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Case No. 70868

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1 PROSPECTIVE JUROR NUMBER 083: Okay.

2 THE COURT: Thank you.

3 THE MARSHAL: What was your number?

4 PROSPECTIVE JUROR NUMBER 083: 0083.

5 THE COURT: The jury, as selected, will be the Trier of the facts in this case.
6 They'll listen to the evidence and determine the facts. The Court, on the other hand,
7 is the Trier of the law. We'll tell you what the law is and you must follow the law,
8 even if you believe the law is wrong or should be different. Is there anybody have a
9 problem with that; following my written instructions to you on the law? Seeing no
10 hands.

11 All right. Let's start up here in the corner.

12 THE COURT: Tell me your name.

13 PROSPECTIVE JUROR NUMBER 002: Dennis Wakakuwa.

14 THE COURT: And do you work?

15 PROSPECTIVE JUROR NUMBER 002: JT3, LLC.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NUMBER 002: No.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR NUMBER 002: No.

20 THE COURT: Do you have a background in law or law enforcement?

21 PROSPECTIVE JUROR NUMBER 002: No.

22 THE COURT: Can you think of any reason you would not be fair and
23 impartial to both parties in this case?

24 PROSPECTIVE JUROR NUMBER 002: No.

25 THE COURT: You'll listen to the evidence and look at the exhibits and

1 make -- before you make up your mind?

2 PROSPECTIVE JUROR NUMBER 002: Yes, sir.

3 THE COURT: Have you ever sat as a juror before?

4 PROSPECTIVE JUROR NUMBER 002: Yes.

5 THE COURT: Where? In Nevada?

6 PROSPECTIVE JUROR NUMBER 002: Yes.

7 THE COURT: When?

8 PROSPECTIVE JUROR NUMBER 002: It was years ago.

9 THE COURT: Civil or criminal?

10 PROSPECTIVE JUROR NUMBER 002: It was criminal.

11 THE COURT: What kind of case was it?

12 PROSPECTIVE JUROR NUMBER 002: Robbery, murder, I think.

13 THE COURT: Were you the jury foreperson?

14 PROSPECTIVE JUROR NUMBER 002: No.

15 THE COURT: Without telling us the verdict, were you able to reach a verdict?

16 PROSPECTIVE JUROR NUMBER 002: Yes.

17 THE COURT: Ms. Kollins, do you have any questions of this juror?

18 MS. KOLLINS: Other than my general questions for the panel?

19 THE COURT: This is it.

20 MS. KOLLINS: Excuse me?

21 THE COURT: This is your time.

22 MS. KOLLINS: I didn't know we were going to do individual. I'm sorry. I

23 was --

24 THE COURT: Well you said you were reserving and so I figured this --

25 that's -- that must be what you guys are reserving for.

1 MS. KOLLINS: To discuss questions with the panel or just go one by one.

2 THE COURT: You can do whatever you want.

3 MS. KOLLINS: Okay.

4 THE COURT: Both of you can.

5 MS. KOLLINS: Then I'm ready. Thank you.

6 Good morning, ladies and gentlemen, my name is Stacey Kollins. On
7 behalf of the District Attorney's Office and my Co-Counsel, Ms. Rhoades, I'd like to
8 thank you for your time and attention today if you're chosen ultimately for your
9 attention throughout this trial. We know that you have obligations and you set those
10 aside to participate in this process.

11 Obviously from the charges that Ms. Rhoades read to you, you're going
12 to be hearing from some kids in this case. So I'm going to talk to you just a little bit
13 about your feelings about listening to testimony from young children. Can
14 everybody here, that's seated in the box, hold children to a children's standard? Is
15 there anybody that disagrees with the notion it might be tough for a kid to get up
16 here and talk about very graphic, very explicit details?

17 Judge threw me off. I didn't know he was ready for me yet.

18 Ms. Tyree, you were nodding your head. Badge Number 20. What do
19 you think about that?

20 PROSPECTIVE JUROR NUMBER 020: I think it would be very hard for a
21 child to come before a bunch of people they don't know, they --

22 THE COURT: Can't hear. That's why you have to have the mic. The
23 gentleman in the back has the mic.

24 PROSPECTIVE JUROR NUMBER 020: I think it would be very difficult for a
25 bunch of -- for a child to come and sit in front of a judge and jury and -- I think it

1 would just be very difficult and I think it may be more traumatic than if there was a
2 situation. I mean, that's just my belief.

3 MS. KOLLINS: And, you know, the State and Mr. Williams are entitled to a
4 fair trial. Sometimes, you know, the voice of the jury is who has to decide these
5 things.

6 PROSPECTIVE JUROR NUMBER 020: Yeah.

7 MS. KOLLINS: I'd ask that you pass the microphone back to Mr. Wakakuwa
8 in Seat 1. Sir, what do you think about that? Do you think it's tough for a kid to
9 come in here and talk about graphic kind of details?

10 PROSPECTIVE JUROR NUMBER 002: Yes.

11 MS. KOLLINS: Could you hold them to a child's standard?

12 PROSPECTIVE JUROR NUMBER 002: I think so.

13 MS. KOLLINS: Would you agree with me, everybody communicates
14 differently? Do you agree with that?

15 PROSPECTIVE JUROR NUMBER 002: Oh, yes.

16 MS. KOLLINS: Do you agree with that? If you could pass the microphone to
17 Mr. Garcia, Juror Number 7 in Seat 2. What do -- do you have any children Mr.
18 Garcia?

19 PROSPECTIVE JUROR NUMBER 007: No, I don't.

20 MS. KOLLINS: Do you spend a lot of time around kids?

21 PROSPECTIVE JUROR NUMBER 007: Yes, I do.

22 MS. KOLLINS: What do you do for a living?

23 PROSPECTIVE JUROR NUMBER 007: I'm a chef.

24 MS. KOLLINS: Do you have family that has little kids?

25 PROSPECTIVE JUROR NUMBER 007: I have like six nieces and nephews.

1 MS. KOLLINS: So you have your own little clan there. Your own little -- okay.
2 Do you spend a lot of time hanging out with them?

3 PROSPECTIVE JUROR NUMBER 007: They live in California but every
4 chance I get, I do.

5 MS. KOLLINS: Kids communicate different than we do, don't they?

6 PROSPECTIVE JUROR NUMBER 007: Yes, they do.

7 MS. KOLLINS: Can you think of any reason why a child in this circumstance,
8 where they're being victimized, might not want to tell? Can you think of any
9 reasons?

10 PROSPECTIVE JUROR NUMBER 007: I can think of several. Being afraid,
11 not knowing, how they were raised, you know, there's a lot of variables.

12 MS. KOLLINS: Being afraid of what might happen when they tell?

13 PROSPECTIVE JUROR NUMBER 007: Yes.

14 MS. KOLLINS: Being afraid that somebody might be mad at them?

15 PROSPECTIVE JUROR NUMBER 007: Possibly.

16 MS. KOLLINS: And if you could pass the microphone to Ms., is it Demessie?

17 PROSPECTIVE JUROR NUMBER 030: Demessie.

18 MS. KOLLINS: Demessie in Seat 3. Do you have any children, Ms.
19 Demessie?

20 PROSPECTIVE JUROR NUMBER 030: No, I don't.

21 MS. KOLLINS: Do you spend a lot of time around kids?

22 PROSPECTIVE JUROR NUMBER 030: Yes.

23 MS. KOLLINS: What do you do for a living?

24 PROSPECTIVE JUROR NUMBER 030: I'm a nurse. I work with the little
25 babies and the moms.

1 MS. KOLLINS: So you work in like a pediatric unit?
2 PROSPECTIVE JUROR NUMBER 030: Not pediatric, but the newborns
3 area.
4 MS. KOLLINS: And what hospital do you work at?
5 PROSPECTIVE JUROR NUMBER 030: At UMC.
6 MS. KOLLINS: Do you recognize the name of any of the doctors or forensic
7 personnel that we've talked about?
8 PROSPECTIVE JUROR NUMBER 030: No.
9 MS. KOLLINS: Okay. Now notwithstanding what division you work in, do you
10 ever have occasion to be involved in any triage or treatment of kids that come in for
11 sexual assault examinations?
12 PROSPECTIVE JUROR NUMBER 030: No, I don't work in that area.
13 MS. KOLLINS: Okay. You've never have had to fill in in that area?
14 PROSPECTIVE JUROR NUMBER 030: No.
15 MS. KOLLINS: Okay. Have you ever been on a jury before?
16 PROSPECTIVE JUROR NUMBER 030: Like this kind of --
17 MS. KOLLINS: Yes, ma'am.
18 PROSPECTIVE JUROR NUMBER 030: Yeah, I did once, in California.
19 MS. KOLLINS: In where?
20 PROSPECTIVE JUROR NUMBER 030: In California. Los Angeles.
21 MS. KOLLINS: California.
22 PROSPECTIVE JUROR NUMBER 030: Yeah.
23 MS. KOLLINS: Was it criminal or civil?
24 PROSPECTIVE JUROR NUMBER 030: It was a criminal, but I wasn't chosen
25 as a juror. I was dismissed.

1 MS. KOLLINS: You were dismissed, okay. Anything that you have going on
2 or obligated to over the course of the next four or five days that would keep you
3 distracted from your service when you're here?

4 PROSPECTIVE JUROR NUMBER 030: The only thing is my job. That's the
5 only thing I can think of.

6 MS. KOLLINS: And what shifts do you work?

7 PROSPECTIVE JUROR NUMBER 030: I work night shift from 7:00 p.m. to
8 7:00 in the morning.

9 MS. KOLLINS: So you would be up all night and then serving here as a juror
10 during the day?

11 PROSPECTIVE JUROR NUMBER 030: No, I don't think I can do that. I
12 already talked to my manager about it, so I can't work night and then come to work
13 because I'll be so sleepy. I can't do it.

14 MS. KOLLINS: Okay. I would ask that you pass the microphone to Mr.
15 Nelson. Morning, Juror Number 28 in Seat 4. How are you?

16 PROSPECTIVE JUROR NUMBER 028: Fine.

17 MS. KOLLINS: Good. Did you hear some of the questions I had; talked
18 about kids a little bit?

19 PROSPECTIVE JUROR NUMBER 028: Yes, I did.

20 MS. KOLLINS: Okay. What do you think about holding a child to a child's
21 standard?

22 PROSPECTIVE JUROR NUMBER 028: I think that's acceptable.

23 MS. KOLLINS: Do you think it's something that you can do?

24 PROSPECTIVE JUROR NUMBER 028: Yes.

25 MS. KOLLINS: Would you have the same expectations from a kid who is a

1 victim of this kind of abuse as you would an adult?

2 PROSPECTIVE JUROR NUMBER 028: Yes.

3 MS. KOLLINS: You'd have the same expectations?

4 PROSPECTIVE JUROR NUMBER 028: As far as telling the truth and telling
5 the occurrences, yes.

6 MS. KOLLINS: I think that was a bad question. But I guess what I'm talking
7 about is their demeanor. Do you expect -- do you have a certain set of expectations
8 about what a kid of this kind of abuse should act like on the stand?

9 PROSPECTIVE JUROR NUMBER 028: Yes.

10 MS. KOLLINS: And what is that set of expectations?

11 PROSPECTIVE JUROR NUMBER 028: Well, just like it was mentioned
12 earlier, I think he would -- he or she would probably be nervous, a little bit afraid as
13 far as people worried that they were doing something wrong or going to be in trouble
14 because they told on somebody. And so I think they're going to be naturally fearful
15 of the situation.

16 MS. KOLLINS: So those are things you would watch out for?

17 PROSPECTIVE JUROR NUMBER 028: Uh-huh.

18 MS. KOLLINS: Say yes.

19 PROSPECTIVE JUROR NUMBER 028: Yes.

20 MS. KOLLINS: Do you have kids?

21 PROSPECTIVE JUROR NUMBER 028: Yes.

22 MS. KOLLINS: Do you -- how old are your kids?

23 PROSPECTIVE JUROR NUMBER 028: I have one son. He's 36.

24 MS. KOLLINS: Does he have any children?

25 PROSPECTIVE JUROR NUMBER 028: Yes, he's got a son that's five.

1 MS. KOLLINS: Okay. So a little tiny still.
2 PROSPECTIVE JUROR NUMBER 028: Uh-huh.
3 MS. KOLLINS: Okay. What do you do for a living, sir?
4 PROSPECTIVE JUROR NUMBER 028: I'm retired now.
5 MS. KOLLINS: From?
6 PROSPECTIVE JUROR NUMBER 028: I worked for Hormel Foods in
7 warehousing and transportation.
8 MS. KOLLINS: Okay. And -- have any medical or scientific training at all?
9 PROSPECTIVE JUROR NUMBER 028: No.
10 MS. KOLLINS: I would ask that you pass the microphone to Mr. Risner,
11 Badge Number 36 in Seat 5. Is that right?
12 PROSPECTIVE JUROR NUMBER 036: Risner.
13 MS. KOLLINS: Risner. It's my handwriting, sorry.
14 PROSPECTIVE JUROR NUMBER 036: It's okay.
15 MS. KOLLINS: I know you had some comments earlier, but do you think it's
16 tough for a kid to get up there and discuss this kind of stuff?
17 PROSPECTIVE JUROR NUMBER 036: It would be.
18 MS. KOLLINS: What are some of the dynamics that might be going on in the
19 family that might make it tough?
20 PROSPECTIVE JUROR NUMBER 036: Love -- unconditional love for a
21 family member and also the fact that ruining someone that you love's life.
22 MS. KOLLINS: So you could understand where a kid might be torn about
23 telling?
24 PROSPECTIVE JUROR NUMBER 036: Absolutely.
25 MS. KOLLINS: Because, you know, in this circumstance we're talking about

1 mom's boyfriend who's the father figure to five kids, at least in namesake. So you
2 understand that dynamic?

3 PROSPECTIVE JUROR NUMBER 036: Yes, I have a nine-year old son. A
4 stepson.

5 MS. KOLLINS: Do you think kids perceive things the same way adults do?

6 PROSPECTIVE JUROR NUMBER 036: No, they do not.

7 MS. KOLLINS: And what about kid's memory, do -- I mean, you may expect
8 some -- you may remember something say from 9/11, okay? And that -- that's --
9 might stand out in your mind. Do you think kids can have maybe that clear of a
10 memory all of the time?

11 PROSPECTIVE JUROR NUMBER 036: In some cases.

12 MS. KOLLINS: In some cases. I'll leave that alone.

13 Sir, what do you do for a living?

14 PROSPECTIVE JUROR NUMBER 036: A server in an upscale French
15 restaurant on the Strip.

16 MS. KOLLINS: Any medical or scientific training?

17 PROSPECTIVE JUROR NUMBER 036: Just my own personal injuries
18 and --

19 MS. KOLLINS: Okay. You're going to receive an instruction that under the
20 law in the state of Nevada that the testimony of a victim is evidence. Okay,
21 testimony that comes from the stand is evidence. So evidence is not necessarily
22 just something you can feel or touch or look at a picture. The testimony is evidence
23 and if you believe that victim beyond a reasonable doubt that is sufficient for a
24 conviction in the state of Nevada. What do you think about that Mr. Risner?

25 PROSPECTIVE JUROR NUMBER 036: I would go with that. Agreed.

1 MS. KOLLINS: You could follow the law if that's how it was given to you?
2 PROSPECTIVE JUROR NUMBER 036: No other choice, yes.
3 MS. KOLLINS: Okay. I appreciate your candor. If you could pass that to Ms.
4 Yadao, Seat Number 6, Badge Number 0026. How are you this morning, ma'am?
5 PROSPECTIVE JUROR NUMBER 026: Morning. I'm doing well. Thank you.
6 MS. KOLLINS: What do you do for a living?
7 PROSPECTIVE JUROR NUMBER 026: I'm a revenue auditor for William Hill.
8 MS. KOLLINS: For William Hill?
9 PROSPECTIVE JUROR NUMBER 026: Correct.
10 MS. KOLLINS: Is that a private firm?
11 PROSPECTIVE JUROR NUMBER 026: It's a -- yeah, it's a smaller firm for
12 sports gaming.
13 MS. KOLLINS: How long have you been doing that?
14 PROSPECTIVE JUROR NUMBER 026: For almost two years now.
15 MS. KOLLINS: And so do you have an undergraduate degree or a graduate
16 degree that qualifies you to do that?
17 PROSPECTIVE JUROR NUMBER 026: Finishing, yes.
18 MS. KOLLINS: Finishing. Do you have any medical or scientific training?
19 PROSPECTIVE JUROR NUMBER 026: Besides CPR, no.
20 MS. KOLLINS: Okay. Do you have any kids?
21 PROSPECTIVE JUROR NUMBER 026: I do not.
22 MS. KOLLINS: Do you interact with kids?
23 PROSPECTIVE JUROR NUMBER 026: No, I do not.
24 MS. KOLLINS: Okay. You heard some of the questions I asked over here.
25 Do you think you can hold a child to a child's standard?

1 PROSPECTIVE JUROR NUMBER 026: Yes.

2 MS. KOLLINS: Would you have the same expectations of an adult victim of
3 sexual assault as you would of a child of sexual assault, in terms of being able to tell
4 their story?

5 PROSPECTIVE JUROR NUMBER 026: In order to tell their story, yes.

6 MS. KOLLINS: You would have the same expectation?

7 PROSPECTIVE JUROR NUMBER 026: From an adult and a child to tell the
8 truth, yes. But in different standards like, you know -- like how graphic or some
9 words that they would say, no.

10 MS. KOLLINS: Okay. When I talk to you, you know, about children, would
11 you agree with me that some words aren't going to come as easily to them as they
12 might to you or I?

13 PROSPECTIVE JUROR NUMBER 026: Yes.

14 MS. KOLLINS: Would you agree with me that their vocabulary is limited by
15 their development?

16 PROSPECTIVE JUROR NUMBER 026: Yes.

17 MS. KOLLINS: Okay. Would you agree with me that something that is
18 repeated and protracted over a course of time -- in other words, it happens over a
19 course of time that it's hard to distinguish between those events?

20 PROSPECTIVE JUROR NUMBER 026: Yes.

21 MS. KOLLINS: Do you think that would be tough for a kid to distinguish
22 between those events?

23 PROSPECTIVE JUROR NUMBER 026: Yes.

24 MS. KOLLINS: Okay. In a perfect, I guess, drama world if you will, you know,
25 as a prosecutor I would call a little kid up there and I would put them on the stand

1 and unfor -- you know, we would have the emotion and the crying. That doesn't
2 always happen.

3 PROSPECTIVE JUROR NUMBER 026: Uh-huh.

4 MS. KOLLINS: Did you say yes?

5 PROSPECTIVE JUROR NUMBER 026: Uh-huh.

6 MS. KOLLINS: Is that a yes?

7 PROSPECTIVE JUROR NUMBER 026: Yes. Sorry.

8 MS. KOLLINS: You know, some kids might just shut down and we'll just get
9 little short answers to questions. Could you accept their testimony, even if it's not
10 say the television drama version in its delivery?

11 PROSPECTIVE JUROR NUMBER 026: Yes.

12 MS. KOLLINS: This is a difficult subject matter. I mean, some of -- there's a
13 lot of adults that -- I'm sure you would agree. They can't say penis, vagina, fellatio,
14 cunnilingus. They can't talk about any of that stuff in public without turning 50
15 shapes of purple, right?

16 PROSPECTIVE JUROR NUMBER 026: Correct.

17 MS. KOLLINS: So we're going to have little kids discussing that graphic type
18 of stuff. How do you feel about that?

19 PROSPECTIVE JUROR NUMBER 026: I'm neutral with that.

20 MS. KOLLINS: Okay. If you could pass the microphone to Ms. Kodey in Seat
21 7, Juror Number 0014?

22 PROSPECTIVE JUROR NUMBER 014: That's correct.

23 MS. KOLLINS: You're an original. That's why I got your number right.

24 PROSPECTIVE JUROR NUMBER 014: Many have said that.

25 MS. KOLLINS: What do you do for a living?

1 PROSPECTIVE JUROR NUMBER 014: I retired Cinco de Mayo this past
2 year from the University where I was a photographer, director of photography. For
3 13 years before that with the Clark County School District. I currently work for The
4 Smith Center for the performing arts with the education department and I have a
5 great deal of interaction with young people.

6 MS. KOLLINS: Congratulations on your retirement and your post-retirement
7 job sounds amazing. Good for you.

8 Do you think it's easy for kids to come in and talk about this kind of
9 stuff?

10 PROSPECTIVE JUROR NUMBER 014: No. This is a big scary building with
11 lots of important doors.

12 MS. KOLLINS: And microphones and judges and ropes and police officers
13 and lots of people, right?

14 PROSPECTIVE JUROR NUMBER 014: Yes, ma'am.

15 MS. KOLLINS: Okay. Can you think of some reasons why a child might not
16 come forward?

17 PROSPECTIVE JUROR NUMBER 014: Yes, several. Again, this is scary,
18 the relationships with the family members, how they might be perceived.

19 MS. KOLLINS: Do you have any medical or scientific training at all?

20 PROSPECTIVE JUROR NUMBER 014: No.

21 MS. KOLLINS: All right.

22 PROSPECTIVE JUROR NUMBER 014: I would only add that criminal justice
23 major and because I've retired as emeritus I'm proposing going to law school but
24 haven't made that leap of faith yet.

25 MS. KOLLINS: Okay. And since you said that then I'm going to sort of

1 shimmy into just a little segway here. Given that you have some interest in the law
2 whether it be through classroom or attending law school, you know that you cannot
3 go do independent research outside of this room, should you sit as a juror?

4 PROSPECTIVE JUROR NUMBER 014: Yes, ma'am.

5 MS. KOLLINS: And you know that includes *Google* and *Instagram* and any
6 online law forum that might be out there; that includes comments to articles in the
7 Review Journal about these kind of pieces. It includes all that.

8 PROSPECTIVE JUROR NUMBER 014: Yes, ma'am, I understand that.

9 MS. KOLLINS: That kind of goes for everybody. You can't *Google* stuff while
10 you're in the middle of this because you're limited to what you hear in this courtroom
11 to make your decision such that you can render a fair verdict to Mr. Williams and
12 also give the State a fair chance.

13 If you could pass the microphone to Ms. Garcia in Seat 14, Juror
14 Number 0024. Good morning, Ms. Garcia, how are you?

15 PROSPECTIVE JUROR NUMBER 024: Good. Good morning.

16 MS. KOLLINS: What do you do for a living?

17 PROSPECTIVE JUROR NUMBER 024: I'm a concierge at New York, New
18 York Casino.

19 MS. KOLLINS: That sounds fun. You have all the good hook-ups then, right?

20 PROSPECTIVE JUROR NUMBER 024: Yes.

21 MS. KOLLINS: Are you married?

22 PROSPECTIVE JUROR NUMBER 024: No.

23 MS. KOLLINS: Do you have any children?

24 PROSPECTIVE JUROR NUMBER 024: No.

25 MS. KOLLINS: Do you interact with children at all?

1 PROSPECTIVE JUROR NUMBER 024: Yes.

2 MS. KOLLINS: Okay. Do you have family members here in town with
3 children or --

4 PROSPECTIVE JUROR NUMBER 024: Yes. And I also volunteer at Child
5 Haven.

6 MS. KOLLINS: You volunteer at Child Haven?

7 PROSPECTIVE JUROR NUMBER 024: Uh-huh.

8 MS. KOLLINS: Do you know Detective Jessica Flink?

9 PROSPECTIVE JUROR NUMBER 024: I do not.

10 MS. KOLLINS: You do not. Okay. And you don't know any of the parties that
11 were --

12 PROSPECTIVE JUROR NUMBER 024: No.

13 MS. KOLLINS: -- discussed? As part of your volunteering at Child Haven, do
14 you ever assist with triage for the children that go there for sexual assault
15 examinations?

16 PROSPECTIVE JUROR NUMBER 024: I usually don't get informed of their
17 situations of why they end up there, unless other people that work there want to
18 share that information with me.

19 MS. KOLLINS: Okay. Do you ever assist with the kids that are on their way
20 in there for an examination?

21 PROSPECTIVE JUROR NUMBER 024: No, no.

22 MS. KOLLINS: When you volunteer there, what do you do then?

23 PROSPECTIVE JUROR NUMBER 024: I just play with them or read books or
24 feed them or --

25 MS. KOLLINS: Came out --

1 PROSPECTIVE JUROR NUMBER 024: -- just keep them entertained.

2 MS. KOLLINS: Okay. How long have you been doing that?

3 PROSPECTIVE JUROR NUMBER 024: Probably about four months or so.

4 Four or five.

5 MS. KOLLINS: Four months.

6 PROSPECTIVE JUROR NUMBER 024: Four or five months.

7 MS. KOLLINS: Do you ever interact with any of the sexual assault detectives
8 with Metro that are assigned to the Child Advocacy Center?

9 PROSPECTIVE JUROR NUMBER 024: No.

10 MS. KOLLINS: Okay. Do you think you can hold the child to a kid's
11 standard?

12 PROSPECTIVE JUROR NUMBER 024: Yes.

13 MS. KOLLINS: Okay. Thank you. I would ask that you pass the microphone
14 to Ms. Williams in the Seat 13, Badge Number 0023. I can't read my own writing.
15 [Indiscernible]. How are you?

16 PROSPECTIVE JUROR NUMBER 023: Doing well.

17 MS. KOLLINS: Good. I see you have scrubs on, what do you do for a living?

18 PROSPECTIVE JUROR NUMBER 023: I'm a PA.

19 MS. KOLLINS: You're a PA. Where are you a PA?

20 PROSPECTIVE JUROR NUMBER 023: For neurosurgery.

21 MS. KOLLINS: Okay. And what do you do as a PA?

22 PROSPECTIVE JUROR NUMBER 023: Assist in neurosurgery.

23 MS. KOLLINS: What specific training do you have to perform in that job?

24 PROSPECTIVE JUROR NUMBER 023: I have a master's degree in
25 physician assistant studies.

1 MS. KOLLINS: Okay. So obviously you have some medical --

2 PROSPECTIVE JUROR NUMBER 023: You have to take a board
3 certification and --

4 MS. KOLLINS: Are you board certified then here in Nevada?

5 PROSPECTIVE JUROR NUMBER 023: Yes.

6 MS. KOLLINS: So you have medical training?

7 PROSPECTIVE JUROR NUMBER 023: Yes.

8 MS. KOLLINS: Did you have Biology classes as part of your field of study?

9 PROSPECTIVE JUROR NUMBER 023: Yes.

10 MS. KOLLINS: Did you study DNA evidence at all?

11 PROSPECTIVE JUROR NUMBER 023: We went over it.

12 MS. KOLLINS: There's going to be some DNA testimony in this case. If you
13 receive that testimony -- and it's kind of like me asking her about the law books, you
14 just have to rely on the evidence in this case. You can't go I want to go back and
15 look at my Biology book and see what it says about --

16 PROSPECTIVE JUROR NUMBER 023: I don't want to.

17 MS. KOLLINS: What's that?

18 PROSPECTIVE JUROR NUMBER 023: I said I don't want to go back and
19 look at those.

20 MS. KOLLINS: I feel that -- when she said she was going to law school I
21 went, ehh, are you sure? Are you sure?

22 Now obviously, you know, you bring your common sense and, you
23 know, your self-history into a courtroom, but you would just have to set aside
24 whatever specialized knowledge you had about that and you would just have to
25 decide on the testimony that was presented to you. What do you think about that?

1 PROSPECTIVE JUROR NUMBER 023: I could do that?

2 MS. KOLLINS: Do you work regular Monday through Friday, 9:00 to 5:00

3 or --

4 PROSPECTIVE JUROR NUMBER 023: It's not regular. Monday through
5 Sunday, all day and night sometimes. It just depends.

6 MS. KOLLINS: Do you work the overnight hours at all?

7 PROSPECTIVE JUROR NUMBER 023: Yes, I'm on call.

8 MS. KOLLINS: Do you think it's easy, ma'am, for kids to come in here and
9 talk about this stuff?

10 PROSPECTIVE JUROR NUMBER 023: I don't think it's easy for any human.

11 MS. KOLLINS: Do you think you can hold a child to a child's standard?

12 PROSPECTIVE JUROR NUMBER 023: Yes.

13 MS. KOLLINS: What about a child's memory? Do you expect a kid's memory
14 to be the same as an adult's memory?

15 PROSPECTIVE JUROR NUMBER 023: The timeframe maybe not so, but the
16 memory -- some have better memories than adults do.

17 MS. KOLLINS: Would you agree with me that if something happens often and
18 frequent that the details might merge together?

19 PROSPECTIVE JUROR NUMBER 023: Yes.

20 MS. KOLLINS: What do you think some of the reasons a kid might not want
21 to come and tell about this might be?

22 PROSPECTIVE JUROR NUMBER 023: The same reason nobody wants to
23 talk in public. I think it's not necessarily a child or an adult thing. Like I would think
24 that most people don't want to come to court and be in a courtroom or they have
25 other things they'd rather be doing. Like a child would probably rather be playing

1 and adults would probably rather be working or doing adult things.

2 MS. KOLLINS: Do you think children would be afraid that it might hurt
3 somebody? Like a hurt a -- one parent if they tell on the other parent?

4 PROSPECTIVE JUROR NUMBER 023: Sure.

5 MS. KOLLINS: Do you think a kid might just be scared of maybe breaking up
6 their house or things like that?

7 PROSPECTIVE JUROR NUMBER 023: Sure.

8 MS. KOLLINS: If you could pass the microphone to Mr. Willis in Seat Number
9 12 with Badge 22. Good morning, sir, how are you?

10 PROSPECTIVE JUROR NUMBER 022: I'm doing good.

11 MS. KOLLINS: What do you do for a living, sir?

12 PROSPECTIVE JUROR NUMBER 022: I'm a bar porter.

13 MS. KOLLINS: Where?

14 PROSPECTIVE JUROR NUMBER 022: At the Wynn and Encore.

15 MS. KOLLINS: That's a nice place.

16 PROSPECTIVE JUROR NUMBER 022: Yes, it is.

17 MS. KOLLINS: Do you have any kids?

18 PROSPECTIVE JUROR NUMBER 022: I have one on the way.

19 MS. KOLLINS: One on the way. Congratulations.

20 PROSPECTIVE JUROR NUMBER 022: Thank you.

21 MS. KOLLINS: Spend any time around kids?

22 PROSPECTIVE JUROR NUMBER 022: Yes, I do.

23 MS. KOLLINS: Nieces, nephews?

24 PROSPECTIVE JUROR NUMBER 022: No, they're my girlfriend's kids from
25 another marriage.

1 MS. KOLLINS: How old are they?

2 PROSPECTIVE JUROR NUMBER 022: One is ten, the other one's twelve,
3 and the other one's sixteen.

4 MS. KOLLINS: I'm sorry. Ten, twelve --

5 PROSPECTIVE JUROR NUMBER 022: And sixteen.

6 MS. KOLLINS: And sixteen. And they're all girls?

7 PROSPECTIVE JUROR NUMBER 022: No, they're two boys and one girl.

8 MS. KOLLINS: Okay.

9 PROSPECTIVE JUROR NUMBER 022: They don't live with us. They live in
10 another state but they come time to time.

11 MS. KOLLINS: And they're kind of getting up in that teenage age, right?

12 PROSPECTIVE JUROR NUMBER 022: Yes.

13 MS. KOLLINS: How's that going?

14 PROSPECTIVE JUROR NUMBER 022: It's going great.

15 MS. KOLLINS: Sometimes that step-parent role, you know --

16 PROSPECTIVE JUROR NUMBER 022: Yes, absolutely.

17 MS. KOLLINS: You're not my dad.

18 PROSPECTIVE JUROR NUMBER 022: Yes, I get that all the time.

19 MS. KOLLINS: Okay. All right. You're going to hear in this case that the kids
20 that are going to talk are about -- are, you know, in the age range of your stepkids,
21 okay, but these are things that happened between 2011 and 2013, okay? With that
22 timeframe in mind and knowing that it's 2016, can you hold them to a kid's
23 standard?

24 PROSPECTIVE JUROR NUMBER 022: Yes.

25 MS. KOLLINS: You know, we're talking about this stuff quite some while

1 later, right?

2 PROSPECTIVE JUROR NUMBER 022: Yes.

3 MS. KOLLINS: Okay. Can you think of some reasons why a kid wouldn't
4 want to tell about this stuff?

5 PROSPECTIVE JUROR NUMBER 022: Because they would be afraid to say
6 what they have to say and they might be arrested and they might be afraid to go
7 outside and go back to school because it could be somebody getting them back for
8 revenge.

9 MS. KOLLINS: Okay. You think it's easy for a kid to come in here and talk
10 about this stuff even if, you know, it's something that happened maybe four or five
11 years ago?

12 PROSPECTIVE JUROR NUMBER 022: It -- to me it depends on how tough
13 the kid may be or it could be mind over matter and -- but still, again, the kid may still
14 be afraid just to speak what's on his mind.

15 MS. KOLLINS: For some kids it might be empowering, right?

16 PROSPECTIVE JUROR NUMBER 022: Yes.

17 MS. KOLLINS: To like get their voice and come in here and say this is what
18 happened. So some kids, it might empower them, but not all of them are going to
19 act like that, right?

20 PROSPECTIVE JUROR NUMBER 022: That is correct.

21 MS. KOLLINS: Some of them might be shy and reserved.

22 PROSPECTIVE JUROR NUMBER 022: Yes.

23 MS. KOLLINS: Kind of not answer the questions that you ask them.

24 PROSPECTIVE JUROR NUMBER 022: That's true.

25 MS. KOLLINS: All right. Thank you, Mr. Willis. If you could pass that to Mr.

1 Lichwa?

2 PROSPECTIVE JUROR NUMBER 038: Lichwa.

3 MS. KOLLINS: Lichwa. So much nicer than how I said it. In Seat 11, Badge

4 Number 38. How are you today?

5 PROSPECTIVE JUROR NUMBER 038: Great. How are you?

6 MS. KOLLINS: I am well. Thank you, sir. What do you do for a living?

7 PROSPECTIVE JUROR NUMBER 038: I'm in between jobs. Worked at

8 nightclubs for 12 years and a family man now and I took on a position at TopGolf

9 starting the 4th of April.

10 MS. KOLLINS: Congratulations on that.

11 PROSPECTIVE JUROR NUMBER 038: Thanks.

12 MS. KOLLINS: You said you started a family. How old are your kids?

13 PROSPECTIVE JUROR NUMBER 038: Six months.

14 MS. KOLLINS: Okay. So not real chatty yet?

15 PROSPECTIVE JUROR NUMBER 038: Not yet.

16 MS. KOLLINS: Do you spend a lot of time around kids, other than your

17 newborn?

18 PROSPECTIVE JUROR NUMBER 038: Not too much.

19 MS. KOLLINS: Do you have any comment on some of the stuff I've been

20 asking everybody? Can you hold a kid to a kid's standard?

21 PROSPECTIVE JUROR NUMBER 038: Uh-huh. Yeah, no problem.

22 MS. KOLLINS: Do you think it's easy for a kid to get up here and discuss to

23 you those kind of graphic details?

24 PROSPECTIVE JUROR NUMBER 038: Yeah, I don't think it's easy for many

25 people.

1 MS. KOLLINS: You're going to hear the in -- I told you about the instruction
2 where if -- that the testimony of the victim is evidence, correct?

3 PROSPECTIVE JUROR NUMBER 038: Uh-huh.

4 MS. KOLLINS: We talked about that?

5 PROSPECTIVE JUROR NUMBER 038: Uh-huh.

6 MS. KOLLINS: If you believed the victim beyond a reasonable doubt standing
7 alone, could you return a verdict of guilty against the Defendant?

8 PROSPECTIVE JUROR NUMBER 038: Pardon me?

9 MS. KOLLINS: If you believed the victim in her testimony, beyond a
10 reasonable doubt, could you return a verdict of guilty?

11 PROSPECTIVE JUROR NUMBER 038: Yes.

12 MS. KOLLINS: Any medical training, scientific training?

13 PROSPECTIVE JUROR NUMBER 038: No.

14 MS. KOLLINS: Okay. If you would pass the microphone to Ms. Tyree in Seat
15 10. Good morning, again. Well, it's almost afternoon. I'm sorry. I know I spoke to
16 you for a moment. What do you do for a living, ma'am?

17 PROSPECTIVE JUROR NUMBER 020: I'm retired. I'm retired from the
18 telephone company.

19 MS. KOLLINS: And -- from somewhere else? In Las Vegas?

20 PROSPECTIVE JUROR NUMBER 020: California.

21 MS. KOLLINS: California. How long have you been in Vegas?

22 PROSPECTIVE JUROR NUMBER 020: About 15 years now.

23 MS. KOLLINS: Do you have kids?

24 PROSPECTIVE JUROR NUMBER 020: Yes, grandkids.

25 MS. KOLLINS: And grandkids. And how old are your grandkids?

1 PROSPECTIVE JUROR NUMBER 020: 19, 16, 18, 10, and 14.

2 MS. KOLLINS: Oh you got them when they're starting to get expensive.

3 PROSPECTIVE JUROR NUMBER 020: They've been expensive --

4 MS. KOLLINS: It's going to get expensive.

5 PROSPECTIVE JUROR NUMBER 020: -- for a while, yeah. But I have two
6 that live in New York and I have the other four in California?

7 MS. KOLLINS: Okay. And your -- I know you were kind enough to respond to
8 me earlier. Is there anything you'd like to comment on that we've been talking about
9 kids testifying, other than you already said?

10 PROSPECTIVE JUROR NUMBER 020: I guess my only concern is that a
11 child is a child and if this -- if something happened -- so five years ago -- four or five
12 years ago, a child may not remember. If a child is frightened they can clam up.
13 Adults do. They don't say anything. They fester it. They let it sit there. I don't
14 know, it's just -- I don't know, I'm just kind of --

15 MS. KOLLINS: Well --

16 PROSPECTIVE JUROR NUMBER 020: I want to believe that I, as an
17 individual, understand a child because I had children, I had boys, and now I have a
18 grand -- I have granddaughters and a grandson, but I'm just kind of like -- coming
19 into this room -- when I come in this room I'm frightened, I mean, I'm nervous. So
20 I'm sure when they come in and see the judge and they have to talk about things
21 that, like you said, adults don't all -- don't talk about, I'm afraid that it will make it
22 even worse, whether something happened or not. I don't know.

23 I'm trying to be fair and say this -- everything is right until it's said what's
24 wrong, you know what I mean?

25 MS. KOLLINS: I understand what you're saying and I -- I guess I can just tell

1 you, you know, we have a unit in this office dedicated -- we're the Special Victims
2 Unit and we take care of these cases on a routine basis. Unfortunately, these fill our
3 day in this community. So, you know, to, I guess, ease your concern, you know, we
4 do take steps to get them prepared to be here. We do the best we can.

5 PROSPECTIVE JUROR NUMBER 020: Okay.

6 MS. KOLLINS: That being said, you may hear some testimony in this case
7 that perhaps some of the adults or the parents involved didn't do the right thing.
8 Some things were put on their radar that they didn't necessarily come forward with
9 at the time they actually --

10 PROSPECTIVE JUROR NUMBER 020: Yeah.

11 MR. SPEED: Your Honor, may we approach?

12 THE COURT: Yeah.

13 MS. KOLLINS: Okay.

14 [Bench Conference Begins]

15 MR. SPEED: We're getting very close to giving the prospective jurors a
16 preview of what the witnesses are going to --

17 THE COURT: Yeah.

18 MR. SPEED: -- testify to.

19 THE COURT: Just stay away from evidence.

20 MS. KOLLINS: I'm just asking -- I'm trying to ask her if she can separate what
21 the parent did from what the child is saying is going to happen. So I'm trying to --

22 THE COURT: Ask that but don't --

23 MS. KOLLINS: Okay.

24 THE COURT: Don't go into facts.

25 MS. KOLLINS: All right. Okay.

1 [Bench Conference Concludes]

2 MS. KOLLINS: The bottom line is -- what I'm asking you is can you separate
3 perhaps the misconduct of an adult from the testimony of a kid, even if they're
4 related?

5 PROSPECTIVE JUROR NUMBER 020: I'm going to do the best I can.

6 MS. KOLLINS: Okay. I appreciate that. That's all we can ask you to do,
7 ma'am. If you would pass the microphone to your right, to Ms. Jorgensen in Seat 9,
8 Badge Number 118 [sic]. How are you?

9 PROSPECTIVE JUROR NUMBER 018: Good. How are you?

10 MS. KOLLINS: I'm okay. Getting tired of hearing myself talk a little bit.

11 PROSPECTIVE JUROR NUMBER 018: I bet.

12 MS. KOLLINS: What do you do for a living, ma'am?

13 PROSPECTIVE JUROR NUMBER 018: I'm a pediatric dietician.

14 MS. KOLLINS: And where do you serve as a pediatric dietician.

15 PROSPECTIVE JUROR NUMBER 018: Currently I'm working for the state of
16 Nevada in their early intervention services.

17 MS. KOLLINS: Okay. And is that in a hospital?

18 PROSPECTIVE JUROR NUMBER 018: No. It's all outpatient and in their
19 homes.

20 MS. KOLLINS: Do you have occasion then to work with the foster system or
21 CPS or anything like that in your position?

22 PROSPECTIVE JUROR NUMBER 018: Yes.

23 MS. KOLLINS: Okay. And is that primarily what your work is comprised of is
24 working services for those type of families or is it more --

25 PROSPECTIVE JUROR NUMBER 018: It's a mixture. We specialize in birth

1 to three years of age. A lot of it is developmental disability, but it can also include
2 foster care and CPS cases.

3 MS. KOLLINS: I know the question was asked earlier and I just want to ask
4 you, you look very familiar to me. Do -- we had a case together or --

5 PROSPECTIVE JUROR NUMBER 018: No.

6 MS. KOLLINS: Okay. You just look very familiar to me. Do you think you
7 could separate your experiences with that community and sit as a fair and impartial
8 juror in this case?

9 PROSPECTIVE JUROR NUMBER 018: I would hope so, yeah.

10 MS. KOLLINS: You realize as he sits here Mr. Williams is presumed
11 innocent?

12 PROSPECTIVE JUROR NUMBER 018: Correct.

13 MS. KOLLINS: And he can only be found guilty after the State proffers
14 enough evidence to prove him guilty beyond a reasonable doubt, right?

15 PROSPECTIVE JUROR NUMBER 018: Correct.

16 MS. KOLLINS: And any of the cases that you've worked on are separate and
17 distinct from anything that Mr. Williams is charged with, right?

18 PROSPECTIVE JUROR NUMBER 018: Correct, yes.

19 MS. KOLLINS: So you've had some medical training then, obviously?

20 PROSPECTIVE JUROR NUMBER 018: Yes.

21 MS. KOLLINS: You're going to hear of DNA evidence in this case. Are you
22 familiar with how DNA profiles are constructed and extracted and reported? Are you
23 familiar with that process at all?

24 PROSPECTIVE JUROR NUMBER 018: Not as evidence, no.

25 MS. KOLLINS: Are you familiar with that process based on your studies?

1 PROSPECTIVE JUROR NUMBER 018: You mean have I studied evidence?

2 MS. KOLLINS: No. Have you studied the science of DNA profiling and
3 testing as part of your educational background in your position?

4 PROSPECTIVE JUROR NUMBER 018: Yes, but it's very minimal.

5 MS. KOLLINS: And just like when I was talking to Ms. Williams, you would
6 have to set that aside and not go do any independent research.

7 PROSPECTIVE JUROR NUMBER 018: Yes.

8 MS. KOLLINS: Okay. Can you think all -- no, I won't ask you that. If you can
9 just pass the microphone to Mr. O'Reilly in Seat 8, Badge Number 025. How are
10 you today?

11 PROSPECTIVE JUROR NUMBER 025: Oh, real good. How are you?

12 MS. KOLLINS: Windblown.

13 PROSPECTIVE JUROR NUMBER 025: Not as bad as yesterday.

14 MS. KOLLINS: That's true. That's true. 70 miles an hour. That is just crazy.
15 Sir, what do you do for a living?

16 PROSPECTIVE JUROR NUMBER 025: Real estate salesman.

17 MS. KOLLINS: How long have you been doing that?

18 PROSPECTIVE JUROR NUMBER 025: About three years.

19 MS. KOLLINS: And prior to your career in real estate, what did you do?

20 PROSPECTIVE JUROR NUMBER 025: I was a project manager for a
21 construction company administering construction contracts.

22 MS. KOLLINS: What kind of construction?

23 PROSPECTIVE JUROR NUMBER 025: Let's see here, I worked out of
24 McCarran Airport administering the contracts for the construction of buildings and
25 runways and after that I was working with another contractor doing public works

1 contracts, underground pretty much.

2 MS. KOLLINS: Do you have any scientific background because you're a
3 project manager?

4 PROSPECTIVE JUROR NUMBER 025: Not --

5 MS. KOLLINS: [Indiscernible].

6 PROSPECTIVE JUROR NUMBER 025: Construction background and stuff.

7 The only scientific background I would have would be for soil compaction or
8 concrete testing or nondestructive testing for wells and things like that.

