

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAYEDBASHE SAYEDZADA,

No. 71731

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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APPELLANT'S APPENDIX – VOL III PAGES 313-556

PHILIP J. KOHN  
Clark County Public Defender  
309 South Third Street  
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

ADAM LAXALT  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538

Counsel for Respondent

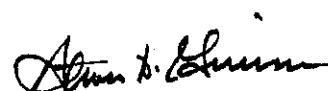
**INDEX**  
**SAYEDBASHE SAYEDZADA**  
**Case No. 71731**

	<u>PAGE NO.</u>
Amended Criminal Complaint filed 10/06/15 .....	6-9
Court Exhibit 2 dated 03/23/16 .....	721-737
Criminal Complaint filed 09/25/15 .....	1-4
Defendant's Motion for Discovery Date of Hrg: 03/15/16 .....	148-159
Defendant's Motion for Judgment Of Acquittal Notwithstanding the Verdict or, In the Alternative, for a New Trial Date of Hrg: 04/11/16 .....	656-661
Defendant's Motion to Instruct Jury on Lesser-Related Charge Date of Hrg: 03/15/16 .....	141-144
Defendant's Notice of Witnesses, Pursuant to NRS 174.234 Filed 03/16/16 .....	175-176
Defendant's Proposed Jury Instructions Not Used at Trial Filed 03/23/16 .....	181-187
District Court Minutes from 10/14/15 through 10/10/16 .....	256-275
Information filed 10/13/15 .....	14-18
Instructions to the Jury filed 03/23/16 .....	188-214
Judgment of Conviction (Jury Trial) filed 10/19/16 .....	250-252
Jury List filed 03/22/16 .....	177
Jury List filed 03/23/16 .....	178
Justice Court Minutes from 09/25/15 through 10/12/15 .....	10-13
Motion for Judgment of Acquittal Notwithstanding the Verdict or, In the Alternative, for a New Trial Date of Hrg: 04/11/16 .....	220-227
Motion for Own Recognizance Release, or, in the Alternative, For Setting of Reasonable Bail Date of Hrg: 11/10/15 .....	19-24
Motion to Dismiss Appointed Counsel And Motion to Dismiss Criminal Complamt (sic) And Over turn Conviction Date of Hrg: 07/18/16 .....	233-237
Motion to Run Time Concurent (sic) Date of Hrg: 09/14/16 .....	242—245

1	Notice of Appeal filed 11/09/16 .....	253-255
2	Notice of Witnesses filed 03/10/16 .....	173-174
3	Notice to Place on Calendar filed 09/30/15 .....	5
4	Opposition to Defendant's Motion for Judgment of Acquittal Notwithstanding the Verdict or, in the Alternative, for a New Trial	
5	Filed 04/07/16 .....	228-232
6	Peremptory Challenges dated 03/22/16 .....	699
7	Sentencing Memorandum filed 10/09/16 .....	246-249
8	State's Exhibit 1 dated 03/22/16 .....	702
9	State's Exhibit 2 dated 03/22/16 .....	703
10	State's Exhibit 3 dated 03/22/16 .....	704
11	State's Exhibit 4 dated 03/22/16 .....	705
12	State's Exhibit 5 dated 03/22/16 .....	706
13	State's Exhibit 6 dated 03/22/16 .....	707
14	State's Exhibit 7 dated 03/22/16 .....	708
15	State's Exhibit 8 dated 03/22/16 .....	709
16	State's Exhibit 9 dated 03/22/16 .....	710
17	State's Exhibit 10 dated 03/22/16 .....	711
18	State's Exhibit 11 dated 03/22/16 .....	712
19	State's Exhibit 12 dated 03/22/16 .....	713
20	State's Exhibit 13 dated 03/22/16 .....	714
21	State's Exhibit 14 dated 03/22/16 .....	715
22	State's Exhibit 15 dated 03/22/16 .....	716
23	State's Exhibit 16 dated 03/22/16 .....	717
24	State's Exhibit 17 dated 03/22/16 .....	718
25	State's Exhibit 18 dated 03/22/16 .....	719
26	State's Exhibit 19 dated 03/22/16 .....	720
27	State's Exhibit 20 dated 03/22/16 .....	700-701
28	State's Opposition to Defendant's Motion For Discovery filed 03/11/16 .....	160-172

1	State's Opposition to Defendant's Motion To Dismiss Appointed Counsel and Motion	
2	To Dismiss Criminal Complaint and Overturn Conviction	
3	Filed 07/14/16.....	238-241
4	State's Opposition to Defendant's Motion to Instruct Jury on Lesser-Related Charge	
5	Filed 03/11/16.....	145-147
6	State's Proposed Jury Instructions Not Used at Trial filed 03/23/16 .....	179-180
7	Verdict filed 03/23/16.....	215-219
8		
9	<b><i>Recorder's Transcript</i></b>	
10	<b><i>Jury Trial—Day One</i></b>	
11	<b><i>Date of Trial: 03/22/16 .....</i></b>	<b><i>313-579</i></b>
12	<b><i>Recorder's Transcript</i></b>	
13	<b><i>Jury Trial—Day Two</i></b>	
14	<b><i>Date of Trial: 03/23/16 .....</i></b>	<b><i>580-655</i></b>
15	Recorder's Transcript	
16	Confirmation of Counsel	
17	Date of Hrg: 08/22/16.....	683-684
18	Recorder's Transcript	
19	Defendant's Pro Per Motion to Dismiss	
20	Appointed Counsel and Motion to Dismiss	
21	Criminal Complaint and Overturn Conviction	
22	Date of Hrg: 07/18/16.....	669-675
23	Recorder's Transcript	
24	Defendant's Pro Per Motion to	
25	Run Time Concurrent	
26	Date of Hrg: 09/14/16.....	685-689
27	Recorder's Transcript	
28	Defendant's Pro Per Motion to	
29	Withdraw Counsel (To Be Filed); Sentencing	
30	Date of Hrg: 06/20/16.....	666-668
31	Recorder's Transcript	
32	Initial Arraignment	
33	Date of Hrg: 10/14/15.....	276-278
34	Recorder's Transcript	
35	Overflow	
36	Date of Hrg: 03/18/16.....	310-312
37	Recorder's Transcript	
38	Sentencing (Continued)	
39	Date of Hrg: 06/08/16.....	662-665

1	Recorder's Transcript	
2	Sentencing (Continued)	
3	Date of Hrg: 09/19/16.....	690-692
4	Recorder's Transcript	
5	Sentencing	
6	Date of Hrg: 10/10/16.....	693-698
7	Recorder's Transcript	
8	Status Check: New Counsel/ Sentencing Date	
9	Date of Hrg: 07/25/16.....	676-682
10	Reporter's Transcript	
11	Defendant's Motion for Own Recognizance Release, or, in The Alternative, for Setting Of Reasonable Bail	
12	Date of Hrg: 11/10/15.....	279-288
13	Reporter's Transcript	
14	Preliminary Hearing	
15	Date of Hrg: 10/12/15.....	25-140
16	Reporter's Transcript	
17	Proceedings	
18	Date of Hrg: 03/15/16.....	289-309
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

  
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
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8  
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 SAYEDBASHE SAYEDZADA,

13 Defendant.

)  
)  
) CASE NO. C310000  
)  
)

) DEPT. XIX  
)  
)

14 BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

15 TUESDAY, MARCH 22, 2016

16 **RECORDER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**  
17 **JURY TRIAL - DAY 1**

18 APPEARANCES:

19 For the State:

JOHN T. JONES, JR., ESQ.  
Chief Deputy District Attorney  
MICHAEL DICKERSON, ESQ.  
Deputy District Attorney

22 For the Defendant:

21 TYLER GASTON, ESQ.  
CHRISTOPHER T. HOWELL, ESQ.  
Deputy Public Defenders

24  
25 RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER

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17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF WITNESSES

STATE'S WITNESSES

DAY

PAGE

**CORY NEWTON**

Direct Examination by Mr. Dickerson	1	211
Cross-Examination by Mr. Gaston	1	236
Redirect Examination by Mr. Dickerson	1	242
Examination by the Court	1	243
Follow-up by Mr. Dickerson	1	243

**JOEL REESE**

Direct Examination by Mr. Jones	1	245
Cross-Examination by Mr. Howell	1	254
Redirect Examination by Mr. Jones	1	258

**MICHAEL BLACK**

Direct Examination by Mr. Jones	2	6
---------------------------------	---	---

**LORI BLACK**

Direct Examination by Mr. Jones	2	8
---------------------------------	---	---

**JAMIE LEE BLACK**

Direct Examination Mr. Dickerson	2	11
Cross-Examination Mr. Howell	2	25
Redirect Examination Mr. Dickerson	2	27
Recross Examination Mr. Howell	2	27

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DEFENSE WITNESSES

DAY

PAGE

[None presented.]

\*\*\*\*\*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF EXHIBITS

STATE'S EXHIBITS

DAY

PAGE

22	1	216
20	1	233
21	1	234
1 through 19	1	250

\* \* \* \* \*

DEFENSE EXHIBITS

DAY

PAGE

[None offered.]

\* \* \* \* \*



1 TUESDAY, MARCH 22, 2016 AT 9:04 A.M.

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

4 THE COURT: Good morning, everybody.

5 MR. JONES: Good morning, Your Honor.

6 MR. GASTON: Good morning, Your Honor.

7 THE COURT: Let's see. We got Mr. Dickerson and Mr. Jones for the State;  
8 Mr. Gaston and Mr. Howell for the Defendant.

9 MR. HOWELL: Yes, Your Honor.

10 MR. GASTON: Yes, Your Honor.

11 THE COURT: And Defendant is present.

12 I'd like the record to reflect that we're on the record of case number  
13 C310000, State of Nevada versus Sayedbashe Sayedzada.

14 MR. JONES: And --

15 THE COURT: Is that right?

16 THE DEFENDANT: Mm-hmm.

17 THE COURT: Is that right, sir?

18 THE DEFENDANT: Yes, that's correct.

19 MR. JONES: And I was going to ask for a correct pronunciation prior to  
20 beginning the proceedings just so I don't butcher his name in the middle of trial.

21 THE DEFENDANT: My name is Sayedbashe Sayedzada. I mean, middle  
22 name is Bashe, my first name Sayed, and my last name Sayedzada.

23 THE COURT: So Sayed -- Sayedzada?

24 THE DEFENDANT: Sayedzada is my last name; correct.

25 THE COURT: Sayedzada. Sayedbashe Sayedzada.

1 THE DEFENDANT: Sayedbashe Sayedzada if you can. That's --

2 THE COURT: Sayedbashe Sayedzada.

3 MR. JONES: Sayedbashe Sayedzada.

4 THE COURT: Okay. All right. This is the time set for a jury trial in this case  
5 of C310000. Are the parties ready to proceed on this?

6 MR. JONES: The State is ready, Your Honor.

7 MR. GASTON: Yes, Your Honor.

8 THE COURT: Okay. All right. Why don't we get a --

9 MR. JONES: Your Honor, prior to bringing in -- the panel in, I would like to  
10 inquire just to how the Court does conduct voir dire?

11 THE COURT: All right. Well, since there's only four peremptory challenges  
12 each, you'll get four per -- for the main panel and one per alternate.

13 MR. JONES: Okay.

14 THE COURT: I fill -- what 24?

15 THE COURT CLERK: Yes, Judge.

16 THE COURT: We put 24 in this box and then what's left in the back will be  
17 the rest of the jury panel for the day. I will inquire of them first, and then I'll bring  
18 everybody up to the bench based on that inquiry to see whether or not you have  
19 some challenges.

20 MR. JONES: Okay.

21 THE COURT: If you have a challenge then I remove them from here. And  
22 there'll be some probably out in the -- in the courtroom as well; okay.

23 MR. JONES: So you're going to canvass the whole panel --

24 THE COURT: Yeah. Well, only --

25 MR. JONES: -- for cause.

1 THE COURT: -- only the beginning portion of it.

2 MR. JONES: Okay.

3 THE COURT: And then -- then I ask them -- after we do that, we fill that  
4 position back up and then I ask them more intense questions. And then I bring you  
5 back up again and we go based on mine, and then I go back until we have 24 here.  
6 Then -- then you all get an opportunity to inquire and then the defense has an  
7 opportunity to inquire. And then when you both are done then we approach again  
8 and you tell me whether or not you have any for cause. If you don't have any for  
9 cause and you pass them then that's our 24 and you do perempts.

10 The jury doesn't know that the last four are the alternates. I used to do  
11 it where the whole group would be a potential alternate, but in talking to one of the  
12 supreme court justices he didn't feel that that was appropriate so we're changing our  
13 position with that. So now what we do is -- I mean, there's no case that says one  
14 way or the other, but this way you have the idea of who the alternate is and that was  
15 -- that's the complaint.

16 So you will challenge from the first -- first 20. And then -- and then if --  
17 say you waive them all, both of you, we take the first 12 out of that first 20, but then  
18 you still do your challenge for the alternates out of the last four.

19 MR. JONES: Got it. Okay.

20 THE COURT: All right.

21 MR. GASTON: And so our fifth peremptory is exclusively to be used for  
22 alternates.

23 THE COURT: For alternates; right. Mm-hmm.

24 And you'll get a little -- and I do it with a -- with this sheet. So we pass it  
25 back and forth so they don't know. And I tell them that they -- that -- some of them --

1 my experiences is that they -- let's say the defense excuses somebody for -- for --  
2 you know, for whatever reason. Some jurors they'll hang around and they want to  
3 know why did you kick me off and what did I do wrong; that kind of thing. So I just  
4 let them know that we do this by -- I guess secret ballot and then -- you know, I talk  
5 to them about not being offended and that type of thing.

6 MR. JONES: My stated response will be the defense kicked you.

7 THE COURT: Okay. Well -- well, under the old --

8 MR. JONES: I'm kidding. I'm kidding.

9 THE COURT: I know. But under the old -- the old way we did it, you had to  
10 stand up and say the State thanks and excuses so and so; defense thanks and  
11 excuses so and so. You had to do that in front of them and they, you know, start  
12 getting -- someone would get offended by it so this way it's better. But --

13 MR. JONES: And again, Your -- I hope I'm not offending, but are there any  
14 Court pet peeves with respect to voir dire we should avoid?

15 THE COURT: No. What I -- what I'd like you to do is -- I don't want you to go  
16 individually unless you have specific questions of them. I know some of them are  
17 real quiet and they don't respond and sometimes you want to find out, you know,  
18 why are you so quiet, why aren't you responding, you can go to them. But don't --  
19 and try -- try not to repeat -- you'll see when I ask the questions. They're pretty in  
20 depth and -- and try -- you can follow up with my -- any question I have. I don't stop  
21 that. I'm not real a stickler like some judges are. You know, it's your -- you guys  
22 need to get this jury not me.

23 MR. JONES: Okay.

24 THE COURT: And -- but you'll see -- and I think -- I appreciate you have co-  
25 counsel. Sometimes your co-counsel will tell you, hey, come on man, you keep

1 asking the same question or -- you know, so -- so I let you have a lot more reign --  
2 you know, a lot more leeway than I think most Courts do, but -- but you'll see once I  
3 ask the questions that you'll -- you probably won't ask -- I mean, you probably won't  
4 think you need to ask as many questions because a lot of your questions will be  
5 answered.

6 I don't like though once I'm done that you start at one, and two, and  
7 three, and four, and five and you're asking the same questions over and over and  
8 over because you're trying to ingratiate yourself with them; that's not what we're  
9 here about, so -- but -- but if you have any questions during the -- just feel free to  
10 ask to approach and I'll talk to you about it, so --

11 MR. JONES: And then a few other preliminary matters. I'm sorry, this is my  
12 first trial in front of Your Honor. Speaking objections or just ask to approach?

13 THE COURT: No, I just want you to give me your grounds. Objection,  
14 hearsay; objection, relevance; objection, you know, whatever you want -- whatever  
15 you have with your objection.

16 MR. JONES: And if we're going to argue then you'll --

17 THE COURT: And if I have an issue with it I'll bring you to the bench. If you  
18 want to approach you can -- you know, Your Honor, we're going to object; could we  
19 approach, that type of thing.

20 MR. JONES: Okay.

21 THE COURT: I don't want you standing up doing your speaking objections.  
22 And then what we'll do is -- it's not recorded here. But then when we take a break I  
23 let you put ever -- all your objections and what we discussed on the bench on the  
24 record --

25 MR. JONES: Thank you, Your Honor.

1 THE COURT: -- so -- okay.

2 MR. JONES: And I believe we only had, at least from the State's point of view  
3 -- the defense did raise this morning they had an issue with one picture. I think we  
4 should get that out the way prior to the jury coming in.

5 THE COURT: Okay. Which one do you have a issue --

6 MR. JONES: It looks like -- I don't know -- it should be marked with a blue  
7 sticky as State's proposed Exhibit Number 20. It's a photo of the Defendant that  
8 was taken on the scene by the security guard in the case.

9 THE COURT: Okay. What's the objection?

10 MR. GASTON: Court's indulgence.

11 Your Honor, I would object; A, as to relevance and B, as to unfairly  
12 prejudicial compared to its probative value. Specifically --

13 THE COURT: A photograph of your client is prejudicial?

14 MR. GASTON: But it's in front of the cop car and it looks like he is in  
15 handcuffs, so it looks like he's in custody. So already with this photo we're losing  
16 the indicia of innocence which is, you know, why he doesn't appear in chains here.

17 THE COURT: Okay.

18 MR. GASTON: And I don't know exactly what probative value they get from  
19 this photo that would balance against the prejudice.

