32 years. I've never seen that happen either, so
8 you are a lucky -- I don't know lucky person.

9 All right. Let's go down to No. 16,
10 Mr. Shumway.

11 **PROSPECTIVE JUROR NO. 15-0053:** I have lived
12 here for two and a half years. I live out in the
13 Anthem Inspirada area. Before that, I lived in
14 American Fork, Utah and Spokane, Washington. I have a
15 JD. I am a senior analyst for AIG, which basically
16 means a claims adjustor handling construction defect.
17 I am married. My wife stays at home with our three
18 kids, ages one, four, and six. And I have never been a
19 juror.

20 **THE COURT:** Okay. Thank you very much, sir.
21 If you'd hand that to No. 17, Ms. Alvarado.

22 **PROSPECTIVE JUROR NO. 15-0026:** All right.
23 I've been living here for ten years, east side of Las
24 Vegas. I'm pursuing a bachelor's degree in
25 international business. Currently not employed,

1 single, no children, and I've never been a juror
2 before.

3 **THE COURT:** All right. Thank you.

4 If you'd hand that now to 18, Ms. Duncan.

5 **PROSPECTIVE JUROR NO. 15-0027:** I've lived
6 here for 32 years. I live in the North Las -- or, no,
7 I'm sorry, northwest Las Vegas area. A high school
8 graduate; one year of college. I'm a bookkeeper at
9 Flowers by Michelle. My husband is a territory manager
10 at an air conditioning distributor. So I am married,
11 and I have three children; an 11-year-old daughter, a
12 12-year-old son, and a 15-year-old son. They all still
13 live at home. And I was almost a juror, but the case
14 got dismissed.

15 **THE COURT:** Okay. Thank you very much.

16 If you'd hand that now to No. 19.

17 **PROSPECTIVE JUROR NO. 15-0028:** I've lived in
18 North Las Vegas for a year and three months. I lived
19 in California, San Fernando Valley. Education: High
20 school diploma, some college. I am a stay-at-home mom.
21 I am married. My husband does carpeting. I have a
22 six-year-old son. I've been a juror four times; three
23 was criminal and one was excused.

24 **THE COURT:** Okay. When you say "excused,"
25 was that a civil case or --

1 **PROSPECTIVE JUROR NO. 15-0028:** It was all
2 criminal, but I was excused from the case.

3 **THE COURT:** All right. And were you able to
4 reach a verdict in all your criminal ones?

5 **PROSPECTIVE JUROR NO. 15-0028:** Yes. On the
6 three cases on the criminal, yes, and I was never the
7 foreperson.

8 **THE COURT:** Okay. I know four juries sounds
9 like a lot compared to everyone, but I want you to know
10 that about three months ago I had one person on the
11 jury who had served 12 times as a juror in their life,
12 and he got selected again. So he hit No. 13 with that
13 trial.

14 So, anyway, we'll go to No. 20, Mr. McCann.

15 **PROSPECTIVE JUROR NO. 15-0030:** I've lived in
16 Henderson for 19 years. I have a bachelor's degree in
17 mechanical engineering. I'm a lead mechanical engineer
18 with MWH Global doing water -- waste water projects.
19 My -- I am married. My wife is a metallurgical
20 engineer. We have two children, ages 11 and 14, living
21 at home. And I have been a juror once before. It was
22 a criminal trial, and we did reach a verdict. I was
23 not the foreperson.

24 **THE COURT:** Okay. Thank you.

25 If you'd hand that now to No. 21, Mr. Moore.

1 **PROSPECTIVE JUROR NO. 15-0033:** I've lived in
2 Las Vegas for four years. Before that, I lived in
3 Hawaii; I grew up there. I have a bachelor's in
4 nursing. I work as a nurse for saint -- the St. Rose
5 system. I am married. My wife is also a nurse. We
6 have no children. I've been summoned for a jury
7 before, but the case got dismissed before we started.
8 And I think that's it.

9 **THE COURT:** All right. What kind of case was
10 it?

11 **PROSPECTIVE JUROR NO. 15-0033:** A civil.

12 **THE COURT:** Okay. All right.

13 If you'd hand that off to No. 22.

14 **PROSPECTIVE JUROR NO. 15-0034:** Yeah. I
15 moved to Vegas from North Carolina. I've been in Las
16 Vegas for one and a half years. I live in Paradise.
17 I'm a physician, neurologist, and I specialize in --
18 stroke specialist. I'm employed by the Sunrise
19 Hospital as a stroke medical director. And I'm
20 married. I have one daughter who's ten years old, but
21 my wife and daughter decided to stay put in
22 Connecticut. That's why I travel back and forth every
23 other week. I have never done jury duty. This will be
24 my first.

25 **THE COURT:** All right. Thank you very much.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 If you'd hand that to No. 23, Ms. Reyes.

2 **PROSPECTIVE JUROR NO. 15-0051:** I've lived in
3 Las Vegas for approximately 15 years in the Henderson
4 area. I'm in college currently with one year left with
5 a major in biology and two minors. I'm not employed.
6 I do not have children, and I am not married. I have
7 never been summoned for jury duty before and never been
8 a foreperson because of that.

9 **THE COURT:** All right. Hand that now to
10 No. 24, Mr. Ciminise.

11 **PROSPECTIVE JUROR NO. 15-0036:** Ciminse, yes.
12 I've lived in Las Vegas for 36 years. I live in the
13 southeast part of the valley. My education, I have a
14 bachelor's degree in accounting. I'm employed by Wells
15 Fargo. I'm a principal relationship manager. What
16 that entails, I manage various business relationships
17 for the bank. I'm married. I have two grown children
18 that do not live in the house. And I've never been a
19 juror.

20 **THE COURT:** Okay. Thank you very much.

21 Hand that now to No. 25, Ms. Busby.

22 **PROSPECTIVE JUROR NO. 15-0037:** Let's see.
23 I've lived in Sun City Anthem for three years. Before
24 that, I lived in St. George, Utah. I have a high
25 school degree and two years of college. I am

1 self-employed. I have my own business. I sell
2 business forms. I'm married. My husband sells reverse
3 mortgages. And let's see. I have two grown children;
4 neither live at home. And I've been a juror one other
5 time in a civil matter. We reached a verdict, and I
6 was not the foreperson.

7 **THE COURT:** All right. Thank you very much.
8 If you'd hand that to No. 26, Ms. Thompson.

9 **PROSPECTIVE JUROR NO. 15-0063:** I've been in
10 Vegas for just under 11 years. I'm from Connecticut.
11 I live in central Vegas. I graduated from high school
12 and did six months of the Academy of Hair Design. I
13 worked for Guy Fieri, his restaurant. I was married.
14 My husband passed away the day before our one-year
15 anniversary in December. We have three fur babies; two
16 dogs and a cat. And I've never been a juror before.

17 **THE COURT:** All right. Thank you very much,
18 ma'am.

19 If you'd hand that off to No. 27.

20 **PROSPECTIVE JUROR NO. 15-0041:** I live in the
21 North Las Vegas area. I've lived here 21 years. I
22 work for California Republic Bank, auto finance. I am
23 their customer service trainer/account servicing. I am
24 engaged. He is a security officer. I do not have any
25 children. And I've never been a juror before.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **THE COURT:** Okay. If you'd hand that to
2 No. 28, Ms. Witte.

3 **PROSPECTIVE JUROR NO. 15-0042:** I've lived in
4 Vegas for nine years. Before that, I lived in Hawaii.
5 I live in Spring Valley. I have a high school
6 education; two years college. I am a stay-at-home mom.
7 My husband is a chef. I have one child; he's 13. He
8 lives at home, of course. And I've never been a juror.

9 **THE COURT:** All right. Thank you.
10 If you'd hand off now to No. 29,
11 Mr. Longoria.

12 **PROSPECTIVE JUROR NO. 15-0043:** I've been in
13 Vegas for almost three years now. I'm from El Paso,
14 Texas. I live in Green Valley. My education, I have a
15 bachelor's degree in nursing. I work in the pediatric
16 ICU. I am married. My wife was a teacher; she stays
17 home now. I have -- I have a ten-year-old boy who
18 lives at home, and I've never been a juror.

19 **THE COURT:** All right. Thank you very much,
20 sir.

21 Hand that to No. 30, Ms. Urban.

22 **PROSPECTIVE JUROR NO. 15-0044:** I've lived in
23 North Las Vegas almost 25 years. I have a high school
24 diploma and two years of college. I am retired. I was
25 in the Air Force for 15 years, and the remainder of the

1 time for a total of 38 years of federal service with --
2 I continued with the Department of Energy as an IT
3 specialist. I'm married for 36, going on 37, years.
4 My husband is a -- a director of special investigations
5 for the corporate level at Caesars Palace. Our
6 children are grown and on their own. And I've never
7 been a juror.

8 **THE COURT:** All right. Thank you very much.
9 How many children do you have?

10 **PROSPECTIVE JUROR NO. 15-0044:** Two boys.

11 **THE COURT:** Okay. No. 31, Ms. Swartz.

12 **PROSPECTIVE JUROR NO. 15-0060:** I live in
13 Sunrise Mountain. I've been here 16 years. I have --
14 high school graduate. A housewife for 16 years. My
15 husband works for City of North Las Vegas. I have five
16 children; ages 16, 11, 10, 9, and almost 8 by Friday.
17 And never been a juror.

18 **THE COURT:** What's your husband do for the
19 City of Las Vegas?

20 **PROSPECTIVE JUROR NO. 15-0060:** Manager of
21 building permit.

22 **THE COURT:** Okay. Thank you.

23 And if you'd hand that now to No. 32.

24 **PROSPECTIVE JUROR NO. 15-0052:** I've lived in
25 Las Vegas for about six years near the Henderson area.

1 Before that, I lived in San Diego. I have a bachelor's
2 degree in Biology. I'm unemployed and a full-time
3 student. I'm not married. I have a three-year-old
4 daughter, and I've never been a juror before.

5 **THE COURT:** All right. Thank you very much.

6 All right. Ladies and gentlemen, at this
7 point in time I'm going to allow the attorney -- an
8 attorney for each side to ask you some questions. They
9 may ask you a group questions or like I've been doing
10 in which I say, you know, anybody here have done this
11 or done that or know somebody who's done this or that
12 or they may ask you directly. They may call and ask,
13 like, No. 3, Mr. Hathaway, do you know anything about
14 this or do you know anything about that? And that's
15 all fine.

16 The main thing I want you to focus on is
17 making sure that you hear the question and that you
18 understand the question. If you don't hear the
19 question that the attorney asks or you don't think
20 you're not -- or you think you're not quite sure what
21 they mean, do not hesitate to tell them you didn't hear
22 the question or if you'd ask them to phrase it or that
23 you didn't understand it. It's very important you
24 understand, just like with me, the attorney's question
25 and what they're asking you.

1 All right. And we'll start with the State.

2

3 **^^VOIR DIRE BY THE STATE**

4 **MS. KOLLINS:** Thank you, Your Honor.

5 Good afternoon, ladies and gentlemen. I know
6 you've been in here for a long time today. I'm going
7 to try -- because the judge is watching the clock
8 today, that I only have an hour to spend with you, but
9 I'm going to try not to bore and I'm going to try not
10 to keep you very long.

11 First of all, on behalf of the Clark County
12 District Attorney's office and my trial partner,
13 Mr. Merback, I want to thank you for your time today.
14 We wholly appreciate it, even those of you in the back
15 who haven't got to participate yet. We know that you
16 have obligations and things that you've set aside to be
17 here today, so we appreciate that.

18 I'm going to jump right into the subject
19 matter, again, because Judge Johnson has told me I only
20 have a limited amount of time to spend with you.

21 What I want to talk about, first of all, is
22 does anybody have a problem talking about sexual topics
23 or listening to pretty graphic sexual information? Is
24 that just going to be so, I guess, distasteful -- and
25 the subject's distasteful, but is that going to be so

1 distasteful that it's going to distract you from being
2 able to pay attention in this case? Because you're
3 going to hear some very graphic text messages between
4 Mr. Lofthouse and his 17-year-old student. Is there
5 anything that's going to have a problem listening to
6 that kind of testimony? I'm seeing no hands.

7 **THE COURT:** I did see a hand. Ms. -- No. 10,
8 Ms. Lewis.

9 **MS. KOLLINS:** Ms. Lewis, Juror No. 11 -- 10.
10 Excuse me.

11 **PROSPECTIVE JUROR NO. 15-0015:** I'm -- any
12 time a subject/topic comes up, it's going to bother me
13 to some degree. I have three sons. We live in a world
14 that's different than what I grew up with. So, yes,
15 I -- I do have a problem with -- with the subject
16 matter.

17 **MS. KOLLINS:** Okay. And obviously the
18 subject matter, when a teacher in this community is
19 accused of having sexual relations with a student,
20 that's troubling. But just the language and the
21 graphic nature, is it going to be so distracting to you
22 that you're not going to be able to be fair or not
23 going to be able to listen to the testimony? That's
24 what --

25 **PROSPECTIVE JUROR NO. 15-0015:** I'm going to

1 have a difficult time with that, yes.

2 **MS. KOLLINS:** Okay. Do you think that would
3 be to such a degree that you would be fair -- or unfair
4 to one side or the other?

5 **PROSPECTIVE JUROR NO. 15-0015:** I consider
6 myself a very fair person. I just have never been a
7 situation where I don't know if I could handle that or
8 not.

9 **MS. KOLLINS:** Okay. Well, and I appreciate
10 your honesty. Thank you for that.

11 The law in the state of Nevada regarding sex
12 between a student and a teacher, an employee of the
13 school, is -- is kind of a status crime. That means,
14 if the State proves that that person is an employee of
15 a school and there is sexual conduct with a student,
16 consent doesn't matter and force doesn't matter.

17 What do you think about that? Juror No. --
18 I'm sorry. I can't read my own handwriting.
19 Mr. McCann, No. 20, what do you think about that?

20 **PROSPECTIVE JUROR NO. 15-0030:** Actually, I
21 do -- I didn't know that was the law. I didn't know
22 that -- I didn't know that any employee of the school
23 district couldn't have any sort of sexual relations
24 with a student.

25 **MS. KOLLINS:** If --

1 **PROSPECTIVE JUROR NO. 15-0030:** I didn't know
2 that was the case, I guess.

3 **MS. KOLLINS:** Okay. Well, and now that you
4 know it's the case, what do you think about that?

5 **PROSPECTIVE JUROR NO. 15-0030:** In general,
6 I -- I think I agree with that, that it shouldn't be
7 allowed to. I would imagine at some point,
8 particularly if a student is 18 years old and can make
9 other decisions as an adult, they should be able to
10 make that decision as well.

11 **MS. KOLLINS:** Okay. And if you listened or
12 if you -- if you even caught it when the judge was
13 saying it, Mr. Lofthouse, being over 21 years of age,
14 is charged with having sex with a student who's 16 or
15 17, and that's how the law is drafted here in Nevada.
16 So while 17 might be the age of consent if you met
17 somebody off the street, 17 is not the age of consent
18 if that person is your student.

19 Does that make sense to you as a parent?

20 **PROSPECTIVE JUROR NO. 15-0030:** Yes, yes.

21 **MS. KOLLINS:** Okay. And you said you had
22 children. Correct?

23 **PROSPECTIVE JUROR NO. 15-0030:** Yes.

24 **MS. KOLLINS:** They go to the Clark County
25 School District?

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **PROSPECTIVE JUROR NO. 15-0030:** Yes.

2 **MS. KOLLINS:** Do you think that that is a
3 fair boundary for the law to draw between a teacher and
4 a student?

5 **PROSPECTIVE JUROR NO. 15-0030:** In general,
6 yes.

7 **MS. KOLLINS:** Okay. Unless the student's 18?

8 **PROSPECTIVE JUROR NO. 15-0030:** Correct.

9 **MS. KOLLINS:** Okay. Would you be able to
10 follow that law?

11 **PROSPECTIVE JUROR NO. 15-0030:** I'd be able
12 to, yes.

13 **MS. KOLLINS:** Would you be able to follow the
14 law?

15 **PROSPECTIVE JUROR NO. 15-0030:** Yes.

16 **MS. KOLLINS:** Okay. I'm going to ask kind of
17 the same questions, Ms. Lee, in Seat 1. What do you
18 think about that law?

19 **PROSPECTIVE JUROR NO. 15-0001:** Well, I think
20 a law is a law and should be abided by.

21 **MS. KOLLINS:** Okay. Do you agree with the
22 note -- do you agree with the concept that certain
23 sexual contact, because of the status of the parties,
24 the law can view as wrong or illegal? Does that make
25 sense?

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 PROSPECTIVE JUROR NO. 15-0001: No.

2 MS. KOLLINS: I mean, do -- okay. Let me put
3 it like this. Do we place a special responsibility on
4 our educators?

5 PROSPECTIVE JUROR NO. 15-0001: Of course we
6 do.

7 MS. KOLLINS: Okay. Do we trust them with
8 our kids?

9 PROSPECTIVE JUROR NO. 15-0001: Of course we
10 do.

11 MS. KOLLINS: Okay. So do you think it's
12 okay, then, that we have a law that forbids sex between
13 a 32-year-old man and a 17-year-old student?

14 PROSPECTIVE JUROR NO. 15-0001: Of course.

15 MS. KOLLINS: Okay. And you understand that,
16 even if that student has a crush and is consenting to
17 that sex, that it's still wrong under the law?

18 PROSPECTIVE JUROR NO. 15-0001: A law is a
19 law, so --

20 (Nods head.)

21 MS. KOLLINS: Okay. If you could pass the
22 microphone down to Mr. Hathaway in Seat 3.

23 I know you're a teacher with the school
24 district. I'm going to try not to pick on the teachers
25 today, but when you become employed at Clark County

1 School District, upon employment you take a class; is
2 that correct?

3 **PROSPECTIVE JUROR NO. 15-0062:** That is
4 correct.

5 **MS. KOLLINS:** And it talks about sexual
6 boundaries?

7 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

8 **MS. KOLLINS:** And it talks about ages of
9 students?

10 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

11 **MS. KOLLINS:** And not to be glib, but it's
12 kind of a do-not-touch-the-students class?

13 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

14 **MS. KOLLINS:** Okay. Do you, as an educator,
15 have a problem with the law drawing a boundary between
16 teachers and students?

17 **PROSPECTIVE JUROR NO. 15-0062:** No.

18 **MS. KOLLINS:** Okay. Have you ever had
19 occasion as a teacher to be involved either as a
20 mandatory reporter or, like, a student shared
21 information with you or a teacher shared information
22 with you, that there was sexual conduct happening
23 between students and teachers?

24 **PROSPECTIVE JUROR NO. 15-0062:** Yes.

25 **MS. KOLLINS:** Okay. And can you -- you don't

1 have to give me all the facts, but can you just tell me
2 a little bit about that?

3 PROSPECTIVE JUROR NO. 15-0062: I was an
4 elementary school counselor.

5 MS. KOLLINS: And did a student come to you,
6 or did a teacher come to you?

7 PROSPECTIVE JUROR NO. 15-0062: Student.

8 MS. KOLLINS: Regarding a teacher?

9 PROSPECTIVE JUROR NO. 15-0062: No, it wasn't
10 regarding a teacher.

11 MS. KOLLINS: Okay. So did you engage in the
12 mandatory reporting process?

13 PROSPECTIVE JUROR NO. 15-0062: Yes.

14 MS. KOLLINS: Okay. Now, you said you teach
15 adult education; is that correct?

16 PROSPECTIVE JUROR NO. 15-0062: Yes.

17 MS. KOLLINS: So adult education, is that 18
18 and over?

19 PROSPECTIVE JUROR NO. 15-0062: That is
20 correct.

21 MS. KOLLINS: Okay. People that would be out
22 of high school and out of --

23 PROSPECTIVE JUROR NO. 15-0062: Yes.

24 MS. KOLLINS: Okay. Have -- you said you've
25 been in educator for quite a few years. Right?

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **PROSPECTIVE JUROR NO. 15-0062:** Yes. I've
2 done other things in between, too.

3 **MS. KOLLINS:** Okay. I'm -- I'm sure, then,
4 you've seen kind of the teenage girl crush, if you
5 will, on teachers?

6 **PROSPECTIVE JUROR NO. 15-0062:** Sure.

7 **MS. KOLLINS:** Do you -- whose responsibility
8 do you think it is to cut that off?

9 **PROSPECTIVE JUROR NO. 15-0062:** The
10 teacher's.

11 **MS. KOLLINS:** Okay. And I'm going to ask you
12 to pass the microphone one to the right to Mr. Morris,
13 please.

14 I know you're an educator. I -- sorry.

15 Do you have to take the same class that I
16 spoke about?

17 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

18 **MS. KOLLINS:** Okay. And every teacher with
19 the school district has to take that class?

20 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

21 **MS. KOLLINS:** And is it true that you renew
22 that class every year?

23 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

24 **MS. KOLLINS:** Okay. What do you think about
25 the status offense, if you will, if you're a teacher

1 and you're a student of -- at that same school, if that
2 student is 16 or 17, do you think that's what the law
3 should prescribe or?

4 **PROSPECTIVE JUROR NO. 15-0050:** Yes. I don't
5 think it should be just at that school, but yes.

6 **MS. KOLLINS:** Okay. Well, and I'm just -- it
7 should be in any school. Right?

8 **PROSPECTIVE JUROR NO. 15-0050:** Right.

9 **MS. KOLLINS:** I mean, is that a pretty
10 obvious boundary, you'd agree with me?

11 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

12 **MS. KOLLINS:** Okay. Can you ever think of a
13 situation where an adult teacher, male or female,
14 should not be responsible for having a sexual
15 relationship with a 16 or 17-year-old kid?

16 **PROSPECTIVE JUROR NO. 15-0050:** No.

17 **MS. KOLLINS:** Okay. What grade do you teach?

18 **PROSPECTIVE JUROR NO. 15-0050:** 10th through
19 12th.

20 **MS. KOLLINS:** Okay. So you're right in there
21 in the thick of the teenage angst. Right?

22 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

23 **MS. KOLLINS:** Okay. Teenage girls can be
24 flirty?

25 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **MS. KOLLINS:** Teenage girls can be -- often
2 have crushes on teachers?

3 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

4 **MS. KOLLINS:** Whose responsibility is it, in
5 your mind, to cut that off?

6 **PROSPECTIVE JUROR NO. 15-0050:** The teacher.

7 **MS. KOLLINS:** Okay. Thank you.

8 I'd like for you to pass the microphone down
9 to Ms. Diaz, Juror No. 8.

10 **THE COURT:** Eight.

11 **MS. KOLLINS:** How are you?

12 **PROSPECTIVE JUROR NO. 15-0012:** Fine. Thank
13 you.

14 **MS. KOLLINS:** Good.

15 What do you think about that? What do you
16 think about what we've been talking about?

17 **PROSPECTIVE JUROR NO. 15-0012:** I'm in total
18 agreement. It's the teacher is the one completely
19 responsible, and particularly if you have a class every
20 year, which was not done in Michigan. But, yeah,
21 absolutely. They're constantly reminded that they're
22 the one in control.

23 **MS. KOLLINS:** Okay. And as an administrator,
24 do you have a problem with the -- the law kind of
25 drawing a line in the sand, if you will? You know, if

1 you're a 16 or 17-year-old high school junior or
2 senior, hands off. Right?

3 **PROSPECTIVE JUROR NO. 15-0012:** That's
4 correct.

5 **MS. KOLLINS:** Okay. And, again, you know, in
6 some of these high school situations, would you agree,
7 you know, we get these kids right out of college that
8 are 22 years old and they're teaching 18 year olds, and
9 there the line becomes a little more blended, would you
10 agree?

11 **PROSPECTIVE JUROR NO. 15-0012:** No.

12 **MS. KOLLINS:** No? Okay. Some people think
13 it is.

14 Now, do you have a problem with the concept
15 that the law here in Nevada says consent of the 16 or
16 17 year old doesn't matter? Consent is not a defense,
17 do you have a problem with that?

18 **PROSPECTIVE JUROR NO. 15-0012:** No, not at
19 all.

20 **MS. KOLLINS:** Okay. Do you have a problem
21 with the notion that no force is required, no physical
22 force is required?

23 **PROSPECTIVE JUROR NO. 15-0012:** I'm not quite
24 sure about what that means.

25 **MS. KOLLINS:** Okay. Well, consensual

1 conduct, for instance, two people meet in a room and
2 they kiss and they neck and they close the door, versus
3 somebody's grabbed and held down and they have sex.
4 That's what I mean by force.

5 So do you have a problem with force is not
6 required in this circumstance?

7 **PROSPECTIVE JUROR NO. 15-0012:** I have no
8 problem with that.

9 **MS. KOLLINS:** Okay. Thank you.

10 Is there anybody that has a problem? I'm
11 going to -- I haven't got back here to you nice people
12 yet.

13 Does anybody have a problem with the notion
14 that force is not required or that consent is not a
15 defense?

16 Can I just have a show of hands with
17 everybody that has kids in the Clark County School
18 District right now?

19 **THE COURT:** Keep your hands up, and let's
20 establish a record for this. I only see --

21 **MS. KOLLINS:** I see six hands, Your Honor.

22 **THE COURT:** I see Ms. Duncan, No. 18;
23 Ms. Briones, No. 19; Mr. McCann, No. 20; Ms. Witte,
24 No. 28; Mr. Longoria, No. 29; and Ms. Swartz, No. 31.

25 **MS. KOLLINS:** Okay.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **PROSPECTIVE JUROR NO. 15-0053:** I have a
2 question on that, if I could?

3 **THE COURT:** Okay.

4 **MS. KOLLINS:** Mr. Shumway, No. 16.

5 **PROSPECTIVE JUROR NO. 15-0053:** Yeah. My
6 kid's in a charter school, so I don't -- I don't think
7 that's administered by Clark County School District.

8 **THE COURT:** It could be.

9 **PROSPECTIVE JUROR NO. 15-0053:** But it --

10 **MS. KOLLINS:** It may or may not be.

11 **PROSPECTIVE JUROR NO. 15-0053:** I have one in
12 kindergarten.

13 **THE COURT:** Okay.

14 **MS. KOLLINS:** We'll count you as half a hand.
15 Where did the microphone go?

16 **THE MARSHAL:** [Indicating.]

17 **MS. KOLLINS:** Well, since you piped in, what
18 do you think about the notion that consent is not a
19 defense in these kind of cases?

20 **PROSPECTIVE JUROR NO. 15-0053:** I would agree
21 with it.

22 **MS. KOLLINS:** Okay. Would you think that
23 force should be required?

24 **PROSPECTIVE JUROR NO. 15-0053:** On a -- a
25 case defined by the status of the two people, I

1 wouldn't.

2 **MS. KOLLINS:** Okay. There's also no
3 requirement that sex happened -- happened on the school
4 grounds. That is also not required under the statute.

5 Do you have a problem with that?

6 **PROSPECTIVE JUROR NO. 15-0053:** No problem.

7 **MS. KOLLINS:** Okay. I'd like to switch
8 topics a little bit because I'm watching the clock, and
9 I know judge is.

10 What I'd like to start out with, I guess, for
11 the second portion is: Does anybody have a set of
12 expectations about what a person that's a victim should
13 sound like or testify like or react like?

14 Anybody have a notion of how they think
15 someone should act?

16 I am going to give the microphone to
17 Mr. Braegger in -- Juror 11, please.

18 Do you think there's a specific way that
19 somebody should act if they're a victim?

20 **PROSPECTIVE JUROR NO. 15-0017:** No. I think
21 everybody acts differently at different situations.

22 **MS. KOLLINS:** Okay. What if I told you in
23 this case it will probably be far different from what
24 you expect because this young lady is reluctant to come
25 in here and talk about this?

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 Do you think that's any reason to believe her
2 less?

3 **PROSPECTIVE JUROR NO. 15-0017:** No.

4 **MS. KOLLINS:** Okay. What are some of the
5 reasons you think this kid might be reluctant to come
6 in here and talk about having sex with her AP U.S.
7 History teacher?

8 **THE COURT:** Please stand behind the podium,
9 Ms. Kollins.

10 **MS. KOLLINS:** Yes, sir.

11 **PROSPECTIVE JUROR NO. 15-0017:** You want to
12 rephrase it or ask it?

13 **MS. KOLLINS:** What are some of the reasons
14 you think this young lady might be reluctant to come in
15 here and talk about having sex with her AP U.S. History
16 teacher?

17 **PROSPECTIVE JUROR NO. 15-0017:** Well, I think
18 that being teased by her peers, being shunned by
19 adults, being blasted as a slut.

20 **MS. KOLLINS:** A whole bunch of reasons.
21 Right?

22 **PROSPECTIVE JUROR NO. 15-0017:** A whole bunch
23 of reasons, yes.

24 **MS. KOLLINS:** Would you agree with me that --
25 well, she probably doesn't want her name out there.

1 Right?

2 PROSPECTIVE JUROR NO. 15-0017: Right.

3 MS. KOLLINS: Subject matter is embarrassing.

4 Right?

5 PROSPECTIVE JUROR NO. 15-0017: Absolutely.

6 MS. KOLLINS: She may feel like she is the
7 one that exposed Mr. Lofthouse. Right?

8 PROSPECTIVE JUROR NO. 15-0017: That could --
9 that could be a reason.

10 MS. KOLLINS: Okay. Do you think -- you
11 mentioned peer pressure. High school's probably
12 changed a little bit since you and I were in high
13 school, huh?

14 PROSPECTIVE JUROR NO. 15-0017: High school
15 has changed a hell of a lot since then.

16 MS. KOLLINS: Right. Just a little bit for
17 me too.

18 Kids are mean, aren't they?

19 PROSPECTIVE JUROR NO. 15-0017: They can be.

20 MS. KOLLINS: Okay. I'd ask that you pass
21 the microphone to your left. I'd like to talk to
22 Ms. Thomas-Jenson in Seat 12.

23 Do you understand why this young lady might
24 be reluctant?

25 PROSPECTIVE JUROR NO. 15-0018: Yes.

1 **MS. KOLLINS:** What do you think about that?

2 **PROSPECTIVE JUROR NO. 15-0018:** If she is,
3 she is.

4 **MS. KOLLINS:** Okay. Would it surprise you
5 that, in a situation like this when somebody is
6 reluctant, getting them to answer questions is kind of
7 like pulling teeth? Would that surprise you?

8 **PROSPECTIVE JUROR NO. 15-0018:** It doesn't
9 surprise me.

10 **MS. KOLLINS:** Okay. You know, the judge is
11 going to give you an instruction that testimony of this
12 young lady is evidence, as -- as difficult as it might
13 be for us to get from her. Do you have a problem with
14 that notion that testimony, what comes out of
15 somebody's mouth on the witness stand, is evidence?

16 **PROSPECTIVE JUROR NO. 15-0018:** Of course it
17 is.

18 **MS. KOLLINS:** Okay. Do you have any
19 expectations for what this young lady might tell you or
20 how she might act?

21 **PROSPECTIVE JUROR NO. 15-0018:** No.

22 **MS. KOLLINS:** Okay. Now that I told you
23 she's reluctant, would it surprise you if she might be
24 a little angry?

25 **PROSPECTIVE JUROR NO. 15-0018:** No.