9 MS. KOLLINS: And some math obviously.

10 PROSPECTIVE JUROR NUMBER 025: Yeah.

11 MS. KOLLINS: Are you married?

12 PROSPECTIVE JUROR NUMBER 025: Yeah.

13 MS. KOLLINS: Do you have children?

14 PROSPECTIVE JUROR NUMBER 025: Yes, I do. I have one son that's ten,
15 going to be eleven. And then I have two -- let's see here, a son that's 20 and a
16 stepson that's 20 on it. And they'll both be 21. And my wife's a teacher for Clark
17 County School District for middle school.

18 MS. KOLLINS: What middle school does your wife teach at?

19 PROSPECTIVE JUROR NUMBER 025: Keller.

20 MS. KOLLINS: In what part of the valley is that?

21 PROSPECTIVE JUROR NUMBER 025: It's on the southeast side or more so
22 the east side, off Charleston and just east of Nellis.

23 MS. KOLLINS: Okay. You've heard me kind of ask questions of everyone
24 today, you know, talking about holding kids to a kids standard.

25 PROSPECTIVE JUROR NUMBER 025: I think you have to realize that, you

1 know, a child is a child and they're different than an adult and their memory is a little
2 different than an adult. Some things may stick more so in their mind and be more
3 traumatic or more vivid than -- and they could even exaggerate what they saw or
4 whatever. You know, a child's a child.

5 MS. KOLLINS: And a victim's a victim, right? And every victim is going to act
6 different and every child's going to act different.

7 PROSPECTIVE JUROR NUMBER 025: Yeah.

8 MS. KOLLINS: You have those two overlying factors, right?

9 PROSPECTIVE JUROR NUMBER 025: Yeah. You have to have those two
10 common factors that they --

11 MS. KOLLINS: And you would be able to keep that at least in the back of
12 your mind when reviewing and receiving testimony that we were going to ask for you
13 to rely on.

14 PROSPECTIVE JUROR NUMBER 025: Yeah, I would think that I can keep
15 an open mind.

16 MS. KOLLINS: Can you think of -- and I know we talked about this with a few
17 people but can you think of, you know, a reason or more than one reason why a
18 child would hesitate to come forward with this kind of information?

19 PROSPECTIVE JUROR NUMBER 025: Well as -- you know, just the trauma
20 for a child to be coming into a room like this or a courtroom and seeing all these
21 faces and then after going through all the preparation and everything and the whole
22 works of being a witness or being a victim and being questioned and being prepped
23 and being -- it would have to be traumanizing [sic] to a young child. And their mind
24 isn't really grasping everything, I don't believe, that's all going on.

25 MS. KOLLINS: Well and, you know, us as a group of adults we know that if

1 we come forward -- I mean, we -- if we're the victim of something if we come
2 forward, we know that that's going to involve law enforcement in this process but I
3 mean, walk with me if you will for a second, maybe a ten-year old doesn't know that.
4 Maybe a ten-year old just wants to be safe. Would you agree with that?

5 PROSPECTIVE JUROR NUMBER 025: Yeah, the ten-year old wants to be
6 safe, but I would think like a ten-year old has the perception that an officer of the law
7 is a good guy on it and that he's there to protect people.

8 MS. KOLLINS: But the -- and I guess my point is they may not understand
9 that all this that's going on here today is the end result of coming forward.

10 PROSPECTIVE JUROR NUMBER 025: I wouldn't think that they would
11 understand the whole works of it.

12 MS. KOLLINS: Until they're kind of brought through the process they might
13 not know that you know, you're going to go talk to a police officer and then you're
14 going to go to a doctor and then you're -- you know, you're going to get a check-up
15 and then you're going to go talk to attorney lady and then -- they might not
16 understand that whole sequence of where this is going to end up. Would you agree
17 with me?

18 PROSPECTIVE JUROR NUMBER 025: I would agree with you that they
19 can't comprehend and put their hands around or their mind around this whole
20 process of what they're being put through everything that it's -- you know, to me
21 that -- I would think the child's mind would be getting a little bit confused and a little
22 bit overwhelmed on what's going on and really not understand what's happening.

23 MS. KOLLINS: Right. And I guess what I'm trying to do is take you back to
24 the genesis, you know, to the very beginning when they tell -- I mean, they're --
25 would you disagree with me that the reason a kid might tell at first is just to get safe

1 so it -- the -- it stops happening?

2 PROSPECTIVE JUROR NUMBER 025: I would have to tend to agree with
3 you on that.

4 MS. KOLLINS: They don't tell so they can go to Court, right?

5 PROSPECTIVE JUROR NUMBER 025: No, no.

6 MS. KOLLINS: Right?

7 PROSPECTIVE JUROR NUMBER 025: No, they have no -- you know --

8 MS. KOLLINS: And I'm not trying --

9 PROSPECTIVE JUROR NUMBER 025: -- idea of Court.

10 MS. KOLLINS: -- to be glib, I'm just trying to make a point that, you know, sex
11 abuse isn't pretty and it's not --

12 PROSPECTIVE JUROR NUMBER 025: No, it isn't.

13 MS. KOLLINS: And we want it -- if we're little we want it to stop. So I --

14 PROSPECTIVE JUROR NUMBER 025: Oh, definitely. You know, it's a very
15 ugly thing. It's --

16 MS. KOLLINS: I'm just trying to make a point that, you know, kids probably
17 tell to get safe, they don't tell to get somebody in trouble, they don't tell to get -- to
18 come to court, they don't tell to get a medical exam. They tell to stop -- to make it
19 stop.

20 PROSPECTIVE JUROR NUMBER 025: Yeah, attempt it to make it stop.
21 That's what I would think that in most cases with kids that that's why they speak up
22 about it is to have it stop. I don't think that it's typical that a kid fabricates something
23 like what's -- a sexual act or something like that. I think at the age of eight or ten
24 that they shouldn't be exposed to anything of that nature and they -- and so I don't
25 know where they would fabricate something like that from.

1 MS. KOLLINS: Is there anybody that disagrees with the notion that a kid --
2 and I'm not saying as the sole reason but as one reason tells about the abuse
3 because they want to get safe? Is there anybody that disagrees with that?

4 Give me just a moment, ladies and gentlemen. Check with Ms.
5 Rhoades.

6 [Colloquy between Counsel]

7 MS. KOLLINS: Your Honor, may we approach very briefly?

8 THE COURT: Yeah.

9 [Bench Conference Begins]

10 MS. KOLLINS: So we're just talking to the people in the box right now, right?

11 THE COURT: Yeah.

12 MS. KOLLINS: Okay. I just want to make sure.

13 THE COURT: Are you passing for cause?

14 MS. KOLLINS: I'm going to. I just wanted to make sure what we were doing.

15 THE COURT: Okay. We'll take a lunch break and then you'll start when we
16 come back.

17 MR. SPEED: Okay.

18 [Bench Conference Concludes]

19 MS. KOLLINS: Your Honor, at this point, the State on behalf of myself and
20 Ms. Rhoades, we would pass the 14 jurors in the box for cause today.

21 THE COURT: We're going to take our afternoon lunch break and then come
22 back. You guys remember where you're seated. Remember where you're seated.
23 Sit in the same spots, please.

24 During the break do not discuss what you -- anything you've talked
25 about here in court; the questions, the answers, or any facts about the case. Be

1 back here at 1:00.

2 [Outside the presence of the prospective jury]

3 THE COURT: All right. The jury is gone. See you guys back here at 1:00.

4 Thank you.

5 MS. KOLLINS: Thank you.

6 MS. RHOADES: Thank you.

7 MR. SPEED: Thank you, Your Honor.

8 [Recess taken at 11:48 a.m.]

9 [Trial resumed at 1:03 p.m.]

10 [Outside the presence of the prospective jury]

11 MS. KOLLINS: Judge, if we could just address one thing.

12 THE COURT: Wait. Ready? Okay. Go ahead.

13 MS. KOLLINS: Your Honor, there is a young lady seated in Seat Number 3,
14 Juror Badge Number 0080 [sic], Ms. Demessie. She's been seated in the courtroom
15 with sunglasses on since she's been here. Nobody has asked the question does
16 anybody have any physical disabilities or impairments that would cause them --

17 THE COURT: How come that lady is wearing sunglasses, Thomas?

18 THE MARSHAL: I asked her that and she said that she had an eye infection,
19 so I let her keep them on.

20 MS. KOLLINS: Okay. Well now we know. That's fine. I just -- I didn't want to
21 ask because I didn't want to be rude.

22 THE COURT: I know he would've done it.

23 THE MARSHAL: I'm still missing one of my jurors from the box. So.

24 THE COURT: Okay.

25 MS. KOLLINS: And you don't have any discovery?

1 MR. SPEED: No. Just mom and dad.

2 [Pause in proceedings]

3 [In the presence of the prospective jury]

4 THE MARSHAL: They're all here now.

5 THE COURT: All right. Bring them in. Oh, wait. Do we need to put anything
6 on the record?

7 MS. KOLLINS: No, sir, I'm not -- not from the State.

8 THE COURT: Yeah, bring them in.

9 THE MARSHAL: All rise, please.

10 And be seated.

11 THE COURT: All right. Mr. Speed, stipulate to the presence.

12 MR. SPEED: It'll be Ms. Ross first, Your Honor.

13 THE COURT: Oh, Ms. Ross, go ahead.

14 MS. ROSS: Yes. Thank you, Your Honor.

15 Good afternoon, ladies and gentlemen. My name again is Katrina Ross
16 and with Kevin Speed we represent Gregory Williams in this case. And thank you
17 for the opportunity of letting us talk to you today. And I know that we've been
18 through a lot already and one thing I'd like to discuss was what Ms. Kollins brought
19 up, this theory -- this idea of a child's standard.

20 Ms. Garcia, what does that mean to you? What does a child's standard
21 mean to you?

22 PROSPECTIVE JUROR NUMBER 024: Just being a child I guess.

23 MS. ROSS: Okay. So when the State was asking you, are you okay holding
24 a child witness to a child's standard, how would you go about evaluating what
25 they're saying?

1 PROSPECTIVE JUROR NUMBER 024: Because usually children will most
2 likely say the truth at times.

3 MS. ROSS: Okay, okay. And Mr. Nelson, sorry I'm going to jump around. If
4 we can try to get the microphone there. Mr. Nelson, you said that you had children
5 and grandchildren, correct?

6 PROSPECTIVE JUROR NUMBER 028: Yes.

7 MS. ROSS: So what does a child's standard mean to you?

8 PROSPECTIVE JUROR NUMBER 028: Well I think you have to differentiate
9 the amount of intelligence involved or the simplicity compared to an adult.

10 MS. ROSS: Okay.

11 PROSPECTIVE JUROR NUMBER 028: They're going to answer in more
12 simple terms I would think or less, probably, graphic than an adult.

13 MS. ROSS: Okay. So it's more of a way of evaluating what a child would
14 say, correct?

15 PROSPECTIVE JUROR NUMBER 028: Yes.

16 MS. ROSS: Do you think there's such thing in law or in a courtroom as a
17 child's standard? Do you think there's a legal definition of child's standard?

18 PROSPECTIVE JUROR NUMBER 028: I would guess that you would have
19 to, you know, make amends for age and, you know, that type of thing, yes.

20 MS. ROSS: Okay. And there are kids involved in this case. But you
21 understand that the kids are not on trial, correct?

22 PROSPECTIVE JUROR NUMBER 028: Yes.

23 MS. ROSS: Mr. Williams is on trial. And even though children are involved
24 we are in a very adult situation, aren't we?

25 PROSPECTIVE JUROR NUMBER 028: Yes, we are.

1 MS. ROSS: And it -- why is it an adult serious situation?

2 PROSPECTIVE JUROR NUMBER 028: Well Mr. Williams is being tried as an
3 adult and, you know, we have to consider all the evidence based on all the, you
4 know, people that are going to be presenting their views.

5 MS. ROSS: And as we talked about, Mr. Williams, an innocent man, has
6 been charged with some very serious adult things, correct?

7 PROSPECTIVE JUROR NUMBER 028: Yes.

8 MS. ROSS: If you could, please pass the microphone to Mr. Lichwa. Now,
9 Mr. Lichwa, you said you have a six-month old, correct?

10 PROSPECTIVE JUROR NUMBER 038: I do.

11 MS. ROSS: Is he letting you sleep at night?

12 PROSPECTIVE JUROR NUMBER 038: Getting there.

13 MS. ROSS: Getting there. My seven-month is finally sleeping through the
14 night. But with your six-month old as -- is it a boy?

15 PROSPECTIVE JUROR NUMBER 038: Yes.

16 MS. ROSS: Okay. As you raise him, can you think of some adult standards
17 you might hold him to as a child?

18 PROSPECTIVE JUROR NUMBER 038: Just right and wrong, I believe --

19 MS. ROSS: Right and wrong, okay.

20 PROSPECTIVE JUROR NUMBER 038: -- is one -- is -- is one major
21 standard.

22 MS. ROSS: Sure. And that's an adult standard, correct?

23 PROSPECTIVE JUROR NUMBER 038: Correct.

24 MS. ROSS: And so you think children can understand or be held to adult
25 standards?

1 PROSPECTIVE JUROR NUMBER 038: In most cases.

2 MS. ROSS: In most cases. Okay. Would you agree that you may have to
3 communicate with your son differently, but you still wouldn't hold him to the adult
4 standard of right or wrong?

5 PROSPECTIVE JUROR NUMBER 038: I would say yes, yeah.

6 MS. ROSS: Does anyone have any thoughts about that? Just right next to
7 you, Ms. Tyree. I know that you've --

8 MS. KOLLINS: Your Honor --

9 MS. ROSS: I know that you've talked about children a lot too.

10 MS. KOLLINS: Excuse me. I'm sorry to interrupt, Ms. Ross. Can we use
11 badge numbers, so that we have a record?

12 MS. ROSS: My apologies. Ms. Tyree, your badge number?

13 PROSPECTIVE JUROR NUMBER 020: 0020.

14 MS. ROSS: 20. Thank you. And what are some adult standards that you
15 would hold children to?

16 PROSPECTIVE JUROR NUMBER 020: Right and wrong, telling the truth.

17 MS. ROSS: Honesty.

18 PROSPECTIVE JUROR NUMBER 020: Honesty. Kindness, doing the right
19 thing.

20 MS. ROSS: Okay.

21 PROSPECTIVE JUROR NUMBER 020: You know, basic -- I think they're
22 basic manners and common courtesy for adults as they are for children.

23 MS. ROSS: Okay. Good. And in this very adult situation that we're in now,
24 things like honesty and courtesy, they can be evaluated, even though it might be a
25 child that is testifying, correct?

1 PROSPECTIVE JUROR NUMBER 020: Yes.

2 MS. ROSS: Is everyone comfortable with that?

3 If you could please, Ms. Kodey. And I apologize, I did not write down
4 your badge numbers. If you could just say that for the record.

5 PROSPECTIVE JUROR NUMBER 014: Number 14.

6 MS. ROSS: Number 14. And Ms. Kodey you said that this is probably a
7 scary place for children to come to, correct?

8 PROSPECTIVE JUROR NUMBER 014: I did.

9 MS. ROSS: And are you comfortable with holding children in this scary place
10 to an adult standard because Mr. Williams has been accused of some very serious
11 crimes.

12 PROSPECTIVE JUROR NUMBER 014: I would hold them to telling the truth.

13 MS. ROSS: Okay. And everyone agrees with that? Okay.

14 Now also Ms. Kodey, you test -- or you testified -- I'm sorry, I'm in
15 lawyer mode already. You mentioned earlier that you might want to go to law
16 school.

17 PROSPECTIVE JUROR NUMBER 014: I'm considering it. Instead I took the
18 Master Gardener course. So I'm waffling again.

19 MS. ROSS: So in law school and dealing with attorneys, I'm assuming you've
20 heard of what defense attorneys are before.

21 PROSPECTIVE JUROR NUMBER 014: I have.

22 MS. ROSS: What is our role in this trial?

23 PROSPECTIVE JUROR NUMBER 014: You are protecting not only the
24 person sitting at your table, but our right to have a fair trial and our right to be
25 defended no matter what.

1 MS. ROSS: Okay. Excellent. And if we could pass it down to Mr. Garcia.
2 Mr. Garcia, your badge number?
3 PROSPECTIVE JUROR NUMBER 007: 7.
4 MS. ROSS: 007?
5 PROSPECTIVE JUROR NUMBER 007: Yes.
6 MS. ROSS: All right. Double-O-Seven. That's kind of cool. So Mr. Garcia, in
7 our role as defense attorneys, do you think that we have to prove anything?
8 PROSPECTIVE JUROR NUMBER 007: You do not.
9 MS. ROSS: Okay. Why not?
10 PROSPECTIVE JUROR NUMBER 007: Because you did nothing.
11 MS. ROSS: Okay. I'm going to give you a little hypothetical situation here,
12 okay? Say while you're sitting here, an officer walks in and says I saw you run a
13 stop sign this morning, here's your ticket. What would you say to him?
14 PROSPECTIVE JUROR NUMBER 007: I would like proof.
15 MS. ROSS: You would like proof, right? Because you didn't run a stop sign,
16 right? So if an officer says you know what, you're guilty or I'm charging you of
17 running a stop sign, why do you think the officer should have to prove that?
18 PROSPECTIVE JUROR NUMBER 007: Because it's unfair as a citizen to --
19 for that to happen if -- especially if that person didn't do it.
20 MS. ROSS: Okay. Does anyone disagree with that? Do you want to hand it
21 right next Ms. Demessie.
22 PROSPECTIVE JUROR NUMBER 030: Yes.
23 MS. ROSS: And your badge number?
24 PROSPECTIVE JUROR NUMBER 030: That would be 30.
25 MS. ROSS: 30?

1 PROSPECTIVE JUROR NUMBER 030: Yes.

2 MS. ROSS: And you were kind of smiling. What are your thoughts on that?

3 PROSPECTIVE JUROR NUMBER 030: I mean, what he said is right so.

4 MS. ROSS: Sure. So if someone were just to hand you a ticket for running a

5 stop sign this morning, would you be prepared to defend it?

6 PROSPECTIVE JUROR NUMBER 030: Maybe not.

7 MS. ROSS: Why not? Did you take any pictures of the intersection this

8 morning on your way to work -- or way here?

9 PROSPECTIVE JUROR NUMBER 030: No.

10 MS. ROSS: Did you talk to any witnesses on the way here? Did you have

11 like a little dash cam going so you could show you didn't run the stop sign? No?

12 PROSPECTIVE JUROR NUMBER 030: No.

13 MS. ROSS: Do you think the police officer would have had those resources?

14 PROSPECTIVE JUROR NUMBER 030: I'm sure they do.

15 MS. ROSS: So do you think it would be fair to hold the police or the State to

16 the burden of proving that you did something wrong?

17 PROSPECTIVE JUROR NUMBER 030: [Inaudible].

18 MS. ROSS: Is everyone comfortable with that? Does anyone have any

19 questions about that a little bit? Okay.

20 If we could jump down then quickly to Ms. Yadao? Yadao?

21 PROSPECTIVE JUROR NUMBER 026: Yadao. The first time.

22 MS. ROSS: Yadao. All right. And your badge number?

23 PROSPECTIVE JUROR NUMBER 026: 0026.

24 MS. ROSS: Okay. If someone handed you that ticket for running a stop sign,

25 what would you say?

1 PROSPECTIVE JUROR NUMBER 026: I would have to ask -- well it would
2 be a police officer I'm assuming. I would ask him why he was pulling me over and
3 what I did wrong.

4 MS. ROSS: Okay. And if he said I saw you run a stop sign, that's it, what
5 could you say to him then?

6 PROSPECTIVE JUROR NUMBER 026: Well it depends if I really did it or not.

7 MS. ROSS: You didn't run a stop sign.

8 PROSPECTIVE JUROR NUMBER 026: I didn't?

9 MS. ROSS: No, you did not.

10 PROSPECTIVE JUROR NUMBER 026: Okay. I would ask him more
11 questions and say what proof he has.

12 MS. ROSS: Uh-huh. And what would be your defense? I didn't do it?

13 PROSPECTIVE JUROR NUMBER 026: Yes.

14 MS. ROSS: Would you say anything more than that?

15 PROSPECTIVE JUROR NUMBER 026: No.

16 MS. ROSS: Okay.

17 PROSPECTIVE JUROR NUMBER 026: Maybe just prove to him that I didn't
18 run it.

19 MS. ROSS: How would you go about proving it to him?

20 PROSPECTIVE JUROR NUMBER 026: Maybe backtrack and show him
21 where I was a few minutes or a few seconds prior to him pulling me over.

22 MS. ROSS: But you understand that you wouldn't have to, right?

23 PROSPECTIVE JUROR NUMBER 026: Correct.

24 MS. ROSS: Because it's his job to prove that you did something wrong.

25 PROSPECTIVE JUROR NUMBER 026: Correct.

1 MS. ROSS: Correct. Let's see, Ms. Jorgensen, if you could pass it down.
2 Your badge number, please.
3 PROSPECTIVE JUROR NUMBER 018: 0018.
4 MS. ROSS: Can you think of any situations where sometimes all you can say
5 is I didn't do it?
6 PROSPECTIVE JUROR NUMBER 018: Yeah.
7 MS. ROSS: Yeah?
8 PROSPECTIVE JUROR NUMBER 018: Yeah.
9 MS. ROSS: Like what?
10 PROSPECTIVE JUROR NUMBER 018: If somebody witness -- didn't --
11 nobody was there to say -- corroborate with me and say yeah, I saw that she didn't
12 do that or did do it, or whatever.
13 MS. ROSS: Okay. Now have you heard of in criminal trials the right not to
14 testify?
15 PROSPECTIVE JUROR NUMBER 018: Correct.
16 MS. ROSS: All right. What does that mean to you?
17 PROSPECTIVE JUROR NUMBER 018: It means they don't have to defend
18 themselves.
19 MS. ROSS: Okay. Would you hold it against Mr. Williams if he didn't get up
20 on the witness stand and say anything?
21 PROSPECTIVE JUROR NUMBER 018: No.
22 MS. ROSS: Why not?
23 PROSPECTIVE JUROR NUMBER 018: Because that's his right.
24 MS. ROSS: Everyone comfortable with that? Would anyone want -- anyone
25 hold Mr. Williams to the obligation to testify? Okay. Let's pass it back. Mr. Risner,

1 correct?

2 PROSPECTIVE JUROR NUMBER 036: Badge 36.

3 MS. ROSS: Badge 36. What are your reactions on that?

4 PROSPECTIVE JUROR NUMBER 036: On just that last statement?

5 MS. ROSS: Yeah.

6 PROSPECTIVE JUROR NUMBER 036: I think in a situation so serious that it
7 would behoove the individual to get up and state his case, maybe discuss past track
8 record of immaculate -- there's definitely a reason if you're innocent, I'm a personal
9 believer in standing up and saying what's right.

10 MS. ROSS: All right. In a case such as this, would you hold it against Mr.
11 Williams if he didn't do that?

12 PROSPECTIVE JUROR NUMBER 036: I would say my attorney -- my
13 attorney -- I would think that the attorney probably told him to sit down and be quiet.

14 MS. ROSS: And how would that make you feel -- if you were asked to judge
15 these facts, how would that make you feel if you went back to the jury room without
16 having heard from Mr. Williams?

17 PROSPECTIVE JUROR NUMBER 036: Not depending on any other facts, I
18 would find it interesting and --

19 MS. ROSS: Do you think he's guilty because he didn't talk?

20 PROSPECTIVE JUROR NUMBER 036: I wouldn't jump to that right away.
21 Not without hearing all the other facts.

22 MS. ROSS: Would you -- would it weigh upon your deliberations in whether
23 it's guilt or innocence or not if you did not hear Mr. Williams say anything?

24 PROSPECTIVE JUROR NUMBER 036: In the end I feel like I'd want to hear
25 it from him.

1 MS. ROSS: And that's fair. Thank you. Does anyone else feel that way?

2 Yeah. Right in front of you, sir. Lichwa, Badge --

3 PROSPECTIVE JUROR NUMBER 038: 0038.

4 MS. ROSS: 0038. And tell me your thoughts about that.

5 PROSPECTIVE JUROR NUMBER 038: I just feel that after all the evidence
6 has been presented and I'm in a deliberation room trying to figure out if a man's
7 innocent or guilty, I'd really feel that he has the right to sit and not say a word or he
8 could speak up freely in front of all his peers and explain his situation.

9 MS. ROSS: All right. And excuse me while I just right in my notes. And Mr.
10 Garcia and Mr. O'Reilly, you shook your hands -- or you shook your heads yes to
11 that also, correct? Badge numbers, sorry.

12 PROSPECTIVE JUROR NUMBER 025: Badge 25.

13 MS. ROSS: 25 and Double-O-Seven, okay. Mr. Lichwa, do you think Mr.
14 Williams has said anything yet?

15 PROSPECTIVE JUROR NUMBER 038: No.

16 MS. ROSS: Okay. Who thinks Mr. Williams has said something? You all
17 think that you haven't heard anything from Mr. Williams yet? Well, he's pled not
18 guilty to the charges. What does that mean to you?

19 PROSPECTIVE JUROR NUMBER 038: That he's innocent until proven
20 guilty.

21 MS. ROSS: Okay. So right next door, Mr. Willis. Badge number?

22 PROSPECTIVE JUROR NUMBER 022: 022.

23 MS. ROSS: 022. Do you think Mr. Williams has said anything yet?

24 PROSPECTIVE JUROR NUMBER 022: No, not at all.

25 MS. ROSS: Okay. Not at all.

1 PROSPECTIVE JUROR NUMBER 022: Not at all.

2 MS. ROSS: Okay. Explain that a little more.

3 PROSPECTIVE JUROR NUMBER 022: He's saying he's innocent until
4 proven guilty so there's not much he will say to --

5 MS. ROSS: So is it fair to say he's told you he's not guilty? He's pled not
6 guilty to the charges, right?

7 PROSPECTIVE JUROR NUMBER 022: Correct.

8 MS. ROSS: So is everyone comfortable with him saying he's not guilty?
9 Didn't do it? We talked about a little bit earlier in those situations when sometimes
10 that's all you can say, correct?

11 PROSPECTIVE JUROR NUMBER 022: Correct.

12 MS. ROSS: Is everyone comfortable with that? Does anyone have any
13 problems with that?

14 PROSPECTIVE JUROR NUMBER 020: You know I think I do.

15 MS. ROSS: Sure. Ms. --

16 PROSPECTIVE JUROR NUMBER 020: Maybe I'm --

17 MS. ROSS: Ms. Tyree? 020, correct?

18 PROSPECTIVE JUROR NUMBER 020: Yeah. Maybe I'm just confused now.

19 MS. ROSS: Okay.

20 PROSPECTIVE JUROR NUMBER 020: If a person pleads not guilty -- and
21 that's your right if you didn't do something. However, if the evidence proves or
22 evidence is submitted and we deliberate, wouldn't you want to voice -- I mean, prove
23 that you are innocent? I'm -- maybe I'm just --

24 MS. ROSS: Sure.

25 PROSPECTIVE JUROR NUMBER 020: -- out of it. I'm --

1 MS. ROSS: No, that's good. I'm glad you're asking these questions, right,
2 because we've talked about a couple of big, heavy legal topics in this scenario,
3 okay? So let's break that down. First you're talking about let's say the burden of
4 proof. You've all heard that before.

5 PROSPECTIVE JUROR NUMBER 020: Right.

6 MS. ROSS: You all agree that the burden of proof is on the State, right?

7 PROSPECTIVE JUROR NUMBER 020: Yes.

8 MS. ROSS: And everyone's going to hold the State to proving that Mr.
9 Williams, who said he's innocent, is in fact guilty. Are you comfortable with that?

10 PROSPECTIVE JUROR NUMBER 020: Got it.

11 MS. ROSS: Okay. Now because of that Mr. Williams doesn't have to testify,
12 correct?

13 PROSPECTIVE JUROR NUMBER 020: That's right.

14 MS. ROSS: So at the end of this trial if Mr. Williams does not testify, do you
15 think that the State would have proven their case just because Mr. Williams didn't
16 testify?

17 PROSPECTIVE JUROR NUMBER 020: No, I think that's where deliberation
18 comes in and you talk about it.

19 MS. ROSS: Would you hold it against Mr. Williams if he didn't testify?

20 PROSPECTIVE JUROR NUMBER 020: I'm -- I really want it -- would like to
21 hear his part.

22 MS. ROSS: And that's fair. That is fair.

23 PROSPECTIVE JUROR NUMBER 020: That's what I'd want to hear.

24 MS. ROSS: Multiple reasons.

25 PROSPECTIVE JUROR NUMBER 020: Yeah.

1 MS. ROSS: Okay. Mr., again, Risner, Badge --

2 PROSPECTIVE JUROR NUMBER 036: Badge 36.

3 MS. ROSS: Okay.

4 PROSPECTIVE JUROR NUMBER 036: Being in the service industry my
5 entire life I got to know when people speak -- and having three kids -- I can tell
6 based on body language and everything, eye contact, everything, a lot. Body
7 language tells everything.

8 MS. ROSS: And that's good because that kind of hits on something we've
9 already talked about too with a child witness testifying. You would be able to look at
10 a child witness and still evaluate based on their body language or what they're
11 saying whether or not they're telling the truth, right?

12 PROSPECTIVE JUROR NUMBER 036: For the most part.

13 MS. ROSS: For the most part. Okay. But it seems to me that you're really
14 uncomfortable with the fact that Mr. Williams doesn't have to say anything.

15 PROSPECTIVE JUROR NUMBER 036: That's the way the law works. If you
16 plead the Fifth, you plead the Fifth. And then your lawyers deliberate and then the
17 jury deliberates.

18 MS. ROSS: Well there's a difference between pleading the Fifth and the right
19 not to testify, okay? Pleading the Fifth is a different concept. The right not to testify
20 is you have a constitutional right to say I didn't do it and that's it. Okay. You still
21 want to hear more from Mr. Williams?

22 PROSPECTIVE JUROR NUMBER 036: Yeah, because to me that sounds
23 like a child.

24 MS. ROSS: Okay. Brief indulgence, Your Honor.

25 [Colloquy between Counsel]

1 MS. ROSS: Your Honor, may we approach?

2 [Bench Conference Begins]

3 THE COURT: You need to move over by the mic.

4 MS. ROSS: Your Honor, we'd like to ask Mr. Risner be struck for cause. He
5 said that you sound like a child if you don't testify and he's going to take it back into
6 deliberations if Mr. Williams is not testifying.

7 MS. KOLLINS: The State's position is it can be cleaned up. They haven't
8 asked --

9 THE COURT: Yeah, I think you can clean it up. I just think you're kind of --
10 you're not focusing on the questions I think.

11 MS. ROSS: Okay.

12 THE COURT: You better focus on your questions a little better.

13 MS. ROSS: Okay.

14 MS. KOLLINS: Judge, if I can just make a brief record. If we could ask them
15 do they understand that they're going to promise to follow the law and then tell them
16 what the law is?

17 THE COURT: I did. I told them that.

18 MS. KOLLINS: Well I think in this circumstance --

19 THE COURT: You can ask them that too.

20 MS. KOLLINS: Okay. Just making a record.

21 THE COURT: All right. I'll just --

22 [Bench Conference Concludes]

23 THE COURT: Remember I asked you at the beginning I'll tell you what the
24 law is. It'd be a violation of your oath as a juror to base a verdict on anything but
25 what I told you the law is, even if you disagree with what the law is. Does anybody

1 have a problem with that?

2 MS. ROSS: Your Honor, Mr. Speed will take over.

3 THE COURT: All right.

4 MR. SPEED: Mr. Risner, Badge Number 36. I don't believe I heard you when
5 you said at the end when you were talking with Katrina, you said that you sound like
6 a job -- it sounds like a job if a person doesn't say anything or --

7 PROSPECTIVE JUROR NUMBER 018: If a person says I didn't do it and
8 doesn't want to give a reason I said it sounds to me like that person's being a child.

9 MR. SPEED: A child, a child. Okay.

10 And if you could, sir, would you elaborate on that a little bit for me,
11 please. What do you mean when you say sounds like a child?

12 PROSPECTIVE JUROR NUMBER 036: I have a baby monitor system in my
13 house so when I'm not in a room I observe my kids, I hear and listen, and then I get
14 the story, and I can tell, based on the details, a lot.

15 MR. SPEED: Is it fair to say that in your experiences with children oftentimes
16 when they're confronted with a situation where they might find themselves in some
17 trouble that they will be dishonest?

18 PROSPECTIVE JUROR NUMBER 036: Even over the little things, yes.

19 MR. SPEED: Even over the little things. And when a person says that I didn't
20 do it after an accusation is made, you believe that they're being childish.

21 PROSPECTIVE JUROR NUMBER 036: If they can't tell me more about it
22 and they just no, I didn't do it, I didn't do it, yes.

23 MR. SPEED: Now in the situation that we find ourselves in here, he's been
24 accused of a crime, terrible, terrible crimes, and all that he has to do under our
25 Constitution is sit there, silently, saying in effect I didn't do what these people say I

1 did. Do you think as he sits there right there beside me and Katrina that he's acting
2 like a child if after the end of our proceedings here, he chooses not to say anything?

3 PROSPECTIVE JUROR NUMBER 036: No, because in the way the law
4 works, it's the smartest bet to have your attorneys do all the work for you.

5 MR. SPEED: Do you think that his silence somehow betrays a consciousness
6 of guilt; that he probably did something, that's why he's remaining silent?

7 PROSPECTIVE JUROR NUMBER 036: No, it's like a boxing match, you
8 have to outsmart the opponent.

9 MR. SPEED: Who agrees with what Mr. Risner is saying there, Badge
10 Number 36? Anybody have any feelings on that; that it's like a boxing match; that
11 you have to outsmart your opponent in a situation like this? Any hands? Anybody?

12 PROSPECTIVE JUROR NUMBER 020: I can't agree to that because I don't
13 know boxing matches.

14 MR. SPEED: All right.

15 PROSPECTIVE JUROR NUMBER 020: Okay.

16 MR. SPEED: Ms. Tyree, you're badge number?

17 PROSPECTIVE JUROR NUMBER 020: Yeah. Badge 0020.

18 MR. SPEED: 20.

19 PROSPECTIVE JUROR NUMBER 020: I don't -- you know, boxing is just
20 such a violent sport, but the way I look at it is if I do believe -- and I understand,
21 Judge -- what the judge said, I understand that he does not have to state anything
22 and I understand that part, but I just -- I guess my beliefs are if a person does -- has
23 not done anything wrong, I do believe they should speak up for themselves and say
24 they didn't do anything wrong and elaborate on the situation when they have so
25 much -- if there is other information against them.

1 I guess that's just the way I believe. I'm not going to fault him if he
2 doesn't speak but I just would like to know his side. Maybe I'm just nosey. I --

3 MR. SPEED: I think that's what --

4 PROSPECTIVE JUROR NUMBER 020: I mean, I just -- maybe I don't
5 understand. You know, maybe it's -- this is not for me. I don't know.

6 MR. SPEED: In some ways, ma'am, that's what we're getting to and this is
7 absolutely for you because you have questions about what we're going to ask you to
8 do in service here for the next four or five days. And we appreciate that you're
9 excited about this. You're apprehensive in some ways about it, and you apparently
10 want to do the best job that you can. Is that fair to say?

11 PROSPECTIVE JUROR NUMBER 020: That's fair to say.

12 MR. SPEED: That's why you're asking us questions about what could be
13 going on in your life for the next few days. Let's talk about it for a while. You would
14 want to hear Greg say his side. I believe Mr. Risner said he would want to hear the
15 person's side of the story -- the person who is accused of something, yes? Didn't
16 you say that Mr. Risner? Something like that?

17 PROSPECTIVE JUROR NUMBER 036: Yes, but the problem is --

18 MR. SPEED: Badge Number 36.

19 PROSPECTIVE JUROR NUMBER 036: The problem with that from a
20 professional standpoint, any small detail can be incriminating, even if you mess up a
21 small memory.

22 MR. SPEED: Okay. How many people, keeping that in mind, show of
23 hands -- and this is for the entire courtroom because we're probably going to have to
24 talk to all of you at some point. How many people believe that just because Greg is
25 sitting here next to Katrina and myself that he must have done something? You

1 don't just drive down the street one day, go to work, try to move on with your life,
2 and all of the sudden you end up sitting next to two defense attorneys. Anybody?
3 Who believes that? Something has to have happened or he wouldn't be sitting here.
4 All right. I've got a hand. Far, far in the back. Would you hand me the microphone,
5 please? I'll save you some work. There you go. Thank you, sir.

6 PROSPECTIVE JUROR NUMBER 051: Nicole Lipsman, Badge 51.

7 MR. SPEED: 51. Go ahead, ma'am.

8 PROSPECTIVE JUROR NUMBER 051: I don't really know what to say. I
9 feel --

10 MR. SPEED: My question was who thinks that just because he is Greg, my
11 client is sitting there between two defense attorneys that he must have done
12 something.

13 PROSPECTIVE JUROR NUMBER 051: My response would be something.
14 Maybe not an illegal something, maybe not something that would warrant these
15 charges but something would have gotten him here I believe.

16 MR. SPEED: Do you think --

17 PROSPECTIVE JUROR NUMBER 051: I mean, there could be times where
18 someone is just mad at someone. It is possible where they're mad and they just
19 make up bogus claim just to get back at them for some reason.

20 MR. SPEED: Okay.

21 PROSPECTIVE JUROR NUMBER 051: I would think personally, most likely,
22 something had to have happened.

23 MR. SPEED: So when you hear me say he did something, one of the things
24 that comes to your mind is that a person could be mad at him and they made up
25 something to get him into trouble? That's one of the things that came to your mind

1 or let's -- at least that's what I heard you explain it to me. Is that right?

2 PROSPECTIVE JUROR NUMBER 051: I would say that would be one
3 explanation as to if someone did not do something and they ended up here; that
4 could be an explanation.

5 MR. SPEED: Do you also think that that could be an explanation for a
6 person's silence in a situation like that? Why he wouldn't say anything?

7 PROSPECTIVE JUROR NUMBER 051: Could be.

8 MR. SPEED: Anybody agree with that? Show of hands. Anybody? Yes, sir.
9 Second row, Tom, blue button down shirt. What is your badge number, sir?

10 PROSPECTIVE JUROR NUMBER 048: Number 48, Jason Reta.

11 MR. SPEED: Thank you.

12 PROSPECTIVE JUROR NUMBER 048: With the concept that he wouldn't
13 say anything?

14 MR. SPEED: Yes, sir, let's start with that.

15 PROSPECTIVE JUROR NUMBER 048: Yeah. The concept that he wouldn't
16 say anything because somebody had accused him of something.

17 MR. SPEED: You think that's all right in this situation?

18 PROSPECTIVE JUROR NUMBER 048: Sure. It's within his right, yes.

19 MR. SPEED: Would you absolutely have to hear my client say something in
20 his own defense in order to find him not guilty if you don't believe the evidence that
21 the State is going to present?

22 PROSPECTIVE JUROR NUMBER 048: No, because I believe in order to get
23 to this point there had to be some evidence that moved it to this statement process.

24 MR. SPEED: But he doesn't have to say anything in defense of that, does
25 he?

1 PROSPECTIVE JUROR NUMBER 048: No.

2 MR. SPEED: Anybody have any thoughts on that? Anything else? Badge
3 Number 51, back to you.

4 PROSPECTIVE JUROR NUMBER 051: I just have a question.

5 MR. SPEED: Yes.

6 PROSPECTIVE JUROR NUMBER 051: Because I know it is in his right to
7 not say anything. The victims, do they have an option to testify or not or do they
8 have to?

9 MR. SPEED: Well when the State read their potential witnesses in the case,
10 two of the people that they read are going to be the people who are making the
11 accusation. And we are talking about a case where children are making an
12 accusation, yes.

13 PROSPECTIVE JUROR NUMBER 051: Do they have the option to testify?
14 They could make -- could they make the accusation and choose not to testify?

15 MR. SPEED: Well that would be up to the people who accused him doing
16 something wrong. Now, Ms. Ross spoke earlier about all of us big people -- us
17 adults -- being in court, not working to meet a child's standard, but working to take
18 care of some very serious business that involves adults. If someone who is
19 accusing our client of committing a crime, chooses not to say something that's not
20 Mr. Williams' problem, is it? Anybody think that? No.

21 Would you want to hear an accusation from someone if an innocent
22 man has been brought into court and accused of something like this? Is that a yes?
23 You're nodding your head?

24 PROSPECTIVE JUROR NUMBER 048: Yes.

25 MR. SPEED: And would you want to have -- wouldn't you expect to have is a

1 better way of asking -- confidence in what those people are saying is true?

2 PROSPECTIVE JUROR NUMBER 048: Yes.

3 MR. SPEED: You would. Anyone else? Anyone else have that expectation
4 that what people are saying who are accusing an innocent person of some terrible
5 crimes is true? I see a lot of nods. From the gentleman in the blue polo, Seat
6 Number 4 in our box.

7 And what's your badge number, please, sir. I thought you were
8 speaking earlier but I --

9 PROSPECTIVE JUROR NUMBER 028: 028.

10 MR. SPEED: 028?

11 PROSPECTIVE JUROR NUMBER 028: Yeah.

12 MR. SPEED: Thank you, sir. I saw you nod your head in response to that.
13 Tell me your thoughts about that.

14 PROSPECTIVE JUROR NUMBER 028: Just --

15 MR. SPEED: The expectation that if someone says something about
16 somebody that it's true.

17 PROSPECTIVE JUROR NUMBER 028: Well you would hope that everyone
18 that stands in the box tells the truth and you would hope that all the witnesses have
19 that type of a ethical moral standard.

20 MR. SPEED: That's the least you could ask for, isn't that right?

21 PROSPECTIVE JUROR NUMBER 028: Yes.

22 MR. SPEED: If someone's going to be accused of a crime that the people
23 who are pointing their fingers are telling the truth, isn't that right?

24 PROSPECTIVE JUROR NUMBER 028: Yes.

25 MR. SPEED: Yes. Seeing nods all around. Mr. Wakakuwa, correct?

1 PROSPECTIVE JUROR NUMBER 002: Yes.

2 MR. SPEED: All right. First try. Very good. I saw you nodding your head to
3 that. You agree the least you can expect if a person is being accused that the
4 accusers are telling the truth.

5 PROSPECTIVE JUROR NUMBER 002: Yes.

6 MR. SPEED: Is there -- what about -- let's get back to something we talked
7 about earlier here. What about that children's standard that the State tried to talk
8 about -- if you are -- a child's standard? What if those people are children?
9 Because they're children, is your expectation of honesty different or is it the same?

10 PROSPECTIVE JUROR NUMBER 002: I believe it would be the same.

11 MR. SPEED: Be the same. I heard one of your fellow venire men talk about
12 holding children to a standard of right and wrong and honesty and decency, right?
13 Do you remember that?

14 PROSPECTIVE JUROR NUMBER 002: Yes

15 MR. SPEED: Do you agree with that?

16 PROSPECTIVE JUROR NUMBER 002: Yes.

17 MR. SPEED: So all of the things that we've talked about here over the past
18 few minutes, they tie together in that even if a person making an accusation is a
19 child, the least we can expect when we're dealing with a person being accused of
20 something, is for those children to be telling the truth. Can everybody agree with
21 that? Yes? Even back here? The people we seem to be neglecting a little bit?
22 Yes? Okay.

23 Ms. Kodey, Badge Number 14. You said something earlier that got my
24 attention. You said it's the job of a defense attorney to not only protect their client
25 but to protect our rights. To protect our rights to be defended I believe what --

1 PROSPECTIVE JUROR NUMBER 014: Yes, sir.

2 MR. SPEED: Explain that to me, please.

3 PROSPECTIVE JUROR NUMBER 014: That if any of us were accused of

4 anything that the prosecution has to prove it.

5 MR. SPEED: Okay.

6 PROSPECTIVE JUROR NUMBER 014: That we have a right to defense.

7 MR. SPEED: And that's what you see as a defense attorney's role in this.

8 PROSPECTIVE JUROR NUMBER 014: That you're protecting beyond this

9 person, all of us.

10 MR. SPEED: Protecting beyond this person, but all of us.

11 PROSPECTIVE JUROR NUMBER 014: Heaven forbid that any of us could

12 be in these shoes.

13 MR. SPEED: Heaven forbid that any of us could be in these shoes. We were

14 talking earlier about this experience being a scary thing, a frightening thing, with

15 judges and many uniforms with guns, and lawyers, and talking loudly and using big

16 words and walking around the courtroom. Do you think that our role as defense

17 attorneys is to maybe agitate that, to frighten the children?

18 PROSPECTIVE JUROR NUMBER 014: No.

19 MR. SPEED: If, during the course of our proceedings, you're selected as a

20 juror, you find yourself viewing a situation where a child has maybe clammed up

21 or -- trying to remember some of the other things Ms. Kollins talked about. Started

22 crying or maybe became redescent or unresponsive and either I or Katrina was

23 asking one of those people questions, would you hold that against Greg?

24 PROSPECTIVE JUROR NUMBER 014: No.

25 MR. SPEED: If you found yourself watching a situation where we're

1 conducting our business, we are defending him -- beyond defending him, defending
2 everyone's rights, where we get into a situation where we disagree with something
3 the Court says, would you hold that -- and the Court respectfully makes it known that
4 he disagrees with something I'm saying or something Ms. Ross is saying, would you
5 hold that against Mr. Williams?

6 PROSPECTIVE JUROR NUMBER 014: No.

7 MR. SPEED: Anybody else? Anybody pick sides? Have chosen sides
8 already? I'm going to protect the children? I'm going to be on the side of the little
9 people? Anybody feel that way right now?