20 THE COURT: Do you have an -- I mean, do you have an issue with identity?

21 MR. JONES: It's not regarding identity, Your Honor. The issue in this case --  
22 and I think as the trial goes on you'll learn that the security guard sees this  
23 Defendant with what appears to be a large purse underneath that shirt.

24 THE COURT: Okay.

25 MR. JONES: I think when you see a picture of the purse --

1 THE COURT: Yeah.

2 MR. JONES: -- and you see a picture of the Defendant, it's going to be  
3 glaringly obvious as to why the security guard felt the need to one, stop the  
4 Defendant, and two, make chase once the Defendant began to flee. I think that's  
5 going to be an important issue for the jury to -- to observe.

6 THE COURT: Is this the only photograph you have the Defendant?

7 MR. JONES: The only other photo we have is a booking photo?

8 THE COURT: Okay.

9 MR. GASTON: To be fair though, Your Honor, there's -- none -- none of our  
10 strategy involves contesting the security guard's reason for stopping the Defendant  
11 and the fact that he had the purse under his sweatshirt. This issue comes down to  
12 -- this case is coming down to his intent. And while making arguments, nothing  
13 contests the fact that he was hiding a purse under his sweatshirt.

14 THE COURT: Okay.

15 MR. GASTON: And so -- you know, give -- given the fact that that has  
16 nothing to do with our defense, I think the probative value is minimal compared with  
17 the prejudice of seeing our client being taken into custody.

18 THE COURT: Okay. Well -- I don't know whether or not -- I mean, I see your  
19 point where he's standing in front of a police car. Whether or not they -- anyone  
20 would even know that's a police car unless you work in the area. I don't see any  
21 handcuffs on him in this picture. It appears that he's standing with his hands behind  
22 his back and you know a lot of people stand that way.

23 At what point in time are you intending to use this photo?

24 MR. JONES: It would be with the security guard. It would be the first witness,  
25 Your Honor.

1 THE COURT: Okay.

2 MR. JONES: What we can do is, I think prior to it -- this -- it's going to be Mr.  
3 Dickerson's witness, but prior to admitting it I guess we can approach and ask Your  
4 Honor at this point if you feel that there's enough issue in dispute at this point to  
5 weigh the photo.

6 THE COURT: Okay. I'll tell you what I'll do. Is -- do you have a police officer  
7 that was out there as well?

8 MR. JONES: We do, Your Honor.

9 THE COURT: And was this a police officer's car?

10 MR. JONES: It was a police officer's car.

11 THE COURT: I think at the point in time if you wanted to introduce it for  
12 purposes of showing -- I mean, he can describe what he's wearing and -- and you  
13 can even show him this. But rather than having the, you know, jury see it, at that  
14 point you can show it to have -- to refresh his memory or help him understand or  
15 whatever. But then I think when you have the police officer there it would be  
16 probably more -- more appropriate --

17 MR. JONES: Okay.

18 THE COURT: -- because -- because there's going to be no doubt that he was  
19 in custody; right?

20 MR. JONES: Right.

21 THE COURT: Okay. So I'll take -- I'll consider it. I don't want to admit it at  
22 this time. I mean, no one's moving to admit it -- that I understand your objection.

23 MR. GASTON: Thank you.

24 THE COURT: So we'll -- I'll take -- I'll consider that; okay.

25 Anything further?



1 MR. JONES: Nothing from the State, Your Honor.

2 MR. GASTON: I have a few preliminary matters.

3 THE COURT: Okay.

4 MR. GASTON: First with respect to voir dire, I would ask that the Court ask  
5 the jury in its original questioning if anyone self-identifies as a minority, and  
6 specifically how they self-identify. The reason I'm asking that is because with recent  
7 -- there's a couple issues that arise during almost every jury selection with respect to  
8 race: A, whether it's a fair representation of the cross-section of the community; B,  
9 when we make *Batson* challenges, et cetera. And with recent case law in front to  
10 the Nevada Supreme Court, specifically a recent case *Watson*. The -- when we're  
11 making our original challenge so the prima facie case of A, there's a significant  
12 group that's not being represented, or B, that the State's excluding people based on  
13 their race.

14 They -- part of that burden the supreme court's seems to be putting on  
15 the defense is that we have to use statistics to make our claim. It's not enough just  
16 to say that they used two peremptories on African Americans. Instead, they want us  
17 to see what percentage of the total venire was African Americans. How does that  
18 compare to what percentage of preliminary -- I'm sorry -- peremptories they used.  
19 And sometimes it's easy to tell and sometimes it isn't. And I don't want to be in a  
20 position where when we're making our statistics and we're making our arguments  
21 later --

22 THE COURT: So you're -- not to interrupt, but you're asking me to ask the  
23 jury in the beginning to separate themselves right away and identify themselves as a  
24 minority?

25 MR. GASTON: Just -- just -- if anyone self-identifies as a minority raise your

1 hand and then we call them in and just ask. I've asked this in other courtrooms.  
2 And the issue is because if we -- if we -- if we're unable to do that, sometimes it's  
3 hard to tell just by eyeballing it whether someone is Latino; whether someone is  
4 African American. And that distinction is going to be critical when we're trying to  
5 make our prima facie case of whether the State is discriminating and we're trying to  
6 make a *Batson* challenge, or when we're trying to make our argument as to whether  
7 the venire accurately represents a cross-section of the community. Because  
8 specifically to do that, we have to compare what percentage of African Americans  
9 are in the jury as opposed to what's reflected in the population and the census and  
10 it's hard to do that just by eyeballing. And I don't think the jury would be that  
11 offended by self-iden -- if they are, they just don't raise their hands. And if the Court  
12 does it then it's pretty clear that neither -- if there is an animus or -- or an offense it's  
13 not going to be held towards the defense or the State. And vice versa, this doesn't  
14 just protect the Defendant. It also protects the State from our claims because we  
15 don't later end up just disputing how many African Americans are on the jury or how  
16 many Latinos are on the jury.

17 MR. JONES: And my -- my argument is, Your Honor, when you read *Batson*,  
18 what *Batson* really says is that a juror has a right to be free from racial discrimination  
19 or gender bias during the voir dire process which I completely understand. What I  
20 think defense is now requesting is that we introduce this into the voir dire process by  
21 asking them to identify themselves racially or ethnically and that's the basis for our  
22 objection, Your Honor.

23 MR. GASTON: And if I may respond briefly. I'm not trying to -- or just  
24 automatically introduce race into something where race wasn't in before. Race is an  
25 absolute part of jury selection and there's specific objections that can be made, and

properly will be made, regarding whether it's a fair cross-section of the community and maybe whether -- whether there's a *Batson* challenge that exists or not, and unfortunately race is a part of -- race is a part of that. And the only way that we're able to adequately meet our first burden under subsequent case law -- under subsequent *Batson* case law like *Watson* is to use statistics to meet that prima facie element. Without the statistics -- I'm still going to try to use statistics, but I'm just going to be eyeballing it. And there's the room for dispute and it's not a good record for -- for the appeals, so that's why I'm asking.

THE COURT: Okay. All right. So you're just asking me to just ask as -- as the whole group is there anyone here that self-identifies himself as a minority.

MR. GASTON: And then -- if anyone raises their hand, follow up and just ask how they self-identify --

THE COURT: Okay.

MR. GASTON: -- Caucasian -- no one will raise Caucasian, but African American, Latino, Indian.

THE COURT: I understand the State's position and in a lot of regards I agree with it, but I understand also the defense is saying they just want the record to be clear on it. If there was a way -- here's the weird thing, is that when you first come in everybody's trying to get away from this, identifying. But yet then they ask the Court because before -- and no offense to defense, but the defense was always arguing that you're labeling individuals. You're making individuals to say that they're a minority and that and we want to get away from that, but yet what you're doing now is you're bringing it right back. And so I really don't -- I really don't have an issue with it because I understand later on what's happening, but I do have an issue with the fact that we -- we want to understand everybody equal, but then we're very

1 -- the very thing we're doing is we're separating them, and that -- that's just my  
2 personal thought about it.

3           Unfortunately, for my thought, it doesn't really have anything to do with  
4 what's happening in the future on any possible appeal. And I understand that. If we  
5 had a better way of maybe when -- in the jury selection forms, you know, it says  
6 African American, or Asian, or -- you know, that type of thing then, you know, maybe  
7 it would be better, but we -- we have what we have. So I'll do that. I'll go ahead and  
8 I'll just -- I'll ask them. That way it's not coming from the State or defense and it's  
9 just --

10           MR. GASTON: Thank you, Your Honor.

11           THE COURT: Okay.

12           MR. GASTON: I have two more preliminary matters; briefly --

13           THE COURT: Go ahead.

14           MR. GASTON: -- I got to make a record on. Both of them relate to bad acts.  
15 The first bad act here -- during the -- my client's -- and first, there's been no bad act  
16 motions filed. My client comes into contact with the security guard. The State's  
17 indicated the security guard is going to be their first witness. During this encounter  
18 my client allegedly tells the security guard to fuck off and walks away after trying to  
19 be trespassed for taking a shortcut across the apartment complex. My client takes  
20 off running to go over the back wall; the security guard chases after him. My client  
21 turns, allegedly punches the security guard twice in the face and then turns back  
22 around; the security guard ends up tasing my client.

23           I would argue that this entire encounter, with respect to the tasing and  
24 the battery on the officer, is a bad act. Specifically, I don't think there's -- I don't  
25 there's a way to deny that it is a bad act. A bad act is something that can be

1 prejudicial. A classic example of a bad act is an uncharged crime; that's exactly  
2 what this is. It's bat -- if the evidence is taken at face value, my client committed a  
3 battery on a security guard. If that's not -- at least battery on a protected person, at  
4 a minimum it's battery, so it's an uncharged crime. So there's been no bad act  
5 notices filed in this case, so it's improper for the State to use a bad act if they're  
6 trying to use it for one of the classic non-propensity evidences. Now --

7 THE COURT: Okay. So before you go any further.

8 MR. GASTON: Sorry.

9 THE COURT: You're asking for bad act -- told him to fuck off; is that one?

10 MR. GASTON: Told him to fuck off, punched the guy in the face, and then the  
11 encounter dispute, I guess, is punching him in the face and getting tased.

12 THE COURT: Okay. Wasn't the punch in the face as a result of a -- as the  
13 guy chasing him?

14 MR. GASTON: Correct.

15 THE COURT: So is that a bad act too; he was running?

16 MR. GASTON: The running itself is not a bad act; no.

17 THE COURT: Okay. So punch in the face. Okay. And then what --

18 MR. GASTON: The getting tased.

19 THE COURT: Getting tased?

20 MR. GASTON: Unless -- unless we want to argue because I don't think --

21 THE COURT: Whose bad act was that; your client or the security guard?

22 MR. GASTON: I think -- I think without the full story the fact that my client got  
23 tased infers that there's this bad act that happened. So by -- if we just brought in the  
24 fact that he was tased, we're kind of inferring this bad act, and it makes the security  
25 guard sound unreasonable, so I don't think that that would be fair to the State. So

1 the entire dispute essentially I say is a bad act.

2 Now the State's best argument to get through the fact that they didn't  
3 file a bad act notice is going to be *res gestae*. Because *res gest* -- because if they  
4 are introducing facts pursuant to *res gestae*, according to statute and case law they  
5 don't have to go through the procedures of filing a bad act notice. So the question  
6 on the *res gestae*, specifically in *Delton* [phonetic], the Nevada Supreme Court  
7 considered a lot of these issues. In that case -- and unfortunately I don't have the  
8 citation exact in front of me, I can provide it later, but in that case it was a murder  
9 charge. The Defendant fled the State of Nevada and went to North Carolina. He  
10 was arrested by a police officer in North Carolina. And during that arrest he  
11 threatened to kill that police officer and that police officer's family. And that  
12 evidence was not allowed to be introduced at trial even though the State argued it  
13 was *res gestae*. It goes to his consciousness of guilt; it goes towards the whole  
14 story -- completes the whole story, and the Nevada Supreme Court articulated their  
15 standard for *res gestae*.

16 The question is can the State introduce the facts of this case without  
17 introducing this other bad act, so to speak. And in this case they can. They can talk  
18 how the security guard came into an encounter with the Defendant because he was  
19 carrying the purse under his sweatshirt. He stopped the Defendant; subsequently  
20 the Defendant was taken into handcuffs and then -- and he was searched. And they  
21 can just skip over the fact of the battery and the tasing and that doesn't change  
22 anything with respect to the actual facts of this case. And so it's not integral to this  
23 case. You can tell this case without telling that part of the story.

24 The State's response to that is probably going to be --

25 THE COURT: But aren't you talking about intent though. You're going --

1 you're going with intent in this --

2 MR. GASTON: Yes, Your Honor.

3 THE COURT: -- in this particular case.

4 MR. GASTON: Yes, Your Honor.

5 THE COURT: He ran -- according to what I understand, he ran with the purse  
6 underneath his shirt according to what the State told me earlier in the -- why they  
7 want to use the shirt. And now you're telling me that he -- he -- as he was being  
8 approached by the officer he told him to fuck off and ran. And then he -- and then  
9 he punched the officer when the officer tried to stop him to the point where the  
10 officer had to use force on him to get him to stop. And then they search him and  
11 they find these items. Aren't you talking about intent though?

12 MR. GASTON: Yeah --

13 THE COURT: Your defense is that there's no intent here.

14 MR. GASTON: Yes, it is.

15 THE COURT: How do you get -- how do you -- how do you reconcile the lack  
16 of that when you say you can still prove the case without that?

17 MR. GASTON: And that's -- and that's absolutely fair. And in *Delton*  
18 [phonetic] it was probably a similar situation where if the State had actually filed a  
19 bad act motion and said we're --

20 THE COURT: Yeah, but you're asking -- you know, Mr. Gaston, I don't really  
21 know you that well, and I don't mean to be -- I don't mean to interrupt you in that, but  
22 you're asking to gut the evidence of the case when the evidence -- obviously  
23 evidence against your client is prejudicial. You're asking to gut it. And under the  
24 [indiscernible] that this is a bad act, when it's the total -- how about the full story.  
25 Your own words that you used was without the full story it would make sense to the

1 jury what the officer did, so you pick and choose portions that you don't like.

2 MR. GASTON: And with all due respect to the Court, I disagree that that's  
3 what I'm trying to do.

4 THE COURT: Okay.

5 MR. GASTON: There's two reasons that this introduced. One would be that  
6 it's relevant to the client's intent. And I think that's fair. I think that's absolutely a fair  
7 argument. It'd be kind of hard to respond to, to be honest.

8 THE COURT: But you're saying that without them doing a bad acts motion I  
9 can't consider it.

10 MR. GASTON: Under *Petrocelli* intent she has to -- Nevada Supreme Court  
11 said -- and the issue isn't so much just whether it's relevant or not to relevant  
12 propensity.

13 THE COURT: Mm-hmm.

14 MR. GASTON: But it's to the fact that we should've had a hearing to litigate  
15 these issues. We should've --

16 THE COURT: Did you not have a preliminary hearing with this?

17 MR. GASTON: We had a preliminary hearing, but the -- the supreme court  
18 said when the State wants to introduce bad act evidence they have to file a bad act  
19 motion and we have to undergo a *Petrocelli* hearing. And we didn't receive that  
20 notice so therefore they shouldn't be able to proceed -- now come into trial and say  
21 well, it really is super relevant, it's just not --

22 THE COURT: How come you didn't file this motion to exclude this evidence  
23 prior to today?

24 MR. GASTON: Because the burden isn't on -- the burden shouldn't be on the  
25 Defendant to have to file a motion to exclude the State from introducing bad acts.



1 THE COURT: No, there is statutory requirements to file motions to exclude or  
2 suppress evidence and that's what you're asking me to do.

3 MR. GASTON: All I'm asking --

4 THE COURT: You're claiming it's not evidence. You're claiming it's bad act  
5 evidence that shouldn't even be admitted; right?

6 MR. GASTON: I'm not -- I'm not trying to file a motion to -- I'm not trying to  
7 make it an affirmative issue that this evidence should be suppressed under various  
8 grounds. Instead what I'm saying is this Court should hold the State to the burden  
9 articulated by the Nevada Supreme Court, that unless they file a bad act motion --

10 THE COURT: Mm-hmm.

11 MR. GASTON: -- they can't get bad acts in unless it's pursuant -- unless it's  
12 relevant to res gestae --

13 THE COURT: Okay.

14 MR. GASTON: -- the full story. And then that brings me -- so the -- it's -- I  
15 would argue it's probably relevant to intent, but without the bad act notice we don't  
16 even get there.

17 THE COURT: So -- but you're saying it's not relevant to res gestae?

18 MR. GASTON: I now say -- and then I say -- yes, it doesn't fall within res  
19 gestae because the standard in res gestae isn't -- it's just -- it seems fair -- it makes  
20 sense -- the standard under res gestae is can the story -- the facts of this case be  
21 told without talking about the bad act --

22 THE COURT: Okay.

23 MR. GASTON: -- and it can't.

24 THE COURT: That's where I go right back to the full story. Intent is part of  
25 the full story. What was his intent when he ran? Why did he run? What was he

1 thinking? And how are they going to understand that without understanding what he  
2 did here when he ran, when he fought, when he -- when he told the officer to fuck  
3 off. I mean, I really don't know if that means too much here. I mean, I don't know  
4 what else was asked there. I don't know whether or not -- I guess that could be  
5 considered a bad act because -- because he's -- an individual cussing how a days,  
6 but -- but punch in the face and getting tased it was -- it's clear to me based on that  
7 what his intent is, is he wanted to get away and he was held with the --

8 MR. GASTON: I mean, I think -- to be fair -- and this will be my last remark --

9 THE COURT: Okay.

10 MR. GASTON: -- is I think it actually goes the other way is if we just bring up  
11 the fact that the security guard encountered the client. The client told the guy to  
12 fuck off and runs away and subsequently got tased near the wall without bringing up  
13 the fact that our guy turned around and punched the security guard in the face.