1 **MS. KOLLINS:** Okay. Might be angry with me,
2 might be angry with Mr. Merback, angry with the system?

3 **PROSPECTIVE JUROR NO. 15-0018:** The whole
4 world.

5 **MS. KOLLINS:** Okay. Exactly.

6 Would it surprise anyone that generally these
7 are the kind of crimes that happen in secret? These
8 don't happen out in public. These are things we want
9 to keep quiet; that perpetrators want to keep quiet.

10 So you only have, generally, one witness.
11 Does anybody have a problem with that? Okay.

12 **THE COURT:** No hands, the record will
13 reflect.

14 **MS. KOLLINS:** Thank you, Your Honor.

15 There's a notion in Nevada law that, if you
16 take a minor without the permission of their parent and
17 you commit a felony on that minor, that that is a -- a
18 first-degree kidnapping.

19 Generally we think of kidnapping like we
20 think of it in the movies; you know, duct tape,
21 blindfold, hold you for ransom. That's not the only
22 way to commit a kidnapping. The judge is going to
23 instruct you on that.

24 If you could give the microphone to
25 Ms. Baillis in Seat 15. Thank you.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **PROSPECTIVE JUROR NO. 15-0024:** Yes.

2 **MS. KOLLINS:** Good afternoon.

3 What do you think about that concept of
4 kidnapping?

5 **PROSPECTIVE JUROR NO. 15-0024:** If you're
6 talking about a -- a minor, such as a high school
7 child, male or female --

8 **MS. KOLLINS:** Yes, ma'am.

9 **PROSPECTIVE JUROR NO. 15-0024:** Yeah, it's
10 kidnapping.

11 **MS. KOLLINS:** Okay. So if the judge
12 instructs you similarly to what I just told you, nobody
13 has a problem with it doesn't have to be the duct taped
14 movie kidnapping. Right? That that's the way --

15 **PROSPECTIVE JUROR NO. 15-0024:** Yeah. You're
16 kidnapping their mind, their emotions.

17 **MS. KOLLINS:** Okay. You're going to hear
18 testimony in this case that this 17-year-old girl never
19 refused Mr. Lofthouse, that she never said no. Okay?

20 If I could have the microphone passed to
21 juror in Seat No. 27, Mr. Longoria. Is that right?

22 **THE COURT:** That should be No. 29.

23 **MS. KOLLINS:** Thank you, Your Honor.

24 Obviously math is not my strong suit. I called the
25 wrong number.

1 What do you think about that? I mean,
2 what -- this young lady's going to come in here and
3 she's going to say, "I talked back and forth with
4 Mr. Lofthouse for days, and then we met in his
5 classroom and we kissed and it was hot and he continued
6 to text me back and forth and then he suggested that we
7 meet up" --

8 **THE COURT:** Ms. Kollins, I don't want to go
9 into a diatribe of what this witness --

10 **MS. KOLLINS:** Okay.

11 **THE COURT:** -- is supposedly going to say.
12 Let's ask a question.

13 **MS. KOLLINS:** Okay. You're going to learn
14 that she did not thwart his attention. What do you
15 think about that?

16 She didn't say no. Does it matter?

17 **PROSPECTIVE JUROR NO. 15-0043:** Well, I don't
18 know if she's going to say your --

19 **MS. KOLLINS:** Well, okay. She's -- she's the
20 student and she's 17 and she never said no. I can tell
21 you she never said no. Do you have --

22 **THE COURT:** Well, her testimony will be what
23 she testifies here in trial, Ms. Kollins.

24 **MS. KOLLINS:** If the testimony is such that
25 she did not refuse the attention, what do you think

1 about that?

2 **PROSPECTIVE JUROR NO. 15-0043:** I don't know.
3 I guess we still have, like, the laws that we got to
4 follow. I mean, we -- you know, boundaries.

5 **MS. KOLLINS:** Okay. Do you have -- you're
6 one of those that raised their hands that you have
7 children in the school district.

8 **PROSPECTIVE JUROR NO. 15-0043:** Mm-hmm.

9 **THE COURT:** You need to answer yes or no,
10 sir. I'm sorry.

11 **PROSPECTIVE JUROR NO. 15-0043:** All right.
12 Yes.

13 **MS. KOLLINS:** And I'm sorry, I don't have my
14 note. How old are your school-aged children?

15 **PROSPECTIVE JUROR NO. 15-0043:** I have a
16 ten-year-old boy.

17 **MS. KOLLINS:** What's your, I guess, hope when
18 you send your kid to school every day? I mean, do you
19 reposit some trust in the school district?

20 **PROSPECTIVE JUROR NO. 15-0043:** Absolutely.

21 **MS. KOLLINS:** Want them to watch out for your
22 kids?

23 **PROSPECTIVE JUROR NO. 15-0043:** Absolutely.

24 **MS. KOLLINS:** Don't want --

25 **THE COURT:** That's been asked and answered.

1 Let's move on, Ms. Kollins.

2 **MS. KOLLINS:** Do you think kids lie for a
3 reason? Anybody think kids lie for a reason?

4 I see Ms. Diaz in Seat 8 nodding her head.
5 So I would pass her the microphone.

6 What reason would that be, Ms. Diaz?

7 **PROSPECTIVE JUROR NO. 15-0012:** Usually to
8 cover up something that they did.

9 **MS. KOLLINS:** Okay. Cover up to stay out of
10 trouble?

11 **PROSPECTIVE JUROR NO. 15-0012:** Oh, yes.

12 **MS. KOLLINS:** Okay. To protect someone
13 maybe?

14 **PROSPECTIVE JUROR NO. 15-0012:** Occasionally,
15 but usually they're --

16 **MS. KOLLINS:** Protect themselves?

17 **PROSPECTIVE JUROR NO. 15-0012:** Protect
18 themselves.

19 **MS. KOLLINS:** Okay. Anybody disagree with
20 those reasons a kid might lie? All right.

21 Anybody that does have school-aged kids or
22 any of the teachers, if a minor, even just under 18, is
23 going to go on a field trip or anywhere with a teacher,
24 does generally that require a permission slip of some
25 sort, parent has to sign something?

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 I'm going to ask -- well, I'll ask you,
2 Ms. Diaz, as a principal, did you have -- first.

3 PROSPECTIVE JUROR NO. 15-0012: Yes,
4 absolutely.

5 MS. KOLLINS: Okay. And if you could pass
6 that forward to Ms. Baillis in Seat 15.

7 PROSPECTIVE JUROR NO. 15-0024: Yes.

8 MS. KOLLINS: Anybody under 18 has to have a
9 permission slip to go anywhere with a teacher?

10 PROSPECTIVE JUROR NO. 15-0024: Any student
11 in the class has to have a permission slip for any
12 field trip. It doesn't matter what age they are,
13 actually.

14 MS. KOLLINS: Okay. So anywhere they're
15 taken by a teacher?

16 PROSPECTIVE JUROR NO. 15-0024: Yes.

17 MS. KOLLINS: Okay. Some of you had some
18 opinions about how law enforcement has handled
19 different scenarios that you've faced in your family.

20 Does anybody think that those cases with
21 which -- were not handled the way you felt they should
22 be, is that going to bleed over into how you view the
23 police work in this case? Anyone? Anyone? Seeing no
24 hands.

25 Court's indulgence.

1 That's why we bring Mr. Merback. He reminds
2 me of things that I forgot or got thrown off about.

3 Everybody in here realizes this is real-life.
4 Right? This isn't CSI; we're not going to wrap the
5 case up in an hour. We don't always have DNA. We
6 don't always have everything you might like.

7 Does anybody -- does everybody understand
8 that?

9 I would like -- one second. Could you give
10 the microphone to Ms. Chai, please, in Seat 6?

11 **PROSPECTIVE JUROR NO. 15-0010:** Yes, I
12 understand.

13 **MS. KOLLINS:** Okay. Do you take any issue
14 with that at all? I mean, if you think that something
15 is imperfect about an investigation, does that mean you
16 throw away -- what's that's old saying? -- baby with
17 the bath water or something?

18 **PROSPECTIVE JUROR NO. 15-0010:** No. I
19 think -- well, especially with cases that involve
20 sexual intercourse, a lot of times there's not that
21 evidence needed. There's only testimony for that stuff
22 so. . .

23 **MS. KOLLINS:** Okay. Very good. Thank you.

24 **THE COURT:** All right. That concludes the
25 questioning by the State. We're going to have the

1 defense do questioning, but we're going to take a
2 break. Let's shoot for -- let's shoot to try to get
3 back within 11 minutes with the goal of trying to get
4 started at 3:30.

5 As I've said, you -- we need everybody back,
6 and I am going to try to see if we can get this done
7 today so that people don't need to come back tomorrow
8 if they don't have to. So remember that when you're
9 taking that little bit of extra time.

10 As I've said before, and I'll just say again,
11 please don't discuss the case among yourselves or with
12 anyone else, and don't form any opinions or do any
13 research in regard to this case at this point in time.

14 All right. See you back in 11 minutes.

15 **THE MARSHAL:** All rise.

16 (Venire exiting.)

17 **THE COURT:** Okay. Anything we need to talk
18 about before we all break for a bathroom break?

19 **MR. GUROVICH:** No, Your Honor. No.

20 **THE COURT:** Okay.

21 **MS. KOLLINS:** Just very briefly. I submitted
22 my instructions to the department as requested last
23 week. I haven't received anything from the defense.
24 If the Court has it, if I might have a copy of those?

25 **THE COURT:** Yeah, I did receive a copy of

1 those. Did you provide them to the defense?

2 **MS. KOLLINS:** I sure did.

3 **THE COURT:** Okay. You -- at this point in
4 time, I'd like to have, from the defense -- I'm taking
5 it we're pretty sure that we'll go into at least
6 Thursday. So I'd like to have by the defense by the
7 Wednesday at the start of time any additional
8 instructions you want. And what I prefer is, even
9 though this isn't digital, I'd prefer you to take the
10 State's instructions and draw lines through what you
11 don't want and -- or change -- or write out what
12 language you'd rather see inserted or not inserted or
13 what language you'd like to see struck in the State's
14 instructions, as to degree we're going to be -- you're
15 wanting to use at least their format, and then I'd like
16 to see any additional instructions and let's have that
17 due Wednesday at 1:30.

18 **MR. GUROVICH:** Understood. Thank you, Your
19 Honor.

20 **THE COURT:** All right?

21 And that should let us -- maybe by the end of
22 the day on Wednesday or on Thursday morning for --
23 we'll figure out a time to go over the stuff then.

24 All right? Anything else?

25 **MS. KOLLINS:** No, sir.

1 **THE COURT:** Okay. Good deal.

2 All right. Let's get back, hopefully get
3 started as close as we can to 3:30.

4 *(Recess taken from 3:17 p.m. until 3:35 p.m.)*

5 **THE MARSHAL:** Remain seated. District Court
6 20's back in session, the Honorable Judge Eric Johnson
7 presiding.

8 **THE COURT:** Okay. Go on out there and check
9 and see if the jury's all out there.

10 **THE MARSHAL:** All right. I'll go do a
11 physical check.

12 *(Pause in the proceedings.)*

13 **THE MARSHAL:** Okay. I think we have them
14 all, Judge.

15 **THE COURT:** I'm sorry. Go ahead. All right.
16 Bring them on in.

17 **THE MARSHAL:** All rise. Jurors entering the
18 building -- courtroom. Come on in.

19 *(Venire entering.)*

20 **THE COURT:** Come on in, ma'am. It's his job
21 to take a picture, not your job to worry about it. And
22 today's day and age with digital, they can take a lot
23 of pictures. But I don't want any pictures taken of
24 the jurors.

25 **UNIDENTIFIED SPEAKER IN THE GALLERY:** No,

1 absolutely not.

2 **THE COURT:** Okay. All right. Let the record
3 reflect the presence of the defendant, the presence of
4 counsel for both sides.

5 Do the parties stipulate to the presence of
6 the jury panel?

7 **MR. GUROVICH:** Yes, Your Honor.

8 **MS. KOLLINS:** Yes, Your Honor.

9 **THE COURT:** All right. Ladies and gentlemen,
10 we've finished up with the questioning by the State
11 attorneys of the panel. At this point in time, the
12 defense will have an opportunity to ask you questions.
13 Again, it can be along the lines of a group question or
14 as a personal question. The big thing I want to
15 emphasize, as I emphasized before, make sure you can
16 hear the question, and if you don't understand it, make
17 sure you let the counsel know that you aren't quite
18 sure about the question so that he can rephrase it or
19 repeat it.

20 All right. Go ahead, sir.

21 **MR. GUROVICH:** Thank you.

22

23 **^^VOIR DIRE BY THE DEFENSE**

24 **MR. GUROVICH:** Good afternoon. I have a --
25 it's a theoretical question for you guys. If -- if a

1 teacher has, as we've been discussing, sexual relations
2 with a 17-year-old student and let's say they drive to
3 a hotel in order to -- to get that done, let's say, do
4 you think that should be considered kidnapping in
5 addition to violating any other laws? Anyone?

6 **MS. KOLLINS:** I'm going to object as to
7 nullification.

8 **THE COURT:** Well, he sort of -- get into --
9 to -- I think -- I don't want to get into much of a
10 discussion, but I'll go ahead and -- he asked if anyone
11 had an issue with that and no one raised their hands.
12 So we'll go forward with that.

13 **PROSPECTIVE JUROR NO. 15-0013:** I think I
14 have an issue with that.

15 **THE COURT:** All right. Let's go with No. 9.
16 Let's see what Mr. Hartman has to say.

17 **PROSPECTIVE JUROR NO. 15-0013:** So I -- I
18 just think I would -- I think I'd have an issue with
19 that. I mean, I agree, I think that instructors are --
20 they need to be held in a higher standard with regards
21 to a relationship with minors, but to be kidnapping, I
22 don't know what the -- what the outcome of that would
23 be but that could be -- you know, to me, kidnapping is
24 like life in prison or something.

25 **THE COURT:** Well, let me just start off here

1 and say, you know, whatever the sentence potentially
2 is, it's not a matter for your consideration.

3 **PROSPECTIVE JUROR NO. 15-0013:** But that's
4 why I would have an issue with it.

5 **THE COURT:** Well, and I'm glad. But I do
6 want to emphasize that whatever the possible sentence
7 may is not an issue for the jury in deliberations.
8 That's ultimately, if there is a conviction, the
9 determination of the Court.

10 In terms of the law, I will instruct you on
11 the law as it relates to both the types of charges that
12 are at issue here, including the kidnapping in the
13 first degree. And as I said before, I'm going to ask,
14 you know, if you don't agree necessarily with the law,
15 the question is whether or not you would be able to
16 follow the law if you can't agree with it.

17 Let me just ask everybody again: Is there
18 anyone who wouldn't be able to follow the law as I
19 instructed it if you didn't agree with the law?

20 All right. That's good. Let's go ahead and
21 -- I'm going to interrupt defense counsel.

22 But Mr. Hartman, you have your hand up?

23 **PROSPECTIVE JUROR NO. 15-0013:** Well, no, I
24 was just --

25 **THE COURT:** Holding the mic?

1 **PROSPECTIVE JUROR NO. 15-0013:** Well, I think
2 I was saying I'm going to have an issue with that.

3 **THE COURT:** Okay. No, that's fair. That's
4 an important point, though, is that whatever the law
5 is, I'm going to be instructing you as to what elements
6 the State has to prove beyond a reasonable doubt with
7 the evidence in the case, and the question's going to
8 whether -- the question is, essentially, can you follow
9 the law? If you find the facts are there that
10 establish each of the elements of the crime, are you
11 going to be able to follow my instructions relating to
12 the law, even if you may not agree with it?

13 **PROSPECTIVE JUROR NO. 15-0013:** You know,
14 probably not.

15 **THE COURT:** All right. That's -- I'm glad
16 that you pointed that out.

17 Let's go down and there was another hand that
18 was raised, and that was No. 12, Ms. Thomas-Jenson.

19 **PROSPECTIVE JUROR NO. 15-0018:** I just have a
20 question. Is this a capital case?

21 **THE COURT:** No, this is not a capital case.

22 **PROSPECTIVE JUROR NO. 15-0018:** Okay.

23 **THE COURT:** All right? That's -- okay. That
24 was an easy one.

25 **PROSPECTIVE JUROR NO. 15-0018:** That's it.

1 **THE COURT:** All right. Is there anybody else
2 who has any issue with the idea that I'll be
3 instructing you on the law? And, by that, I'll be
4 telling you what elements the State must establish by
5 the evidence in this case. By elements, I mean what
6 facts the State must establish by the evidence in this
7 case beyond a reasonable doubt in order to -- and if
8 you find that those facts are established beyond a
9 reasonable doubt, you have an obligation as jurors,
10 even if you didn't agree with the law, to come back
11 with a guilty verdict.

12 By the same token, if you found that the
13 State has not met its burden as to each of those facts
14 beyond a reasonable doubt, you'd have an obligation to
15 come back with an acquittal, a "not guilty" verdict.

16 So anybody else have a problem with that --
17 that issue of being able to follow my instructions,
18 even though you may not agree with them? Okay.

19 I'm sorry, Counsel. Why don't you go ahead.

20 **MR. GUROVICH:** All right. Not at all, Your
21 Honor.

22 Look, at this point -- at this point, like
23 the Judge said, you guys don't know the law. And at
24 the end -- at the end of the trial, before you go to
25 deliberate, the Judge will instruct you as to what the

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 law is and you have to follow the law, regardless of
2 how you feel about it.

3 What we're talking about right now is we're
4 just discussing your feelings in general prior to you
5 actually understanding what the law is, and the
6 question -- the question that I pose to you was
7 intended to, you know, possibly start a discussion.
8 One of the issues that I want to -- to address was do
9 you feel -- does anybody feel that kidnapping, as you
10 sit here today before you see the law, involves any
11 type of control or dominion by one person over another
12 or should it? Anybody?

13 Juror No. 4.

14 **THE COURT:** Juror No. 4 would be Mr. Morris.

15 **PROSPECTIVE JUROR NO. 15-0050:** Could you
16 repeat it one more time?

17 **MR. GUROVICH:** Do you think that kidnapping
18 should involve some sort of control or dominion by one
19 person over another as one of the elements?

20 **PROSPECTIVE JUROR NO. 15-0050:** Not
21 necessarily.

22 **MR. GUROVICH:** Why not?

23 **PROSPECTIVE JUROR NO. 15-0050:** In the case
24 of an adult and a minor, I don't think that force is
25 necessary.

1 **MR. GUROVICH:** Okay. What about control?

2 **PROSPECTIVE JUROR NO. 15-0050:** I think that,
3 by definition, adults have control over minors, so I
4 don't know how you get around that.

5 **MR. GUROVICH:** All right. Juror No. 7, what
6 do you think about that?

7 **THE COURT:** All right. Hold on.

8 **MR. GUROVICH:** This is Mr. Ayala.

9 **PROSPECTIVE JUROR NO. 15-0011:** Yes.

10 **MR. GUROVICH:** What do you think about that?

11 **PROSPECTIVE JUROR NO. 15-0011:** What I think
12 about?

13 **MR. GUROVICH:** About control/dominion, should
14 that be part of kidnapping?

15 **PROSPECTIVE JUROR NO. 15-0011:** No.

16 **MR. GUROVICH:** You don't think so either?

17 **PROSPECTIVE JUROR NO. 15-0011:** (Shakes head.)

18 **THE COURT:** You need to answer yes or no,
19 sir. Sorry.

20 **PROSPECTIVE JUROR NO. 15-0011:** No.

21 **MR. GUROVICH:** So an adult doesn't have to
22 exercise control over a minor in order -- in your
23 opinion, in order to commit kidnapping or that control
24 and dominion shouldn't be an element of kidnapping, is
25 that what you're saying?

1 **PROSPECTIVE JUROR NO. 15-0011:** Yes.

2 **MR. GUROVICH:** Okay. So let me -- let me ask
3 you a theoretical question. If an adult and a minor go
4 to get some alcohol without first getting permission
5 from the minor's parents, would that be considered
6 kidnapping, in your opinion?

7 **PROSPECTIVE JUROR NO. 15-0011:** No.

8 **MR. GUROVICH:** There's no control or
9 dominion, though. Why shouldn't it be kidnapping?

10 **PROSPECTIVE JUROR NO. 15-0011:** Because I
11 think you --

12 **MS. COURT REPORTER:** I can't hear you.

13 **THE COURT:** You need to put the mic a little
14 closer to your mouth, sir. I'm sorry.

15 **PROSPECTIVE JUROR NO. 15-0011:** Because
16 you're not forcing anybody. You know? You have that
17 option always. If you go buy alcohol somewhere,
18 whatever, a child or under the age, you know, they're
19 not going to be able to go in there when they get the
20 alcohol and going somewhere else.

21 **MR. GUROVICH:** So you're saying that the
22 minor child can -- can leave. Right? Is that what
23 you're saying? Is that why --

24 **PROSPECTIVE JUROR NO. 15-0011:** There's no
25 control of anybody. You know? The only person who has

1 control will be the adult during that time. You know?

2 **MR. GUROVICH:** Okay. What do you think about
3 that, sir?

4 **THE COURT:** Who are you referring to?

5 **MR. GUROVICH:** I'm referring to Juror No. 16.
6 I don't have the full name. I apologize.

7 **THE COURT:** Mr. Shumway.

8 **PROSPECTIVE JUROR NO. 15-0053:** What
9 specifically are you asking?

10 **MR. GUROVICH:** Well, the question that I
11 posed. You know, if an adult and a minor go get
12 alcohol together consensually and the minor does not
13 ask permission of his or her parents, should that be
14 considered kidnapping?

15 **PROSPECTIVE JUROR NO. 15-0053:** I mean, if I
16 can unring the bell of what we heard about the
17 statutory requirements and an adult and a -- a 16 or 17
18 year old buys alcohol, I mean, in a vacuum, no
19 statutes -- no statutory requirements, maybe that isn't
20 kidnapping.

21 **MR. GUROVICH:** Okay. But, again, the judge
22 will instruct you guys on the law, and that's what
23 you're going to need to follow.

24 So in terms of -- in terms of kidnapping in
25 general, we all watch a lot of movies, we see lot of

1 different shows on kidnapping, and that -- that usually
2 involves some type of force, like the prosecution said,
3 you know, duct tape, et cetera. However, the judge,
4 again, will instruct you guys on the law, and that may
5 have some different -- different aspects to it.

6 Now, one of these is intent of the adult. Do
7 you think the intent of the adult in participating in
8 this particular act is important?

9 So let's assume the same -- same scenario.
10 They go get alcohol. Is the intent of the adult
11 important in this situation?

12 What do you think, ma'am?

13 **THE COURT:** Do you have a --

14 **MR. GUROVICH:** Juror No. 10, Ms. Lewis.

15 **THE COURT:** All right.

16 **PROSPECTIVE JUROR NO. 15-0015:** Well, to take
17 the person out to get alcohol to begin with obviously
18 is not the right thing to do. But the specific
19 question you're asking, could you rephrase that?

20 **MR. GUROVICH:** Well, the intent of the adult
21 in -- in actually driving the minor to get alcohol, is
22 that -- is that or should that be important, in your
23 opinion, to the charge of kidnapping?

24 **PROSPECTIVE JUROR NO. 15-0015:** Well, as my
25 interpretation of kidnapping is done by force. So for

1 me to look at a minor to get into a car with a -- a --
2 an adult, someone over the age of 21, to me that
3 doesn't even sound like kidnapping if it's consensual.

4 **MR. GUROVICH:** Understood.

5 Anybody else share that opinion?

6 Please, Juror No. 11.

7 **PROSPECTIVE JUROR NO. 15-0017:** Well,
8 historically, in my beliefs, kidnapping was an act of
9 force, and use your deal of somebody going to getting
10 alcohol, is that kidnapping? Based on the law, as I
11 interpret it here, yes, it would be kidnapping, and I
12 don't agree with that.

13 **MR. GUROVICH:** Understood.

14 Ms. Diaz, Juror No. 8.

15 **PROSPECTIVE JUROR NO. 15-0012:** Are there
16 degrees of kidnapping by which third degree would be no
17 intent on the -- on one person and first degree would
18 be malice of intent?

19 **MR. GUROVICH:** There are degrees, but I don't
20 think that's a factor in this case.

21 **PROSPECTIVE JUROR NO. 15-0012:** Okay. No, I
22 agree, this is not what I consider kidnapping.

23 **MR. GUROVICH:** Understood.

24 All right. I think I don't have any more
25 questions on that note. Thank you very much everybody.

1 **THE COURT:** All right. Thank you.

2 Ms. Lewis, you had indicated at one point --
3 No. 10, you indicated that this kind of subject matter
4 is not something you're particularly comfortable with,
5 and I appreciate -- appreciate that. Again, though,
6 you need to -- you were going to need to listen to the
7 testimony of each of the witnesses that come up here
8 and review the exhibits that are introduced at trial.

9 Are you going to be able to do that and look
10 at it and then go back into -- listen to my
11 instructions and then go back into the jury room with
12 the other jurors and take my instructions and fairly
13 and unbiasedly apply those instructions to the evidence
14 that's admitted in this case and hold the State to
15 their burden of proving the elements necessary beyond a
16 reasonable doubt?

17 **PROSPECTIVE JUROR NO. 15-0015:** Yes, I could
18 do that.

19 **THE COURT:** Okay. You know, some of you
20 again mentioned sort of, you know, your idea of what
21 kidnapping should be or shouldn't be. And,
22 unfortunately, a lot of times in the law we give titles
23 to different crimes, and that's, you know, just what we
24 use for those titles and they may, because of
25 television or the movies, be -- get some sort of

1 particular picture or -- or vision.

2 I want to go back to that issue again. As I
3 said, I'm going to define to you what is under the law
4 of the state of Nevada first-degree kidnapping when it
5 relates to somebody who is a minor. And I'm going to
6 explain to you what the elements have to be.

7 Is there anyone here who doesn't think that
8 they would be able to follow my instructions and look
9 at the evidence to see if the State has proven its --
10 those facts beyond a reasonable doubt, follow my
11 instructions, and -- even if you didn't necessarily
12 agree with what -- with the law I give you is?

13 All right. I don't see any hands.

14 But let me turn now to Mr. Hartman. You sort
15 of expressed some concern in that regard, and I
16 understand, again, we sort of get into this idea of
17 titles, such as kidnapping or whatever. But if I give
18 you the law as to in the case of a minor what is
19 considered criminal under Nevada statute, and let's
20 look at the -- let's pretend, just get rid of the term
21 kidnapping, what is criminal under the term kidnapping,
22 what is criminal under X, Y, Z statute, would -- would
23 you be able to follow my instructions as it relates to
24 that statute and what needs to be met or proven beyond
25 a reasonable doubt by the State in order -- and find a

1 person guilty if you found those facts were
2 established?

3 **PROSPECTIVE JUROR NO. 15-0013:** Yes.

4 **THE COURT:** Okay. All right. Is there
5 anything further we need to follow up with on any side
6 right now?

7 **MS. KOLLINS:** No, Your Honor.

8 **MR. GUROVICH:** No.

9 **THE COURT:** Can I see counsel outside?

10 *(Whereupon, a sidebar was held as follows:)*

11 **THE COURT:** All right. Is there anybody from
12 the State you further want to remove for cause?

13 **MS. KOLLINS:** I would like to remove
14 Mr. Hartman. I think he was pretty adamant about his
15 opinion from -- about kidnapping and that he was going
16 to require force and he didn't like the law, and I
17 understand he responded affirmatively to you but that
18 was a one-word answer and not the -- I don't know --
19 four or five sentences he gave defense counsel. So I
20 don't -- I mean, I think that's enough for cause.

21 **THE COURT:** Okay. Defense?

22 **MR. GUROVICH:** Well, I -- respectfully, I
23 disagree. You know, he's entitled to his opinion, and
24 his opinion is based on the fact that he doesn't know
25 what the law is. You know, he says he's going to

1 follow it. You'll instruct him. You know, I don't --
2 I don't think that's an issue. I mean, he said that he
3 feels that, you know, force should be part of it, but
4 at the same time, he didn't say he's going to reject
5 the law as --

6 **MR. MARGOLIS:** He said he would apply law.
7 He shouldn't be punished for his candor.

8 **MR. GUROVICH:** I don't think it's an issue.

9 **MS. KOLLINS:** I guess my position is that is
10 so close to a nullification argument. Like, you -- you
11 know, and we had this discussion and I didn't jump up
12 and down in there. You know, I objected once. But
13 that is -- I mean, to drawn the comparison between
14 picking a kid up and taking them to have sex versus
15 buying alcohol, that's not even a felony. So that's
16 part of what the kidnapping statute says, and that was
17 a nullification --

18 **THE COURT:** Well --

19 **MS. KOLLINS:** -- argument and we got them to
20 agree that they thought force was required, and then
21 that spiel went on --

22 **THE COURT:** Well, I think it's fair because
23 the statute talks about kidnapping and people, the
24 title talks about kidnapping. I try to moved people
25 away from the title because effectively, for all

1 practical purposes, who knows what kidnapping is and
2 it's irrelevant, the title. The issue is what are the
3 elements that the statute sets out. And Mr. Hartman
4 indicated that he would -- you know, when I explained
5 to him let's get rid of the title of kidnapping and
6 let's focus on the elements of the offense, if you
7 found that those facts that are -- I instruct as the
8 elements are met, will you be able to render a -- a
9 verdict? And he said that he would. So, at this
10 point, I'm not prepared to -- to strike Mr. Hartman.

11 Is there anybody else on the part of the
12 State?

13 **MS. KOLLINS:** No. Thank you, Your Honor.

14 **THE COURT:** All right. Anybody on the part
15 of the defense?

16 **MR. GUROVICH:** No, Your Honor.

17 **THE COURT:** All right. So we'll have eight
18 on each side. I'll handle the -- when you -- we'll
19 start with the State making it. We'll go back and
20 forth one at a time. Number your perempts by the --
21 your first one will be one --

22 **MR. GUROVICH:** Right.

23 **THE COURT:** -- two and three and in order.
24 We'll do those eight. Then I'll ask the marshal to let
25 me take a look at it and make sure we're good with

1 that, and then we'll do one each for the alternates.

2 MR. MERBACK: And that's for -- that would
3 just be --

4 THE COURT: Twenty-nine.

5 MR. MERBACK: -- thirty -- 29 through 32?
6 Got you.

7 THE COURT: Yeah. Again, if you waive any of
8 your perempts, that doesn't move up the alternates.
9 Twenty-nine to thirty-two are going to be our
10 alternates.

11 MR. GUROVICH: It moves the rest of them.
12 Right?

13 MS. KOLLINS: And we're doing this blind on
14 paper or are we doing it verbally?

15 THE COURT: You're doing it on paper.

16 MR. GUROVICH: On paper?

17 MR. MARGOLIS: The paper's going to go back
18 and forth.

19 MR. GUROVICH: Oh.

20 THE COURT: Yeah, the paper's going to go
21 back and forth.

22 MR. GUROVICH: We're not, "We'd like to thank
23 you and excuse Juror No. so-and-so"?

24 THE COURT: No.

25 MR. GUROVICH: Okay. Understood. Okay.

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 **MR. MARGOLIS:** No blood on our hands.