10 [Colloquy between Counsel]

11 MR. SPEED: When either the Court -- I can't remember who it was offhand
12 right now. Either the Judge or Ms. Kollins asked does anyone have any close family
13 members who had been accused of crimes or accused of something illegal like this,
14 there were a few hands that went up. Let me see those again, please? Close
15 family members accused of crimes, anybody?

16 THE COURT: We mostly got -- we released most of them.

17 MR. SPEED: I see a few hands back here. Let's start with -- are you Badge
18 Number 0073, ma'am?

19 PROSPECTIVE JUROR NUMBER 073: Yes.

20 MR. SPEED: All right. You said you had a close family member accused of a
21 crime. You're Ms. Spader, yes?

22 PROSPECTIVE JUROR NUMBER 073: Yeah.

23 MR. SPEED: 0073.

24 PROSPECTIVE JUROR NUMBER 073: Yes. It was my brother.

25 MR. SPEED: You said that despite that fact, you believe that you absolutely

1 can be fair and impartial, is that right?

2 PROSPECTIVE JUROR NUMBER 073: Yes.

3 MR. SPEED: Even though your brother was accused of a crime, a very
4 serious crime, you won't hold that against the State if you're chosen as a juror in this
5 case?

6 PROSPECTIVE JUROR NUMBER 073: No, I won't.

7 MR. SPEED: And I believe our other hand was 068, yes?

8 PROSPECTIVE JUROR NUMBER 067: 067.

9 MR. SPEED: 67, Go ahead.

10 PROSPECTIVE JUROR NUMBER 067: I'm sorry, what was the question?

11 MR. SPEED: Do you believe that you would hold it against the State, your
12 experience of having had a family member accused of a crime?

13 PROSPECTIVE JUROR NUMBER 067: No, because it's a different case.
14 So.

15 MR. SPEED: And you can be fair and impartial if selected as a juror here?

16 PROSPECTIVE JUROR NUMBER 067: Yes.

17 MR. SPEED: All right. Let's talk for a few minutes everyone about this DNA
18 stuff. Now we touched on it a little bit earlier. I know that one of you has some
19 experience as a building contractor. So he's done some engineering work, soil
20 compacting. Who was that?

21 And what's your badge number, sir?

22 PROSPECTIVE JUROR NUMBER 025: Badge Number 0025.

23 MR. SPEED: 25. You are Mr. O'Reilly.

24 PROSPECTIVE JUROR NUMBER 025: Yes.

25 MR. SPEED: You said that you have experience as a project manager for a

1 construction firm, yes?

2 PROSPECTIVE JUROR NUMBER 025: Yes. For administering construction
3 contracts.

4 MR. SPEED: You have some scientific or engineering background. I know I
5 put the word engineering in here. You talked about soil compacting or construction
6 work. Do you have any engineering or construction background that allowed you to
7 work with numbers?

8 PROSPECTIVE JUROR NUMBER 025: The -- well, just the numbers that it
9 requires to do estimates, to do surveying or engineering, to calculate the numbers
10 out, to do trigonometry, or to, you know, figure budgets and balance budgets, and
11 do estimates and plan takeoff and --

12 MR. SPEED: Budget spreadsheets.

13 PROSPECTIVE JUROR NUMBER 025: Yeah. Correct.

14 MR. SPEED: Potential strength of steel, things like that?

15 PROSPECTIVE JUROR NUMBER 025: Yeah. Span and stretch and --

16 MR. SPEED: Yeah, that's perfect, perfect, perfect. And in doing that, in your
17 experience in this field, did you ever have to work with engineers -- the paid
18 engineers? The people whose job it is to give you these spreadsheets and numbers
19 that talk about span and stress and potential strength of rebar and all of that kind of
20 thing?

21 PROSPECTIVE JUROR NUMBER 025: Oh, yes.

22 MR. SPEED: How did you feel when you were speaking with them? Did you
23 think that --

24 THE COURT: You just don't get up and walk out of court.

25 MR. SPEED: Can we approach, Your Honor?

1 [Bench Conference Begins]

2 THE COURT: I think you offended her.

3 MR. SPEED: Do you have her badge number?

4 THE COURT: I don't know.

5 MR. SPEED: Okay.

6 THE COURT: Thomas, come to the bench. What?

7 THE MARSHAL: She has to go to the bathroom. [Indiscernible].

8 THE COURT: All right. We'll take a five-minute recess.

9 [Bench Conference Concludes]

10 THE COURT: All right. Let's take a five-minute recess. During the recess
11 you're admonished not to talk about what you've heard in during court. If you have
12 to go to the restroom, raise your hand, and I'll release you. Thanks.

13 Come back and sit in your same seats, please.

14 Everybody has to go. Sorry. When one goes, they all -- you all have --
15 you're kind of a team. Everybody goes. Sorry.

16 [Outside the presence of the prospective jury]

17 THE COURT: You guys don't have to go.

18 MR. SPEED: Thanks.

19 THE COURT: All right.

20 [Recess taken at 1:54 p.m.]

21 [Trial resumed at 2:04 p.m.]

22 [Outside the presence of the prospective jury]

23 THE COURT: Are you guys ready? We --

24 MS. KOLLINS: Yes, sir.

25 THE COURT: We've got to move this along. Bring them in, Tom.

1 [In the presence of the prospective jury]

2 THE MARSHAL: All rise, please.

3 And be seated.

4 THE COURT: All right. You're still up.

5 MR. SPEED: All right. Mr. O'Reilly, we were talking a little bit about -- make
6 sure we have everybody. We were talking a little bit about science, right, and
7 having to deal with people who are trained in a very specific, very -- I'll call them
8 esoteric fields, where you have to kind of know what you're talking about and have
9 been to school for this stuff. When you were talking with the engineers who did
10 some work on your building projects, how did you feel sometimes when you were
11 talking to those guys?

12 PROSPECTIVE JUROR NUMBER 025: Well --

13 MR. SPEED: Or women.

14 PROSPECTIVE JUROR NUMBER 025: Or women. Yeah, depending on if
15 the engineer or the architect that they've done the --

16 MR. SPEED: Architects.

17 PROSPECTIVE JUROR NUMBER 025: -- the research for the span and the
18 load and the live load, the dead load, to span the distances, and to specify the type
19 of material to bear the weight and support the structures.

20 MR. SPEED: When did you start in that field?

21 PROSPECTIVE JUROR NUMBER 025: When did I --

22 MR. SPEED: In your particular part of construction work or contracting.
23 When did you start?

24 PROSPECTIVE JUROR NUMBER 025: Okay. When I first started getting
25 into construction and everything was when I was young and I was surveying with my

1 grandfather. And then I progressed up through the surveying into field engineering
2 and my father was an architect and I worked for him when I was in my 20s on it.
3 And then I've done some college and everything, studying, and so I've always been
4 around architects and engineers and --

5 MR. SPEED: Think back to your --

6 PROSPECTIVE JUROR NUMBER 025: -- the construction field.

7 MR. SPEED: -- first day on the job in your 20s and you're talking to this
8 design manager or architect with all of his degrees and credentials and his
9 certifications and you're talking to that engineer and you're a 20, 21-year old guy
10 who's trying to get his paycheck on Friday. Can you relate to this if I ask you this
11 and describe some of these for us? Were there times when you just wanted to say
12 to these folks hey man, keep it plain? Just tell me what you're saying?

13 PROSPECTIVE JUROR NUMBER 025: Yeah.

14 MR. SPEED: Without using all the jargon and the big words and the tensile
15 strength, and stress and load, and that kind of thing?

16 PROSPECTIVE JUROR NUMBER 025: Oh, most definitely. But, you
17 know, -- you know, I probably back then wanted it simple and -- but then they took
18 the time to show me how they derived what they were doing.

19 MR. SPEED: Who thinks that is important for a person who is skilled in a very
20 what could be considered a complicated area to take the time and explain what
21 they're talking about? Who thinks that's important? Who thinks that?

22 PROSPECTIVE JUROR NUMBER 036: Not always.

23 MR. SPEED: Not always. Mr. Risner. Behind you, sir. What number are
24 you? For the record?

25 PROSPECTIVE JUROR NUMBER 036: 36.

1 MR. SPEED: Go ahead, sir.

2 PROSPECTIVE JUROR NUMBER 036: I mean, my job isn't as serious but
3 being a -- working in the hospitality industry my entire life I pretty much know what
4 I'm doing. So for someone to slow down the process and need a reason for me
5 to -- you know -- for instance, my manager came up to me and approached me
6 when I was dealing with three other important situations at the time, I told him
7 straight-up that that's the last of my worries at the moment and if he wants to come
8 talk to me later.

9 MR. SPEED: That was because -- and if I'm wrong then correct me. That
10 was because I'm guessing you were dealing with a personal situation that prevented
11 you from spending a lot of time talking with your manager about professional issues,
12 is that right?

13 PROSPECTIVE JUROR NUMBER 036: It was multiple guest satisfactions.
14 At the same time, whether it be -- it was multiple guest satisfactions and he was
15 talking to me about something completely different, irrelevant, and trying to get an
16 explanation out of me.

17 MR. SPEED: Multiple guest satisfaction. Now I'm thinking that's a term of art
18 that you use in the service industry, yes?

19 PROSPECTIVE JUROR NUMBER 036: Amongst others, yes.

20 MR. SPEED: Did you have to attend a course or was that part of your
21 employee training where you were taught about multiple guest satisfaction issues
22 that may or may not arise at the workplace.

23 PROSPECTIVE JUROR NUMBER 036: I did go to school for hotel restaurant
24 management, but you learn it while in the field more so.

25 MR. SPEED: Imagine you were teaching a new employee, a trainee about

1 multiple guest satisfaction issues and recognizing that this person is on his or
2 her -- the first day, the first week on the job. Would you explain those issues
3 pertaining to multiple guest satisfaction the same way to that new trainee as you
4 would if you were having a conversation like that with your manager?

5 PROSPECTIVE JUROR NUMBER 036: No, I would tell him, follow my lead
6 and I'll explain later.

7 MR. SPEED: Follow my lead and I'll explain later. That's good. I like that.
8 Sometimes, is it fair to say, that the people who will tell you they know everything
9 that there is to know about something, can't necessarily make it plain so someone
10 else has to take the lead in explaining that stuff?

11 PROSPECTIVE JUROR NUMBER 036: Agreed.

12 MR. SPEED: Anybody agree with that? I see a hand right here, front row.
13 Did I catch you?

14 PROSPECTIVE JUROR NUMBER 070: Yeah.

15 MR. SPEED: What's your badge number, ma'am?

16 PROSPECTIVE JUROR NUMBER 070: 0070.

17 MR. SPEED: 70. Ms. Lowe, I believe you indicated -- Badge Number 0070, I
18 believe you indicated that you agree with that; that sometimes when you're hearing
19 about scientific things that it's someone else's job to make it plain, to make it clear.
20 Do you agree with that?

21 PROSPECTIVE JUROR NUMBER 070: Yes.

22 MR. SPEED: Do you think sometimes it's difficult -- it could be difficult for
23 people who know about these kinds of things and work in these fields to explain it to
24 someone who doesn't have that knowledge?

25 PROSPECTIVE JUROR NUMBER 070: Well I think it's difficult but not

1 impossible and in some cases it's the professional's responsibility to make -- like for
2 a doctor to make their patient comfortable, for example.

3 MR. SPEED: Would you agree with me that even with all of his or her years
4 of medical training and experience -- you said that it's a physician's job to make his
5 patient comfortable? He probably -- or she probably knows some things -- the right
6 words to use, the right medicines to prescribe that his patient has never heard.

7 PROSPECTIVE JUROR NUMBER 070: Right.

8 MR. SPEED: But what that person expects from their caregiver is to just tell
9 me what I need to know, Doc.

10 PROSPECTIVE JUROR NUMBER 070: In simple words maybe, yeah. A
11 good professional is able to do that, in my opinion.

12 MR. SPEED: A good professional is able to explain complex things in simple
13 words.

14 PROSPECTIVE JUROR NUMBER 070: Maybe not in a great deal of detail
15 but at least so that the person understands -- what's this medication for? Well,
16 that's for your blood pressure. Okay.

17 MR. SPEED: We'll co-sign on that. A good professional can explain complex
18 things in simple -- haven't heard from our corner over here. What's your badge
19 number, ma'am?

20 PROSPECTIVE JUROR NUMBER 040: 0040. When I've done like tutoring
21 with different math classes and stuff, before I've been told that if you can't explain it
22 to a fourth grader then you don't understand it. I think anything you can make in
23 laymen's terms to help people understand it.

24 MR. SPEED: And when we're talking about subjects that could be considered
25 complex, difficult, complicated and we're trying to put them in laymen's terms so that

1 everyday folks like us who don't have that kind of training understand, is there room
2 in your understanding of that for the notion that says science, with its complex words
3 and complicated theories and investigative techniques sometimes gets it wrong?

4 Yes?

5 PROSPECTIVE JUROR NUMBER 040: Yes.

6 MR. SPEED: Who agrees with that? Sometimes that science gets it wrong?
7 Anybody? Everybody. Okay. Good. Mr. -- your badge number again, sir?

8 PROSPECTIVE JUROR NUMBER 028: 28.

9 MR. SPEED: 28. In the box with Badge Number 28, Mr. Nelson, go ahead,
10 sir. Sometimes the science gets it wrong. You agree with that.

11 PROSPECTIVE JUROR NUMBER 028: Well there's always -- you know,
12 whenever there's a human element involved I think there's always a chance that
13 mistakes can be made.

14 MR. SPEED: When there's a human element involved, there's a chance that
15 mistakes can be made.

16 PROSPECTIVE JUROR NUMBER 028: Yes.

17 MR. SPEED: Do you agree with me when I say -- or if you disagree, tell me
18 that also. Do you agree or disagree with me when I say that sometimes all this
19 science doesn't say what you think it says?

20 PROSPECTIVE JUROR NUMBER 028: There can be instances of that.

21 MR. SPEED: While we're on the subject of science; times when our
22 instruments, our technology, our new ideas of approaching old problems won't tell
23 us the information that we think we're looking for or sometimes it tells us information,
24 but the wrong information -- and this is for the ladies and I don't mean to be delicate
25 all of you. Gentlemen, you can relax for a minute. Who has had an experience

1 where they took an early pregnancy test and they were looking for lines or looking
2 for an indication that says one thing or the other? Show of hands. Anybody? We're
3 big folks. You can be honest. Anybody? Okay. We have a volunteer. Very good.
4 What's your badge number, ma'am?

5 PROSPECTIVE JUROR NUMBER 046: 46.

6 MR. SPEED: 46? Badge Number 46 is Ms. Davis. And again, I apologize,
7 this is a sensitive subject but we're talking about very serious things here and these
8 are facts that we need to understand if we're going to select a jury that will help us.
9 You were saying that you have experience with early pregnancy tests that give
10 signals or indications of one fact or another fact.

11 PROSPECTIVE JUROR NUMBER 046: Uh-huh. Yes.

12 MR. SPEED: And you've probably seen some commercials advertising those
13 products, yes?

14 PROSPECTIVE JUROR NUMBER 046: Yes.

15 MR. SPEED: The manufacturers of those products market them by saying we
16 are 100 percent accurate, this is the first response, we are the most accurate, we
17 give you the truest result, yes?

18 PROSPECTIVE JUROR NUMBER 046: Yes.

19 MR. SPEED: All of those marketing techniques and campaigns are in an
20 effort to get out people to go out and buy them, right?

21 PROSPECTIVE JUROR NUMBER 046: Yes.

22 MR. SPEED: These companies want you to rely on the results that their
23 product -- their testing product yields for you, right?

24 PROSPECTIVE JUROR NUMBER 046: Yes.

25 MR. SPEED: Would you agree with me that sometimes these products get it

1 wrong?

2 PROSPECTIVE JUROR NUMBER 046: Yes. Or it's just too early to tell.

3 MR. SPEED: You said sometimes the product gets it wrong or it's just too
4 early to tell?

5 PROSPECTIVE JUROR NUMBER 046: Yes. Like it will say that you can
6 take it five days before but you take it five days before and it's negative and then two
7 days later it's positive. So.

8 MR. SPEED: Would you agree with me -- you think I'm right when I say that
9 these kinds of products rely on chemicals?

10 PROSPECTIVE JUROR NUMBER 046: Yes.

11 MR. SPEED: Chemicals that are present in the user's body?

12 PROSPECTIVE JUROR NUMBER 046: Yes.

13 MR. SPEED: And chemicals that are present on the product itself?

14 PROSPECTIVE JUROR NUMBER 046: Yes.

15 MR. SPEED: When we're dealing with chemicals and chemical reactions
16 sometimes there may be too much, there may not be enough, sometimes the
17 chemicals bond in certain ways that will give you an incorrect result, isn't that right?

18 PROSPECTIVE JUROR NUMBER 046: Yes.

19 MR. SPEED: That's why when the product gets it wrong or sometimes it's too
20 early to tell it's because the chemicals are just doing what they're designed to do.

21 PROSPECTIVE JUROR NUMBER 046: Yes.

22 MR. SPEED: They're only working within their limits, right?

23 PROSPECTIVE JUROR NUMBER 046: Yes.

24 MR. SPEED: Mr. Reta, Badge Number 48, I believe he's close to you, yes?

25 PROSPECTIVE JUROR NUMBER 048: Yes.

1 MR. SPEED: Well according to Ms. Kollins we're asking everyone questions
2 you talked about having a niece and a nephew who had been molested by your
3 sister's live-in boyfriend. Is that all right?

4 PROSPECTIVE JUROR NUMBER 048: Sister-in-law, yes.

5 MR. SPEED: Sister-in-law. All right. You said that you will do your best to be
6 fair and impartial, yes? Talk about that for a few minutes.

7 PROSPECTIVE JUROR NUMBER 048: Okay.

8 MR. SPEED: When you say you'll do your best, was your experience with
9 your kin, your nieces and nephews, are you going to bring that into court with you, if
10 you're selected as a juror in this case?

11 PROSPECTIVE JUROR NUMBER 048: I would say as I do with most things,
12 I bring my life experiences into every situation. So when I said that it would be hard
13 for me to be impartial in listening to -- in conversation, testimony, answers, things in
14 conversations that I've had with my niece and nephew, sure that's probably going
15 to -- if listening to testimony from a child that's being asked questions, certain things
16 are going to reflect and comparisons could be made.

17 MR. SPEED: How old are your niece and nephew?

18 PROSPECTIVE JUROR NUMBER 048: 18 and 16.

19 MR. SPEED: And who is 18 and who is 16?

20 PROSPECTIVE JUROR NUMBER 048: Niece is 18, nephew is 16.

21 MR. SPEED: And if you can remember, sir, when did this incident occur?
22 These incidents.

23 PROSPECTIVE JUROR NUMBER 048: It would have happened when they
24 were around the ages -- in between the ages for the nephew between I believe it
25 was five and nine? Five and eight. And for the niece it would have been seven and

1 eleven then.

2 MR. SPEED: Same boyfriend?

3 PROSPECTIVE JUROR NUMBER 048: Yes.

4 MR. SPEED: Having experienced something like that with a close family
5 member, children, do you think that you will automatically believe what children say
6 when an allegation like this is made?

7 PROSPECTIVE JUROR NUMBER 048: Not necessarily. It's hard to --
8 possibly, yes. I would say -- I would -- if I'm going to weigh my options one way or
9 another I would say yes versus no.

10 MR. SPEED: That you would believe the children in a situation like this?

11 PROSPECTIVE JUROR NUMBER 048: Yes.

12 MR. SPEED: Can we approach, Your Honor?

13 THE COURT: Yes.

14 [Bench Conference Begins]

15 MR. SPEED: [Inaudible] --

16 THE COURT: You need to move in front of the mic.

17 MR. SPEED: -- would automatically believe the children in a situation like
18 this. Can't be fair and impartial. We'd ask that he be excuse for cause.

19 THE COURT: All right.

20 MS. KOLLINS: I think that --

21 THE COURT: Do you want to --

22 MS. KOLLINS: I think it was the way the question was asked. I think I can
23 clean it up. And he's not in the box yet, so.

24 MR. SPEED: But he could be. He's very close and neither side has
25 exercised any peremptory challenges.

1 THE COURT: Right.

2 MR. SPEED: So, he could be.

3 MS. KOLLINS: Well we have --

4 THE COURT: He could be. Let's wait until -- see if we get him in the box and
5 then I'll ask -- I'll try and clear it up.

6 MR. SPEED: Does the Court --

7 THE COURT: Generally --

8 MR. SPEED: -- want to question him now?

9 THE COURT: Yeah.

10 MR. SPEED: Yeah. That's fine.

11 [Bench Conference Concludes]

12 THE COURT: The question I have -- who is it with? Now that we talked up
13 front I've forgotten who we're talking to.

14 MR. SPEED: Number 48, Your Honor.

15 THE COURT: Number 48. You can -- you're not saying, are you, that you
16 believe every child's statements.

17 PROSPECTIVE JUROR NUMBER 048: No, I'm not saying that at all.

18 THE COURT: You will --

19 PROSPECTIVE JUROR NUMBER 048: So, so -- I guess let me clarify again
20 based on --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NUMBER 048: -- experiences. So in another
23 situation there were accusations made against my father-in-law in the past.

24 However, those didn't pan out. So in that case, no, I'm not going to just

25 automatically listen to what the child says because in that case it did -- there wasn't

1 enough -- nothing was substantiated.

2 THE COURT: You would listen to the evidence and pool it together with the
3 other evidence and exhibits that you see and make a final determination.

4 PROSPECTIVE JUROR NUMBER 048: Sure.

5 THE COURT: Being fair and impartial.

6 PROSPECTIVE JUROR NUMBER 048: Sure.

7 MR. SPEED: All right. Mr. Reta, when these accusations were made against
8 your father-in-law, who was making those?

9 PROSPECTIVE JUROR NUMBER 048: Sister-in-law.

10 MR. SPEED: Is that the mother of the children that were --

11 PROSPECTIVE JUROR NUMBER 048: Correct. Yes, the niece and
12 nephew. Saying that it was against the nieces and nephew.

13 MR. SPEED: Was your father-in-law ever arrested?

14 PROSPECTIVE JUROR NUMBER 048: No.

15 MR. SPEED: Did child protective services or another state agency become
16 involved?

17 PROSPECTIVE JUROR NUMBER 048: I don't believe so. I think the
18 authorities were called, they asked questions, but he wasn't taken into custody.

19 MR. SPEED: Did your sister-in-law maintain that -- you said that the
20 accusation was found to be unsubstantiated. Did your sister-in-law maintain that
21 your father-in-law actually did these things?

22 PROSPECTIVE JUROR NUMBER 048: For a while.

23 MR. SPEED: And while she was saying that your father-in-law had done
24 something like this to your niece and nephew -- let me ask you this, was this after
25 the incident with her live-in boyfriend?

1 PROSPECTIVE JUROR NUMBER 048: No, this was years before.

2 MR. SPEED: Years before. While she was saying that your father-in-law had
3 done these things to your niece and nephew when they were I guess toddlers --

4 PROSPECTIVE JUROR NUMBER 048: Yeah.

5 MR. SPEED: Babies.

6 PROSPECTIVE JUROR NUMBER 048: There's another niece, but she
7 wasn't involved in the other situation. They've got an older sister.

8 MR. SPEED: When she was saying that your father-in-law did these things,
9 she was speaking with all of the indicators of a person who's telling the truth, right?
10 When she first started making the accusation you thought well, why is she saying
11 this if something didn't happen, right?

12 PROSPECTIVE JUROR NUMBER 048: Yes.

13 MR. SPEED: Did she cry?

14 PROSPECTIVE JUROR NUMBER 048: I wasn't in front of her.

15 MR. SPEED: Okay. Did you ever hear from other family members about your
16 sister-in-law becoming upset?

17 PROSPECTIVE JUROR NUMBER 048: My father-in-law.

18 MR. SPEED: Do you ever remember someone asking the question, how
19 could she say I'm doing something like this? Or something to that effect?

20 PROSPECTIVE JUROR NUMBER 048: Did he say that?

21 MR. SPEED: Someone. Anyone in the family.

22 PROSPECTIVE JUROR NUMBER 048: Yeah, yeah.

23 MR. SPEED: Because when your sister-in-law was making the accusation,
24 she was saying your father-in-law did these things to my kids, right?

25 PROSPECTIVE JUROR NUMBER 048: Correct.

1 MR. SPEED: How do you imagine -- we're both men. How do you imagine a
2 mother would feel if she was told that her children had been abused in that way?

3 PROSPECTIVE JUROR NUMBER 048: Most mothers would be upset.

4 MR. SPEED: So it's not a far leap for us to make when we say that your
5 sister-in-law was upset when she was making that allegation against your father?

6 PROSPECTIVE JUROR NUMBER 048: No, it wouldn't be saying -- that
7 would be fine to say for that particular situation.

8 MR. SPEED: But ultimately, those accusations were found to be
9 unsubstantiated.

10 PROSPECTIVE JUROR NUMBER 048: Right.

11 MR. SPEED: So it's not just television, it's not just make-believe, it's not just
12 a court drama where people make allegations -- accusations of the most terrible
13 kind and we find out later after doing some work that those accusations are not true
14 or are unsubstantiated?

15 PROSPECTIVE JUROR NUMBER 048: Correct.

16 MR. SPEED: Badge Number 30. Ms. Demessie.

17 PROSPECTIVE JUROR NUMBER 030: Yes.

18 MR. SPEED: You said that you are a, I believe, a labor and delivery nurse,
19 yes, at UMC?

20 PROSPECTIVE JUROR NUMBER 030: Not labor and delivery. Post-partem.

21 MR. SPEED: And you're scheduled to work all this week, 12 hour shifts from
22 7:00 p to 7:00 a?

23 PROSPECTIVE JUROR NUMBER 030: Thursday, Friday, 7:00 p to 7:00 a.

24 MR. SPEED: Thursday and Friday.

25 PROSPECTIVE JUROR NUMBER 030: And Sunday.

1 MR. SPEED: Are you on staff at UMC or are you a traveling nurse?

2 PROSPECTIVE JUROR NUMBER 030: Staff.

3 MR. SPEED: You're on staff.

4 PROSPECTIVE JUROR NUMBER 030: Yeah.

5 MR. SPEED: May we approach, Your Honor?

6 THE COURT: Yes.

7 [Bench Conference Begins]

8 MR. SPEED: She says she has an eye infection. My wife was a labor and
9 delivery nurse. If she's going to work from 7:00 p. to 7:00 a. on Thursday, Friday,
10 and Sunday that means for at least two days of our trial she's going to be
11 functioning on no sleep. I would ask that we excuse her for cause.

12 MS. KOLLINS: I don't have a problem with that.

13 THE COURT: Okay.

14 [Bench Conference Concludes]

15 THE COURT: After discussion at the bench, you're excused.

16 PROSPECTIVE JUROR NUMBER 030: Thank you.

17 THE COURT: Thank you. Check with the Jury Commissioner.

18 THE CLERK: Sandra Weaver, Badge 0040.

19 MR. SPEED: Ms. Weaver, are you married?

20 PROSPECTIVE JUROR NUMBER 040: Yes.

21 MR. SPEED: Does your husband work outside the home?

22 PROSPECTIVE JUROR NUMBER 040: Not currently.

23 MR. SPEED: And how are you employed?

24 PROSPECTIVE JUROR NUMBER 040: I'm a bank manager.

25 MR. SPEED: Here in Las Vegas or Summerlin, Henderson, where are you?

1 PROSPECTIVE JUROR NUMBER 040: Las Vegas.
2 MR. SPEED: And how long have you lived in Vegas?
3 PROSPECTIVE JUROR NUMBER 040: 20 years.
4 MR. SPEED: And you relocated here from?
5 PROSPECTIVE JUROR NUMBER 040: San Antonio, Texas.
6 MR. SPEED: Born and raised in San Antonio or elsewhere?
7 PROSPECTIVE JUROR NUMBER 040: Nebraska.
8 MR. SPEED: Do you have any children?
9 PROSPECTIVE JUROR NUMBER 040: No.
10 MR. SPEED: Have you ever served on a jury before?
11 PROSPECTIVE JUROR NUMBER 040: In San Antonio. So 20 years ago.
12 MR. SPEED: Was it a civil or a criminal trial?
13 PROSPECTIVE JUROR NUMBER 040: I think it was a robbery. I truthfully
14 don't remember that much about it.
15 MR. SPEED: Criminal trial. I'll take from that that you probably were not the
16 foreperson, right?
17 PROSPECTIVE JUROR NUMBER 040: No.
18 MR. SPEED: Okay. And without telling us how you ruled -- well tell me this,
19 were you selected to serve?
20 PROSPECTIVE JUROR NUMBER 040: Yes.
21 MR. SPEED: Okay. Without telling us what happened, did your jury reach a
22 verdict?
23 PROSPECTIVE JUROR NUMBER 040: Yes.
24 MR. SPEED: Was the Defendant in that trial African American or something
25 else?

1 PROSPECTIVE JUROR NUMBER 040: Something else.

2 MR. SPEED: And was the complaining witness, the person from whom some
3 property was taken, was that person African American, or Latino, or White?

4 PROSPECTIVE JUROR NUMBER 040: Latino.

5 MR. SPEED: So far, of the things that we've talked about, is there any part of
6 this case that you have a particular problem with?

7 PROSPECTIVE JUROR NUMBER 040: No.

8 MR. SPEED: Is there any feature or any aspect of this case that you think
9 would make you unable to be a fair and impartial juror?

10 PROSPECTIVE JUROR NUMBER 040: No.

11 MR. SPEED: Just because my client is sitting next to me and my co-Counsel,
12 do you think that he's guilty because he's here in a courtroom?

13 PROSPECTIVE JUROR NUMBER 040: No.

14 MR. SPEED: Do you think that he has to say anything in his own defense?

15 PROSPECTIVE JUROR NUMBER 040: No.

16 MR. SPEED: Would you hold that against him? Honestly now, if you didn't
17 hear what he had to say or his side of the story, would that cause you to question,
18 maybe if he's hiding something?

19 PROSPECTIVE JUROR NUMBER 040: No, not necessarily.

20 MR. SPEED: Do you think that children wouldn't lie about something like
21 this?

22 PROSPECTIVE JUROR NUMBER 040: I think that children could be coerced
23 on what to say.

24 MR. SPEED: What do you mean by that? By coerced? Children being --

25 PROSPECTIVE JUROR NUMBER 040: By someone that they trust.

1 MR. SPEED: Do you think in your heart of hearts that children are capable of
2 dishonesty?

3 PROSPECTIVE JUROR NUMBER 040: No. They're just not understanding.
4 They're doing what they're being told or coached to do, maybe.

5 MR. SPEED: So it's your belief that children don't lie from evil motives
6 necessarily. They just say things because an adult, a caregiver, someone they
7 trust, someone they rely on has coerced them somehow, manipulated them
8 somehow.

9 PROSPECTIVE JUROR NUMBER 040: Sometimes.

10 MR. SPEED: Do you think in the course of that kind of parental figure
11 manipulation that a child can be forced to say something that isn't true?

12 PROSPECTIVE JUROR NUMBER 040: Yes, because I think that they could
13 eventually believe --

14 MR. SPEED: Even something terrible --

15 PROSPECTIVE JUROR NUMBER 040: -- it is.

16 MR. SPEED: -- like someone did something to them.

17 PROSPECTIVE JUROR NUMBER 040: If someone hears it enough or is
18 coached enough, I think they can start believing in their mind.

19 MR. SPEED: Tell me your thoughts about this. If someone hears it from a
20 child, an allegation or description of something terrible like this, whether they have
21 any evidence to support it or any facts to refute it or not, your first instinct is to
22 believe them, right?

23 PROSPECTIVE JUROR NUMBER 040: Correct.

24 MR. SPEED: Out there in our communities, in our homes, in our workplace,
25 and at our schools, when children say things like this our first instinct is to believe

1 them, right?

2 PROSPECTIVE JUROR NUMBER 040: Yes.

3 MR. SPEED: But who agrees with me when I say that we have a system of
4 laws in place where the State bears the burden of proving those things that children
5 might say, beyond a reasonable doubt?

6 PROSPECTIVE JUROR NUMBER 040: Yes.

7 MR. SPEED: That's a good thing, right?

8 PROSPECTIVE JUROR NUMBER 040: Yes.

9 MR. SPEED: And that's how we find out when those terrible things end up
10 being unsubstantiated, isn't that right?

11 PROSPECTIVE JUROR NUMBER 040: Yes.

12 MR. SPEED: A process like this.

13 PROSPECTIVE JUROR NUMBER 040: Yes.

14 MR. SPEED: Who's uncomfortable with the idea that it may take a while?
15 Come on, honesty, everybody. All right. Let's hear from those people over here.
16 Gray sweatshirt, front row. Ma'am, what's your badge number?

17 PROSPECTIVE JUROR NUMBER 069: 69.

18 MR. SPEED: Badge Number 69 is Ms. Downer. It might take a while. You're
19 uncomfortable with that. Tell us why.

20 PROSPECTIVE JUROR NUMBER 069: I don't want to listen to the children's
21 testimony.

22 MR. SPEED: You said you don't want to listen to the children's testimony.
23 Why is that, Ms. Downer?

24 PROSPECTIVE JUROR NUMBER 069: That's going to make me feel very
25 uncomfortable.

1 MR. SPEED: And is it the fact that these children may be talking about sexual
2 things that happened to them? Is that what makes you uncomfortable?

3 PROSPECTIVE JUROR NUMBER 069: Just putting them through this.

4 MR. SPEED: Do you agree with Mr. O'Reilly, when he says that children are
5 probably traumatized by something like this?

6 PROSPECTIVE JUROR NUMBER 069: Yes.

7 MR. SPEED: If you were selected to serve as a juror in this trial and you
8 heard some of the things that the children are going to say -- or all of the things that
9 the children are going to say, would you be inclined to believe them immediately
10 because they're children --

11 PROSPECTIVE JUROR NUMBER 069: No.

12 MR. SPEED: -- talking about something like this?

13 PROSPECTIVE JUROR NUMBER 069: No.

14 MR. SPEED: Talk to me about that Ms. Downer. You wouldn't be believe
15 them but you'd be uncomfortable hearing it. Tell me how you reconcile those two
16 things.

17 PROSPECTIVE JUROR NUMBER 069: Well I'd have to listen to all of it and I
18 just don't want to watch them go through it all again. If it's factual -- it's just that that
19 whole part's going to be the hard part.

20 MR. SPEED: It sounds like there's a little nugget in your mind, in your thought
21 process in thinking about this that says something happened to these children.
22 They've been traumatized by an event that occurred in their lives and now they have
23 to talk about it again. You even said that I don't want to see them have to go
24 through that again. Words or the phrase that you used. Do you believe then that
25 something happened to these children? We're asking them to talk about it again so

1 that you can make a decision about what to do --

2 PROSPECTIVE JUROR NUMBER 069: Yes.

3 MR. SPEED: -- to the person that did something?

4 PROSPECTIVE JUROR NUMBER 069: Yes.

5 MR. SPEED: May we approach, Your Honor? Was that a yes to that last --

6 PROSPECTIVE JUROR NUMBER 069: Yes.

7 MR. SPEED: -- question?

8 PROSPECTIVE JUROR NUMBER 069: I'm sorry.

9 MR. SPEED: May we approach, Your Honor?

10 THE COURT: Yes.

11 [Bench Conference Begins]

12 MR. SPEED: She expressed some feelings about believing the children, not
13 wanting to traumatize them again by listening to their testimony and deciding not
14 whether the Defendant is guilty beyond a reasonable doubt, but what to do to the
15 person who traumatized them the first time, put her in the position of having to
16 traumatize them again by going through the trial. I think we should excuse her for
17 cause.

18 MS. KOLLINS: I absolutely disagree. Those are all Mr. Speed's --

19 THE COURT: We can make a record of this at the break. I don't think that's
20 what she said, but we'll make a record.

21 [Bench Conference Concludes]

22 MR. SPEED: And there was someone else who had their hand up there.
23 Behind you, next to you?

24 MS. ROSS: Two in the box.

25 MR. SPEED: Two in the box. Yes, who had their hands up for that? All right.

1 Let's start in the front row.

2 All right. Who has our microphone? What's your badge number,
3 ma'am?

4 PROSPECTIVE JUROR NUMBER 018: 18.

5 MR. SPEED: Ms. Jorgensen, you agree with Ms. Downer when she says that
6 this experience is traumatizing to children?

7 PROSPECTIVE JUROR NUMBER 018: No, I was agreeing with I don't want
8 this to last too long. I -- whatever the original question was.

9 MR. SPEED: You'd be inclined to believe children when they talk about
10 something like this?

11 PROSPECTIVE JUROR NUMBER 018: Depends.

12 MR. SPEED: What are some of the things that you would look for to help you
13 in deciding whether to believe children who are making an allegation like this?

14 PROSPECTIVE JUROR NUMBER 018: In my experience, as I have talked
15 with children, sometimes they have different signs, signals. They're withdrawn, they
16 may not make eye contact, they may stutter, they, you know -- it just kind of
17 depends on how the child acts.

18 MR. SPEED: And when you see those, let's call them indicators of
19 truthfulness -- in your mind, when you see those do you think this child must be
20 telling the truth? Or when a child exhibits those you think this child is telling the
21 truth?

22 PROSPECTIVE JUROR NUMBER 018: The indicators may or may not be
23 telling the truth. It depends on the child and what I'm observing.

24 MR. SPEED: You told us earlier that you do the hospital work for foster care
25 children, right?

1 PROSPECTIVE JUROR NUMBER 018: No, I do early intervention. And
2 some of my cases include foster children.

3 MR. SPEED: Have you ever been involved in a case where one of the
4 children, one of the client's, patients that you're doing this intervention work made an
5 accusation that proved to be false?

6 PROSPECTIVE JUROR NUMBER 018: No.

7 MR. SPEED: So based on your experience when children are talking about
8 sexual abuse -- these very terrible things that we've been discussing, at least in part
9 today, you've never seen an incident where the child's accusation turns out to be
10 untrue.

11 PROSPECTIVE JUROR NUMBER 018: By the time they reach me it's
12 already been -- gone through the whole process and it's already been confirmed.

13 MR. SPEED: Do you think that there is a place before a child's case -- a case
14 file reaches the early intervention specialist's desk where the truth or falsity of their
15 charges could have been -- their allegations could have been ferreted out?

16 PROSPECTIVE JUROR NUMBER 018: You mean such as in their case
17 history?

18 MR. SPEED: Perhaps. At some point with different specialists, different
19 workers.

20 PROSPECTIVE JUROR NUMBER 018: Again, it's all been vetted out and so
21 generally I see just the aftermath.

22 MR. SPEED: There would be places before a case gets to you where it's
23 been vetted.

24 PROSPECTIVE JUROR NUMBER 018: Correct.

25 MR. SPEED: Do you think that you'd be inclined to believe then a child in our

1 situation because we're at trial, all right? Do you think that a child in this situation
2 who is being asked to talk about some things that she said has happened -- had
3 happened?

4 MS. KOLLINS: Well, I'm going to object because he's asking her to
5 prejudge --

6 THE COURT: Yes.

7 MS. KOLLINS: -- the witness in this case -- the victim in this case.

8 THE COURT: Sustained.

9 MR. SPEED: Do you think that this situation that we're in now, a trial, is kind
10 of the end of the climb?

11 PROSPECTIVE JUROR NUMBER 018: In some cases, yeah.

12 MR. SPEED: So by the time a child has to talk about incidents of sexual
13 abuse here, the places where the falsity of those charges have already -- or should
14 have been vetted out, have already been passed?

15 PROSPECTIVE JUROR NUMBER 018: No.

16 MR. SPEED: You don't think that by being in trial it's too late to worry about
17 whether what the child is saying is true?

18 PROSPECTIVE JUROR NUMBER 018: I mean, the trial is part of the
19 process to determine if what the child is saying is true.

20 MR. SPEED: And do you think if you were chosen to serve as a juror in this
21 case that you could be a fair and impartial part of that process; the part that judges
22 whether or not what a child says is true? Even at this point?

23 PROSPECTIVE JUROR NUMBER 018: Like I said before I'd hope I would
24 but I've also seen some pretty intense cases. So I wouldn't necessarily bring that in,
25 but everybody has a bias from their life experiences. So.

1 MR. SPEED: Would your biases from your life experiences make you lean
2 more toward agreeing with the State?

3 PROSPECTIVE JUROR NUMBER 018: No.

4 MR. SPEED: When you say you hope that you would, can you envision for us
5 a situation where it becomes hopeless? You cannot be fair and impartial anymore?
6 Let's say, for example, if the story that a child tells is extraordinarily disturbing, they
7 talk about things that no person should have to go through?

8 PROSPECTIVE JUROR NUMBER 018: Yeah, I think there would be some
9 bias in it.

10 MR. SPEED: Can we approach, Your Honor?

11 [Bench Conference Begins]

12 MR. SPEED: I don't think she has a lot of confidence in her own ability to be
13 fair and impartial. And my last question touched on the egregiousness of a charge
14 brought by a child. If you hear something as --

15 THE COURT: You're asking some --

16 MR. SPEED: -- extraordinary as anal rape, would that make your hope that
17 you could be fair and impartial compromised in some way and she says yes, it
18 probably would be. We would ask that she be excused for cause.

19 MS. KOLLINS: And my objection is he keeps asking them to prejudge the
20 evidence --

21 MR. SPEED: No.

22 MS. KOLLINS: I mean, I don't -- I think all of her -- she said she would not
23 automatically believe a State's witness.

24 THE COURT: All right. I'm -- I'll ask her a couple questions.

25 MR. SPEED: All right.

1 MS. KOLLINS: Okay.

2 THE COURT: And then you can make a record.

3 [Bench Conference Concludes]

4 THE COURT: Are you going to automatically believe the children or will you
5 be fair and impartial and listen to the -- all of the evidence?

6 PROSPECTIVE JUROR NUMBER 018: Yeah, that's part of the process here
7 is to listen and make a fair decision.

8 THE COURT: Make a fair decision. And you'll do that.

9 PROSPECTIVE JUROR NUMBER 018: [No audible response-nods head
10 yes].

11 THE COURT: Go ahead.

12 MR. SPEED: Badge Number 023, Ms. Williams. You are a physician's
13 assistant in neurosurgery, yes?

14 PROSPECTIVE JUROR NUMBER 023: Yes.

15 MR. SPEED: Sometimes the science gets it wrong, doesn't it?

16 PROSPECTIVE JUROR NUMBER 023: Yes.

17 MR. SPEED: And sometimes even with all the most advanced technology,
18 the most sophisticated instruments, a neurosurgeon relying on those instruments
19 may not see what the instruments are telling you to see?

20 PROSPECTIVE JUROR NUMBER 023: I'm not sure I understand your
21 question.

22 MR. SPEED: With all the advancements in medical science that we have, the
23 ability for a brain surgeon to let's say have a CT scan done on someone, they're
24 trying to detect the presence of a tumor for example and the doctor -- the physician's
25 assistant sees something on the scan that indicates yeah, there's probably

1 something there. We might want to take some action quickly. You schedule the
2 person for a hospital visit, you do more tests, you do more exams but you find out
3 there was nothing there. Has that ever happened to you?

4 PROSPECTIVE JUROR NUMBER 023: No. That nothing was there if you
5 saw it there?

6 MR. SPEED: Well, let me ask you this way.

7 PROSPECTIVE JUROR NUMBER 023: That's not really a medical question.

8 MR. SPEED: What you saw thinking was a tumor, something exceedingly
9 dangerous, ended up being something benign.

10 PROSPECTIVE JUROR NUMBER 023: That's correct. That can happen.

11 MR. SPEED: And when you're looking at this, what eventually turned out to
12 be a benign mass, the first time that you look at it and you think it's a tumor, the
13 doctor thinks it's a tumor, the examination team all think it's a tumor, you react and
14 respond and behave and take steps to heal that patient, right?

15 PROSPECTIVE JUROR NUMBER 023: Yes.

16 MR. SPEED: Because you're relying on your instruments, your tools, right, to
17 make the diagnosis?

18 PROSPECTIVE JUROR NUMBER 023: We're relying on pathology to make
19 the diagnosis.

20 MR. SPEED: So in these kinds of case, wouldn't you agree with me -- would
21 it be fair to say that when we think we see something on a piece of technology or a
22 tool, it may not be what the tool is saying it is. You've got to do a little bit more work.

23 PROSPECTIVE JUROR NUMBER 023: That is correct.

24 MR. SPEED: Thank you, Ms. Williams, I appreciate it.

25 Are you Ms. Garcia, Number 24? No surprise for you, Greg's African

1 American, right? Is there anything about that that makes you look at this case with
2 a little bit in the way of skepticism?

3 PROSPECTIVE JUROR NUMBER 024: No.

4 MR. SPEED: No surprise for you, his lawyer's Black. Is there anything about
5 that --

6 PROSPECTIVE JUROR NUMBER 024: No.

7 MR. SPEED: -- that would make you look at the case with skepticism?

8 PROSPECTIVE JUROR NUMBER 024: No.

9 MR. SPEED: Do you have any opinions -- and please, nothing anyone can
10 say will offend us in these proceedings, all right. So I want everyone to be honest
11 here. This is big people forum, closed doors, everybody can say what's on their
12 minds. We need to hear it, all right? Anybody have any opinions on African
13 American men charged with crimes like Greg here? Do you think he's probably
14 guilty of something?