14 THE COURT: Okay.

15 MR. GASTON: Then we actually get that out and I think it would actually  
16 even help the State's argument --

17 THE COURT: Okay.

18 MR. GASTON: -- a little more with [indiscernible] to intent because it makes it  
19 look like he's running away specifically because he had the stolen purse.

20 THE COURT: All right. Let me -- let me hear the State's --

21 MR. GASTON: Yeah.

22 THE COURT: -- response with that without the -- without the punch him in the  
23 face.

24 MR. JONES: My first response again, Your Honor, that the Court hit on is  
25 there was no motion filed by defense to exclude this evidence within the timeframe.

1 It is the State's position that this is res gestae --

2 THE COURT: Mm-hmm.

3 MR. JONES: -- and we do not have to file a motion to admit res gestae  
4 evidence. In this case what defense is talking about is basically an unbroken chain  
5 of events that occurred over a two or three minute period. And just as the Court  
6 said, it -- this does go to intent, him basically running from the officer, saying I  
7 believe fuck off. When the officer finally catches up with the Defendant he -- the  
8 Defendant turns and throws punches; again, showing how desperate he was to get  
9 away. We are going to ask this Court for a flight instruction because that is  
10 extremely important when you -- when you look at the Defendant's intent.

11 THE COURT: Yeah.

12 MR. JONES: So I think they're trying to gut our -- the intent evidence that we  
13 have, Your Honor, thus going to what they said earlier is their whole case trying to  
14 show that we can't prove intent. So this is res gestae evidence. That's why we  
15 didn't file a motion, and quite frankly, it all should come in.

16 THE COURT: Mm-hmm.

17 MR. GASTON: I'll submit, Your Honor.

18 THE COURT: Okay. Mr. Gaston, under the -- I just had an opportunity to -- I  
19 just finished reading a case this morning -- just had it on my desk. It's -- *Roxy* is the  
20 name of the case and it has to do with a -- supreme court reversed a conviction  
21 involving a sexual offense. It had to do with modus operandi and the way the Court  
22 dealt with those issues. But there's a section in there that talks about flight. And in  
23 the flight instruction basically even after the offense had occurred, and this individual  
24 was doing some things to try to get into Mexico, and they were able to establish  
25 based on the testimony at the trial that -- the supreme court found that that would be

1 appropriate in adding the flight instruction and found that that was res gestae even  
2 after the fact. So I'm -- I understand your motion, but for the record, I'm going to  
3 deny your motion to strike the statements as I don't believe that they are -- would fit  
4 under -- I do believe that they would be considered bad acts in some regards, but --  
5 but I do believe that res gestae establishes it and supports it, so --

6 MR. GASTON: And very briefly, my last -- my last issue --

7 THE COURT: Okay.

8 MR. GASTON: -- which is very similar so I'm just going to incorporate by  
9 reference most of the arguments I just made. But this purse that my client has on  
10 him, he's only charged with possession of the credit cards without cardholder's  
11 consent. He's not charged with stealing the purse. And in fact, I just filed a motion  
12 in front of Judge Eric Johnson before we went to overflow asking for a lesser related  
13 instruction of petty larceny. That motion was denied largely because the State's  
14 arguments and the judge felt there was no evidence in the case to support our  
15 contention that our client committed petty larceny.

16 It's my understanding that the State is not going to be implicating or  
17 insinuating that our client did steal the purse in this case, but that it is their intention  
18 to bring out that this purse was stolen about an hour and a half before it was found  
19 on my client, and talk about the last time they saw this. And my fear is if they bring  
20 this out, even if they don't stand up and actually argue it, insinuate it, implicate it, it's  
21 very clear that the jury's going to assume my client, the one who has the purse only  
22 an hour later, is the one who stole this purse. And they're not going to listen to  
23 anything we have as far as the evidence of his intent with the credit cards or not  
24 because they'll assume he stole the purse.

25 So I incorporate my reference with most of the arguments I just made

1 with respect to bad act in that they didn't file a motion, and that it doesn't fall within  
2 res gestae, with one additional argument of -- there's a police report that deals with  
3 this burglary and whatnot and this was disclosed to me after calendar call. I can't  
4 remember the exact date. I want to say maybe Thursday, if that sounds right to the  
5 State. So this was about three or four days ago, which is late disclosure too, so I  
6 rest -- so I think they shouldn't be allowed to bring up the prior purse burglary  
7 because of the bad act arguments that that is not res gestae, and also because of  
8 the late disclosure of the police report dealing with this other act which obviously  
9 prejudices us because it hasn't given us time to investigate these other acts, to look  
10 into these claims, and to have the full affect and advantage of having all the  
11 discovery disclosed to us in a timely manner.

12 THE COURT: Okay.

13 MR. JONES: Two things, Your Honor. One, again this was -- this was not  
14 addressed prior to trial. No pretrial motions were filed. Secondly, we --

15 THE COURT: Could they have filed a pretrial motion in the timeframe that  
16 you provided them with the report?

17 MR. JONES: Well, in this -- in this case there was no question this purse was  
18 stolen the night before.

19 THE COURT: Okay.

20 MR. JONES: In fact, that was addressed I believe at prelim. And in fact  
21 defense was tendered about a week before trial a video surveillance.

22 THE COURT: Are you going to suggest to the jury that he stole the purse?

23 MR. JONES: No. Under no circumstances will we -- court's indulgence.

24 Yeah, the information regarding the purse burglary was provided. Now  
25 I will say that they did get a late report from that -- the purse burglary because the

1 report was put in PremierOne and OnBase. And I believe it was Mr. Dickerson who  
2 found that there was this random report in PremierOne that had not been disclosed  
3 to defense, and as literally as soon as we found out this report's existence we  
4 scanned a copy over to defense. Just wanted to make a record with respect to that  
5 late disclosure.

6 Now, we are not planning on implicating Defendant in this purse  
7 burglary at all. What I did notice defense is that I will be eliciting testimony from the  
8 alleged victim as to when the last time she saw this purse and her credit cards. And  
9 that was the night before when she left her purse and credit cards in her car.

10 THE COURT: Okay.

11 MR. JONES: That is all the testimony that will be elicited. I think I have to  
12 show at least why these cards weren't in the -- in the victim's possession. She's  
13 going to say they were in my purse, and the last time I saw them was the night  
14 before in my car.

15 THE COURT: Okay.

16 MR. GASTON: I submit, Your Honor.

17 THE COURT: All right.

18 MR. JONES: Court's indulgence.

19 MR. DICKERSON: If I may, Your Honor. This issue is not new to the  
20 defense. This was brought up prior to prelim everything about this purse burglary,  
21 so --

22 MR. GASTON: To be fair, it's not --

23 MR. DICKERSON: -- this isn't the first they're hearing of it.

24 THE COURT: Is there any -- anything exculpatory in that report?

25 MR. JONES: I don't believe so, no.

MR. GASTON: Well, that's not exactly true. I mean, the report indicates that someone else could've stolen the purse. At least the facts -- any background information that Mr. Dickerson's alluding to -- being referred to, we could've painted an alternate suspect as to stealing the purse and whatnot. That being said, this whole collateral matter is part of -- is part of the unfair prejudice that I'm talking about. And the late disclosure doesn't give us full time to adequately not only investigate this, revise our defense at the last second, and then come in prepared on Monday. And so on that I submit.

THE COURT: You know, what I will do, if the defense asks, is I will give an instruction to the jury that they are not to consider that the loss of that purse, or theft of that purse, was the Defendant.

MR. GASTON: Court's indulgence one moment.

THE COURT: You do some type of -- you know, draft me something to that because -- I mean, they're not -- the State's not suggesting this. They're just saying, hey, she -- somehow she was separated from her purse the night before and somehow -- and all we know is that on this date your client had it and was running away from it with it stuffed in his shirt.

MR. GASTON: Court's indulgence.

Your Honor, is it possible if we reserve our decision on whether we'd like cautionary instruction or not --

THE COURT: Sure. Sure.

MR. GASTON: -- to when we deal with jury instructions.

THE COURT: Okay. When we get to that point then we'll deal with it.

MR. GASTON: Thank you.

THE COURT: But I am going to allow the State to elicit from their witnesses,

1 specifically the victim in this matter, about the circumstances of her being separated  
2 from her purse; all right.

3 MR. GASTON: Thank you.

4 THE COURT: Okay. We ready to go then?

5 MR. GASTON: Yes, Your Honor.

6 THE COURT: All right. Call the jury in, Jim.

7 [In the presence of the prospective jury panel]

8 THE MARSHAL: Please be seated. Department 19 is now in session.

9 THE COURT: Okay. Good morning, ladies and gentlemen. Thank you for  
10 your patience. We tried to get started at nine, but we've been in here actually  
11 working this morning.

12 This is the time set for trial in case number C310000. It's the State of  
13 Nevada is the plaintiff here versus Sayedbashe Sayedzada; he's the Defendant.

14 The record will reflect the presence of the Defendant, his counsel, and  
15 the counsel for the State, and all officers of the Court. Counsel for the Defendant is  
16 Tyler Gaston and Christopher Howell. And counsel for the State is Michael  
17 Dickerson and John Jones.

18 Ladies and gentlemen, you are in Department 19 of the Eighth Judicial  
19 District here in the County of Clark, State of Nevada. My name is William Kephart;  
20 I'm the presiding judge over this matter today.

21 I want to take the opportunity to introduce to you my court staff. You  
22 may be coming into contact with them. In the middle between us three here is Ms.  
23 Erickson. It's Christine Erickson. She's my court recorder. She'll be taking down  
24 everything that's said during this trial and during this proceeding. If you look around  
25 the room and look in front of you you'll see microphones and there's some cameras



1 all around here. Not only are we doing this by audio, we also it by -- I mean, by  
2 video, so remember that when you get a nasty look on your face or something  
3 because you don't like what I ask you.

4 To my immediate left right here is Tia Everett and she's my court clerk.  
5 She's responsible for swearing in the witnesses; she marks the exhibits and keeps  
6 track of the evidence. She actually prepares my official record.

7 And you've met my marshal, James Kinnally. A lot of people call them  
8 bailiffs; we call them marshals. And you'll probably have the most contact with Mr.  
9 Kinnally.

10 On behalf of the State, I going to ask them to introduce themselves to  
11 you and make a brief statement of the nature of the case and state the names of  
12 witnesses that they intend to call in this case.

13 MR. DICKERSON: Good morning. My name is Mike Dickerson with the  
14 State of Nevada.

15 MR. JONES: My name is John Jones. I'm also representing the State of  
16 Nevada.

17 The Defendant in this case has been charged with 13 counts of  
18 possession of credit or debit card without cardholder's consent.

19 In this case we plan on calling the following witness -- witnesses:  
20 Officer Christopher Arnold; Ms. Cari Black; Ms. Jamie Black; Ms. Lori Black; Mr.  
21 Michael Black; Cory Newton; Joel -- Officer Joel Reese, and Alfred Shamirza.

22 THE COURT: Okay. Thank you, Mr. Jones. Thank you, Mr. Dickerson.

23 Mr. Gaston, Mr. Howell, did you want to introduce yourself and your  
24 client.

25 MR. GASTON: Thank you, Your Honor.

1 My name is Tyler Gaston. I'm here with my co-counsel, Christopher  
2 Howell. We have the pleasure of representing Sayed. He has pled not guilty to all  
3 of those charges.

4 THE COURT: Okay. Thank you.

5 At this point in time, ladies and gentlemen, I'm going to have you  
6 identify whether or not you're here or not. I'm going to call your name and please  
7 answer by saying present or here.

8 [The clerk calls roll of the prospective jury panel]

9 THE COURT: Is there anyone here whose name wasn't called? Okay, no  
10 one has answered.

11 Ladies and gentlemen, I want to ask you all to stand. At this time we're  
12 going to swear you in. Be prepared to be sworn and raise your right hand.

13 [The prospective jury panel sworn in by the clerk]

14 THE COURT CLERK: Thank you. Please be seated.

15 THE COURT: Is there anyone that would not take that oath? All right, no one  
16 has indicated otherwise.

17 Ladies and gentlemen, we're about to commence what's called jury  
18 selection. During this process you're going to be asked questions bearing on your  
19 ability to sit as fair and impartial jurors. Fair and impartial you'll hear come up quite  
20 a bit during this timeframe. To accomplish this, questions will be asked as you -- of  
21 you by myself, as well as counsel if they choose. On occasion some of these  
22 questions will seem quite personal and sometimes individuals get a little bit taken  
23 back by them. We're trying not to scare you, and we're not asking you to be -- to  
24 give us your life stories, but they are necessary so that counsel and the Court can  
25 make an intelligent decision as to the capabilities of you serving fairly and

1 impartially.

2           It's important to know the significance of full and complete honest  
3 answers to all the questions you're about to be asked. Please do not try to hide or  
4 withhold anything which might indicate biased or prejudice of any sort by any of you.  
5 Should you fail to answer truthfully or -- of if you hide or withhold anything touching  
6 on your qualifications and the Court finds out that could cause some dramatic  
7 problems for you as well as contaminate your verdict.

8           I'm going to conduct general examination of all of you while you're  
9 seated here in the audience. That will be the whole group. And then usually what I  
10 do is I would pull a number of you up here in this section that I've already done.  
11 Because my courtroom is small, I already start with you up here in the front.

12           Understand that all of you are subject to possibly being jurors here.  
13 And since -- because you're number -- I think it's 45 in the back doesn't necessarily  
14 mean that you couldn't make it up here on this group. There's been a number of  
15 times where I had to get additional -- additional members just to fill in behind 45.

16           At some point during the process of selecting the jury the attorneys for  
17 both sides will have the right to ask that a particular person not serve as a juror.  
18 These requests are called challenges. I'm asking you not to be offended by them if  
19 you are excused from the challenging procedure. I don't let you know who's  
20 challenged you. It could be the Court, and it could be one of the jurors -- I mean,  
21 one of the potential -- attorneys here as well. I don't let you know because a lot of  
22 people get -- sometimes they get offended that they're let go and they want to know  
23 why -- why wasn't I good enough to be on a jury. It doesn't -- it doesn't get to that  
24 point. Sometimes it's just an issue of whether or not there's certain things that you  
25 probably wouldn't be suited for this particular case. And so I'm going to ask that you

1 please don't be offended by that.

2           Some of you probably will be happy -- now some of you will be glad to  
3 have -- not have to sit here and serve as a juror. Some of you have already kind of  
4 imposed that upon me by your -- by your body language and I've seen that that you  
5 don't want to be here. Understand this -- and I feel very confident and comfortable  
6 about this, is that I've been doing this over 30 years. And I will tell you I study -- I'm  
7 an actual student of -- of criminal procedure; I'm a student of the jurisprudence  
8 throughout the world. And the United States has a really, really good system. It's  
9 the jury system.

10           The jury system is the one time where the public actually has -- actually  
11 has direct contact with the government and how things happen in their system. And  
12 a lot of people shirk that responsibility and they don't want to do it because it is time  
13 consuming and we all know that. It's -- I'll tell you that we go through great lengths  
14 of trying to be a fair manner in trying to get individuals here to do this. And then this  
15 procedure even you'll see it goes even further on trying to be fair on understanding  
16 all of your time constraints and concerns that you have going on in your life right  
17 now.

18           In a perfect world it would be great for us to just call out 12 people and  
19 say okay it's time for you to do jury service today and not have an issue today, but  
20 that's not real. We're trying to get -- in this case we're going to pick 14 jurors. And  
21 you'll see there's -- as many people as you are here now you would think, God, I  
22 need all of you just to get 14; you'll be surprised.

23           I want to tell you -- try to impress upon you that I am very passionate  
24 about the fact that this is a very -- very important part of our system. It's very  
25 important part for all parties concerned and we take this very seriously. And most of

1 the time when I'm done I haven't seen any jurors to date that have not found this to  
2 be a comfortable and a -- I mean, uncomfortable position now, but a comfortable  
3 event once they're done. So bear in mind we might be using a little bit of your time  
4 here, but once again the challenging procedures are just a -- is just a procedure  
5 designed to protect the rights of the parties under our system of government.

6 So if you wish to respond to a question in the affirmative raise your  
7 hand and give me your name and your number that's on your badge. If you look on  
8 your chest now you all have a badge number. And I always pick on Juror Number 1  
9 as this one's Diane Albanese. Ms. Albanese, if you look at your badge you'll see a  
10 badge number that says 16-0002. So if you wanted to answer you would raise your  
11 hand, I'd call upon you, and you'd say my name is Diane Albanese, that way we  
12 know who's speaking on the recording, and my badge number is 002. You just want  
13 to give me the last three numbers; okay?

14 PROSPECTIVE JUROR #002: Mm-hmm.

15 THE COURT: Does anyone have a question with that? All right.

16 So -- all right. Is there anyone here that's been convicted of a felony --  
17 anyone that's in this group? Okay, no one has raised their hand.

18 Is there anyone not a United States citizen? Okay, no one has raised  
19 their hand.

20 Is there anyone here that self-identifies as a minority? Oh, wait,  
21 someone hand their hand previously as not a U.S. citizen.