2 **THE COURT:** No blood on anyone's hands.

3 Yeah, but if you do waive -- waive any of
4 your -- you know, it's going to be the first 12 that
5 aren't -- that aren't perempted.

6 **MR. MERBACK:** And if we waive one, we don't
7 waive the rest of them; is that correct?

8 **THE COURT:** That's correct.

9 **MR. GUROVICH:** Your Honor, just -- I wanted
10 to make a quick record about the jury nullification
11 issue. It was not my intent to go down that path
12 whatsoever. In fact, I told the jurors that they have
13 to follow the law, whatever that is, regardless if they
14 agree or disagree with it.

15 So, you know, honestly, in 20 years, I've
16 never made a jury nullification argument ever. So if
17 it sounded like I was trying to go that way, I was not.

18 **THE COURT:** You know, we can possibly -- I'm
19 totally good in terms of changing the instructions
20 to -- rather than saying the defendant is charged in
21 Count 1 with someone who's a teacher or volunteer
22 having sex with a student, just changing it to saying
23 the defendant is charged in Count 1 with a violation of
24 Nevada Revised Statute, whatever the number is; to find
25 the defendant guilty of this statute, X, Y, Z elements

1 need to be met. And let's do the same thing with
2 kidnapping. I'll let you-all ponder that. That might
3 actually not be bad from your guys' perspective because
4 it does, I think, from the movies and books and
5 everything, people do think of something different than
6 what happened here in terms of -- of the concept of
7 kidnapping. But I'll -- you know, we don't need to
8 make a decision now, but that's an option that we might
9 be able to do, which may take out the jury
10 nullification because then the whole issue is do you
11 think this is kidnapping to do you think that these
12 elements are met as to this criminal statute. But
13 we'll -- you can ponder that overnight, and we'll deal
14 with it -- deal with it tomorrow, if you want, or when
15 we get ready for the jury instructions.

16 Anything else at this point in time?

17 **MR. GUROVICH:** No.

18 **MR. MARGOLIS:** No.

19 **THE COURT:** All right. Let's go ahead and
20 finalize the process.

21 *(Sidebar concluded.)*

22 **THE COURT:** Okay. All right. Ladies and
23 gentlemen, at this point in time we're going to go
24 through what's called the peremptory challenge part of
25 the jury selection process. We essentially have

1 reached an agreement that all 32 of you, under the law,
2 are appropriate jurors in this case. And now what we
3 do is we give the parties on each side the ability to
4 strike jurors, which they may strike for any reason.
5 They may just feel this isn't a case that you're good
6 for. They may feel that you're -- you might have some
7 aspect of your background that makes this case -- it
8 might not be something that you should sit on. There's
9 no good reason or bad reason, no right or wrong as to
10 why anybody is challenged. I don't want anyone to feel
11 that you have failed in some way if you're challenged.

12 As I said, I did this for a lot of years as a
13 prosecutor. I'm not saying that there was always logic
14 and some significant basis beyond perhaps nothing more
15 than a gut feeling that maybe we should strike this
16 juror or that juror in terms of a lot of decisions. So
17 I don't want you to think anything about that as we go
18 through this process.

19 As to the two gentlemen over on this side and
20 the remainder of the panel over on this side, you are
21 not going to be needed for jury service in this case.
22 I appreciate that you've sat here through the day, and
23 you've been patient and I can tell that you've all kept
24 focused in terms of the questions that we've asked and
25 what's been going on and you've been pretty timely and

1 I really do appreciate it.

2 You aren't selected as jurors, but hopefully
3 you found something of value in coming down and meeting
4 your civic responsibility and in seeing how the process
5 works, to some degree. So I want to thank you.

6 With that, you do get a reward. You don't
7 get called back for at least 18 months for jury service
8 in the state system. There is a federal system out
9 there, which has federal criminal trials and civil
10 trials, and you're all at risk there with the federal
11 side. But as to the state side, for the next 18 months
12 you shouldn't be getting a -- a summons in the mail
13 from -- from this court.

14 But I do want to thank you for coming down.
15 I know it is an inconvenience but, again, hopefully you
16 got something out of it and I do appreciate it. Thank
17 you very much. So you all -- you can stay if you want
18 or you can leave.

19 *(Remaining venire panel exiting.)*

20 **THE COURT:** All right. We'll get started
21 with the peremptory challenge process. We'll start
22 over with the State side.

23 **MS. KOLLINS:** Thank you, Ms. Clerk.

24 *(Pause in the proceedings.)*

25 **MR. GUROVICH:** Should we be playing dramatic

1 music right now?

2 **THE COURT:** No. I can put on white noise, if
3 you'd like.

4 All of you -- like I said, don't chat about
5 the case, but if you want to chat among each other
6 about what you do or what you think of the NCAA
7 basketball tournament, if you want to stand up and
8 stretch, just sort of stay where you're at and relax
9 while we go through this process.

10 *(Pause in the proceedings.)*

11 **MS. KOLLINS:** I believe selection's complete,
12 Your Honor.

13 **THE COURT:** Okay. Why don't you -- marshal?

14 **THE MARSHAL:** Thank you.

15 **THE COURT:** Thank you.

16 You're all making me nervous being so quiet.

17 All right. Can I see counsel outside for
18 just a minute?

19 *(Whereupon, a sidebar was held as follows:)*

20 **THE COURT:** All right. I'm showing the jury
21 as being Mr. Morris will be No. 1; Ms. Chai, she'll be
22 No. 2; Ms. Lewis, she'll be No. 3; Mr. Braegger, he'll
23 be No. 4; Ms. Thompson-Jenson, she'll be No. 5;
24 Ms. Stabrigida --

25 **MS. KOLLINS:** I think it's "mister."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

No. 70587

vi.

Respondent.

10

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

16

17

18

2:

22

2.

Employee, Clark County Public Defender's Office

2

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

No. 70587

Electronically Filed
Oct 02 2017 08:25 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

V.

Respondent.

APPELLANT'S APPENDIX VOLUME III PAGES 508-765

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

INDEX
JASON RICHARD LOFTHOUSE
Case No. 70587

PAGE NO.

Amended Criminal Complaint filed 07/09/15	9-14
Amended Information filed 07/16/15	21-27
Amended Jury List filed 03/24/16	235
Amended Reply to State's Response to Defendant's Motion to Correct Illegal Sentence Date of Hrg: 06/08/17	1537-1547
Amended Supplemental Notice of Witnesses And/Or Expert Witnesses filed 02/24/16	221-225
Certification filed 06/16/17	1582-1584
Correspondence from Nevada Department of Corrections Requesting Correction of Judgment of Conviction dated 05/18/17	1485-1487
Correspondence Regarding Amended Judgment of Conviction dated 07/24/17	1585-1589
Court's Exhibits List	1466
Court Exhibit 6 dated 03/25/16	1467
Criminal Complaint filed 06/05/15	1-2
Defendant's Motion in Limine to Preclude the State from Introducing or Attempting to Introduce Evidence of Any Other Actual or Potential Victims filed 03/16/16	229-233
Defendant's Opposition to Motion to Preclude Defense Presentation of Jury Nullification Arguments filed 02/02/16	207-209
Defendant's Proposed Jury Instructions Not Used at Trial filed 03/20/16	263-264
Defendant's Sentencing Memorandum filed 05/12/16	269-379
District Court Minutes from 07/20/15 through 06/21/16	393-417
Information filed 07/16/15	15-20
Instructions to the Jury filed 03/25/16	236-262
Judgment of Conviction filed 05/20/16	380-382
Judgment of Conviction filed 05/20/16	1488-1490

1	Jury List filed 03/21/16.....	234
2	Justice Court Minutes from 06/04/15 through 07/09/15	3-8
3	Motion to Associate Counsel	
4	Date of Hrg: 10/15/15.....	180-197
5	Motion to Correct Illegal Sentence	
6	Date of Hrg: 06/08/17.....	1491-1520
7	Motion to Withdraw as Counsel of Record and for an Order Appointing the Office of the Public Defender	
8	Date of Hrg: 06/09/16.....	383-388
9	Notice of Appeal filed 06/09/16.....	389-390
10	Notice of Motion and Motion to Preclude Defense Presentation of Jury Nullification Arguments	
11	Date of Hrg: 01/12/16.....	202-206
12	Notice of Witnesses And/Or Expert Witnesses filed 12/29/15	210-212
13	Order Admitting to Practice filed 10/01/15.....	200-201
14	Order Granting Motion to Withdraw filed 06/14/16	391-392
15	Order that Writ of Habeas Corpus Issue filed 09/18/15	172
16	Petition for Writ of Habeas Corpus (Pre-Trial) filed on 08/20/15	124-171
17	Petitioner's Traverse filed 09/15/15	173-179
18	Presentence Investigation Report dated 05/03/16	1468-1475
19	Reply to State's Response to Defendant's Motion to Correct Illegal Sentence	
20	Date of Hrg: 06/08/17.....	1526-1536
21	Second Amended Information filed 01/13/16	213-217
22	Second Supplemental Notice of Witnesses And/Or Expert Witnesses filed 03/04/16.....	226-228
23	State's Exhibits List.....	1464-1465
24	State's Response to Defendant's Motion to Correct Illegal Sentence	
25	Date of Hrg: 06/08/17.....	1521-1525
26	Substitution of Attorney filed 10/01/15.....	198-199
27	Supplemental Notice of Witnesses And/Or Expert Witnesses filed 02/22/16.....	218-220
28	Supplemental Presentence Investigation Report dated 05/13/16	1476-1484
	Verdict filed 03/25/16.....	265-268

TRANSCRIPTS

1		
2		
3	Recorder's Transcript	
4	Preliminary Hearing	
5	Date of Hrg: 07/09/15.....	28-123
6	Recorder's Transcript	
7	Defendant's Motion to Correct Illegal Sentence	
8	Date of Hrg: 06/08/17.....	1560-1571
9	Recorder's Transcript	
10	Defendant's Motion to Correct Illegal Sentence	
11	Date of Hrg: 06/22/17.....	1572-1574
12	Recorder's Transcript	
13	Defendant's Motion to Correct Illegal Sentence	
14	Date of Hrg: 07/13/17.....	1575-1581
15	Recorder's Transcript	
16	Initial Arraignment	
17	Date of Hrg: 07/20/15.....	418-420
18	Recorder's Transcript	
19	Status Check: Clarification of Sentence	
20	Date of Hrg: 05/18/17.....	1548-1559
21	Reporter's Transcript	
22	Date of Hrg: 09/22/15.....	421-429
23	Reporter's Transcript	
24	Date of Hrg: 10/01/15.....	430-446
25	Reporter's Transcript	
26	Date of Hrg: 11/10/15.....	447-456
27	Reporter's Transcript	
28	Date of Hrg: 12/02/15.....	457-488
	Reporter's Transcript	
	Date of Hrg: 01/12/16.....	489-501
	Reporter's Transcript	
	Date of Hrg: 02/09/16.....	502-507
	Reporter's Transcript	
	Jury Trial Day 1	
	Date of Hrg: 03/21/16.....	508-866
	Reporter's Transcript	
	Jury Trial Day 2	
	Date of Hrg: 03/22/16.....	867-1005

1	Reporter's Transcript	
	Jury Trial Day 3	
2	Date of Hrg: 03/23/16.....	1006-1219
3	Reporter's Transcript	
	Jury Trial Day 4	
4	Date of Hrg: 03/24/16.....	1229-1398
5	Reporter's Transcript	
	Jury Trial Day 5	
6	Date of Hrg: 03/25/16.....	1399-1407
7	Reporter's Transcript	
	Jury Verdict	
8	Date of Hrg: 03/25/16.....	1408-1421
9	Reporter's Transcript	
	Sentencing	
10	Date of Hrg: 05/17/16.....	1422-1463

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

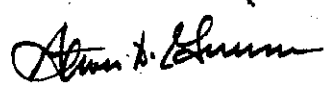
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRAN

Electronically Filed
03/31/2017 10:56:54 AM

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
JASON RICHARD LOFTHOUSE,)
#7019775,)
)
Defendant.)
)
)
)

CASE NO.: C-15-307937-1
DEPT. NO.: XX

REPORTER'S TRANSCRIPT OF JURY TRIAL, DAY 1
BEFORE THE HONORABLE JUDGE ERIC JOHNSON
DEPARTMENT XX
MONDAY, MARCH 21, 2016
9:32 A.M.

For the State: WILLIAM MERBACK, ESQ.
Chief Deputy District Attorney
STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney
For the Defendant: DMITRY Y. GUROVICH, ESQ.
JASON MARGOLIS, ESQ.

Reported by: Amber M. McClane, NV CCR No. 914

1 LAS VEGAS, NEVADA; MONDAY, MARCH 21, 2016

2 9:32 A.M.

3 * * * * *

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

5 * * * * *

6 THE MARSHAL: All rise. District Court 20's
7 in session. The Honorable Judge Eric Johnson
8 presiding.

9 THE COURT: Good morning, everybody.

10 All right. We got the panel outside.

11 THE MARSHAL: Be seated.

12 THE COURT: Oh, yeah. Be seated. I'm sorry.

13 I asked my clerk to check and see if there
14 was anything we really needed to talk about before we
15 started jury selection. She didn't act like there was
16 really was.

17 Is there anything?

18 MS. KOLLINS: Your Honor, I know this -- that
19 a motion was filed. The defendant filed a motion that
20 wasn't technically calendared till August -- or
21 April 4th. I'm prepared to respond to that orally.
22 And we had some stipulations.

23 THE COURT: Well, this is a motion in limine
24 to preclude the State from attempting to introduce --
25 you're not going to want to be talking about any other
victims or potential victims in the jury selection

1 process, I assume?

2 **MS. KOLLINS:** No, sir.

3 **THE COURT:** Okay. We will deal it, and we
4 won't put it off until that period of time. We'll deal
5 with it either during a break today or at the end of
6 the day or first thing -- or before we start the jury
7 trial.

8 We have -- are we set up for 32?

9 **THE MARSHAL:** Yes, Your Honor.

10 **THE COURT:** Okay. In terms of jury
11 selection, the last four seats will be the alternates
12 seats. So you can't manipulate anybody up by waiving,
13 just to let you know. The last four seats, Seats 29,
14 30, 31, and 32, will be -- I will give you one perempt
15 each for those four seats, and who's left out of -- the
16 two that are left out of those four will be the
17 alternates. I just want to make sure everybody
18 understands that. Because some people have the
19 impression that they might be able to waive and move
20 people up into alternate positions.

21 So trying to think. Anything else?

22 When somebody is excused prior to us doing
23 the peremptories, we'll pull somebody out from the
24 gallery. We aren't going to make people move down in
25 seats. So if Seat No. 2 is excused, we'll pull the

1 next person in line out of the gallery, and that person
2 will go into Seat No. 2. We aren't going to have
3 everybody shift forward.

4 I'll ask questions and I'll give everybody a
5 chance to ask questions. I don't want you to make
6 motions to exclude somebody for cause in front of the
7 jury. I'll give you some time, a couple time spaces
8 during the jury selection process to move for anyone to
9 be excused for cause. I want it done outside the
10 presence of the jury.

11 Any other questions at this point?

12 **MS. KOLLINS:** Your Honor, just very briefly.
13 I know Mr. Lofthouse has some family members here.
14 They are seated behind where the jury's going to be
15 sitting. I'd just like them admonished today that they
16 can't speak to anybody in the panel.

17 **THE COURT:** Are we going -- I guess we've got
18 65. We probably are going to have to have some people
19 come over to here.

20 **THE MARSHAL:** They're all over here.

21 **THE COURT:** They're all in the back row, and
22 I'm sure you all understand that it would be arguably
23 contemptuous on your part if you tried to communicate
24 with any of the people in the panel while we're in the
25 jury selection process, and I'll ask that you not do

1 that. Thank you.

2 Now, Ms. Kollins, I'll give you a chance to
3 do a short summary of the case. By that I mean 60
4 seconds or less. Okay?

5 **MS. KOLLINS:** That will be Mr. Merback this
6 morning, Your Honor.

7 **THE COURT:** Okay. Mr. Merback, I'll give you
8 a chance to do a short summary of the case, and that
9 will be 60 seconds or less. Okay?

10 **MR. MERBACK:** And list of witnesses as well,
11 Your Honor?

12 **THE COURT:** Yeah. Well, the list of
13 witnesses doesn't count through your 60 seconds on the
14 summary of the case.

15 **MR. MERBACK:** Okay. Thank you.

16 **THE COURT:** If that takes five or ten
17 minutes, you can go for that. I want to get all the
18 witnesses out, and I don't want a long, explorative
19 discussion of the summary of the case.

20 **MR. MERBACK:** It won't take that long, Your
21 Honor.

22 **THE COURT:** Counsel, do you want -- I will
23 offer you a chance to give a summary of your defense,
24 if you want to do it. If you don't want to give any
25 summary of your defense at this point in time, I won't

1 ask you and put you on the spot in front of the jury.

2 **MR. GUROVICH:** Understood, Your Honor. This
3 is not opening statements. Right?

4 **THE COURT:** No.

5 **MR. GUROVICH:** Okay.

6 **THE COURT:** This is just -- I'm going to give
7 the State a chance to do a one-minute summary of what
8 this case is about. I'm asking you if you want to have
9 a chance to give a one-minute summary of your defense.

10 **MR. GUROVICH:** We'll pass.

11 **THE COURT:** Okay. That's fine. Like I said,
12 I don't want to all of the sudden catch you off guard
13 and have you, like, say no in front of the jury. So
14 I'll --

15 **MR. GUROVICH:** No problem.

16 **THE COURT:** We'll work from that basis.

17 All right. Let me take a second and write
18 the names down on my. . .

19 Let me just ask, how long do you think we're
20 going to need to do the trial?

21 **MS. KOLLINS:** Your Honor, we have -- we've
22 entered some stipulations. We've cut the witnesses
23 substantially compared to what we've noticed. We
24 should be able to finish on Friday.

25 **THE COURT:** Okay.

1 **MS. KOLLINS:** That's our goal.

2 **THE COURT:** I'll warn them into possibly
3 Monday. We should be able -- we would be able I think
4 have a full -- right now actually, if all goes as it
5 sounds like it's going to go, we'll be able to do
6 pretty much a full day on Friday.

7 **MS. KOLLINS:** Okay. We'll adjust
8 accordingly.

9 **THE COURT:** And then --

10 **MS. KOLLINS:** If we have --

11 **THE COURT:** If we need to, we can do a full
12 day on Monday.

13 **MS. KOLLINS:** If we have a full day on
14 Friday, we will finish.

15 **THE COURT:** Okay. Great. That's what --
16 I'll still tell them we may have a chance to tip into
17 Monday. I don't want to take a risk where somebody's
18 schedule or something special that they've got.

19 **MS. KOLLINS:** Absolutely.

20 **THE COURT:** Oh, the other thing, I don't use
21 the juror badge numbers when I do jury selection, just
22 so you -- I know a lot of -- most of the judges do. I
23 use the seat number when I'm talking to the jurors. So
24 the back row is going to be Jurors No. 1 through 8,
25 middle row is going to be 9 through 15, and the bottom

1 row here will be 16 through 24, and the first row of
2 the gallery's going to be 25 through 32.

3 So I just -- I just find it easier to do it
4 geographically rather than try to figure out what their
5 badge numbers are. And we'll make it clear on the
6 record when we move people into new seats.

7 **MR. GUROVICH:** Your Honor?

8 **THE COURT:** Yes.

9 **MR. GUROVICH:** May I inquire with your clerk?

10 **THE COURT:** Sure.

11 **MR. GUROVICH:** What's the Wi-Fi password?

12 **MR. MARGOLIS:** Oh, there isn't.

13 **MR. GUROVICH:** There isn't?

14 **MR. MARGOLIS:** I already --

15 **THE COURT:** I could have even answered that
16 one.

17 **MR. GUROVICH:** Okay.

18 **THE COURT:** You ready?

19 **THE MARSHAL:** We're ready.

20 **THE COURT:** All right. Give me one more
21 minute.

22 I'm seeing a line drawn on my copy through
23 Sharon Busby.

24 **THE MARSHAL:** They're all -- they're all --
25 everybody on there is on there. I had --

1 **THE COURT:** Okay.

2 **THE MARSHAL:** -- issue. I had some lines
3 drawn through a few of them, but they're all here.

4 **THE COURT:** Okay.

5 **THE CLERK:** Sharon Busby is here?

6 **THE MARSHAL:** Yeah.

7 **MS. KOLLINS:** And Giselle Ott?

8 **THE MARSHAL:** Yeah, she's there.

9 **MS. KOLLINS:** Okay. I just renumbered my
10 whole thing because I --

11 **THE MARSHAL:** I don't know why the lines are
12 through there.

13 **THE COURT:** You better get cracking then.

14 **THE MARSHAL:** I called all the names on
15 there, and that's what was on there. And those people
16 with the lines are outside.

17 **MR. MERBACK:** Do you have a clean copy that
18 we can make new copies of?

19 **THE CLERK:** No.

20 **MR. MERBACK:** We don't?

21 **THE CLERK:** This is what they gave us.

22 **MS. COURT REPORTER:** I have a clean one.

23 **THE MARSHAL:** Everybody on there is on there.
24 Now you're going to have me all confused, Counselor.

25 **MR. MERBACK:** Sorry.

1 **THE COURT:** That's all right. It's not your
2 fault.

3 **THE MARSHAL:** I had the same problem. But I
4 called her name and she was there so. . .

5 **THE CLERK:** Do you guys need different
6 sheets?

7 **THE MARSHAL:** Do you need different sheets
8 for your --

9 **MR. MARGOLIS:** I'll take one.

10 **MR. GUROVICH:** Yeah, sure. Thank you.

11 **THE COURT:** This is a copy I can mark on.
12 Right?

13 **THE CLERK:** Yes. That's for you.

14 **THE COURT:** All right. If I bring them in
15 now, are you organized enough that we can move forward?

16 **MS. KOLLINS:** Can you give me just two
17 minutes, Your Honor? I apologize. Almost there.

18 **THE MARSHAL:** I'll lodge an official
19 complaint with Jury Services.

20 **THE COURT:** That's all right.

21 **THE CLERK:** Yeah, because a line through it
22 means that they're --

23 **THE MARSHAL:** It had me confused, too. But I
24 called them, and they were here.

25 **MS. KOLLINS:** Okay. Your Honor, I apologize

1 for that. I was two off.

2 **THE COURT:** No, it's all right. I appreciate
3 that it threw people off. So go ahead and bring them
4 in. Let's get started.

5 *(Venire entering.)*

6 **THE MARSHAL:** All rise. Jurors entering the
7 courtroom.

8 **THE COURT:** You all can go ahead and sit when
9 you get to your spot. It's all right.

10 **THE MARSHAL:** You want them all the way to
11 the end of that one?

12 **THE COURT:** That's fine. We have a lot of
13 people today.

14 **THE MARSHAL:** That's it, Your Honor. That's
15 everybody.

16 **THE COURT:** That's everyone?

17 **THE MARSHAL:** Yeah, this is a different
18 matter.

19 **THE COURT:** Oh, okay. All right. That's a
20 relief. I was like, all right, we're running out of
21 chairs.

22 Okay. All right, everybody. Let's go ahead
23 and be seated. Let the record reflect the presence of
24 the defendant, the attorneys for both sides.

25 Ladies and gentlemen, we have a full room

1 today, and I appreciate all of you being here. My name
2 is Eric Johnson. I'm the district court judge for
3 Department 20 here in the Eighth Judicial District
4 Court. Eighth Judicial District Court covers all of
5 Clark County, from Mesquite down to Laughlin, and
6 everything in between. And essentially the Eighth
7 Judicial District Court is what people would frequently
8 refer to as our trial court. It handles the civil and
9 criminal matters that, for the most part, require a
10 jury trial. Those would generally be your more serious
11 civil and criminal matters.

12 And so I'm the district court judge in this
13 court. There is approximately 32 general jurisdiction
14 district court judges in the whole building, and all of
15 them will hear criminal and civil trials.

16 The trial that you're here today as
17 prospective jurors is a criminal trial, and so that's
18 what the kind of case is that you're going to be
19 considered for possible jury service.

20 I want to bring up probably an elephant in
21 the room for a lot of you and that is there's a good
22 chance a lot of you don't want to be here. I
23 appreciate that. I've been with the criminal justice
24 system for almost 32 years prior to becoming a district
25 court judge. I was appointed to this position last

1 May. So I've been a district court judge for about a
2 year. And prior to that I was a Criminal Division
3 Chief with the United States Attorney's Office, which
4 is a federal prosecuting office, and then have been a
5 deputy chief and then a line attorney there for almost
6 32 years. So I've done a lot of trials over the course
7 of that period of time, and I've done a number of
8 trials that have taken up to two or more months in
9 length. And so I've dealt with a lot of juries.

10 The good news is this trial will not go two
11 or more months in length. It probably will finish by
12 this coming Friday if we are able to keep to the
13 schedule that hopefully we'll keep. And worst case
14 scenario, it might tip a little bit over into Monday.

15 So it isn't a trial that you're going to be
16 expected to sit on for two or three or more months.
17 We're going to be looking at about a one-week period of
18 time. But nonetheless, it's a very important trial.
19 It's important to the defendant, and it's important to
20 the community. And I want to emphasize that in terms
21 of, as you sit here today and if any of you are trying
22 to think of ways to get off the jury panel, I want to
23 emphasize that this is a very important duty and
24 responsibility that you all are being asked to come
25 here and take.

Amber M. McClane, CCR No. 914

(702) 927-1206 • ambermcclaneccr@gmail.com

Pursuant to NRS 239.053, illegal to copy without payment.

1 in as members of the community to serve a really
2 important responsibility. And this responsibility to
3 serve as jurors is one of only two that our
4 Constitution really places an affirmative obligation on
5 you in terms of service to your community. One is
6 potentially military services -- service in time of an
7 emergency, but the other one is jury service.

8 This is really about the only time in your
9 lives, as citizens of this country enjoying the
10 freedoms that you're given pursuant to our
11 Constitution, both by the federal Constitution and the
12 state Constitution, one of the only times you're asked
13 to come in and serve a specific civil goal.

14 So I want to emphasize that to you, and I
15 want you to think about it. If you were accused of a
16 crime, wouldn't you want people out of the community to
17 come in and be the ones to decide whether or not you're
18 guilty or acquitted? It's a very, very important
19 right.

20 And I know it's going to take some of your
21 time if you're selected as a juror, and I want you to
22 think about the fact that if you -- if you are selected
23 as jurors, while it is going to take your time, there
24 are a lot of people out there who give service to the
25 country who are giving a lot of their time, and I

1 emphasize military service in that regard. There's
2 approximately over 2 million of our citizens in
3 military service at this point in time, and at any one
4 time about 230,000 of them can be stationed overseas.
5 Those people have committed a substantial part of their
6 lives to protecting the Constitution, protecting our
7 homeland here in the United States, and protecting the
8 rights that you have as citizens; the rights of freedom
9 of speech, the freedom of assembly, and the right to a
10 jury trial.

11 *(Cell phone interruption in proceedings.)*

12 **THE COURT:** And those people who are serving
13 overseas in particular, you know, when things come up,
14 they don't always get to -- turn off -- turn off --
15 they don't always get to show up at their kids'
16 birthdays or at Christmases or Passover. They don't
17 get to be there for the first dates or the first days
18 of school. So they're missing a lot in serving your
19 country and serving you as the citizens, and so I
20 really want you to think about that, the fact that
21 these people are out there giving a lot of their time,
22 missing a lot of important points and moments in their
23 lives, and you're going to be asked to serve on a jury
24 for maybe a week, maybe one day beyond a week.

25 The last thing I want to just note in terms

1 of jury service, is if you are fortunate enough --- and
2 I do emphasize fortunate enough --- to be selected as
3 one of the 14 jurors in this case, you will find it to
4 be one of the most important, meaningful, and valuable
5 moments of your life.

6 As I said, I've done this for now close to --
7 between being a prosecutor and then now the last year
8 being a judge, almost 33 years. And I've dealt with a
9 lot of juries, and when I was a prosecutor, I would go
10 talk to the juries after the case was over. And since
11 being a judge, I always bring the jurors into the room
12 to talk to them and see how we can improve the process
13 of jury selection. I will tell you, to a person, I
14 have never in my 33 years not talked to somebody who
15 has served on a jury who hasn't at the end of it --
16 they may not have been thrilled at the beginning -- but
17 hasn't at the end of it found it to be one of the most
18 important and meaningful experiences of their lives,
19 and I can promise you that if you're selected as a
20 juror.

21 So I want you to keep those things in mind as
22 we go through the jury selection process, and there
23 will come a time when I ask you if the schedule that
24 we're going to be keep during the trial is going to
25 cause you any problems or you have any issues in terms

1 of your own personal schedules, and I really ask you to
2 think about those things that I've just talked about as
3 far as the importance of jury service. It's an
4 important right. There's others out there spending
5 their time defending you to have that right, and you
6 will find it to be a meaningful experience.

7 So with that, let me just introduce some of
8 the other people that are important to this process.
9 Over here to my right is Linda Skinner. She is our
10 courtroom clerk. She is the person who keeps track of
11 all of the witnesses, swears them in, she keeps track
12 of all the exhibits. She's really the key person to
13 making this courtroom work. In fact, you'll find a lot
14 of times people will refer to her as judge/clerk,
15 and -- and I think it's a lot of times appropriate in
16 terms of her importance in making the process work.

17 Sitting down in front of me is Amber Riggio.
18 Amber is our court reporter, and her job is to take
19 down everything that's being said here in this
20 courtroom. And it's a very important job because what
21 goes on here is oftentimes reviewed by others later on
22 in the process or may even come up and be relevant
23 during the course of the trial.

24 So I want to talk about that for just a
25 second. Amber is amazing and truly one of the best

1 court reporters out there in Southern Nevada, maybe
2 even nationwide, but one of the things she really has a
3 hard time doing is writing down what two people are
4 saying at the same time. And so we'll -- you'll --
5 you'll find, during the course of trial, especially
6 today during jury selection or during the examination
7 of the witnesses, just as you do in your own everyday
8 conversation, you'll hear somebody talk, you'll
9 anticipate what they're going to ask, and you'll answer
10 it before they get done. I'm going to ask you to think
11 about that as we go through the process today. Try to
12 wait until either I or one of the attorneys finishes
13 answering -- asking you a question, and then answer it.
14 And if you make the mistake and answer it while
15 somebody else is talking, don't feel bad. But we may
16 tell you that we can only -- you know, Amber may say
17 "One at a time," or I may ask you to just make sure you
18 speak one at a time. Don't feel embarrassed, and don't
19 feel that we're -- you know, we're getting on you or
20 ever being rude. It's very important that we take down
21 everything that's being said.

22 And in that regard, as we go through the jury
23 selection process, we're going to be referring to each
24 of you either by your name or by your juror seat here
25 in -- in the courtroom. And if you start answering a

Amber M. McClane, CCR No. 914

(702) 927-1206 • ambermcclaneccr@gmail.com

Pursuant to NRS 239.053, illegal to copy without payment.