15 PROSPECTIVE JUROR NUMBER 024: No.

16 MR. SPEED: Do you think, on average, that you could find some research or
17 statistics that points to a fact that says African American men like Greg are more
18 inclined to commit crimes?

19 PROSPECTIVE JUROR NUMBER 024: Could be.

20 MR. SPEED: Could be. Okay. Do you think as he sits here this afternoon he
21 could be guilty of something?

22 PROSPECTIVE JUROR NUMBER 024: No.

23 MR. SPEED: Okay. Anybody else? Because Greg is African American, he's
24 a Black man, he's been accused of a crime, anybody think that a person in his
25 situation, a similar person is probably guilty of something?

1 PROSPECTIVE JUROR NUMBER 036: Just because he's Black?

2 MR. SPEED: Just because he's Black. No? Mr. Risner, Badge Number 36.
3 Just because he's Black, no, you don't believe that.

4 PROSPECTIVE JUROR NUMBER 036: I'm not -- not a race thing.

5 MR. SPEED: Say that again, please, sir. It's not a race thing.

6 PROSPECTIVE JUROR NUMBER 036: No. I mean, there's statistically
7 more white males that are serial killers.

8 MR. SPEED: So you don't have any preconceived biases or prejudices about
9 Greg because he is African American?

10 PROSPECTIVE JUROR NUMBER 036: No.

11 MR. SPEED: Court's indulgence, Your Honor.

12 [Colloquy between Counsel]

13 MR. SPEED: Show of hands, when I ask you -- all of you whether you agree
14 with me when I say that children probably don't understand the consequences of the
15 things that they say the way that we would like to all of the time. Badge Number 36,
16 Mr. Risner, then I'll get it to everyone else. Go ahead, sir.

17 PROSPECTIVE JUROR NUMBER 036: For instance, my three-year old
18 daughter, when she was still two she said to her brother and myself just at random
19 times during arguments because she hears it from other people, I hate you, and I
20 pulled her aside and explained to her about family, love, compassion, but she didn't
21 understand what she was saying. She didn't mean that she hated us, in fact, she
22 couldn't do without us.

23 MR. SPEED: You said your daughter is three?

24 PROSPECTIVE JUROR NUMBER 036: She's three now, but she was two
25 when she said it.

1 MR. SPEED: What do you think is a bigger lie to -- if your daughter is being
2 dishonest, what do you think is a bigger lie to your daughter, telling you that she
3 didn't take a piece of candy from the store or telling you that she didn't hide your
4 ATM card when she actually did? What's a bigger lie to your daughter?

5 PROSPECTIVE JUROR NUMBER 036: I believe her in morals so I would
6 rather teach her not to steal. The hiding thing is -- she may have thought it was a
7 toy because I have her toy credit cards and everything.

8 MR. SPEED: What do you think is more important to your three-year old,
9 taking a piece of candy or stealing a piece of plastic that dad has in his wallet?

10 PROSPECTIVE JUROR NUMBER 036: Candy all day.

11 MR. SPEED: And do you think that it would probably be easier for your
12 daughter to talk about moving that little piece of plastic from dad's wallet than it
13 would be for to say she took a piece of candy from the store when you talked with
14 her about being honest and having morals and value and not stealing and doing the
15 right thing?

16 PROSPECTIVE JUROR NUMBER 036: You're saying would it be easy for
17 her -- easier for her to tell us about hiding the card versus telling us the truth about
18 stealing?

19 MR. SPEED: Right.

20 PROSPECTIVE JUROR NUMBER 036: It would easier for her to tell us
21 about hiding the card because she hides things and knows where they are
22 randomly.

23 MR. SPEED: I had a hand at Seat Number 2. What's your badge number,
24 sir?

25 PROSPECTIVE JUROR NUMBER 007: 007.

1 MR. SPEED: 007, all right. Go ahead, sir.

2 PROSPECTIVE JUROR NUMBER 007: Oh, I just think that most kids, they'll
3 speak on instinct and just reaction rather than actually thinking through before they
4 actually say it. It probably has a lot to do with emotion as well.

5 MR. SPEED: Do you think children have an idea about what will happen in a
6 month, or six months, or a year, two years, five years down the road when they say
7 something? Anything?

8 PROSPECTIVE JUROR NUMBER 007: Maybe not that drastic but I think
9 that they know that it's right and wrong at the end of the day.

10 MR. SPEED: What do you think is more important -- you have children, yes?

11 PROSPECTIVE JUROR NUMBER 007: No, I don't.

12 MR. SPEED: You don't. Nieces and nephews?

13 PROSPECTIVE JUROR NUMBER 007: Yes.

14 MR. SPEED: You are the person on our panel that goes out to visit nieces
15 and nephews at every chance you can get, right?

16 PROSPECTIVE JUROR NUMBER 007: That's correct.

17 MR. SPEED: What's more important to your nieces and nephews -- how old
18 are they?

19 PROSPECTIVE JUROR NUMBER 007: I have nine, eleven, and twelve, and
20 six.

21 MR. SPEED: Eleven and twelve, let's talk about the fifth grade, middle
22 schoolers. What's more important to them? Keeping up with what their friends are
23 doing on, I think it's Snapchat and Instagram and all that stuff or Uncle Dante paying
24 his mortgage.

25 PROSPECTIVE JUROR NUMBER 007: Snapchat of course.

1 MR. SPEED: What about what's more important, how well the Cornhuskers
2 are going to do in football this season or whether or not Uncle Dante has insurance?

3 PROSPECTIVE JUROR NUMBER 007: The Cornhuskers.

4 MR. SPEED: So when we talk about little things like taking a piece of candy
5 versus more important things like moving someone's credit card, is it fair to say that
6 children are going to give a different level of importance to things that adults would,
7 right? Is that a yes?

8 PROSPECTIVE JUROR NUMBER 007: Yes.

9 MR. SPEED: Do you agree with me that children are capable of being
10 dishonest or you don't agree with that?

11 PROSPECTIVE JUROR NUMBER 007: I think everybody's capable of being
12 dishonest.

13 MR. SPEED: And do you think that children can be dishonest about big
14 things like that, important things to you or I?

15 PROSPECTIVE JUROR NUMBER 007: I think everybody is.

16 MR. SPEED: The same as they can be dishonest about taking a piece of
17 candy, right?

18 PROSPECTIVE JUROR NUMBER 007: That's correct.

19 MR. SPEED: Because, fair to say, that children don't understand that word
20 we used a few seconds ago, consequences, right?

21 PROSPECTIVE JUROR NUMBER 007: Correct.

22 MR. SPEED: Anybody else? Any thoughts on that? Yes, ma'am. Ms. Tyree.

23 PROSPECTIVE JUROR NUMBER 020: 0020.

24 MR. SPEED: Yes, ma'am, go ahead.

25 PROSPECTIVE JUROR NUMBER 020: I believe that all children and adults

1 lie, bottom line. No matter how much we try to teach our children or we try to teach
2 adults, you will find people who will lie if it's to their advantage. A child understands
3 the consequences sometimes. They know they may get punishment or -- what do
4 you call it when they put them in -- face the wall. I didn't do that with my kids, but I
5 won't talk about that. What do you do? Timeout. They make it a timeout or they
6 make it a little pat on the backside.

7 MR. SPEED: Right.

8 PROSPECTIVE JUROR NUMBER 020: Okay. They know the
9 consequences. They know what they can say to their advantage just as adults do.
10 If they know they've done something wrong and they're inclined not to address it, I
11 think they know that can be an advantage as well. That's just my opinion. Kids lie,
12 people lie. I mean, that's the way it is. I'm not saying that a child who has possibly
13 been traumatized won't tell the truth but I also know that they may know or there
14 may be circumstances where someone has said -- there may be a situation where
15 it's to their advantage to tell the truth and it could also be to their advantage to lie.

16 MR. SPEED: I would say you can drop the mic on that point, but it doesn't
17 belong to me, it belongs to the marshal.

18 [Colloquy between Counsel]

19 [Bench Conference Begins]

20 MR. SPEED: I'm finished with my questions, but I don't want to pass them
21 until we make the record on those two that we challenged so if the Court wants to
22 take a break right now.

23 THE COURT: I'll take a five-minute recess.

24 MR. SPEED: All right.

25 [Bench Conference Concludes]

1 THE COURT: All right. We'll take a five-minute recess. Don't talk about the
2 case. See you in five minutes.

3 [Outside the presence of the prospective jury]

4 MS. KOLLINS: We're still on the record?

5 THE COURT: Yes.

6 MS. KOLLINS: Your Honor, I know Mr. Speed wanted to make a record. I
7 just need to inquire of the Court. When we started today I was under the impression
8 that you passed me the venire that was in the box to question and pass that venire
9 for cause. Mr. Speed's been questioning the panel, you know, and the Court's
10 letting him do that. The State's intention was not to pass this entire panel back here
11 for cause. I was only directing my questions to the 14 that were in the box.

12 THE COURT: Yeah, it's just the 14 for cause.

13 MS. KOLLINS: Okay.

14 THE COURT: So let him make a record.

15 MS. KOLLINS: Sure.

16 THE COURT: And then what we'll do -- how I've always done it is, let's say
17 you kick Number 1 out -- permit Number 1, the -- you'll do two -- Tom will give -- I'll
18 be reading the instructions to them, you'll do one and you'll do one, show each
19 other, and then let's say 1 is kicked, I will fill that spot, I'll ask questions, and then
20 you'll be able to examine them, you'll be able to examine Mr. --

21 MR. SPEED: Okay. All right.

22 THE COURT: And we'll pass for cause that one person.

23 MR. SPEED: So to accommodate the State here we'll -- if we exercise our
24 peremptory challenges and someone from the gallery is brought up, we can --

25 THE COURT: Yes.

1 MR. SPEED: -- examine for cause --

2 THE COURT: Oh, yeah.

3 MR. SPEED: -- a second time? All right. We're good then.

4 THE COURT: Okay. So do you want to put anything on the record?

5 MR. SPEED: Yes, Your Honor, we would ask the Court to thank and excuse

6 Seat Numbers -- Seat Number 9, Ms. Jorgensen for cause. She is our Badge

7 Number 018. And just so that I'm clear let me look at my notes, Your Honor.

8 MS. KOLLINS: Are we talking about somebody from in the venire -- the whole
9 panel?

10 MS. ROSS: No, she's in the box.

11 MR. SPEED: No. She's in the box. She's in Seat Number 9. And she is our
12 early intervention specialist who said that if she hears an extraordinarily egregious --
13 I believe that was the term that I used when I was examining her. An extraordinarily
14 egregious charge against a Defendant, based on her experiences at the, we'll call it
15 the proverbial end of the line when she's dealing with children who've been abused
16 in some way, to the point where they've been removed from their homes and they're
17 now foster care recipients, she would probably be biased against the State.

18 Those experience -- or biased for the State -- in favor of the State.
19 Those experiences would prevent her from being a fair and impartial juror simply
20 because she's worked with so many kids by the time they get to her place in the
21 children's services sphere of professional work that she couldn't help but bring those
22 experiences in to trial with her if she's selected to serve as a juror. I believe she
23 indicated a couple of times that she hoped that she could be fair and impartial and
24 when I posed to her, is there a situation that is extraordinarily egregious where you
25 hear about allegations that are exceptionally disturbing, would your experiences

1 cause you to be biased in favor of Ms. Kollins and Ms. Rhoades and she said that it
2 probably would be. For those reasons we would ask that she be excused for cause.

3 MS. KOLLINS: Your Honor, I don't think that accurately reflects her
4 responses. First of all, Mr. Speed should not be permitted to perpetuate compound
5 questions at these jurors and get a yes answer and then impute those words as if
6 they were their responses because that's not accurate. Everything that just came
7 out of Mr. Speed's house -- mouth, he's parroting as if this juror said that and that's
8 not true. That was not her response.

9 She said certainly if these were the most egregious case then maybe
10 her experiences would affect but she also, upon your inquiry, said she could be fair
11 and impartial and would listen to the evidence. And so I'll submit it to the Court. I
12 don't think it's enough for cause.

13 THE COURT: Yeah, I don't think it's enough to kick her for cause. So I'm --
14 denied that. She said she'll be fair and impartial.

15 MR. SPEED: The other venire person that we would ask the Court to thank
16 and excuse for cause was Badge Number 69. She was Ms. Downer. She was the
17 lady who indicated that she does not want to listen to the children's testimony. She
18 would be uncomfortable listening to their testimony. She indicated more than once
19 that the children had been traumatized once and having them testify in our
20 proceedings would be tantamount to traumatizing them once again.

21 When I asked her my last few questions she agreed with me when I
22 said that if she were picked to serve as a juror in this case she would be witnessing
23 children be traumatized once, then they'd be traumatized a second time after giving
24 testimony, and it would be her job to decide what to do about the person who has
25 traumatized them, both the Defendant and apparently his Counsel in having

1 mounted a defense against the allegations that have been made against Greg.

2 For those reasons, because it seems that she would be incapable of
3 serving as a fair and impartial juror because she believes the children, has a
4 preconceived idea of these children as victims who have been traumatized once
5 outside the courtroom, they're about to be traumatized again inside the courtroom, and
6 that it would be her position, her job, to decide what to do with the tormentors of
7 these children. We think that she should be excused for cause.

8 MS. KOLLINS: My belief is it doesn't rise to a cause -- to a for cause
9 violation. The implication that's been left by Mr. Speed during this process is, is that
10 the State is the one that's traumatizing them by forcing them to be here; that they're
11 being retraumatized by being on the stand. I don't know that this rises to cause.
12 Certainly this information in this trial is distasteful to everyone. Nobody wants to
13 hear this. I mean, she's the first one that said it, but nobody wants to hear it. I
14 mean, I think it's reparable. I'll submit it to the Court.

15 THE COURT: I think that we've examined them well. I think she said she'll
16 be fair and impartial and I'm going to deny the challenge for cause.

17 [Colloquy between Counsel]

18 MS. KOLLINS: Your Honor -- and I just -- I conferred with Mr. Speed very
19 briefly. When the venire entered he indicated he needs -- he needed some time to
20 do some --

21 THE COURT: Right.

22 MS. KOLLINS: -- calculations regarding the composition of the jury.

23 THE COURT: Oh yes.

24 MS. KOLLINS: If we could just make that part of the record today.

25 THE COURT: Yes.

1 MR. SPEED: We did count the people who came in as part of our venire
2 panel. It appeared of the 60 people who were brought in that we had eight African
3 Americans and included with those were five people who appeared to be of Filipino
4 or Asian descent, and five people who appeared to be of Latino or Hispanic descent,
5 along with 37 people who by face, by last name appeared to be Caucasian persons.

6 We did not raise a challenge to the venire panel at that time. It appears
7 that the venire panel that has been selected and brought to us by the Jury
8 Commissioner does constitute a fair representation of the --

9 THE COURT: Cross section of --

10 MR. SPEED: Yes, cross section of the community. Thank you, Your Honor.

11 THE COURT: All right.

12 MS. KOLLINS: Thank you, Mr. Speed.

13 THE COURT: All right. What else? I have to go use the restroom. I'll be
14 right back.

15 MS. KOLLINS: Okay. What time are they coming back?

16 MS. RHOADES: We should just give him five minutes.

17 THE COURT: We're going to still go with jury selection until 5:00.

18 [Recess taken at 3:21 p.m.]

19 [Trial resumed at 3:28 p.m.]

20 [Outside the presence of the prospective jury]

21 THE COURT: All right. You guys ready? Bring them in, Thomas.

22 [In the presence of the prospective jury]

23 THE MARSHAL: All rise, please.

24 And be seated.

25 THE COURT: All right. Are you in position --

1 MR. SPEED: We back on, Your Honor?

2 THE COURT: Yes, we are back on.

3 MR. SPEED: The Defense would pass the jury box for cause. These 14
4 venire men.

5 THE COURT: All right. Now I'm going to read some instructions to you. That
6 doesn't mean you guys are out yet. Just --

7 Ladies and gentlemen, if you'll all listen to this as well and I won't have
8 to repeat it. You are admonished that no juror may declare to a fellow juror any fact
9 related to this case of their own knowledge and if any juror discovers during the trial
10 or after the jury has retired that they -- or any -- that they have or any another juror
11 has personal knowledge of any fact in controversy in this case, he or she shall
12 disclose such situation to myself in the absence of other jurors.

13 It means that if you learn during the course of the trial that you were
14 acquainted with the facts of the case or the witnesses, you have not previously told
15 me of this relationship, you must then declare that fact to me, again, through the
16 marshal.

17 During the course of this trial the attorneys for both sides, court
18 personnel, other than the marshal, are not permitted to converse with members of
19 the jury. These individuals are not being anti-social, they are bound by ethics and
20 the law not to talk to you. To do so might contaminate your verdict. You're
21 admonished additionally that you are not to visit the scene of any of the acts or
22 occurrences made mention of during this trial, unless specifically directed to do so
23 by the Court.

24 What I would now say is intended to serve as an introduction to the trial
25 of this case. It is not a substitute for the detailed instructions on the law which I will

1 give you at the close of the case before you retire to consider your verdict. This is a
2 criminal case commenced by an information to which the Defendant has pled not
3 guilty. You should distinctly understand that the pleadings in this case are not in any
4 sense evidence of the allegations that they contain. The State has the burden of
5 proving each element of the crime charged beyond a reasonable doubt. The
6 purpose of the trial is to determine whether the State shall meet that burden.

7 In a -- once you get sworn in, the Clerk will read the information to you
8 and that still is not evidence, but it will be more detailed than what you've heard so
9 far. But what that means is even after she reads the information that tells you what
10 the charges are, what the State has to prove, and you are to go back and deliberate,
11 it'd be not guilty because you have heard no evidence. The trial will proceed in the
12 following manner.

13 Well, first we would thank and excuse -- he needs to take writing
14 lessons. Okay. I need an updated version. Give me yours. Melissa Yadao?

15 PROSPECTIVE JUROR NUMBER 026: Yes.

16 THE COURT: Thank you for your time. You're excused. If you'll check in
17 with the Jury Commissioner. And David Risner, you're excused. Thank you.

18 THE CLERK: Juror 0043, Nancy Newman.

19 0044, Dorothy Mahan.

20 THE COURT: Pass the mic. Tell me your name.

21 PROSPECTIVE JUROR NUMBER 043: My name is Nancy Newman.

22 THE COURT: Lift that mic up and speak right into it.

23 PROSPECTIVE JUROR NUMBER 043: Nancy Newman.

24 THE COURT: Do you work?

25 PROSPECTIVE JUROR NUMBER 043: I'm self-employed.

1 THE COURT: What do you do?
2 PROSPECTIVE JUROR NUMBER 043: I'm attempting to do some
3 consulting -- healthcare financial consulting.
4 THE COURT: Are you married?
5 PROSPECTIVE JUROR NUMBER 043: I am.
6 THE COURT: Spouse work?
7 PROSPECTIVE JUROR NUMBER 043: Yes.
8 THE COURT: What does your spouse do?
9 PROSPECTIVE JUROR NUMBER 043: He's a consultant for the Department
10 of Energy.
11 THE COURT: Do you have a background in law or law enforcement?
12 PROSPECTIVE JUROR NUMBER 043: My background, no.
13 THE COURT: Do you have children?
14 PROSPECTIVE JUROR NUMBER 043: I do.
15 THE COURT: Ages?
16 PROSPECTIVE JUROR NUMBER 043: Well --
17 THE COURT: About.
18 PROSPECTIVE JUROR NUMBER 043: They're grown. They're in their 40s.
19 I have a --
20 THE COURT: Are any of them in law or law enforcement?
21 PROSPECTIVE JUROR NUMBER 043: My son is an attorney.
22 THE COURT: Where?
23 PROSPECTIVE JUROR NUMBER 043: In Wisconsin.
24 THE COURT: What kind of law does he practice?
25 PROSPECTIVE JUROR NUMBER 043: Corporate.

1 THE COURT: Okay. You can't call him and ask him for help, you
2 understand?

3 PROSPECTIVE JUROR NUMBER 043: Okay.

4 THE COURT: You could call him if you want and say if you were selected for
5 the jury, I'm on this criminal jury, but that's all I can tell you.

6 PROSPECTIVE JUROR NUMBER 043: Yeah. No --

7 THE COURT: You understand?

8 PROSPECTIVE JUROR NUMBER 043: -- I wouldn't do that.

9 THE COURT: All right. Have you ever sat as a juror before?

10 PROSPECTIVE JUROR NUMBER 043: No.

11 THE COURT: Can you think of any reason you wouldn't be fair and impartial
12 to both parties in this case?

13 PROSPECTIVE JUROR NUMBER 043: Based upon the conversation I've
14 heard thus far, I think I would be impartial.

15 THE COURT: State.

16 MS. KOLLINS: Thank you, Your Honor.

17 Good afternoon, Ms. Newman, I know it's been a long day. Thank you.
18 I'll try not to keep you very long. I want to address some of the points or questions
19 raised I guess by Mr. Speed, if that's okay. There's been a lot of talk in here about
20 retraumatizing a child. You heard that back and forth? Do you hold that against the
21 State? I mean, do you blame us for bringing them in here to have them testify?

22 PROSPECTIVE JUROR NUMBER 043: No. No, I understand.

23 MS. KOLLINS: Have you been involved in a criminal case before in any
24 manner?

25 PROSPECTIVE JUROR NUMBER 043: No.

1 MS. KOLLINS: Either as a witness or a victim or a family member of
2 someone that's been accused?

3 PROSPECTIVE JUROR NUMBER 043: No.

4 MS. KOLLINS: Do you know how a criminal case starts?

5 PROSPECTIVE JUROR NUMBER 043: I'm assuming someone comes
6 forward and says something's happened and then --

7 MS. KOLLINS: And then a criminal complaint is filed.

8 PROSPECTIVE JUROR NUMBER 043: Okay.

9 MS. KOLLINS: And we issue subpoenas and we have people come to court.
10 They come here -- it's a court order essentially to be here. Mr. Williams is entitled to
11 his trial if he so chooses, correct? He can plead --

12 PROSPECTIVE JUROR NUMBER 043: Yes.

13 MS. KOLLINS: -- not guilty. And as he sits there today he's innocent.

14 PROSPECTIVE JUROR NUMBER 043: Right.

15 MS. KOLLINS: But then when that is the circumstance then it's the State's
16 obligation to come forward with our evidence. Do you have a problem with that?

17 PROSPECTIVE JUROR NUMBER 043: No.

18 MS. KOLLINS: Do you understand the State's not, I guess, responsible for
19 revictimizing a kid just by bringing them back in here and having them testify?

20 PROSPECTIVE JUROR NUMBER 043: Right.

21 MS. KOLLINS: Did you hear what we -- what I spoke about earlier, about
22 holding a child to a child's standards?

23 PROSPECTIVE JUROR NUMBER 043: Yes, I did.

24 MS. KOLLINS: Did you perceive any of my comments indicating that they
25 would be less than truthful -- I mean, did you --

1 PROSPECTIVE JUROR NUMBER 043: No, I didn't go to -- no.

2 MS. KOLLINS: Okay. So -- and when I was asking people to hold a child to a
3 child's standard, I was talking about things like demeanor, communication skills.
4 Would you agree with me that those vary from kids to adults?

5 PROSPECTIVE JUROR NUMBER 043: Absolutely. Absolutely.

6 MS. KOLLINS: It doesn't mean they don't know right from wrong, right? I
7 mean, a lot of kids know right from wrong.

8 PROSPECTIVE JUROR NUMBER 043: Sure.

9 MS. KOLLINS: Tell them not to get in the cookie jar, they're not supposed to,
10 if they do they're in trouble, right?

11 PROSPECTIVE JUROR NUMBER 043: Right.

12 MS. KOLLINS: There was some discussion about kids lying to get out of
13 trouble. Do you recall that by Mr. Speed, generally, that topic?

14 PROSPECTIVE JUROR NUMBER 043: Yes.

15 MS. KOLLINS: Other than to get out of trouble, what is another motive that a
16 kid might have to lie about something like this?

17 PROSPECTIVE JUROR NUMBER 043: To please somebody.

18 MS. KOLLINS: To please somebody.

19 PROSPECTIVE JUROR NUMBER 043: Uh-huh.

20 MS. KOLLINS: Do you think there are variations and degrees -- or -- I'm
21 going to try to say that in a different way. Sorry, it's getting late in the day. I can't
22 talk anymore. Do you think there are different lengths a kid would go to get -- to
23 please someone or get out of trouble?

24 PROSPECTIVE JUROR NUMBER 043: Yes, I think so.

25 MS. KOLLINS: I mean, there's a huge difference between I didn't take the

1 last candy bar and somebody touched me, right? I mean, you --

2 PROSPECTIVE JUROR NUMBER 043: Right. Right.

3 MS. KOLLINS: Do you think most kids -- not all kids because I'm sure there's
4 some out there that are. Do you think most kids are sophisticated enough to
5 perpetuate a lie for a long time? For years and years?

6 PROSPECTIVE JUROR NUMBER 043: I think it's possible.

7 MS. KOLLINS: Possible. But not always, right?

8 PROSPECTIVE JUROR NUMBER 043: No.

9 MS. KOLLINS: Okay. And I'm sure it will be no surprise to you that these
10 kind of crimes, they occur in secret, right? They occur when nobody else is
11 watching. Would you agree with that?

12 PROSPECTIVE JUROR NUMBER 043: I would.

13 MS. KOLLINS: So it wouldn't be unusual that an adult would seclude a kid to
14 do this?

15 PROSPECTIVE JUROR NUMBER 043: That make --

16 MS. KOLLINS: To perpetrate this kind of crime, right?

17 PROSPECTIVE JUROR NUMBER 043: That makes sense.

18 MS. KOLLINS: So walking through that, what's -- what do you think would be
19 the most common piece of evidence that you would have? Knowing that these
20 crimes are committed in secret, only witnessed by the child victim, what do you think
21 is the evidence that you would most likely have?

22 PROSPECTIVE JUROR NUMBER 043: I honestly don't know.

23 MS. KOLLINS: I don't know if you heard me earlier and you probably tuned
24 me out because I'm sure -- everybody's been in here all day and they're like oh, my
25 gosh, she's still talking. Testimony of a child is evidence.

1 PROSPECTIVE JUROR NUMBER 043: Oh, I'm sorry. I thought you --

2 MS. KOLLINS: No, don't be sorry.

3 PROSPECTIVE JUROR NUMBER 043: I thought you meant something
4 physical or tangible.

5 MS. KOLLINS: Right. That was hours ago. Testimony is evidence. You're
6 going to get an instruction that says that that the message that comes to you from
7 the witness stand, the voice of the child, the voice of the DNA analyst, the voice of
8 the doctor, the voice of the nurse, all that testimony is evidence, okay?

9 So I guess my point is since these crimes happened in secret, wouldn't
10 most of the evidence you would receive in a case like this would come from the
11 mouth of a kid, right?

12 PROSPECTIVE JUROR NUMBER 043: Yes.

13 MS. KOLLINS: Would you agree with that?

14 PROSPECTIVE JUROR NUMBER 043: Yes.

15 MS. KOLLINS: Okay. There was a lot of discussion too about people that are
16 experts in their field explaining things to all of us so that we can understand them.
17 Do you have a problem listening to an expert in their field and deciphering what they
18 have to say?

19 PROSPECTIVE JUROR NUMBER 043: I don't have a problem with that. I
20 would make the assumption that if there was something especially technical that
21 someone might ask further questions to help us lay people understand better. I'm
22 making that assumption.

23 MS. KOLLINS: And I can tell you that we'll have a forensic analyst from the
24 Metro DNA Lab on the stand.

25 PROSPECTIVE JUROR NUMBER 043: Okay.

1 MS. KOLLINS: We will do our best to address any technical concerns. And I
2 believe this department is one where the jury is allowed to write questions out at the
3 conclusion of testimony so if -- is that something that might assist you?

4 PROSPECTIVE JUROR NUMBER 043: Yes.

5 MS. KOLLINS: If there's something I didn't cover.

6 PROSPECTIVE JUROR NUMBER 043: Right. That makes sense.

7 MS. KOLLINS: If it was late in the day like this and I couldn't talk. Okay.

8 PROSPECTIVE JUROR NUMBER 043: And maybe this is when I should
9 say, this conversation right here is leading me to remember that my daughter-in-law
10 when she and my son first got married she was working -- this has been upwards to
11 20 years but she was working with DNA and they were exhuming bodies and
12 looking for causes of breast cancer. And so they were -- so I've been -- she and I
13 have been talking about that over a period of time. So I -- I don't know the technical
14 pieces of that but I have been involved in conversations.

15 MS. KOLLINS: Sure, sure. Is that what she does for a living?

16 PROSPECTIVE JUROR NUMBER 043: She's -- yeah.

17 MS. KOLLINS: Is she a forensic scientist then?

18 PROSPECTIVE JUROR NUMBER 043: No. Oh, no.

19 MS. KOLLINS: She is a breast cancer research person?

20 PROSPECTIVE JUROR NUMBER 043: No, she is a chemist -- she --
21 biochemistry.

22 MS. KOLLINS: Biochemistry.

23 PROSPECTIVE JUROR NUMBER 043: Right.

24 MS. KOLLINS: Who does she do that for?

25 PROSPECTIVE JUROR NUMBER 043: Well she's -- it's been over a period

1 of years. Now she's working for the School of Medicine in Wisconsin and doing
2 research and development, but the administrative part of it now. So, no then.

3 MS. KOLLINS: Okay. So if I have my analyst in here and I have her up there
4 with a bunch of tables and charts and for whatever reason I don't get my job done
5 that day, you're not going to go home and call her and say well, she --

6 PROSPECTIVE JUROR NUMBER 043: Oh, no.

7 MS. KOLLINS: -- said this and I don't understand that and I don't understand
8 what all that stuff --

9 PROSPECTIVE JUROR NUMBER 043: Absolutely not, no. I would not do
10 that.

11 MS. KOLLINS: It's just like the other -- it's like talking about don't -- you know,
12 don't get on Google and look at what DNA is.

13 PROSPECTIVE JUROR NUMBER 043: No.

14 MS. KOLLINS: And don't look -- get on Google and --

15 THE COURT: I'll instruct them.

16 MS. KOLLINS: What's that?

17 THE COURT: I'll instruct them.

18 MS. KOLLINS: Same point. He'll -- he's the boss. Okay. I don't believe I
19 have any more questions for Ms. Newman. Thank you.

20 THE COURT: Pass for cause?

21 MS. KOLLINS: Yes, sir.

22 THE COURT: Mr. Speed.

23 MR. SPEED: Ms. Newman, you indicated that you talked with your daughter-
24 in-law about some of her work as a biochemist in exhuming corpses looking for
25 evidence that would explain the pathology of breast cancer, yes?

1 PROSPECTIVE JUROR NUMBER 043: Yes. From long ago.

2 MR. SPEED: Did she -- oh, I'm sorry. Go ahead.

3 PROSPECTIVE JUROR NUMBER 043: No, it was long ago.

4 MR. SPEED: A while ago. Were you convinced when speaking with your
5 daughter-in-law about this DNA stuff that it's infallible?

6 PROSPECTIVE JUROR NUMBER 043: I was pretty certain that there was a
7 lot of truth -- that the evidence was there.

8 MR. SPEED: And if you tell us that this was a long time ago, do you think it's
9 fair to say that the technology that forensic scientists used in dealing with DNA has
10 advanced --

11 PROSPECTIVE JUROR NUMBER 043: Absolutely.

12 MR. SPEED: -- quite a bit since then?

13 PROSPECTIVE JUROR NUMBER 043: Absolutely.

14 MR. SPEED: If you thought that there was a degree of certainty with DNA
15 evidence, a degree of positive confirmation whenever you hear the letters DNA 20
16 years ago, do you think that it's even more perfect now?

17 PROSPECTIVE JUROR NUMBER 043: To be honest with you, I've learned
18 over a period of time that there is infallibility to it.

19 MR. SPEED: There is infallibility to it. Did you learn that since the time that
20 you spoke with your daughter-in-law about it --

21 PROSPECTIVE JUROR NUMBER 043: Yes.

22 MR. SPEED: -- some time ago?

23 PROSPECTIVE JUROR NUMBER 043: Yes.

24 MR. SPEED: If you were to have a conversation with her about DNA today,
25 do you think you'd be armed with a little bit more in the way of experience that says

1 good, but not infallible?

2 PROSPECTIVE JUROR NUMBER 043: And she would probably -- she
3 would probably start out the conversation saying the same thing.

4 MR. SPEED: Your biochemist daughter-in-law would agree with me when I
5 say that DNA is probably infallible.

6 PROSPECTIVE JUROR NUMBER 043: I'm only assuming based upon --

7 MR. SPEED: You're assuming.

8 PROSPECTIVE JUROR NUMBER 043: Yes.

9 MR. SPEED: But based on her training, her experience as a biochemist, a
10 scientist, if you will, she would agree that DNA is infallible.

11 PROSPECTIVE JUROR NUMBER 043: Perhaps I should take that comment
12 back because I am putting words into someone who lives halfway across the
13 country.

14 MR. SPEED: Tell you what, let me make this easy for you. Putting her
15 feelings, your daughter-in-law's feelings of that aside, the more important thing is
16 your feelings. How do you feel about? Would you agree that while good and the
17 science that we use in examining DNA -- DNA evidence, not infallible?

18 PROSPECTIVE JUROR NUMBER 043: My belief is that over the years, as
19 more has been learned about it, it has been proven that some things that were
20 believed in the past are no longer true.

21 MR. SPEED: Do you consider DNA to be like the product that I was talking
22 about with another venire person earlier, is science but it uses chemicals and the
23 scientists who examine DNA look for indicators, messages, signals, yes?

24 PROSPECTIVE JUROR NUMBER 043: Yes.

25 MR. SPEED: Would it be fair to say that sometimes when you're using a

1 tool -- and that's really all DNA is, it's a tool to look for signals -- that sometimes
2 those signals don't say what people who want to sell those tools say they say. You
3 understand?

4 PROSPECTIVE JUROR NUMBER 043: I think that's possible.

5 MR. SPEED: Did -- that was a mouthful, I know. Did -- do you understand all
6 of that?

7 PROSPECTIVE JUROR NUMBER 043: I did.

8 MR. SPEED: If someone has an interest in building confidence, reliance on a
9 certain tool, they're going to tell you that this tool, it works all the time. And when
10 you see the messages that this tool has or that this tool has, then you can believe it,
11 right?

12 PROSPECTIVE JUROR NUMBER 043: Right.

13 MR. SPEED: But like with all tools, sometimes DNA gets it wrong. Do you
14 believe that?

15 PROSPECTIVE JUROR NUMBER 043: I think that's possible. I think that
16 perhaps the percentage of times it's accurate is much greater of course.

17 MR. SPEED: When you heard that DNA might play a role in this case, did
18 that change your mind about how you view Mr. Williams as he sits there? Let me
19 ask it another way. When the district attorneys here said that we have DNA -- or
20 that you'll be hearing from a forensic scientist, a DNA analyst, did that make you
21 think, oh, boy, if they're saying there's some DNA somewhere, this guy must be
22 guilty of something?

23 PROSPECTIVE JUROR NUMBER 043: No, I didn't -- that did not come to
24 my mind.

25 MR. SPEED: So you're not just going to hear someone say DNA and spout a

1 bunch of very long numbers with lots of commas and lots of decimal places and say
2 well, if it's that then he must be guilty, right?

3 PROSPECTIVE JUROR NUMBER 043: I'm not going to automatically
4 assume that.

5 MR. SPEED: We don't have any other questions for Ms. Newman, Your
6 Honor. We'd pass her for cause.

7 THE COURT: Okay. All right. Tell me your name.

8 PROSPECTIVE JUROR NUMBER 044: Dorothy Mahan.

9 THE COURT: Do you work?

10 PROSPECTIVE JUROR NUMBER 044: No, I'm retired.

11 THE COURT: From what?

12 PROSPECTIVE JUROR NUMBER 044: I have worked civil service for 33
13 years.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NUMBER 044: Yes.

16 THE COURT: Spouse work?

17 PROSPECTIVE JUROR NUMBER 044: He's retired.

18 THE COURT: From what?

19 PROSPECTIVE JUROR NUMBER 044: Air Force.

20 THE COURT: Did he have anything to do with law or law enforcement?

21 PROSPECTIVE JUROR NUMBER 044: I beg your pardon?

22 THE COURT: Did he have anything to do with law or law enforcement?

23 PROSPECTIVE JUROR NUMBER 044: No, he didn't.

24 THE COURT: Do you have any background in law or law enforcement?

25 PROSPECTIVE JUROR NUMBER 044: No, I don't.

1 THE COURT: Children?
2 PROSPECTIVE JUROR NUMBER 044: I have three children.
3 THE COURT: Any of them in law or law enforcement?
4 PROSPECTIVE JUROR NUMBER 044: No, they're not.
5 THE COURT: Have you ever sat as a juror before?
6 PROSPECTIVE JUROR NUMBER 044: No, I have not.
7 THE COURT: Can you think of any reason you wouldn't be fair and impartial
8 to both parties in this case?
9 PROSPECTIVE JUROR NUMBER 044: No.
10 THE COURT: State.
11 MS. KOLLINS: Good afternoon, ma'am, how are you?
12 PROSPECTIVE JUROR NUMBER 044: I'm fine. How are you?
13 MS. KOLLINS: I'm okay, thank you. What kind of civil service did you do as a
14 career?
15 PROSPECTIVE JUROR NUMBER 044: I was a budget analyst -- my voice
16 gets kind of cracky sometimes. I was a budget analyst.
17 MS. KOLLINS: For the federal government or --
18 PROSPECTIVE JUROR NUMBER 044: For the Air Force.
19 MS. KOLLINS: The Air Force.
20 PROSPECTIVE JUROR NUMBER 044: Yeah
21 MS. KOLLINS: And your children, do you have grandchildren with them?
22 PROSPECTIVE JUROR NUMBER 044: Grandchildren?
23 MS. KOLLINS: Do your children have children?
24 PROSPECTIVE JUROR NUMBER 044: Yes.
25 MS. KOLLINS: Okay. How many?

1 PROSPECTIVE JUROR NUMBER 044: I have three children, three
2 grandchildren and my grandchildren range in age from 18 to 22.

3 MS. KOLLINS: Okay. You've kind of heard the topics that we're talking about
4 today, right?

5 PROSPECTIVE JUROR NUMBER 044: Yes.

6 MS. KOLLINS: Okay. Anyone close to you ever been a victim in this kind of
7 crime or a witness in this kind of crime?

8 PROSPECTIVE JUROR NUMBER 044: Not that I know of.

9 MS. KOLLINS: How about anyone close to you or related to ever been
10 accused of a crime?

11 PROSPECTIVE JUROR NUMBER 044: Not that I know of.

12 MS. KOLLINS: Did you hear the discussion about you're going to have to
13 listen to some graphic testimony over the course of the next two days -- few days?

14 PROSPECTIVE JUROR NUMBER 044: Yes.

15 MS. KOLLINS: Okay. It's going to come from kids.

16 PROSPECTIVE JUROR NUMBER 044: Yes.

17 MS. KOLLINS: I'm just going to follow up on some of the questions I asked
18 Ms. Newman. Do you think the State is purposefully retraumatizing these kids by
19 bringing them in here and having them talk?

20 PROSPECTIVE JUROR NUMBER 044: No.

21 MS. KOLLINS: Do you think you can hold -- do you think you can listen to the
22 testimony of a child and consider their demeanor and their environment and their
23 level of development when you assess their credibility?

24 PROSPECTIVE JUROR NUMBER 044: I think I could.

25 MS. KOLLINS: Okay. And again, you don't have any problem with the

1 concepts that testimony from the witness stand is evidence? *

2 PROSPECTIVE JUROR NUMBER 044: No, I don't.

3 MS. KOLLINS: There's been a lot of discussion about, especially with Ms.
4 Newman just prior to you, about DNA. Do you have any experience with any DNA
5 evidence?

6 PROSPECTIVE JUROR NUMBER 044: The only DNA that I have ever been
7 associated with is *23andMe* and *Ancestry.com*.

8 MS. KOLLINS: Okay. And what's *23andMe*?

9 PROSPECTIVE JUROR NUMBER 044: It's a company that runs your DNA to
10 see what your background is.

11 MS. KOLLINS: You're at least familiar in -- too probably with DNA as the
12 concept like we use DNA for paternity all the time.

13 PROSPECTIVE JUROR NUMBER 044: Yes, yes.

14 MS. KOLLINS: DNA is used to figure -- you have two contributors, your
15 mother and your father and they come up with a profile and they determine from
16 whence you came, right?

17 PROSPECTIVE JUROR NUMBER 044: Yes. 23 of them.

18 MS. KOLLINS: That's right. There you go *23andMe*. I didn't know what that
19 was. I haven't heard of that. Is that something that you've done independent
20 research on?

21 PROSPECTIVE JUROR NUMBER 044: No.

22 MS. KOLLINS: Okay.

23 PROSPECTIVE JUROR NUMBER 044: No research.

24 MS. KOLLINS: Did you submit your DNA profiling --

25 PROSPECTIVE JUROR NUMBER 044: Yes, I did.

1 MS. KOLLINS: You did. Okay. Can you be fair and equal to the State of
2 Nevada in the presentation of its evidence, as well as giving Mr. Williams a fair trial?

3 PROSPECTIVE JUROR NUMBER 044: I would hope I would.

4 MS. KOLLINS: Is there anything that causes you concern or hesitation when
5 you say I would hope I would?

6 PROSPECTIVE JUROR NUMBER 044: No. I would like to think that I am
7 open-minded and that I would listen to everything that was said and make a fair and
8 honest judgment.

9 MS. KOLLINS: Would you expect the same reaction from every victim of
10 crime like this?

11 PROSPECTIVE JUROR NUMBER 044: No.

12 MS. KOLLINS: Do you think it's probably tough for kids to get up and talk
13 about this kind of stuff?

14 PROSPECTIVE JUROR NUMBER 044: I really wouldn't be able to judge
15 that. You'd have to look at everyone individually. Some people would just buzz
16 right through it and some people wouldn't. You can't say always and never.

17 MS. KOLLINS: Okay. So then you don't have any preconceived notion of
18 what a kid who's a victim of sexual abuse should sound like?

19 PROSPECTIVE JUROR NUMBER 044: I have never met a child of sexual
20 abuse so I wouldn't be able to tell.

21 MS. KOLLINS: Of what they should look like.

22 PROSPECTIVE JUROR NUMBER 044: No.

23 MS. KOLLINS: Your Honor, I am prepared to pass Ms. Mahan for cause.

24 THE COURT: All right. Thanks.

25 Mr. Speed.

1 MR. SPEED: Ms. Mahan, have you received the results -- I'm interested in
2 this now -- the results of your *Ancestry.com* or *23andMe* search?

3 PROSPECTIVE JUROR NUMBER 044: Yes, I have.

4 MR. SPEED: Okay. Now, have you found out in your family history that
5 perhaps you're related to an important historical figure or perhaps a president of the
6 United States or two or three?

7 PROSPECTIVE JUROR NUMBER 044: No, I have not.

8 MR. SPEED: There have been studies performed that show that our current
9 president, Barack Obama, is related to our first president, George Washington
10 through a six or seven time great-grandmother whose sister ended up being the
11 progenitor of the Stanley Dunham line, his mother's line. So somewhere in history
12 Barak Obama and George Washington are related. Have you seen that?

13 PROSPECTIVE JUROR NUMBER 044: No, I have not.

14 MR. SPEED: Okay. After having visited *Ancestry.com* and *23andMe.com*
15 and hearing about things like that, is it fair to say that you've gained a new
16 understanding in how close people are as far as the human family tree is
17 concerned?

18 PROSPECTIVE JUROR NUMBER 044: I think it's a little bit confusing
19 because my sister submitted hers and my brother submitted his and we're all just a
20 little different.

21 MR. SPEED: Well who's your favorite sibling I guess is what --

22 I'm always apprehensive about visiting those kinds of things because
23 I've learned that mom and dad don't always tell us everything. I'm learning new
24 things everyday about dear old mom and dad. When you talk about this DNA and
25 we're making light of it a little bit now but it'll probably -- I'm guessing the State

1 believes that it'll play an important role in our trial here. When you hear those three
2 letters strung together like that in succession, DNA, do you think instantly that this is
3 the stuff, this is the state of the art, when I hear DNA whatever a person who touts
4 knowledge in the field, whatever they say must be the truth?

5 PROSPECTIVE JUROR NUMBER 044: I don't believe that everything is
6 absolute.

7 MR. SPEED: Do you think that -- would you agree with me when I say that
8 DNA, even with the advancements that have been made in DNA technology in the
9 last couple of decades or so is infallible?

10 PROSPECTIVE JUROR NUMBER 044: I would -- as little as I know about
11 DNA I would have to assume that there's got to be some chance.

12 MR. SPEED: And if a person who is trained in this field of study, this scientific
13 area, tells you that I see this but I don't see that, would you believe that person?

14 PROSPECTIVE JUROR NUMBER 044: If they can't see it, they can't see it.

15 MR. SPEED: They can't see it, it's not there, right?

16 PROSPECTIVE JUROR NUMBER 044: Right.

17 MR. SPEED: Did you disagree with me -- and I'm asking you this in the
18 negative, trying to see where you were if -- when you were listening to the
19 examination of the other venire men. Did you disagree with me when I
20 characterized DNA as a tool? Just something that scientists use?