22 PROSPECTIVE JUROR #056: No, no. No, I'm applying for it. And I applied  
23 for it before because I've been here 45 years.

24 THE COURT: Okay. Hold on.

25 All right. So we're back on the last question. I'll slow down so we can

1 catch everybody now.

2 PROSPECTIVE JUROR #056: Adelaida Vining, I'm 356 [sic].

3 THE COURT: Okay, 056.

4 PROSPECTIVE JUROR #056: Yes, sir.

5 THE COURT: All right. And what -- you say you're not a U.S. citizen?

6 PROSPECTIVE JUROR #056: No, I applied for it and there was some  
7 problem, not on my behalf, just with the paperwork; it was filled out wrong. And I  
8 never received it back, and so I went and applied again and paid for it and I'm just  
9 waiting for a date to get [indiscernible].

10 THE COURT: When -- when did you last apply?

11 PROSPECTIVE JUROR #056: It's been about a year and a half.

12 THE COURT: What -- what -- are you official citizen of what country?

13 PROSPECTIVE JUROR #056: From Mexico.

14 THE COURT: Okay. When you spoke to the jury commissioner did you let  
15 them know that you're not a U.S. citizen?

16 PROSPECTIVE JUROR #056: No, sir.

17 THE COURT: Okay. All right.

18 Ms. Vining-Cardenas, I appreciate your interest here and your attention;  
19 however, I'm going to excuse you at this time. I'm going to ask that you go back to  
20 the jury commission room and let them know that you are not a United States  
21 citizen; okay?

22 PROSPECTIVE JUROR #056: Yes, sir.

23 THE COURT: All right. Thank you. And good luck with your citizenship.

24 PROSPECTIVE JUROR #056: Yeah. Thank you very much.

25 THE COURT: Okay. Go -- you probably ought to go back down there right

1 away and say, hey, it's been a year; what's going on here and start putting pressure  
2 on them; okay?

3 PROSPECTIVE JUROR #056: [Indiscernible]. Thank you.

4 THE COURT: Okay. Thank you.

5 Okay. Anyone else? Okay. All right.

6 So my next question is, is there anyone that self-identifies as a  
7 minority?

8 PROSPECTIVE JUROR #043: My name is Diedra Terry; badge number 043.

9 THE COURT: Okay. What minority do you self-identify as?

10 PROSPECTIVE JUROR #043: African-American and Native American.

11 THE COURT: Okay. Okay. Thank you.

12 Anyone else?

13 PROSPECTIVE JUROR #034: My name is Opal Stokes and badge 0034 and  
14 African American.

15 THE COURT: Okay.

16 Anyone else?

17 PROSPECTIVE JUROR #061: Thong Nguyen. Sorry. I'm Thong Nguyen,  
18 badge number 061. I am [indiscernible] -- Asian -- American Asian.

19 THE COURT: Okay.

20 Anyone else? No one in that group. Anyone in this group? Okay.

21 THE MARSHAL: One more, Your Honor.

22 THE COURT: Oh, one more. I'm sorry.

23 PROSPECTIVE JUROR #054: My name -- my name is Wai Yu and number  
24 is 0054. I'm Chinese.

25 THE COURT: Are you 054? Your badge number.

1 PROSPECTIVE JUROR #054: Yeah, 054.

2 THE COURT: Okay. And you're Wai Yu?

3 PROSPECTIVE JUROR #054: Yeah.

4 THE COURT: Okay. And you're Chinese?

5 PROSPECTIVE JUROR #054: Yeah.

6 THE COURT: All right. Thank you.

7 PROSPECTIVE JUROR #054: Thank you.

8 THE COURT: Anyone else?

9 Okay. All right. Is there anyone who has such a sympathy, prejudice,  
10 or bias relating to age, religion, race, gender, or national origin that they feel would  
11 affect their ability to be open-minded and fair and impartial jurors here? Want me to  
12 read it again. Okay.

13 All right. Is there anyone who has such a sympathy, or a prejudice, or a  
14 bias relating to age, religion, race, gender, or national origin that they feel would  
15 affect their ability to be open-minded, fair and impartial? Do you think that you have  
16 a particular bias against religion, or a particular bias against race, or gender, or a  
17 particular sympathy for religion, or race, or gender, or national origin you think that  
18 would cause you to be -- unable to be fair and impartial? Okay, no one has raised  
19 their hand.

20 Are any of you acquainted with the Defendant and his or her attorney?  
21 I mean, his attorneys. Okay, no one.

22 Are any of you acquainted with the deputy district attorneys? Okay, no  
23 one's raised their hand.

24 Are any of acquainted with any of the witnesses whose names were  
25 previously mentioned by the deputy district attorney? Okay, no one has raised their



1 hand.

2 This case is expected to last three to four days; is that correct?

3 MR. JONES: Like three at most.

4 THE COURT: Mr. Gaston, do you agree?

5 MR. GASTON: Yes, Your Honor.

6 THE COURT: Okay. Would serving that period of time present an undue  
7 burden upon any of you? Okay, this is where -- I usually get a lot of hands raised on  
8 this one, so -- okay, we'll just start in the back row and work our way forward.

9 PROSPECTIVE JUROR #004: My name's Katina.

10 THE COURT: Could you speak right into the microphone; okay?

11 PROSPECTIVE JUROR #004: Katina Strong.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #004: My badge number is 004. And I'm currently  
14 going through a divorce, so my kids are at home, spring break, 12 and 13 by  
15 themselves, so that's my issue.

16 THE COURT: All right. So there's no one to --

17 PROSPECTIVE JUROR #004: Nobody.

18 THE COURT: Nobody to watch them?

19 PROSPECTIVE JUROR #004: My husband's at work. No.

20 THE COURT: Do you work?

21 PROSPECTIVE JUROR #004: No, I don't.

22 THE COURT: Okay. All right. Thank you.

23 Anyone else in that back row? Okay.

24 PROSPECTIVE JUROR #006: My name is Tom Welch --

25 THE COURT: Uh-huh.

1 PROSPECTIVE JUROR #006: -- 006. And I'm a father of five and my  
2 income is directly related to the time that I spend -- I'm a -- the chief nurse  
3 anesthetist and I already have call schedule set out and those responsibilities for my  
4 group.

5 THE COURT: You're the chief nurse anesthetist?

6 PROSPECTIVE JUROR #006: Chief nurse anesthetist; yeah.

7 THE COURT: Do you --

8 PROSPECTIVE JUROR #006: Do anesthesia.

9 THE COURT: Do you have the procedures set out already? Can -- is there  
10 no one that can handle -- take care of what you're doing or --

11 PROSPECTIVE JUROR #006: Well, we have -- yeah, I mean there's always  
12 somebody who could take care of it --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #006: -- but in our group there's, you know,  
15 vacations and things set out, but then we also have a call schedule that's -- work  
16 through it in afternoons, nights, and evenings that -- you know, I do -- I have to do  
17 my part, but --

18 THE COURT: Yeah.

19 PROSPECTIVE JUROR #006: Just like I have to -- I do my part here, but  
20 yes.

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

22 Anyone in the -- okay, second row. All right.

23 PROSPECTIVE JUROR #012: Hi. I'm Thomas Puhek, badge number 012.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #012: I'm a local dentist. I know it sounds like a sob

1 story, my father passed away about a month ago up in Spokane, Washington and I  
2 took the month of February off. I've just gotten back to work and it's a -- it's a real  
3 hardship for me right now quite [indiscernible].

4 THE COURT: Okay. Thank you.

5 Anyone else in that row?

6 PROSPECTIVE JUROR #011: My name is Raymond Kwan --

7 THE COURT: Uh-huh.

8 PROSPECTIVE JUROR #011: -- badge number 011.

9 THE COURT: Uh-huh.

10 PROSPECTIVE JUROR #011: I sometimes stay out in Nye County in  
11 Pahrump for work.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #011: So I'll spend half the week in town and half  
14 the week out there. And it's a lot of traveling that I have to do, so it could be kind of  
15 difficult.

16 THE COURT: Is it set up for you -- are you supposed to be out there this  
17 week?

18 PROSPECTIVE JUROR #011: I have to later in the week.

19 THE COURT: Who do you work for?

20 PROSPECTIVE JUROR #011: G&K Land Development.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR #011: Property management.

23 THE COURT: Okay. All right. Thank you.

24 Anyone else in the third -- second row? Okay.

25 PROSPECTIVE JUROR #012: Your Honor, could I also add on my behalf

1 that I'm a sole practitioner and there is nobody else at my practice --  
2 THE COURT: Okay.  
3 PROSPECTIVE JUROR #012: -- that sees patience. Thank you.  
4 THE COURT: All right. Thank you.  
5 Anyone else in the second row? Third row? Third row.  
6 PROSPECTIVE JUROR #015: Hi. I'm Elaine Davey, badge 015. I've been  
7 out on medical leave. I go back to work on Thursday, so financially it's hard to be  
8 here.  
9 THE COURT: How long have you been out?  
10 PROSPECTIVE JUROR #015: Actually, this is my second week of missing  
11 for -- I missed the first week of March and then I was out this past week.  
12 THE COURT: Were you being paid?  
13 PROSPECTIVE JUROR #015: No..  
14 THE COURT: So you're on medical leave and you don't --  
15 PROSPECTIVE JUROR #015: Well, I took some --  
16 THE COURT: -- you don't receive any --  
17 PROSPECTIVE JUROR #015: -- vacation time.  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR #015: I didn't take FMLA because I can't afford it.  
20 I'm a single mom --  
21 THE COURT: Okay.  
22 PROSPECTIVE JUROR #015: -- of two.  
23 THE COURT: Okay.  
24 PROSPECTIVE JUROR #015: But being on jury I don't get paid.  
25 THE COURT: Who do you work for?

1 PROSPECTIVE JUROR #015: I work for Aria -- MGM.  
2 THE COURT: I think they do.  
3 PROSPECTIVE JUROR #015: I don't know.  
4 THE COURT: I think casinos do.  
5 PROSPECTIVE JUROR #015: Do they?  
6 THE COURT: It's under the culinary agreement.  
7 PROSPECTIVE JUROR #015: I -- I don't know. I didn't even talk to my  
8 manager. I've been out.  
9 THE COURT: Okay. All right.  
10 PROSPECTIVE JUROR #015: But I'm a tipped employee, so my wages --  
11 THE COURT: Yeah.  
12 PROSPECTIVE JUROR #015: -- are nothing compared to --  
13 THE COURT: No, I understand that.  
14 PROSPECTIVE JUROR #015: -- I rely on my tips.  
15 THE COURT: Okay. You can understand since -- since we're at -- we're  
16 talking with Ms. Davey I'm going to use you as example.  
17 PROSPECTIVE JUROR #015: Mm-hmm.  
18 THE COURT: I think everybody can understand the difficulties that we  
19 recognize in this type of a community in understanding that most people -- in an  
20 entertainment community most -- a lot of people they -- they survive probably mainly  
21 off of their tips, and so we recognize that.  
22 PROSPECTIVE JUROR #015: Mm-hmm.  
23 THE COURT: We do. And so -- understand it's not going to be ignored.  
24 PROSPECTIVE JUROR #015: Right.  
25 THE COURT: Okay?

1 PROSPECTIVE JUROR #015: Okay.  
2 THE COURT: All right. Okay.  
3 PROSPECTIVE JUROR #015: Thank you.  
4 THE COURT: Anyone else in the second row -- third row? Okay, in the  
5 fourth row?  
6 PROSPECTIVE JUROR #019: I do.  
7 THE COURT: Oh, wait, you do. Okay, ma'am.  
8 PROSPECTIVE JUROR #019: My name is Andrea Mahoney, badge number  
9 019.  
10 THE COURT: Uh-huh.  
11 PROSPECTIVE JUROR #019: My husband works full-time. I'm a stay-at-  
12 home mom. I have kids 13, 6, and 4 and we home school. So me not being there  
13 means they're not getting their lessons.  
14 THE COURT: How old are they?  
15 PROSPECTIVE JUROR #019: Thirteen, 6 and 4.  
16 THE COURT: Okay. Okay. Thank you.  
17 Before you -- before you pass it, is there anyone else in your family that  
18 can help watch your kids?  
19 PROSPECTIVE JUROR #019: No. My mother-in-law's in the other room.  
20 THE COURT: Oh, she's in --  
21 PROSPECTIVE JUROR #019: So, no.  
22 THE COURT: -- going through the same thing?  
23 PROSPECTIVE JUROR #019: Yeah, I saw her.  
24 THE COURT: Wow. Okay. What about father-in-law?  
25 PROSPECTIVE JUROR #019: He flies. He's a pilot for Southwest, so he's

1 gone frequently.

2 THE COURT: Okay. Friends?

3 PROSPECTIVE JUROR #019: I did get two different people to watch them  
4 both today, but again, it's three kids, so it's not always a one person job.

5 THE COURT: Okay. Okay. Thank you.

6 Anyone in the fourth row? All right.

7 PROSPECTIVE JUROR #022: Eslyn Brenner, badge 0022. I've just been  
8 diagnosed with AFib, and I had my test and I got two doctor appointments  
9 Wednesday and Friday.

10 THE COURT: Okay. What time are the appointments?

11 PROSPECTIVE JUROR #022: Eight forty-five and Friday is nine o'clock.

12 THE COURT: Okay. Okay. Thank you.

13 Anyone in that row? The front row? All right. Anyone in the audience?

14 PROSPECTIVE JUROR #036: Meara Broyles, badge number 035 or 036.  
15 I'm not sure. I didn't get a reprint of my badge.

16 THE COURT: Three-six.

17 PROSPECTIVE JUROR #036: Thank you.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR #036: I have two kids, 5 and 8, and I am unable to  
20 find childcare for them because my husband just went TDY for two weeks to Ohio.

21 THE COURT: Okay. How old are they?

22 PROSPECTIVE JUROR #036: They are 5 and 8.

23 THE COURT: Who's watching them today?

24 PROSPECTIVE JUROR #036: My friend, but she also has two kids.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR #036: Uh-huh.

2 THE COURT: Anyone in that front row there? Second row? Front row; okay.

3 PROSPECTIVE JUROR #039: Larry Chambers, 039. I lost my wife about --

4 just under six months ago. I'm still cleaning up some stuff and I'm trying to get time

5 to go back and see my mom.

6 THE COURT: Okay. Thank you.

7 Anyone else in the front row? Second row?

8 PROSPECTIVE JUROR #049: My name is Ryan Kientz, badge number 049.

9 I've got five compression fractures in my back and I cannot sit down for very long. I

10 also have short-term memory loss. I'm going to see my neurologist, I believe it's on

11 Thursday, nine something.

12 THE COURT: You have -- you have an appointment for Thursday?

13 PROSPECTIVE JUROR #049: Yes, I do. And I cannot sit for very long. I've

14 got a doctor's note with me.

15 THE COURT: Do you want to give that to my marshal?

16 Okay. Anyone else in the second row?

17 PROSPECTIVE JUROR #054: My name is Wai Yu.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR #054: Number --

20 THE COURT: Can you speak right into the microphone?

21 PROSPECTIVE JUROR #054: My name is -- can you hear?

22 THE COURT: [No audible response -- nodding in the affirmative.]

23 PROSPECTIVE JUROR #054: Wai Yu, 054.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #054: And I have 83 years old mother I to take care.



1 And I also -- my English is not that good and I -- sometimes I understand,  
2 sometimes I don't understand.

3 THE COURT: Okay. I want to see if we have Chinese interpreter.

4 THE COURT CLERK: Sure.

5 THE COURT: You said you -- what did you say you had -- you're doing --  
6 you're taking care of your mother?

7 PROSPECTIVE JUROR #054: Yeah, my mother's 83 years old.

8 THE COURT: Okay. If we were able to get an interpreter for you would that  
9 help you?

10 PROSPECTIVE JUROR #054: I can -- I can try.

11 THE COURT: Okay. But at this point in time your main concern is that you're  
12 taking care of your mother and --

13 PROSPECTIVE JUROR #054: Yes.

14 THE COURT: Is there anyone else that can take care of her while you're  
15 here?

16 PROSPECTIVE JUROR #054: Right now she's -- she's at home by herself.

17 THE COURT: There's no one else that -- help her? Is there anyone else that  
18 can help her?

19 PROSPECTIVE JUROR #054: No. They all -- they all had to work and  
20 they're in and out, so --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR #054: -- I had to let her sit --

23 THE COURT: Do you work?

24 PROSPECTIVE JUROR #054: Yeah, I work.

25 THE COURT: What do you do for work?

1 PROSPECTIVE JUROR #054: I'm a dealer.

2 THE COURT: So who takes care of your mother when you're dealing?

3 PROSPECTIVE JUROR #054: I only work part-time; only working at  
4 weekend.

5 THE COURT: Okay. All right. Okay. Thank you.

6 Anyone else in that row -- the second row? Okay.

7 PROSPECTIVE JUROR #057: I'm Elizabeth Oxford, it's 057. I don't have a  
8 driver's license. My husband just got a new job, so I have to take two buses to get  
9 here because it's low income. It takes almost two hours. I have to get up earlier  
10 enough to be here by eight, and then I have to take two buses home, so that  
11 basically takes the whole entire day.

12 THE COURT: Where you coming from?

13 PROSPECTIVE JUROR #057: Tropicana and Buffalo. I have to take the  
14 Flamingo bus because the Tropicana buses have two buses and sometimes they  
15 run an hour apart, so I have to walk on the Flamingo side and then come down the  
16 Strip and across.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #057: Sometimes it's three buses; it depends on the  
19 day.