1 question, I may interrupt just to say "Let the record
2 reflect that it's Juror No. 3 or that it's Ms. Ott
3 who's speaking," whatever it may be. Again, the whole
4 goal is to make sure we have a clean, clear record as
5 to who's talking and what they're saying.

6 And in that reference, just so you know, over
7 here in the top row, Ms. Lee, you're Juror No. 1.
8 You're in the No. 1 seat. And going down, Ms. Diaz,
9 you're in the No. 8 seat. So all of you each have a
10 seat number in that regard.

11 And going to the second row, we'll be looking
12 at Mr. Glen in No. 9, and Ms. Baillis in No. 15.

13 And then, in this row, No. 16, Ms. Cobb
14 [sic], and over down at the end, No. 24, Mr. Ciminise?

15 **PROSPECTIVE JUROR NO. 15-0036:** Correct,
16 yeah.

17 **THE COURT:** And then we'll be using today the
18 first row of the gallery over here, and No. 25 should
19 be Ms. Busby.

20 **PROSPECTIVE JUROR NO. 15-0025:** And I'm not
21 Cobb.

22 **THE COURT:** You're not Cobb? Or Combs. Are
23 you Combs?

24 **PROSPECTIVE JUROR NO. 15-0025:** Yep.

25 **THE COURT:** Okay. I apologize. I'm sorry.

Amber M. McClane, CCR No. 914

(702)927-1206 • ambermccclaneccr@gmail.com

Pursuant to NRS 239.053, illegal to copy without payment.

1 Going too fast.

2 Ms. Busby, your number?

3 **PROSPECTIVE JUROR NO. 15-0037:** Thirty-seven.

4 **THE COURT:** Thirty-seven? I know your badge
5 number says 37, but you're sitting in Seat No. 25.

6 Okay? So that's what I'm trying to -- I know you got
7 your badge numbers and that's important in terms of the
8 Jury Services process in terms of lining you all up.
9 But in terms of us here in the courtroom today, where
10 you're sitting in terms of your seat number is the
11 important thing. We'll go through that a little bit
12 more.

13 But Ms. Busby, you're in Seat No. 25. And
14 Ms. Pernell, you'll be in Seat No. 32. So that just
15 gives you a sense of how you're positioned in terms of
16 your seats.

17 The other person who's important here is our
18 marshal, Marshal Schwaneveldt. He -- Bruce is his
19 first name. He is important for maintaining courtroom
20 security. He's responsible for making sure the
21 courtroom is secure, and he deals with those kind of
22 issues during the course of trial. He's also important
23 because, if something comes up during the course of
24 trial or today, during the course of jury selection, in
25 which you've got some question, you can go to him, as

1 the marshal, and ask the question and he'll pass that
2 on to me and I'll pass it on to the attorneys involved
3 in the case so we can answer it.

4 Now, anything relating to the case, like a
5 factual question about what the case is about or what
6 happened or anything relating to the case itself you
7 can't talk about with the marshal, but anything
8 relating to parking, where to find a cup of coffee,
9 what bathrooms you can use, where you should be
10 positioned in the line, any of those things, feel free
11 to talk to the marshal and he'll help you with it. And
12 if he can't help you, he'll -- he'll get ahold of me in
13 that regard.

14 And as to the -- everyone else, the attorneys
15 in this case, the rest of my staff for the most part
16 during the process of jury selection and during the
17 process of the trial, we won't be talking to you. If
18 we get into an elevator with you, for the most part
19 we're not going to say hi, we're not going to look at
20 you, we're going to probably stare away and look up at
21 the ceiling. And the reason is not that we want to be
22 rude. The reason is that, as jurors, it's very
23 important that the only information that you have is
24 what's presented in this court, and in terms of
25 evidence, what's presented in this -- on this --

1 testified to on this witness stand or what's admitted
2 into evidence. And what we want to make sure is that
3 there's no improper influences or factors that may in
4 any way affect your determination in this case. And so
5 we find that the best way is for the parties not to
6 talk with you and for my staff, for the most part, not
7 to talk -- talk with you.

8 So if you need to have a question answered or
9 anything, talk with -- talk with the marshal.

10 That leads me the next point that I want to
11 make is that, during today, while we're doing the jury
12 selection process, I don't want you using your
13 smartphones to go on social media and talk in any way
14 about the jury selection process or what's going on
15 here. And if you get selected as jurors in the case,
16 I'm going to ask you not to do that during the course
17 of the trial. And the reason is -- and I'm not that
18 familiar with a lot of the applications that are out
19 there on the internets or our smartphones. But like
20 with Facebook, you type in there "Hey, I'm a potential
21 jury in a criminal trial," well, that gets posted and
22 then people can make comments back to you, and the
23 comments that they may back to you could be something
24 inappropriate. And so I'm going to ask that today,
25 while you're all here during the jury selection

1 process, that you don't go on social media and say
2 anything about the trial or say anything about the
3 attorneys or about me or about anyone who's involved in
4 this case.

5 Now, you want to talk about your kids'
6 softball game, where you're going to go for dinner
7 tonight, or what you did over the weekend, that's fine.
8 But while we're doing the jury selection process, don't
9 go on social media and talk about the trial.

10 By that same course, nowadays, with the
11 information superhighway and the availability of
12 smartphones, you can usually do a lot of research on
13 the internet, and I'm going to ask everybody today,
14 during the course of the jury selection process -- and
15 if you get selected, as jurors -- don't go on your
16 smartphones here at the courthouse or on your computers
17 at home and do any research at all about this case.
18 Don't type in the names of the attorneys or any of the
19 locations or any of the facts or participants that may
20 be talked about. The reason is while we -- it's not
21 that we don't want you to have all the information, but
22 we only want you, as jurors, to have the information
23 that you should have. And there are rules of evidence
24 which regulate what information is reliable and what
25 information is proper to come in and be presented to

1 you, and that information is what gets presented here
2 in court from the witnesses testifying and from the
3 exhibits that are produced. And so, if you go on the
4 internet and start looking at stuff, you're going to
5 have information that other people don't have, and you
6 may have information that isn't appropriate for you to
7 have or for other jurors to have, if you want to share
8 that with them back in the jury room.

9 So while we're in this trial, I'm going to be
10 asking you don't go on the internet and do any
11 research or -- of your own. Don't be reading any
12 articles or watching any news stories about the case.
13 Don't be doing anything that would lead you to get
14 information or gain -- don't be going and doing your
15 own investigation and driving out to where any of the
16 events here may have occurred. I want to ask you to
17 avoid all that type of separate investigation and rely
18 on the evidence as presented here in the courtroom.

19 All right. At this point, I'm going to do a
20 roll call and make sure that we've got everybody that
21 we're supposed to have and that they're seated in the
22 right seat. And I'll also mention your juror seat
23 number.

24 And let's see. In the first seat we should
25 have Karen Lee?

1 **PROSPECTIVE JUROR NO. 15-0001:** (Nods head.)

2 **THE COURT:** And I need you to answer out loud
3 so Amber can hear you and confirm that you're in the
4 right seat.

5 **PROSPECTIVE JUROR NO. 15-0001:** Yes.

6 **THE COURT:** All right. In the next seat we
7 should have Mr. Jose Urquillas?

8 **PROSPECTIVE JUROR NO. 15-0002:** Yeah. Here.

9 **THE COURT:** All right. In the next seat,
10 No. 3, we should have Ms. Susan Oh.

11 **PROSPECTIVE JUROR NO. 15-0005:** Sorry. I
12 don't understand English.

13 **THE COURT:** Okay. Well, we'll have a
14 question about that.

15 Are you Ms. Oh, though?

16 **PROSPECTIVE JUROR NO. 15-0005:** Yeah.

17 **THE COURT:** All right. Very good. Thank
18 you.

19 All right. In the next seat, No. 4 we should
20 have Giselle Ott.

21 **PROSPECTIVE JUROR NO. 15-0007:** Yes.

22 **THE COURT:** All right. Next to Ms. Ott, in
23 Seat No. 5, we should have Rachel Payne.

24 **PROSPECTIVE JUROR NO. 15-0009:** Yes.

25 **THE COURT:** Okay. Next seat, No. 6, we

1 should have Ms. Tia Chai.

2 PROSPECTIVE JUROR NO. 15-0010: Yes.

3 THE COURT: Is that how I pronounce your last
4 name?

5 PROSPECTIVE JUROR NO. 15-0010: Chai.

6 THE COURT: Chai? Okay.

7 All right. In Seat No. 7 we should have
8 Mr. Oscar Ayala-Ayala?

9 PROSPECTIVE JUROR NO. 15-0011: Ayala.

10 THE COURT: Okay. I have down on my sheet
11 "Ayala-Ayala." Is it two Ayalas?

12 PROSPECTIVE JUROR NO. 15-0011: It's okay.

13 THE COURT: Okay. Well, no, I just want to
14 make sure that -- that they had gotten it right. All
15 right. Thank you, sir.

16 In No. 8, I show -- let's see -- Ms. Patricia
17 Diaz; is that correct?

18 PROSPECTIVE JUROR NO. 15-0012: Patricia
19 Diaz, yes.

20 THE COURT: Thank you.

21 All right. Now, here's -- the middle row
22 over here, No. 9, Mr. Glen Hartman.

23 PROSPECTIVE JUROR NO. 15-0013: Yes.

24 THE COURT: And then next to him in Seat
25 No. 10, Ms. Donna Lewis?

1 PROSPECTIVE JUROR NO. 15-0015: Yes.

2 THE COURT: And next to Ms. Lewis, in Seat
3 No. 11, Jed Braegger?

4 PROSPECTIVE JUROR NO. 15-0017: That's
5 correct, yes.

6 THE COURT: Okay. And No. 12, Seat No. 12,
7 Ms. Caroline Thomas-Jenson.

8 PROSPECTIVE JUROR NO. 15-0017: Yes.

9 THE COURT: And then next to her in Seat
10 No. 13, Mr. Nicolo Stabrigida?

11 PROSPECTIVE JUROR NO. 15-0019: Stabrigida.

12 THE COURT: Okay. All right. Next to
13 Mr. Stabrigida is Seat No. 14 is Ms. Aimee Castillo?

14 PROSPECTIVE JUROR NO. 15-0020: Yes.

15 THE COURT: All right. Next to her, in Seat
16 No. 15 should be Pamela Baillis?

17 PROSPECTIVE JUROR NO. 15-0024: Yes.

18 THE COURT: All right. Thank you,
19 Ms. Baillis.

20 Now we'll come down here to the bottom row.

21 In Seat No. 16 should be Ms. Lisa Combs.

22 PROSPECTIVE JUROR NO. 15-0025: Yes.

23 THE COURT: And next to her, in Seat No. 17,
24 should be Wendy Alvarado?

25 PROSPECTIVE JUROR NO. 15-0026: Yes.

1 **THE COURT:** And then next to her, in Seat
2 No. 18, should be Emily Duncan.

3 **PROSPECTIVE JUROR NO. 15-0027:** Yes.

4 **THE COURT:** And then in, Seat No. 19, should
5 be Ms. Lisette Briones?

6 **PROSPECTIVE JUROR NO. 15-0028:** Yes.

7 **THE COURT:** And then, in Seat No. 20, should
8 be Mr. Robert McCann?

9 **PROSPECTIVE JUROR NO. 15-0030:** Yes.

10 **THE COURT:** And next to him, in Seat 21,
11 should by Mr. Nicholas Moore?

12 **PROSPECTIVE JUROR NO. 15-0033:** Yes.

13 **THE COURT:** And next to him, in Seat No. 22,
14 is Mr. Phaniraj Iyengar?

15 **PROSPECTIVE JUROR NO. 15-0034:** Yes.

16 **THE COURT:** Want to -- how should I pronounce
17 your last name?

18 **PROSPECTIVE JUROR NO. 15-0034:** Iyengar.

19 **THE COURT:** Oh, I came pretty close, then.
20 In Seat No. 23 is Ms. Linzie Lang?

21 **PROSPECTIVE JUROR NO. 15-0035:** Yes.

22 **THE COURT:** All right. In Seat No. 24 is
23 Mr. Vincent Ciminise.

24 **PROSPECTIVE JUROR NO. 15-0036:** Yes,
25 Ciminise.

1 **THE COURT:** Ciminise?

2 All right. Then in the front row of the
3 gallery over here in Seat No. 25 is Ms. Sharon Busby?

4 **PROSPECTIVE JUROR NO. 15-0037:** Yes.

5 **THE COURT:** Next to her, in Seat No. 26, is
6 Robert Reed?

7 **PROSPECTIVE JUROR NO. 15-0040:** Yes.

8 **THE COURT:** Then next to him, in Seat No. 27,
9 is Ms. Teresa Castellanos-Zamora?

10 **PROSPECTIVE JUROR NO. 15-0041:** Correct, yes.

11 **THE COURT:** All right. Next to her, in Seat
12 No. 28, is Ms. Holly Witte?

13 **PROSPECTIVE JUROR NO. 15-0042:** Yes.

14 **THE COURT:** And then, in Seat No. 29, is
15 Mr. David Longoria?

16 **PROSPECTIVE JUROR NO. 15-0043:** Yes.

17 **THE COURT:** And then, in Seat No. 30, is
18 Ms. Deborah Urban?

19 **PROSPECTIVE JUROR NO. 15-0044:** Yes.

20 **THE COURT:** No. 31 is Mr. David Kachuk?

21 **PROSPECTIVE JUROR NO. 15-0045:** Yep.

22 **THE COURT:** Okay. And then in 32 is
23 Ms. Veronica Pernell?

24 **PROSPECTIVE JUROR NO. 15-0048:** Yes.

25 **THE COURT:** Okay. We have everybody where

1 they're supposed to be.

2 Now, ladies and gentlemen, the rest of you in
3 the gallery, it's very important that you all listen to
4 everything that goes on here today.

5 In terms of putting together the jury, what
6 we have to do is get 32 qualified people by the end of
7 the day to -- who can all serve as jurors to make the
8 final selection of the 14 that will be the jurors at
9 trial.

10 What will happen during the course of the day
11 is questions are going to be asked and issues are going
12 to be -- come up, and inevitably some of the people who
13 are in the first 32 will not be able to serve. At that
14 point in time, when we decide somebody can't serve,
15 that person will be excused and then we're going to be
16 calling one of you out of the gallery to come up and
17 fill in at that spot in the group of 32.

18 It's very important that you listen to
19 everything that I ask and what the attorneys ask.
20 Because during the course of -- because once you're
21 pulled up and sat in the seat, I'm going to say, "Have
22 you heard all the questions that I've asked previous
23 today?" And if you say no, that means that I've got to
24 go back and ask all the questions that I've asked
25 previous to that point in time, and everybody's going

1 to sit there and stare at you and give you mean looks
2 because you're taking up the time process in terms of
3 getting it done.

4 What I'm going to ask is if you've heard all
5 the questions I've asked, and hopefully you'll say yes,
6 I have. As we go through these questions, if there is
7 any question that you would have answered, I want you
8 to put that in the back of your mind so when I say, "Is
9 there any question" -- "Did you hear all the questions
10 I asked?" And you'll say yes. And I'll say, "Would
11 you have answered any of those?" At that point in
12 time, I'll ask -- I'll need you to say yes, the
13 question whether I knew one of the witnesses, yes, I
14 think I might know witness X, Y, and Z; yes, if I ever
15 had been this or that, I would have answered this or
16 that.

17 So it is very, very important that you all
18 listen to what is said here in the courtroom. And for
19 that reason what we're going to do at this point in
20 time, I'm going to ask everybody to stand up and the
21 clerk will administer the oath for you to give truthful
22 answers to the questions today.

23 So if I can ask all the juror panel to rise.

24 **THE CLERK:** Please stand. Raise your right
25 hands.

1 You do solemnly swear that you will well and
2 truly answer such questions that may be put to you
3 touching upon your qualification to act as jurors in
4 the case at issue, so help you God?

5 *(All venire members affirm.)*

6 **THE CLERK:** Please be seated.

7 **THE COURT:** All right. We're going to get to
8 asking questions here in just a minute. Before doing
9 that, I'm going to ask that the attorneys for the State
10 introduce themselves. I'm going to ask that they
11 provide you a very short summary of what this case is
12 about so you have some idea of what the -- what the
13 trial involves. I'm also going to ask them to read off
14 their list of witnesses. They're going to read off --
15 generally the goal is any possible witness who might
16 testify for the State during the -- during the trial.
17 They may not call all of these witnesses. If they
18 don't call all the witnesses, that's all right. It
19 just means the trial gets done earlier, but we do
20 generally try to have them identify any possible
21 witnesses. Because things sometimes come up during
22 trials and you may need to call somebody in that you
23 hadn't planned on initially, and we want to try to
24 minimize the chance that they call in someone who any
25 of you might know or have a close relationship to.

1 So I'm going to ask the State to identify
2 themselves, give a short summary of their case, and
3 give a list of the witnesses.

4 Go ahead.

5 **MR. MERBACK:** Thank you, Your Honor.

6 Ladies and gentlemen, my name is Jake
7 Merback. This is Stacey Kollins. We are from the
8 District Attorney's office. We represent the state of
9 Nevada in its case against the defendant, Jason
10 Lofthouse.

11 In this case, the state of Nevada alleges
12 that between May 6th of 2015 and May 28th of 2015, the
13 defendant committed the crimes of first-degree
14 kidnapping and sexual conduct between certain employees
15 or volunteers of school and pupil, and that he
16 committed these crimes when he was a teacher at Rancho
17 High School, engaged in multiple sexual acts with a
18 student at that school.

19 In its case-in-chief, the State may be
20 calling the following witnesses: Michelle Torres, who
21 is the victim in this case; Carolina Torres, her
22 mother; Isidro Torres, her father; Maria Aleman;
23 Samantha Kidd; Ali Behnia, Jessica Swar; Guglielmo
24 Pannelli; Wendy Magana; Samantha Gonzalez; Stephanie
25 Belthazar; Zurema Castillo; Mia Fields; Tania

1 Hernandez-Diaz; Mikayla Myers; Marilyn Niskanen;
2 Dr. James Kuzma, who's the principal at Rancho High
3 School; Belisa Brownlee, who's a teacher at Rancho; the
4 custodian of records of the Aliante Hotel & Casino; the
5 custodian of records of the Cannery Hotel & Casino;
6 Officer Steven Patty; Detective Ryan Troxell; Detective
7 Sheryl Jones; Detective Matt Caldwell; Detective Gary
8 Abbott; Detective Gary Hibner; and Sergeant Mitchell
9 Maciszak.

10 Thank you for your time.

11 **THE COURT:** All right. Thank you,
12 Mr. Merback.

13 At this point, I'd ask counsel for the
14 defendant to identify themselves and the defendant,
15 introduce themselves.

16 **MR. GUROVICH:** Thank you.

17 Good morning. My name is Dmitry Gurovich. I
18 represent Mr. Lofthouse. He's seated right there
19 without a jacket. And this is Mr. Margolis.

20 **MR. MARGOLIS:** Good morning, everyone. Jason
21 Margolis. I'm local counsel for Mr. Lofthouse.

22 **THE COURT:** All right. At this point in
23 time, we're going to start the process of asking
24 questions of all of you. I want to emphasize that
25 there is no right or wrong answer to any of these

1 questions. The goal here is for you to be honest and
2 to give us honest answers.

3 If you don't understand a question that I
4 ask, raise your hand and I'll acknowledge you and just
5 say, "I don't understand the question." If there --
6 you don't hear the question in some way say, "I didn't
7 hear that question," and I'll -- and even the people in
8 the gallery, if you don't hear a question, feel free to
9 raise your hand and I'll make sure that you hear the
10 question so you can keep it in the back of your mind,
11 and then I'll repeat the question.

12 The goal is not to embarrass you or anything
13 like that. The goal is to try to reach 32 people who
14 would be appropriate jurors to have. And, you know, I
15 want to emphasize a lot of people say, "Well, I have
16 biases or I have prejudices. I can't be a juror."

17 Well, we all have biases or prejudices. You
18 have a biased in which kind of car you may like. You
19 have a bias in which restaurant you like to eat at, and
20 you have a bias, probably, as who you want as your
21 friends or not want as your friends. The issue in
22 terms of being a juror is whether or not you can set
23 those biases aside and go back into a room with your
24 other jurors and keep an open mind until that point in
25 time and take the instructions that I give you as the

1 judge in reference to the law and fairly apply those
2 instructions and look at the evidence to the case and
3 be fair to both sides in the case. Essentially, are
4 you able to put aside any biases or prejudices you have
5 to focus on the facts that are given to you during the
6 testimony and exhibits that are produced here at trial?
7 And so there's not a problem if you say, "Well, you
8 know, I don't like -- I don't like this crime or that
9 crime." Well, there's a reason that they're crimes, is
10 because society has made a decision that they don't
11 like that kind of conduct.

12 The question isn't whether or not you like
13 that kind of conduct or not. The question is whether
14 or not you can look at the evidence that's introduced
15 through the testimony and exhibits and decide if the
16 State has met its burden of proving certain facts
17 beyond a reasonable doubt in order to find the
18 defendant guilty. And if the defendant -- if the State
19 hasn't done that, to acquit the defendant. So
20 that's -- that's what we're trying to focus on here.

21 So don't feel bad if you need to say, "I have
22 this concern or that concern or I want to let you know
23 this or that." We just want honest answers.

24 During the course of these kind of cases,
25 it's very possible I may ask a question or one of the

1 attorneys may ask a question in which you're not
2 comfortable answering in front of everybody. If that
3 comes up, just let me know and say that you prefer to
4 answer outside, and I and the attorneys and the court
5 reporter will go outside and we'll ask you the question
6 and you can answer outside of the courtroom, outside of
7 everybody here in the room. The attorneys will be
8 present and it will be recorded, but it won't be
9 required to say it outside in front of everyone here.

10 I don't encourage you to do that because
11 obviously it slows down the process. So every time
12 somebody says we got to go outside, it takes time for
13 us to do that. So I'm not encouraging you to do that,
14 but I do want you to give honest answers. And for you
15 to give an honest answer, if it requires us to go
16 outside, I want to do that. So just let us know if
17 that's the case.

18 All right. Now, in asking questions, I'm
19 going to be focusing on the first 32 people. As I said
20 with everybody out there, listen to the question. If
21 you didn't hear a question, raise your hand and make
22 sure one of us sees. And if I don't see your hand say,
23 "Excuse me," and we'll make sure that you all hear the
24 question in the gallery. Because I want everybody to
25 hear the questions so that we can make sure we have

1 answers to everything at the end of the day.

2 The first question, though, is going to be
3 for everybody here in the courtroom, even including the
4 gallery, and that is language. Does anyone have
5 trouble understanding the English language or have
6 trouble hearing what I'm saying here in the courtroom?

7 All right. So anybody in the back row have
8 trouble understanding the English language or hearing
9 in the courtroom?

10 All right. Let's go to Juror No. 3, Ms. Oh.

11 All right. Ms. Oh, you indicated that you
12 have some trouble understanding the English language.

13 **PROSPECTIVE JUROR NO. 15-0005:** I'm speaking
14 just a little English. I don't know.

15 **THE COURT:** All right. How much of what I've
16 said so far today have you understood? 80 percent,
17 50 percent? 20 percent?

18 **PROSPECTIVE JUROR NO. 15-0005:** Very slowly.
19 I don't understand maybe.

20 **THE COURT:** Okay. All right. If we got you
21 a -- a --

22 What language do you speak?

23 **PROSPECTIVE JUROR NO. 15-0005:** Korean.

24 **THE COURT:** Korean? All right.

25 If we got you a Korean interpreter, do you

1 think you'd be able to understand what was being said
2 then?

3 If we got somebody to translate, would you be
4 able -- you think be able to sit as a juror?

5 PROSPECTIVE JUROR NO. 15-005: (No answer
6 given.)

7 **THE COURT:** Okay. All right. Well, we'll
8 come back to you, Ms. Oh. If you'll give the
9 microphone to the marshal.

10 All right. Anybody else in the back row that
11 has problems either understanding what I'm saying or
12 hearing what I'm saying? And the reason I emphasize
13 hearing is we do have listen -- hearing aids that you
14 can use.

15 All right. No hands there.

16 Anybody in the middle row? No hands there.

17 Anybody in the bottom row here? All right.

18 No hands.

19 Anybody in the first row of the gallery? No
20 hands.

21 All right. Anybody in the gallery at all?

22 All right. No other hands.

23 All right. Counsel, if I could see you
24 outside for just a minute?

25 *(Whereupon, a sidebar was held as follows:)*

1 **THE COURT:** All right. What do -- anybody
2 have a problem if we excuse Ms. Oh?

3 **MS. KOLLINS:** Absolutely not.

4 **MR. GUROVICH:** No, Your Honor.

5 **THE COURT:** Okay. All right. I'll go ahead
6 and excuse her and put the next person on, and then
7 we'll get started with questions.

8 **MR. MERBACK:** Your Honor, I have one issue.

9 **MS. KOLLINS:** Yeah, go ahead.

10 **MR. MERBACK:** No. 23, Linzie Lang, I go to
11 the same church that she does. I know her really well.
12 I know her husband really well. I've been to their
13 house before. They've been to my house before. I just
14 wanted to let you know that. It's No. 23.

15 **THE COURT:** Okay. Well --

16 **MR. MERBACK:** She's sitting in the front row
17 so. . .

18 **THE COURT:** I'm sure she'll -- hopefully
19 she'll remember you.

20 **MR. MERBACK:** Hopefully she will speak up
21 but. . .

22 **THE COURT:** All right. No, I appreciate
23 that.

24 Anything else? Okay. I just figure we might
25 as well deal with Ms. Oh rather than have somebody

1 who's understanding clearly anything that I'm saying.

2 **MS. KOLLINS:** I've never had a judge ask them
3 if we can get them an interpreter, though.

4 **MR. MERBACK:** That's great. It's so they
5 don't just --

6 **MS. KOLLINS:** Sends a message to everyone
7 else. It's great.

8 *(Sidebar concluded.)*

9 **THE COURT:** Okay. All right. Ms. Oh, we've
10 talked and the attorneys and I agree, I think it's best
11 to excuse you at this point in time. So I'm going to
12 excuse you and ask that you go down to Jury Services on
13 the third floor before you check out. Okay?

14 **PROSPECTIVE JUROR NO. 15-0005:** Okay.

15 **THE COURT:** Do you understand what I'm
16 saying? Go to --

17 **PROSPECTIVE JUROR NO. 15-0005:** Go to first
18 floor?

19 **THE COURT:** Go to the third floor where you
20 came in. When you came in today, go back there and
21 they'll check you out. The marshal will help you with
22 that, but thank you very much for coming here today. I
23 appreciate it.

24 **PROSPECTIVE JUROR NO. 15-0005:** Very sorry I
25 don't understand English.

1 **THE COURT:** No, you -- we're glad that you're
2 here and you were willing to serve your civic
3 responsibility. Thank you very much. You have a good
4 day.

5 **PROSPECTIVE JUROR NO. 15-0005:** Okay.

6 *(Whereupon, Susan Oh exits the proceedings.)*

7 **THE COURT:** All right. We're going to now
8 need a new Juror No. 3, and that will be Ms. Kristen
9 Adams.

10 All right. Ms. Adams, I've only asked one
11 question so far, but have you had any trouble
12 understanding what I'm saying or hearing me?

13 **PROSPECTIVE JUROR NO. 15-0049:** No trouble.

14 **THE COURT:** Okay. Thank you very much.

15 All right. All right. Okay. First, has
16 anyone in the group been ever convicted of a felony?

17 Of a felony. Okay. And the felony would be
18 a crime in which the potential sentence -- you don't
19 need to actually be sentenced that long -- but the
20 potential sentence would be more than one year
21 imprisonment.

22 Has anyone ever been convicted of a felony?
23 Okay. I see no hands -- oops.

24 **THE MARSHAL:** I'm just looking to see the
25 rows.

1 **THE COURT:** Oh, okay. I see no hands.

2 Is there anyone here who's not a United
3 States citizen? All right. I don't see any hands.

4 Is there anyone here who has any prejudice or
5 bias for or against any individuals relating to age,
6 gender, religion, or ethnic origin? All right. Let
7 the record reflect I don't see any hands.

8 Now, we've gone through and had everybody
9 introduce themselves. Is there anyone acquainted with
10 the defendant in this case, Mr. Jason Richard
11 Lofthouse? All right. There are no hands.

12 Is there anyone acquainted with either of his
13 defense attorneys? All right. Again, no hands.

14 We had the Clark County District Attorneys
15 introduce themselves and also provide a list of
16 witnesses.

17 Let me first start, does anyone know either
18 of the two Clark County District Attorneys representing
19 the State?

20 All right. Let's go to No. 23, Ms. Lang.

21 **PROSPECTIVE JUROR NO. 15-0035:** (Nods head.)

22 **THE COURT:** Okay. Ms. Lang, you know one of
23 the district attorneys?

24 **PROSPECTIVE JUROR NO. 15-0035:** Yes.

25 **THE COURT:** Okay. Who do you know?

1 **PROSPECTIVE JUROR NO. 15-0035:** Attorney
2 Merback.

3 **THE COURT:** And how do you know Mr. Merback?

4 **PROSPECTIVE JUROR NO. 15-0035:** Through
5 church.

6 **THE COURT:** Okay. Is that a close
7 relationship or a casual relationship?

8 **PROSPECTIVE JUROR NO. 15-0035:** A little bit
9 of both, yes.

10 **THE COURT:** Okay. When you say a little bit
11 of both, how has -- how is the close aspect of it?

12 **PROSPECTIVE JUROR NO. 15-0035:** We're not
13 best friends or anything, but he is my bishop.

14 **THE COURT:** Okay.

15 **PROSPECTIVE JUROR NO. 15-0035:** And he knows
16 personal information about myself, and I know about
17 him.

18 **THE COURT:** All right. How long have you
19 known Mr. Merback?

20 **PROSPECTIVE JUROR NO. 15-0035:** I would say
21 two years.

22 **THE COURT:** Okay. And has he been your
23 bishop the entire time?

24 **PROSPECTIVE JUROR NO. 15-0035:** Yeah -- no.
25 He hasn't been my bishop the entire time.

1 **THE COURT:** When did he become your bishop?

2 **PROSPECTIVE JUROR NO. 15-0035:** Some time
3 last year.

4 **THE COURT:** Okay. That's fine.

5 Now, ultimately the question, as I said,
6 is -- is whether or not you can be fair and unbiased
7 and focus on the evidence that's introduced here at --
8 at trial with the witnesses testifying and the exhibits
9 that are introduced.

10 Is there anything about your relationship
11 with Mr. Merback that you think would affect your
12 ability to be a fair juror in this case?

13 **PROSPECTIVE JUROR NO. 15-0035:** Yes.

14 **THE COURT:** Okay. You don't think that you'd
15 be able to -- because of your relationship to follow my
16 instructions and fairly and unbiasedly apply those
17 instructions to the evidence submitted?

18 **PROSPECTIVE JUROR NO. 15-0035:** I could try.
19 But to be honest, I'm just putting it out there, that
20 it might be a barrier.

21 **THE COURT:** All right. Well, I appreciate
22 that. Thank you.