21 PROSPECTIVE JUROR NUMBER 044: It is a tool.

22 MR. SPEED: And isn't it right that sometimes tools don't work the way that
23 we think they are supposed to?

24 PROSPECTIVE JUROR NUMBER 044: That would be a fair assumption.

25 MR. SPEED: Do you drive?

1 PROSPECTIVE JUROR NUMBER 044: Yes.

2 MR. SPEED: Your car has a little gauge on it that tells you how fast you're
3 going, it's called a speedometer, right?

4 PROSPECTIVE JUROR NUMBER 044: Right.

5 MR. SPEED: You ever heard stories from your friends, maybe you've
6 experienced this in your own life where the speedometer on your car starts to
7 malfunction?

8 PROSPECTIVE JUROR NUMBER 044: I have heard that.

9 MR. SPEED: When you're driving in your car and your speedometer says
10 you're doing 35 miles an hour, but you're in a 15 mile an hour zone -- take that back.
11 You're driving in your car, you're speedometer says you're going one speed but
12 you're actually going 10 miles an hour faster, okay? And in your rearview mirror you
13 see the red and blue lights of a police car. They pull you over and they tell you, you
14 know, you're going 45 miles an hour in a 35 mile an hour zone. You realize that
15 don't you? And you say to them what?

16 PROSPECTIVE JUROR NUMBER 044: I say well that's not what my
17 speedometer says.

18 MR. SPEED: It's not what my speedometer says, right?

19 PROSPECTIVE JUROR NUMBER 044: Right.

20 MR. SPEED: In that situation you would have been relying on what your tool
21 was telling you.

22 PROSPECTIVE JUROR NUMBER 044: Right.

23 MR. SPEED: But it's possible that sometimes our tools don't say what we
24 think they're saying.

25 PROSPECTIVE JUROR NUMBER 044: Anything is possible.

1 MR. SPEED: Your Honor, we'd pass Ms. Mahan for cause.

2 THE COURT: Okay. The trial will proceed in the following order. The parties
3 have the opportunity to make opening statements. What is said in the opening
4 statement by the attorneys is not evidence. The statements simply serve for the
5 purpose of an introduction to the evidence which the party making the statement
6 intends to prove. The State will introduce evidence in support of the State's
7 information. This is called a State's case in chief.

8 After the State presents evidence, the Defendant may, if they choose,
9 present evidence, but is not obligated to do so. This would be the Defendant's case
10 in chief. If the Defendant presents evidence, the State may present rebuttal
11 evidence. And then there may be surrebuttal evidence. After the evidence, I will
12 instruct you on the applicable law. You must not be concerned with the wisdom of
13 any rule of law in these instructions or in the instructions which I will read to you
14 after the evidence.

15 Regardless of any opinion you may have as to what the law ought to
16 be, it would be a violation of your oath to base a verdict upon any other view of the
17 law than that given to you by me. After the instructions on the law are read to you,
18 each party has the opportunity to present closing argument in support of their case.
19 What is said in closing argument is not evidence, just as what is said in opening
20 statements is not evidence. The arguments are designed to present to you the
21 contentions of the parties as to what the evidence has shown and what inferences
22 may be drawn from the evidence.

23 As mentioned before, not by me, but you will be given the opportunity to
24 ask written questions of any witnesses called to testify. You are not encouraged to
25 ask a large number of questions because that is the primary responsibility of the

1 attorneys. Only a limited number of questions may be posed by jurors and you will
2 not be allowed to become the third attorney to advocate a certain position with your
3 questions.

4 We would thank and excuse Timothy O'Reilly, 25. Thank you for your
5 time. And Ryan Williams, Number 23. Thank you.

6 THE CLERK: Juror 0045, Youn An.

7 0046, Sophie Davis.

8 THE COURT: You have the mic. Tell me your name again.

9 PROSPECTIVE JUROR NUMBER 045: Yeah. My name is Youn An. I have
10 a question for you guys. I told you earlier -- because I live here longer time but --
11 yeah mostly -- I understand some of them but I don't understand some of them so I
12 could -- I don't think I can answer, you know, when lawyer asking.

13 THE COURT: Okay. Where do you work?

14 PROSPECTIVE JUROR NUMBER 045: I work at the Wynn.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR NUMBER 045: A dealer.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR NUMBER 045: No.

19 THE COURT: Do you have children?

20 PROSPECTIVE JUROR NUMBER 045: Yes, I do.

21 THE COURT: Ages and --

22 PROSPECTIVE JUROR NUMBER 045: 26 and 20.

23 THE COURT: Any of them in law or law enforcement?

24 PROSPECTIVE JUROR NUMBER 045: No.

25 THE COURT: Are you in law -- do you have a background in law or law

1 enforcement?

2 PROSPECTIVE JUROR NUMBER 045: No. That's -- I don't understand
3 what you mean, so.

4 THE COURT: Have you been a cop before?

5 PROSPECTIVE JUROR NUMBER 045: No.

6 THE COURT: Do you have training?

7 PROSPECTIVE JUROR NUMBER 045: No.

8 THE COURT: Okay. Have you ever sat as a juror before?

9 PROSPECTIVE JUROR NUMBER 045: No.

10 THE COURT: You'll be fair?

11 PROSPECTIVE JUROR NUMBER 045: Yes.

12 THE COURT: State.

13 MS. KOLLINS: No questions by the State, Your Honor.

14 THE COURT: Defense.

15 MR. SPEED: Ms. An?

16 PROSPECTIVE JUROR NUMBER 045: Yes.

17 MR. SPEED: You said that you're a dealer at the Wynn. What game is that?

18 PROSPECTIVE JUROR NUMBER 045: Blackjack and the Baccarat, and the
19 Roulette.

20 MR. SPEED: And you said that Korean is your first language, yes?

21 PROSPECTIVE JUROR NUMBER 045: Yes.

22 MR. SPEED: And you've had a difficult time understanding some of the
23 words that we've used today.

24 PROSPECTIVE JUROR NUMBER 045: Yes.

25 MR. SPEED: Okay. Do you believe that -- I'm sorry. Excuse me for just a

1 moment.

2 Do you believe that as we progress in this trial that your difficulty in
3 understanding some of the words will --

4 PROSPECTIVE JUROR NUMBER 045: Yes, yes.

5 MR. SPEED: -- get worse?

6 PROSPECTIVE JUROR NUMBER 045: Yes. Because I don't want to get a
7 wrong answer.

8 MR. SPEED: And you believe that because of your limited understanding of
9 English and the fact that Korean is your first language you would not be able to
10 serve as a fair and impartial juror here --

11 PROSPECTIVE JUROR NUMBER 045: Yes.

12 MR. SPEED: -- based on your lack of understanding of English?

13 PROSPECTIVE JUROR NUMBER 045: Yes.

14 MR. SPEED: That was a yes?

15 PROSPECTIVE JUROR NUMBER 045: Yes.

16 MR. SPEED: May we approach, Your Honor?

17 THE COURT: Well she's been here 25 years she said. She's been here 25
18 years. She speaks well. She listened to me, understood me.

19 PROSPECTIVE JUROR NUMBER 045: Yeah, I understand most but I don't
20 understand about, you know, what the case is and that's why I don't want to get
21 wrong answer. That's -- everybody has to be the right answer. But --

22 THE COURT: Well I believe in your system of government. You've come to
23 the United States. This is one of the only chances that a citizen has to participate in
24 the judicial process. One of the only ones. This is your obligation as a citizen.

25 PROSPECTIVE JUROR NUMBER 045: Yes.

1 MR. SPEED: Now, Ms. Youn you said you have -- or Ms. An, I'm sorry. Well
2 let me ask you. Your sir name is Youn or An?

3 PROSPECTIVE JUROR NUMBER 045: Youn is the first name and An is the
4 last name.

5 MR. SPEED: Okay. Ms. An, you said that you have two children, they are
6 both grown, yes?

7 PROSPECTIVE JUROR NUMBER 045: Yes.

8 MR. SPEED: And what do they do?

9 PROSPECTIVE JUROR NUMBER 045: The oldest one is work and the
10 second one is a student at college.

11 MR. SPEED: Are they here in Las Vegas?

12 PROSPECTIVE JUROR NUMBER 045: No, my son is -- yeah, my son is --
13 live here. My second one is live in -- she's in school at the Reno.

14 MR. SPEED: UNR? Nevada, Reno.

15 PROSPECTIVE JUROR NUMBER 045: Yes.

16 MR. SPEED: And she is 20. She's a sophomore? Her second year?

17 PROSPECTIVE JUROR NUMBER 045: Yeah, second year.

18 MR. SPEED: What is she studying?

19 PROSPECTIVE JUROR NUMBER 045: Biology.

20 MR. SPEED: And has she declared that as her major yet or is she still --

21 PROSPECTIVE JUROR NUMBER 045: Yeah.

22 MR. SPEED: -- searching.

23 PROSPECTIVE JUROR NUMBER 045: Yes.

24 MR. SPEED: That is her major. And what does your son do?

25 PROSPECTIVE JUROR NUMBER 045: He's working at like the restaurant.

1 MR. SPEED: Is he here in Las Vegas?

2 PROSPECTIVE JUROR NUMBER 045: Yes.

3 MR. SPEED: Okay. Do you think that just because my client is sitting there
4 that he is guilty of something probably?

5 PROSPECTIVE JUROR NUMBER 045: No.

6 MR. SPEED: Ms. Kollins asked the rest of your fellow prospective venire men
7 a lot of questions about Greg sitting there being innocent and then they will present
8 their case. Do you remember that? No.

9 Do you remember Ms. Kollins using the word traumatized? Do you
10 remember that?

11 PROSPECTIVE JUROR NUMBER 045: Yeah, but I didn't really understand.

12 MR. SPEED: You don't understand what the word traumatized means?

13 PROSPECTIVE JUROR NUMBER 045: No.

14 MR. SPEED: When we say DNA, do you know what we're talking about
15 there?

16 PROSPECTIVE JUROR NUMBER 045: Yes.

17 MR. SPEED: You've heard about DNA.

18 PROSPECTIVE JUROR NUMBER 045: Yes.

19 MR. SPEED: Tell me what you think about it.

20 PROSPECTIVE JUROR NUMBER 045: I know what it is but it's hard to
21 explain to you. I know what it is. Yeah.

22 MR. SPEED: In your own words, like you're explaining it to, I believe
23 someone said a six-year old, what do you think DNA is?

24 PROSPECTIVE JUROR NUMBER 045: DNA is the -- whenever has
25 something happened and then they check it out and then you could like -- you know,

1 you could [indiscernible] it like the kid and the parents have the same DNA.

2 MR. SPEED: When I say DNA or when Ms. Kollins says DNA, do you think
3 that you will see blood?

4 PROSPECTIVE JUROR NUMBER 045: Yeah.

5 MR. SPEED: Do you think that you will see sweat?

6 PROSPECTIVE JUROR NUMBER 045: Yes.

7 MR. SPEED: Do you think that you will see urine perhaps?

8 PROSPECTIVE JUROR NUMBER 045: Yes.

9 MR. SPEED: What about vaginal fluid from a woman? That made sense.
10 What about vaginal fluid?

11 PROSPECTIVE JUROR NUMBER 045: What is it?

12 MR. SPEED: Would you expect to see that in a case where lawyers are
13 talking about DNA? No? Do you know what vaginal fluid is?

14 PROSPECTIVE JUROR NUMBER 045: I don't know what it is.

15 MR. SPEED: Okay. Do you believe that DNA sometimes is wrong?

16 PROSPECTIVE JUROR NUMBER 045: No.

17 MR. SPEED: Do you agree with me when I say that you believe DNA is never
18 wrong?

19 PROSPECTIVE JUROR NUMBER 045: Yes.

20 MR. SPEED: And because you believe that DNA is never wrong and Ms.
21 Kollins is saying that the State has DNA as part of its evidence in this case that
22 they're going to use to prove that Greg is guilty, do you believe now that Greg is
23 probably guilty?

24 PROSPECTIVE JUROR NUMBER 045: No.

25 MR. SPEED: How do you reconcile those two things, if DNA is never wrong

1 but you don't believe Greg is guilty, even though the State is saying they might have
2 some DNA evidence?

3 PROSPECTIVE JUROR NUMBER 045: Mistake.

4 MR. SPEED: Because you've expressed to us how you have some difficulty
5 understanding the words that we use, would it be fair to say that sometimes people
6 misinterpret signals or interpretations that they might receive from a tool. You
7 misinterpret what you see.

8 PROSPECTIVE JUROR NUMBER 045: I can't understand what you're
9 saying.

10 MR. SPEED: Okay. Do you think that if someone is reading symbols that
11 they might make a mistake in what they see?

12 PROSPECTIVE JUROR NUMBER 045: Yeah.

13 MR. SPEED: Okay. And that's what you meant by mistake?

14 PROSPECTIVE JUROR NUMBER 045: [No audible response].

15 [Colloquy between Counsel]

16 MR. SPEED: Your Honor, we'd excuse Ms. An. Or I'm sorry. We pass Ms.
17 An for cause. I am sorry.

18 THE COURT: The mic goes down here. Tell me your name.

19 PROSPECTIVE JUROR NUMBER 046: I'm Sophie Davis and my badge
20 number's 46.

21 THE COURT: Do you work?

22 PROSPECTIVE JUROR NUMBER 046: Yes.

23 THE COURT: What do you do?

24 PROSPECTIVE JUROR NUMBER 046: I'm a waitress.

25 THE COURT: Where?

1 PROSPECTIVE JUROR NUMBER 046: At Eggworks.
2 THE COURT: Are you married?
3 PROSPECTIVE JUROR NUMBER 046: Yes.
4 THE COURT: Spouse work?
5 PROSPECTIVE JUROR NUMBER 046: Yes.
6 THE COURT: What does your spouse do?
7 PROSPECTIVE JUROR NUMBER 046: He's a fifth grade school teacher.
8 THE COURT: Where?
9 PROSPECTIVE JUROR NUMBER 046: At Tony Alamo Elementary.
10 THE COURT: Do you have children?
11 PROSPECTIVE JUROR NUMBER 046: Yes. I have a --
12 THE COURT: Age --
13 PROSPECTIVE JUROR NUMBER 046: -- two-year old boy and an eleven-
14 year old stepdaughter.
15 THE COURT: Do you have a background in law or law enforcement?
16 PROSPECTIVE JUROR NUMBER 046: No.
17 THE COURT: Have you ever sat as a juror before?
18 PROSPECTIVE JUROR NUMBER 046: No.
19 THE COURT: Can you be fair and impartial to both parties in this case?
20 PROSPECTIVE JUROR NUMBER 046: Yes.
21 THE COURT: State.
22 MS. KOLLINS: Thanks, Judge.
23 How are you this afternoon?
24 PROSPECTIVE JUROR NUMBER 046: Good. Thank you.
25 MS. KOLLINS: Warm day. Your husband's a teacher. Has he ever talked to

1 about his responsibilities as a mandatory reporter?

2 PROSPECTIVE JUROR NUMBER 046: Nothing comes to mind but -- yeah,
3 nothing really comes to mind.

4 MS. KOLLINS: Since he's been teaching has he ever had the circumstance
5 where he's had to report when maybe a kid came to him about either physical or
6 sexual abuse?

7 PROSPECTIVE JUROR NUMBER 046: Not that I'm aware of.

8 MS. KOLLINS: Okay. Have you heard kind of everything we've been talking
9 about today?

10 PROSPECTIVE JUROR NUMBER 046: Yes.

11 MS. KOLLINS: Can you hold a child to a child's standard?

12 PROSPECTIVE JUROR NUMBER 046: Yes.

13 MS. KOLLINS: The DNA evidence that, you know, -- that Mr. Speed has
14 commentary, I have commentary, can you just keep an open mind about that
15 evidence, pay attention, take notes, use it as part of your verdict?

16 PROSPECTIVE JUROR NUMBER 046: Yes.

17 MS. KOLLINS: Anything that would distract your service over the next couple
18 days?

19 PROSPECTIVE JUROR NUMBER 046: Not really. I'm worrying about
20 money from not working but.

21 MS. KOLLINS: What shift do you normally work?

22 PROSPECTIVE JUROR NUMBER 046: 9:30 to 4:00.

23 MS. KOLLINS: So we've wiped out your whole day.

24 PROSPECTIVE JUROR NUMBER 046: Yeah, but I don't get paid anything if
25 I don't work obviously.

1 MS. KOLLINS: Right. I'll pass for cause, Your Honor.

2 THE COURT: Thank you. Speed.

3 MR. SPEED: Ms. Davis, you said that you have an 11-year old stepdaughter,
4 yes?

5 PROSPECTIVE JUROR NUMBER 046: Yes.

6 MR. SPEED: And your son is five.

7 PROSPECTIVE JUROR NUMBER 046: He's two.

8 MR. SPEED: He's two.

9 PROSPECTIVE JUROR NUMBER 046: Yeah, he just turned two.

10 MR. SPEED: Your son -- your husband is a fifth grade teacher.

11 PROSPECTIVE JUROR NUMBER 046: Yes.

12 MR. SPEED: How long have you been with your husband?

13 PROSPECTIVE JUROR NUMBER 046: Since the stepdaughter was five
14 when we were together -- first together.

15 MR. SPEED: For the last six years or so --

16 PROSPECTIVE JUROR NUMBER 046: Yeah.

17 MR. SPEED: -- you've been a stepparent.

18 PROSPECTIVE JUROR NUMBER 046: Yes.

19 MR. SPEED: The mother in a blended family. Let's talk about that. Have
20 there been times when being the parent, the stepparent in a blended family has
21 presented you with some difficulties?

22 PROSPECTIVE JUROR NUMBER 046: A little bit. I mean, not too much I
23 think. Overall, I've been pretty lucky as stepparents go. You know, she accepted
24 me in very well and I really don't have much conflict with her. But I mean, of course,
25 you know, there's always --

1 MR. SPEED: Is your husband British as well?

2 PROSPECTIVE JUROR NUMBER 046: No, he's American.

3 MR. SPEED: The stepmom with the cool accent. Of course you don't have
4 any problems, right? You said that you consider yourself lucky, however. You have
5 heard stories, anecdotes where stepparents are having to deal with or forced to deal
6 with children who don't accept them?

7 PROSPECTIVE JUROR NUMBER 046: Yes.

8 MR. SPEED: You considered yourself lucky. Do you think being a member
9 of a blended family is easy?

10 PROSPECTIVE JUROR NUMBER 046: No, it's not easy. It would be easier
11 not to be a blended family but considering, you know, a lot of families are blended I
12 think it's pretty -- I've had it pretty easy as a blended family.

13 MR. SPEED: Please forgive me for prying, Ms. Davis. Does your
14 stepdaughter still have a relationship with her mother?

15 PROSPECTIVE JUROR NUMBER 046: Yeah, she lives with her mother. We
16 just have visitation every other weekend and more so in the summers and the
17 holidays.

18 MR. SPEED: Can I summarize your feelings about blended families like this;
19 that it's never easy and one should consider him or herself lucky if stepchildren
20 accept them?

21 PROSPECTIVE JUROR NUMBER 046: Yes.

22 MR. SPEED: We pass Ms. Davis for cause, Your Honor.

23 THE COURT: Thank you.

24 All right. We talked a little bit about jury questions. It will happen this
25 way. A witness will testify, the attorneys will ask all their questions, then I will turn to

1 the jury, does the jury have any questions. You got to move fast because I move
2 fast. Raise your hand, write it down in the notebook. You'll be given a notebook.
3 Write the question down, give it to Tom, Tom will give it to me. I will probably take
4 the attorneys out the back. It's easier to have you go out and then come back in.
5 So that's how that works.

6 I apologize. I have allergies really bad.

7 I have the discretion to preclude individual jurors from asking an
8 excessive number of questions. Questions may be asked after both lawyers have
9 finished questioning a witness and only at that time. For example, if the State calls
10 a witness and conducts a direct exam, the Defense then has the opportunity to
11 conduct cross-exam and it goes back and forth until they're finished.

12 Should you desire to ask a question, you should write your question
13 down with your juror number -- no, not with your juror number, with your seat
14 number. So that'll change once you become a juror. You'll put your seat number
15 and your name. Any questions you pose must be factual in nature and designed to
16 clarify information already presented. All questions must be directed to the witness
17 and not to the lawyers or to the Judge, myself.

18 After you have indicated that you have a question, the marshal will pick
19 up your question and give it to me and after consulting with the attorneys -- or
20 maybe I won't consult with them -- I will determine if your question has legal -- is
21 legally proper. Only questions permissible under the rules of evidence will be asked
22 and jurors should not draw any inferences or conclusions if your question is
23 submitted is not asked or if it is asked. Don't give it any undue weight. Once the
24 question is asked of the witness, the attorneys can ask follow up questions.

25 Until this case is submitted to you, you must not discuss it with anyone,

1 even with your fellow jurors. After it is submitted to you, you must discuss it only in
2 the jury room with your fellow jurors. It is important that you keep an open mind and
3 not decide any issue in the case until the entire case has been submitted to you,
4 under instructions from me. If you need to take a break or if you can't hear a
5 witness, raise your hand as an indication. Please also raise your hand as an
6 indication if -- oh, I'm sorry, I've read that. We will take intermittent breaks -- through
7 the marshal.

8 All right. Ms. An, thank you very much. You're free to go. Check in
9 with the Jury Commissioner. And Candace Jorgensen. Is that you? You're free to
10 go as well.

11 THE CLERK: Juror 0048, Jason Reta.

12 Juror 0051, Nicole Lipsman.

13 THE COURT: All right. Tell me your name.

14 PROSPECTIVE JUROR NUMBER 048: Jason Reta.

15 THE COURT: Do you work?

16 PROSPECTIVE JUROR NUMBER 048: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NUMBER 048: Operations manager for Coca-Cola.

19 THE COURT: Are you married?

20 PROSPECTIVE JUROR NUMBER 048: Yep.

21 THE COURT: Spouse work?

22 PROSPECTIVE JUROR NUMBER 048: No.

23 THE COURT: Do you have children?

24 PROSPECTIVE JUROR NUMBER 048: Two at home.

25 THE COURT: Ages?

1 PROSPECTIVE JUROR NUMBER 048: 17 and 10.
2 THE COURT: Do you have a background in law or law enforcement?
3 PROSPECTIVE JUROR NUMBER 048: I do not.
4 THE COURT: Have you ever sat as a juror before?
5 PROSPECTIVE JUROR NUMBER 048: I have not.
6 THE COURT: Other than what we discussed already, is there any reason you
7 could not be fair and impartial to both parties in this case?
8 PROSPECTIVE JUROR NUMBER 048: No.
9 THE COURT: State.
10 MS. KOLLINS: The State would pass for cause, Your Honor.
11 MR. SPEED: The Defense would pass also.
12 THE COURT: Tell me your name.
13 PROSPECTIVE JUROR NUMBER 051: Nicole Lipsman.
14 THE COURT: Do you work?
15 PROSPECTIVE JUROR NUMBER 051: I do.
16 THE COURT: What do you do?
17 PROSPECTIVE JUROR NUMBER 051: Children's mental health
18 administration.
19 THE COURT: Oh yeah. We've talked about that, haven't we? Are you
20 married?
21 PROSPECTIVE JUROR NUMBER 051: I am not.
22 THE COURT: Do you have a background in law or law enforcement?
23 PROSPECTIVE JUROR NUMBER 051: I do not.
24 THE COURT: Have you ever sat as a juror before?
25 PROSPECTIVE JUROR NUMBER 051: I have not been selected.

1 THE COURT: Could you -- is there any reason you could not be fair and
2 impartial to both parties in this case, other than what we've already talked about in
3 Court?

4 PROSPECTIVE JUROR NUMBER 051: No.

5 THE COURT: State.

6 MS. KOLLINS: Very briefly. How are you today?

7 PROSPECTIVE JUROR NUMBER 051: Good. How are you?

8 MS. KOLLINS: I'm fine. Thank you. Okay. The referrals you get at Healthy
9 Minds, do they come through Child Protective Services?

10 PROSPECTIVE JUROR NUMBER 051: Yes.

11 MS. KOLLINS: Okay. So they come through Child Haven?

12 PROSPECTIVE JUROR NUMBER 051: Yes.

13 MS. KOLLINS: Or CPS?

14 PROSPECTIVE JUROR NUMBER 051: Yes.

15 MS. KOLLINS: Do you work with Metro then?

16 PROSPECTIVE JUROR NUMBER 051: I don't, specifically.

17 MS. KOLLINS: Or have any contact with the police officers?

18 PROSPECTIVE JUROR NUMBER 051: Occasionally they -- parole
19 officers -- the children will come in with a parole officer if they have one. I don't
20 specifically, no.

21 MS. KOLLINS: A juvenile that is in the juvenile justice system may come in
22 with one of their own parole officers.

23 PROSPECTIVE JUROR NUMBER 051: Yes. Or we will also go into the
24 detention center. When I say we, I don't mean me. A therapist.

25 MS. KOLLINS: And is your facility inpatient or outpatient?

1 PROSPECTIVE JUROR NUMBER 051: Outpatient.

2 MS. KOLLINS: Anything about -- and you said you were involved with quite a
3 few kids in the foster system.

4 PROSPECTIVE JUROR NUMBER 051: Our organization is, yeah. We are.

5 MS. KOLLINS: Is there anything about your work that is going to make you
6 biased or prejudiced against one side or the other?

7 PROSPECTIVE JUROR NUMBER 051: No.

8 MS. KOLLINS: No.

9 PROSPECTIVE JUROR NUMBER 051: No, I would --

10 MS. KOLLINS: That sounded like a question.

11 PROSPECTIVE JUROR NUMBER 051: No. Everyone does deserve a fair
12 trial and I will be impartial.

13 MS. KOLLINS: Hold a kid to a kid's standard?

14 PROSPECTIVE JUROR NUMBER 051: Yeah.

15 MS. KOLLINS: Okay. Pass for cause, Your Honor.

16 THE COURT: Thank you.

17 MR. SPEED: Ms. Lipsman, explain to me, like I'm a six-year old, what you
18 think a kid's standard is.

19 PROSPECTIVE JUROR NUMBER 051: A standard -- I guess it would
20 depend on their age group and it would depend on I guess how they would respond
21 to things. They may not know the seriousness of everything. They may not know
22 how to explain how they're feeling in depth or remember with exact memory. I think
23 their -- it can be influenced. I think -- yeah.

24 MR. SPEED: Would you give a child the benefit of the doubt when they tell
25 you something because of this children's standard?

1 PROSPECTIVE JUROR NUMBER 051: Not necessarily. I think when I
2 walked in this room more so than now at this point.

3 MR. SPEED: I might have done something good then. All right. What made
4 you change from your impartial stance on that? When you walked in you were
5 willing to give a child the benefit of the doubt because of those things. The kid may
6 not be able to explain things in depth. Depending on his or her age group they may
7 not understand some things as well as we adults do. But now your views on that
8 are different.

9 PROSPECTIVE JUROR NUMBER 051: Well I -- when -- I can't say when I
10 walked in that they were entirely in every situation I would listen to the child. You
11 know, I'd have to consider motives as well.

12 MR. SPEED: Do you believe that all children are capable of lying?

13 PROSPECTIVE JUROR NUMBER 051: Yes.

14 MR. SPEED: Even about something that we adults would consider a big
15 thing, an important thing?

16 PROSPECTIVE JUROR NUMBER 051: Yes.

17 MR. SPEED: Because they don't understand or don't really have a grasp of
18 what happens down the road when you blurt something out?

19 PROSPECTIVE JUROR NUMBER 051: That's correct.

20 MR. SPEED: Let's talk for a few minutes about this thing we've been
21 bandying about where children have been traumatized. Now you understand that
22 Greg is innocent of all these charges, right?

23 PROSPECTIVE JUROR NUMBER 051: Yes.

24 MR. SPEED: Okay. So when we've talked about trauma and children going
25 through a scary event potentially -- or perhaps a second time, you can see where an

1 innocent man's feelings would be focused on getting people to think that nothing has
2 happened to these children in the first place. Do you understand that?

3 PROSPECTIVE JUROR NUMBER 051: Yes.

4 MR. SPEED: To piggyback on one of Ms. Kollins' questions, you don't think
5 that the State is traumatizing children a second time, do you?

6 PROSPECTIVE JUROR NUMBER 051: Not purposefully.

7 MR. SPEED: Not purposefully.

8 PROSPECTIVE JUROR NUMBER 051: I would not hold it against the State.
9 It would be necessary, but it can definitely bring back trauma.

10 MR. SPEED: Is there room in your thoughts about what you would be asked
11 to do if you're selected to serve as a juror for the notion that says you're not
12 traumatizing these children a second time because they weren't traumatized the first
13 time?

14 PROSPECTIVE JUROR NUMBER 051: Yes.

15 MR. SPEED: Do you understand --

16 PROSPECTIVE JUROR NUMBER 051: Yes.

17 MR. SPEED: -- what I mean when I say that?

18 PROSPECTIVE JUROR NUMBER 051: Yes.

19 MR. SPEED: Your job as a juror in this trial would be to ferret out the truth in
20 what these children are talking about, isn't that right?

21 PROSPECTIVE JUROR NUMBER 051: Yes.

22 MR. SPEED: Would you agree with that?

23 PROSPECTIVE JUROR NUMBER 051: I do.

24 MR. SPEED: We would pass for cause, Your Honor.

25 THE COURT: Okay.

1 Parties may sometimes present objections to some of the testimony or
2 other evidence. It is the duty of a lawyer to object to evidence which they believe
3 may not be properly offered. And you should not be prejudiced in any way against
4 the lawyer who makes objections on behalf of the party they represent. At times I
5 may sustain the objections or direct that you disregard certain testimony or exhibits.
6 You must not consider any evidence to which an objection has been sustained or
7 which I have instructed you to disregard.

8 Anything you may have seen or heard outside the courtroom is not
9 evidence and must also be disregarded. Remember statements, arguments, and
10 opinions of Counsel are not evidence in the case. However, if the attorneys
11 stipulate as to the existence of a fact, you must accept the stipulation as evidence
12 and regard that fact as proved. You must not speculate to be true any insinuations
13 suggested by a question asked the witness. A question is not evidence and may be
14 considered only as it supplies meaning to the answer.

15 You must not be influenced in any degree by any personal feeling of
16 sympathy for or prejudice against the State or the Defendant. Both sides are
17 entitled to the same fair and impartial consideration.

18 In considering the weight and value of the testimony of any witness you
19 may take into consideration the appearance, attitude, and behavior of the witness;
20 the interest of the witness in the outcome of the case, if any; the relation of the
21 witness to the Defendant or State; the inclination of the witness to speak truthfully or
22 not; and the probability or improbability of the witness' statements and all other facts
23 and circumstances in evidence. Thus, you may give the testimony of any witness
24 just such weight and value as you believe the testimony the witness is entitled to
25 receive.

1 There are two kinds of evidence, direct and circumstantial. Direct
2 evidence is testimony by a witness about what that witness personally saw, or
3 heard, or did. Circumstantial evidence is testimony or exhibits which are proof of a
4 particular fact from which, if proven, you may infer the existence of a second fact.

5 We would thank and excuse Laura Garcia. Thank you for your time.
6 And Nicole Lipsman. Thank you for your time.

7 We're going to take our evening recess, ladies and gentlemen, before
8 we fill those spots. Just remember where you're sitting. I'm sorry, you guys are
9 going to have to come back tomorrow. I'm going to -- I have law and motion
10 calendar that starts at 8:00. I'm going to try and start it at 7:45. I should be done by
11 9:30 so let's be back here at 9:30 in the morning. Thank you.

12 [Outside the presence of the prospective jury]

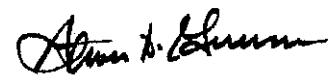
13 THE COURT: All right. Jury is gone. All right. See you guys in the morning
14 at 9:30. I'm going to really push hard to get it done early. Remember jury
15 instructions tomorrow.

16 MS. ROSS: By noon. By noon, Your Honor?

17 [Evening recess at 4:41 p.m.]

18
19
20
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

23 
24 Brittany Mangelson
25 Independent Transcriber



CLERK OF THE COURT

1 TRAN

2

3

DISTRICT COURT

4

CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

6

Plaintiff,

7

CASE NO. C294607

8

vs.

DEPT. VIII

9

GREG ANTHONY WILLIAMS,

10

Defendant.

11

12

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

13

WEDNESDAY, MARCH 30, 2016

14

TRANSCRIPT OF PROCEEDINGS

15

JURY TRIAL - DAY 2

16

VOLUME II - MORNING PORTION ONLY

17

APPEARANCES:

18

For the State:

STACEY L. KOLLINS, ESQ.

19

Chief Deputy District Attorney

20

KRISTINA A. RHOADES, ESQ.

21

Deputy District Attorney

22

For the Defendant:

KEVIN C. SPEED, ESQ.

23

KATRINA M. ROSS, ESQ.

Deputy Public Defenders

24

RECORDED BY: JILL JACOBY, COURT RECORDER

25

TRANSCRIBED BY: BRITTANY MANGELSON, INDEPENDENT TRANSCRIBER

1 WEDNESDAY, MARCH 30, 2016 AT 9:57 A.M.

2
3 [Outside the presence of the prospective jury]

4 MS. KOLLINS: May we make a very brief record while we're waiting for the
5 Defendant to get here?

6 THE COURT: As soon as she is up and ready. Okay. Go.

7 MS. KOLLINS: Your Honor, we had had some discussion -- Stacey Kollins on
8 behalf of the State. We had had some discussions before about a 9-1-1 tape.
9 There were some items in there, if you recall, from the hearing that were
10 objectionable to Mr. Speed. The State has caused those objectionable portions that
11 refer to the domestic violence within the home to be redacted.

12 Those are found and redacted from 2:06 to 2:10 where the vic -- where
13 the mom describes Defendant as abusive; from 3:30 to 3:40 where she says -- she
14 refers to some abuse in the past; and then 4:40 through 4:48 where she says: He
15 will beat my ass if he knows I called the police. So we've had that redacted to play
16 the tape.

17 THE COURT: Okay.

18 MR. SPEED: We've received a copy of the State's redacted 9-1-1 CD. We
19 have not had an opportunity to review it yet, audibly, neither myself nor Ms. Ross,
20 but we will do that at our lunch break and if there are any objections -- I don't
21 foresee any, but if there are any we will bring it to the Court's attention.

22 MS. KOLLINS: And we don't anticipate getting to it until after lunch and we
23 will review the copies that we've been made just to make sure that what landed in
24 our hands is commensurate with what I have put on the record.

25 MR. SPEED: And I appreciate the State's redactions in this regard. I

1 appreciate it very much.

2 Your Honor, before we bring them in though there is -- and Mr. Williams
3 isn't back yet in any regard. Before we bring them in we would like to put on the
4 record our challenge to the peremptory challenge -- our objection to the peremptory
5 challenge exercised by the State for Venire Person Number 0023, that was Ms.
6 Ryan Williams. Ms. Williams was one of eight African American venire persons that
7 we had on the panel -- that we noticed on the panel during our count yesterday.
8 And we noticed that that was -- we also noticed that that was the State's second
9 peremptory challenge.

10 We believe that she was excused solely based on her race, given the
11 answers that she gave to the questions in voir dire and we would object under
12 *Batson versus Kentucky* for the State's exercise of a discriminatory peremptory
13 challenge in that instance.

14 MS. KOLLINS: Your Honor, I would note for the record that the first African
15 American to be removed from the panel was removed by Mr. Speed for cause. That
16 was 0030. The State just submitted it. That was Ms. Demessie. He asked that she
17 be excused for cause because of her work schedule.

18 THE COURT: I noticed that as well.

19 MS. KOLLINS: There's not pattern that's been exhibited by the State. The
20 State does have a race-neutral reason for excluding that juror, but does not feel that
21 it's required to put on the record right now because no pattern has been shown that
22 we've exhibited.

23 MR. SPEED: They have exhibited a pattern, Your Honor, and --

24 THE COURT: It's not a pattern.

25 MR. SPEED: The Supreme Court has said in *Batson* that the State does not

1 have to show a pattern meaning a number -- a specific number. One strike, if it's
2 based on a discriminatory reason is enough for the Court to order the State to state
3 their race-neutral reason.

4 THE COURT: I will -- if you'll stop, I'll do it.

5 MR. SPEED: Making the record, Your Honor, that's all.

6 MS. KOLLINS: Your Honor, after a battery of questions by Mr. Speed she
7 came to the conclusion that science gets it wrong, even though she's a doctor. Her
8 demeanor, both exhibited to the State and Defense Counsel caused us serious
9 consideration about whether or not she would be able to deliberate and deliberate in
10 the group effectively. She was closed off, her answers were short, she was
11 unwilling to communicate much more than yes or no answers. That is our reason.

12 THE COURT: Okay. I don't --

13 MR. SPEED: And --

14 THE COURT: -- find that it was -- I find it was race-neutral. I don't think it
15 was because of race, but I also noticed that you, Mr. Speed, kicked an African
16 American lady off first. That doesn't mean that they have to have --

17 MR. SPEED: That was for cause, yes.

18 THE COURT: Anyway --

19 MR. SPEED: May we respond briefly --

20 THE COURT: But in the future --

21 MR. SPEED: -- to the State?

22 THE COURT: Just be careful in the future. I mean --

23 MR. SPEED: Be careful of?

24 THE COURT: Not you, her.

25 MR. SPEED: Oh. May we respond briefly to the State's --

1 THE COURT: Yeah.

2 MR. SPEED: -- arguments as to their race-neutral reason. Ms. -- it's true Ms.
3 Williams did in fact say that sometimes science gets it wrong, but we had several of
4 our prospective jury members agree with that sentiment presented by both me and a
5 couple of -- on a couple of instances by the State. I am recalling I believe it was Mr.
6 Risner who agreed with me that sometimes science gets it wrong. Our engineer,
7 our building contractor, Mr. O'Reilly, agreed sometimes that science gets it wrong
8 and those two Caucasian members of our venire panel were not dismissed.

9 Speaking to the argument about Ms. Williams' demeanor, her being
10 closed off was the quote that the State used and her giving short answers to our
11 questions, I don't think it's unfair to say that several of our perspective jurors gave
12 short answers to the questions because we're talking about subjects that most
13 people find uncomfortable, difficult to talk about in an open, public forum like this.

14 Several of our other jurors who were not excused peremptorily were
15 closed off or exhibited the same kind of demeanor that the State complains of with
16 respect to Ms. Williams. So we believe that the race-neutral reasons that they just
17 laid out for the Court are pretextual.

18 MS. KOLLINS: And, Your Honor, very briefly, the two jurors -- the two
19 Caucasian jurors that Mr. Speed referred to that were not removed by the State
20 were actually perempted -- are peremptory challenges used by Mr. Speed on Juror
21 036, Risner and 025, Timothy O'Reilly. He exercised those.

22 THE COURT: I don't find the State based it on race. Thank you.

23 [Pause in proceedings from 10:04 a.m. to 10:21 a.m.]

24 THE COURT: All right. Bring them in.

25 [In the presence of the prospective jury]

1 THE MARSHAL: All rise, please.

2 And be seated.

3 THE COURT: I think we're down low. We got to fill those two spots.

4 THE CLERK: Mary King, Badge 054 will be in Seat Number 9. And Alan
5 Kenamer, 0055 will be in Seat 14.

6 THE COURT: All right. Tell me your name.

7 PROSPECTIVE JUROR NUMBER 054: Mary King, Badge Number 0054.

8 THE COURT: Tilt that mic just a little bit to you.

9 PROSPECTIVE JUROR NUMBER 054: Okay. There.

10 THE COURT: Do you work?

11 PROSPECTIVE JUROR NUMBER 054: I'm retired.

12 THE COURT: From what?

13 PROSPECTIVE JUROR NUMBER 054: Administrator for Ernest and Young.

14 THE COURT: For what?

15 PROSPECTIVE JUROR NUMBER 054: Ernest and Young, accounting firm.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NUMBER 054: Yes, I am.

18 THE COURT: Spouse work?

19 PROSPECTIVE JUROR NUMBER 054: No, he's retired as well.

20 THE COURT: From what?

21 PROSPECTIVE JUROR NUMBER 054: Directional drilling in the oil fields.

22 THE COURT: Children?

23 PROSPECTIVE JUROR NUMBER 054: Three children, seven grandchildren.
24 Grandchildren's ages from 2 to 22.

25 THE COURT: Anyone in your family in law or law enforcement?

1 PROSPECTIVE JUROR NUMBER 054: My son-in-law is an attorney in
2 California, but it's corporate law.

3 THE COURT: You know you can't call him and ask for --

4 PROSPECTIVE JUROR NUMBER 054: No.

5 THE COURT: -- what's going on? Tell me really what happened or --

6 PROSPECTIVE JUROR NUMBER 054: He wouldn't talk to me anyway. He's
7 too busy.

8 THE COURT: I wouldn't talk to my mother-in-law if she called me.

9 MS. KOLLINS: Ouch.

10 THE COURT: I'm Judge Bixler. Don't -- you don't know my mother-in-law.
11 Have you ever sat as a juror before?

12 PROSPECTIVE JUROR NUMBER 054: I have not.

13 THE COURT: Can you think of any reason you wouldn't be fair and impartial
14 to both parties in this case?

15 PROSPECTIVE JUROR NUMBER 054: No, sir, I can't.

16 THE COURT: You heard a lot of the questions asked yesterday. Is there
17 anything that came to mind that you thought, oh, gosh, I should bring this to the
18 Court's attention?

19 PROSPECTIVE JUROR NUMBER 054: No.

20 THE COURT: State.

21 MS. KOLLINS: Thank you, Your Honor.

22 Good morning, ma'am, how are you?

23 PROSPECTIVE JUROR NUMBER 054: Good. How are you?

24 MS. KOLLINS: I am well. Thank you so much for asking. I'll try not to keep
25 you very long. Just want to touch on a couple of the things that we spoke about

1 yesterday. You think it's tough for a kid to come in and talk about these kind of
2 topics?

3 PROSPECTIVE JUROR NUMBER 054: Yes.

4 MS. KOLLINS: Or just testify in general?

5 PROSPECTIVE JUROR NUMBER 054: In general, yes.

6 MS. KOLLINS: Probably hard for some adults to come in --

7 PROSPECTIVE JUROR NUMBER 054: Absolutely.

8 MS. KOLLINS: -- and testify. What are some reasons that you can think of
9 why a kid would not come forward right away?

10 PROSPECTIVE JUROR NUMBER 054: They might feel it was their fault, the
11 person that was perpetrating the act might have told them that it was a secret and if
12 they had any feelings for that person they were protecting them. They might not
13 realize that even though they weren't happy about it, it was an adult in control and
14 they might not realize that they shouldn't come forward. There are a lot of reasons.

15 MS. KOLLINS: A lot of discussion about DNA yesterday, good sides, bad
16 sides. Probably put all you guys to sleep back there. I apologize for that. Would
17 you agree that DNA is used all the time for things like paternity?

18 PROSPECTIVE JUROR NUMBER 054: Yes.

19 MS. KOLLINS: Do you have any scientific background at all --

20 PROSPECTIVE JUROR NUMBER 054: No.

21 MS. KOLLINS: -- prior to your working for Ernest and Young?

22 PROSPECTIVE JUROR NUMBER 054: No.

23 MS. KOLLINS: Okay. Are you able to keep an open mind over the course of
24 the next few days?

25 PROSPECTIVE JUROR NUMBER 054: I believe so, yes.

1 MS. KOLLINS: If the State proves its case to you beyond a reasonable doubt,
2 are you willing to return a verdict of guilty?

3 PROSPECTIVE JUROR NUMBER 054: Yes.

4 MS. KOLLINS: And give a fair trial to Mr. Williams?

5 PROSPECTIVE JUROR NUMBER 054: Yes.

6 MS. KOLLINS: Thank you. No more questions, Your Honor. Pass for cause.

7 MR. SPEED: Ms. King, if the State fails to prove its case to you beyond a
8 reasonable doubt, Mr. Williams is entitled to a verdict of not guilty, can you do that?

9 PROSPECTIVE JUROR NUMBER 054: Yes, I can.

10 MR. SPEED: As he sits there now -- you probably remember me asking
11 several of your fellow venire members. As he sits there now, do you think he's guilty
12 of something?

13 PROSPECTIVE JUROR NUMBER 054: No.

14 MR. SPEED: You're just waiting to --

15 PROSPECTIVE JUROR NUMBER 054: Hear the evidence.

16 MR. SPEED: -- hear the State's case to find out what it is or no?

17 PROSPECTIVE JUROR NUMBER 054: I do not believe he's guilty at this
18 point.

19 MR. SPEED: Do you agree with me when I talk about this children's standard
20 that the State was talking about yesterday that there's no such thing as a children's
21 standard in Court? You understand that?

22 PROSPECTIVE JUROR NUMBER 054: I'm not -- there's been a lot of
23 discussion about a children's standard, can somebody define children's standard?