20 THE COURT: Okay. Thank you.

21 Anyone else? Anyone in the back? Okay.

22 Are there any of you that believe that for any other reason, what you've  
23 already indicated to me, would be unable to serve as a juror in this particular case --  
24 any other reason? Okay, no one has raised their hand.

25 Has anyone -- this panel you ever been engaged in law enforcement,

1 worked, or have a spouse, or close relative who's been engaged in law enforcement  
2 work? Okay. The back row -- second row.

3 PROSPECTIVE JUROR #012: Tom Puhek, badge 012. My brother was a  
4 police officer. He was killed on his way to work. And currently my brother-in-law is  
5 a Metro undercover detective.

6 THE COURT: Okay. Is there anything about your relationship with -- with  
7 your brother and your brother-in-law that you believe would cause you to be unable to  
8 be --

9 PROSPECTIVE JUROR #012: I'm pretty --

10 THE COURT: -- fair and impartial here?

11 PROSPECTIVE JUROR #012: -- I'm pretty pro law enforcement to be dead  
12 honestly.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR #012: I really am.

15 THE COURT: So -- okay, so that answers my question?

16 PROSPECTIVE JUROR #012: I think so.

17 THE COURT: Do you think that you can't be fair and impartial because you're  
18 pro law enforcement?

19 PROSPECTIVE JUROR #012: No.

20 THE COURT: What's that?

21 PROSPECTIVE JUROR #012: I guess. I mean, I don't know. That's -- it's a  
22 bias I got.

23 THE COURT: Okay. All right. So because your relationship with your  
24 brother and your brother-in-law that you believe your bias is too overwhelming to the  
25 point that you couldn't be fair and impartial?

1 PROSPECTIVE JUROR #012: [Indiscernible] a lot of things and the police  
2 aren't out arresting people that are basically innocent. It just doesn't happen.

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

4 PROSPECTIVE JUROR #011: Raymond Kwan --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR #011: -- badge number 011.

7 THE COURT: Uh-huh.

8 PROSPECTIVE JUROR #011: My brother was in law enforcement in Texas.  
9 He recently moved back to Las Vegas. I think he's applying for Henderson  
10 marshals.

11 THE COURT: What did he do in Texas?

12 PROSPECTIVE JUROR #011: He was a police officer.

13 THE COURT: Okay. Where?

14 PROSPECTIVE JUROR #011: Lubbock County.

15 THE COURT: Okay. Is there anything about your relationship with your  
16 brother that you believe would cause you to be unable to be fair and impartial?

17 PROSPECTIVE JUROR #011: I'll try my best to be fair.

18 THE COURT: Okay. All right.

19 Anyone else? No one in this group. Anybody in the -- okay.

20 PROSPECTIVE JUROR #055: Fatima Cotton, badge 055. I'm a retired  
21 police officer.

22 THE COURT: Where from?

23 PROSPECTIVE JUROR #055: Detroit.

24 THE COURT: When?

25 PROSPECTIVE JUROR #055: Well, I started in '87.

1 THE COURT: I know, but -- so you started your retirement in '87?

2 PROSPECTIVE JUROR #055: No. Oh, I'm sorry. I retired in '98.

3 THE COURT: Okay. Is there anything about your being an ex-police officer --  
4 retired police officer you believe that would cause you to be unable to be fair and  
5 impartial here?

6 PROSPECTIVE JUROR #055: I have a degree in criminal justice and pretty  
7 much if -- we arrested somebody there -- you know, there was a reason why and,  
8 you know, they were guilty if we arrested them.

9 THE COURT: What did you do for -- were you a regular patrol officer?

10 PROSPECTIVE JUROR #055: No, I was -- well, I was at one time, but I was  
11 also in narcotics. I worked --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR #055: -- narcotics most of the time.

14 THE COURT: Okay. Thank you.

15 Anyone else? Okay.

16 All right. Is there anyone here that believes they would be unable to  
17 follow the instructions of the Court on the law, even the -- even though the  
18 instructions differ from what you're personal conceptions of the law ought to be? An  
19 example -- the best example I could give you is that -- is all of us -- most all of us  
20 drive cars, most all of us have driver's license, and at some time back Nevada didn't  
21 even have a speed limit when you're out on the open road, and then they changed it  
22 and they gave us a 55 mile an hour speed limit. And there was a lot of blowback  
23 from people on that. You know, understanding that a lot of people may not follow  
24 the law out there when they're driving, but when they're instructed on what the law is  
25 -- for example, if you were told that you were to determine the factual element of

1 whether or not a person was going faster than 55 miles an hour, and you find out  
2 that -- all the evidence tells you that he was going 65 miles an hour, but you go back  
3 in the jury room and you go, you know what, I don't like this law. I think the law  
4 ought to be no speed limit like it used to be, so I can't find that he's violated the law  
5 because he's not -- because my belief is that it should be for no -- no speed limit.  
6 Do you all understand that?

7 Is there anyone here that believes that they could follow the law as I  
8 instruct you even though you believe -- that you have some kind of perceptions of  
9 what the law ought to be and if it differs from what I tell you it is? Is there anyone  
10 that wouldn't follow my instructions? Okay, no one has raised their hand.

11 All right. Under our system here certain principles of law apply in every  
12 criminal trial. They are one, that the Information filed in this case is a mere  
13 accusation and not evidence of guilt. So the charging document is not evidence of  
14 guilt. That the Defendant is presumed innocent, and the State must prove that the  
15 Defendant is guilty beyond a reasonable doubt. Is there anyone that has any  
16 problems or does not understand what these basic precepts are of American  
17 jurisprudence? Anyone?

18 Does anyone know anything about the case other than what's been  
19 stated already -- very limited what was told to you? All right, no one has raised their  
20 hand.

21 All right. Parties approach.

22 [Bench conference -- not recorded]

23 THE COURT: Okay. Ladies and gentlemen, if you hear your name you are  
24 going to be excused. I'm going to ask that you go back to the jury commissioner  
25 room and let them know that you've been excused. I want to thank you though for

1 giving us your time at this time. Please don't all get up at one -- I mean, wait until I  
2 call the names so you don't all just rush the door at one time.

3 I want to thank and excuse Katina Strong, Andrea Mahoney, Eslyn  
4 Brenner, Meara Broyles, Larry Chambers, Ryan Kientz, Wai Yu, Fatima Cotton,  
5 Elizabeth Oxford. Thank you so much. You're all excused.

6 THE COURT CLERK: Judge, I'm going to need you to review them with me  
7 because you didn't say a badge number, so --

8 THE COURT: Oh, okay. I'll tell you.

9 THE COURT CLERK: -- I have to find their name.

10 THE COURT: Okay. Just for the record, Katina Strong is badge 004.

11 THE COURT CLERK: Okay.

12 THE COURT: Andrea Mahoney is badge 019; Eslyn Brenner is badge 022;  
13 Meara Broyles is badge 036; Larry Chambers is badge 039; Ryan Kientz is badge  
14 049; Wai Yu is badge 054; Fatima Cotton is badge 055; Elizabeth Oxford is badge  
15 057. Okay?

16 Call the next -- fill in the --

17 THE COURT CLERK: Okay.

18 So in seat number 3 it's going to be badge 037, Nethania Bridgewater.  
19 Oh, I'm sorry. I apologize. It will be Opal Stokes first in seat number 3; 034. Then  
20 in seat number 14 it will be badge number 037, Nethania Bridgewater. And then  
21 lastly in seat number 16 is badge number 038, Karen Shuey-Ridges.

22 THE COURT: What's the next one?

23 THE COURT CLERK: Oh, and the last one will be badge number 042, John  
24 Sloan.

25 THE COURT: Well, there's no --

1 THE MARSHAL: That's everybody.  
2 THE COURT: That's everybody.  
3 THE COURT CLERK: That's everybody, yeah.  
4 THE COURT: You're okay. Just have a seat. Stay where you're at.  
5 [Colloquy between the Court and the clerk]  
6 [Bench conference -- not recorded]  
7 THE COURT: Okay. Mr. Puhek, you're going to be excused; okay.  
8 PROSPECTIVE JUROR #012: Thank you.  
9 THE COURT: For the record, this is juror number 012, Thomas Puhek.  
10 Call the next -- next in line.  
11 THE COURT CLERK: Next in line will be badge number 042, John Sloan.  
12 THE COURT: Okay. All right.  
13 Jim, do you want to give Ms. Albanese the mic?  
14 THE COURT: Ms. Albanese -- this is Diane Albanese, juror 002.  
15 Ms. Albanese, how long have you lived in Las Vegas?  
16 PROSPECTIVE JUROR #002: It's about 15 years.  
17 THE COURT: Where you from originally?  
18 PROSPECTIVE JUROR #002: Long Island, New York.  
19 THE COURT: Okay. Are you employed, ma'am?  
20 PROSPECTIVE JUROR #002: I'm retired right now.  
21 THE COURT: Retired from what?  
22 PROSPECTIVE JUROR #002: I did floral designing.  
23 THE COURT: Okay. How high did you get in your education?  
24 PROSPECTIVE JUROR #002: High school.  
25 THE COURT: Okay. Are you married?



1 PROSPECTIVE JUROR #002: Yes.  
2 THE COURT: Does your spouse work?  
3 PROSPECTIVE JUROR #002: Yes.  
4 THE COURT: What does your spouse do?  
5 PROSPECTIVE JUROR #002: He works at Home -- The Home Depot.  
6 THE COURT: Okay. And do you have any children?  
7 PROSPECTIVE JUROR #002: Out of the house; yes.  
8 THE COURT: How old are they?  
9 PROSPECTIVE JUROR #002: Forty-eight and 47.  
10 THE COURT: Do they work?  
11 PROSPECTIVE JUROR #002: Yes.  
12 THE COURT: What do they do?  
13 PROSPECTIVE JUROR #002: My one son is food and beverage at Monte  
14 Carlo Casino, and my other is cleaning and maintenance for a floral design  
15 company that cleans the silk trees and florals in the casinos.  
16 THE COURT: Okay. Have you ever served as a juror before?  
17 PROSPECTIVE JUROR #002: No.  
18 THE COURT: Okay.  
19 Can you pass the mic to your right? This is badge 003, Brittany Stuck.  
20 PROSPECTIVE JUROR #003: Yes.  
21 THE COURT: Ms. Stuck, how long have you lived in Las Vegas?  
22 PROSPECTIVE JUROR #003: It will be three years in June.  
23 THE COURT: Where you from originally?  
24 PROSPECTIVE JUROR #003: Pennsylvania.  
25 THE COURT: And are you employed?

1 PROSPECTIVE JUROR #003: I am.  
2 THE COURT: What do you do for work?  
3 PROSPECTIVE JUROR #003: Right now I'm just a -- a graduate assistant at  
4 UNLV.  
5 THE COURT: Okay.  
6 PROSPECTIVE JUROR #003: I'm also a student there.  
7 THE COURT: So how high did you get in your education?  
8 PROSPECTIVE JUROR #003: I have a bachelor's degree working on a  
9 master's currently.  
10 THE COURT: In what field.  
11 PROSPECTIVE JUROR #003: Accounting.  
12 THE COURT: Okay. Are you married?  
13 PROSPECTIVE JUROR #003: I am not.  
14 THE COURT: Do you have any children?  
15 PROSPECTIVE JUROR #003: I don't.  
16 THE COURT: Have you ever served as a juror before?  
17 PROSPECTIVE JUROR #003: I have not.  
18 THE COURT: Okay. Thank you.  
19 Can you pass it to your right? This is badge 034, Opal Stokes.  
20 PROSPECTIVE JUROR #034: Yes.  
21 THE COURT: Ms. Stokes, how long have you lived in Las Vegas?  
22 PROSPECTIVE JUROR #034: Three years.  
23 THE COURT: Where you from originally?  
24 PROSPECTIVE JUROR #034: Iowa.  
25 THE COURT: From --

1 PROSPECTIVE JUROR #034: Iowa.  
2 THE COURT: Okay. And are you employed, ma'am?  
3 PROSPECTIVE JUROR #034: No, I'm retired.  
4 THE COURT: What are you retired from?  
5 PROSPECTIVE JUROR #034: I'm retired from a school district.  
6 THE COURT: Okay. Were you a teacher or a --  
7 PROSPECTIVE JUROR #034: No, administrative assistant.  
8 THE COURT: Administration. How high did you get in your education?  
9 PROSPECTIVE JUROR #034: High school.  
10 THE COURT: And are you married?  
11 PROSPECTIVE JUROR #034: I'm widowed.  
12 THE COURT: Do you have any children?  
13 PROSPECTIVE JUROR #034: Yes, one.  
14 THE COURT: How old?  
15 PROSPECTIVE JUROR #034: Thirty-nine.  
16 THE COURT: Does he or she work?  
17 PROSPECTIVE JUROR #034: Yes, she works for Circle K --  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR #034: -- as an account.  
20 THE COURT: Have you ever been a juror before?  
21 PROSPECTIVE JUROR #034: No.  
22 THE COURT: All right. Thank you, Ms. Stokes.  
23 Can you pass it to your right? And this is juror number 005, Pamela  
24 Aaron.  
25 Ms. Aaron, how long have you lived in Las Vegas?

1 PROSPECTIVE JUROR #005: Sixteen years.  
2 THE COURT: And where you from originally?  
3 PROSPECTIVE JUROR #005: I'm a military child, so all over.  
4 THE COURT: Everywhere.  
5 PROSPECTIVE JUROR #005: Everywhere.  
6 THE COURT: Okay. And are you employed, ma'am?  
7 PROSPECTIVE JUROR #005: No, I'm retired.  
8 THE COURT: What are you retired from?  
9 PROSPECTIVE JUROR #005: Accounting from The Venetian.  
10 THE COURT: Okay. How high did you get in your education?  
11 PROSPECTIVE JUROR #005: Some college.  
12 THE COURT: What were you studying?  
13 PROSPECTIVE JUROR #005: Accounting.  
14 THE COURT: Okay. Are you married?  
15 PROSPECTIVE JUROR #005: Yes, I am.  
16 THE COURT: Does your spouse work?  
17 PROSPECTIVE JUROR #005: Yes, he does.  
18 THE COURT: What does he do?  
19 PROSPECTIVE JUROR #005: He's an MTP.  
20 THE COURT: A what?  
21 PROSPECTIVE JUROR #005: He's a maintenance test pilot --  
22 THE COURT: Oh --  
23 PROSPECTIVE JUROR #005: -- for helicopters.  
24 THE COURT: Oh, okay. So he fixes them and then he tests to see whether  
25 or not his fix was right?

1 PROSPECTIVE JUROR #005: Right.  
2 THE COURT: Okay. And he's still around so he must be pretty good.  
3 PROSPECTIVE JUROR #005: He's still around.  
4 THE COURT: Okay. Do you have any children, ma'am?  
5 PROSPECTIVE JUROR #005: Yes, I do.  
6 THE COURT: How old are your children?  
7 PROSPECTIVE JUROR #005: Forty. I have a son that's 40.  
8 THE COURT: Okay. Does he work?  
9 PROSPECTIVE JUROR #005: Yes, he does.  
10 THE COURT: What does he do?  
11 PROSPECTIVE JUROR #005: He's H --  
12 THE COURT: Flies the helicopters, huh.  
13 PROSPECTIVE JUROR #005: No. He works for FK Kultenklemerlach  
14 [phonetic] in Germany.  
15 THE COURT: Oh, okay. And what is that?  
16 PROSPECTIVE JUROR #005: It's HVAC.  
17 THE COURT: Okay. And are -- have you ever served as a juror before?  
18 PROSPECTIVE JUROR #005: No.  
19 THE COURT: Okay. Thank you very much.  
20 And pass it to -- is it Thomas Welch?  
21 PROSPECTIVE JUROR #006: Yes, sir.  
22 THE COURT: Mr. Welch, how long have you been in Las Vegas?  
23 PROSPECTIVE JUROR #006: I was raised here and then went away for  
24 school and came back and I've been here for -- off and on for 15 -- 16 years.  
25 THE COURT: Okay. And you said that you are a nurse anes --

1 PROSPECTIVE JUROR #006: I'm a certified registered nurse anesthetist.  
2 Basically we do the same thing as an anesthesiologist.  
3 THE COURT: Okay. And so how high did you get in your education then?  
4 PROSPECTIVE JUROR #006: Master's level.  
5 THE COURT: Okay. In medicine?  
6 PROSPECTIVE JUROR #006: Medicine, no. It's actually master's in  
7 anesthesia nursing --  
8 THE COURT: Okay.  
9 PROSPECTIVE JUROR #006: -- at USC.  
10 THE COURT: Okay. Are you married?  
11 PROSPECTIVE JUROR #006: I am.  
12 THE COURT: Does your spouse work?  
13 PROSPECTIVE JUROR #006: She does personal training.  
14 THE COURT: Okay. And do you have any children?  
15 PROSPECTIVE JUROR #006: I do, I have five.  
16 THE COURT: How old are they?  
17 PROSPECTIVE JUROR #006: Twenty-four, 21 as of last week, 17, and then  
18 twin boys that are 14. So three girls and two boys.  
19 THE COURT: Do the two oldest work?  
20 PROSPECTIVE JUROR #006: They are in college.  
21 THE COURT: Here in Nevada?  
22 PROSPECTIVE JUROR #006: One's here in Nevada; one is up in Utah at  
23 UVU --  
24 THE COURT: Okay.  
25 PROSPECTIVE JUROR #006: -- right there next to BYU.