23 Anybody else who knows any of the two
24 district attorneys on this case? All right. I don't
25 see any other hands.

1 Let me just ask, is there anyone who knows
2 anyone from the Clark County District Attorney's
3 office? Okay. I don't see any hands.

4 And I don't -- what law enforcement agency
5 investigated this matter?

6 **MS. KOLLINS:** Clark County School District
7 Police, Your Honor.

8 **THE COURT:** Okay. Is there anyone who knows
9 anyone with the Clark County School District Police?

10 Okay. Let's go to Juror No. 20 -- Juror
11 No. 15, Ms. Baillis.

12 **PROSPECTIVE JUROR NO. 15-0024:** Yeah, I'm a
13 teacher at Arbor View High School, and I work with the
14 Clark County school police all the time.

15 **THE COURT:** Okay. Anybody in particular with
16 the Clark County school police?

17 **PROSPECTIVE JUROR NO. 15-0024:** The ones
18 assigned to my high school.

19 **THE COURT:** All right. Who are they, do you
20 remember? Or you just sort of know them by face more
21 than name?

22 **PROSPECTIVE JUROR NO. 15-0024:** Yeah.
23 Officer Alappa (phonetic) is the one I know the best.
24 I've worked with him for 15 years.

25 **THE COURT:** All right. Is there anything

1 about your relationship with those officers at the
2 school that would affect your ability to be a fair
3 juror in this case?

4 **PROSPECTIVE JUROR NO. 15-0024:** I don't
5 believe so. No problem.

6 **THE COURT:** Okay. Do you think that you
7 could follow my instructions and fairly and unbiasedly
8 apply those instructions to the evidence admitted?

9 **PROSPECTIVE JUROR NO. 15-0024:** Yes.

10 **THE COURT:** Okay. Thank you very much.

11 Anybody else who knows anybody with the Clark
12 County School District? Police. School district
13 police. I'm sorry. School district police.

14 Almost everyone here is probably going to say
15 they know anybody with the Clark County School
16 District. School district police. All right. I see
17 no other -- no other hands.

18 Now, there was a list of witnesses that the
19 State gave. Does anybody believe they know any of the
20 witnesses that the State read off? And you don't have
21 to be 100 percent sure. If you got one of the names
22 that you thought you might know, just feel free to
23 raise your hand.

24 Okay. Let's go to No. 25, Ms. Busby.

25 **PROSPECTIVE JUROR NO. 15-0037:** Just a

1 question on the Aliante station. My son-in-law is
2 general manager of it.

3 **THE COURT:** All right. I'm guessing he's
4 probably not going to be the person coming in as
5 custodian of records, and that person may not
6 necessarily testify, depending upon how the case
7 proceeds. But let me ask you: Is there anything about
8 your son-in-law being general manager of the Aliante
9 that would affect your ability to be a fair juror in
10 this case?

11 **PROSPECTIVE JUROR NO. 15-0037:** No.

12 **THE COURT:** You think you could follow my
13 instructions and fairly and unbiasedly apply those
14 instructions to the evidence submitted?

15 **PROSPECTIVE JUROR NO. 15-0037:** Yes.

16 **THE COURT:** All right. Thank you very much.
17 Anybody else who thought they might know one
18 of the witnesses?

19 Okay. Now, as I said, their general feeling
20 is that this trial will be done by the conclusion of
21 Friday. I always like to note there is a chance it
22 could tip over into Monday, but we'll make every effort
23 to get the trial done by -- by the conclusion of
24 Friday.

25 Let me go through the schedule that we would

1 be adhering to this week.

2 We will go all day today with a break for
3 lunch until 5:00 o'clock. Tomorrow we will be starting
4 about 1:30 and going till 5:00 o'clock. Wednesday,
5 again, we'll be starting about 1:30 and going to
6 5:00 o'clock. Thursday we'll be starting at about 1:30
7 and going until 5:00 o'clock. And then Friday we
8 pretty much will go all day with a break for lunch, and
9 if we tip into next week -- on Monday, we would be
10 going essentially all day with a break -- break for
11 lunch. So that's the schedule that we would be
12 following in this instance.

13 And the reason for the next three days we
14 won't get started until about 1:30 is the fact that I
15 have what's called a motion calendar. I have both a
16 criminal docket, and then I have a civil docket. And
17 while I'm in trial, we still -- there's several
18 hundreds cases on each one of those dockets, and so
19 while we're in trial, I still have matters that come up
20 with each one of those case -- with each -- a criminal
21 side and civil side that I have to deal with. And so I
22 have what's called a motion calendar on Tuesday,
23 Wednesdays, and Thursdays. And on Tuesdays and
24 Thursdays I have a criminal motions calendar which
25 frequently will have anywhere from 25 to 40 matters

1 that have to be run through in the course of the
2 morning on -- on different criminal cases. And then on
3 Wednesday I have civil calendar in which we run through
4 and anywhere from 5 to 20 matters on civil cases. But
5 civil attorneys tend to be more verbose, and so those
6 frequently will go a little bit longer, even though
7 there are fewer matters that relate to it.

8 So, anyway, I just want to explain to you why
9 we'll be getting started around 1:30 tomorrow,
10 Wednesday, and Thursday. But Friday, at this point,
11 appears like it's going to be fairly open, so I think
12 we'll be able to get through things by the end of the
13 day Friday.

14 As I said, there is -- that's a pretty
15 reasonable trial. Most of the trials run around that
16 amount of time. You're not being asked to be sitting
17 on a jury for six or nine months. My wife is also a
18 district court judge, Judge Susan Johnson. She's in
19 Department 22, and she hears construction defect cases.
20 And so she has explored the world of stucco for nine
21 months on a jury trial, and the world of yellow brass
22 for six months on a jury trial. If you have any
23 questions about -- I -- she knows stuff about stucco
24 that I would only begin to fathom. And yellow brass,
25 I'm told, is not very good with the water here in

1 Nevada. Beyond that, I haven't gotten much into her
2 trials. But you're not being asked to spend that kind
3 of time.

4 So, again, I want you to think about some of
5 the stuff I talked about at the very beginning because
6 this is an important responsibility that we're asking
7 to you serve, and it's very important that you can
8 serve if you at all can do it.

9 So with that, is there anyone who has any
10 issues being able to serve on the jury in this case
11 with that schedule?

12 Okay. Let's start with the top row, and
13 we'll go with Juror No. 3, Ms. Adams, first.

14 All right. Ms. Adams, what's your concern?

15 **PROSPECTIVE JUROR NO. 15-0049:** My main
16 concern is that I'm self-employed, and missing a week
17 will cost me my rent for both home and business.

18 **THE COURT:** Okay. How are you employed?

19 **PROSPECTIVE JUROR NO. 15-0049:** I work with
20 pet grooming.

21 **THE COURT:** All right. Now, the next three
22 days, in terms of up until 1:30, you would be able
23 to -- as long as you can get here by 1:30, you would
24 still be able to work. That would at all alleviate to
25 some degree your situation?

1 **PROSPECTIVE JUROR NO. 15-0049:** Part of it.
2 The other part would be that my clients don't come to
3 me until later in the day. I usually work from
4 8:00 a.m. to 8:00 or 9:00 p.m.

5 **THE COURT:** All right. All right. In terms
6 of the next three days, though, we'd only be blocking
7 off the 1:30 to 5:00 o'clock time. Do you think you
8 might be able to work around that for the next three
9 days?

10 **PROSPECTIVE JUROR NO. 15-0049:** Most likely
11 not.

12 **THE COURT:** Okay.

13 **PROSPECTIVE JUROR NO. 15-0049:** Because most
14 of my 8:00 o'clock don't get done until 1:30 to
15 2:00 o'clock. So I wouldn't be able to actually leave
16 and be here until closer to 3:00.

17 **THE COURT:** All right. All right. Well,
18 thank you for that. If you'd hand that off now, I
19 think, Ms. Ott, you had your hand up?

20 **PROSPECTIVE JUROR NO. 15-0007:** Hello.

21 **THE COURT:** All right. What's your concern,
22 Ms. Ott?

23 **PROSPECTIVE JUROR NO. 15-0007:** My concern is
24 my foot.

25 **THE COURT:** Okay.

1 **PROSPECTIVE JUROR NO. 15-0007:** I'm in a lot
2 of pain right now because I cut the back of my ankle
3 open right where the Achilles tendon is. So it's been
4 kind of throbbing. I have to -- I've been, like, laid
5 up in bed, like, with pain killers and stuff. So they
6 make me a little loopy. I've never taken them before.
7 So I'm concerned about, like, having to sit here in
8 pain for a week, and, like, it's really good to keep my
9 foot elevated and it's just not comfortable to be
10 walking up and down to get food and drinks. And I
11 don't know. It's just --

12 **THE COURT:** Okay. When did you injure your
13 foot?

14 **PROSPECTIVE JUROR NO. 15-0007:** About a week
15 and a half ago, two weeks ago. They told me to come in
16 at two weeks to get the stitches taken out. So I need
17 to go do that this week also, which I'm sure I could do
18 maybe in the morning part of what you're saying with
19 the schedule, but I don't know.

20 **THE COURT:** If we made special arrangements
21 in terms of being able to elevate your foot and get --
22 getting you food or anything that you might need during
23 the course of the week, do you think that might help
24 you?

25 **PROSPECTIVE JUROR NO. 15-0007:** I mean, I

1 would really appreciate that. I think that that would
2 help. But my concern more would be, like, being kind
3 of loopy with the pain medication.

4 **THE COURT:** All right. Are you on the
5 medications now?

6 **PROSPECTIVE JUROR NO. 15-0007:** I chose not
7 to take it because I didn't want to be loopy, like,
8 coming in because I've never done anything like this
9 before and --

10 **THE COURT:** No. And, actually, I appreciate
11 you doing that.

12 **PROSPECTIVE JUROR NO. 15-0007:** I don't know.
13 I just felt like it would be respectful to be with
14 it -- completely off it, and I've literally been in
15 bed, like, laid up for a week and a half, two weeks so.

16 **THE COURT:** No, I understand. And I saw
17 you -- I saw you --

18 **PROSPECTIVE JUROR NO. 15-0007:** I've already
19 missed two weeks of work. You know? So. . .

20 **THE COURT:** All right. Well, thank you very
21 much. And let's see. There was someone else in the
22 upper row.

23 Let's hand it off to Ms. Payne, No. 5.

24 **PROSPECTIVE JUROR NO. 15-0009:** So my concern
25 is how many days we're going to be here. Because I can

1 come until Friday but come Monday my spring break is
2 over and I'm in the nursing program and I can't really
3 miss classes. And I actually have an exam Monday, too.
4 So it's possible for me to fail out of the program if I
5 don't make those classes.

6 **THE COURT:** But you're good until Friday this
7 week?

8 **PROSPECTIVE JUROR NO. 15-0009:** Yes.

9 **THE COURT:** Okay. All right. Let's see. I
10 thought I saw another hand.

11 All right. Let's have Ms. Chai.

12 **PROSPECTIVE JUROR NO. 15-0010:** Yes. I also
13 have the same concern. I can come up till Friday, but
14 Monday classes resume.

15 **THE COURT:** And what are you in?

16 **PROSPECTIVE JUROR NO. 15-0010:** I'm just a
17 student. But next week is a -- exams start again so. .

18 .

19 **THE COURT:** Student at UNLV?

20 **PROSPECTIVE JUROR NO. 15-0010:** Yeah, at
21 UNLV.

22 **THE COURT:** What are you studying?

23 **PROSPECTIVE JUROR NO. 15-0010:** Chemistry.

24 **THE COURT:** Okay. And do you have any exam
25 set for Monday?

1 **PROSPECTIVE JUROR NO. 15-0010:** No. But I
2 have paper due, so I have to be physically there to
3 turn it in.

4 **THE COURT:** All right. Thank you very much.
5 Anybody else in -- okay. Let's go down to Juror No. 7.

6 **PROSPECTIVE JUROR NO. 15-0011:** Yes, I have
7 the same concern. I can be in till Friday, and then I
8 have a daughter. She lives in another state.

9 **THE COURT:** I'm sorry, what?

10 **PROSPECTIVE JUROR NO. 15-0011:** I have my
11 daughter. She lives in another state. So the only
12 time that I can spend a whole week would be, like,
13 spring break and summer break only for a week. And I
14 already have -- I had scheduled at the beginning of the
15 year to -- to get her on Saturday or Sunday and then
16 take her back the week after.

17 **THE COURT:** All right. So your daughter is
18 coming in for spring break next week?

19 **PROSPECTIVE JUROR NO. 15-0011:** No. I will
20 go pick her up. She lives in California. So normally
21 what I do, I drive to pick her up, and then be with her
22 for a whole week.

23 **THE COURT:** So you'd be -- so you planned on
24 being with her in California or bringing her back here?

25 **PROSPECTIVE JUROR NO. 15-0011:** California.

1 **THE COURT:** Okay. And you're going up to get
2 her on Saturday?

3 **PROSPECTIVE JUROR NO. 15-0011:** Saturday or
4 Sunday.

5 **THE COURT:** Okay. Okay. All right. Thank
6 you.

7 Anyone else in that upper row? No? Okay.

8 How about the middle row? Anybody? Okay.

9 No hands in the middle row.

10 Anybody in the bottom row here? All right.
11 Let's give the mic to No. 17, Ms. Alvarado.

12 **PROSPECTIVE JUROR NO. 15-0026:** So I like
13 to --

14 **THE COURT:** Hold on a second. The mic always
15 makes it easier for Amber to hear what you're saying.

16 Go ahead.

17 **PROSPECTIVE JUROR NO. 15-0026:** So I have
18 spring break till -- like, I have classes on Monday and
19 I'll be taking an exam that day. So it would be --
20 like, I shouldn't miss that day.

21 **THE COURT:** What -- what are you studying?

22 **PROSPECTIVE JUROR NO. 15-0026:** International
23 business.

24 **THE COURT:** Okay. Do you have an exam on
25 Monday?

1 **PROSPECTIVE JUROR NO. 15-0026:** Yeah.

2 Midterms.

3 **THE COURT:** Midterms?

4 **PROSPECTIVE JUROR NO. 15-0026:** Yeah.

5 **THE COURT:** All right. Okay. And --
6 international business. Okay. All right. Thank you
7 very much.

8 Anybody else in the bottom row? Let's go
9 down to -- hold on a second. Let's see. Mr. Urban?

10 **PROSPECTIVE JUROR NO. 15-0033:** Nicholas.

11 **THE COURT:** Mr. Longoria? All right. What's
12 your name?

13 **PROSPECTIVE JUROR NO. 15-0033:** Nicholas
14 Moore.

15 **THE COURT:** Huh?

16 **PROSPECTIVE JUROR NO. 15-0033:** Nicholas
17 Moore.

18 **THE COURT:** Moore. Oh, I'm on the wrong row
19 all together. I apologize.

20 No. 21, Mr. Moore.

21 **PROSPECTIVE JUROR NO. 15-0033:** Again, it
22 wouldn't be a problem at all this week or even if it
23 tapered into Monday, but Tuesday, the 29th, I'm moving
24 out of state. So I kind of have everything setup and
25 everything to move out of state. So as long as we're

1 right on schedule, it's not a big deal. But if we
2 start to drip over, it would become a problem.

3 **THE COURT:** No, I appreciate that, and thank
4 you for letting us know that.

5 All right. Anybody else? Next to him,
6 No. 22.

7 **PROSPECTIVE JUROR NO. 15-0034:** Your Honor,
8 I'm fine till Friday. But Monday I have a flight to
9 catch. I live half the time in Connecticut. I work
10 one week on and one week off schedule. So my schedule
11 for work is this week, and they've allowed me to come
12 here, but come Monday is my off week, which I spend in
13 Connecticut. I have family there. My wife and child
14 are based in Connecticut. So I have a flight booked
15 and everything for Monday.

16 **THE COURT:** Okay.

17 **PROSPECTIVE JUROR NO. 15-0034:** My only
18 problem is if it goes till Monday then.

19 **THE COURT:** All right. And, now, you just
20 are flying back to spend time with your family or
21 vacation or what --

22 **PROSPECTIVE JUROR NO. 15-0034:** Family.

23 Family, yeah.

24 **THE COURT:** Okay.

25 **PROSPECTIVE JUROR NO. 15-0034:** I have a

1 ten-year-old daughter, and my wife also works. So her
2 schedule is such that, when I'm there, I take care of
3 the child; taking her to school and all that. And when
4 I'm off, you know, she does work. So we manage it that
5 way.

6 **THE COURT:** Okay. All right. Thank you very
7 much.

8 Anybody else in that bottom row? Okay.

9 Anybody in the first row of the gallery?

10 All right. Let's go to No. 26, Mr. Reed.

11 **PROSPECTIVE JUROR NO. 15-0040:** My concern is
12 financial burden. I work two jobs as -- starting
13 tomorrow, Tuesday through Sunday. My shifts are
14 10-hour to 12-hour shifts starting at 7:30 in the
15 morning till about 5:30 in the evening. We are -- I am
16 currently in the middle of a pay period, and it would
17 definitely cut into my financial commitments.

18 **THE COURT:** Where do you work?

19 **PROSPECTIVE JUROR NO. 15-0040:** I'm an
20 airport shuttle bus driver during weekdays, and I'm a
21 taxi driver on the weekends.

22 **THE COURT:** All right. The airport shuttle,
23 who operates that? Is that County?

24 **PROSPECTIVE JUROR NO. 15-0040:** It's called
25 Airline Shuttle. It's affiliate with Frias

Amber M. McClane, CCR No. 914

(702)927-1206 • ambermcclaneccr@gmail.com

Pursuant to NRS 239.053, illegal to copy without payment.

1 Transportation Management.

2 **THE COURT:** All right. Now, like I said, you
3 would be able to work from 7:30 until a point in which
4 you needed to get here by 1:30 the next three days. Do
5 you think that would, to some degree, alleviate your
6 situation?

7 **PROSPECTIVE JUROR NO. 15-0040:** No, not --
8 none whatsoever.

9 **THE COURT:** Why not?

10 **PROSPECTIVE JUROR NO. 15-0040:** My shifts are
11 10-hour shifts from 7:30 in the morning to 5:30 in the
12 evening with the airport shuttle, and they need
13 sufficient amount of notice.

14 **THE COURT:** Okay. Do you know who I -- if I
15 had my chambers call and reach out to them -- because
16 usually they're pretty cooperative with us. Is there
17 someone you can direct my chambers to call and find out
18 about whether they can make accommodations for your
19 schedule?

20 **PROSPECTIVE JUROR NO. 15-0040:** Well, my
21 manager. Her name would be Erin Dixon is the manager
22 of the shuttle bus corporation, that transportation
23 company.

24 **THE COURT:** Okay. And what was the name of
25 the company again?

1 **PROSPECTIVE JUROR NO. 15-0040:** Airline
2 Shuttle.

3 **THE COURT:** All right. Okay. All right.
4 Thank you very much.

5 **PROSPECTIVE JUROR NO. 15-0040:** Yeah, it's
6 with the financial burdens. I have -- like I said, I'm
7 in the middle of a pay period, and I am concerned with
8 child support as well as insurance coverages and things
9 like that.

10 **THE COURT:** Well, and I definitely understand
11 that, but I -- it's a burden for everybody to be here.
12 And so I appreciate what you're saying.

13 **PROSPECTIVE JUROR NO. 15-0040:** Thank you.

14 **THE COURT:** All right. Anybody else in the
15 row -- the gallery, we'll let you have a chance when
16 you get called up. Right now I just want to focus on
17 the first row of the gallery.

18 All right. Let's go down to Mr. -- Juror
19 No. 31, Mr. Kachuk.

20 **PROSPECTIVE JUROR NO. 15-0045:** Yes. I also
21 have school starting Monday. I'm on spring break right
22 now. But Monday I have to go back to school.

23 **THE COURT:** All right. Do you have a test on
24 Monday?

25 **PROSPECTIVE JUROR NO. 15-0045:** I do.

1 **THE COURT:** Okay. What are you studying?

2 **PROSPECTIVE JUROR NO. 15-0045:** I'm doing
3 psychology and education.

4 **THE COURT:** Okay. All right. Anybody else
5 on that first row of the gallery?

6 All right. Did you need to say something,
7 Ms. Pernell?

8 **PROSPECTIVE JUROR NO. 15-0048:** Yes.

9 **THE COURT:** Okay. Go ahead.

10 **PROSPECTIVE JUROR NO. 15-0048:** I've been on
11 work leave for a week, and I just got released today to
12 go back to work. And I can't take any more time off.
13 I'm a PCA and my son has -- I got a text message while
14 I was here. My son needs to go to the emergency room,
15 and I don't talk to his dad because we're in a custody
16 battle so -- get in touch with my lawyer so they --
17 someone can take him to the emergency room because they
18 won't let my mom do it because he doesn't drive and my
19 dad can take him but he's not a parent or guardian.

20 **THE COURT:** All right. You say your son
21 needs to go to the emergency room?

22 **PROSPECTIVE JUROR NO. 15-0048:** Yes.

23 **THE COURT:** What happened?

24 **PROSPECTIVE JUROR NO. 15-0048:** Well, we just
25 came back from California last night, and I noticed

1 that he was sick Saturday night and his eyes have been
2 red. He has allergies and asthma real bad. So when I
3 woke up this morning, my mom said she gave him a
4 breathing treatment but his eyes was still red. So she
5 texted me and said that he was getting worse but I was
6 already here so. . .

7 **THE COURT:** All right. Where is your son
8 now?

9 **PROSPECTIVE JUROR NO. 15-0048:** He's at home
10 with my mom. His dad and I don't communicate.

11 **THE COURT:** All right. Thank you.

12 Counsel, why don't I see you all outside at
13 sidebar?

14 *(Whereupon, a sidebar was held as follows:)*

15 **THE COURT:** The reason I took a break now --
16 usually I don't do it -- is Ms. Pernell saying that she
17 has -- her son needs to go to the emergency room.
18 Anybody have an issue with letting her -- releasing
19 her?

20 **MS. KOLLINS:** No.

21 **MR. GUROVICH:** No.

22 **THE COURT:** I didn't think so, but I thought,
23 well -- I wanted to make sure that at least I was on
24 the same course with everybody else and -- on that.

25 **MR. GUROVICH:** One of my kids had croup when

1 he was growing up, and it's pretty serious. They can't
2 breathe. They panic.

3 **THE COURT:** No, I wanted to release her
4 unless somebody thought maybe she was trying to pull a
5 fast one on us. I didn't think she was, but I just
6 thought I'd give everyone's opinion in that regard.

7 While we're here, we might as well talk about
8 everyone else. It seems pretty much, as to Ms. Lang,
9 we're going -- anybody -- I assume you --

10 **MR. MARGOLIS:** Yeah, we would like her to not
11 be a juror.

12 **MR. MERBACK:** I think it's appropriate.

13 **THE COURT:** Okay. We'll get rid of Ms. Lang.

14 I'm not inclined to let pretty much anyone
15 else off at this point in time other than Ms. Ott. It
16 concerns me with her foot. She did appear to be in
17 pain when she came up, and I don't want her not taking
18 medication for the pain.

19 **MS. KOLLINS:** I've kind of been watching her,
20 and she's kind of been wincing and -- yeah, I think
21 we'll let her go.

22 **THE COURT:** All right. Anyone have a problem
23 if we release Ms. Ott?

24 **MR. GUROVICH:** No.

25 **MR. MERBACK:** No.

1 **THE COURT:** Okay. All right. The rest of
2 them I'm inclined at this point in time to -- to leave
3 on. Is there anyone who has an issue with that?

4 **MR. MERBACK:** No.

5 **THE COURT:** All right. Okay. We'll go ahead
6 and replace Ms. Ott and Ms. Lang at this point in time.
7 All right?

8 **MR. GUROVICH:** Your Honor, quick question.
9 No. 7, Mr. Ayala, he's picking up his -- or he's
10 driving to California over the weekend. I know we
11 should be done by Friday. I'm just thinking, you know,
12 that might be a concern.

13 **THE COURT:** Well, let's see where we're at.
14 We have two -- we have two alternates, and the reason
15 we have alternates is if issues like this come up.

16 **MR. GUROVICH:** All right. Fair enough.

17 **THE COURT:** So we're going to do everything
18 we can to get this done by the end of Friday, and so
19 I -- my gut is that we should -- let's keep these on.
20 Because, otherwise, we whack off -- there's a hard way
21 for me to -- I mean, between the people going to school
22 and him, we're going to lose, like, eight people, and
23 I'd rather not at this point. All right? Okay.

24 *(Sidebar concluded.)*

25 **THE COURT:** Okay. We're going to, as this

1 time, excuse a couple of jurors, and we'll replace
2 them. And then I understand that some people have to
3 go to the bathroom, so we'll take a bathroom at this
4 time, too.

5 At this point in time, we're going to excuse
6 Ms. Ott with our thanks. Ms. Ott, I do need you to go
7 down to Jury Services and checkout with them on the
8 third floor before you leave. All right?

9 **PROSPECTIVE JUROR NO. 15-0007:** Thank you.
10 Thank you for understanding.

11 **THE COURT:** Well, I thank you for coming in
12 today and meeting your civic responsibility. I do
13 appreciate that.

14 **PROSPECTIVE JUROR NO. 15-0007:** Thank you.
15 Freak accident.

16 **THE COURT:** All right. Good luck. Good luck
17 with the stitches.

18 **PROSPECTIVE JUROR NO. 15-0007:** Thank you.
19 *(Whereupon, Giselle Ott exits the*
20 *proceedings.)*

21 **THE COURT:** And then we're also going to at
22 this time excuse No. 23, Ms. Lang.

23 *(Whereupon, Linzie Lang exits the*
24 *proceedings.)*

25 **THE COURT:** So, with that, we'll need a new

1 Juror No. 4, and that will be Mr. Jerry Morris. And a
2 new Juror No. 23, and that will be Ms. Tabitha Reyes.

3 All right. Come on -- sit down, Ms. Reyes.

4 Let me just real quick before we break,
5 Mr. Morris, have you had a chance to hear all the
6 questions that I've asked so far today?

7 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

8 **THE COURT:** Is there any of those questions
9 that you would have answered?

10 **PROSPECTIVE JUROR NO. 15-0050:** No.

11 **THE COURT:** Okay. And Ms. Reyes, have you
12 heard all the questions that I asked today?

13 **PROSPECTIVE JUROR NO. 15-0051:** Yes.

14 **THE COURT:** And were there any of those
15 questions that I asked that you would have answered?

16 **PROSPECTIVE JUROR NO. 15-0051:** The
17 scheduling conflict.

18 **THE COURT:** Okay. Why don't you go ahead and
19 tell me what that is real quick.

20 **PROSPECTIVE JUROR NO. 15-0051:** So I'm a
21 student at UNLV and I study biology, and I would have
22 conflict with the Monday schedule due to courses
23 resuming.

24 **THE COURT:** Do you have a test on Monday?

25 **PROSPECTIVE JUROR NO. 15-0051:** I don't think

1 I do. If I do, oh, my God, help me.

2 **THE COURT:** Okay. All right. Well, thank
3 you for letting us know that.

4 All right. At this time, ladies and
5 gentlemen, we are going to take a --

6 **MR. MERBACK:** Your Honor?

7 **THE COURT:** -- short break.

8 **MR. MERBACK:** I apologize. Ms. Pernell as
9 well. We discussed that one.

10 **THE COURT:** Oh, yes. I'm sorry.
11 Ms. Pernell, you were the main reason I took the break
12 right when I did. Ms. Pernell, in view of the fact
13 that your son needs to go to the emergency room, you
14 are also excused.

15 **PROSPECTIVE JUROR NO. 15-0048:** Okay.
16 *(Whereupon, Veronica Pernell exits the*
17 *proceedings.)*

18 **THE COURT:** All right. Thank you,
19 Mr. Merback. I appreciate you raising that. We'll
20 need to replace Juror No. 32, and that will be with
21 Ms. Cherry Castanaga.

22 And Ms. Castanaga, have you heard all the
23 questions that I've asked so far?

24 **PROSPECTIVE JUROR NO. 15-0052:** Yes.

25 **THE COURT:** Okay. And would you have

1 answered any of those questions?

2 PROSPECTIVE JUROR NO. 15-0052: Yes.

3 THE COURT: Which one?

4 PROSPECTIVE JUROR NO. 15-0052: Just the
5 scheduling thing. I also --

6 THE COURT: Why don't you go ahead and give
7 me your concerns.

8 PROSPECTIVE JUROR NO. 15-0052: I'm also a
9 UNLV student, and I have a biochemistry exam on Monday.

10 THE COURT: Okay. This is the highest
11 percentage of UNLV students I've ever had on a jury
12 panel before.

13 All right. With that, we're going to take a
14 short break. I'm going to ask you to try to go to the
15 restroom and get back out in the hallway and lined up
16 by -- I'm going to shoot for ten minutes in hopes that
17 we can get close to that. And the reason -- before you
18 all jump up, it's really important that you go to the
19 bathroom and you come right back. We cannot get
20 started without all of you here. So it isn't like, oh,
21 gee, you know, they can get started without me. If
22 you're not here, we all just wait around until you get
23 back. So it's critical you be here.

24 I do want you to think about it, when you go
25 out there, I don't want you talking to each other about

1 this case or about anyone who has anything to do with
2 it. I don't want you calling up and talking to anyone
3 about the case until we've either discharged you from
4 the jury panel or as jurors.

5 And you can let members of your family and
6 boss know that you're here and you're participating in
7 a jury selection process and you can let them know that
8 you're being considered in a criminal case, but you
9 can't tell them anything else about it until either
10 you've been discharged by myself today or at the end of
11 the trial.

12 Don't let anyone talk to you about the case
13 or anything that has anything to do with it. If
14 someone should try to talk to you, report it to me by
15 contacting the marshal. As I said before, don't read
16 any news articles or listen to any reports or -- or do
17 any research about the case on your own.

18 And don't begin in any way to form or express
19 any opinion on any subject connected with this case
20 until you're either discharged or selected as a juror
21 and allowed to go out to deliberate.

22 So with that, run to the bathroom, come back,
23 and we'll try to keep moving as fast as we can.

24 **THE MARSHAL:** All rise. Jury exiting.

25 (Venire exiting.)

1 **THE COURT:** All right. Anything before you
2 all -- you can, if you want, we have a bathroom in the
3 back that you can use. It's for the jury deliberation
4 room if you want to avoid the jurors and that issue.

5 Anything else? If not, as soon as the
6 marshal let's me know that we've got the group all back
7 there, then we'll get started again.

8 **MS. KOLLINS:** No. We have some stipulations,
9 but we can do that later.

10 **THE COURT:** We can do those later? All
11 right. Anything else? All right. Hurry, hurry,
12 hurry.

13 *(Recess taken from 11:04 a.m. to 11:22 a.m.)*

14 **THE MARSHAL:** Please remain seated. District
15 Court 20's back in session. The Honorable Eric
16 Johnson --

17 **THE COURT:** Okay. Let's not -- we'll bring
18 in the group.

19 **MS. KOLLINS:** We're good.

20 **THE COURT:** Okay. Let's bring in the group.

21 **THE MARSHAL:** Okay.

22 All rise. Jury entering the courtroom.

23 *(Venire entering.)*

24 **THE COURT:** All right. Let the record
25 reflect the presence of the defendant and the attorneys

1 for both sides.