24 MR. SPEED: I certainly can't.

25 PROSPECTIVE JUROR NUMBER 054: Oh.

1 MR. SPEED: I know that when a witness is called to give testimony, they're
2 supposed to testify truthfully [indiscernible] --

3 PROSPECTIVE JUROR NUMBER 054: That's correct. Yes.

4 MR. SPEED: -- whether they're a child or an adult. The expectation is for a
5 person to tell the truth.

6 PROSPECTIVE JUROR NUMBER 054: That's true, yes.

7 MR. SPEED: Would you hold a child to that same expectation?

8 PROSPECTIVE JUROR NUMBER 054: I would, yes.

9 MR. SPEED: Your Honor, we'd pass for cause.

10 THE COURT: Thank you. Pass that mic down.

11 Tell me your name.

12 PROSPECTIVE JUROR NUMBER 055: Alan Kennamer, Badge Number 55.

13 THE COURT: Do you work?

14 PROSPECTIVE JUROR NUMBER 055: Yes, I do.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR NUMBER 055: I'm an IT director over at Caesar's.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR NUMBER 055: Yes.

19 THE COURT: Spouse work?

20 PROSPECTIVE JUROR NUMBER 055: No, she does not. She's retired.

21 THE COURT: Retired from what?

22 PROSPECTIVE JUROR NUMBER 055: She was a makeup artist for years.

23 THE COURT: Have children?

24 PROSPECTIVE JUROR NUMBER 055: No children.

25 THE COURT: Do you have a background in law or law enforcement?

1 PROSPECTIVE JUROR NUMBER 055: No, I do not.

2 THE COURT: Anybody closely associated with you?

3 PROSPECTIVE JUROR NUMBER 055: No, not that I can think of.

4 THE COURT: Have you ever sat as a juror before?

5 PROSPECTIVE JUROR NUMBER 055: No, I didn't.

6 THE COURT: You'll be fair and impartial both to the State and to the

7 Defendant in this case?

8 PROSPECTIVE JUROR NUMBER 055: Absolutely.

9 THE COURT: State.

10 MS. KOLLINS: Thank you, Judge.

11 How are you?

12 PROSPECTIVE JUROR NUMBER 055: Morning.

13 MS. KOLLINS: Mr. Speed is correct in that the law does not define child's
14 standard, but you will receive instructions that ask you to consider the child's age
15 and strength and surrounding circumstances.

16 PROSPECTIVE JUROR NUMBER 055: Okay.

17 MS. KOLLINS: Does that make sense?

18 PROSPECTIVE JUROR NUMBER 055: Uh-huh. Yes.

19 MS. KOLLINS: So when I use the phraseology child's standard I wasn't
20 suggesting to anyone that's going to be defined by the law, it's -- it just is in an effort
21 to give use of perspective in how to exercise your responsibility, does that make
22 sense?

23 PROSPECTIVE JUROR NUMBER 055: Sort of.

24 MS. KOLLINS: Okay. Would you expect a 10-year old to speak the same as
25 an 18-year old?

1 PROSPECTIVE JUROR NUMBER 055: I guess it would depend on the 10-
2 year old. I would expect a 10-year old to be honest just like I would expect an 18-
3 year old to be honest.

4 MS. KOLLINS: Right. But there are more factors than honesty that we're
5 talking about aren't -- I mean, when you're talking about the developmental stages of
6 a kid, right?

7 PROSPECTIVE JUROR NUMBER 055: Sure.

8 MS. KOLLINS: So their developmental background, right?

9 PROSPECTIVE JUROR NUMBER 055: Yes.

10 MS. KOLLINS: The environment they grew up in?

11 PROSPECTIVE JUROR NUMBER 055: I would agree.

12 MS. KOLLINS: Perhaps just what it's like being here, what their personality is
13 like, if they're shy and reserved or if they're outgoing?

14 PROSPECTIVE JUROR NUMBER 055: Absolutely. You have to take all that
15 in consideration.

16 MS. KOLLINS: So when I speak to the child's standard, do those kind of
17 factors make sense even though the law doesn't define child's standard?

18 PROSPECTIVE JUROR NUMBER 055: Those factors absolutely make
19 sense.

20 MS. KOLLINS: Do you have -- you said you didn't have any kids. Do you
21 have any nieces and nephews?

22 PROSPECTIVE JUROR NUMBER 055: Yes, I have four nieces and
23 nephews angin[sic] -- aging in rages -- angin[sic] in rages -- ahh -- ranging in --

24 MS. KOLLINS: Ranging in ages.

25 PROSPECTIVE JUROR NUMBER 055: -- ages -- there we go.

1 MS. KOLLINS: I was following.
2 PROSPECTIVE JUROR NUMBER 055: I'll get it right. From 16 to 30.
3 MS. KOLLINS: Ever known who's been a victim of this kind of crime?
4 PROSPECTIVE JUROR NUMBER 055: No, I haven't.
5 MS. KOLLINS: Anyone that you know been accused of this kind of crime?
6 PROSPECTIVE JUROR NUMBER 055: No.
7 MS. KOLLINS: If you were myself and Ms. Rhoades choosing jurors today,
8 what do -- what would you do, knowing yourself?
9 PROSPECTIVE JUROR NUMBER 055: Wow, that's an interesting question.
10 I would look for people that would try to get to the truth, you know?
11 MS. KOLLINS: You'd follow the law?
12 PROSPECTIVE JUROR NUMBER 055: Absolutely.
13 MS. KOLLINS: Even if you disagree?
14 PROSPECTIVE JUROR NUMBER 055: Of course.
15 MS. KOLLINS: Pass the witness -- oh, pass the witness. Excuse me, pass
16 for cause.
17 MR. SPEED: Mr. Kennamer?
18 PROSPECTIVE JUROR NUMBER 055: Yes. Excellent.
19 MR. SPEED: Do you know anyone -- have you developed any relationships
20 with anyone who comes from a blended family, where there is a stepparent or there
21 was a stepparent in the home?
22 PROSPECTIVE JUROR NUMBER 055: Yes.
23 MR. SPEED: Could you tell me about that briefly? Who was the person?
24 What was their relationship to you?
25 PROSPECTIVE JUROR NUMBER 055: Oh, it's actually me. My parents got

1 divorced when I was 16. Had a stepfather move in with my mother at, I guess I was
2 18 at the time. I was still living with her. It was a bit strained at times between
3 myself and my stepfather. She ultimately got divorced from him within -- I think I
4 was 20 at the time, so two years. So I didn't have a lot of experience and a lot of
5 exposure to him.

6 MR. SPEED: Where are you from originally? You from Las Vegas?

7 PROSPECTIVE JUROR NUMBER 055: I'm from Chicago originally. I've
8 been here for 25 years.

9 MR. SPEED: And at 18 were you still living there with your mother?

10 PROSPECTIVE JUROR NUMBER 055: Yes.

11 MR. SPEED: Was the stepfather, the man who your mother married, was he
12 from Chicago as well?

13 PROSPECTIVE JUROR NUMBER 055: Yes, he was.

14 MR. SPEED: Did you know him or of him before your mother married him?

15 PROSPECTIVE JUROR NUMBER 055: Just in their dating, probably a year
16 before they were married.

17 MR. SPEED: You said you're an information technology director at Caesar's
18 Palace. I'm assuming you had some college, am I right?

19 PROSPECTIVE JUROR NUMBER 055: Yes.

20 MR. SPEED: Did you go to college at 18?

21 PROSPECTIVE JUROR NUMBER 055: No, I just recently graduated from
22 University of Phoenix.

23 MR. SPEED: And I ask that because I'm just trying to find out if you were
24 getting ready to leave the house or not at 18. So being -- having your mother marry
25 a new gentleman, if this was going to be a problem that would directly affect you

1 because you'd still be living there. But you said you did live there until they got
2 divorced for about two years, with your mother?

3 PROSPECTIVE JUROR NUMBER 055: Yeah, I lived there for a few years
4 after that too.

5 MR. SPEED: Now with the dynamics of that relationship being somewhat
6 different, we're talking about being two grown men, yes?

7 PROSPECTIVE JUROR NUMBER 055: Yes.

8 MR. SPEED: You thought of yourself that way at 18, didn't you?

9 PROSPECTIVE JUROR NUMBER 055: Yes, sir.

10 MR. SPEED: Were there problems with your mother's new husband not
11 treating you with the respect that you thought you deserved in the house?

12 PROSPECTIVE JUROR NUMBER 055: It was a long time ago. I don't
13 believe so. Again, our relationship was a little bit at arm's length. I had -- you know,
14 I was an adult at that time I had my own things I was doing, he had his career
15 established, so. Some interactions though, but nothing really of note.

16 MR. SPEED: Did your father still live in Chicago?

17 PROSPECTIVE JUROR NUMBER 055: Yes, he did.

18 MR. SPEED: You maintained contact with him?

19 PROSPECTIVE JUROR NUMBER 055: Yes, sir.

20 MR. SPEED: Was there ever a time that you had to assert yourself and say
21 hey, listen, arm's length, you're not my father?

22 PROSPECTIVE JUROR NUMBER 055: Not really. I had already -- you
23 know, again I was 18 at the time so I -- or actually, close to 20 at the time, so I didn't
24 really have a need to do that.

25 MR. SPEED: Do you understand how a blended family relationship breeds

1 that kind of tension in some situations?

2 PROSPECTIVE JUROR NUMBER 055: I can see that, yes.

3 MR. SPEED: Do your feelings -- and we'll call them -- and if I'm being unfair
4 when I say this, please correct me. Warm, but arm's length, is that fair? Your
5 feelings towards your stepfather?

6 PROSPECTIVE JUROR NUMBER 055: Absolutely. I think that's a very fair
7 way to say that.

8 MR. SPEED: Would those arm's length feelings toward a man who was your
9 stepfather for approximately two years come into play when you're deciding about
10 the facts in this case?

11 PROSPECTIVE JUROR NUMBER 055: I don't believe so. I mean, it's
12 completely two separate situations. It was, you know, almost 25 years ago -- or
13 over 25 years ago.

14 MR. SPEED: You're comfortable saying that you don't have a general dislike
15 for a stepparent or the stepparent relationship?

16 PROSPECTIVE JUROR NUMBER 055: I do not have a dislike for that, no.

17 MR. SPEED: We pass for cause, Your Honor.

18 THE COURT: Remember yesterday I told you there were two kinds of
19 evidence, direct and circumstantial. I probably told you this, but if we came in --
20 when we came in today there's no snow on the ground, we go out at 5:00 and
21 there's three foot of snow in the valley, we didn't see it snow but there's evidence --
22 that's circumstantial evidence that it snowed. On the other hand if we're out there
23 and the snow starts to fall on us and we can look up and feel it and see it snow,
24 that's direct evidence that it snowed.

25 You may consider both direct and circumstantial evidence in deciding

1 this case. The law permits you to give equal weight to both. But it's up for you -- it's
2 for you to decide how much weight to give any evidence. No statement, ruling,
3 remark, or comment which I may make during the course of the trial is intended to
4 indicate my opinion as how you should decide the case or to influence you in any
5 way in your determination of the facts.

6 At times I may ask some questions of witnesses. If I do so it's for the
7 purpose of bringing out matters which I feel should be brought out and not in any
8 way to indicate my opinion about how the facts -- or to indicate the weight I feel you
9 should give the testimony of the witnesses. I may also find it necessary to admonish
10 the lawyers and if I do, you should not show prejudice against a lawyer or their client
11 because I have found it necessary to admonish them.

12 Until this case is submitted to you, you must not discuss it with anyone,
13 even with your fellow jurors. After it is submitted to you, you must discuss it only in
14 the jury room with your fellow jurors. It is important that you keep an open mind and
15 not decide any issue in the case until the entire case has been submitted to you
16 under instructions from me. If you cannot hear a witness, please raise your hand as
17 an indication. Also, if you need to go to the restroom or feel ill, please also raise
18 your hand and let Tom know.

19 I may, during the trial, take notes of the witnesses' testimony. You are
20 not to make any inference from that action.

21 We would thank and excuse Cedric Willis. Thank you for your time.
22 Please check in with the Jury Commissioner. Michael Lichwa, you're excused as
23 well. Thank you.

24 THE CLERK: Sarah Newton, Badge 0056, Number 11. Maria Calvo, 0057,
25 Seat Number 12.

1 THE COURT: All right. Tell me your name.
2 PROSPECTIVE JUROR NUMBER 056: Sarah Newton.
3 THE COURT: Do you work?
4 PROSPECTIVE JUROR NUMBER 056: I do.
5 THE COURT: What do you do?
6 PROSPECTIVE JUROR NUMBER 056: I'm an OB/GYN physician.
7 THE COURT: Oh, I think you told Tom you knew someone in the Court.
8 PROSPECTIVE JUROR NUMBER 056: I do.
9 THE COURT: And who is that?
10 PROSPECTIVE JUROR NUMBER 056: The court clerk on the left.
11 THE COURT: And you're her doctor actually.
12 PROSPECTIVE JUROR NUMBER 056: I am.
13 THE COURT: Is there anything about that association -- see this is part of
14 that whole thing you may not recognize them. She wasn't here for the
15 introductions --
16 PROSPECTIVE JUROR NUMBER 056: Correct.
17 THE COURT: -- and so she didn't see you either. But is there anything about
18 that association that you would feel obligated to find one way or the other?
19 PROSPECTIVE JUROR NUMBER 056: No.
20 THE COURT: You'll make -- you'll keep your mind open, make a fair decision
21 in this case.
22 PROSPECTIVE JUROR NUMBER 056: Yes.
23 THE COURT: Do you have any background in law or law enforcement?
24 PROSPECTIVE JUROR NUMBER 056: No.
25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NUMBER 056: I am.
2 THE COURT: Spouse work?
3 PROSPECTIVE JUROR NUMBER 056: He does.
4 THE COURT: What does your spouse do?
5 PROSPECTIVE JUROR NUMBER 056: Senior Deputy Attorney General.
6 THE COURT: What kind of stuff does your --
7 PROSPECTIVE JUROR NUMBER 056: Mainly administrative law.
8 THE COURT: What's his name?
9 PROSPECTIVE JUROR NUMBER 056: David Newton.
10 THE COURT: You can't ask him for help. Just --
11 PROSPECTIVE JUROR NUMBER 056: No.
12 THE COURT: -- tell him you were selected if you are selected as a juror.
13 You'll be fair to the State and to the Defendant?
14 PROSPECTIVE JUROR NUMBER 056: Yes.
15 THE COURT: And have you ever sat as a juror before?
16 PROSPECTIVE JUROR NUMBER 056: I have not.
17 THE COURT: State.
18 PROSPECTIVE JUROR NUMBER 056: Your Honor, if I may just give you
19 one other piece of information.
20 THE COURT: Okay.
21 PROSPECTIVE JUROR NUMBER 056: You've asked other potential jurors
22 about their working hours.
23 THE COURT: Yes.
24 PROSPECTIVE JUROR NUMBER 056: And I take night call and I'm on-call
25 tomorrow night. I was on-call Monday night. I just want you to know that.

1 THE COURT: You may be tired when you come in.

2 PROSPECTIVE JUROR NUMBER 056: Sometimes we're busy and
3 sometimes --

4 THE COURT: I appreciate --

5 PROSPECTIVE JUROR NUMBER 056: -- we're not.

6 THE COURT: I appreciate that. I just believe in our system. I don't give
7 doctors special treatment. I don't give lawyers special treatment. We kick lawyers
8 off because they can't be on criminal cases, but they can be on civil cases. So.

9 MR. SPEED: May we approach, Your Honor?

10 [Bench Conference Begins]

11 MR. SPEED: Would it be possible to examine her outside everyone else's
12 presence because if she's testifying that she's on-call here today, I'd like to know
13 how many patients she has who may or may not be close to their delivery dates. I
14 don't know if she would have a number in mind but she could receive a call saying
15 that I'm in labor, I got to go. And we cut loose a labor and delivery nurse
16 yesterday -- with the glasses.

17 THE COURT: I'll ask her a couple questions.

18 MR. SPEED: She can't reveal -- that's the thing, she can't reveal --

19 THE COURT: Yeah.

20 MR. SPEED: -- too much under HIPPA, so.

21 THE COURT: Well she can tell us in general. She doesn't have to tell us
22 specifics.

23 MR. SPEED: Okay.

24 MS. KOLLINS: We have alternates. That's what alternates are for.

25 THE COURT: Yeah. All right. Go ahead and --

1 [Bench Conference Concludes]

2 THE COURT: A couple questions I -- that have come up. And under HIPPA
3 you can't answer anything specific, but do you have a lot of people that you may be
4 called out for or do you have any that you are aware of?

5 PROSPECTIVE JUROR NUMBER 056: Not at this time but that is -- there's
6 no way to know that.

7 THE COURT: I mean, what if we're --

8 PROSPECTIVE JUROR NUMBER 056: Monday I was paged twice.

9 THE COURT: -- in the middle of this -- what's that?

10 PROSPECTIVE JUROR NUMBER 056: Monday I was paged twice. There
11 are nights when you get up and deliver three or four babies. And there is no way to
12 know that.

13 THE COURT: I do search warrants that way. 24/7. How much of a burden is
14 it going to be to sit as a juror if you pay attention to your pager? I mean, if you get
15 paged now, you're not going.

16 PROSPECTIVE JUROR NUMBER 056: Well I have someone covering for
17 me during the day.

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NUMBER 056: But I can't get out of night call.

20 THE COURT: Is that burdensome?

21 PROSPECTIVE JUROR NUMBER 056: I can't guarantee how attentive I
22 would be in court on Friday because I don't know what kind of call night I have.

23 THE COURT: All right. State, you have any questions?

24 MS. KOLLINS: No, sir.

25 THE COURT: You have any questions?

1 MR. SPEED: Ms. Newton, you've revealed to us your spouse was a -- was or
2 still is a Deputy Attorney General?

3 PROSPECTIVE JUROR NUMBER 056: Is.

4 MR. SPEED: Was he ever a prosecutor?

5 PROSPECTIVE JUROR NUMBER 056: No.

6 MR. SPEED: And I'm thinking that your concerns in answering our questions
7 were the same as mine when I brought this to the Court's attention. My wife was a
8 labor and delivery nurse. There could be a page that you could receive any time
9 when you're on-call Friday night -- or Thursday night and you may not be attentive
10 Friday. Do you think that -- and you're a physician -- that that would diminish your
11 capacity in serving as a juror in this case?

12 PROSPECTIVE JUROR NUMBER 056: Not as long as I'm awake.

13 MR. SPEED: Is there any way for you to predict if you are called Thursday
14 evening how long you would be providing care to a patient? There's no --

15 PROSPECTIVE JUROR NUMBER 056: No.

16 MR. SPEED: -- way to predict that.

17 May we approach, Your Honor?

18 [Bench Conference Begins]

19 MR. SPEED: Just so that we don't make the objection on -- or in front of
20 everybody, we're going to renew our objection to her being seated for cause. And if
21 they have an objection to it, that's fine, let the Court make its ruling.

22 THE COURT: I'll let you do that. I'm not --

23 MR. SPEED: Okay.

24 THE COURT: I'm not going to kick her.

25 MS. KOLLINS: I don't think it's reason for cause.

1 THE COURT: Uh-uh.

2 MS. KOLLINS: [Indiscernible].

3 THE COURT: Okay.

4 [Bench Conference Concludes]

5 THE COURT: If you'll pass that mic next to you.

6 Tell me your name.

7 PROSPECTIVE JUROR NUMBER 057: Maria Calvo, Badge --

8 THE COURT: Do you work?

9 PROSPECTIVE JUROR NUMBER 057: Yes, I do.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR NUMBER 057: I'm a scientific technologist.

12 THE COURT: [Sneezes], excuse me. Are you married?

13 PROSPECTIVE JUROR NUMBER 057: Yes.

14 THE COURT: Children?

15 PROSPECTIVE JUROR NUMBER 057: I have two.

16 THE COURT: Ages?

17 PROSPECTIVE JUROR NUMBER 057: One's 20 and one is 13.

18 THE COURT: Anybody closely associated with you in law or law
19 enforcement?

20 PROSPECTIVE JUROR NUMBER 057: My father-in-law works with the
21 Metro?

22 THE COURT: Your father-in-law works with Metro. Can't call him and ask for
23 help. Do you understand?

24 PROSPECTIVE JUROR NUMBER 057: Yes.

25 THE COURT: [Coughs], excuse me. Have you ever sat as a juror before?

1 PROSPECTIVE JUROR NUMBER 057: No, I haven't.
2 THE COURT: Will you be fair to both parties?
3 PROSPECTIVE JUROR NUMBER 057: Yes.
4 THE COURT: State.
5 MS. KOLLINS: Ma'am, I apologize, I didn't hear what you did for a living.
6 PROSPECTIVE JUROR NUMBER 057: I'm a scientific technologist.
7 MS. KOLLINS: And what do you do then on a daily basis?
8 PROSPECTIVE JUROR NUMBER 057: I use the microscope to look at
9 smears, both non-gynecological and non-gynecological specimens.
10 MS. KOLLINS: As part of your training for that position, did you learn about
11 DNA and how profiles are extracted, anything like that?
12 PROSPECTIVE JUROR NUMBER 057: No.
13 MS. KOLLINS: But you did take science classes.
14 PROSPECTIVE JUROR NUMBER 057: Yes.
15 MS. KOLLINS: Okay. And we kind of talked about this a little bit before. If
16 you were seated in this jury you couldn't go refer to materials you may have known
17 about from school or Google things on the internet, things like that about DNA and
18 how it works. You'll be confined to what you hear in court. You're okay with that?
19 PROSPECTIVE JUROR NUMBER 057: Yes.
20 MS. KOLLINS: Have you ever known anybody that's been a victim of a
21 crime?
22 PROSPECTIVE JUROR NUMBER 057: No.
23 MS. KOLLINS: Have you ever known anyone who's been accused of a
24 crime?
25 PROSPECTIVE JUROR NUMBER 057: No.

1 MS. KOLLINS: Anything that we talked about yesterday or just a few of the
2 questions today, talking about listening to kids testify that causes you concern
3 today?

4 PROSPECTIVE JUROR NUMBER 057: No.

5 MS. KOLLINS: Pass for cause, Your Honor.

6 MR. SPEED: Ms. Calvo, what does your husband do -- or I'm sorry, your
7 father-in-law, what does he do for the police department?

8 PROSPECTIVE JUROR NUMBER 057: I'm not really sure, but I think he's in
9 administrative side of it.

10 MR. SPEED: But he is not a uniformed officer.

11 PROSPECTIVE JUROR NUMBER 057: No, he is not.

12 MR. SPEED: I gestured towards the witness box, there was an officer there a
13 minute ago. He seems to have disappeared.

14 Now, if you're selected to serve as a juror in our trial here, you may find
15 yourself having heard all the evidence, finished with all the proceedings here, and in
16 one of these little rooms in the courthouse deliberating with your fellow jurors.
17 Sometimes those discussions become angry, heated, contentious. Do you think
18 you'd be able to stand up for yourself if you're in a heated discussion with your other
19 jury members?

20 PROSPECTIVE JUROR NUMBER 057: No.

21 MR. SPEED: No?

22 PROSPECTIVE JUROR NUMBER 057: I don't like discussions.

23 MR. SPEED: You said you don't like discussions. Why?

24 PROSPECTIVE JUROR NUMBER 057: I just -- that's the reason why I -- I
25 just don't like them even with my husband. Once discussions or arguments start, I

1 just keep quiet.

2 MR. SPEED: Fair to say that you're most content when you're in the lab
3 looking at microscopes, by yourself?

4 PROSPECTIVE JUROR NUMBER 057: Yeah.

5 MR. SPEED: Yes?

6 PROSPECTIVE JUROR NUMBER 057: Yes.

7 MR. SPEED: Looking through microscopes I should say.

8 And so it's your honest belief this morning if you were in a situation
9 where you were deliberating with 11 other people and it became contentious, it
10 became a heated argument that you wouldn't be able to assert your position, if you
11 had one that was counter to the group, for example?

12 PROSPECTIVE JUROR NUMBER 057: I believe so.

13 MR. SPEED: You believe so, you could not?

14 PROSPECTIVE JUROR NUMBER 057: I could not.

15 MR. SPEED: May we approach, Your Honor?

16 THE COURT: No, we approached enough. Do you have an objection? A
17 motion or objection.

18 MR. SPEED: I'd ask that she'd be excused for cause. Ms. Calvo.

19 MS. KOLLINS: I'll submit it, Your Honor.

20 THE COURT: Thank you. If you'll check in with the Jury Commissioner.

21 THE CLERK: Christine Johnson, Badge 0059.

22 THE COURT: Tell me your name.

23 PROSPECTIVE JUROR NUMBER 059: Christine Johnson, Badge Number
24 0059.

25 THE COURT: Do you work?

1 PROSPECTIVE JUROR NUMBER 059: Yes.
2 THE COURT: What do you do?
3 PROSPECTIVE JUROR NUMBER 059: I'm a security guard.
4 THE COURT: Where?
5 PROSPECTIVE JUROR NUMBER 059: I work for two companies and for the
6 most part I do convention work.
7 THE COURT: Armed or unarmed?
8 PROSPECTIVE JUROR NUMBER 059: Unarmed.
9 THE COURT: Have you -- are you married?
10 PROSPECTIVE JUROR NUMBER 059: Divorced.
11 THE COURT: Does your ex-husband work?
12 PROSPECTIVE JUROR NUMBER 059: I know nothing about my ex-
13 husband. It's been a long time that we've been divorced.
14 THE COURT: Children?
15 PROSPECTIVE JUROR NUMBER 059: No, sir.
16 THE COURT: Have you law enforcement training?
17 PROSPECTIVE JUROR NUMBER 059: No, sir.
18 THE COURT: Have you ever sat as a juror before?
19 PROSPECTIVE JUROR NUMBER 059: No, sir.
20 THE COURT: Can you be fair to both parties in this case?
21 PROSPECTIVE JUROR NUMBER 059: I believe so. Yes, sir.
22 THE COURT: State.
23 MS. KOLLINS: State would pass for cause, Your Honor.
24 MR. SPEED: Ms. Johnson, you revealed to us yesterday that you had an
25 experience -- a harrowing experience in your own life, yes?

1 PROSPECTIVE JUROR NUMBER 059: Yes, sir.

2 MR. SPEED: And it's fair to say that you are still living with the aftereffects --
3 the aftermath -- the impact of that event, yes?

4 PROSPECTIVE JUROR NUMBER 059: To what capacity would you be
5 talking? I mean, --

6 MR. SPEED: I'm not sure. And not to delve too deeply into this if it still is a
7 source of discomfort for you, but would your experience having survived something
8 like that come into play when you are deliberating about the facts of this case?

9 PROSPECTIVE JUROR NUMBER 059: No.

10 MR. SPEED: As a security guard, I think it's safe to assume that you interact
11 with people on a daily basis at work, yes?

12 PROSPECTIVE JUROR NUMBER 059: All the time.

13 MR. SPEED: Do you think that you would have a problem, standing up for
14 yourself, asserting your position if you were selected to serve and your deliberations
15 became contentious?

16 PROSPECTIVE JUROR NUMBER 059: No, sir.

17 MR. SPEED: We pass for cause, Your Honor.

18 THE COURT: Thank you.

19 Again, I may during the trial take notes of witness' testimony. You're
20 not to make any inference from that action. I'm required to prepare for legal
21 arguments of Counsel during this trial and for that reason I may take notes. And you
22 may think oh, that must be important the Judge is taking notes. I may just be
23 making my shopping list, my grocery list. I have a redheaded wife and I make sure I
24 get everything covered. So don't pay too much attention to that.

25 Again, let me remind you that until this case is submitted to you, do not

1 talk to each other or anyone else about it until -- and anyone else -- that has
2 anything to do with this until the end of the case when you go to the jury room to
3 decide your verdict. Anyone else includes members of your family and your friends.
4 You may tell them that you are a juror in the case, but don't tell them anything else
5 about it until you have been discharged by jurors -- as jurors by myself.

6 Do not let anyone talk to you about the case, or anyone who has
7 anything to do with it. If someone should try to talk to you, please report that to me
8 immediately through the marshal. Do not read any new stories or articles or listen to
9 any radio or television reports about the case or about anyone who has anything to
10 do with it.

11 This is vitally important and is violated very often. Do not jump on the
12 internet to do any personal research or *AskJeeves*. Please don't try to do that
13 research. Do not communicate or publish anything about this case on any social
14 media sites, like *Facebook* or *Instagram*, or those -- what other kinds of things do we
15 have? A lot of them. Don't just get on the internet about this until it's over.

16 [PEREMPTORY CHALLENGES]

17 THE COURT: We'd thank and excuse Jason Reta. Thank you for your time.
18 And Christine Johnson. Thank you for your time.

19 THE CLERK: Bruce Benz, Badge 0066, will be in Seat 8. Valeria Pineda-
20 Rivera, 0067, Seat 12.

21 THE COURT: All right. Tell me your name.

22 PROSPECTIVE JUROR NUMBER 066: Bruce Benz.

23 THE COURT: You work?

24 PROSPECTIVE JUROR NUMBER 066: Retired.

25 THE COURT: From what?

1 PROSPECTIVE JUROR NUMBER 066: Class tech injection molding in
2 Milwaukee, Wisconsin.

3 THE COURT: Are you married?

4 PROSPECTIVE JUROR NUMBER 066: My wife passed away three and a
5 half years ago.

6 THE COURT: Any background in law or law enforcement?

7 PROSPECTIVE JUROR NUMBER 066: None.

8 THE COURT: Children that are in law or law enforcement?

9 PROSPECTIVE JUROR NUMBER 066: No.

10 THE COURT: Have you ever sat as a juror before?

11 PROSPECTIVE JUROR NUMBER 066: No.

12 THE COURT: Is there any questions you heard asked the last couple days
13 you thought, you know, I should bring this to the attention of the Judge?

14 PROSPECTIVE JUROR NUMBER 066: I made mention to the marshal
15 yesterday when we were released for lunch that I may have a bias in this case?

16 THE COURT: What's that?

17 PROSPECTIVE JUROR NUMBER 066: Two of my sister-in-law's and one or
18 two of my nieces were molested.

19 THE COURT: And you now think that you can't separate that from the facts
20 of this case?

21 PROSPECTIVE JUROR NUMBER 066: I've had 24 hours to think about it.

22 THE COURT: I'll let the attorneys ask you some questions.

23 MS. KOLLINS: Thanks, Judge.

24 It's still morning. Good morning. How are you?

25 PROSPECTIVE JUROR NUMBER 066: Fine. How are you?

1 MS. KOLLINS: We don't like to pry into these kinds of things but it's important
2 for us to know kind of how you feel going into this. Bias is a strong word, right?

3 PROSPECTIVE JUROR NUMBER 066: Yes, it is, but they have a right to
4 know that. I need to sleep at night too.

5 MS. KOLLINS: Absolutely. Absolutely. Obviously what happened in your
6 family is separate from what happened here.

7 PROSPECTIVE JUROR NUMBER 066: Yes.

8 MS. KOLLINS: Was law enforcement contacted in any of the situations that
9 you discussed?

10 PROSPECTIVE JUROR NUMBER 066: No. This is -- situations like this, it's
11 hard to talk about now and this happened 40, 15, and 30 years ago.

12 MS. KOLLINS: It was not disclosed?

13 PROSPECTIVE JUROR NUMBER 066: No. But I see the effects of it.

14 MS. KOLLINS: There was all kind of reasons -- especially, you know, as I
15 guess information about sexual abuse kind of filters through our society that, you
16 know, as time progresses there's more disclosure.

17 PROSPECTIVE JUROR NUMBER 066: Right.

18 MS. KOLLINS: Do you think that you could set aside what you know about
19 those cases and listen to what these kids have to say and come to a fair decision for
20 both sides? Because as he sits there today, he's not guilty.

21 PROSPECTIVE JUROR NUMBER 066: I understand that.

22 MS. KOLLINS: I'm not being condescending, I'm just --

23 PROSPECTIVE JUROR NUMBER 066: No, that's fine. That's fine.

24 MS. KOLLINS: Do you think you could do that?

25 PROSPECTIVE JUROR NUMBER 066: I'm not sure because I keep bringing

1 up the past and thinking about it. I would hope I could, but I just wanted to bring it
2 out.

3 MS. KOLLINS: No, absolutely. And we always appreciate candor and
4 honesty and that's what this forum's for. You know, sometimes I know it seems like
5 we're kind of digging into your personal life and asking really pointed questions and
6 we don't -- you know, we don't mean to make anyone uncomfortable, we just need
7 to do the best we can for both sides -- for all the parties concerned.

8 Because of your bias would you be more likely to convict Mr. Williams,
9 or more likely to believe a victim, or how do you think that bias would materialize in
10 court? Because I understand -- this is distasteful and we know it's -- everybody
11 comes here with their life experiences and if it's going to be in the back of your
12 head, it's going to be in the back of your head. But I guess my question is, is how is
13 it going to materialize? Are you going to automatically believe the victim? Are you
14 automatically going to believe him? How do you think that might play out?

15 PROSPECTIVE JUROR NUMBER 066: I really don't know how to answer
16 that because I haven't heard any of the evidence or anything. I don't know.

17 MS. KOLLINS: Do you think you can try to be fair and listen to the evidence?

18 PROSPECTIVE JUROR NUMBER 066: I would hope so, but I don't know.
19 I -- from the situation I'm in, without hearing what's going on, I don't know how I'm
20 going to react to it.

21 MS. KOLLINS: Would you agree with me that probably every person who's
22 ultimately seated here is going to have somewhat of a visceral reaction listening to
23 kids talk about this stuff? It means everybody is going to find it distasteful, right?

24 PROSPECTIVE JUROR NUMBER 066: I understand that.

25 MS. KOLLINS: And you come here with a different background than some

1 people and we just need to know if you can try to be fair. That's all.

2 PROSPECTIVE JUROR NUMBER 066: I hesitate, but I would try.

3 MS. KOLLINS: I'll pass for cause, Your Honor.

4 MR. SPEED: Your Honor, we believe that Mr. Benz has already answered

5 enough of our questions and we would ask that he be excused for cause.

6 THE COURT: Thank you, sir. You're free to go. Put him on a civil case,

7 Tom.

8 THE CLERK: Lyndsie Wilson, Badge 0068.

9 THE COURT: Tell me your name.

10 PROSPECTIVE JUROR NUMBER 068: Lyndsie Wilson, Number --

11 THE COURT: Do you work?

12 PROSPECTIVE JUROR NUMBER 068: -- 68. Yes, sir.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR NUMBER 068: I am a physician's assistant in

15 Gastroenterology.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NUMBER 068: No, sir.

18 THE COURT: Children?

19 PROSPECTIVE JUROR NUMBER 068: No.

20 THE COURT: Have you ever sat as a juror before?

21 PROSPECTIVE JUROR NUMBER 068: No.

22 THE COURT: Do you have a background in law or law enforcement?

23 PROSPECTIVE JUROR NUMBER 068: None.

24 THE COURT: You'll be fair and impartial to both parties in this case?

25 PROSPECTIVE JUROR NUMBER 068: Yes, sir.

1 THE COURT: State.
2 MS. KOLLINS: Thank you.
3 Good morning.
4 PROSPECTIVE JUROR NUMBER 068: Good morning.
5 MS. KOLLINS: How are you?
6 PROSPECTIVE JUROR NUMBER 068: I'm doing well, thank you.
7 MS. KOLLINS: Good. It says on here you have a master's degree.
8 PROSPECTIVE JUROR NUMBER 068: Correct. Yes, it's in physician
9 assistant studies.
10 MS. KOLLINS: And how long have you been doing that for?
11 PROSPECTIVE JUROR NUMBER 068: For about six years.
12 MS. KOLLINS: And are you a physician's assistant in a certain type of
13 practice?
14 PROSPECTIVE JUROR NUMBER 068: Yes, ma'am. I work in
15 gastroenterology currently, but I have also worked at an urgent care and also in
16 pediatric surgery.
17 MS. KOLLINS: Pediatric surgery here in Las Vegas?
18 PROSPECTIVE JUROR NUMBER 068: No, it was in Texas.
19 MS. KOLLINS: Have you ever, as a physician's assistant, been involved is
20 assisting in a sexual assault examination, anything like that?
21 PROSPECTIVE JUROR NUMBER 068: No, ma'am.
22 MS. KOLLINS: Do you have any nieces or nephews?
23 PROSPECTIVE JUROR NUMBER 068: 16 and counting.
24 MS. KOLLINS: Oh, boy. That's a big Christmas list, right?
25 PROSPECTIVE JUROR NUMBER 068: It is.

1 MS. KOLLINS: Do you spend a lot of time with them?

2 PROSPECTIVE JUROR NUMBER 068: More so now that I live closer to
3 them.

4 MS. KOLLINS: You heard about what we're talking about in here in listening
5 to children testify and kind of trying to understand their background, their age, their
6 development when you receive their testimony. Do you have any problems with
7 that?

8 PROSPECTIVE JUROR NUMBER 068: No, ma'am.

9 MS. KOLLINS: Have you ever known anyone that's been a victim of a crime?

10 PROSPECTIVE JUROR NUMBER 068: A sex crime or just any crime?

11 MS. KOLLINS: I'm sorry. Sex crime.

12 PROSPECTIVE JUROR NUMBER 068: A sex crime. Not really. My -- I
13 have a close family friend whose family is involved in child porn allegations.

14 MS. KOLLINS: Reported to law enforcement.

15 PROSPECTIVE JUROR NUMBER 068: Yes, ma'am.

16 MS. KOLLINS: How do you feel about how law enforcement is handling that?

17 PROSPECTIVE JUROR NUMBER 068: I don't know much about their case.

18 They haven't started trial yet.

19 MS. KOLLINS: Is that pending here in Las Vegas?

20 PROSPECTIVE JUROR NUMBER 068: No, it's in Utah.

21 MS. KOLLINS: And so do you -- the persons involved in that, do you talk to
22 them about the case or what's pending?

23 PROSPECTIVE JUROR NUMBER 068: I have talked to the friend involved.
24 Nothing recently.

25 MS. KOLLINS: The friend involved, the person that is charged?

1 PROSPECTIVE JUROR NUMBER 068: No, it's her sister and her sister's
2 husband.

3 MS. KOLLINS: So extended from you.

4 PROSPECTIVE JUROR NUMBER 068: Correct.

5 MS. KOLLINS: Third party to you.

6 PROSPECTIVE JUROR NUMBER 068: Correct.

7 MS. KOLLINS: Okay. And kind of the same question that I've kind of posed
8 to everybody that has any medical background. If you have a question about DNA
9 or about how the sex assault exam is conducted, you know, you can't go look at,
10 you know, *Google* or old textbooks or whatever, is the protocol correct? Is the DNA
11 tested how I learned about it in school? You can't do anything like that.

12 PROSPECTIVE JUROR NUMBER 068: I understand.

13 MS. KOLLINS: Anything that you've heard in my questions, Mr. Speed's
14 questions over the last I don't know two days that cause you any concern or
15 anxiety?

16 PROSPECTIVE JUROR NUMBER 068: Definitely anxiety hearing a child's
17 testimony but that's it.

18 MS. KOLLINS: Anything about your work schedule that will be distracting?

19 PROSPECTIVE JUROR NUMBER 068: No. I mean, I don't have on-call
20 hours. It will just be a lot of rescheduling patients.

21 MS. KOLLINS: Pass for cause, Your Honor.

22 THE COURT: Thank you.

23 MS. ROSS: Good morning, Ms. Wilson.

24 PROSPECTIVE JUROR NUMBER 068: Good morning.

25 MS. ROSS: So you said you have 16 nieces and nephews and counting,

1 correct?

2 PROSPECTIVE JUROR NUMBER 068: Correct.

3 MS. ROSS: So does that mean you have a lot of brothers and sisters?

4 PROSPECTIVE JUROR NUMBER 068: I have four sisters and one brother.

5 MS. ROSS: Are you all relatively close in age?

6 PROSPECTIVE JUROR NUMBER 068: Within a couple of years between
7 everyone -- between each of us.

8 MS. ROSS: So you guys were quite a pack growing up I'd assume, right?

9 PROSPECTIVE JUROR NUMBER 068: Whether we liked it or not, yes.

10 MS. ROSS: Whether you liked it or not. Tell me a little about that. What
11 were some times that you didn't like it?

12 PROSPECTIVE JUROR NUMBER 068: That I didn't like having so many
13 siblings or --

14 MS. ROSS: Yeah.

15 PROSPECTIVE JUROR NUMBER 068: Well I shared a room until I was
16 about 16, so I didn't like that.

17 MS. ROSS: I can imagine. You and your siblings, do you have a lot of varied
18 personalities?

19 PROSPECTIVE JUROR NUMBER 068: I say we have similar personalities
20 and similar likes.

21 MS. ROSS: Sure. How about your nieces and nephews? Do you see one
22 being the leader of the pack, some others that fall in line or anything like that?

23 PROSPECTIVE JUROR NUMBER 068: Yes.

24 MS. ROSS: Can you tell me a little bit about that? Is it based on age or
25 personality or -- or how do you see them kind of organizing themselves if they're all

1 together for a family reunion?

2 PROSPECTIVE JUROR NUMBER 068: I think it depends on who they're
3 around. Sometimes they're the oldest of the group then sometimes they're a little
4 more dominate. If they're the youngest and if they're not with their cousins that they
5 feel most comfortable with, they might be a little more passive about it.

6 MS. ROSS: With your siblings growing up, was there ever a time that you
7 guys got in trouble?

8 PROSPECTIVE JUROR NUMBER 068: Yeah, we fought a lot so we got in
9 trouble a lot.

10 MS. ROSS: When you would get in trouble, would it be everyone or just was
11 one ever singled out? I'm sure it depends on the situation.

12 PROSPECTIVE JUROR NUMBER 068: Yeah, it depended on who was
13 involved.

14 MS. ROSS: Was there a sibling or nieces and nephews if you don't want to
15 play favorites with siblings or anything like that, was there ever one that you felt
16 maybe a little bit protective of?

17 PROSPECTIVE JUROR NUMBER 068: That I felt more protective --

18 MS. ROSS: Yeah.

19 PROSPECTIVE JUROR NUMBER 068: -- of?

20 MS. ROSS: Someone you had to watch out for or someone that maybe
21 watched out for you.

22 PROSPECTIVE JUROR NUMBER 068: Not in particular. I can't think of
23 instances.

24 MS. ROSS: Can you see that with your nieces and nephews? Is there
25 someone that is watched out for by the others?

1 PROSPECTIVE JUROR NUMBER 068: I guess in general the younger ones
2 are sometimes watched out for, but they also get blamed a lot by the older ones.
3 So, it depends on the instance.

4 MS. ROSS: Would you agree with me, either in your situation with your family
5 or with your nieces and nephews, if one sibling or one cousin was in trouble, some
6 other ones would step in to help?

7 PROSPECTIVE JUROR NUMBER 068: Yes.

8 MS. ROSS: Would you believe that there would be times maybe when one of
9 the leaders of the pack would help close ranks around the group of children?

10 PROSPECTIVE JUROR NUMBER 068: I'm not sure I understand what that
11 means.

12 MS. ROSS: Sure.

13 PROSPECTIVE JUROR NUMBER 068: Can you ever imagine a situation
14 where one of your nieces and nephews would exert influence over the ones to kind
15 of all follow a certain trend?

16 PROSPECTIVE JUROR NUMBER 068: Yes.

17 MS. ROSS: Would that happen often you think?

18 PROSPECTIVE JUROR NUMBER 068: Yes, it could.

19 MS. ROSS: And would it be usually the older ones taking charge and the
20 younger ones following?

21 PROSPECTIVE JUROR NUMBER 068: Yes, ma'am.

22 MS. ROSS: Brief indulgence.

23 We'll pass for cause. Thank you.

24 THE COURT: Tell me your name again.

25 PROSPECTIVE JUROR NUMBER 067: Valeria.

1 THE COURT: Where do you work?

2 PROSPECTIVE JUROR NUMBER 067: I'm a receptionist at an animal
3 hospital.

4 THE COURT: Are you married?

5 PROSPECTIVE JUROR NUMBER 067: Nope.

6 THE COURT: Do you have a background in law or law enforcement?

7 PROSPECTIVE JUROR NUMBER 067: Nope. I am taking a criminal justice
8 course in college right now, but that's pretty much it.

9 THE COURT: UNLV or CSN?

10 PROSPECTIVE JUROR NUMBER 067: CSN.

11 THE COURT: Have you ever sat as a juror before?

12 PROSPECTIVE JUROR NUMBER 067: Nope.

13 THE COURT: Can you be fair to both parties in this case?

14 PROSPECTIVE JUROR NUMBER 067: I believe so, yes.

15 THE COURT: State.

16 MS. KOLLINS: Is it Pineda-Rivera? Is that right?

17 PROSPECTIVE JUROR NUMBER 067: Pineda-Rivera, yes.

18 MS. KOLLINS: What do you think some of the motives might be for a kid to
19 make up stuff like this?

20 PROSPECTIVE JUROR NUMBER 067: Possibly influence. Like we were
21 just talking about maybe from people their age, people they trust, people they don't
22 want to disappoint, perhaps.

23 MS. KOLLINS: Do you spend a lot of time around kids?

24 PROSPECTIVE JUROR NUMBER 067: I do. I have a younger sister. She's
25 13. And lots of little cousins.

1 MS. KOLLINS: Do you live with your younger sister?

2 PROSPECTIVE JUROR NUMBER 067: I do, yes.

3 MS. KOLLINS: Do you think you can listen to this testimony, because it's
4 going to be pretty graphic? Do you think you can listen to it and work through it and
5 help everyone come to a verdict?