1 THE COURT: Have you ever served as a juror before?  
2 PROSPECTIVE JUROR #006: No, sir.  
3 THE COURT: Okay. Thank you.  
4 Can you pass it down to your left? All the way down to your left and  
5 then to the row in front of you. That would be Cinda Towne?  
6 PROSPECTIVE JUROR #007: Towne.  
7 THE COURT: This is badge 007.  
8 Ma'am, how long have you been in Las Vegas?  
9 PROSPECTIVE JUROR #007: Twenty-five years.  
10 THE COURT: And where you from originally?  
11 PROSPECTIVE JUROR #007: Air Force brat.  
12 THE COURT: Okay. Are you employed?  
13 PROSPECTIVE JUROR #007: Yes.  
14 THE COURT: What do you do?  
15 PROSPECTIVE JUROR #007: I'm now a legal assistant.  
16 THE COURT: Okay. For one of the local firms here?  
17 PROSPECTIVE JUROR #007: Yes, sir.  
18 THE COURT: What firm?  
19 PROSPECTIVE JUROR #007: Pisanelli Bice.  
20 THE COURT: All right.  
21 MR. JONES: I'm sorry, Your Honor. I missed that -- the -- who she works for.  
22 THE COURT: Pisanelli Bice.  
23 MR. JONES: Thank you.  
24 THE COURT: And how high did you get in your education then?  
25 PROSPECTIVE JUROR #007: Master's degree.

1 THE COURT: In --  
2 PROSPECTIVE JUROR #007: Accounting.  
3 THE COURT: Okay. And are you married?  
4 PROSPECTIVE JUROR #007: Yes, sir.  
5 THE COURT: Does your spouse work?  
6 PROSPECTIVE JUROR #007: Yes.  
7 THE COURT: What does your spouse do?  
8 PROSPECTIVE JUROR #007: Transit supervisor for the bus system.  
9 THE COURT: Okay. Do you have any children?  
10 PROSPECTIVE JUROR #007: No, sir.  
11 THE COURT: And have you ever served as a juror before?  
12 PROSPECTIVE JUROR #007: Yes.  
13 THE COURT: How many times?  
14 PROSPECTIVE JUROR #007: Once.  
15 THE COURT: And was it civil or criminal, if you remember?  
16 PROSPECTIVE JUROR #007: Criminal.  
17 THE COURT: What's that?  
18 PROSPECTIVE JUROR #007: Criminal.  
19 THE COURT: Was it here in Las Vegas?  
20 PROSPECTIVE JUROR #007: Yes.  
21 THE COURT: Without telling us what the verdict was, were you able to reach  
22 a verdict?  
23 PROSPECTIVE JUROR #007: We were.  
24 THE COURT: Were you the floor person?  
25 PROSPECTIVE JUROR #007: No.



1 THE COURT: Is there anything about the -- about that experience you  
2 believe that would affect your ability to be fair and impartial if you're selected here  
3 today?

4 PROSPECTIVE JUROR #007: No.

5 THE COURT: Okay. How long ago was it?

6 PROSPECTIVE JUROR #007: Two and a half years.

7 THE COURT: Was it in this courthouse?

8 PROSPECTIVE JUROR #007: Yes.

9 THE COURT: Okay. All right. Okay. Thank you.

10 Badge number 010, Weena Lachica.

11 PROSPECTIVE JUROR #010: Lachica.

12 THE COURT: Lachica. Ms. Lachica, how long have you lived in Las Vegas?

13 PROSPECTIVE JUROR #010: Eleven years.

14 THE COURT: Where you from originally?

15 PROSPECTIVE JUROR #010: Philippines and then moved to Seattle in '96.

16 THE COURT: Okay. Are you employed?

17 PROSPECTIVE JUROR #010: Yes, part-time.

18 THE COURT: What do you do part-time?

19 PROSPECTIVE JUROR #010: I do -- I'm a property accountant at a property  
20 management.

21 THE COURT: Okay. And how high did you get in your education?

22 PROSPECTIVE JUROR #010: Some college.

23 THE COURT: Studied -- what were you studying?

24 PROSPECTIVE JUROR #010: Accounting.

25 THE COURT: Okay. Are you married?

1 PROSPECTIVE JUROR #010: Yes.  
2 THE COURT: Does your spouse work?  
3 PROSPECTIVE JUROR #010: Yes.  
4 THE COURT: What does your spouse do?  
5 PROSPECTIVE JUROR #010: He does -- he's a service tech for Everi -- slot  
6 -- slot machines.  
7 THE COURT: Okay. Do you have any children?  
8 PROSPECTIVE JUROR #010: I have two.  
9 THE COURT: How old are they?  
10 PROSPECTIVE JUROR #010: Two and five. Oh, two and six.  
11 THE COURT: Have you ever served as a juror before?  
12 PROSPECTIVE JUROR #010: No.  
13 THE COURT: Okay. Thank you, Ms. Lachica.  
14 Pass it to -- is it Raymond Kwan?  
15 PROSPECTIVE JUROR #011: Yes.  
16 THE COURT: Badge 011.  
17 PROSPECTIVE JUROR #011: Mr. Kwan, how long have you lived in Las  
18 Vegas?  
19 PROSPECTIVE JUROR #011: Over ten years.  
20 THE COURT: Where you from originally?  
21 PROSPECTIVE JUROR #011: Hawaii.  
22 THE COURT: And are you employed?  
23 PROSPECTIVE JUROR #011: Yes.  
24 THE COURT: What do you do for work?  
25 PROSPECTIVE JUROR #011: Property management out of Pahrump, J&K

1 Land Development.

2 THE COURT: Okay. How high did you get in your education?

3 PROSPECTIVE JUROR #011: Bachelor's in business management at UNLV.

4 THE COURT: Okay. Are you married?

5 PROSPECTIVE JUROR #011: No.

6 THE COURT: Do you have any children?

7 PROSPECTIVE JUROR #011: No.

8 THE COURT: Have you ever served as a juror before?

9 PROSPECTIVE JUROR #011: No.

10 THE COURT: Okay. Thank you.

11 And this is John Sloan, badge 042. Mr. Sloan, how long have you lived

12 in Las Vegas?

13 PROSPECTIVE JUROR #042: I was born in Las Vegas. I've lived here 30

14 years.

15 THE COURT: Okay. So are you employed?

16 PROSPECTIVE JUROR #042: Yes.

17 THE COURT: What do you do for work?

18 PROSPECTIVE JUROR #042: I'm the lab director for an environment testing

19 laboratory.

20 THE COURT: Okay. And so how high did you get in your education?

21 PROSPECTIVE JUROR #042: I have a bachelor's in biochemistry.

22 THE COURT: Okay. Are you married?

23 PROSPECTIVE JUROR #042: No.

24 THE COURT: Do you have any children?

25 PROSPECTIVE JUROR #042: No.

1 THE COURT: Have you ever served as a juror before?  
2 PROSPECTIVE JUROR #042: No.  
3 THE COURT: Okay. Thank you, Mr. Sloan.  
4 And this is Douglas Storr, badge number 013.  
5 PROSPECTIVE JUROR #013: Correct.  
6 THE COURT: Okay. Mr. Storr, how long have you lived in Las Vegas?  
7 PROSPECTIVE JUROR #013: Nine and a half years.  
8 THE COURT: And where are you from originally?  
9 PROSPECTIVE JUROR #013: Spokane, Washington.  
10 THE COURT: Okay. Are you employed?  
11 PROSPECTIVE JUROR #013: Yes.  
12 THE COURT: What do you do for work?  
13 PROSPECTIVE JUROR #013: I retired from the Air Force and now I work for  
14 Southwest Airlines.  
15 THE COURT: How long were you in the Air Force?  
16 PROSPECTIVE JUROR #013: Twenty years.  
17 THE COURT: Okay. And you work for Southwest Airlines now?  
18 PROSPECTIVE JUROR #013: Correct.  
19 THE COURT: In what capacity?  
20 PROSPECTIVE JUROR #013: I'm a pilot.  
21 THE COURT: All right. How high did you get in your education then?  
22 PROSPECTIVE JUROR #013: Master's degree.  
23 THE COURT: In --  
24 PROSPECTIVE JUROR #013: Management.  
25 THE COURT: Okay. And are you married?

1 PROSPECTIVE JUROR #013: Yes.  
2 THE COURT: Does your spouse work?  
3 PROSPECTIVE JUROR #013: She does.  
4 THE COURT: What does she do?  
5 PROSPECTIVE JUROR #013: She's in sales.  
6 THE COURT: Okay. And do you have any children?  
7 PROSPECTIVE JUROR #013: Two stepdaughters.  
8 THE COURT: How old?  
9 PROSPECTIVE JUROR #013: Twenty-six and 22.  
10 THE COURT: Do they work?  
11 PROSPECTIVE JUROR #013: Yes.  
12 THE COURT: Can you tell us what they do?  
13 PROSPECTIVE JUROR #013: The oldest one works for good -- or Big  
14 Brothers and Sisters in Spokane, and the other -- the youngest one works for fast  
15 food in Spokane.  
16 THE COURT: Okay. And have you ever served as a juror before?  
17 PROSPECTIVE JUROR #013: No.  
18 THE COURT: Okay. Thank you.  
19 Can you pass it forward and the way down to your left? It will be to  
20 Elaine Davey. Okay. Ms. Davey is badge number 015.  
21 Ms. Davey, how long have you lived in Las Vegas?  
22 PROSPECTIVE JUROR #015: Almost eight years.  
23 THE COURT: Where you from originally?  
24 PROSPECTIVE JUROR #015: Michigan.  
25 THE COURT: And are you employed?

1 PROSPECTIVE JUROR #015: Yes.  
2 THE COURT: And you indicated you work for the --  
3 PROSPECTIVE JUROR #015: Aria.  
4 THE COURT: And you're a dealer?  
5 PROSPECTIVE JUROR #015: Food server.  
6 THE COURT: Food server; okay. How high did you get in your education?  
7 PROSPECTIVE JUROR #015: High school. I did a trade school for medical.  
8 THE COURT: Okay. And are you married?  
9 PROSPECTIVE JUROR #015: Divorced.  
10 THE COURT: And you say you have three children?  
11 PROSPECTIVE JUROR #015: Two.  
12 THE COURT: Two children. How old are they?  
13 PROSPECTIVE JUROR #015: Sixteen and 18.  
14 THE COURT: Does the 18 year old work?  
15 PROSPECTIVE JUROR #015: He -- occasionally when he's on break from  
16 school.  
17 THE COURT: Okay. Have you ever served as a juror before?  
18 PROSPECTIVE JUROR #015: No.  
19 THE COURT: Okay. Thank you, Ms. Davey.  
20 Loretta Wied -- Wiedner [sic].  
21 PROSPECTIVE JUROR #016: Yes.  
22 THE COURT: Is it Wiedner?  
23 PROSPECTIVE JUROR #016: Wiedmer.  
24 THE COURT: Wiedmer; okay. Badge number 016.  
25 Ms. Wiedmer, how long have you lived in Las Vegas?

1 PROSPECTIVE JUROR #016: Eleven years.  
2 THE COURT: Where you from originally?  
3 PROSPECTIVE JUROR #016: New York.  
4 THE COURT: Okay. And are you employed?  
5 PROSPECTIVE JUROR #016: Yes.  
6 THE COURT: What do you do for work?  
7 PROSPECTIVE JUROR #016: Home health nurse.  
8 THE COURT: Okay. And how high did you get in your education?  
9 PROSPECTIVE JUROR #016: Technical school.  
10 THE COURT: In what field?  
11 PROSPECTIVE JUROR #016: LPN.  
12 THE COURT: Okay. And are you married?  
13 PROSPECTIVE JUROR #016: Yes.  
14 THE COURT: Does your spouse work?  
15 PROSPECTIVE JUROR #016: Yes.  
16 THE COURT: What does your spouse do?  
17 PROSPECTIVE JUROR #016: He manages a restaurant supply warehouse.  
18 THE COURT: All right. Do you have any children?  
19 PROSPECTIVE JUROR #016: Three.  
20 THE COURT: How old?  
21 PROSPECTIVE JUROR #016: Thirty-six, 34, 31.  
22 THE COURT: And do they work?  
23 PROSPECTIVE JUROR #016: Mm-hmm.  
24 THE COURT: Can you tell us what they do?  
25 PROSPECTIVE JUROR #016: Well, my one son's a chef here at Palace

1 Station; one son's back in New York he works for construction; and my daughter  
2 here is a stay-at-home mom.

3 THE COURT: Okay. And have you ever served as a juror before?

4 PROSPECTIVE JUROR #016: I did.

5 THE COURT: How many times?

6 PROSPECTIVE JUROR #016: Once.

7 THE COURT: Where was it?

8 PROSPECTIVE JUROR #016: Here.

9 THE COURT: How long ago?

10 PROSPECTIVE JUROR #016: I think it was five years ago.

11 THE COURT: Was it a criminal or civil matter.

12 PROSPECTIVE JUROR #016: Civil.

13 THE COURT: And without telling us what the verdict was were you able to  
14 reach a verdict?

15 PROSPECTIVE JUROR #016: Yes.

16 THE COURT: Were you the foreperson?

17 PROSPECTIVE JUROR #016: No.

18 THE COURT: Is there anything about that experience you believe that would  
19 affect your ability to be fair and impartial if you're chosen as a juror here today?

20 PROSPECTIVE JUROR #016: No.

21 THE COURT: Okay. Thank you, Ms. Wiedmer.

22 PROSPECTIVE JUROR #016: Okay.

23 Next juror is juror number 018, Eldon Garrett.

24 PROSPECTIVE JUROR #018: Yes.

25 THE COURT: Mr. Garrett, how long have you been in Las Vegas?



1 PROSPECTIVE JUROR #018: Twenty-seven years.  
2 THE COURT: Where you from originally?  
3 PROSPECTIVE JUROR #018: San Jose, California.  
4 THE COURT: Are you employed?  
5 PROSPECTIVE JUROR #018: I am retired.  
6 THE COURT: What did you retire from?  
7 PROSPECTIVE JUROR #018: My own business.  
8 THE COURT: What type of business?  
9 PROSPECTIVE JUROR #018: Exotic clothing store.  
10 THE COURT: Okay. So how high did you get in your education, sir?  
11 PROSPECTIVE JUROR #018: Some technical school --  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR #018: -- for accounting.  
14 THE COURT: Are you married?  
15 PROSPECTIVE JUROR #018: No.  
16 THE COURT: Do you have any children?  
17 PROSPECTIVE JUROR #018: No.  
18 THE COURT: And have you ever served as a juror before?  
19 PROSPECTIVE JUROR #018: No.  
20 THE COURT: Okay. Thank you, Mr. Garrett.  
21 Next juror is juror number 37, Nethema [phonetic] Bridgewater.  
22 PROSPECTIVE JUROR #037: Nethania Bridgewater.  
23 THE COURT: Nethania?  
24 PROSPECTIVE JUROR #037: Nethania.  
25 THE COURT: Okay. Ms. Bridgewater, how long have you been in Las

1 Vegas?

2 PROSPECTIVE JUROR #037: On and off for the last 13 years.

3 THE COURT: Where you from originally?

4 PROSPECTIVE JUROR #037: Military brat.

5 THE COURT: Okay. Are you employed?

6 PROSPECTIVE JUROR #037: Yes.

7 THE COURT: What do you do for work?

8 PROSPECTIVE JUROR #037: I work full-time, two jobs, one for the VA and  
9 one for the Wynn.

10 THE COURT: Okay. What do you do for the Wynn?

11 PROSPECTIVE JUROR #037: [Indiscernible] cashier.

12 THE COURT: All right. How high did you get in your education?

13 PROSPECTIVE JUROR #037: Some college.

14 THE COURT: In what field?

15 PROSPECTIVE JUROR #037: Nursing.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR #037: Yes.

18 THE COURT: Does your spouse work?

19 PROSPECTIVE JUROR #037: No.

20 THE COURT: Do you have any children?

21 PROSPECTIVE JUROR #037: Yes.

22 THE COURT: How old are your children?

23 PROSPECTIVE JUROR #037: Be six.

24 THE COURT: What's that?

25 PROSPECTIVE JUROR #037: He's six.

1 THE COURT: He's six?

2 PROSPECTIVE JUROR #037: Six years old.

3 THE COURT: Okay. Have you ever served as a juror before?

4 PROSPECTIVE JUROR #037: No.

5 THE COURT: Okay. Thank you.

6 Next juror is juror number 20 -- 020, Allan Abrazaldo.

7 PROSPECTIVE JUROR #020: Yes.

8 THE COURT: Mr. Abrazaldo, how long have you lived in Las Vegas?

9 PROSPECTIVE JUROR #020: Fourteen years.

10 THE COURT: Where you from originally?

11 PROSPECTIVE JUROR #020: I don't claim California, but I've been in the  
12 military so I've been around.

13 THE COURT: Did you say I don't claim California?

14 PROSPECTIVE JUROR #020: No, I do not.

15 THE COURT: Okay. So are you employed then?

16 PROSPECTIVE JUROR #020: Yes, I am.

17 THE COURT: What do you do for work?

18 PROSPECTIVE JUROR #020: Avionics tech.

19 THE COURT: Okay. How high did you get in your education?

20 PROSPECTIVE JUROR #020: High school, but I'm currently in ITT for  
21 electronic engineering.

22 THE COURT: Okay. Are you married?

23 PROSPECTIVE JUROR #020: Yes, I am.

24 THE COURT: Does your spouse work?

25 PROSPECTIVE JUROR #020: She works at Aria as a dealer.

1 THE COURT: Okay. And do you have any children?

2 PROSPECTIVE JUROR #020: One, 16 years old.

3 THE COURT: All right. And have you ever served as a juror before?

4 PROSPECTIVE JUROR #020: No, not yet.

5 THE COURT: Okay. Thank you.

6 Can you pass it forward and all the way down to your left to -- is it

7 Karen Shuey-Ridges?

8 PROSPECTIVE JUROR #038: It's Shuey-Ridges.

9 THE COURT: Shuey?

10 PROSPECTIVE JUROR #038: Mm-hmm.

11 THE COURT: Shuey-Ridges. This is badge number 038.

12 Ms. Shue-Ridges, how long have you lived in Las Vegas?

13 PROSPECTIVE JUROR #038: About 15 years.

14 THE COURT: Where you from originally?

15 PROSPECTIVE JUROR #038: California.

16 THE COURT: Okay. Do you claim California?

17 PROSPECTIVE JUROR #038: I do.

18 THE COURT: Okay. Are you employed?

19 PROSPECTIVE JUROR #038: I am.

20 THE COURT: And what do you do for work?

21 PROSPECTIVE JUROR #038: I'm a field manager.

22 THE COURT: For?

23 PROSPECTIVE JUROR #038: Cox Communications.

24 THE COURT: Okay. And how high did you get in your education?

25 PROSPECTIVE JUROR #038: Some college.

1 THE COURT: In what field?  
2 PROSPECTIVE JUROR #038: Business administration.  
3 THE COURT: All right. Are you married?  
4 PROSPECTIVE JUROR #038: No, I'm not.  
5 THE COURT: Do you have any children?  
6 PROSPECTIVE JUROR #038: I do.  
7 THE COURT: How old are your children?  
8 PROSPECTIVE JUROR #038: Four children; 33, 30, 24, 22.  
9 THE COURT: Do they work?  
10 PROSPECTIVE JUROR #038: Some of them do.  
11 THE COURT: Can you tell me, if you know?  
12 PROSPECTIVE JUROR #038: My oldest daughter is a legal assistant. I'm  
13 not sure what firm it is.  
14 THE COURT: Here in Vegas?  
15 PROSPECTIVE JUROR #038: It is.  
16 THE COURT: Okay.  
17 PROSPECTIVE JUROR #038: It's in Henderson actually. And then my 30-  
18 year-old daughter is not currently working. My 24-year-old daughter works at a  
19 Safeway in Oregon, and my youngest daughter works at Costco.  
20 THE COURT: Here in --  
21 PROSPECTIVE JUROR #038: In Henderson.  
22 THE COURT: Okay. Have you ever served as a juror before?  
23 PROSPECTIVE JUROR #038: No, I haven't.  
24 THE COURT: All right. Thank you.  
25 Is it Christian Robles?