2 Do the parties stipulate to presence of the
3 jury panel?

4 **MS. KOLLINS:** State will so stipulate, Your
5 Honor.

6 **MR. MARGOLIS:** Yes, Your Honor.

7 **THE COURT:** All right. Thank you, ladies and
8 gentlemen, for coming back as quickly as you did. I
9 really do appreciate you moving forward with that as
10 soon as possible.

11 We'll go about another hour, and then we'll
12 break for lunch at that point and we'll see how far we
13 get in that time period.

14 All right. Let's go on with some additional
15 questions.

16 Does anyone here believe that they would not
17 be able to follow my instructions on the law if the --
18 my instructions are not consistent with what you
19 believe the law should be? Anybody at all? All right.
20 I don't show any hands.

21 Now, what's going to happen in this trial is
22 the attorneys will give opening statements, witnesses
23 will testify, and exhibits will be admitted. Then I
24 will read you the law before the attorneys do their
25 closings. At that point in time, the attorneys will do

1 closing arguments, or summation, and then those of you
2 who are selected for the jury will be allowed to go to
3 the jury deliberation room and begin your
4 deliberations.

5 Your job, as jurors, is to judge or figure
6 out the facts, and then take the law that I give you
7 and see if the facts you find prove the elements of the
8 charges against the defendant beyond a reasonable doubt
9 and then come up with a verdict.

10 Is there anyone who believes that they
11 couldn't follow the law that I give you if you didn't
12 agree with the law? All right. The record will
13 reflect no hands in that regard.

14 Just to sort of go on that point a little bit
15 further, as I said, the jury is the judge of the
16 questions of facts. You're the ones who listen to the
17 witnesses and look at the evidence and decide which
18 facts at the end of the day are being proven beyond a
19 reasonable doubt by the State and which facts you find
20 haven't been proven beyond a reasonable doubt by the
21 State, and that's the State's burden in this case.

22 It's your job to be the judge of the facts.
23 My responsibility, as a judge, is to ensure you are
24 presented with evidence that under the law is
25 appropriate to consider. In other words, there'll be

1 witnesses testifying. There may be objections by some
2 of the attorneys, and some of those objections may be
3 sustained and certain evidence may be found to not be
4 properly submitted to you and certain evidence will be
5 found to be properly submitted to you. And that's part
6 of my job, is to determine what kind of evidence should
7 be presented in the case under the rules and laws that
8 we have relating to the presentation of evidence.

9 It's also my job, at the end of the trial, to
10 provide you with the law that is -- for you to use in
11 determining the facts and evaluating the evidence to
12 determine if the State has proven what it needs to
13 prove as to each charge beyond a reasonable doubt and
14 determine if the defendant is guilty of the crimes
15 charged or should be acquitted. It would be a
16 violation of your duty to render a judgment based on
17 something other than the law given by the Court.

18 With that in mind, does anyone, again,
19 believe they cannot follow the law that I give them?
20 All right. Seeing no hands on that.

21 Now, I want to go over some key precepts to
22 our criminal justice system, and I want to make sure
23 everybody understands them and make sure everyone has
24 no -- no issue with those.

25 First of all, as will be read once we pick a

1 jury, there is a charging document in this case and a
2 Second Amended Information which charges the defendant
3 with certain crimes. It's important for you to
4 understand, as to the first precept, that this document
5 is not evidence. It is essentially a notice that's
6 filed by the State that the State is accusing the
7 defendant of having committed certain crimes. That's
8 all it is. It's a notice to let the defendant know
9 that he's being accused of certain crimes, and to let
10 the public, the citizens of this community, know that
11 the defendant is being accused of certain crimes. It
12 is not evidence or proof in any way that the defendant
13 has actually committed those crimes and is not evidence
14 in any way that the State could use to meet its burden
15 of proving its case beyond a reasonable doubt.

16 Is there anyone who has any problem at all
17 with that precept, with that basic principle of our
18 criminal justice law? Okay. Let the record reflect no
19 hands raised.

20 The second precept, or principle, of our
21 criminal law is that the defendant is proved -- is
22 presumed to be innocent. It's the State's obligation
23 to prove all the elements of the offense -- offenses
24 charged beyond a reasonable doubt. So when we start
25 the trial off, the defendant starts off with a clean

1 slate; he is presumed to be innocent. It's the
2 obligation then of the State to present evidence
3 through witnesses and through exhibits that are
4 admitted here at trial to establish the facts that
5 prove the charges.

6 Does anyone have a problem with that basic
7 precept? All right. Let the record reflect no hands.

8 The third point is, it is the plaintiff's,
9 that is the State's, obligation to prove a case beyond
10 a reasonable doubt and not the defendant's obligation
11 to prove innocence. And this last point is very, very
12 important, and I want to emphasize it. The defendant
13 does not have to do anything. His attorney and the
14 defendant can just sit there and say nothing, and if at
15 the end of the State's presentation of the evidence, if
16 you do not believe that the State has proven beyond a
17 reasonable doubt that a crime has been committed and
18 that the defendant committed the crime, then you have
19 the obligation to find the defendant not guilty, even
20 if the defendant and his attorney didn't say or do
21 anything.

22 Does everybody understand that? Anybody have
23 a problem with that basic principle? The defendant
24 does have to do anything in this trial. The State has
25 the full obligation and burden to prove all of the

1 elements of the crimes charged beyond a reasonable
2 doubt.

3 All right. Let the record reflect no hands.

4 Additionally, as part of this basic
5 principle, is the concept that the defendant, pursuant
6 to the Fifth Amendment of the United States
7 Constitution and the Nevada Constitution has an
8 absolute right, if he chooses not to testify, to not
9 testify, and the State cannot use the fact that the
10 defendant did not testify as part of its case to prove
11 the defendant's guilt and you cannot consider it at all
12 in evaluating if the State has met its burden of
13 proving its case beyond a reasonable doubt.

14 And sometimes people find this to be a hard
15 concept to follow, but I'm going to instruct you, at
16 the end of the case, that you cannot consider if a
17 defendant chooses not to testify in evaluating and
18 making your verdict in the case and that your verdict
19 must be based only on the evidence introduced at trial.

20 Is there anyone here who does not think that
21 they can follow my instructions on this point?

22 Okay. Let's go down to Juror No. 24,
23 Mr. Ciminise.

24 **PROSPECTIVE JUROR NO. 15-0036:** Yes. It's
25 just my personal feelings that -- I know they don't

1 have the -- they have a right not to testify, but I
2 think that, if somebody is innocent, that they would
3 want to profess their innocence I guess is my personal
4 feeling. If it were me, that's how I would be.

5 **THE COURT:** All right. Well, I understand
6 that that may be, you know, how you would handle it if
7 you felt that, but that's not the way the rules work.
8 And there's important reasons for that.

9 You know, we don't -- the idea is that, if
10 the State's going to accuse somebody of a crime,
11 they've got to prove it. You don't have to be
12 justifying your innocence to anyone. If the State's
13 going to accuse you of a crime, the State's the one
14 that has to prove it. And that's the basic principle
15 that underlines that idea, that if -- you're presumed
16 innocent and you do not have a right to -- and you have
17 a right not to testify if you choose not to testify.

18 The thing I need to find out from you is
19 if -- is whether you're going to be able to take the
20 evidence produced -- that's introduced here at trial
21 and if the defendant does not testify, focus on just
22 the evidence that's introduced here at trial in
23 evaluating whether or not the State has met its burden
24 of proving a defendant's guilt beyond a reasonable
25 doubt. Or if it hasn't, acquitting the defendant.

1 Do you believe that you can do that?

2 **PROSPECTIVE JUROR NO. 15-0036:** I believe I
3 can do that. But I think in the back of my mind I
4 still, like I said, that's a premise and that's a feel
5 that I have and I --

6 **THE COURT:** And I --

7 **PROSPECTIVE JUROR NO. 15-0036:** -- always
8 fall back on that.

9 **THE COURT:** I understand that you can have
10 that. The key thing is I really need to know is can
11 you follow my instructions and go back there and just
12 put that out -- put that away for the purposes of
13 deliberating with the other jurors that would be back
14 there, listening to their views and considering the
15 evidence, and be fair in this matter to both sides?

16 **PROSPECTIVE JUROR NO. 15-0036:** Yes.

17 **THE COURT:** All right. Do you think that you
18 could follow my instructions and fairly and unbiasedly
19 apply those instructions to the evidence admitted?

20 **PROSPECTIVE JUROR NO. 15-0036:** Yes.

21 **THE COURT:** Okay. Thank you very much, sir.

22 All right. Is there anyone else who
23 indicated they had a problem with the fact that the
24 defendant has a right not to testify if they choose not
25 to do so, and that cannot be considered in any way in

1 your deliberations? All right. Seeing no other hands.

2 Let's see. All right. Now, as has been
3 explained to you a little bit by the State, the -- this
4 case involves a number of charges relating to
5 allegations of sexual conduct between certain employees
6 or volunteers of a school and a pupil and sexual --
7 and -- and first-degree kidnapping in regard to that
8 conduct. And essentially the kind of -- that you're
9 going to be asked at the end of the trial to consider a
10 number of charges that will focus on whether or not the
11 defendant, while employed or volunteering or having
12 been previously employed or volunteering in a position
13 of authority at a public or private school, in this
14 case, as a teacher at Rancho High School in Clark
15 County, Nevada, and who is over 21 years of age,
16 engaged in certain sexual conduct with an individual
17 who was 16 or 17 years of age at that time and who was
18 enrolled in or attending the school at which the
19 defendant was or previously had been employed or
20 volunteering.

21 You're going to be asked to consider a number
22 of charges. Then asked to determine whether the
23 facts -- whether the evidence in the case establishes
24 the facts underlying each of the charges relating to
25 that crime of sexual conduct between certain employees

1 or volunteers of a school and pupil.

2 You'll also be asked to consider, in
3 reference to first-degree kidnapping, whether or not
4 the defendant willfully, unlawfully, and feloniously
5 led, took, enticed, carried away, or kidnapped a
6 minor -- a minor individual, that being a person under
7 18 years of age -- with the intent to keep, imprison,
8 or confine that individual from her parents, guardians,
9 or other person or person having lawful custody of the
10 minor or with the intent to hold a minor to unlawful
11 service or to perpetrate upon the person of the minor
12 any unlawful act. In this case, the defendant engaging
13 in sexual acts with a minor which constitutes sexual
14 conduct between certain employees or volunteers of the
15 school and pupil and certain types of sexual conduct
16 relating to that.

17 So those are -- that's, in a nutshell, the
18 sort of deliberations that you're going to have to be
19 looking at, at the end of the case, is whether the
20 evidence in this case proves the charges that are going
21 to be presented to you relating to the defendant. And
22 more importantly, it proves charges beyond a reasonable
23 doubt. Because your burden -- the State's burden is to
24 prove the charges beyond a reasonable doubt or you
25 would have the obligation to acquit.

1 Knowing what these charges involve in this
2 case, does anyone feel that they possibly could not be
3 fair or keep an open mind as to whether the State has
4 met its burden of proof until the end of the trial when
5 you went back into the jury room to deliberate?

6 Okay. Let me just -- anybody on the back
7 row? No.

8 Middle row?

9 All right. Let's go down to the bottom row
10 here and to Juror No. 16, Ms. Combs.

11 Hold on one second. Let me get you the mic
12 just to make it easier to hear.

13 **PROSPECTIVE JUROR NO. 15-0025:** Can we go
14 [indicating]?

15 **THE COURT:** Oh, you want to go back? Can I
16 have counsel at sidebar?

17 Before we do that, is there anyone else who
18 has something that they're going to want to go back and
19 talk to us at sidebar in reference to this question?

20 Okay. Then let's go and bring No. 14,
21 Ms. Castillo, and let's have Ms. Castillo, since she's
22 No. 14, go first. And then we'll have you. I just
23 want to have us all stay out there rather than come
24 back in and go back out.

25 Anybody else in the bottom row down here?

1 Anybody else in the gallery?

2 All right. If I could see counsel outside.

3 *(Whereupon, a sidebar was held as follows:)*

4 **THE COURT:** All right. Ms. Castillo, I
5 appreciate you wanting to let us know certain
6 information. You can go ahead and let us know what you
7 want to tell us.

8 **PROSPECTIVE JUROR NO. 15-0045:** I feel I may
9 be biased in a situation connecting sexual assault. I
10 used to be an evidence custodian for a law enforcement
11 agency, and I went -- I viewed a lot of different
12 cases. I had to see a lot of evidence, and I just feel
13 I may be biased.

14 Also, as a child, there was sexual assault
15 involved with me and someone else, so I just feel like
16 that might pull me to one side so. . .

17 **THE COURT:** Okay. Where were you an evidence
18 custodian?

19 **PROSPECTIVE JUROR NO. 15-0045:** In Wisconsin.
20 I've been living here for a year.

21 **THE COURT:** Okay. So were you an evidence
22 custodian up until you moved out here?

23 **PROSPECTIVE JUROR NO. 15-0045:** Yes, yes.

24 **THE COURT:** All right. I mean, I understand
25 obviously you -- and I'm sorry for your own

1 experience --

2 PROSPECTIVE JUROR NO. 15-0045: Mm-hmm.

3 THE COURT: -- as a child, and I know you
4 probably have seen a lot in terms of as an evidence
5 custodian. But as you know, being an evidence
6 custodian, every case --

7 PROSPECTIVE JUROR NO. 15-0045: Is different.

8 THE COURT: -- is different. And I'm sure
9 there were cases that you were evidence custodian for
10 which people were found guilty, and I'm sure there were
11 cases where they were acquitted.

12 PROSPECTIVE JUROR NO. 15-0045: Mm-hmm.

13 THE COURT: So the key question is, you
14 know -- and no one is suggesting that you should prove
15 anything, you know, in terms of inappropriate conduct
16 between people. The issue is here whether or not
17 inappropriate conduct occurred, and if the defendant
18 was involved in that conduct. Again, proof beyond a
19 reasonable doubt.

20 Do you -- so the fact that you don't maybe
21 like the underlying charges doesn't mean that, you
22 know, the charges -- there's nothing wrong with that.

23 PROSPECTIVE JUROR NO. 15-0045: Correct.

24 THE COURT: The issue is, you know, can you
25 focus on the evidence that's introduced in this case

1 with these -- this defendant and these facts, to -- to
2 be fair to both sides?

3 **PROSPECTIVE JUROR NO. 15-0020:** I do, yes.

4 **THE COURT:** All right. Okay. Thank you very
5 much.

6 **PROSPECTIVE JUROR NO. 15-0020:** You're
7 welcome.

8 *(Whereupon, Aimee Castillo exits the sidebar*
9 *and Lisa Combs enters the sidebar.)*

10 **THE COURT:** All right. I'm sorry. You were
11 Ms. Comb, No. 16. Right?

12 **PROSPECTIVE JUROR NO. 15-0025:** Yes.

13 **THE COURT:** I'm sorry. Thank you for letting
14 us know that there's something you want to talk about.
15 Go ahead and let us know.

16 **PROSPECTIVE JUROR NO. 15-0025:** I was a
17 victim of sexual abuse as a child and teenager, and so
18 it's still a touchy subject. I don't know that I can
19 be -- put those feelings aside. I -- to be honest, I
20 don't know either way.

21 **THE COURT:** All right. And I'm sorry that
22 you had that experience growing -- both as a child and
23 as a teenager, but obviously this is a different
24 circumstance --

25 **PROSPECTIVE JUROR NO. 15-0025:** Mm-hmm.

1 THE COURT: -- and different case.

2 PROSPECTIVE JUROR NO. 15-0025: Right.

3 Right.

4 THE COURT: You know, some time passed.

5 PROSPECTIVE JUROR NO. 15-0025: Mm-hmm.

6 THE COURT: And what we're dealing here is
7 just simply allegations against the defendant. No
8 proof has been introduced or anything like that.

9 PROSPECTIVE JUROR NO. 15-0025: Mm-hmm.

10 THE COURT: And every case is different.
11 There are cases which people are convicted. There are
12 cases in which people are acquitted, and it depends
13 upon the evidence introduced at trial. What -- and the
14 fact that you had a bad experience, I can understand,
15 impacts on you, and we all -- no one's suggesting
16 anyone should feel that any sort of abuse is
17 appropriate. So we all have that bias.

18 The question ultimately is whether or not you
19 can focus on what's said in this case, the testimony of
20 the witnesses here, and the evidence that's introduced,
21 the exhibits that are introduced, and focus on that in
22 terms of whether or not --

23 PROSPECTIVE JUROR NO. 15-0025: Mm-hmm.

24 THE COURT: -- the government or the State
25 has proven beyond a reasonable doubt that the

1 defendant -- the crime has been committed and the
2 defendant was involved in the crime.

3 PROSPECTIVE JUROR NO. 15-0025: Mm-hmm.

4 THE COURT: Do you think you could do that?

5 PROSPECTIVE JUROR NO. 15-0025: It's -- I've
6 never been in this situation. So I would try, you
7 know, but I -- like I said, I've never been in this
8 type of situation, so I don't know --

9 THE COURT: All right.

10 PROSPECTIVE JUROR NO. 15-0025: -- either
11 way. I. . .

12 THE COURT: No, and that's what we all want
13 to know --

14 PROSPECTIVE JUROR NO. 15-0025: I'm sorry.

15 THE COURT: -- is what you think you can do.
16 No, there's nothing to be apologizing about or anything
17 like that.

18 PROSPECTIVE JUROR NO. 15-0025: I mean, I
19 just don't think kids lie, but I don't know what the
20 situation is here, you know, so. . .

21 THE COURT: All right. Very good.

22 All right. Well, I appreciate your -- your
23 letting us know and coming back here and talking to us.

24 All right.

25 PROSPECTIVE JUROR NO. 15-0025: All right.

1 **THE COURT:** All right. Thank you. We'll
2 have you go ahead and sit down.

3 **PROSPECTIVE JUROR NO. 15-0025:** Okay.

4 *(Whereupon, Lisa Combs exits the sidebar.)*

5 **THE COURT:** All right. Since we're all back
6 here, is there any -- I don't think there's -- there
7 are only just these two who have raised any issue. Is
8 there anything that we want to -- that's all right --
9 move now to remove for cause?

10 **MS. KOLLINS:** No.

11 **MR. MARGOLIS:** I mean, I personally feel like
12 both of those potential jurors voiced concerns about
13 their ability to be impartial, and it was not unclear
14 which side that they're bias would push them toward in
15 the event that they did struggle so.

16 **THE COURT:** Well, I don't have a problem with
17 Ms. Castillo. She said she could be fair, and she only
18 raised it when the other one did. So I don't have any
19 problem with her.

20 **MR. MARGOLIS:** I mean, her face alone
21 displayed some trepidation that made me sort of --

22 **THE COURT:** So you're moving for cause
23 Ms. Combs?

24 **MR. GUROVICH:** Yes, Your Honor.

25 **THE COURT:** All right. And I'll treat the

1 record as you having moved for cause on Ms. Castillo,
2 but I'm going to deny that.

3 **MR. GUROVICH:** All right.

4 **THE COURT:** Ms. Combs, what the State's
5 position?

6 **MS. KOLLINS:** Your Honor, I mean, she never
7 really did given you a direct answer that it wouldn't
8 affect her, so I'll just submit it to your discretion.

9 **THE COURT:** All right. We're going to go
10 ahead and dismiss Ms. Combs. All right? And you
11 certainly can probe Ms. Castillo. I'll give you a
12 chance to talk to her directly so --

13 **MR. GUROVICH:** Well, we would probably have
14 to do it at sidebar then.

15 **THE COURT:** We'll see.

16 **MR. GUROVICH:** I don't want to get into
17 details in front of the jury. You know what I'm
18 saying? Her past and stuff.

19 **THE COURT:** I don't know if we need to get
20 into the extreme details of her past.

21 **MR. GUROVICH:** Well, we'll see how it goes.

22 **THE COURT:** We'll see how it goes.

23 **MR. GUROVICH:** Okay. Sounds good. Thank
24 you.

25 *(Sidebar concluded.)*

1 **THE COURT:** All right. At this point in time
2 we're going to go ahead and excuse Juror No. 16,
3 Ms. Combs.

4 Ms. Combs, thank you very much for coming
5 down here and giving your civic duty and
6 responsibility. I do really appreciate it. I'll ask
7 you to check out with Jury Services before you leave.
8 Okay?

9 **PROSPECTIVE JUROR NO. 15-0025:** All right.
10 Thank you.

11 **THE COURT:** All right. Thank you very much.
12 *(Whereupon, Lisa Combs exits the*
13 *proceedings.)*

14 **THE COURT:** And we need a new Juror No. 16,
15 and that will be Michael Shumway.

16 **PROSPECTIVE JUROR NO. 15-0053:** Shumway,
17 yeah.

18 **THE COURT:** Shumway.

19 All right. Mr. Shumway, have you had a
20 chance to hear all the questions I've asked so far
21 today?

22 **PROSPECTIVE JUROR NO. 15-0053:** Yes, I have.

23 **THE COURT:** And would you have answered any
24 of those questions?

25 **PROSPECTIVE JUROR NO. 15-0053:** No, I would

1 not.

2 **THE COURT:** Okay. Thank you very much.

3 And now Mr. Kachuk, No. 31, it's my
4 understanding that you indicated to the marshal that
5 you did not understand my last question?

6 **PROSPECTIVE JUROR NO. 15-0045:** Yeah, if you
7 could just clarify a little.

8 **THE COURT:** Sure.

9 As I indicated, the charges in this case
10 involve either sexual conduct between certain employees
11 or volunteers of school and pupil and first-degree
12 kidnapping relating to the commission of sexual conduct
13 between certain employees or volunteers of school and
14 pupil, and I just was asking if any of the jurors,
15 because of the nature -- potential jurors, because of
16 the nature of the charges in this case, if they felt
17 they had any problem serving as a fair juror in this
18 case. Okay? Is that clarified for you?

19 **PROSPECTIVE JUROR NO. 15-0045:** Yes.

20 **THE COURT:** All right. Would you have
21 answered that question?

22 **PROSPECTIVE JUROR NO. 15-0045:** It does make
23 me a little uncomfortable.

24 **THE COURT:** All right. And I -- no one is
25 suggesting that either one of these charges is

1 something -- that's why they're -- they're crimes, is
2 because society rules this kind of conduct
3 inappropriate. The fact that they're crimes, though,
4 doesn't mean that -- anything more than the fact that
5 society doesn't approve it.

6 What's going to happen here at this trial is
7 the State's going to have the obligation to put on
8 evidence through witnesses and exhibits to prove -- and
9 their burden is to prove the various elements, the
10 facts that necessarily need to be established in order
11 to prove those crimes beyond a reasonable doubt. And I
12 understand that it can make you uncomfortable. I've
13 had first-degree murder cases. I've had other types of
14 assault cases. And, you know, it's -- it's a tough
15 charge for the jury. I mean, it's an obligation and a
16 responsibility.

17 What I need to know is whether or not you
18 can, you know, focus on the evidence that's presented
19 in this case and go back with your other jurors, if
20 you're selected, at the end of the trial and deliberate
21 with them in terms of reaching a decision whether or
22 not the State has met its burden of proving guilt
23 beyond a reasonable doubt. Do you think you can do
24 that?

25 **PROSPECTIVE JUROR NO. 15-0045:** Yeah.

1 **THE COURT:** All right. Thank you very much.

2 All right. Now, I would like to ask at this
3 point have you or any close family member or close
4 friend -- and I emphasize close family member or close
5 friend -- ever been the victim of some type of sexually
6 motivated wrongful conduct?

7 Let's go to the back row first, and we'll go
8 to No. 3, Ms. Adams.

9 **THE MARSHAL:** No. 2, Your Honor.

10 **THE COURT:** Oh, I'm sorry. Mr. Urquillas.
11 Go ahead, sir.

12 **PROSPECTIVE JUROR NO. 15-0002:** My cousin was
13 sexually abused.

14 **THE COURT:** Okay.

15 **MS. COURT REPORTER:** You need to speak up,
16 please.

17 **PROSPECTIVE JUROR NO. 15-0002:** I said my
18 cousin was sexually abused.

19 **THE COURT:** All right. And approximately
20 when did -- how old was your cousin?

21 **PROSPECTIVE JUROR NO. 15-0002:** She was ten.

22 **THE COURT:** Ten.

23 About how long ago was this?

24 **THE COURT:** You need to speak up, sir.

25 **MS. COURT REPORTER:** I can't hear you.

1 **THE COURT:** I'm sorry.

2 **PROSPECTIVE JUROR NO. 15-0002:** A couple
3 years. Probably three years.

4 **THE COURT:** Okay. All right. Now, that's
5 obviously a different situation --

6 **PROSPECTIVE JUROR NO. 15-0002:** Yes.

7 **THE COURT:** -- from what we're talking about
8 here.

9 Do you believe that you -- is there anything
10 about that situation with your cousin that you believe
11 would affect your ability to be a fair juror in this
12 case?

13 **PROSPECTIVE JUROR NO. 15-0002:** No.

14 **THE COURT:** All right. Do you think that you
15 could follow my instructions and fairly and unbiasedly
16 apply those instructions to the evidence admitted?

17 **PROSPECTIVE JUROR NO. 15-0002:** Yes.

18 **THE COURT:** All right. Thank you.

19 I think No. 3, Ms. Adams, raised her hand.
20 Go ahead, ma'am.

21 **PROSPECTIVE JUROR NO. 15-0049:** I was a
22 victim of both domestic and sexual.

23 **THE COURT:** Okay. I'm sorry. And I am
24 sorry.

25 When were you a victim of domestic?

1 **PROSPECTIVE JUROR NO. 15-0049:** 2009.

2 **THE COURT:** Okay. And you say you also were
3 a victim of a sexually motivated crime. When did that
4 occur?

5 **PROSPECTIVE JUROR NO. 15-0049:** The same
6 time, 2009.

7 **THE COURT:** 2009. All right. Again, that's
8 obviously a different situation than here and different
9 circumstances.

10 Is there anything about your experience
11 with -- in that -- in those circumstances that would
12 affect your ability to be a fair juror in this case?

13 **PROSPECTIVE JUROR NO. 15-0049:** I believe I
14 will be biased.

15 **THE COURT:** Okay. Now, as I said, this is a
16 totally different scenario, situation; the facts are
17 totally different, it's a different case. You aren't
18 involved with it; years have passed by. The question
19 is going to be, you know, can you focus on the evidence
20 that's introduced in this trial, the witnesses and
21 exhibits, and go back and deliberate with the jurors
22 and follow my instructions?

23 Do you think you could do that?

24 **PROSPECTIVE JUROR NO. 15-0049:** I can
25 certainly try. I do still feel there will be some bias

1 involved.

2 **THE COURT:** All right. All right. Thank you
3 for that.

4 Anybody else in the back row?

5 All right. Anybody in the middle row? All
6 right. No hands -- oh, wait. Let's go down to No. 15,
7 Ms. Baillis.

8 **PROSPECTIVE JUROR NO. 15-0024:** I'm going to
9 say yes, and just say that it was literally 50 years
10 ago for me so I don't hold any bias.

11 **THE COURT:** All right. I take it there was
12 some sexually-motivated wrongful conduct with you a
13 while back?

14 **PROSPECTIVE JUROR NO. 15-0024:** Yes.

15 **THE COURT:** All right. But you feel that
16 you -- at this point in time, it would not affect your
17 ability to be a fair juror in this case?

18 **PROSPECTIVE JUROR NO. 15-0024:** That's my
19 opinion, yes.

20 **THE COURT:** Okay. And do you think you can
21 follow my instructions and fairly and unbiasedly apply
22 those instructions to the evidence admitted?

23 **PROSPECTIVE JUROR NO. 15-0024:** Yes.

24 **THE COURT:** Okay. Thank you.

25 Anyone else in that second row who either you

1 or a close family member or friend have been a victim
2 of some type of sexually-motivated wrongful conduct?
3 No one else in that second row.

4 Anyone in the bottom row here? All right.
5 Let's go first to No. 18, Ms. Duncan. Okay.

6 **PROSPECTIVE JUROR NO. 15-0027:** My really
7 good friend was sexually assaulted as a teenager. It's
8 been quite a few years ago, though.

9 **THE COURT:** Okay. And you say that's been a
10 while back?

11 **PROSPECTIVE JUROR NO. 15-0027:** Yes.

12 **THE COURT:** Okay. Is there anything about
13 that experience that would affect your ability to be a
14 fair juror in this case?

15 **PROSPECTIVE JUROR NO. 15-0027:** No.

16 **THE COURT:** All right. You think you can
17 follow my instructions and fairly and unbiasedly apply
18 those instructions to the evidence submitted?

19 **PROSPECTIVE JUROR NO. 15-0027:** Yes.

20 **THE COURT:** All right. Thank you very much.
21 I think the other hand we had was Ms. Reyes,
22 No. 23.

23 **PROSPECTIVE JUROR NO. 15-0051:** My sister.
24 My sister, she was sexually molested and assaulted
25 approximately three years ago.

1 **THE COURT:** How old is your sister?

2 **PROSPECTIVE JUROR NO. 15-0051:** She is 24
3 now, so approximately 21.

4 **THE COURT:** All right. Was that here locally
5 or --

6 **PROSPECTIVE JUROR NO. 15-0051:** In Tempe,
7 Arizona.

8 **THE COURT:** All right. Is there anything
9 about that experience that you feel would affect your
10 ability to be a fair juror in this matter?

11 **PROSPECTIVE JUROR NO. 15-0051:** I don't think
12 so.

13 **THE COURT:** All right. Do you think you
14 could follow my instructions and fairly and unbiasedly
15 apply those instructions to the evidence admitted?

16 **PROSPECTIVE JUROR NO. 15-0051:** Yes, I do.

17 **THE COURT:** Thank you very much.

18 All right. Anybody now in the first row of
19 the gallery?

20 All right. Let's go to No. 26, Mr. Reed.

21 **PROSPECTIVE JUROR NO. 15-0040:** Yes. It's my
22 wife. She was sexually and domestically abused in a
23 previous marriage, and she still suffers from that
24 postpartum syndrome when it comes to our intimate
25 relationship.

1 **THE COURT:** All right. About how long ago
2 was this?

3 **PROSPECTIVE JUROR NO. 15-0040:** We're looking
4 at about 15 years.

5 **THE COURT:** All right. And I'm sorry that --
6 in terms of your wife's circumstances in that regard.
7 I do understand how that can be difficult years later.

8 Now, as we've talked about, though, obviously
9 that circumstance with her ex-husband, it's not
10 something here and obviously a lot of time has passed.

11 The focus here is going to be on the evidence
12 that's admitted and whether or not the State has met
13 its burden of proving, through that evidence, the
14 elements of the offense in this case beyond a
15 reasonable doubt.

16 Is there anything in reference to your wife's
17 circumstances that you feel would affect your ability
18 to be a fair juror in this case?

19 **PROSPECTIVE JUROR NO. 15-0040:** I would think
20 it's basically the process of being proven and not
21 proven. In her case, it was proven to a certain degree
22 but yet not to the full degree that it should have
23 been, and it has affected the relationship and in other
24 matters, not only domestically as well as in business
25 and court systems as well.