6 PROSPECTIVE JUROR NUMBER 067: I could try my best, yes. It would be
7 kind of hard.

8 MS. KOLLINS: What about it would be hard?

9 PROSPECTIVE JUROR NUMBER 067: Probably just listening to stuff like
10 that from young children.

11 MS. KOLLINS: Okay. You have some family mem -- you have a family
12 member that has been accused of a similar situation, correct?

13 PROSPECTIVE JUROR NUMBER 067: Yes.

14 MS. KOLLINS: Okay. Obviously it was reported to police because he's
15 incarcerated.

16 PROSPECTIVE JUROR NUMBER 067: Uh-huh. Yes.

17 MS. KOLLINS: Was that here in Nevada?

18 PROSPECTIVE JUROR NUMBER 067: No.

19 MS. KOLLINS: Okay. Was the victim also a family member or somebody
20 outside your family?

21 PROSPECTIVE JUROR NUMBER 067: This was a complete stranger.

22 MS. KOLLINS: How do you think your uncle was treated by the justice
23 system?

24 PROSPECTIVE JUROR NUMBER 067: I don't know many of the details so
25 I'm not really sure.

1 MS. KOLLINS: And I took notes when you were speaking back there and I
2 wasn't sure if I heard you correctly; that was the only person in your family that that
3 situation arose with or another situation?

4 PROSPECTIVE JUROR NUMBER 067: Yes. I have a younger cousin also
5 that was -- actually the person that's incarcerated is her stepfather who -- she was
6 molested by someone in her apartment complex when she was younger as well.

7 MS. KOLLINS: And you can set all of that aside and be fair in this courtroom?

8 PROSPECTIVE JUROR NUMBER 067: I believe so. I could try to, yes.

9 MS. KOLLINS: Because both sides are entitled to a fair trial; both Mr.
10 Williams and the State?

11 PROSPECTIVE JUROR NUMBER 067: Yes, I believe that.

12 MS. KOLLINS: Okay. Thank you. We'll pass for cause.

13 MR. SPEED: Ms. Pineda-Rivera, you said that you live with your younger
14 sister, yes?

15 PROSPECTIVE JUROR NUMBER 067: Yes.

16 MR. SPEED: And how many other siblings do you have? I missed that.

17 PROSPECTIVE JUROR NUMBER 067: I have kind of a stepsister, but she's
18 much older, maybe in her 30s. I never met her before. I don't know.

19 MR. SPEED: Careful about that much older than I, in their 30s.

20 PROSPECTIVE JUROR NUMBER 067: Oh, no.

21 MR. SPEED: And how long has she been in your life? Your stepsister?

22 PROSPECTIVE JUROR NUMBER 067: I first heard of her when I was
23 maybe nine or ten.

24 MR. SPEED: You said you first heard of when you were between nine and
25 ten. Explain that to me, please?

1 PROSPECTIVE JUROR NUMBER 067: Yes. I believe my dad was involved
2 in another relationship before my mother and she lived with her mother and my dad
3 doesn't have much contact with her and we don't either.

4 MR. SPEED: When Ms. Ross was talking with one of your fellow venire panel
5 members earlier we talked about sibling relationships and how sometimes children
6 in a family have to close ranks around one another. Now, I teased you a minute ago
7 about saying that someone in their 30s is much older than you are, but I do
8 remember growing up with my brothers and sisters and our parents telling us things
9 like you can fight each other all you want, you'll get in trouble, I don't care who did it,
10 I don't want you hitting one another. But if somebody outside our family hits your
11 brother or your sister and you don't do anything about it, then you have to answer to
12 me twice. This is mom and dad talking, you understand?

13 PROSPECTIVE JUROR NUMBER 067: Yeah. Uh-huh.

14 MR. SPEED: Were you raised with a similar philosophy like that?

15 PROSPECTIVE JUROR NUMBER 067: Yes.

16 MR. SPEED: Family first, right?

17 PROSPECTIVE JUROR NUMBER 067: Correct.

18 MR. SPEED: I could fight you about taking my sweater, about borrowing my
19 shoes, about using my phone, about any of that. We can go round and round all
20 night. But if somebody else does something like that, you're supposed to protect
21 your people, right?

22 PROSPECTIVE JUROR NUMBER 067: Yes.

23 MR. SPEED: This relationship with your stepsister, would you consider it
24 friendly?

25 PROSPECTIVE JUROR NUMBER 067: Yes. We're friends on Facebook.

1 I've talked to her maybe once or twice. Nothing mean.

2 MR. SPEED: But certainly not nearly as close as you are with the younger
3 sister that you have who you live with, right?

4 PROSPECTIVE JUROR NUMBER 067: Definitely not.

5 MR. SPEED: Like Seat Number 16 here, would you consider it warm but
6 extended?

7 PROSPECTIVE JUROR NUMBER 067: Yes, definitely.

8 MR. SPEED: We pass for cause, Your Honor.

9 [PEREMPTORY CHALLENGES]

10 THE COURT: We would thank and excuse Dante Garcia. Thank you for your
11 time.

12 THE CLERK: Jill Downer, Badge 0069.

13 THE COURT: All right. Tell me your name.

14 PROSPECTIVE JUROR NUMBER 069: Jill Downer, Badge Number 0069.

15 THE COURT: Do you work?

16 PROSPECTIVE JUROR NUMBER 069: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NUMBER 069: Accounting assistant.

19 THE COURT: Where?

20 PROSPECTIVE JUROR NUMBER 069: For Sunwest Custom Homes.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR NUMBER 069: Yes.

23 THE COURT: Spouse work?

24 PROSPECTIVE JUROR NUMBER 069: Yes.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NUMBER 069: Project manager for a construction
2 company.
3 THE COURT: Children?
4 PROSPECTIVE JUROR NUMBER 069: Yes.
5 THE COURT: Ages.
6 PROSPECTIVE JUROR NUMBER 069: Four.
7 THE COURT: Ages.
8 PROSPECTIVE JUROR NUMBER 069: 22 down to 8.
9 THE COURT: Have you a background in law or law enforcement?
10 PROSPECTIVE JUROR NUMBER 069: No. My brother-in-law is a Las
11 Vegas Metro police officer.
12 THE COURT: What's his name?
13 PROSPECTIVE JUROR NUMBER 069: Jim Tennant.
14 THE COURT: Do you know which division he works in?
15 PROSPECTIVE JUROR NUMBER 069: No.
16 THE COURT: You guys talk about his cases?
17 PROSPECTIVE JUROR NUMBER 069: He has, but I'm not really close with
18 him.
19 THE COURT: You can't call him and say hey --
20 PROSPECTIVE JUROR NUMBER 069: No.
21 THE COURT: -- I'm on this jury and this happened at the Court today, could
22 you tell me what's going on?
23 PROSPECTIVE JUROR NUMBER 069: No.
24 THE COURT: Don't do that.
25 PROSPECTIVE JUROR NUMBER 069: I won't.

1 THE COURT: Have you ever sat as a juror before?
2 PROSPECTIVE JUROR NUMBER 069: No.
3 THE COURT: You'll be fair to both parties in this case?
4 PROSPECTIVE JUROR NUMBER 069: Yes.
5 THE COURT: State.
6 MS. KOLLINS: Good morning.
7 PROSPECTIVE JUROR NUMBER 069: Good morning.
8 MS. KOLLINS: You said you had a relative by the name of Jim Tennant --
9 PROSPECTIVE JUROR NUMBER 069: Yes.
10 MS. KOLLINS: -- who's a Metro officer?
11 PROSPECTIVE JUROR NUMBER 069: Yes.
12 MS. KOLLINS: Is he any relation to Richard Tennant?
13 PROSPECTIVE JUROR NUMBER 069: No.
14 MS. KOLLINS: Okay. You heard us at the beginning say Richard Tennant is
15 involved in this case?
16 PROSPECTIVE JUROR NUMBER 069: I don't remember that.
17 MS. KOLLINS: Okay. What does Jim Tennant do for Metro?
18 PROSPECTIVE JUROR NUMBER 069: He works nights. I don't know. He's
19 on patrol.
20 MS. KOLLINS: So he's not -- he's not a sexual assault detective?
21 PROSPECTIVE JUROR NUMBER 069: No.
22 MS. KOLLINS: Okay. Would you have any predisposition to believe law
23 enforcement or -- because of your relationship with him?
24 PROSPECTIVE JUROR NUMBER 069: No.
25 MS. KOLLINS: You wouldn't call him during the course of this trial and say

1 well, the detectives in this trial did this, what do you think of that?

2 PROSPECTIVE JUROR NUMBER 069: No.

3 MS. KOLLINS: What should I do? What should my verdict be?

4 PROSPECTIVE JUROR NUMBER 069: No.

5 MS. KOLLINS: You said you have kids 22 to 10? Is that --

6 PROSPECTIVE JUROR NUMBER 069: 8.

7 MS. KOLLINS: 8. Okay. How many at home?

8 PROSPECTIVE JUROR NUMBER 069: Three at home.

9 MS. KOLLINS: Okay. So the 8-year old and how old are the other ones?

10 PROSPECTIVE JUROR NUMBER 069: 8, 13, and 17.

11 MS. KOLLINS: Some time you have to decide between them who's telling the

12 truth?

13 PROSPECTIVE JUROR NUMBER 069: Yes, I have to sit there and listen to

14 both sides.

15 MS. KOLLINS: You can come to a reasonable decision?

16 PROSPECTIVE JUROR NUMBER 069: Try to, yes.

17 MS. KOLLINS: Based on what's in front of you?

18 PROSPECTIVE JUROR NUMBER 069: Yes.

19 MS. KOLLINS: Based on what they tell you, what you can see, what you

20 observe?

21 PROSPECTIVE JUROR NUMBER 069: Yes.

22 MS. KOLLINS: Do you have any problem making a decision in this case?

23 PROSPECTIVE JUROR NUMBER 069: No.

24 MS. KOLLINS: Your Honor, I will pass for cause.

25 MR. SPEED: Ms. Downer, we talked for some time yesterday -- let me move

1 over just a little bit so I can see. All right. I don't want you to have to strain. Let me
2 do that.

3 We talked for a while yesterday about your belief that the children in
4 this case may have been traumatized once and that by testifying here that they're
5 traumatized again somehow.

6 PROSPECTIVE JUROR NUMBER 069: Yes, they could be.

7 MR. SPEED: Could you elaborate for me?

8 PROSPECTIVE JUROR NUMBER 069: Well something must have
9 happened --

10 MR. SPEED: Okay.

11 PROSPECTIVE JUROR NUMBER 069: -- in order for them to go through the
12 first time around. And then repeating what they remember, it might bring it all up
13 again.

14 MR. SPEED: So as you sit in our jury box now, you're under the impression
15 that something must have happened, yes?

16 PROSPECTIVE JUROR NUMBER 069: Yes.

17 MR. SPEED: And if the children were brought into court to give testimony
18 they would be recalling an incident that actually happened to them?

19 PROSPECTIVE JUROR NUMBER 069: As far as they remember, yes.

20 MR. SPEED: Your Honor, we'd ask that Ms. Downer be excused for cause.

21 MS. KOLLINS: Permission to traverse this juror?

22 THE COURT: Yes.

23 MS. KOLLINS: Thank you.

24 I'm back. I just have a couple of questions for you. As Mr. Williams sits
25 here today you have not heard any of the charges, correct?

1 PROSPECTIVE JUROR NUMBER 069: Correct.

2 MS. KOLLINS: Okay. You haven't heard any of those. He has a

3 presumption of innocence --

4 PROSPECTIVE JUROR NUMBER 069: Yes.

5 MS. KOLLINS: -- as he sits there?

6 PROSPECTIVE JUROR NUMBER 069: Yes.

7 MS. KOLLINS: And when you promise the judge to follow the law you agree

8 that as he -- you will agree when you're first sworn in that he has that presumption.

9 PROSPECTIVE JUROR NUMBER 069: Yes.

10 MS. KOLLINS: Okay. So when you say something must have happened,

11 you're not considering something that you think may have happened as evidence

12 against him are you?

13 PROSPECTIVE JUROR NUMBER 069: No. Something happened for him to

14 be here.

15 MS. KOLLINS: Well charges were brought and he was arrested but that

16 doesn't -- as you sit here right now you don't whether a crime was --

17 PROSPECTIVE JUROR NUMBER 069: No.

18 MS. KOLLINS: -- committed?

19 PROSPECTIVE JUROR NUMBER 069: No, I don't.

20 MS. KOLLINS: And you can be fair and impartial to both sides?

21 PROSPECTIVE JUROR NUMBER 069: Yes.

22 MS. KOLLINS: Give Mr. Williams his presumption until proven otherwise.

23 PROSPECTIVE JUROR NUMBER 069: Yes.

24 MS. KOLLINS: Okay. Pass for cause.

25 THE COURT: I'm not going to release you on cause. Further questions?

1 MR. SPEED: No quest -- quest -- no -- excuse me. No further questions,
2 Your Honor.

3 MS. KOLLINS: Your Honor, might we approach very briefly before we do
4 this?

5 THE COURT: Yes.

6 [Bench Conference Begins]

7 MS. KOLLINS: The State just wants to make a record that they have
8 systematically excluded every white male from the panel. Pursuant to *Libby versus*
9 *State* that is inappropriate to exclude on gender and race. So just for the record
10 they have excluded all the --

11 THE COURT: I'll let you make a record of that.

12 MS. KOLLINS: All but one perempt has been of a white male.

13 THE COURT: Okay.

14 MS. RHOADES: But it's disproportionate to the panel. I mean, it's about half
15 and half.

16 THE COURT: All right. I'll let you make a record of that.

17 MS. KOLLINS: Okay.

18 [Bench Conference Concludes]

19 [PEREMPTORY CHALLENGES]

20 THE COURT: We'd thank and excuse Lyndsie Wilson. Thank you for your
21 time. Check in with the Jury Commissioner.

22 MS. KOLLINS: No. No.

23 MR. SPEED: Your Honor?

24 MS. KOLLINS: That's --

25 THE COURT: Well that -- I'm going by the number. Hold on just a second.

1 Hold on. Have a seat. Approach the bench now.

2 [Bench Conference Begins]

3 THE COURT: Okay. It was a roulette color, the number 69. That's -- I can't
4 read the writing.

5 MS. KOLLINS: 69 is Downer.

6 MR. SPEED: Downer.

7 THE COURT: Hmm?

8 MR. SPEED: 69 is Downer, Your Honor.

9 THE COURT: Look at this, 69.

10 MS. KOLLINS: Okay.

11 THE COURT: And I have 69 here as --

12 MR. SPEED: Excuse me.

13 THE COURT: Who do you show as -- give me the list of the jurors. Give me
14 a list of jurors.

15 MS. KOLLINS: 69 is Jill Downer.

16 THE COURT: Who is Lyndsie Wilson?

17 MS. RHOADES: 68.

18 MR. SPEED: 68.

19 MS. KOLLINS: 68

20 THE COURT: Okay. We have the wrong number on --

21 MS. KOLLINS: Yes.

22 THE COURT: -- Number 8. That's 68 they tell me. I don't even show that
23 number here. This isn't right.

24 All right. So you want --

25 MS. KOLLINS: 67 is --

1 THE COURT: Let's do this one first. I don't even show Jill Downer on here.
2 This isn't right. Give me yours.
3 MS. KOLLINS: 69 is Jill Downer in Seat Number 2.
4 THE COURT: Okay.
5 69 is Jill Downer. Yes, you're excused. Thank you.
6 MS. KOLLINS: And 67 is Valeria Pineda-Rivera in Seat 7. No, Seat --
7 MR. SPEED: No. 12.
8 THE COURT: Which one?
9 MS. KOLLINS: Seat 12.
10 THE COURT: Oh. And 67, Valeria Pineda-Rivera. You're excused.
11 [Bench Conference Concludes]
12 THE CLERK: Kristine Lowe, Badge 0070, Seat Number 2. Nicole Kirk-
13 Erickson, Badge 0071, Seat Number 12.
14 PROSPECTIVE JUROR NUMBER 071: I have a different badge number.
15 THE CLERK: Say again.
16 PROSPECTIVE JUROR NUMBER 071: Oh, I am [indiscernible].
17 THE COURT: All right. Tell me your name.
18 PROSPECTIVE JUROR NUMBER 070: My name is Kristine Lowe, Badge
19 0070.
20 THE COURT: Do you work?
21 PROSPECTIVE JUROR NUMBER 070: Yes.
22 THE COURT: What do you do?
23 PROSPECTIVE JUROR NUMBER 070: I'm an independent paralegal.
24 THE COURT: For whom?
25 PROSPECTIVE JUROR NUMBER 070: It's a company called Legal Self-

1 Help. We help people represent themselves. I'm a document -- license and bonded
2 document preparer.

3 THE COURT: Are you married?

4 PROSPECTIVE JUROR NUMBER 070: No.

5 THE COURT: Do you have children?

6 PROSPECTIVE JUROR NUMBER 070: No.

7 THE COURT: Do you have a background in law or law enforcement?

8 PROSPECTIVE JUROR NUMBER 070: Well yes --

9 THE COURT: Other than to get your paralegal license.

10 PROSPECTIVE JUROR NUMBER 070: No. Other -- no.

11 THE COURT: Where did you get your paralegal?

12 PROSPECTIVE JUROR NUMBER 070: In Chicago.

13 THE COURT: And do you do mostly criminal or civil or both?

14 PROSPECTIVE JUROR NUMBER 070: I do primarily family law and estate
15 planning.

16 THE COURT: So you don't work with a particular lawyer.

17 PROSPECTIVE JUROR NUMBER 070: No, we prepare documents to help
18 them represent themselves.

19 THE COURT: Have you ever sat as a juror before?

20 PROSPECTIVE JUROR NUMBER 070: No, I have not.

21 THE COURT: Can you think of any reason you would not be fair to both
22 parties in this case?

23 PROSPECTIVE JUROR NUMBER 070: No.

24 THE COURT: State.

25 MS. KOLLINS: Good aft -- well, I wanted to say good afternoon, but we're not

1 there yet. Good morning, Ms. Lowe, how are you?

2 PROSPECTIVE JUROR NUMBER 070: Fine.

3 MS. KOLLINS: You heard everything we talked about yesterday and I think
4 Mr. Speed took the opportunity to interact with you a little bit while you were sitting
5 back there.

6 PROSPECTIVE JUROR NUMBER 070: Yes.

7 MS. KOLLINS: You were talking about DNA.

8 PROSPECTIVE JUROR NUMBER 070: Yes.

9 MS. KOLLINS: Do you agree that DNA is something that we use all the time
10 in this society?

11 PROSPECTIVE JUROR NUMBER 070: Yes.

12 MS. KOLLINS: Like for paternity?

13 PROSPECTIVE JUROR NUMBER 070: Yes.

14 MS. KOLLINS: Okay. Do you have much interaction with kids in your
15 profession that you -- given that you do a lot of family law stuff?

16 PROSPECTIVE JUROR NUMBER 070: Very limited. I mean, sometimes I'll
17 be in the office with parents but not always.

18 MS. KOLLINS: Any interaction with Child Haven or anything like that in your
19 family law work?

20 PROSPECTIVE JUROR NUMBER 070: No. Or very, very rarely.

21 MS. KOLLINS: As a paralegal do you ever do criminal pleadings or motion
22 work for anybody -- any criminal defense attorneys?

23 PROSPECTIVE JUROR NUMBER 070: No.

24 MS. KOLLINS: You wouldn't be tempted to go do research on your own
25 about any issue that came up in here.

1 PROSPECTIVE JUROR NUMBER 070: No.

2 MS. KOLLINS: Okay. He just told everyone you got to stay off the internet
3 and all that.

4 PROSPECTIVE JUROR NUMBER 070: In my spare time I play Words With
5 Friends and watch TV. So, no.

6 MS. KOLLINS: Me too with a guy that cheats, I swear, from Chicago. That
7 guy cheats all the time. It's awful. 12-letter words all the time.

8 PROSPECTIVE JUROR NUMBER 070: Creep.

9 MS. KOLLINS: Okay. Anyway. Do you think you can listen to a child testify
10 about this kind of graphic --

11 PROSPECTIVE JUROR NUMBER 070: Yes.

12 MS. KOLLINS: -- material? Okay. Do you think you could be fair to both
13 sides?

14 PROSPECTIVE JUROR NUMBER 070: Yes.

15 MS. KOLLINS: Give Mr. Williams his presumption of innocence today?

16 PROSPECTIVE JUROR NUMBER 070: Yes.

17 MS. KOLLINS: I'll pass for cause, Your Honor.

18 THE COURT: Thank you.

19 MR. SPEED: Ms. Lowe, working as a paralegal you understand -- and you
20 told us that you don't do any criminal work, but you do understand this whole
21 concept of the presumption of innocence, yes?

22 PROSPECTIVE JUROR NUMBER 070: Yes.

23 MR. SPEED: And that as Greg sits there right now he is innocent of all the
24 charges against him, has not done a thing?

25 PROSPECTIVE JUROR NUMBER 070: Correct.

1 MR. SPEED: You're not waiting to hear from the State's witnesses to decide
2 whether or not they're traumatized again, are you?

3 PROSPECTIVE JUROR NUMBER 070: No.

4 MR. SPEED: And to be a fair and impartial juror you have to operate under
5 the assumption that nothing happened, even after you hear their testimony, if you
6 don't believe it beyond a reasonable doubt, right?

7 PROSPECTIVE JUROR NUMBER 070: That is correct.

8 MR. SPEED: No matter how graphic or disturbing that testimony may be.

9 PROSPECTIVE JUROR NUMBER 070: I understand, yes. I agree.

10 MR. SPEED: I believe Ms. Kollins asked someone earlier if you were in my
11 position or Ms. Rhoades position or Ms. Kollins' position, would you want a juror like
12 yourself serving on a case that you were working on?

13 PROSPECTIVE JUROR NUMBER 070: Either side -- yes.

14 MR. SPEED: Either side.

15 PROSPECTIVE JUROR NUMBER 070: Yes.

16 MR. SPEED: You would?

17 PROSPECTIVE JUROR NUMBER 070: I would.

18 MR. SPEED: We pass for cause, Your Honor.

19 THE COURT: Thanks.

20 Tell me your name.

21 PROSPECTIVE JUROR NUMBER 071: Nichole Erickson.

22 THE COURT: Do you work?

23 PROSPECTIVE JUROR NUMBER 071: Yes, I do.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR NUMBER 071: I'm a sales and training coordinator

1 with Lancôme Cosmetics.

2 THE COURT: Are you married?

3 PROSPECTIVE JUROR NUMBER 071: Yes.

4 THE COURT: Spouse work?

5 PROSPECTIVE JUROR NUMBER 071: Yes, he does.

6 THE COURT: What does he do?

7 PROSPECTIVE JUROR NUMBER 071: He's a business manager for an
8 investment firm.

9 THE COURT: Do you have a background in law or law enforcement?

10 PROSPECTIVE JUROR NUMBER 071: No, I don't.

11 THE COURT: Any children in law?

12 PROSPECTIVE JUROR NUMBER 071: No.

13 THE COURT: Ever sat as a juror before?

14 PROSPECTIVE JUROR NUMBER 071: No.

15 THE COURT: Will you be fair to both parties in this case?

16 PROSPECTIVE JUROR NUMBER 071: Yes.

17 THE COURT: State.

18 MS. KOLLINS: Thank you.

19 Good morning.

20 PROSPECTIVE JUROR NUMBER 071: Morning.

21 MS. KOLLINS: Do you have to travel for your job at Lancôme?

22 PROSPECTIVE JUROR NUMBER 071: Yes, I do.

23 MS. KOLLINS: Okay. Any travel obligations that you have?

24 PROSPECTIVE JUROR NUMBER 071: I was supposed to travel this week
25 and I did cancel my flight but I am still under contractual agreement with the hotel

1 that I cannot get out of.

2 MS. KOLLINS: But if you got chosen you could spend the remainder of the
3 week here?

4 PROSPECTIVE JUROR NUMBER 071: Yes. My company would just be out
5 of the money.

6 MS. KOLLINS: It's Lancôme, right, so it's --

7 PROSPECTIVE JUROR NUMBER 071: Right.

8 MS. KOLLINS: They'll be okay, right? I'm not being glib, I'm just trying to
9 lighten the mood. You don't have any kids. Do you have nieces or nephews?

10 PROSPECTIVE JUROR NUMBER 071: I do have kids.

11 MS. KOLLINS: Oh, I thought you said no to his question.

12 THE COURT: None in police.

13 PROSPECTIVE JUROR NUMBER 071: None in -- he asked if they were in
14 law enforcement and I said no.

15 MS. KOLLINS: Oh, I -- okay. How many kids do you have?

16 PROSPECTIVE JUROR NUMBER 071: I have two.

17 MS. KOLLINS: Ages?

18 PROSPECTIVE JUROR NUMBER 071: 18 and 16.

19 MS. KOLLINS: Still live at home?

20 PROSPECTIVE JUROR NUMBER 071: My son is on campus at college and
21 my daughter is at home.

22 MS. KOLLINS: You've had to kind of make decisions during disagreements
23 between them?

24 PROSPECTIVE JUROR NUMBER 071: Yes.

25 MS. KOLLINS: Decide who was telling you the truth and who wasn't?

1 PROSPECTIVE JUROR NUMBER 071: Yes.

2 MS. KOLLINS: What kind of things did you look at when they're both pointing
3 the finger at each other?

4 PROSPECTIVE JUROR NUMBER 071: The cause, the evidence, if there
5 was any evidence, behavior, body language. I guess there are many factors
6 depending on the circumstances.

7 MS. KOLLINS: Eye contact?

8 PROSPECTIVE JUROR NUMBER 071: Uh-huh. Absolutely.

9 MS. KOLLINS: And you can make a decision who was telling the truth and
10 who wasn't?

11 PROSPECTIVE JUROR NUMBER 071: Yes.

12 MS. KOLLINS: Obviously the subject matter is disturbing. We're talking
13 about kids and sexual abuse and things like that. Do you think you can listen to that
14 and make a fair decision?

15 PROSPECTIVE JUROR NUMBER 071: Yes.

16 MS. KOLLINS: Any subject matter that we've touched upon in the last couple
17 days, other than the obvious that we're talking about sexual abuse that you should
18 bring to my attention that we would want to know about?

19 PROSPECTIVE JUROR NUMBER 071: I don't believe so. I think everything
20 has been very clear.

21 MS. KOLLINS: Okay. Thank you. Pass for cause.

22 MR. SPEED: Ms. Erickson, you said that your son is on campus. Is he here
23 at UNLV?

24 PROSPECTIVE JUROR NUMBER 071: Yes, he is.

25 MR. SPEED: And what classification is he now in?

1 PROSPECTIVE JUROR NUMBER 071: Finance.

2 MR. SPEED: What year? Freshman, sophomore?

3 PROSPECTIVE JUROR NUMBER 071: Oh, Freshman.

4 MR. SPEED: Freshman. 18. And how long have you lived in Las Vegas?

5 PROSPECTIVE JUROR NUMBER 071: 17 years, almost.

6 MR. SPEED: Your daughter was born here, your son was not. Where was
7 your son born?

8 PROSPECTIVE JUROR NUMBER 071: California.

9 MR. SPEED: What part of California?

10 PROSPECTIVE JUROR NUMBER 071: The San Fernando Valley, Los
11 Angeles.

12 MR. SPEED: And do both of your children -- well, did you son attend high
13 school here?

14 PROSPECTIVE JUROR NUMBER 071: Yes, he did.

15 MR. SPEED: And your daughter does as well.

16 PROSPECTIVE JUROR NUMBER 071: Yes, she does.

17 MR. SPEED: You said that everything that we've been asking your fellow
18 venire panel members about has been very clear. Thank you. You've relieved me a
19 little bit that we've made some sense over the last couple of days. There's nothing
20 about what we've talked about, you think, that would diminish your ability to serve as
21 a fair and impartial juror?

22 PROSPECTIVE JUROR NUMBER 071: No.

23 MR. SPEED: You're saying that you will listen to the evidence and if you do
24 not believe the testimony of the State's witnesses beyond a reasonable doubt, no
25 matter who they are, children, adults, police officers, physicians, nurses, you will

1 return a verdict of not guilty?

2 PROSPECTIVE JUROR NUMBER 071: Yes.

3 MR. SPEED: If your deliberations become contentious, do you think you have
4 the ability to stand up for yourself and assert your position if it's counter to the
5 group?

6 PROSPECTIVE JUROR NUMBER 071: Absolutely.

7 MR. SPEED: And you said that your husband is a business manager for
8 whom?

9 PROSPECTIVE JUROR NUMBER 071: It's a company called Park
10 Investments. They're based out of Texas.

11 MR. SPEED: That is all we have, Your Honor. We pass for cause.

12 THE COURT: Thank you. Counsel, approach the bench.

13 [Bench Conference Begins]

14 THE COURT: Now, this is your alternates but you can use them on any of
15 them.

16 MR. SPEED: Okay.

17 THE COURT: You're not -- you can keep your --

18 MS. KOLLINS: Are you ready to do it up here or do you need some time?

19 THE COURT: You can do it down there.

20 MR. SPEED: Yeah.

21 THE COURT: I just wanted to let you guys know that.

22 MR. SPEED: Thank you.

23 [Bench Conference Concludes]

24 [Counsel Choosing Alternates for Jury Panel]

25 THE COURT: All right. We have a jury, so you in the audience, this isn't a

1 waste of time. Sometimes the -- I sense that you feel that. I seriously believe in our
2 government and this is an opportunity for everyone to participate in the judicial
3 branch. And I'm sorry you didn't get selected, but it was important that you be here.
4 So if you'll check in with the Jury Commissioner, you're excused. Thank you so
5 much.

6 All right. Lunchtime. I've been doing this since 5:00 this morning so I'm
7 ready for a break. My staff starts early -- or I've really worked hard this morning so
8 that we could get done at -- for 9:30. In fact, I had to continue a couple of things
9 until tomorrow, but we're okay. So we'll go to lunch, come back at 1:00. Don't
10 discuss anything that you've seen or heard in this courtroom or anything about the
11 case and I'll see you guys at 1:00.

12 MR. SPEED: Before they leave, Your Honor, there is one little note. May we
13 approach?

14 THE COURT: Yeah.

15 [Bench Conference Begins]

16 MR. SPEED: Are you going to swear them in now?

17 THE COURT: No, I'm going to wait until we come back. If someone doesn't
18 come back then I can bring some others up for --

19 MR. SPEED: But we've released the other venire members.

20 THE COURT: But if I don't swear them in then we can still call other people.
21 Otherwise we're stuck and we have -- let's one does come back.

22 MS. KOLLINS: I respect that but the statute's written kind of weird.

23 MR. SPEED: Yeah.

24 MS. KOLLINS: It says once upon being empaneled they are to be sworn. I
25 don't know how they interpret that, but --

1 THE COURT: You can empanel. I'll swear them in. But understand that
2 that's the reason I didn't and I've never done it before, but --

3 MS. KOLLINS: We got a couple alternates.

4 THE COURT: I never swore the venire in before either -- now that's at the US
5 Supreme Court.

6 MS. KOLLINS: We have two alternates, so I'm not concerned.

7 THE COURT: All right.

8 [Bench Conference Concludes]

9 THE COURT: All right. We need to swear you in as jurors. If you'll stand and
10 raise your right hand.

11 [The Clerk swears in the Jury Panel]

12 THE COURT: Now you're free to go. See you back here at 1:00.

13 [Outside the presence of the jury]

14 THE COURT: Okay. The door is closing. You also wanted -- need to make a
15 record about when you approached the bench about --

16 MS. KOLLINS: I did, Your Honor. You know, there's obviously no remedy for
17 the State, but it's the State's position that the Defense systematically excluded white
18 males disproportionately from the -- from who is ultimately seated in the panel.
19 They exclude six, I believe, of their perempts were challenges against white males.
20 That's a violation of *Libby versus State*. It's just as much a violation for Defense
21 Counsel as it is for us, although the State's left without a remedy.

22 THE COURT: All right.

23 MS. KOLLINS: Just for the record.

24 THE COURT: Thank you. See you guys at 1:00.

25 MR. SPEED: Thank you, Your Honor.

1 THE COURT: We'll do opening statements and start witnesses. So make
2 sure you got a bunch of witnesses. We'll go -- well I'm pretty fast in here. I don't
3 want to run out of witnesses.

4 MS. KOLLINS: Your Honor, I have quite a few but --

5 THE COURT: How many do you plan on calling today?

6 MS. KOLLINS: I have five in the wings, but I have a kid so it's going -- I
7 mean, I'm not going to rush through.

8 THE COURT: Well I don't mean rushing. I mean, just make sure you have
9 witnesses available. Who's going to --

10 MS. KOLLINS: I have five people.

11 THE COURT: -- be the first one?

12 MS. KOLLINS: The mom.

13 THE COURT: Then the child?

14 MS. KOLLINS: Then the five children.

15 [Morning portion concluded at 11:58 a.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual
22 recording in the above-entitled case.

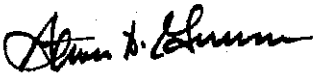
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Brittany Mangelson
Independent Transcriber


CLERK OF THE COURT

1 TRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8
9 GREG ANTHONY WILLIAMS,

10 Defendant.

CASE NO. C294607

DEPT. VIII

11
12 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

13 WEDNESDAY, MARCH 30, 2016

14 **TRANSCRIPT OF PROCEEDINGS**

15 **JURY TRIAL - DAY 2**

16 **VOLUME II - AFTERNOON PORTION ONLY**

17 APPEARANCES:

18 For the State:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

19
20 KRISTINA A. RHOADES, ESQ.
Deputy District Attorney

21 For the Defendant:

22 KEVIN C. SPEED, ESQ.
KATRINA M. ROSS, ESQ.
Deputy Public Defenders

23
24 RECORDED BY: JILL JACOBY, COURT RECORDER

25 TRANSCRIBED BY: AMBER GALLI, INDEPENDENT TRANSCRIBER

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1 WEDNESDAY, MARCH 30, 2016 AT 1:08 P.M.

2
3 [Outside the presence of the jury]

4 THE COURT: All right. Are you guys ready? Is everybody ready?

5 MS. RHOADES: Yes.

6 THE COURT: Lady in white, are you ready? Lady in white, are you ready?

7 MS. KOLLINS: Yes.

8 THE COURT: All right, bring them in, Thomas.

9 And then you guys should be getting together and agreeing on jury
10 instructions. The ones you can't agree on is the only ones I want to see that we're
11 going to fight about.

12 MS. KOLLINS: Okay well, I tried to finish ours up at lunchtime --

13 THE COURT: Okay.

14 MS. KOLLINS: -- and I didn't get them all done, but hopefully by after today.

15 [In the presence of the jury]

16 THE COURT: Stipulate to the presence of the jury?

17 MS. KOLLINS: By the State, yes, Your Honor.

18 MR. SPEED: The defense does, Your Honor. Thank you.

19 THE COURT: All right. Clerk will now read the Information to the jury.

20 [The Clerk read the Information aloud]

21 THE COURT: Thanks.

22 You ready?

23 MS. KOLLINS: I am. Thank you.

24 THE COURT: Okay.

25 **OPENING STATEMENT BY THE STATE**

1 BY MS. KOLLINS:

2 Good afternoon. Again, on behalf of the Clark County District
3 Attorney's office, my cocounsel Ms. Rhoades, and myself, I'd like to thank you
4 again. I know the selection process is long and it's tedious and certainly probably
5 uncomfortable for you, but we appreciate your time nevertheless.

6 In September of 2013, Aneesah Hasan and her five children resided
7 with the Defendant Greg Williams at 2851 Sunrise here in Las Vegas, Clark County.
8 She and her five children, then 12-year-old Amia Hasan, 10-year-old Tyana Hasan,
9 7-year-old James Moody, 11-year-old Demarius Moody [sic], and 8-year-old Kayla
10 Moody. You will learn that Defendant was not the biological father of any of these
11 children. And what comes to light on the morning of September 7th, 2013, some
12 almost two and a half years ago, are a group of siblings coming together to protect
13 another sibling.

14 And what they do while Aneesah is cooking breakfast, all five of them
15 go in there into the kitchen, cooking breakfast or just concluded, mom, we got
16 something to tell you. We got to talk about something. Defendant's sitting in the
17 living room where the television is located, and the mom and these kids go into the
18 bedroom. These kids talk to their mom, let her know that Tyana is getting touched
19 by the Defendant. That Amia is getting touched by the Defendant. And that mom
20 learns news that morning that breaks her heart because she learned that just the
21 night before on September 6th of 2013, the Defendant put his penis in the vagina of
22 10-year-old Tyana, then 10 years old. Not today, but then.

23 Mom secludes herself in a room. She calls 911, Metro comes out,
24 Defendant is arrested. Tyana is brought to the hospital for sexual assault
25 examination. Pelvic examinations, almost the same kind every adult goes through.

1 There's two portions of that examination. There's a wellness portion, you know
2 blood pressure, temperature, does she have any immediate injuries. And then she's
3 given a sexual assault examination, which includes a pelvic examination. That
4 means her little body is swabbed everywhere. Her anal opening, her vaginal
5 opening, her mouth, her skin, they take a buccal swab from inside of her mouth.
6 They collect her little underwear. They preserve that and they put it away.

7 After Defendant is arrested, a search warrant is applied for by
8 Detective Flink and they get a buccal swab. It's just like you see on TV, they run a
9 little Q-tip through your mouth, they put it in its own envelope. And those two things,
10 that sexual assault kit and that buccal swab, separated by space and time, are then
11 taken to the Las Vegas Metropolitan Police Department Forensic Laboratory where
12 they are examined. And you will learn from the forensic analyst in this case,
13 Cassandra Robertson, that she takes the buccal swab of the Defendant and she is
14 able to develop a known profile of the Defendant. And she takes the buccal swab
15 that captures that little girl's skin cells inside her mouth and she gets a known
16 sample of Tyana, so we know what her DNA looks like because they're unrelated.

17 And that when that sexual assault kit is analyzed, the vaginal swabs are
18 analyzed, the anal swabs are analyzed, stains from that child's underwear are
19 analyzed, something that bears -- let me say right now, I think I left out -- if an
20 assault has occurred within about 72 hours, a child goes through what's called an
21 acute exam, if it's outside the 72 hours, they go to a different location. But this was
22 an acute exam, I don't think I mentioned that earlier.

23 And when Cassandra Roberts [sic] looks for any DNA in the rectal
24 swab, she locates sperm in that child's rectal swab, and the -- the DNA profile of that
25 sperm matches the Defendant. When the analyst does a vaginal swab, as is not

1 unusual you will hear, the vaginal swab contains mixture of both the child's skin
2 cells, but also contains a sperm fraction. Now the analyst will tell you that there is
3 not enough DNA in that sperm fraction to get a full profile.

4 MR. SPEED: Your Honor, I object at this time, may we approach?

5 [Bench Conference Begins]

6 MR. SPEED: Ms. Kollins hasn't mentioned what the evidence will show at
7 this point, but I'm confident that the evidence will show that there was no profile
8 developed from the vaginal swab belonging to Tyana. Nothing that matched the
9 Defendant. So.

10 THE COURT: Okay.

11 MR. SPEED: I would ask the Court to advise State's attorney to be very
12 careful about venturing in --

13 THE COURT: All right.

14 MR. SPEED: -- to making a statement that says --

15 MS. KOLLINS: That's --

16 THE COURT: She's not making a statement, she's giving an opening
17 statement. She's so far just testified what -- but your record is noted, your objection.

18 MR. SPEED: All right.

19 [Bench Conference Concludes]

20 MS. KOLLINS: So there are sperm located in the anal region where there is
21 a sufficient concentration of sperm contained within the semen that permits that
22 analyst to draw a full profile from that sperm. You will learn there has to be a certain
23 concentration of DNA material for a profile to be drawn.

24 She then discovers there is a sperm fraction on the vaginal swab where
25 there is insufficient DNA material, insufficient concentration of sperm in that

1 particular portion of semen where she can get a full profile. Then she takes the
2 child's little underwear and there are stains on that underwear. And in two of those
3 stains, she gets a complete profile from sperm cells contained within semen of the
4 Defendant. You will learn as you listen to this analyst's testimony that DNA
5 generally comes from epithelial or skin cells, comes from sperm cells, or comes from
6 blood. When they -- people talk about touch DNA, that is from your skin cells. And
7 mind you, you will learn, the evidence will show that these DNA samples that match
8 the Defendant were found on evidence that was collected from this child within 24
9 hours of the reported last time he sexually abused her.

10 When Tyana comes forward, her older sister Amia comes forward. And
11 Amia will tell you that it was only twice. Those are reflected in the first counts of the
12 Information, Defendant places his mouth on her breast one time, and lifts her shirt
13 and maneuvers her clothing on a second occasion within the past year of
14 September 9th of -- or excuse me, September 7th of 2013, and tries to put his mouth
15 on her breast. So that's in Count 1 and 2 in the Information.

16 Tyana -- the offenses against Tyana are covered in Counts 3 through
17 15 of the Information. Count 3 actually starts at a time in the middle that Tyana's
18 going to tell you about, and she's going to tell you that she was in the living room
19 and her brothers and sisters were made to be in another room and Defendant told
20 her to take her clothes off. He rubbed his penis on her anal region and then he put
21 his penis in her vagina. She's going to tell you about another time that happened in
22 the living room where Defendant was watching pornography and he had that child
23 take her clothes off and he put his penis in her vagina.

24 Tyana's going to tell you that there's an extra room that now belongs to
25 her grandma and on one time when this happened, and this all happened in that

1 Sunrise Apartment, she's going to tell you that Defendant took her in that room and
2 put his penis in her vagina. I don't believe she's going to be able to tell you what
3 ejaculate means. And she's going to be able to tell you about the last time this
4 happened, in September 6th of 2013 when all her brothers and sisters gathered
5 around her and they all went to tell mom. She'll be able to tell you about that time.

6 Something I want you to keep in mind in the Information is beginning
7 with Count 4 through Count 15, sexual assault is charged in the alternative with
8 lewdness with a minor. Sexual assault means there is penetration by its legal
9 definition, just breaking the plane of the genital opening. And lewdness with a minor
10 is anything done for a sexual -- sexually gratifying purpose that does not amount to
11 penetration. So the reason you hear 15 counts and I've only talked to you about
12 four or five instances that Tyana's going to speak about is because those are
13 charged in the alternative. And that's more left for closing argument, but -- wouldn't
14 be doing my job if I let our charging document be confusing.

15 What you are -- who you are also going to hear from in this trial are
16 James Moody, another child of Aneesah, you're going to hear from
17 Demarius Hasan, another child of Aneesah, and you're going to learn -- hear from
18 Kayla Moody, another child of Aneesah. And you'll probably even hear this from
19 Amia Hasan.

20 Tyana was Defendant's favorite. He was -- she was always
21 Defendant's favorite. The other kids would be in trouble -- in trouble, whatever
22 trouble was, for not cleaning up, or not doing dishes or whatever, and they would be
23 told to go to a room, stand in a corner, stay in there, don't come out. That was when
24 Defendant would take Tyana. And most of these acts happened in the living room,
25 and you will learn that many of these acts happened when mom was home, to the

1 best of this child's recollection. But you will learn that Tyana especially was favored
2 by the Defendant. He would give her different snacks, he would not speak to her in
3 the same fashion. But most importantly, the evidence will show that he took her to
4 the exclusion of those other kids.

5 I invite you to take notes today, and over the course of the next two
6 days, we invite you to ask questions. Again, we thank you for your time. And
7 please pay attention to the evidence and I am that certain that the conclusion of the
8 State's case you will return verdicts of guilty. And again, I appreciate your time.

9 **OPENING STATEMENT BY THE DEFENSE**

10 BY MR. SPEED:

11 Ladies and gentlemen, Mr. Williams appreciates your time as well, but
12 I'm going to approach expressing my gratitude for all of your service this afternoon
13 and for the next couple of days a little bit differently. You see, after we selected all
14 of you to serve on our jury, I hope that all of you realize that you are among the best
15 of the group of people that we had in here, that all of you were selected by both
16 parties as individuals in our community who would be fair and impartial and listen to
17 the evidence, wait before making a determination until you hear everything that all of
18 the witnesses from both the State side and from our side have to say, and then you
19 would be asked to return a verdict of whether you believe the State's witnesses
20 beyond a reasonable doubt, or if you don't. And all of you, to a person, said that if
21 you didn't believe it, you would return with a verdict of not guilty.

22 I introduced myself to all of you a couple of days ago, but I'm
23 Kevin Speed, and along with Katrina Ross, my cocounsel, it's going to be our
24 privilege for the next few days to take you all through this journey, this journey of
25 service to your community, this journey of service in which you will all be helping us

1 find the truth. Because the truth is here, you just have to find it, and you have to
2 work to find it. You have to work to find it for Gregory Williams, because the reason
3 he's sitting here next to Katrina and myself is not because he committed a crime, it's
4 because two stepchildren, children that belong to a woman with whom he shared a
5 romantic relationship, got upset with him for whatever reason, and they decided to
6 tell their mom a story about how he's been doing things to them.

7 Greg is innocent, innocent of the charges against him. He did not
8 molest or touch Amia or Tyana when they were 10 or 11. He didn't do it in
9 September of 2013, he didn't do it six months prior to that -- to that.