1 PROSPECTIVE JUROR #023: That's correct.  
2 THE COURT: This is badge 023. How long have you been in Las Vegas?  
3 PROSPECTIVE JUROR #023: Nine years.  
4 THE COURT: Where you from originally?  
5 PROSPECTIVE JUROR #023: Quam.  
6 THE COURT: Okay. And are you employed?  
7 PROSPECTIVE JUROR #023: Yes, I am.  
8 THE COURT: What do you do for work?  
9 PROSPECTIVE JUROR #023: Department of Welfare, State of Nevada.  
10 THE COURT: All right. And how high did you reach in your education?  
11 PROSPECTIVE JUROR #023: Bachelor's degree.  
12 THE COURT: In what field?  
13 PROSPECTIVE JUROR #023: Education.  
14 THE COURT: Okay. Are you married?  
15 PROSPECTIVE JUROR #023: No.  
16 THE COURT: Do you have any children?  
17 PROSPECTIVE JUROR #023: No.  
18 THE COURT: Okay. Have you ever served as a juror before?  
19 PROSPECTIVE JUROR #023: No.  
20 THE COURT: Okay. Thank you.  
21 And the next juror is 024, Terry Ford.  
22 PROSPECTIVE JUROR #024: Yes.  
23 THE COURT: Ms. Ford, how long have you lived in Las Vegas?  
24 PROSPECTIVE JUROR #024: Over 20 years.  
25 THE COURT: And where you from originally?

1 PROSPECTIVE JUROR #024: Michigan.  
2 THE COURT: Okay. Are you employed?  
3 PROSPECTIVE JUROR #024: Yes.  
4 THE COURT: What do you do for work?  
5 PROSPECTIVE JUROR #024: Just front desk at Elements Massage.  
6 THE COURT: Okay. And how high did you get in your education?  
7 PROSPECTIVE JUROR #024: High school.  
8 THE COURT: And are you married?  
9 PROSPECTIVE JUROR #024: Yes.  
10 THE COURT: Does your spouse work?  
11 PROSPECTIVE JUROR #024: Yes, he does.  
12 THE COURT: What does he do?  
13 PROSPECTIVE JUROR #024: He's legal recorders manager for Tutor Perini  
14 Construction.  
15 THE COURT: Okay. And do you have any children?  
16 PROSPECTIVE JUROR #024: We have two daughters.  
17 THE COURT: How old are they?  
18 PROSPECTIVE JUROR #024: Twenty-nine and 33.  
19 THE COURT: Can you tell me if they work?  
20 PROSPECTIVE JUROR #024: One is a elementary teacher here, and my  
21 other one in California works maybe -- she's on maternity leave; just had my  
22 grandson five weeks ago.  
23 THE COURT: Well, that's work.  
24 PROSPECTIVE JUROR #024: Yeah, I agree.  
25 THE COURT: Okay. So do you -- have you ever served as a juror before?

1 PROSPECTIVE JUROR #024: No.  
2 THE COURT: Okay. Thank you.  
3 PROSPECTIVE JUROR #024: Mm-hmm.  
4 THE COURT: William Colucci, badge number 025.  
5 Mr. Colucci, how long have you been in Las Vegas?  
6 PROSPECTIVE JUROR #025: Almost 40 years.  
7 THE COURT: Okay. Are you employed?  
8 PROSPECTIVE JUROR #025: I'm retired.  
9 THE COURT: From?  
10 PROSPECTIVE JUROR #025: I retired twice. I retired from the Air Force and  
11 I retired from a subcontractor with the Department of Energy.  
12 THE COURT: Okay. How long were you in the Air Force?  
13 PROSPECTIVE JUROR #025: Twenty years.  
14 THE COURT: Okay. And how high did you reach in your education?  
15 PROSPECTIVE JUROR #025: A BS degree.  
16 THE COURT: In?  
17 PROSPECTIVE JUROR #025: Professional aeronautics.  
18 THE COURT: Okay. Are you married?  
19 PROSPECTIVE JUROR #025: No, I'm divorced.  
20 THE COURT: Do you have any children?  
21 PROSPECTIVE JUROR #025: I have one daughter.  
22 THE COURT: How old?  
23 PROSPECTIVE JUROR #025: She's 41.  
24 THE COURT: Does she work?  
25 PROSPECTIVE JUROR #025: She has her own business.



1 THE COURT: What --  
2 PROSPECTIVE JUROR #025: She designs jewelry.  
3 THE COURT: Okay. And have you ever served as a juror before?  
4 PROSPECTIVE JUROR #025: I have.  
5 THE COURT: How many times?  
6 PROSPECTIVE JUROR #025: Twice.  
7 THE COURT: Here in Nevada?  
8 PROSPECTIVE JUROR #025: Yes.  
9 THE COURT: Were they criminal, or civil, or both?  
10 PROSPECTIVE JUROR #025: Both criminal.  
11 THE COURT: Okay. Without telling me what the verdict were -- in your first  
12 one were you able to reach a verdict?  
13 PROSPECTIVE JUROR #025: Yes.  
14 THE COURT: In the second one were you able to reach a verdict?  
15 PROSPECTIVE JUROR #025: Yes.  
16 THE COURT: How long ago were they?  
17 PROSPECTIVE JUROR #025: The last one was about three years ago.  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR #025: They were about three year intervals.  
20 THE COURT: Okay. So six years ago and then three years ago?  
21 PROSPECTIVE JUROR #025: Correct.  
22 THE COURT: All right. Were you the foreperson in either one of them?  
23 PROSPECTIVE JUROR #025: No.  
24 THE COURT: Is there anything about that experience you believe that would  
25 affect your ability to be fair and impartial if you're selected here today?

1 PROSPECTIVE JUROR #025: No.

2 THE COURT: Okay. Thank you, Mr. Colucci.

3 PROSPECTIVE JUROR #025: You're welcome.

4 THE COURT: Mr. Colucci, before you hand -- are you related to an attorney  
5 here in Las Vegas?

6 PROSPECTIVE JUROR #025: No.

7 THE COURT: Okay. He has the same last name. That's what -- that's a --  
8 okay.

9 And we have -- this is Connie -- Connie Quan, 028. Did I pronounce  
10 that correct?

11 PROSPECTIVE JUROR #028: That's correct.

12 THE COURT: Okay. Ms. Quan, how long have you been in Las Vegas?

13 PROSPECTIVE JUROR #028: Six years.

14 THE COURT: And where you from originally?

15 PROSPECTIVE JUROR #028: California.

16 THE COURT: Okay. And are you employed?

17 PROSPECTIVE JUROR #028: I am.

18 THE COURT: What do you do for work?

19 PROSPECTIVE JUROR #028: Leisure sales and marketing manager.

20 THE COURT: All right. And how high did you get in your education?

21 PROSPECTIVE JUROR #028: Bachelor's in hospitality management.

22 THE COURT: All right. Are you married?

23 PROSPECTIVE JUROR #028: Yes.

24 THE COURT: Does your spouse work?

25 PROSPECTIVE JUROR #028: He does.

1 THE COURT: What does he do?  
2 PROSPECTIVE JUROR #028: Villa services butler.  
3 THE COURT: What's that?  
4 PROSPECTIVE JUROR #028: Villa services butler.  
5 THE COURT: Okay. And do you have any children?  
6 PROSPECTIVE JUROR #028: I do not.  
7 THE COURT: And have you ever served as a juror before?  
8 PROSPECTIVE JUROR #028: I have not.  
9 THE COURT: Okay. Thank you.  
10 PROSPECTIVE JUROR #028: Thank you.  
11 THE COURT: Can you pass that forward to Lisa Rich. Thank you, Ms. Quan.  
12 PROSPECTIVE JUROR #028: You're welcome.  
13 THE COURT: Ms. Rich is badge number, 029.  
14 Ms. Rich, how long have you been in Las Vegas?  
15 PROSPECTIVE JUROR #029: Fifty-one years.  
16 THE COURT: Okay. And are you employed?  
17 PROSPECTIVE JUROR #029: Yes.  
18 THE COURT: What do you do for work?  
19 PROSPECTIVE JUROR #029: I'm a manager of accounting at Southwest  
20 Gas.  
21 THE COURT: And how high did you get in your education?  
22 PROSPECTIVE JUROR #029: Bachelor of Science in accounting.  
23 THE COURT: Okay. Are you married?  
24 PROSPECTIVE JUROR #029: Yes.  
25 THE COURT: Does your spouse work?

1 PROSPECTIVE JUROR #029: Yes.  
2 THE COURT: What does your spouse do?  
3 PROSPECTIVE JUROR #029: He's a pilot for UPS.  
4 THE COURT: All right. And do you have any children?  
5 PROSPECTIVE JUROR #029: Yes, a stepdaughter.  
6 THE COURT: How old?  
7 PROSPECTIVE JUROR #029: Twenty-six.  
8 THE COURT: And does your daughter work?  
9 PROSPECTIVE JUROR #029: Yes.  
10 THE COURT: What does she do?  
11 PROSPECTIVE JUROR #029: She's a dog groomer.  
12 THE COURT: Okay. Have you ever served as a juror before?  
13 PROSPECTIVE JUROR #029: No.  
14 THE COURT: Okay. Thank you, Ms. Rich.  
15 And Simon Lac?  
16 PROSPECTIVE JUROR #031: Mm-hmm.  
17 THE COURT: This is 031.  
18 Ms. Lac, how long -- Mr. Lac, how long have you been in Las Vegas?  
19 PROSPECTIVE JUROR #031: Twenty-six years; born and raised.  
20 THE COURT: Okay. And are you employed?  
21 PROSPECTIVE JUROR #031: Yes.  
22 THE COURT: What do you do for work?  
23 PROSPECTIVE JUROR #031: I do IT for the Wynn.  
24 THE COURT: For the Wynn?  
25 PROSPECTIVE JUROR #031: Mm-hmm.

1 THE COURT: Is that a yes?  
2 PROSPECTIVE JUROR #031: Yes. Sorry.  
3 THE COURT: Okay. And how high did you get in your education?  
4 PROSPECTIVE JUROR #031: Some college.  
5 THE COURT: In?  
6 PROSPECTIVE JUROR #031: Information technology.  
7 THE COURT: All right. Are you married?  
8 PROSPECTIVE JUROR #031: [Indiscernible.]  
9 THE COURT: Do you have any children?  
10 PROSPECTIVE JUROR #031: No.  
11 THE COURT: Have you ever served as a juror before?  
12 PROSPECTIVE JUROR #031: No.  
13 THE COURT: Okay. Mr. Lac, thanks so much.  
14 Jennifer Parker is badge 032. Ms. Parker, how long have you lived in  
15 Las Vegas?  
16 PROSPECTIVE JUROR #032: Seventeen years.  
17 THE COURT: Where you from originally?  
18 PROSPECTIVE JUROR #032: Chicago.  
19 THE COURT: And are you employed?  
20 PROSPECTIVE JUROR #032: Yes.  
21 THE COURT: What do --  
22 PROSPECTIVE JUROR #032: I'm a teacher.  
23 THE COURT: A teacher here in our school district?  
24 PROSPECTIVE JUROR #032: Mm-hmm.  
25 THE COURT: And how high did you get in your education?

1 PROSPECTIVE JUROR #032: A master's plus 32.

2 THE COURT: Okay. I always say this. I'm really impressed with our -- with  
3 our -- I can't necessarily say our school district, but our teachers. All our teachers  
4 that I have on my juror, I have yet to see one that doesn't have a master's, so I'm --  
5 congratulations on that.

6 PROSPECTIVE JUROR #032: Thank you.

7 THE COURT: Okay. Are you married?

8 PROSPECTIVE JUROR #032: Yes.

9 THE COURT: And what does your spouse do?

10 PROSPECTIVE JUROR #032: He's a music teacher.

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

12 PROSPECTIVE JUROR #032: No.

13 THE COURT: And have you ever served as a juror before?

14 PROSPECTIVE JUROR #032: No.

15 THE COURT: Okay. Thank you, Ms. Parker.

16 And this is Phyllis Bagan?

17 PROSPECTIVE JUROR #033: Bagan, yes.

18 THE COURT: This is 033.

19 Ms. Bagan, how long have you lived in Las Vegas?

20 PROSPECTIVE JUROR #033: Fifty-three years.

21 THE COURT: And are you employed?

22 PROSPECTIVE JUROR #033: No, I'm retired.

23 THE COURT: What did you retire from?

24 PROSPECTIVE JUROR #033: I have the executive assistant to the Roman  
25 Catholic Bishop.

1 THE COURT: Okay. How high did you get in your education?  
2 PROSPECTIVE JUROR #033: High school.  
3 THE COURT: And are you married?  
4 PROSPECTIVE JUROR #033: Yes, I am.  
5 THE COURT: Does your spouse work?  
6 PROSPECTIVE JUROR #033: No, he's retired.  
7 THE COURT: What did he retire from?  
8 PROSPECTIVE JUROR #033: He retired from the Department of Energy.  
9 THE COURT: Okay. Do you have any children?  
10 PROSPECTIVE JUROR #033: I have two and three stepchildren.  
11 THE COURT: How old are they?  
12 PROSPECTIVE JUROR #033: My children are 47 and 38.  
13 THE COURT: And do they work?  
14 PROSPECTIVE JUROR #033: My son works as a maintenance for a  
15 helicopter company in Las Vegas, and my daughter's a stay-at-home mom.  
16 THE COURT: Okay. And your stepchildren?  
17 PROSPECTIVE JUROR #033: My stepchildren are 47, 45 and 43. The  
18 oldest works for a graphic design company here in Las Vegas; the middle one is a  
19 fireman, and the youngest one works as an insurance adjustor in Arizona.  
20 THE COURT: Okay. Have you ever served as a juror before?  
21 PROSPECTIVE JUROR #033: Yes, I have.  
22 THE COURT: How many times?  
23 PROSPECTIVE JUROR #033: Once.  
24 THE COURT: Was it here in Las Vegas?  
25 PROSPECTIVE JUROR #033: Yes, it was.

1 THE COURT: How long ago was that?

2 PROSPECTIVE JUROR #033: It was about 12 years ago.

3 THE COURT: Do you remember if it was civil or a criminal case?

4 PROSPECTIVE JUROR #033: It was civil.

5 THE COURT: Okay. Without telling us what the verdict were, were you able  
6 to reach a verdict?

7 PROSPECTIVE JUROR #033: Yes.

8 THE COURT: And is there anything about that experience you believe that  
9 would affect your ability to sit here as a juror?

10 PROSPECTIVE JUROR #033: No.

11 THE COURT: Were you the foreperson?

12 PROSPECTIVE JUROR #033: No, I wasn't.

13 THE COURT: Okay. All right. Thank you.

14 To the whole group, have you or anyone close to you, such as a family  
15 member or friend, ever been a victim of a crime. Not just reporting it, but actually  
16 been a victim of a crime. Not just meaning reporting the crime, you know, telling  
17 somebody, yeah, I got ripped off last night or something like that, but you actually --  
18 actually reported it and cover that.