1 **THE COURT:** All right. In this case, do you
2 feel that you'd be able to go back with your fellow
3 jurors, if you were picked, and follow my instructions
4 and fairly and unbiasedly apply those instructions to
5 the evidence admitted?

6 **PROSPECTIVE JUROR NO. 15-0040:** To the best
7 ability and tools that we have available, yes.

8 **THE COURT:** All right. So you would -- you
9 would be able to set aside your -- whatever -- your
10 wife's experience to be a fair juror to the best of
11 your ability?

12 **PROSPECTIVE JUROR NO. 15-0040:** To a certain
13 degree, yes.

14 **THE COURT:** Well, a certain degree I need to
15 get passed. When you say "a certain degree," what do
16 you mean?

17 **PROSPECTIVE JUROR NO. 15-0040:** There's a
18 slight, I would say, remnants of the incident that
19 might reflect on the basis of where the plaintiff would
20 come from, their point of view on the crime, as well as
21 the defendant, their point of view on the crime that
22 was allegedly committed. You have -- you will have two
23 different points of views, two different perspectives.
24 Both parties will have to prove each perspective --

25 **THE COURT:** Well, now, that's -- you know, as

1 I've said, both the defendant doesn't -- the
2 defendant's presumed innocent. The defendant doesn't
3 have to do anything. And, in fact, if the defendant
4 doesn't do anything at the end of the day, you still
5 have the obligation and very important duty to take
6 what the evidence is that the State provides and
7 determine whether that's sufficient to prove guilt
8 beyond a reasonable doubt, and the State's evidence, by
9 itself, doesn't -- isn't sufficient to do that, you
10 have an obligation to acquit.

11 So I'm asking you: Would you be able to
12 follow my instructions and do that?

13 **PROSPECTIVE JUROR NO. 15-0040:** Yes.

14 **THE COURT:** All right. Thank you very much.

15 Anybody else in that row? Okay. Let's go to
16 No. 27, Ms. Castellanos-Zamora.

17 **PROSPECTIVE JUROR NO. 15-0041:** My mother,
18 she was sexually molested when she was a teenager.
19 This was, like, 30 years ago.

20 **THE COURT:** All right. I'm sorry in
21 reference to your mother and her experience.

22 Let me ask you, in terms of that experience
23 and this case, is there anything about your
24 relationship with your mother and her experience that
25 would keep you from being able to be a fair juror in

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 this matter?

2 **PROSPECTIVE JUROR NO. 15-0041:** Well, she was
3 sexually molested by her uncle, and it's someone that
4 you would trust. And by being Clark County staff, I
5 feel like it's kind of -- but I would do my best.

6 **THE COURT:** All right. Again, you know,
7 you're obviously talking something 30 years ago.

8 **PROSPECTIVE JUROR NO. 15-0041:** Yeah.

9 **THE COURT:** And talking in totally different
10 circumstances, it sounds like, than what occurred here.

11 You would need to be focusing on the evidence
12 to be introduced here at trial, and that's what you'd
13 be asked to just consider when you go back there.

14 Do you think you'd be able to follow my
15 instructions and fairly and unbiasedly apply those
16 instructions to the evidence submitted?

17 **PROSPECTIVE JUROR NO. 15-0041:** Yes, I would.

18 **THE COURT:** All right. Thank you very much.

19 And I saw another hand. Let's go down to
20 No. 31, Mr. Kachuk.

21 **PROSPECTIVE JUROR NO. 15-0045:** I'm a victim
22 of sexual misconduct.

23 **THE COURT:** All right. I'm sorry, sir.

24 About when did that occur?

25 **PROSPECTIVE JUROR NO. 15-0045:** Last year,

1 three years ago, and six years ago.

2 **THE COURT:** I'm sorry to hear that you had --
3 had this on repeated occasions.

4 Let me ask, can you generally -- I don't
5 know -- I don't want to put you on the spot. Can you
6 generally say what this concerned?

7 **PROSPECTIVE JUROR NO. 15-0045:** I don't
8 understand what you're asking.

9 **THE COURT:** I mean, what -- you say "sexual
10 misconduct." What generally was the misconduct?

11 **PROSPECTIVE JUROR NO. 15-0045:** It was rape.

12 **THE COURT:** All right. In both -- all three
13 instances?

14 **PROSPECTIVE JUROR NO. 15-0045:** Mm-hmm.

15 **THE COURT:** I'm sorry. You need to answer
16 yes or no.

17 **PROSPECTIVE JUROR NO. 15-0045:** Yes.

18 **THE COURT:** Okay. I know those would have
19 been all difficult.

20 Did you report those to the police?

21 **PROSPECTIVE JUROR NO. 15-0045:** I did not.

22 **THE COURT:** All right. I take it then no one
23 was ever apprehended in regard to those -- or
24 prosecuted in regard to those circumstances?

25 **PROSPECTIVE JUROR NO. 15-0045:** I'm currently

1 pursuing therapy treatment for that.

2 **THE COURT:** All right. Is there anything
3 about those experiences that would keep you from being
4 able to be a fair juror in this case?

5 **PROSPECTIVE JUROR NO. 15-0045:** Yes.

6 **THE COURT:** Okay. Again, your circumstances
7 are obviously different than what happened here, and
8 the facts would be different. And the facts would be
9 what was presented with the testimony and exhibits
10 here, but -- and I'm going to instruct you in terms of
11 how to look at the testimony and exhibits and what
12 needs to be met.

13 Do you think that you would be able to follow
14 my instructions and fairly and unbiasedly apply those
15 instructions to the evidence admitted?

16 **PROSPECTIVE JUROR NO. 15-0045:** I don't -- I
17 don't think so.

18 **THE COURT:** All right. You don't think you
19 could put aside your past experiences and bias and
20 focus just on the evidence here?

21 **PROSPECTIVE JUROR NO. 15-0045:** I think it
22 would make me -- like, I don't think I'd be able to
23 focus very well on what's happening. I think it would
24 really, like, disturb me --

25 **THE COURT:** All right.

1 **PROSPECTIVE JUROR NO. 15-0045:** -- where I
2 wouldn't be able to focus.

3 **THE COURT:** All right. Thank you very much,
4 sir. I appreciate your coming forward and telling us
5 that.

6 Anybody else in that row back there? Okay.
7 All right.

8 Now, other than you've all gone through
9 certain crimes -- sexually-motivated crimes relating to
10 close family members or friends of yourself. Let me
11 now ask you -- you don't need to repeat it if you've
12 already told us about a crime. I'm going to ask you
13 now have you or any close family members or friends
14 ever been the victim of a violent crime? Violent
15 crime.

16 All right. And, again, don't repeat one that
17 you've told us in reference to my earlier question
18 relating to sexually-motivated crime.

19 Anyone in the back row? Okay. Let's go to
20 Juror No. 4, Mr. Morris.

21 **PROSPECTIVE JUROR NO. 15-0050:** My daughter
22 was the victim of domestic violence, which put her in
23 the hospital for a few days.

24 **THE COURT:** All right. About when was that?

25 **PROSPECTIVE JUROR NO. 15-0050:** About four

1 years ago.

2 THE COURT: Is that down here in Southern
3 Nevada or somewhere else?

4 PROSPECTIVE JUROR NO. 15-0050: Here, yeah.

5 THE COURT: And what generally happened?

6 PROSPECTIVE JUROR NO. 15-0050: Her husband
7 beat her up --

8 THE COURT: All right.

9 PROSPECTIVE JUROR NO. 15-0050: -- basically.

10 THE COURT: Was that reported to the police?

11 PROSPECTIVE JUROR NO. 15-0050: Yes.

12 THE COURT: And was the husband prosecuted at
13 all?

14 PROSPECTIVE JUROR NO. 15-0050: No.

15 THE COURT: All right. Let me just ask, were
16 you satisfied or dissatisfied with how the police
17 handled the circumstances?

18 PROSPECTIVE JUROR NO. 15-0050: Dissatisfied.

19 THE COURT: All right. Let me ask you, in
20 reference to that experience, is there anything about
21 that experience that would keep you from being a fair
22 juror in this case?

23 PROSPECTIVE JUROR NO. 15-0050: I don't think
24 so.

25 THE COURT: All right. I need to get a

1 little bit more specifically. Do you think you could
2 follow my instructions and fairly and unbiasedly apply
3 those instructions to the evidence admitted?

4 **PROSPECTIVE JUROR NO. 15-0050:** Yes.

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

6 Anybody else in that upper row?

7 Let's go to the middle row now. I don't see
8 any other hands. Let's go to the middle row. Any of
9 you who either yourself or a close family member or a
10 close friend have been a victim of a violent crime?

11 Let's go to Juror No. 10, Ms. Lewis.

12 **PROSPECTIVE JUROR NO. 15-0015:** Yes. My
13 middle son was attacked coming out of a casino here six
14 years ago, and was on life support at UMC, which is
15 when I moved out here with my husband. And he's fine.

16 **THE COURT:** Good. I'm glad to hear that.

17 **PROSPECTIVE JUROR NO. 15-0015:** I don't know
18 really what happened. My son's an alcoholic. So what
19 caused it, we really don't know.

20 **THE COURT:** All right. Well, I'm glad to
21 hear that he's okay now.

22 Let me ask you, before you give the mic back,
23 were the police contacted in reference to that?

24 **PROSPECTIVE JUROR NO. 15-0015:** Oh, yes.

25 **THE COURT:** Was anyone apprehended?

1 **PROSPECTIVE JUROR NO. 15-0015:** No.

2 **THE COURT:** Were you satisfied or
3 dissatisfied with the police response in that case?

4 **PROSPECTIVE JUROR NO. 15-0015:** I was
5 satisfied. I mean, they did all they could, but they
6 just didn't have that much to work with.

7 **THE COURT:** All right. Is there anything
8 about that experience that would keep you from being
9 able to be a fair juror in this case?

10 **PROSPECTIVE JUROR NO. 15-0015:** No.

11 **THE COURT:** All right. Thank you very much,
12 ma'am.

13 Anybody else in that middle row?

14 All right. Let's go down to No. 14,
15 Ms. Castillo.

16 **PROSPECTIVE JUROR NO. 15-0020:** Hello. My
17 father was a victim of a triple homicide. I was a
18 child when it happened. He was able to get away so. .

19 .

20 **THE COURT:** Was that here in Southern Nevada
21 or --

22 **PROSPECTIVE JUROR NO. 15-0020:** In
23 California.

24 **THE COURT:** California, all right.

25 Is there anything about -- do you -- you say

1 you were a child, so maybe -- you probably don't have
2 any personal knowledge, but were the police contacted
3 in reference to that?

4 **PROSPECTIVE JUROR NO. 15-0020:** They were. I
5 was around five, six years old. We were in the Witness
6 Protection Program for about five years.

7 **THE COURT:** All right. I take it then
8 somebody was apprehended in regard to it?

9 **PROSPECTIVE JUROR NO. 15-0020:** Yes.

10 **THE COURT:** All right. And were you
11 satisfied or dissatisfied with either the police work
12 in that case or with your experience being somewhat of
13 a protected witness?

14 **PROSPECTIVE JUROR NO. 15-0020:** I would say
15 satisfied.

16 **THE COURT:** All right. Is there anything
17 about that experience that would keep you from being a
18 fair juror in this case?

19 **PROSPECTIVE JUROR NO. 15-0020:** I don't
20 believe so.

21 **THE COURT:** All right. Do you think you'd be
22 able to follow my instructions and fairly and
23 unbiasedly apply those instruction as the evidence
24 submitted?

25 **PROSPECTIVE JUROR NO. 15-0020:** Yeah.

1 **THE COURT:** All right. Thank you very much.
2 Anybody else in that middle row? No other
3 hands.

4 Let's go to the bottom row then. Anybody in
5 the bottom row? No hands.

6 Anybody in the first row of the gallery?

7 All right. Let's go to No. 31, Mr. Kachuk.

8 **PROSPECTIVE JUROR NO. 15-0045:** I had a close
9 friend that was violently assaulted by her boyfriend.

10 **THE COURT:** All right. About when did that
11 occur?

12 **PROSPECTIVE JUROR NO. 15-0045:** I don't know.
13 Within the last ten years sometime.

14 **THE COURT:** Do you know if the police were
15 contacted in reference to that?

16 **PROSPECTIVE JUROR NO. 15-0045:** She contacted
17 the police in front of me.

18 **THE COURT:** All right. And was anyone
19 apprehended or prosecuted in regard to it?

20 **PROSPECTIVE JUROR NO. 15-0045:** I'm not sure
21 what happened afterwards.

22 **THE COURT:** In your experience, were you
23 satisfied or dissatisfied with the police handling of
24 that situation?

25 **PROSPECTIVE JUROR NO. 15-0045:** I don't know

1 what happened.

2 **THE COURT:** All right. Is there anything
3 about that experience that would keep you from being
4 able to be a fair juror in this case?

5 **PROSPECTIVE JUROR NO. 15-0045:** I would feel
6 a little partial.

7 **THE COURT:** Okay. All right. Thank you very
8 much.

9 Anybody else in that row back there? All
10 right.

11 Now, I don't want to be getting into traffic
12 tickets or anything like that, but have any of you or
13 any close family member or friend been a victim of a
14 crime? We've talked about sexually-motivated crime.
15 We've talked about violent crime. You don't need to
16 repeat anything that you've already told us.

17 Have you or any close family member or close
18 friend been a victim of a crime like a burglary or, you
19 know, significant vandalism or something like that?

20 All right. Let's go to No. 3, Ms. Adams. Go
21 ahead.

22 **PROSPECTIVE JUROR NO. 15-0049:** My mother was
23 a victim of burglary.

24 **THE COURT:** Okay. When was that?

25 **PROSPECTIVE JUROR NO. 15-0049:** That was in

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 December of last year.

2 **THE COURT:** Around Christmastime. I'm sorry
3 to hear that.

4 **PROSPECTIVE JUROR NO. 15-0049:** Yeah.

5 **THE COURT:** And were the police contacted?

6 **PROSPECTIVE JUROR NO. 15-0049:** Yes, they
7 were.

8 **THE COURT:** Were they able to apprehend
9 anybody or do anything?

10 **PROSPECTIVE JUROR NO. 15-0049:** They're
11 getting close.

12 **THE COURT:** Oh, good. All right. Were you
13 satisfied or dissatisfied with law enforcement's
14 response?

15 **PROSPECTIVE JUROR NO. 15-0049:** Satisfied.

16 **THE COURT:** All right. Anything about that
17 incident that would affect your ability to be a fair
18 juror in this case?

19 **PROSPECTIVE JUROR NO. 15-0049:** No.

20 **THE COURT:** All right. Thank you very much.

21 Anybody else in that upper row? No hands.

22 Anyone in the middle row? No hands.

23 Anyone in the bottom row? Okay. No. 16,

24 Mr. Shumway.

25 **PROSPECTIVE JUROR NO. 15-0053:** Yeah. I've

1 had my -- I had my house broken into a few times. It
2 was in 2003.

3 **THE COURT:** A few times in one year?

4 **PROSPECTIVE JUROR NO. 15-0053:** Yeah.

5 **THE COURT:** You had a bad 2003.

6 **PROSPECTIVE JUROR NO. 15-0053:** Yeah.

7 **THE COURT:** All right. Were the police
8 contacted?

9 **PROSPECTIVE JUROR NO. 15-0053:** They were.
10 This was in Brazil. I wasn't very satisfied with the
11 police response, but that wouldn't affect me at all.

12 **THE COURT:** Okay. All right. I was going to
13 be -- does -- is there anything about that that would
14 affect your ability to be a fair juror in this case?

15 **PROSPECTIVE JUROR NO. 15-0053:** No.

16 **THE COURT:** All right. Do you think you can
17 follow my instructions and fairly and unbiasedly apply
18 those instructions to the evidence admitted?

19 **PROSPECTIVE JUROR NO. 15-0053:** Certainly.

20 **THE COURT:** All right. Thank you.

21 All right. Anybody else? Let's go down to
22 No. 22.

23 **PROSPECTIVE JUROR NO. 15-0034:** I had a
24 break-in last year May. I was in the house and --

25 **THE COURT:** At your house?

1 PROSPECTIVE JUROR NO. 15-0034: (Nods head.)

2 THE COURT: I'm sorry. You need to --

3 PROSPECTIVE JUROR NO. 15-0034: I was in the
4 house when it happened. They tried to kick the door
5 opened and. . .

6 THE COURT: I'm sorry. About when was that?

7 PROSPECTIVE JUROR NO. 15-0034: May.

8 THE COURT: All right. Were the police
9 contacted?

10 PROSPECTIVE JUROR NO. 15-0034: Yes.

11 THE COURT: Were they able to apprehend
12 anyone or do anything?

13 PROSPECTIVE JUROR NO. 15-0034: No. I filed
14 a report, but they never got back to me about anything.

15 THE COURT: All right. Were you satisfied or
16 dissatisfied with law enforcement's response to your
17 situation?

18 PROSPECTIVE JUROR NO. 15-0034: Dissatisfied.

19 THE COURT: Dissatisfied? I'm sorry to hear
20 that.

21 Let me ask, though, in terms of this case, is
22 there anything about that experience that would keep
23 you from being able to be a fair juror in this matter?

24 PROSPECTIVE JUROR NO. 15-0034: No.

25 THE COURT: All right. Do you think you'd be

1 able to follow my instructions and fairly and
2 unbiasedly apply those instructions to the evidence
3 admitted?

4 **PROSPECTIVE JUROR NO. 15-0034:** Yes.

5 **THE COURT:** Okay. Thank you very much, sir.

6 Anybody else in this bottom row? All right.

7 Let's go, anyone in the gallery? All right.

8 Let's go down to No. 26, Mr. Reed.

9 **PROSPECTIVE JUROR NO. 15-0040:** Yes. Again,
10 it was my wife and this time my stepdaughter were both
11 physically attacked without provocation on two separate
12 incidents. Police were contacted. Nobody was
13 apprehended, and we were dissatisfied with the results.

14 **THE COURT:** All right.

15 **PROSPECTIVE JUROR NO. 15-0040:** We did file a
16 report. We did -- went through all the motions, and
17 they -- it just fell apart.

18 **THE COURT:** All right. Let me -- about when
19 were the two incidents?

20 **PROSPECTIVE JUROR NO. 15-0040:** Within the
21 last, it would be, six to ten years.

22 **THE COURT:** Okay. And I'm sorry to hear that
23 you were dissatisfied in both incidents.

24 Let me ask you, is there anything about those
25 two cases that would affect your ability to be a fair

1 juror in this case?

2 **PROSPECTIVE JUROR NO. 15-0040:** Yes.

3 **THE COURT:** All right. And you don't think
4 you'd be able to set aside the experiences you had with
5 that to be able to follow my instructions and apply
6 those instructions to the evidence admitted?

7 **PROSPECTIVE JUROR NO. 15-0040:** Probably not
8 due to lack of trust and faith in the system.

9 **THE COURT:** All right. All right. Thank you
10 very much, Mr. Reed.

11 Anybody else in that back row? All right.
12 No. 31, Mr. Kachuk.

13 **PROSPECTIVE JUROR NO. 15-0045:** I've had
14 burglary happen to me.

15 **THE COURT:** All right. You say burglary.
16 How many are you talking about?

17 **PROSPECTIVE JUROR NO. 15-0045:** Just one.
18 Someone came into my apartment and stole my laptop.

19 **THE COURT:** Stole what? I'm sorry.

20 **PROSPECTIVE JUROR NO. 15-0045:** My laptop
21 computer.

22 **THE COURT:** Okay. I'm sorry to hear that.
23 When did that occur?

24 **PROSPECTIVE JUROR NO. 15-0045:** It occurred
25 in 2012.

1 **THE COURT:** All right. Did you call the
2 police?

3 **PROSPECTIVE JUROR NO. 15-0045:** I did.

4 **THE COURT:** And were they able to do
5 anything?

6 **PROSPECTIVE JUROR NO. 15-0045:** No.

7 **THE COURT:** All right. Were you satisfied or
8 dissatisfied with their response to your crime?

9 **PROSPECTIVE JUROR NO. 15-0045:** I was
10 honestly dissatisfied.

11 **THE COURT:** Okay. Again, I'm sorry to hear
12 that. But let me just ask, focusing on that incident,
13 is there anything about that incident that would affect
14 your ability to be a fair juror in this case?

15 **PROSPECTIVE JUROR NO. 15-0045:** No.

16 **THE COURT:** Okay. Anybody else that row?

17 All right. Let me ask if anyone here, either
18 yourself, a close family member, or a close friend, has
19 been involved in law enforcement or security work.
20 Either you, a close family member, or a close friend
21 been involved in law enforcement or security work?

22 Let's look at the back row first, and let's
23 go to No. 1, Ms. Lee.

24 **PROSPECTIVE JUROR NO. 15-0001:** My father is
25 retired LAPD, and I have a sister who's retired LA

1 Sheriff and her husband, retired LAPD.

2 **THE COURT:** Okay. When did your father
3 retire?

4 **PROSPECTIVE JUROR NO. 15-0001:** Thirty years
5 ago.

6 **THE COURT:** All right. That's a while. How
7 about your sister?

8 **PROSPECTIVE JUROR NO. 15-0001:** Ten years
9 ago.

10 **THE COURT:** And your brother-in-law?

11 **PROSPECTIVE JUROR NO. 15-0001:** Same thing.

12 **THE COURT:** Okay. Is there anything about your
13 relationship with them and their work that would keep
14 you from being able to be a fair juror in this case?

15 **PROSPECTIVE JUROR NO. 15-0001:** No.

16 **THE COURT:** And you'd be able to follow my
17 instructions and fairly and unbiasedly apply those
18 instructions to the evidence admitted?

19 **PROSPECTIVE JUROR NO. 15-0001:** Yes.

20 **THE COURT:** Okay. Thank you.

21 Anybody else in the back row? Let's go down
22 to No. 6, Ms. Chai.

23 **PROSPECTIVE JUROR NO. 15-0010:** My father's a
24 police officer in Hawaii.

25 **THE COURT:** All right. How long has he been

1 doing that?

2 **PROSPECTIVE JUROR NO. 15-0010:** I think he
3 started, like, five years ago.

4 **THE COURT:** Okay. Is there anything about
5 your father's work and your relationship with him that
6 would keep you from being able to be a fair juror in
7 this case?

8 **PROSPECTIVE JUROR NO. 15-0010:** No.

9 **THE COURT:** All right. You'd be able to
10 follow my instructions and fairly and unbiasedly apply
11 those instructions to the evidence admitted?

12 **PROSPECTIVE JUROR NO. 15-0010:** Yes.

13 **THE COURT:** All right. Thank you very much.

14 I don't think I saw any other hands in the
15 back, so let's go to the middle row.

16 Anybody in the middle row, either you or a
17 close family member or a friend involved in law
18 enforcement or security work?

19 All right. One hand, that being No. 14,
20 Ms. Castillo.

21 **PROSPECTIVE JUROR NO. 15-0020:** I was an
22 evidence custodian for the Wausau Police Department in
23 Wisconsin.

24 **THE COURT:** Okay. And when did you -- how
25 long were you doing that?

1 **PROSPECTIVE JUROR NO. 15-0020:** A year and a
2 half.

3 **THE COURT:** Okay. That's when you stopped, a
4 year and a half ago, or how long did you do it?

5 **PROSPECTIVE JUROR NO. 15-0020:** No. I just
6 moved here a year ago, so a year ago.

7 **THE COURT:** How long were you the evidence
8 custodian?

9 **PROSPECTIVE JUROR NO. 15-0020:** A year and a
10 half.

11 **THE COURT:** Oh, okay. I follow you.

12 All right. Is there anything about your work
13 as an evidence custodian that would affect your ability
14 to be a fair juror in this case?

15 **PROSPECTIVE JUROR NO. 15-0020:** No.

16 **THE COURT:** And would you be able to follow
17 my instructions and fairly and unbiasedly apply those
18 instructions to the evidence admitted?

19 **PROSPECTIVE JUROR NO. 15-0020:** Yes.

20 **THE COURT:** All right. Thank you very much.

21 Anybody else? All right. No other hands in
22 that row.

23 Anybody in the bottom row? Okay. A few
24 hands here.

25 Let's go to No. 16, Mr. Shurway.

1 **PROSPECTIVE JUROR NO. 15-0053:** My longest
2 friend is a correction officer with the -- I believe
3 it's Salt Lake County Department of Corrections in
4 Utah.

5 **THE COURT:** All right. And how long have
6 they been doing that?

7 **PROSPECTIVE JUROR NO. 15-0053:** A year, maybe
8 two years tops.

9 **THE COURT:** Anything about your relationship
10 with them or their work that would keep you from being
11 able to be a fair juror in this case?

12 **PROSPECTIVE JUROR NO. 15-0053:** No.

13 **THE COURT:** All right. You'd be able to
14 follow my instructions and fairly and unbiasedly apply
15 those instructions to the evidence admitted?

16 **PROSPECTIVE JUROR NO. 15-0053:** Yes.

17 **THE COURT:** Okay. Thank you.

18 All right. The next hand, let's go down to
19 No. 18, Ms. Duncan.

20 **PROSPECTIVE JUROR NO. 15-0027:** My nephew
21 works for Metro, and a good friend of mine also works
22 for Metro.

23 **THE COURT:** And who else works for Metro?

24 **PROSPECTIVE JUROR NO. 15-0027:** A good friend
25 of mine.

1 **THE COURT:** Let's talk about your nephew.
2 What's he do?

3 **PROSPECTIVE JUROR NO. 15-0027:** He's a patrol
4 officer.

5 **THE COURT:** How long has he been doing that?

6 **PROSPECTIVE JUROR NO. 15-0027:** I want to
7 say, like, five years.

8 **THE COURT:** Okay. And then your good friend,
9 what do they do?

10 **PROSPECTIVE JUROR NO. 15-0027:** He was
11 undercover recovering -- like, he would follow the guys
12 that got released to catch them doing it again. But
13 now he's also, I believe, patrol.

14 **THE COURT:** About how long has he been
15 doing -- working for Metro, do you know?

16 **PROSPECTIVE JUROR NO. 15-0027:** I guess about
17 fifteen years.

18 **THE COURT:** All right. Anything about your
19 relationship with your -- you said your brother.
20 Right?

21 **PROSPECTIVE JUROR NO. 15-0027:** Nephew.

22 **THE COURT:** Nephew. I'm sorry. Nephew or
23 your friend that would keep you from being able to be a
24 fair juror in this case?

25 **PROSPECTIVE JUROR NO. 15-0027:** No.

1 **THE COURT:** All right. You'd be able to
2 follow my instructions and fairly and unbiasedly apply
3 those instructions to the evidence admitted?

4 **PROSPECTIVE JUROR NO. 15-0027:** Yes.

5 **THE COURT:** All right. Thank you.
6 Anyone else? Okay. Let's go next to No. 19,
7 Ms. Broines.

8 **PROSPECTIVE JUROR NO. 15-0028:** Yes. My
9 cousin is a sheriff for the Los Angeles department.

10 **THE COURT:** Oh, good. All right. Let me
11 ask, how long he's been doing that?

12 **PROSPECTIVE JUROR NO. 15-0028:** Five years.

13 **THE COURT:** All right. Is there anything
14 about your relationship to him or his work that would
15 keep you from being able to be a fair juror in this
16 case?

17 **PROSPECTIVE JUROR NO. 15-0028:** No.

18 **THE COURT:** Okay. You'd be able to follow my
19 instructions and apply those instructions to the
20 evidence submitted?

21 **PROSPECTIVE JUROR NO. 15-0028:** Yes, sir.

22 **THE COURT:** All right. Thank you.

23 All right. I know there was another hand.

24 All right. Let's go down to No. 23,

25 Ms. Reyes.

1 **PROSPECTIVE JUROR NO. 15-0051:** My father
2 works security for approximately three years from 2005
3 to 2006, 2007 -- 2007, 2008. And then he also
4 auditioned for the police academy twice through -- and
5 he was accepted under CCSD, and then also under
6 Henderson during the trials.

7 My uncle works as a correctional officer in
8 California, and my cousin who lives in the city, works
9 security.

10 **THE COURT:** All right. How long -- what kind
11 of security does your cousin work?

12 **PROSPECTIVE JUROR NO. 15-0051:** He -- I think
13 it's kind of like a bodyguard thing.

14 **THE COURT:** How long has he been doing that?

15 **PROSPECTIVE JUROR NO. 15-0051:** Approximately
16 two and a half years. Before that, he was military.

17 **THE COURT:** Okay. Your uncle in
18 California --

19 **PROSPECTIVE JUROR NO. 15-0051:** Yes.

20 **THE COURT:** -- what's he do with the
21 correction department?

22 **PROSPECTIVE JUROR NO. 15-0051:** I'm not
23 100 percent sure. I just know that he was in the
24 prison system on the prison floor for the most part,
25 and whenever we talk about it, it's mostly just, like,

1 what work life is like, not exactly what he does.

2 **THE COURT:** Okay. How long has he been doing
3 that?

4 **PROSPECTIVE JUROR NO. 15-0051:** Approximately
5 20 years.

6 **THE COURT:** All right. And then you said
7 your dad has -- is going to the academy?

8 **PROSPECTIVE JUROR NO. 15-0051:** He attended
9 the academy in 2009 and 2010, I want to say.

10 **THE COURT:** Okay. Anything about your dad's
11 experiences, your uncle's experience --

12 **PROSPECTIVE JUROR NO. 15-0051:** And my
13 cousin's.

14 **THE COURT:** -- and your cousin's
15 experience -- sorry -- that -- and their jobs that
16 would affect your ability to be a fair juror in this
17 case?

18 **PROSPECTIVE JUROR NO. 15-0051:** I don't
19 believe so.

20 **THE COURT:** All right. Believe? I need to
21 know.

22 **PROSPECTIVE JUROR NO. 15-0051:** I do not
23 think so.

24 **THE COURT:** I'm sorry?

25 **PROSPECTIVE JUROR NO. 15-0051:** No, I don't

1 think so. I'm sorry for talking over you.

2 **THE COURT:** All right. You believe you could
3 follow my instructions and fairly and unbiasedly apply
4 those instructions to the evidence submitted?

5 **PROSPECTIVE JUROR NO. 15-0051:** Yes.

6 **THE COURT:** Okay. Thank you.

7 Anybody in the first row of the gallery? All
8 right. Let's go to No. -- let me make sure I've got
9 the right 30. Ms. Urban?

10 **PROSPECTIVE JUROR NO. 15-0044:** Yes. My
11 husband currently is a director for corporate special
12 investigations at Caesars Palace. He has an extensive
13 background with law enforcement and investigations, but
14 it has no bearing on my ability to answer the
15 questions.

16 **THE COURT:** What did he do before he got --
17 became director of security at Caesars?

18 **PROSPECTIVE JUROR NO. 15-0044:** The special
19 investigations division is a new division. He worked
20 as detective. He worked as the regular casino
21 security. He worked 20 some-odd years in the Air Force
22 for law enforcement, which included working closely
23 with OSI and the investigations with the law
24 enforcement squadron he was associated with. So he's
25 pretty hooked up with that stuff.