10 THE COURT: Counsel, you're arguing right now.

11 MR. SPEED: The evidence will show this, Your Honor.

12 He didn't do it any time. He's innocent because the evidence will show
13 to you that Amia was his stepdaughter who told an unbelievable story with her
14 brother James and her younger sister Tyana that snowballed out of control. Once
15 they let it out, there was no putting that story back, and they couldn't take it back
16 because that's not the kind of thing that you can take back once you make that kind
17 of a disclosure to a mother.

18 You'll hear from Amia, and she wants you to believe that Greg would do
19 bad things to her. And you'll hear her testify about being so scared of the things that
20 she says Greg did to her. But ladies and gentlemen, the evidence will show you that
21 you can't trust or believe anything that Amia says regarding these times where Greg
22 took her in the house, in front of her siblings, with her mom present, out to the living
23 room, made her lift her shirt, and put his mouth on her breast, with all of the other
24 members of the family in the house. The evidence will show that you can't believe
25 Amia's story, ladies and gentlemen, because it's not true. It just did not happen.

1 And the testimony of the other people who lived in the one Garcia Gardens
2 Apartment, Unit B205, will reveal that to you.

3 You'll also hear from Tyana, and I put Tyana's accusations against
4 Greg second because, as you heard from the reading of our charging document
5 here, the allegations that she makes are by far the most egregious. They are the
6 most disturbing. They are the ones that involve Greg actually placing his penis into
7 her vagina and into her rectal opening. Tyana, the evidence will show you, ladies
8 and gentlemen, was a confused girl whose brother James, and her older sister
9 Amia, got her to tell her mother a story one morning while Aneesah, the mother, was
10 making breakfast for the family. Everything had been happening just as it had for
11 the past five years, but the night before, children got mad, again for reasons that are
12 unknown to us. But what we do know is this, the evidence will show that when
13 these children got upset at mom's boyfriend Tony -- they refer to him as Tony, his
14 middle name is Anthony, you all heard that. When they got upset, they closed ranks
15 around one another, and they made sure that whatever insult, or slight, or anything
16 that they felt Tony was doing to all of them or one of them, he was doing to
17 everyone, and they were going to make sure that mom got rid of him.

18 The evidence will show that after Tyana made her disclosure -- very
19 troubling disclosure to her mother Aneesah, she called the police immediately. You
20 will hear her testify to that. She called the police immediately, at once. Which is
21 what you would expect -- anyone would expect a mother to do in this situation.

22 And before Tyana knew it, she was taken to the hospital, the evidence
23 will show that; she had to have an examination, and Ms. Kollins touched on that a
24 few seconds ago; and she had to talk to a detective, Detective Jessica Flink at
25 Sunrise Hospital, who encouraged her to give more details, and more details. The

1 evidence will show that Detective Flink questioned Tyana in that way because in the
2 detective's mind, something had happened to a child. And when you were being
3 selected, Ms. Kollins talked about this, her job was to make sure the child was safe,
4 and that she knew, the evidence will show this, she also knew that an investigation
5 was about to ensue into the allegations that the children were making. So it was
6 important for the detective to make sure. She got as many details from this 10-year-
7 old girl, whose brother and sister convinced her to go to her mother and tell a story,
8 as she could.

9 What will the evidence show you, though? That Tyana said almost at
10 the very beginning, when she was talking to Detective Flink in the hospital. The very
11 first things that this child was able to recall about her story of abuse was, my mom
12 put it in these words. My mom put it in these words. And then she proceeded to tell
13 Detective Flink what she says happened. But keep in mind, when she was speaking
14 with Detective Flink, she had already been with her brother and sister and told their
15 mother that something had happened, that Tony did something to her, and the
16 evidence will show that Aneesah went out of her way to question both of her girls, as
17 is to be expected from a mother in that situation. But remember, we're talking about
18 two children who made an allegation, and the evidence will show that once they
19 made the allegation, there was no taking it back.

20 Tyana told her mother that Tony would -- had been doing bad stuff.
21 You're going to hear several different versions of the bad stuff story that Tyana told
22 Aneesah first, then Detective Flink, and then others as this case made its way
23 through our system. There are several different versions of it. One thing that we'll
24 ask you to keep in mind is how the truth doesn't change, especially the truth about
25 recent events. You can't trust or believe any of Tyana's story.

1 MS. KOLLINS: I'm going to object as argumentative and --

2 THE COURT: Sustained.

3 MS. KOLLINS: -- standing objection to the argument pertained in the slides
4 that we already discussed.

5 THE COURT: Sustained. You can't argue --

6 MR. SPEED: I'll move on.

7 THE COURT: -- you can tell what the evidence is going to show, you know
8 that.

9 MR. SPEED: Certainly, Your Honor.

10 Because at the very end, the evidence will show you, ladies and
11 gentlemen, that these mixed up, inconsistent allegations made by a little girl who
12 lost control of her story will be all that you have.

13 THE COURT: You're arguing again, Counsel. You're arguing. I'm sorry. But
14 you can't argue. Now you can just tell what your evidence is going to show.

15 MR. SPEED: You're going to hear from witnesses.

16 THE COURT: What the evidence is going to show.

17 MR. SPEED: These other witnesses won't be able to tell you anything more
18 than what you'll hear from these two little girls.

19 You'll hear from Aneesah, their mother, and you'll hear Aneesah say
20 that she was home the entire evening of September 6th, 2013, but she didn't see
21 anything happen. And when she woke up, making breakfast, she'd been under the
22 impression that that Saturday morning was just like any other. But when you're
23 listening to Aneesah testify, remember that you will have heard, the evidence will be
24 out by that time, that Tyana and Amia say that all of these incidence of abuse,
25 where Greg placed his penis in her rectum, in her vagina, and was sucking the other

1 one's breast, occurred while mom was at home.

2 We'll hear from James Moody. James is Tyana and Amia's brother.
3 And James was the brother who was supposed to have played the most important
4 role in conveying the story to mom. The evidence will show that James was with
5 Amia on the night of the 6th when something happened that caused the children to
6 become upset with Greg, or Tony as they called him. You'll hear testimony from
7 James where he describes being able to look under the door crack of a room that he
8 was made to remain in, allegedly by Tony, or Greg, where he could see under the
9 door crack, down the hallway in his apartment building, and see Tony and his sister
10 Tyana on the sofa. Now imagine that if you will and you'll hear --

11 THE COURT: Now --

12 MR. SPEED: -- James testify by it. This boy was able to look under --

13 MS. KOLLINS: I object.

14 MR. SPEED: -- the door crack.

15 THE COURT: Sustained. You're arguing, Counsel.

16 MR. SPEED: Your Honor, the evidence will show this. And I said that clearly.

17 THE COURT: You're -- you're getting -- you're arguing. Please stop.

18 MR. SPEED: You'll hear the testimony from a little boy who says he was able
19 to look under the door crack and see something happening between Tony and his
20 sister.

21 You'll hear from Kayla Moody. Kayla is another sibling in the house.
22 Kayla didn't see anything. She was home the whole time, she was with her siblings
23 the whole time that evening when this incident was supposed to have happened
24 with Tyana. But Kayla's testimony will show that she didn't see a thing happen in
25 the house.

1 You'll hear from a nurse, Griselda Campbell. She is a sexual assault
2 nurse examiner at Sunrise Hospital. That's where Tyana was taken. Nurse
3 Campbell's testimony will reveal that she didn't see anything either. The
4 examination that was conducted on Tyana's body that evening, or that afternoon,
5 revealed perfectly normal results.

6 MS. KOLLINS: I'm going to object as that's not the person that did the
7 examination.

8 THE COURT: He's arguing.

9 MR. SPEED: Well, I think the evidence will show who signed off on the
10 examination. In addition to Nurse Campbell, there was a Dr. Theresa Vergara, also
11 present at Sunrise Hospital. And when these folks testify, you'll see that both of
12 their signatures are adhere to the medical documents, that are supposed to
13 document who's conducting examinations on patients in the hospital. The evidence
14 will show that Nurse Campbell and Doctor Vergara's signatures are on both.

15 And you're going to hear testimony from Las Vegas Metropolitan Police
16 Department operatives. Detectives, patrol officers, DNA laboratory specialists.
17 You're going to hear that James did not see anything looking under the door, plain
18 and simple. And as I mentioned, you're also going to hear testimony from these
19 DNA specialists, Cassandra Robertson, perhaps others. And what will these
20 specialists be able to tell you about all this sperm that they were supposed to have
21 found not only in Tyana's rectal opening, but also in her vagina, and also on her
22 underwear? When the evidence will show you that Tyana says that nothing came
23 out of his penis, but you'll hear from these DNA specialists who are going to try to
24 convince you that all of this DNA was found. Well what if they do? What did they
25 actually find? They followed their procedures, they used the tools that were

1 available to them in the police department's DNA lab --

2 THE COURT: You're arguing, Counsel.

3 MR. SPEED: The evidence will show that they performed their tests. You will
4 hear them testify about having authored their conclusions according to the rules
5 made by their supervisors. And their testimony will show that they found what they
6 had been told to look for.

7 MS. KOLLINS: Objection. And I would ask to make a record on the slide.
8 The slide is pure argument.

9 THE COURT: Yeah, it's arguing.

10 MS. KOLLINS: They found what they were told to be found?

11 THE COURT: You're not supposed to argue. You know. You're
12 experienced. You are to just tell us what the evidence is. Please don't make me
13 educate you. You're subject to getting things stricken if you don't stop.

14 MR. SPEED: What will the evidence show you that they found? False
15 positives. Weak positives. Difficult to locate. One to a few. Difficult to locate cells.
16 Negative for semen. Negative for sperm. And the DNA sperm fraction profile, listen
17 very carefully when you hear Ms. Robertson testify about this DNA. There may be
18 some confusion. But I'm hoping after the presentation of all of the evidence, you will
19 understand how when a DNA analyst conducts her examination, the different DNA
20 profiles, the evidence will show this, are extracted from a sample item, say
21 underwear, a vaginal swab where there's an accusation of rape or sexual assault, a
22 rectal swab where there's an accusation of rape or sexual assault. Because it is
23 believed at that time by the police, the evidence will show you this, that a sexual
24 assault occurred. The assumption is that two persons' DNA will be --

25 THE COURT: Counsel, you're arguing.

1 MR. SPEED: Your Honor, the evidence --
2 THE COURT: You are arguing --
3 MR. SPEED: -- will show these things.
4 THE COURT: Stop.
5 MR. SPEED: Your Honor --
6 THE COURT: Stop arguing.
7 MR. SPEED: The evidence will show this because that's what they're going --
8 THE COURT: But you're --
9 MR. SPEED: -- to testify to.
10 THE COURT: -- arguing the results. That's what you do at the --
11 MR. SPEED: Your Honor, I haven't --
12 THE COURT: Yes, you have.
13 MR. SPEED: -- argued the results.
14 THE COURT: Yes, you have --
15 MR. SPEED: This is the procedure.
16 THE COURT: -- Counsel. Stop.
17 MR. SPEED: Your Honor, this is the procedure, and this is what's been
18 recorded in their testimony. They will testify to these things.
19 THE COURT: Okay. You know how to do an opening statement. Do it and
20 don't argue.
21 MR. SPEED: You will hear their testimony where they say that they found no
22 conclusions. Or that no conclusions could be made about the contributors to the
23 DNA profiles that they found on Tyana's underwear. The evidence will show that if a
24 cell belonging to a male was found in the rectal swabs that were taken from Tyana,
25 that it was one, perhaps, and that it was difficult to locate. What you'll be left with

1 after that will be more questions. And the evidence will show that. The evidence
2 will show that.

3 In the end, you'll hear testimony from two --

4 THE COURT: I'll move to strike that, you'll disregard that slide. That is
5 argument.

6 MR. SPEED: You'll hear testimony from two children, --

7 THE COURT: Take that off the screen.

8 MR. SPEED: You'll hear testimony about science --

9 THE COURT: Block it off, Jill.

10 THE COURT RECORDER: It's off.

11 MR. SPEED: -- and there will be one conclusion.

12 THE COURT: And take that not guilty off.

13 MR. SPEED: There will be one conclusion that you'll be left with after the
14 presentation of the evidence. And that is that Greg is not guilty. Not guilty. And we
15 will ask you to return with that verdict. Thank you.

16 THE COURT: Call your first witness.

17 MS. RHOADES: Your Honor, may we take a brief recess?

18 THE COURT: Oh, yeah. You need a break? Five-minute break?

19 MS. RHOADES: Thank you.

20 THE COURT: Take a five-minute recess. During the recess, ladies and
21 gentlemen -- now I need to read to you this admonishment.

22 During the recess, you're admonished not to talk or converse among
23 yourselves or with anyone else on any subject connected with this trial, or read or
24 watch or listen to any report of or commentary on the trial or any person connected
25 with this trial, by any medium of information including without limitation newspapers,

1 television, radio, or the Internet, or form or express an opinion on any subject
2 connected with the trial until the case is finally submitted to you. Remember, no
3 Twitter, Instagram, or social media.

4 [Outside the presence of the jury]

5 MS. KOLLINS: Are we on?

6 THE COURT: Yes.

7 MS. KOLLINS: Your Honor, my -- my first concern is -- is this. The State has
8 taken painstaking efforts to admonish each and every one of these witnesses not to
9 talk about domestic violence or discipline, at the request of defense counsel. And
10 now, all through opening statement, for some unknown reason these kids are mad
11 and afraid of him, or they -- they're inciting him, or they're -- you know, they're doing
12 this, they're doing that, for some unknown reason. You know, we have with every
13 one of those kids, we're not going to talk about discipline, we're not going to talk
14 about getting whooped with extension cords, we're not going to talk about mom
15 being -- being afraid of him because she's going to get her ass kicked.

16 And now we open that in opening statement, and I don't want to call
17 attention to it because, you know, it was his motion, keep it out, we're not going to
18 talk about that. And now we've painted the kids as liars for some unknown reason.
19 Now, you know, I'm not -- that's like a really sneaky way to get it in and think that it's
20 going to get past the State, that you're going to be able to just leave it hanging at
21 that and not open the door. I mean, did Mr. Speed understand that he was going to
22 open the door by making that brazen of a statement for what he tried to preclude? I
23 mean, where are we now? We're going to let him cross-examine -- just some
24 unknown reason, kids, you made it up, you had no reason to be afraid of him? You
25 weren't afraid he was, you know -- that -- that -- I don't know, I don't know how you

1 unring that bell.

2 THE COURT: I don't know how to unring the bell either. In fact, you put up
3 on the screen, Mr. Speed, the same -- the same thing that they put on -- that the
4 State put on a screen that got overturned at the Supreme Court. And they said you
5 can't do that, you can't put up there guilty. And you put up not guilty, and that's an
6 argument that you can't make.

7 MR. SPEED: The Defendant can't make an argument that says --

8 THE COURT: You can't put it on the screen. That's what the Supreme Court
9 says, I'm --

10 MR. SPEED: The Court has seen a case where the Supreme Court said --

11 THE COURT: Oh, yes.

12 MR. SPEED: -- that a Defendant can't use the words not guilty in opening
13 statements?

14 THE COURT: No, you can't put it on the screen. There was one --

15 MR. SPEED: Who can't put it on the screen, Your Honor?

16 THE COURT: The -- the State -- put a --

17 MR. SPEED: The prosecution can't put guilty on the screen, is that --

18 MS. KOLLINS: Let him talk.

19 MR. SPEED: -- the Court's reading?

20 THE COURT: Yeah.

21 MS. KOLLINS: Can we please have a record -- and this -- not speak over the
22 Court, because I want to make sure that this is documented later.

23 THE COURT: The argument was -- was -- your opening statement was
24 complete argument, the whole thing

25 MR. SPEED: Your Honor, here's --

1 THE COURT: I should have stricken -- I should have struck -- stricken --
2 stricken?

3 MR. SPEED: Stricken.

4 THE COURT: The whole thing. I'm so upset with you because you are
5 experienced and you know what you're doing.

6 MR. SPEED: And I'm --

7 THE COURT: There's no way to unring the bell, except for to probably let
8 the -- now they open the door and let all of the domestic violence in.

9 MR. SPEED: Well not quite, because on this point I would ask the State
10 whether it has received and read a copy of the interview that both I and my
11 investigator conducted with the children at Roy Martin Middle School.

12 MS. KOLLINS: If --

13 MR. SPEED: An interview that we -- excuse me -- an interview that we
14 provided to the Court as well.

15 MS. KOLLINS: And --

16 MR. SPEED: An interview transcript that we provided to the Court as well.

17 MS. KOLLINS: You -- you've asked me if I've received it and read it? I don't
18 know how that is causally connected to opening the door when I got kids telling me
19 that they were getting their butt whooped with extension cords --

20 MR. SPEED: If they --

21 MS. KOLLINS: -- and they were afraid -- I didn't interrupt you --

22 MR. SPEED: Well you have, because I was making my point.

23 THE COURT: Well, he --

24 MR. SPEED: If you've read those interview transcripts, and if the Court has
25 read them, both of the State and Your Honor would see clearly that one of the

1 reasons -- that one of the reasons that the children had gotten angry or -- or upset
2 with Tony, or Greg, was because he wouldn't let them play on the computer. The
3 children mentioned a video game program called RFIP that they had asked Greg to
4 play with on his computer on numerous occasions. One of the instances that made
5 them most upset with him was when he refused to let them play this video game
6 package on their computer.

7 Now I didn't say anything about domestic violence or corporal
8 punishment or Greg being a disciplinarian in the house or Aneesah turning to Greg
9 to discipline the children. The statement that I made was that the children became
10 upset with him. And the Court has seen -- or I'm assuming that the Court --

11 THE COURT: Yeah.

12 MR. SPEED: -- has seen and that the State has seen in the interviews that --

13 THE COURT: That was the one where you went --

14 MR. SPEED: Another reason they became upset was that he could not -- or
15 that they -- that Tony did not allow them to play RFIP on the computer.

16 THE COURT: That was the interview where you went to the school and led
17 them to believe that you were the police officers, because they let you in, they saw
18 your badge and you didn't clear it up. You let them think --

19 MR. SPEED: Has the Court seen the trans --

20 THE COURT: You let them think you were a police officer.

21 MR. SPEED: Your Honor, has the court seen the transcript?

22 THE COURT: Yes.

23 MR. SPEED: Because when I introduced myself, not only to the principal, but
24 to Ms. Lupkawitz [phonetic] who was present with me during the interview, I
25 introduced myself to them and to the two complaining witnesses as a lawyer who

1 represents someone they used to know. At no time should any of these adult Clark
2 County School System employees been left with the impression that I was a
3 member of the police department --

4 THE COURT: I -- I --

5 MR. SPEED: -- because I flashed this badge that says Clark County Public
6 Defender Kevin Speed. Yes, in fact this badge does have a five-point or a six-point
7 star, but on that six-point star it also says Public Defender. I gave this entire item to
8 the staff at Roy Martin Middle School and allowed them to make a video -- or I'm
9 sorry, a photocopy of it. So at no time was anyone at Roy Martin left with the
10 impression that I was a member of the police department.

11 MS. KOLLINS: And if I could just get back to where we were, and I apologize,
12 this is what Mr. Speed said, the night before, the children got mad for reasons
13 unknown to us because they don't exist, kids make the stories up, any insult or slight
14 and they're going to make sure that mom got rid of him.

15 So I can agree that one of the reasons that the kids got pissed at him is
16 because he wouldn't let them play a computer game, but that's not what we said
17 today in court. Just because that interview exists where that's but one reason he's
18 left it as, there was no reason for those kids to have any angst or anxiety. And there
19 certainly was, and he talked to each and every one of them, and it was because
20 there was excessive, excessive discipline in that home and there was domestic
21 issues between mom and Defendant.

22 MR. SPEED: Well this --

23 MS. KOLLINS: And again, on Mr. Speed's motion, we've tried to keep that
24 out, and you can't -- you can't say that something doesn't exist and then not open
25 the door and explain the reason for its existence. I mean, that's classic opening the

1 door to a piece of evidence.

2 MR. SPEED: Well the domestic violence issue, certainly, if there's any
3 argument, any semblance of an argument to be made about the defense having
4 opened the door, certainly the domestic violence issues haven't come in here. We
5 were talking specifically about --

6 THE COURT: Yeah, you kind of have. But I --

7 MR. SPEED: Your Honor, we were talking specifically about why the children
8 might be upset, and it seems that the State --

9 THE COURT: You said there was no reason.

10 MR. SPEED: I didn't say there was no reason, I said they were upset at him.

11 MS. KOLLINS: You said --

12 MR. SPEED: I didn't say there was no reason.

13 MS. KOLLINS: -- unknown --

14 MR. SPEED: Well --

15 MS. KOLLINS: -- which is no reason. Unknown, no reason -- it's the same
16 thing.

17 MR. SPEED: Whatever. They were upset with him. I didn't talk about him
18 being --

19 MS. KOLLINS: Talk to him, don't talk to me.

20 MR. SPEED: Well, don't interrupt in the future, then, if that's what --

21 MS. KOLLINS: Mr. Speed, --

22 MR. SPEED: -- is going to be our course of conduct --

23 THE COURT: Okay. Stop.

24 MS. KOLLINS: -- can we just try a clean case?

25 THE COURT: Stop.

1 MR. SPEED: -- toward one another.

2 We were talking about why the children would be upset, and we didn't
3 mention anything about Greg being the disciplinarian or anything about
4 disagreements that may have occurred between Aneesah and Tony in the house
5 that the children may have witnessed. One of the clear reasons, in fact it was
6 probably one of the first reasons that the children talked about being upset with
7 Greg was he favored Tyana, and the State brought that out in their opening
8 statement, that he was -- that Tyana was somehow a favored child. Now if we're
9 talking about opening the door here, I believe that the State is trying to present
10 some sort of thinly veiled grooming argument here that explains why the children are
11 making up stories about Tyana being separated from the other four.

12 But leaving that aside, the State brought up all of the favored child
13 syndrome complexities in the relationship in the house, unprovoked by the defense
14 because we hadn't begun our case yet. We hadn't begun our opening. But to say
15 that because we said that there were reasons the children became angry or upset,
16 and cited one of those reasons in the interview that we conducted that was totally
17 separate and apart from any allegation of domestic violence against Aneesah, which
18 was point one in our motion in limine, or anything having to do with corporal
19 punishment or excessive discipline I think would be unfair.

20 THE COURT: There's a lot of unfairness, but it starts with you at this point.
21 I'll be back. I'm just upset with you.

22 [Recess taken at 2:06 p.m.]

23 [Proceeding resumed at 2:14 p.m.]

24 [Outside the presence of the jury]

25 THE COURT: There's a jury instruction that I will tell the jury about, and what

1 the -- the words of the attorneys are not evidence, it's given -- it's a general one,
2 given -- it will be given in writing, as you know, that what the attorneys say is not
3 evidence, it's not evidence from the -- because the attorneys are not witnesses. I'm
4 going to remind them of that. I'm not going to allow the domestic violence in. I ruled
5 on that. And we're going to be civil about this and we're going to go back to what
6 the evidence says.

7 MS. KOLLINS: And I guess the State would just ask for some clarification. If
8 he's going to pursue the --

9 THE COURT: He pursues it --

10 MS. KOLLINS: -- for some un --

11 THE COURT: -- then you -- then you can come in at rebuttal.

12 MS. KOLLINS: Okay.

13 THE COURT: And if it's brought up while there is no reason and the
14 witnesses and he asks the questions, then you have to bring it in on rebuttal.

15 MR. SPEED: And the video game, the app package, the RFIP? We can talk
16 to them about that?

17 MS. KOLLINS: Well --

18 THE COURT: Yeah.

19 MS. KOLLINS: And I know that exists. I mean --

20 THE COURT: Yeah.

21 MS. KOLLINS: -- I know --

22 MR. SPEED: All right.

23 THE COURT: I don't have a problem with that.

24 MS. KOLLINS: Teenage angst over computer games isn't a surprise to me.

25 THE COURT: We need to be calm.

1 MR. SPEED: And then also, Your Honor --

2 THE COURT: Especially me.

3 MR. SPEED: I'm sorry.

4 THE COURT: Go ahead.

5 MR. SPEED: There was also something about watching pornography, about
6 Tyana watching pornography, or catching Tony, Greg watching pornography in the
7 living room. Now from that interview, and the Court can see that in the transcript,
8 one of the times that Tyana entered the living room and saw what she called nasty
9 pictures on the screen was where -- when she saw her mom starring in one of those
10 videos. Now the State has mentioned that Tyana came in and saw Greg watching
11 pornography. She was watching a film where her mother was the star, and the
12 Court has given us a ruling that neither side can bring up anything about
13 pornography before approaching the bench.

14 MS. KOLLINS: No, that was about the mother being -- producing
15 pornography --

16 MR. SPEED: Right.

17 MS. KOLLINS: -- not pornography. He was watching pornography when he
18 sexually abused her and that's what I believe she's going to say.

19 MR. SPEED: Well, pornography that her mother stars in.

20 MS. KOLLINS: No, not -- not according to her. She said there's naked
21 people on TV.

22 MR. SPEED: Right.

23 MS. KOLLINS: She doesn't -- the little one, Tyana, doesn't know anything
24 about the pornography, and Mr. Speed knows that from all the interviews.

25 THE COURT: I just would caution you on the -- on that. That pornography

1 issue.

2 MR. SPEED: Caution the State?

3 MS. KOLLINS: Well, then he's going to come back and say --

4 MR. SPEED: Because we didn't say anything about it, Your Honor.

5 MS. KOLLINS: He's going to come back and say the child remembers no
6 details surrounding that incident, you can't find him guilty, and that's one of the
7 things that she remembers about that sexual abuse is he was watching
8 pornography.

9 THE COURT: Well, I don't want you come in and saying that -- is it Tyana the
10 mother?

11 MS. KOLLINS: Tyana's the child.

12 MR. SPEED: Aneesah is the mother. Aneesah is the mother, Tyana is the
13 child.

14 THE COURT: Star of the -- we don't know that she was a star, she may have
15 been in it, they may filmed it, it could have been -- I don't know. It could have been
16 something that they do together. That doesn't make her a star.

17 MR. SPEED: The --

18 THE COURT: I mean, it's --

19 MR. SPEED: The other daughter called her a star, Your Honor. That's not
20 my words.

21 MS. KOLLINS: Well --

22 MR. SPEED: Those are hers.

23 MS. KOLLINS: And again, for clarification, we are talking about Tyana who
24 knows nothing about her mother doing any such thing. And Mr. Speed cannot stand
25 here and tell you that she does because he knows from all the interviews, even his

1 own interview, she does not. She's going to talk about the circumstances
2 surrounding the sexual abuse where pornography --

3 THE COURT: I -- I wouldn't bring --

4 MS. KOLLINS: -- was on the TV.

5 THE COURT: With -- Tyana doesn't know it, don't bring it up.

6 MR. SPEED: Well here's --

7 THE COURT: The other one you can.

8 MR. SPEED: Here's the problem that we're going to have with that, then,
9 Your Honor, because we heard a high-pitched argument about the State being
10 unable to ring a bell, or -- or being unable to unring a bell or something like that.

11 MS. KOLLINS: Well his whole -- his whole reason for wanting to bring in the
12 mom making pornography is to argue *Summit* in a basis of knowledge. If he wants
13 to ask that kid: Did you say Greg -- what Greg did to you because what you saw in
14 that movie that he was watching? Then that's the only relevant reason. He's trying
15 to squeeze it into, open everything against mom and muddy the water and make
16 mom the bad guy here, and that's not what this is. This is a kid describing a room
17 that she was taken to, and what was going on in that room when he sexually abused
18 her. That's -- that's what it is.

19 THE COURT: All right.

20 MR. SPEED: If the State has become this upset about some points in our
21 opening statement, I would challenge them to point to one place where I tried to
22 make Aneesah out to be a bad guy. In fact, it's just the opposite of that, I made
23 sure -- took great pains to --

24 THE COURT: All right.

25 MR. SPEED: -- show how she did exactly what a mother would be expected

1 to do in this situation. She called the police immediately. No one has tried to paint
2 Aneesah as a bad guy here. And --

3 THE COURT: You open the door --

4 MR. SPEED: -- the point that I --

5 THE COURT: -- she can come in.

6 MR. SPEED: The point that I was trying to make, Your Honor, is that we can't
7 unring the bell either. The State has set up their case in chief with a story about
8 Greg watching pornography and then Tyana being sexually abused in the living
9 room while that was going on on the screen. There would be no way for them now
10 to separate those two things when they hear the different allegations from the two
11 girls.

12 THE COURT: If you -- if you open the door, she can come in. At this point,
13 we are where we were when we started. I'm just going to admonish the jury what
14 the attorneys say are not evidence. And then we're going to call the first witness.

15 MR. SPEED: We would ask the Court to issue an order in limine then. An
16 oral motion in limine to -- to issue an order in response to our oral motion in limine
17 precluding the State from mentioning anything else about pornography because we
18 can't separate the two stories now. There's no way for us unring the bell either. If --

19 MS. KOLLINS: He --

20 MR. SPEED: -- we can't talk about pornography with respect to where they
21 obtained their sexual knowledge, then they shouldn't be able to use pornography to
22 make, again, a thinly veiled grooming argument or to paint a picture of Mr. Williams
23 in the minds of the jury that he is a bad man who's doing creepy things like watching
24 pornography, while legal, while not illegal, if he's watching it in the presence of a
25 child and then committing lewd or lascivious acts after that or while those things are

1 going on in the house, then the jury's going to be more inclined to find him guilty.
2 That creates a trial scenario where he'll be deprived of his right to a fair trial under
3 the Sixth Amendment. And if they do that again, we would be forced to the position
4 of having to ask for a mistrial.

5 MS. KOLLINS: He is convoluting two notions here. He's taking mom
6 producing pornography over here and whether that's a basis of knowledge for Amia
7 because Amia is the only one that knows about it, and he's trying to backdoor the
8 other child, Tyana, who was molested in a room where pornography was playing,
9 and those issues somehow being intertwined. And they are not intertwined. Those
10 are apple and oranges arguments. One has nothing to do with the other, and
11 they certainly don't have anything to do with the deprivation of Mr. Williams' Sixth
12 Amendment rights. I mean, that is just convolution of the two issues. They are
13 separate. One has to do with *Summit* that the Court already ruled on, the other one
14 has to do with the child that doesn't know what mom does and that was the
15 environment in which she was molested. One has nothing to do with the other one.
16 So to stand here and say --

17 THE COURT: All right. Well, can we -- can we not ask her about the
18 pornography, not bring it up with her, and not argue it with Tyana, but bring it -- the
19 other girl knows.

20 MR. SPEED: We --

21 MS. KOLLINS: Why would we do that?

22 THE COURT: Amia.

23 MR. SPEED: Exactly, Your Honor. There would be no way for us to avoid
24 the trap that the State has laid out for us in their opening statement.

25 THE COURT: Well --

1 MR. SPEED: Just like they're saying that this is an environment where the
2 alleged sexual abuse and lewdness counts took place, they've created an
3 environment in this Court where the Defendant is watching porn in a house full of
4 children. Now the Court has already ruled on our motion to sever, and the Court
5 denied our motion to sever. If the Court had granted that, then perhaps the State
6 would be standing on firmer footing when it says that both parties would be able to
7 separate a respective child's knowledge of her mother's employment in the sex
8 industry. But because they're trying the allegations made by Tyana and Amia in the
9 same forum, in the same Court, in the same trial, there's no way for us to unring the
10 bell of unfair prejudice that's been created by the State's own opening statement.

11 So to suggest that we've somehow convoluted an argument, I disagree
12 with that, and I think the Court can see that very clearly. When we talk about
13 knowledge of sex, we're talking about it regardless of which child is being discussed.
14 And in light of the fact that the Court denied our motion to sever of the counts as
15 they relate to the two complaining witnesses because of this very reason. One of
16 the arguments that we put forth in that motion was that the charges are not
17 cross-admissible. By making this kind of an argument and foreclosing any
18 examination about the children's knowledge of sex on us, but arguing to the jury that
19 the sexual assault and lewdness charges took place in an environment where the
20 Defendant was doing something that's frowned upon in society and could be the first
21 step in a eventual lewdness charge, or the first step in a process whereby a person
22 with these kind of proclivities grooms his potential victims, they've created an
23 environment where Mr. Williams cannot receive a fair trial.

24 I would ask the Court to issue an order in limine instructing both sides
25 to stay away from the pornography issue altogether. That's the easiest solution to

1 both sides' problems. The State can't accuse us of convoluting arguments and I
2 can't accuse them of creating an unlevel, unfair playing field, poisoning the well, if
3 you will.

4 MS. KOLLINS: I just -- I love how this starts out talking about Mr. Speed
5 opening the door on domestic violence and with no contemporaneous objection,
6 we've flown everything back at the State and now because this child is going to say
7 she was molested in a room with a television with pornography on it, now that
8 somehow opens the door, and I've tainted the trial, and this stuff isn't
9 cross-admissible. First of all, based on our response, both of these cases would be
10 cross-admissible in each other. Second of all, Mr. Speed knows, he won't say it on
11 the record, but he knows that Tyana denied knowledge of that pornography. He
12 knows it, he knows that that's never going to be relevant with her for the purpose
13 that he's trying to get this Court --

14 MR. SPEED: Well I'd object to the State arguing about what Mr. Speed
15 knows --

16 MS. KOLLINS: It was your interview.

17 MR. SPEED: -- and what Mr. Speed will never say on the record. Certainly
18 Ms. Kollins isn't in a clairvoyant position to say either what I know or what I will or
19 will not say on the record.

20 THE COURT: Well it sounds like she's talking about that interview --

21 MS. KOLLINS: I am.

22 THE COURT: -- that you snuck in.

23 MS. KOLLINS: I'm talking about the interview that he's referred to multiple
24 times today, and I -- and the State should know what it says because of what his
25 interview says.

1 THE COURT: All right. You can talk about the pornography with the little girl
2 that -- that knows about it, but not the one with -- that doesn't.

3 MS. KOLLINS: Okay. Are you talking about, I can talk about -- I'm not going
4 to talk about what was in the porn -- she's just going to say there was naked people
5 on the TV, okay, where she was molested.

6 THE COURT: That was Tyana. That's Tyana?

7 MS. KOLLINS: That's Tyana.

8 THE COURT: The other one knows about --

9 MS. KOLLINS: About mom.

10 THE COURT: -- pornography.

11 MS. KOLLINS: And I'm not saying anything about that.

12 THE COURT: Okay.

13 MR. SPEED: They've already said it, Your Honor. For -- again, the easiest
14 solution here would be to foreclose the pornography line of questioning or inquiry
15 to --

16 THE COURT: It is what it is, though.

17 MR. SPEED: -- both parties. Well she's already said it. Exactly. She's
18 already said pornography was being viewed. I suppose a way to level out the
19 playing field here would be to instruct the State to -- and maybe say something was
20 on TV, or something like that, she saw a big people movie on TV.

21 THE COURT: Well --

22 MR. SPEED: They -- the jury certainly can't unhear what the State said in its
23 opening statement. For the sake of Mr. Williams' Sixth Amendment right and the
24 protection of our right to present as full and to complete of defense -- of the defense
25 that's available to him under *Summit*, and again under our Constitution, I would

1 suggest, respectfully Your Honor, that the pornography area be foreclosed to
2 everyone. The jury can't separate what one child knows versus what another child
3 knows, particularly in a situation where we're saying all of the acts were committed
4 in the same house at virtually the same time with all of the pertinent parties present.
5 There's no way to separate that pornography was being viewed in the house. Well,
6 not when Tyana was being --

7 THE COURT: I know.

8 MR. SPEED: -- or not when Amia was being abused --

9 THE COURT: But you -- but she doesn't know the term pornography, she just
10 knew naked pictures. That's how you'll refer to it when you talk to Tyana. Naked
11 pictures were on TV. That's all.

12 MR. SPEED: So can we then ask about mom taking naked pictures?

13 MS. KOLLINS: Of Tyana?

14 MR. SPEED: Yes.

15 THE COURT: No.

16 MS. KOLLINS: Tyana doesn't --

17 THE COURT: Tyana doesn't know anything about it. Apparently from your
18 interview at the school.

19 MR. SPEED: Okay. So the State isn't using pornography.

20 THE COURT: Not using the term pornography with Tyana. You can with
21 Amia.

22 MS. KOLLINS: She doesn't -- she has no -- she doesn't relay any information
23 about pornography. We're not going to ask her about pornography. Her abuse
24 didn't happen while pornography was on in the room. Amia's. Amia. And --

25 THE COURT: You're not going to talk to her about pornography?

1 MS. KOLLINS: No. He wants to. I don't want to.

2 MR. SPEED: If --

3 MS. KOLLINS: He wants to talk to her about mom's porn. And I would just --
4 just for the record as well, Your Honor, as to Tyana, this is res gestae. This is just
5 the location of the crime.

6 MR. SPEED: Well no, no, no. It's no res gestae because that case law says
7 if these things can be described without making any mention of other things that
8 were done in other places, particularly in a res gestae case law, in other
9 jurisdictions, then the State can certainly present their argument without including
10 those parts. And in keeping with the suggestion that I've respectfully made several
11 times here, certainly the State can make their allegations, have Tyana tell her story
12 without making any mention of her seeing naked pictures on the TV.

13 As far as --

14 THE COURT: Well, you can't --

15 MR. SPEED: -- everyone knows --

16 THE COURT: -- and that --

17 MR. SPEED: -- based on her interviews, Greg was in front of her when these
18 things were going on, and Mr. Williams is 6 foot 5, he was well over 300 pounds at
19 the time, she couldn't have seen what was on the TV behind him or around him in
20 any event. So certainly the State can tell their story of crime without including any
21 inferences or references to pornography.

22 MS. KOLLINS: And I guess --

23 MR. SPEED: Or naked pictures, or nasty pictures, or people --

24 THE COURT: Okay. Just don't bring up the word --

25 MR. SPEED: -- doing nasty stuff on TV.

1 THE COURT: -- pornography, either side, but you can use naked pictures.
2 You can say what she saw on TV.
3 MS. KOLLINS: Right.
4 THE COURT: So that's -- that's my -- my order.
5 MS. KOLLINS: Okay.
6 THE COURT: Just don't use the word pornography.
7 MS. KOLLINS: Yes, sir.
8 MR. SPEED: And this is just with Tyana?
9 MS. KOLLINS: Yes.
10 THE COURT: Tyana and with Amia --
11 MS. KOLLINS: I have --
12 THE COURT: -- because Amia isn't even --
13 MS. KOLLINS: I'm not -- we're not going to ask Amia any questions about
14 pornography or naked pictures because I am only doing that to point and separate in
15 one of the abuse scenarios that she's going to testify to. That's what she
16 remembers about it. She remembers that one different from another one because
17 that one there was naked pictures.
18 THE COURT: Okay.
19 MS. KOLLINS: That's it.
20 THE COURT: Naked pictures, no pornography, on either side.
21 MR. SPEED: Naked pictures and that's it.
22 THE COURT: Yeah. All right. Are you guys ready for the jury to come back
23 in?
24 MS. KOLLINS: Yes sir.
25 THE COURT: Hearing no response.

1 MS. KOLLINS: Yes.

2 THE COURT: Bring them in, Tom.

3 MS. KOLLINS: Thank you.

4 [In the presence of the jury]

5 THE COURT: Stipulate to the presence of the jury?

6 MR. SPEED: The defense does, Your Honor.

7 MS. KOLLINS: Yes, Your Honor.

8 THE COURT: Just remind you, ladies and gentlemen, what the attorneys tell
9 you is not evidence. What comes out of their mouth, that -- they're just telling you
10 what they believe the evidence will be. Just remember that. Same with closing
11 argument. You'll -- what you will make a determination on from the testimony from
12 the stand and the exhibits. Okay?

13 Call your first witness.

14 MS. RHOADES: Your Honor, the State calls Aneesah Hasan.

15 **ANEESAH HASAN**

16 [having been called as a witness and being first duly sworn, testified as follows:]

17 THE CLERK: Thank you. Please be seated. State your full name, spelling
18 your first and last name for the record.

19 THE WITNESS: Aneesah Hasan. A-N-E-E-S-A-H, H-A-S-A-N.

20 MS. RHOADES: May I proceed, Your Honor?

21 THE COURT: Yes.

22 MS. RHOADES: Thank you.

23 **DIRECT EXAMINATION**

24 BY MS. RHOADES:

25 Q Aneesah, how many children do you have?

1 A Five.

2 Q Five. And can you list them in order from eldest to youngest, and tell us
3 their names and their dates of birth?

4 A Amia Hasan, age 15, 11/13/2000. Demarius Hasan, age 13,
5 April -- April 1st, two thousand -- 2002. And Tyana Hasan, age 12, July 31st, 2003.
6 Kayla Moody, age 11, January 4th, 2005. And James Moody, age 9, born July 6th,
7 2006.

8 Q What's James' middle name?

9 A Wayne.

10 Q Do the kids call him James or Wayne?

11 A They call him Wayne.

12 Q Do you know someone that's in the courtroom today?

13 A Uh-huh.

14 Q Can you point to that person and tell me what -- something that they're
15 wearing today?

16 A He's right over there, wearing a suit, a white shirt, pants.

17 THE COURT: The record reflects she's identified the Defendant.

18 MS. RHOADES: Thank you, Your Honor.

19 BY MS. RHOADES:

20 Q And what's that person's name?

21 A Gregory Williams.

22 Q Do you know him by Gregory?

23 A As Tony.

24 Q Or do you call him something else?

25 A We call him Tony.

1 Q How do you know Tony?
2 A I met him in 2009.
3 Q Do you remember what part of the year you met him?
4 A Probably like in March.
5 Q March of 2009?
6 A Uh-huh.
7 Q Was he a friend, was he more than a friend?
8 A We were friends, then we dated, then we were more than friends.
9 Q So did you start dating Tony in 2009?
10 A Uh-huh.
11 Q Okay.
12 A Yes.
13 Q I'm going to just tell you a couple of things. We need you to speak up
14 just a little bit because everybody has to hear you, okay?
15 A Okay.
16 Q Also, we can't say uh-huh or uh-uh, we need to say yes or no, whatever
17 your answer is, okay?
18 A Okay.
19 Q And one more thing, you just have to wait until I finish the question
20 before you answer. I know in regular conversation, it's easy for us to talk over each
21 other, but just for the record, only one person can speak at a time, okay?
22 A Okay.
23 Q Okay. All right. So 2009, did you at some point move in with Tony?
24 A No, he moved in with me.
25 Q Okay, and do you remember when that was?

1 A Maybe like in June -- April or June. It was a little bit after we met, it was
2 like maybe a month or two. Two after we met.

3 Q So June of 2009 about?

4 A Yes.

5 Q Who were you living with at that time?

6 A At the time, I was living with me and five kids. My mother was staying
7 there, but she was hardly ever there.

8 Q So you and the five kids.

9 A Yes.

10 Q Where was -- did you live in a house or an apartment?

11 A An apartment.

12 Q Where was that apartment located in 2009?

13 A On Washington, in Las Vegas, Nevada.

14 Q At some point did you move to the Juan Garcia Gardens Apartments?

15 A Yes, in April of 2011.

16 Q When you moved into those apartments, who did you move there with?

17 A Five kids and Tony.

18 Q What's the address of those apartments?

19 A 2851 Sunrise Avenue, Apartment B205.

20 Q And that's here in Las Vegas, Clark County, Nevada?

21 A Yes.

22 Q Do you still live there today?

23 A Yes.

24 Q How many bedrooms is the apartment?

25 A Four.

1 Q Is it upstairs or downstairs?

2 A It's upstairs.

3 Q On the second floor, or something else?

4 A On the second floor.

5 Q Can you describe the layout of the apartment for us, like when you walk
6 in the front door, what's the first room you walk in?

7 A There's the living room, there's a dining room, the kitchen, the hallway.
8 Going back, there's my room first. Across from the hall my room, there's a
9 bathroom. And there's a bedroom at the end of hallway, and a bedroom on either
10 side.

11 Q So four total bedrooms, all in that back hallway area.

12 A Yes.

13 Q In April 2011 when you moved in, did you and Tony share one of the
14 rooms?

15 A Yes.

16 Q And there were three other bedrooms. How were those rooms split up
17 between the kids?

18 A Two girls slept in one -- well, three girls slept in one room, two boys
19 slept in the other room. We had bunk beds.

20 Q And then --

21 A In both rooms. One --

22 Q I'm sorry.

23 A -- in one room.

24 Q Bunk beds in both rooms?

25 A Yes.

1 Q And then that fourth room, was that a spare bedroom?

2 A Yes.

3 Q What kind of furniture was in that spare bedroom?

4 A There's a couch, a computer. There's like TV and pictures on the walls.

5 Q In the living room, was there a TV in the living room?

6 A Yes.

7 Q Was it a big TV, small TV?

8 A Big TV.

9 Q Okay. How long did you live in that apartment with Tony and the five

10 kids?

11 A Two years.

12 Q Would that be from April 2011 until September 2013?

13 A Yes.

14 Q During that time, did anyone else live in the apartment with you guys?

15 A No.

16 Q During that time, did the Defendant have a job?

17 A No.

18 Q What would the Defendant do all day?

19 A Play video games, go on the computer, watch TV.

20 Q What kinds of clothes would the Defendant wear while he was inside

21 the apartment?

22 A Underwear.

23 Q When you say underwear, do you mean like --

24 A Boxers, briefs, whatever.

25 Q Okay. Any shirt most of the time or no shirt?

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Respondent.

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Counsel for Respondent

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