1 **THE COURT:** All right. I appreciate that.

2 Let me just ask, anything about that, though,
3 that would affect your ability to be a fair juror in
4 this case?

5 **PROSPECTIVE JUROR NO. 15-0044:** No. None
6 whatsoever.

7 **THE COURT:** You'd be able to follow my
8 instructions and fairly and unbiasedly apply those
9 instructions to the evidence submitted?

10 **PROSPECTIVE JUROR NO. 15-0044:** Yes.

11 **THE COURT:** All right. Anybody else in that
12 first row?

13 All right. Let's go to No. 32,
14 Ms. Castanaga.

15 **PROSPECTIVE JUROR NO. 15-0052:** My cousin's
16 husband works for the Hoover Dam Federal Police.

17 **THE COURT:** Okay. How long has he been doing
18 that?

19 **PROSPECTIVE JUROR NO. 15-0052:** About four
20 months now.

21 **THE COURT:** All right. Anything about your
22 relationship with him or his work that would affect
23 your ability to be a fair juror in this case?

24 **PROSPECTIVE JUROR NO. 15-0052:** No.

25 **THE COURT:** Okay. Thank you.

1 All right. Let me now ask, does any one of
2 you or a close family member or a friend -- again
3 focusing on a close family member or a close friend or
4 yourself -- have any background in the law? Like
5 you've been an attorney or a paralegal, anything like
6 that.

7 Anybody in the back row? No hands.

8 Started to see a hand in the middle row. All
9 right. Let's go first to Ms. Lewis, No. 10.

10 **PROSPECTIVE JUROR NO. 15-0015:** I work in the
11 legal department at Check City.

12 **THE COURT:** I'm sorry?

13 **PROSPECTIVE JUROR NO. 15-0015:** I work in the
14 legal department for Check City.

15 **THE COURT:** Okay. That's your current job?

16 **PROSPECTIVE JUROR NO. 15-0015:** Yes.

17 **THE COURT:** How long have you been doing
18 that?

19 **PROSPECTIVE JUROR NO. 15-0015:** Six years.

20 **THE COURT:** All right. When you say "legal
21 department," what kind of things do you do?

22 **PROSPECTIVE JUROR NO. 15-0015:** Basically I
23 just, like, sue people, wage garnishments, writs of
24 execution, that type of thing.

25 **THE COURT:** Okay. Anything about your

1 experience with that, your job, that would keep you
2 from being a fair juror in this case?

3 **PROSPECTIVE JUROR NO. 15-0015:** No.

4 **THE COURT:** All right. Thank you.

5 And then we go down to -- let me make sure
6 I've got the right -- No. 12, Ms. Thomas-Jenson.

7 **PROSPECTIVE JUROR NO. 15-0018:** I was a legal
8 secretary for several years, late '70s, early '80s.
9 And my husband was a retired attorney.

10 **THE COURT:** Okay. How long has he been
11 retired?

12 **PROSPECTIVE JUROR NO. 15-0018:** Well, he
13 passed away in September and he really didn't practice
14 law. He was more of a businessman, but he had a JD.

15 **THE COURT:** All right. I'm sorry about your
16 husband.

17 Let me ask, anything in reference to him
18 having the background in the law or you and your work
19 that would affect your ability to be a fair juror in
20 this case?

21 **PROSPECTIVE JUROR NO. 15-0018:** No, I'm not
22 biased.

23 **THE COURT:** All right. Thank you.

24 Okay. Let's go down to No. 14, Ms. Castillo.

25 **PROSPECTIVE JUROR NO. 15-0020:** My cousin is

1 an attorney for the Long Beach District Attorney's
2 office.

3 **THE COURT:** Okay. I'm sorry?

4 **PROSPECTIVE JUROR NO. 15-0020:** Long Beach,
5 California.

6 **THE COURT:** Okay. How long he's been doing
7 that?

8 **PROSPECTIVE JUROR NO. 15-0020:** She's been
9 doing it for three years now.

10 **THE COURT:** Okay. And what kind of work does
11 she do for the DA's office?

12 **PROSPECTIVE JUROR NO. 15-0020:** She's an
13 attorney.

14 **THE COURT:** I know. But criminal? Civil?

15 **PROSPECTIVE JUROR NO. 15-0020:** Criminal.

16 **THE COURT:** Okay. What kind of -- any
17 particular criminal area?

18 **PROSPECTIVE JUROR NO. 15-0020:** I don't know.

19 **THE COURT:** All right. Fair enough.

20 Anything about your relationship with her and
21 her work that would affect your ability to be a fair
22 juror in this case?

23 **PROSPECTIVE JUROR NO. 15-0020:** No.

24 **THE COURT:** Okay. All right.

25 Now, anybody down here in the bottom row?

1 All right. Let's come over here to No. 16,
2 Mr. Shumway.

3 **PROSPECTIVE JUROR NO. 15-0053:** I'm not
4 trying to answer all of them but --

5 **THE COURT:** Well, you need -- if you need to
6 answer all of them, then we want you to answer all of
7 them so don't feel bad. Go ahead.

8 **PROSPECTIVE JUROR NO. 15-0053:** I went to law
9 school. I practiced as an attorney in Utah for two
10 years. I'm still -- I think my license -- it's
11 inactive. I don't think I owe them money. I might. I
12 don't currently practice law. But I did trademark work
13 for two years, and currently I work for AIG handling
14 construction defect claims.

15 **THE COURT:** Okay. All right. Anything about
16 your past work or your current work as a lawyer that
17 would affect your ability to be a fair juror in this
18 case?

19 **PROSPECTIVE JUROR NO. 15-0053:** No.

20 **THE COURT:** All right. You'd be able to
21 follow my instructions and apply those instructions
22 fairly and unbiasedly to the evidence in the case?

23 **PROSPECTIVE JUROR NO. 15-0053:** Yes.

24 **THE COURT:** All right. Thank you.

25 Who's the next hand? All right. Let's go

1 down to No. 19, Ms. Briones.

2 **PROSPECTIVE JUROR NO. 15-0028:** Yes. My
3 sister-in-law is a paralegal in California.

4 **THE COURT:** All right. How long has she been
5 doing that?

6 **PROSPECTIVE JUROR NO. 15-0028:** About 15
7 years.

8 **THE COURT:** And does she work for a law firm?

9 **PROSPECTIVE JUROR NO. 15-0028:** Yes, she
10 does.

11 **THE COURT:** What kind of work does that law
12 firm --

13 **PROSPECTIVE JUROR NO. 15-0028:** I'm not sure.

14 **THE COURT:** All right. Anything about your
15 relative's work as a paralegal that would affect your
16 ability to be fair in this case?

17 **PROSPECTIVE JUROR NO. 15-0028:** No.

18 **THE COURT:** Okay. Anyone else in this bottom
19 row? I see no hands.

20 Anyone in the first row of the gallery? All
21 right. Let's go to Mr. Reed, No. 26.

22 **PROSPECTIVE JUROR NO. 15-0040:** Yes. Would
23 self-representation qualify under this question?

24 **THE COURT:** No. But I appreciate you -- I
25 take it you did self-represent yourself in some sort of

1 criminal or civil matter?

2 PROSPECTIVE JUROR NO. 15-0040: No. It would
3 be my wife again.

4 THE COURT: Okay. She represented herself in
5 a criminal or a civil matter?

6 PROSPECTIVE JUROR NO. 15-0040: Yes.

7 THE COURT: About when was that?

8 PROSPECTIVE JUROR NO. 15-0040: The last four
9 years.

10 THE COURT: Okay. All right. No, thank you
11 very much.

12 And the next, No. 27, Ms. Castellanos-Zamora.

13 PROSPECTIVE JUROR NO. 15-0041: I did
14 criminal justice at CSN for a couple semesters. I'm
15 hoping to resume within fall, but that's basically it.

16 THE COURT: Okay. Anything about -- when was
17 that, just out of interest?

18 PROSPECTIVE JUROR NO. 15-0041: About a year
19 ago.

20 THE COURT: Okay. Anything about that
21 experience that would affect your ability to be a fair
22 juror in this case?

23 PROSPECTIVE JUROR NO. 15-0041: No.

24 THE COURT: Okay. Anyone else in the first
25 row of the gallery? All right. I don't see any hands

1 there.

2 All right. Now, let me ask this next
3 question. Have -- do any -- does anyone feel that you
4 or someone close to you has been treated unjustly by
5 the police or a prosecutor or some state or government
6 agency? And if you've told us something, you don't
7 need to go back into this, and I don't want to really
8 focus on the IRS at all with this question.

9 So sort of avoiding the IRS and what you've
10 already told us, is there anyone here who feels that
11 you or someone close to you has been treated unjustly
12 by the police or a prosecutor or some state or
13 government agency?

14 All right. Let's go to Mr. Reed, No. 26.

15 **PROSPECTIVE JUROR NO. 15-0040:** Yes. It's
16 about my wife, what we just shared with you earlier.
17 She was involved in a bankruptcy as well as a civil
18 situation where she had a business that was stolen
19 underneath from her, and then that person turned around
20 and sued her for it. The courts -- and both courts,
21 bankruptcy as well as the civil, wouldn't -- since she
22 was under self-representation, she was not able to
23 present all the evidence that was necessary.

24 **THE COURT:** Okay. All right. Thank you for
25 sharing that with us, Mr. Reed.

1 any further than that.

2 **THE COURT:** All right. What kind of matter
3 was it?

4 **PROSPECTIVE JUROR NO. 15-0012:** A student
5 accusing the school administration of negligence.

6 **THE COURT:** Okay. And was that here in Clark
7 County?

8 **PROSPECTIVE JUROR NO. 15-0012:** No. In
9 Detroit, Michigan.

10 **THE COURT:** Okay. And you gave a deposition
11 in regard to what?

12 **PROSPECTIVE JUROR NO. 15-0012:** Yes. The --
13 the charges that the -- that were being brought was --
14 were false, and I had evidence of that and during the
15 deposition it all came out.

16 **THE COURT:** Okay. All right. Anything about
17 that experience that would affect your ability to be a
18 fair juror in this case?

19 **PROSPECTIVE JUROR NO. 15-0012:** Well, I tend
20 to believe teachers, and I tend to believe school
21 administrators.

22 **THE COURT:** All right. Well, I understand
23 that, you know, you have that experience back then
24 working with that, and I'm going to talk about, in a
25 second here, about the testimony of, like, law

1 enforcement people. So teachers can testify, law
2 enforcement people can testify, and I'm sure that, you
3 know, not everybody's perfect. So there are good
4 people and there are bad people, and I'm going to go
5 through, as part of my instructions on the law, the
6 kind of things that you should look for in evaluating a
7 witness' testimony and determining whether you want to
8 believe some or part or none of a witness' testimony.

9 Do you feel that you can listen to the
10 testimony that's here, look at the witness, and look at
11 their testimony in regard to all the other testimony in
12 the case, and then go back with the other jurors and be
13 fair and -- to both sides in this matter?

14 **PROSPECTIVE JUROR NO. 15-0012:** Yes. Yes, I
15 do.

16 **THE COURT:** All right. Do you feel you could
17 follow my instructions and fairly and unbiasedly apply
18 those instructions to the evidence admitted?

19 **PROSPECTIVE JUROR NO. 15-0012:** Yes.

20 **THE COURT:** All right. Thank you very much,
21 Ms. Diaz.

22 All right. Let's go -- anybody in the second
23 row? All right. Let's go to No. 14, Ms. Castillo.

24 **PROSPECTIVE JUROR NO. 15-0020:** As an
25 evidence custodian, I was called upon to be the expert

1 witness testimony for evidence that was submitted.

2 **THE COURT:** All right. I can understand that
3 since that's your job.

4 Is there anything about the times you were
5 called on to do that that would affect your ability to
6 be fair in this case?

7 **PROSPECTIVE JUROR NO. 15-0020:** No.

8 **THE COURT:** All right. Anybody else in that
9 second row? No?

10 Anybody in the bottom row? All right. Let's
11 go to No. 22.

12 **PROSPECTIVE JUROR NO. 15-0034:** Yeah. I've
13 done a lot of depositions between 2002 to 2006, and
14 mostly I think medical cases.

15 **THE COURT:** And what were generally the
16 nature of your testimony?

17 **PROSPECTIVE JUROR NO. 15-0034:** Back
18 injuries.

19 **THE COURT:** I'm sorry?

20 **PROSPECTIVE JUROR NO. 15-0034:** Back
21 injuries.

22 **THE COURT:** All right. Okay. Anything about
23 your experience with those depositions that would
24 affect your ability to be a fair juror in this case?

25 **PROSPECTIVE JUROR NO. 15-0034:** No.

1 **THE COURT:** All right. Anybody in the first
2 row of the gallery -- oh, I'm sorry. One more with
3 Mr. Ciminise.

4 **PROSPECTIVE JUROR NO. 15-0036:** Just several
5 depositions over the years for corporate matters.

6 **THE COURT:** All right. When was the last
7 one?

8 **PROSPECTIVE JUROR NO. 15-0036:** Probably four
9 years ago.

10 **THE COURT:** All right. And generally what
11 did you testify about?

12 **PROSPECTIVE JUROR NO. 15-0036:** In banking.
13 So basically represented the bank's side of the -- of
14 the suit.

15 **THE COURT:** Okay. All right. Anything about
16 those experiences that would affect your ability to be
17 a fair juror in this case?

18 **PROSPECTIVE JUROR NO. 15-0036:** No.

19 **THE COURT:** Okay. Thank you.

20 Now, anybody else over here? All right.

21 Anyone in the first row of the gallery? No hands.

22 All right. We sort of got into it just a
23 second ago with Ms. Diaz and her talking about the
24 possible testimony of witnesses -- of teachers or
25 school administrators, but let me just ask, if a -- and

1 as I explained at that point in time, every witness is
2 going to come up here. You're going to have maybe some
3 school police. You may have some teachers. Every
4 witness, when they come up here, needs to be evaluated
5 by each of you as jurors, and you need to take their
6 testimony when they start out as fresh and new, no
7 slate, and then look at their testimony in terms of
8 what they say up here and whether it's consistent with
9 other testimony, whether their demeanor is such on the
10 stand as consistent with how you view somebody who
11 would be truthful, whether or not their testimony makes
12 sense or how it fits in with other evidence. I will
13 give you an instruction in terms of various factors
14 that you can consider in evaluating a witness'
15 credibility and whether you want to accept all of it --
16 their testimony, some of their testimony, or none of
17 their testimony.

18 So teachers, like police officers, or anyone
19 else are going to come up here and testify, and I want
20 to ask, if a police officer or other government agent
21 or a witness was to testify in this case, would you be
22 able to judge as an ordinary witness -- judge them as
23 an ordinary witness and evaluate their testimony like
24 everyone else in the case?

25 Anybody would have a problem following that

1 basic principle of our -- of our jury system? Okay.

2 Seeing no hands.

3 Last question before we -- next to last
4 question before we break for lunch. Is there anyone
5 here -- it's important -- again, important principle in
6 terms of our jury system that you would -- you don't
7 follow -- you don't form any opinion or make up your
8 mind until after all the evidence comes in and I've
9 given you the law and the attorneys have given you the
10 closing arguments. So, if you're selected, you need to
11 keep an open mind through the course of the -- of the
12 case.

13 So what I want to know is will you be able to
14 wait in forming your opinion as to an appropriate
15 verdict until after all the evidence and arguments are
16 presented and the law is given and you get together
17 with all your other jurors as a whole jury to
18 deliberate? Is there anyone who thinks they would have
19 a problem doing that? All right. Seeing no hands in
20 that regard.

21 All right. The last question before we break
22 for lunch. At this point in time, is there anything
23 that any of you would want to raise at this point in
24 time that you feel we should know about your ability to
25 be a fair juror in this case? All right. Seeing no

1 other hands in that regard.

2 Okay. We're going to take our break for
3 lunch, then, right now. We'll try -- let's see. It's
4 25 minutes till 1:00. If I can get you all back here
5 at -- let's try to get started at 1:35, that would be
6 great.

7 And, again, it's very important that you all
8 get back here. If you can get back here a few minutes
9 earlier so we can get started right -- yes, ma'am? And
10 that's No. 12, Ms. Thomas-Jenson.

11 **PROSPECTIVE JUROR NO. 15-0018:** Excuse me.
12 What time do you think that our day will end today?

13 **THE COURT:** 5:00 o'clock.

14 **PROSPECTIVE JUROR NO. 15-0018:** 5:00 o'clock?

15 Okay.

16 **THE COURT:** All right. And with that, my
17 goal, if possible, is to get done with jury selection
18 today. I can't guarantee that. If we don't get done
19 with it today, then we're going to have to have
20 everybody come back tomorrow.

21 So I want to try to get going as soon as we
22 can get going to keep the process moving. So if you
23 could get back ideally at 1:30 so that we can for sure
24 get started at 1:35, that would be wonderful. And as I
25 told you, if any of you are late, we all sit around

LOFTHOUSE, JASON • C307937 • 03/21/2016

1 waiting for you to get here. So we really need
2 everybody to get back within the hour. All right?

3 As I said before, while you're out on this
4 break, don't talk to each other about the case or about
5 anyone who has anything to do with it. Do not talk
6 with anyone else about the case beyond telling your
7 boss that you're here on jury selection process or
8 letting your family members know that you're here being
9 considered for a jury. Don't discuss anything else
10 with them. Do not let anyone else talk to you about
11 the case or about anything that has to do with it. If
12 someone should try to talk to you, report it to me
13 immediately by contacting the marshal. Don't read any
14 news stories or articles or listen to any radio or
15 television reports about the case. Don't do any sort
16 of research on your own in regard to the case or visit
17 the scene of any events regarding the case, and keep an
18 open mind and do not form or express any opinion until
19 the case would ultimately be submitted to you.

20 All right. Ladies and gentlemen, have a
21 great lunch, and thank you for your focus and attention
22 today.

23 **THE MARSHAL:** All rise. Jury exiting.

24 *(Venire exiting.)*

25 **THE COURT:** Okay. Why don't we go ahead and

1 do the for cause at this point in time.

2 Let me start with the State. Anybody you
3 want to have removed for cause?

4 **MS. KOLLINS:** Court's indulgence.

5 Your Honor, at this time the only for cause
6 challenges the State would have would be Robert Reed
7 and Patricia Diaz.

8 **THE COURT:** Who?

9 **MS. KOLLINS:** Patricia Diaz in Seat No. 8.

10 **THE COURT:** Okay. What's your basis for
11 Ms. Diaz.

12 **MS. KOLLINS:** Because she would always
13 automatically believe a teacher or an administrator.

14 **THE COURT:** She didn't say that. She said
15 she could be fair and unbiased. I'm going to deny that
16 one.

17 Mr. Reed, what's the State -- or the defense
18 position on that?

19 **MR. GUROVICH:** I don't know if we can excuse
20 him for cause, Your Honor, honestly, Mr. Reed.

21 **THE COURT:** Well, Mr. Reed, on the other
22 hand, I think has made it about as clear as possible
23 that he cannot be fair and unbiased in this case, and
24 made it as clear as possible that he does not want to
25 be here. I'm going to grant the government's --

1 between everything that he's -- he's -- he said,
2 it's -- he's made it very clear that he cannot be fair
3 and unbiased, in particular toward the State. So I am
4 going to grant the State's motion as to Mr. Reed.

5 Anybody else from the State?

6 **MS. KOLLINS:** No, Your Honor. Thank you.

7 **THE COURT:** Okay. What about the defense
8 now? Anyone for cause?

9 **MR. GUROVICH:** Your Honor, No. 3, Ms. Adams.
10 She -- she's been -- she's been a victim of several --
11 several times, and she said she's biased. And I don't
12 know if she would be able to -- to maintain
13 impartiality.

14 **THE COURT:** Okay. What's the State's
15 position on Ms. Adams?

16 **MS. KOLLINS:** Actually, I think she said she
17 could be fair and impartial and she can set that aside.
18 I don't think she maintained, after questioning by Your
19 Honor, that she would be biased.

20 **THE COURT:** I'll ask -- I'll go back and take
21 a look at that during -- I -- it seems like I thought
22 she was the one who said she wasn't sure, but let me go
23 back and look at it.

24 **MR. MARGOLIS:** Your Honor, I thought she
25 said, "I'll try, I'll try," three or four times.

1 **THE COURT:** Well, I --

2 **MR. MARGOLIS:** And then after a certain
3 amount of prodding, yes, I can be impartial.

4 **THE COURT:** Well, ultimately she's determined
5 she can, then that goes a long way with the Court. But
6 I'm going to look at -- I thought there was more to
7 what she said. So I'm going to take a look at that
8 during the lunch hour, and I'll make a ruling before we
9 come back.

10 Anyone else?

11 **MR. GUROVICH:** Yes, Your Honor. Before we
12 proceed to the next -- to the next prospective juror,
13 Your Honor, again, I don't mean to -- to direct the
14 Court what to do but, you know, I think we should look
15 at not just what people say but how they say it. You
16 know, there's a lot of emotion involved, there's a lot
17 of facial expressions, there's a lot of body language
18 that goes together with "I will be unbiased," and I
19 believe we need to look at that in addition to just the
20 words themselves. And I think -- I think Ms. Adams
21 displayed a lot of those factors that we need to
22 address. So just -- just -- I'm just -- I'm just
23 letting the Court knows my thoughts.

24 **THE COURT:** And I fully understand what
25 you're saying, but the nature of being a juror is not

1 there.

2 All right. Now, let me ask this next
3 question. Have -- do any -- does anyone feel that you
4 or someone close to you has been treated unjustly by
5 the police or a prosecutor or some state or government
6 agency? And if you've told us something, you don't
7 need to go back into this, and I don't want to really
8 focus on the IRS at all with this question.

9 So sort of avoiding the IRS and what you've
10 already told us, is there anyone here who feels that
11 you or someone close to you has been treated unjustly
12 by the police or a prosecutor or some state or
13 government agency?

14 All right. Let's go to Mr. Reed, No. 26.

15 **PROSPECTIVE JUROR NO. 15-0040:** Yes. It's
16 about my wife, what we just shared with you earlier.
17 She was involved in a bankruptcy as well as a civil
18 situation where she had a business that was stolen
19 underneath from her, and then that person turned around
20 and sued her for it. The courts -- and both courts,
21 bankruptcy as well as the civil, wouldn't -- since she
22 was under self-representation, she was not able to
23 present all the evidence that was necessary.

24 **THE COURT:** Okay. All right. Thank you for
25 sharing that with us, Mr. Reed.

1 **THE COURT:** Okay. A long time ago?

2 **PROSPECTIVE JUROR NO. 15-0050:** Yeah. Like,
3 30 years ago or something.

4 **THE COURT:** Thirty years ago?

5 Anything about that experience that would
6 keep you from being able to be a fair juror in this
7 case?

8 **PROSPECTIVE JUROR NO. 15-0050:** No. I've
9 also given a couple of depositions on corporate matters
10 but nothing criminal.

11 **THE COURT:** When was those?

12 **PROSPECTIVE JUROR NO. 15-0050:** Twenty years
13 ago.

14 **THE COURT:** All right. Again, anything about
15 those experiences that would affect your ability to be
16 fair?

17 **PROSPECTIVE JUROR NO. 15-0050:** No.

18 **THE COURT:** All right. Anybody else in the
19 back row? All right. Let's go down to No. 8,
20 Ms. Diaz.

21 **PROSPECTIVE JUROR NO. 15-0012:** Yes. I was
22 deposed in a school matter, and it didn't go father
23 than that.

24 **THE COURT:** I'm sorry?

25 **PROSPECTIVE JUROR NO. 15-0012:** It doesn't go

1 any further than that.

2 **THE COURT:** All right. What kind of matter
3 was it?

4 **PROSPECTIVE JUROR NO. 15-0012:** A student
5 accusing the school administration of negligence.

6 **THE COURT:** Okay. And was that here in Clark
7 County?

8 **PROSPECTIVE JUROR NO. 15-0012:** No. In
9 Detroit, Michigan.

10 **THE COURT:** Okay. And you gave a deposition
11 in regard to what?

12 **PROSPECTIVE JUROR NO. 15-0012:** Yes. The --
13 the charges that the -- that were being brought was --
14 were false, and I had evidence of that and during the
15 deposition it all came out.

16 **THE COURT:** Okay. All right. Anything about
17 that experience that would affect your ability to be a
18 fair juror in this case?

19 **PROSPECTIVE JUROR NO. 15-0012:** Well, I tend
20 to believe teachers, and I tend to believe school
21 administrators.

22 **THE COURT:** All right. Well, I understand
23 that, you know, you have that experience back then
24 working with that, and I'm going to talk about, in a
25 second here, about the testimony of, like, law

1 enforcement people. So teachers can testify, law
2 enforcement people can testify, and I'm sure that, you
3 know, not everybody's perfect. So there are good
4 people and there are bad people, and I'm going to go
5 through, as part of my instructions on the law, the
6 kind of things that you should look for in evaluating a
7 witness' testimony and determining whether you want to
8 believe some or part or none of a witness' testimony.

9 Do you feel that you can listen to the
10 testimony that's here, look at the witness, and look at
11 their testimony in regard to all the other testimony in
12 the case, and then go back with the other jurors and be
13 fair and -- to both sides in this matter?

14 **PROSPECTIVE JUROR NO. 15-0012:** Yes. Yes, I
15 do.

16 **THE COURT:** All right. Do you feel you could
17 follow my instructions and fairly and unbiasedly apply
18 those instructions to the evidence admitted?

19 **PROSPECTIVE JUROR NO. 15-0012:** Yes.

20 **THE COURT:** All right. Thank you very much,
21 Ms. Diaz.

22 All right. Let's go -- anybody in the second
23 row? All right. Let's go to No. 14, Ms. Castillo.

24 **PROSPECTIVE JUROR NO. 15-0020:** As an
25 evidence custodian, I was called upon to be the expert

1 witness testimony for evidence that was submitted.

2 **THE COURT:** All right. I can understand that
3 since that's your job.

4 Is there anything about the times you were
5 called on to do that that would affect your ability to
6 be fair in this case?

7 **PROSPECTIVE JUROR NO. 15-0020:** No.

8 **THE COURT:** All right. Anybody else in that
9 second row? No?

10 Anybody in the bottom row? All right. Let's
11 go to No. 22.

12 **PROSPECTIVE JUROR NO. 15-0034:** Yeah. I've
13 done a lot of depositions between 2002 to 2006, and
14 mostly I think medical cases.

15 **THE COURT:** And what were generally the
16 nature of your testimony?

17 **PROSPECTIVE JUROR NO. 15-0034:** Back
18 injuries.

19 **THE COURT:** I'm sorry?

20 **PROSPECTIVE JUROR NO. 15-0034:** Back
21 injuries.

22 **THE COURT:** All right. Okay. Anything about
23 your experience with those depositions that would
24 affect your ability to be a fair juror in this case?

25 **PROSPECTIVE JUROR NO. 15-0034:** No.

1 **THE COURT:** All right. Anybody in the first
2 row of the gallery -- oh, I'm sorry. One more with
3 Mr. Ciminise.

4 **PROSPECTIVE JUROR NO. 15-0036:** Just several
5 depositions over the years for corporate matters.

6 **THE COURT:** All right. When was the last
7 one?

8 **PROSPECTIVE JUROR NO. 15-0036:** Probably four
9 years ago.

10 **THE COURT:** All right. And generally what
11 did you testify about?

12 **PROSPECTIVE JUROR NO. 15-0036:** In banking.
13 So basically represented the bank's side of the -- of
14 the suit.

15 **THE COURT:** Okay. All right. Anything about
16 those experiences that would affect your ability to be
17 a fair juror in this case?

18 **PROSPECTIVE JUROR NO. 15-0036:** No.

19 **THE COURT:** Okay. Thank you.

20 Now, anybody else over here? All right.
21 Anyone in the first row of the gallery? No hands.

22 All right. We sort of got into it just a
23 second ago with Ms. Diaz and her talking about the
24 possible testimony of witnesses -- of teachers or
25 school administrators, but let me just ask, if a -- and

1 as I explained at that point in time, every witness is
2 going to come up here. You're going to have maybe some
3 school police. You may have some teachers. Every
4 witness, when they come up here, needs to be evaluated
5 by each of you as jurors, and you need to take their
6 testimony when they start out as fresh and new, no
7 slate, and then look at their testimony in terms of
8 what they say up here and whether it's consistent with
9 other testimony, whether their demeanor is such on the
10 stand as consistent with how you view somebody who
11 would be truthful, whether or not their testimony makes
12 sense or how it fits in with other evidence. I will
13 give you an instruction in terms of various factors
14 that you can consider in evaluating a witness'
15 credibility and whether you want to accept all of it --
16 their testimony, some of their testimony, or none of
17 their testimony.

18 So teachers, like police officers, or anyone
19 else are going to come up here and testify, and I want
20 to ask, if a police officer or other government agent
21 or a witness was to testify in this case, would you be
22 able to judge as an ordinary witness -- judge them as
23 an ordinary witness and evaluate their testimony like
24 everyone else in the case?

25 Anybody would have a problem following that

1 basic principle of our -- of our jury system? Okay.

2 Seeing no hands.

3 Last question before we -- next to last
4 question before we break for lunch. Is there anyone
5 here -- it's important -- again, important principle in
6 terms of our jury system that you would -- you don't
7 follow -- you don't form any opinion or make up your
8 mind until after all the evidence comes in and I've
9 given you the law and the attorneys have given you the
10 closing arguments. So, if you're selected, you need to
11 keep an open mind through the course of the -- of the
12 case.

13 So what I want to know is will you be able to
14 wait in forming your opinion as to an appropriate
15 verdict until after all the evidence and arguments are
16 presented and the law is given and you get together
17 with all your other jurors as a whole jury to
18 deliberate? Is there anyone who thinks they would have
19 a problem doing that? All right. Seeing no hands in
20 that regard.

21 All right. The last question before we break
22 for lunch. At this point in time, is there anything
23 that any of you would want to raise at this point in
24 time that you feel we should know about your ability to
25 be a fair juror in this case? All right. Seeing no

1 other hands in that regard.

2 Okay. We're going to take our break for
3 lunch, then, right now. We'll try -- let's see. It's
4 25 minutes till 1:00. If I can get you all back here
5 at -- let's try to get started at 1:35, that would be
6 great.

7 And, again, it's very important that you all
8 get back here. If you can get back here a few minutes
9 earlier so we can get started right -- yes, ma'am? And
10 that's No. 12, Ms. Thomas-Jenson.

11 **PROSPECTIVE JUROR NO. 15-0018:** Excuse me.
12 What time do you think that our day will end today?

13 **THE COURT:** 5:00 o'clock.

14 **PROSPECTIVE JUROR NO. 15-0018:** 5:00 o'clock?
15 Okay.

16 **THE COURT:** All right. And with that, my
17 goal, if possible, is to get done with jury selection
18 today. I can't guarantee that. If we don't get done
19 with it today, then we're going to have to have
20 everybody come back tomorrow.

21 So I want to try to get going as soon as we
22 can get going to keep the process moving. So if you
23 could get back ideally at 1:30 so that we can for sure
24 get started at 1:35, that would be wonderful. And as I
25 told you, if any of you are late, we all sit around