19 All right. So we'll start in the back row, Jim. Is there anyone it the back  
20 row? Okay.

21 PROSPECTIVE JUROR #005: Pam Aaron, badge 005.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR #005: My car was broken into, GPS and everything  
24 stolen. I was here in this --

25 THE COURT: Okay.



1 PROSPECTIVE JUROR #005: -- building for the trial.

2 THE COURT: You were in here?

3 PROSPECTIVE JUROR #005: In this building --

4 THE COURT: You're -- you're --

5 PROSPECTIVE JUROR #005: -- for the trial.

6 THE COURT: -- here doing a case and somebody broken into your car  
7 outside?

8 PROSPECTIVE JUROR #005: No, no, no.

9 THE COURT: Oh.

10 PROSPECTIVE JUROR #005: My car was broken into, but I had to come  
11 here for the trial.

12 THE COURT: Oh, okay. I thought you were saying -- I'm -- I was called down  
13 here by some judge and then I got my car broken into. Okay. All right.

14 PROSPECTIVE JUROR #005: Well, that would be really bad.

15 THE COURT: All right. Okay. So -- so your car broke into --

16 PROSPECTIVE JUROR #005: I reported it.

17 THE COURT: -- and then you actually followed through with it --

18 PROSPECTIVE JUROR #005: Yes.

19 THE COURT: -- and actually went to trial?

20 PROSPECTIVE JUROR #005: Yes, it did.

21 THE COURT: Okay. How long ago was that?

22 PROSPECTIVE JUROR #005: I can't remember. My husband was out of the  
23 country though --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR #005: -- because I couldn't call him to tell him I don't

1 know how to get home.

2 THE COURT: Okay. Is there --

3 PROSPECTIVE JUROR #005: I rely on GPS.

4 THE COURT: Is there anything about that experience you believe would  
5 affect your ability to be fair and impartial here?

6 PROSPECTIVE JUROR #005: No.

7 THE COURT: Okay. Anything else?

8 PROSPECTIVE JUROR #005: No.

9 THE COURT: All right. Thank you, Ms. Aaron.

10 Anyone else in that row? Okay, Ms. Stokes --

11 PROSPECTIVE JUROR #034: Yes.

12 THE COURT: -- badge 054 [sic] -- or badge 034. I'm sorry.

13 PROSPECTIVE JUROR #034: Three -- 34.

14 My credit card was compromised last year. Someone stole money off  
15 of it.

16 THE COURT: Somebody compromised your credit card?

17 PROSPECTIVE JUROR #034: Yeah.

18 THE COURT: Okay. What happened with that?

19 PROSPECTIVE JUROR #034: They -- well the bank, you know, they  
20 reimbursed me the money that was taken from my credit card.

21 THE COURT: Hold on. I can hardly hear you.

22 PROSPECTIVE JUROR #034: Can you hear me now?

23 THE COURT: Yes.

24 PROSPECTIVE JUROR #034: Okay. My bank reimbursed the money to me  
25 and they asked if -- I had to sign something if they found who had done it would I

1 prosecute --

2 THE COURT: Uh-huh.

3 PROSPECTIVE JUROR #034: -- so I said yes.

4 THE COURT: All right. Do you know if anyone caught anybody -- did they  
5 catch anybody?

6 PROSPECTIVE JUROR #034: They never told me.

7 THE COURT: Okay. Is there anything about that experience you think would  
8 affect your ability to be fair and impartial if you're selected here?

9 PROSPECTIVE JUROR #034: It may.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR #034: I can't really say.

12 THE COURT: You got to kind of wait and see it?

13 PROSPECTIVE JUROR #034: Yeah.

14 THE COURT: Okay. All right. Thank you, Ms. Stokes.

15 All right. Anyone else in the back row? Okay, Mr. Welch is badge 005  
16 [sic].

17 PROSPECTIVE JUROR #006: Yeah, one -- one addition. Just one of my  
18 daughters does work for Shapiro and Smith. I just needed to add that because I did  
19 talk about her schooling.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #006: I also was a -- a victim of credit card fraud just  
22 this last Christmas. About \$2700 from two different Nordstroms in New York. That's  
23 still I guess an open case. And then also I was a victim of fraud that -- of about  
24 \$50,000 in California right when I was in school and -- ended up that a case was  
25 filed, but because it was an investment process where we got a little bit of money,

1 you know, a Ponzi scheme, there was a -- an indictment against my wife and I as if  
2 we knew about it. And so we -- we settled a portion -- our portion of it by -- even  
3 after losing \$50,000 taking it out of the \$10,000 out of our pocket to settle.

4 THE COURT: Okay. So you -- based on what you indicated, you felt in that  
5 situation, the one in California, is that you were a victim based on what was  
6 represented to you, but they also charged you?

7 PROSPECTIVE JUROR #006: Correct.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR #006: They charged anybody who had got any  
10 funds in that Ponzi scheme --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR #006: -- as if we knew. And as -- as us just moving  
13 to Las Vegas and trying to start a practice here, it would've been going back to court  
14 in California for up to four to five days and who knows what the outcome would've  
15 been --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR #006: -- because it wasn't -- it wasn't [indiscernible],  
18 so we end up fraudulently losing \$60,000 in that case.

19 THE COURT: Is there anything about the experience in both those cases of  
20 situations you believe that would affect your ability to be fair and impartial?

21 PROSPECTIVE JUROR #006: I'm pretty skeptical. I'm pretty skeptical of  
22 fraud.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR #006: Been a victim too many times.

25 THE COURT: Okay. I understand. Okay. Thank you.

1           Anyone in the second row? Can you hand that forward to Mr. Kwan,  
2 badge number 011. Mr. Kwan.

3           PROSPECTIVE JUROR #011: Hi. In '04 I had my identity stolen. I had --

4           THE COURT: Had your ID stolen?

5           PROSPECTIVE JUROR #011: Identity. They actually had credit. I had  
6 numerous cell phones, cards, apartments in my name.

7           THE COURT: Okay.

8           PROSPECTIVE JUROR #011: I had to report it to the credit bureau. I did  
9 make a police report. They did clear it up, but it took about two to three years.

10          THE COURT: Okay. Anything about that experience you believe would affect  
11 your ability to be fair and impartial in this matter?

12          PROSPECTIVE JUROR #011: I believe it will.

13          THE COURT: In what regard?

14          PROSPECTIVE JUROR #011: I'm more partial to people do -- that defraud  
15 other people, especially in credits.

16          THE COURT: Okay. Okay. Thank you.

17                 Can you -- anyone else -- okay. Ms. Towne, badge 007.

18          PROSPECTIVE JUROR #007: We had credit card information stolen. The  
19 last time was about three years ago and then maybe ten years ago. The last time  
20 we had to really fight with the credit card company.

21          THE COURT: Okay. Is there anything about that experience you believe that  
22 you couldn't be fair and impartial if you're selected in this case?

23          PROSPECTIVE JUROR #007: I don't know.

24          THE COURT: Okay. All right. Thank you.

25                 Anyone else in the second row? In the third row? Okay. Ms. Davey,

1 badge 015.

2 PROSPECTIVE JUROR #015: Yes. I've had my card compromised two  
3 different times.

4 THE COURT: What was that?

5 PROSPECTIVE JUROR #015: My credit --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR #015: -- my bank card --

8 THE COURT: Uh-huh.

9 PROSPECTIVE JUROR #015: -- was compromised two different times.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR #015: First time was six years ago and that was  
12 comprised at the Rebel gas station here in Vegas.

13 THE COURT: Mm-hmm.

14 PROSPECTIVE JUROR #015: My bank did give me back all my money.  
15 They used it at three different gas stations. I don't know if they caught the person  
16 because they never got back with me. And then just about a month and a half ago it  
17 was compromised again. And it was first taken from a Costco gas station --

18 THE COURT: Mm-hmm.

19 PROSPECTIVE JUROR #015: -- and then they used it in California, and then  
20 at a Walmart here in Vegas, and then at -- I think it was Gold Coast.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR #015: And so -- but I got all my money back.

23 THE COURT: Is there anything about that experience you believe would  
24 affect your ability to be fair and impartial?

25 PROSPECTIVE JUROR #015: It could very -- yeah.

1 THE COURT: Okay. All right. Thank you.

2 Is it Mr. Garrett, badge 018?

3 PROSPECTIVE JUROR #018: I was robbed at gunpoint in my store.

4 THE COURT: Okay. How long ago was that?

5 PROSPECTIVE JUROR #018: Twenty-years ago.

6 THE COURT: Is there anything about that experience you believe would  
7 affect your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR #018: No.

9 THE COURT: Okay. Thank you.

10 Ms. Bridgewater, badge 037.

11 PROSPECTIVE JUROR #037: Yes. I have had my bank account  
12 compromised twice and I was robbed. Last time my bank account was  
13 compromised was 2014, about \$3,000. The bank was never able to give it back to  
14 me and it's still an open case. My purse was stolen out of my car about 2008. I  
15 reported it to the police; never found anything. And back in 2009 my bank account  
16 was compromised. Utilities were opened and overseas charges. They were able to  
17 give me my money back and it's case closed.

18 THE COURT: Okay. Is there anything about those experiences you believe  
19 would affect your ability to be fair and impartial if you're selected here?

20 PROSPECTIVE JUROR #037: Possibly. I'm not sure.

21 THE COURT: Okay. Thank you.

22 PROSPECTIVE JUROR #037: You're welcome.

23 THE COURT: Anyone else in that row? In the fourth row?

24 Okay. Can you hand that forward to Ms. Shuey-Ridges, badge 038.

25 PROSPECTIVE JUROR #038: Yes. I've had my bank information stolen and

1 a ATM slash credit card sent to a former address which somebody got a hold of it  
2 and did online charges on it. And so that -- I was able to get the money back. I've  
3 had to close my bank account twice for fraudulent activity.

4 THE COURT: Okay. Anything about those experiences you believe would  
5 affect your ability to be fair and impartial if you're selected here?

6 PROSPECTIVE JUROR #038: Possibly.

7 THE COURT: Okay. Thank you.

8 And, Ms. Robles. This is 023.

9 PROSPECTIVE JUROR #023: I was robbed at gunpoint while counting out a  
10 safe.

11 THE COURT: When did that happen?

12 PROSPECTIVE JUROR #023: Over ten years ago.

13 THE COURT: Is there anything about that experience you believe would  
14 affect your ability to be fair and impartial here?

15 PROSPECTIVE JUROR #023: No.

16 THE COURT: Okay. Thank you.

17 Ms. Ford, badge 024.

18 PROSPECTIVE JUROR #024: Yeah, I've had my bank account  
19 compromised twice. Both times were settled where I got my money back. I don't  
20 know who -- if they were caught or not. And I did have a daughter that had the  
21 California police and FBI involved in stalking on Facebook. To my knowledge that's  
22 never been taken care of.

23 THE COURT: Stalking; okay. Is there anything about those experiences you  
24 believe would affect your ability to be fair and impartial here?

25 PROSPECTIVE JUROR #024: I would hope not.



1 THE COURT: Okay. Thank you, Ms. Ford.

2 Anyone else in that row? No one; okay.

3 In the front row, Ms. Rich, is badge 029. Ms. Rich.

4 PROSPECTIVE JUROR #029: Yes. My husband and I've had credit cards  
5 compromised many times over the years. No involvement with the prosecution.  
6 Credit card companies have always taken care of it. I've had my car broken into  
7 and valuable scuba diving gear stolen and never recovered.

8 THE COURT: How long ago was the auto burglary?

9 PROSPECTIVE JUROR #029: The what?

10 THE COURT: Auto burglary.

11 PROSPECTIVE JUROR #029: Like 1998.

12 THE COURT: Okay. Is there anything about those events that you feel would  
13 affect your ability to be fair and impartial here?

14 PROSPECTIVE JUROR #029: I believe so. It makes me very angry.

15 THE COURT: Okay. And so how -- how would it affect you?

16 PROSPECTIVE JUROR #029: I don't know.

17 THE COURT: It makes you mad.

18 PROSPECTIVE JUROR #029: It makes me mad. I don't know if I could be  
19 impartial.

20 THE COURT: Okay. You have to hear -- wait and hear it?

21 PROSPECTIVE JUROR #029: I would probably have to wait and hear it.

22 THE COURT: Okay. You wouldn't hold -- is there anyone else in here that --  
23 in the front row that has any -- anything you want to address?

24 Okay. All of you that -- all of you that had indicated that you had cases  
25 and you said that it might affect you, the bottom question -- the bottom line here is

1 would you hold that against the Defendant or against the State simply because --  
2 and I don't mean to put it off, but because you were a victim would you hold that  
3 against one of these sides here? Is there anyone that would do that? Okay. So  
4 you wouldn't be sitting back going, you know what, because I was a victim I'm going  
5 to get -- I'm going to get somebody here. Now that's not being fair, you know.

6 Now being able to sit and listen and -- because if you are selected as a  
7 juror you'll be instructed that what your job is is to determine the facts. I determine  
8 what the law is and then you apply the law to the facts to determine whether or not  
9 there's a -- whether or not there's a conviction, but your main job is just to sit and  
10 determine the facts. So you'll listen to whatever facts are presented to you. You  
11 can't consider facts outside the courtroom. Now you're not -- you can bring in your  
12 common sense, but you're not allowed to think -- like I'm saying, God, I got -- I was  
13 a victim. I'm going to make sure -- in this case, you know, Defendant doesn't  
14 victimize anybody, so I'm going to find him guilty. I don't care what the facts are.  
15 That's not being fair; do you understand?

16 Now on the other hand, you know, I was a victim, nobody was caught. I  
17 don't like it that the police weren't able to do it. I think the prosecution didn't do their  
18 job, so I'm going to hold it against them. I'm not finding anybody guilty because the  
19 prosecutions involved. See how that's not fair? Is there anyone that has that type  
20 of sentiment here based on the fact that they were a victim in a case before?  
21 Anybody? Maybe I was a little bit over -- overzealous with that, but is there anybody  
22 that has any concerns about that, you know, that thought. You know, well, maybe I  
23 will hold it against one these guys or somebody -- when I say guys, I mean there's  
24 five of them here. Is there anybody here that has that thought before we get  
25 started? Okay, no one raised their hand with that question.

1 Is there anyone here that's -- or anyone close to you, such as a family  
2 member or friend, that's ever been accused of a crime? Now we heard -- we heard  
3 -- Mr. Welch told us he was charged actually with -- with fraud involving the Ponzi  
4 issue that he was talking about. Is there anyone else that's every -- or someone  
5 close to their -- such as a family or friend ever been charged with a crime? Okay.

6 Mr. Welch, did you want to add?

7 PROSPECTIVE JUROR #006: Yeah.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR #006: My father-in-law was indicted. I don't know  
10 what that -- as far as charged. I know he was indicted for personal fraud, but it  
11 ended up --

12 THE COURT: Was it from the same --

13 PROSPECTIVE JUROR #006: No, but it was -- it was a friend that -- was that  
14 situation. We knew him, so --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR #006: -- you know, when I hear, you know, black,  
17 black, black, black on the last name of the -- of the jurors and it doesn't -- doesn't  
18 make any difference. I just think that -- no, so back -- my father-in-law was indicted  
19 for some fraud, but it was -- all were dropped because the charges were --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR #006: -- were not correct.

22 THE COURT: Okay. And the same -- the [indiscernible] I was asking earlier  
23 with the last question, is there anything about those experiences with your father-in-  
24 law, or with yourself and your wife, that you believe that you'd hold that against  
25 either party?

1 PROSPECTIVE JUROR #006: I don't know the parties, so -- you know, I'm  
2 an honest guy. If I consider -- you know, I'm fair.

3 THE COURT: Uh-huh.

4 PROSPECTIVE JUROR #006: But as I explained, I'm a little skeptic of -- of  
5 someone who's in this situation right now. Because I was in the situation and I'm --  
6 but I -- I guess -- [indiscernible] direct question; answer no, I don't think that I would  
7 hold it directly against someone. I would try not to because I want to be and honest  
8 guy, but I still have my -- my biases.

9 THE COURT: Let me ask you it this way. If you were seated where the  
10 prosecution is right now --

11 PROSPECTIVE JUROR #006: Uh-huh.

12 THE COURT: -- would you want 12 people with your same frame of mind  
13 seated in a jury if you were a prosecutor?

14 PROSPECTIVE JUROR #006: A prosecutor?

15 THE COURT: Uh-huh.

16 PROSPECTIVE JUROR #006: Probably.

17 THE COURT: If you were the Defendant would you want 12 people with your  
18 same frame of mind seated in the jury?

19 PROSPECTIVE JUROR #006: No.

20 THE COURT: And why not?

21 PROSPECTIVE JUROR #006: Because I -- I will try to be honest and -- and  
22 fair.

23 THE COURT: Uh-huh.

24 PROSPECTIVE JUROR #006: But again, in a selfish fashion for me, I've  
25 been the victim of fraud. I've seen the system go to where someone else was

1 accused of fraud and it came back on me. And I was not only the victim, but I was  
2 also a defendant shortly after --

3 THE COURT: Mm-hmm.

4 PROSPECTIVE JUROR #006: -- to where the system if it could have been --  
5 I was victimized twice. First -- in the first state where I got the money taken from,  
6 and then again where I had -- a defendant for the State coming after me when I was  
7 still a victim, so I had to give more money so that I wasn't inconvenienced more. So  
8 I -- you know --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR #006: Do you understand what I'm saying?

11 THE COURT: Yeah, I do.

12 PROSPECTIVE JUROR #006: It's just I look -- I look at both sides, but I also  
13 look at the system.

14 THE COURT: Mm-hmm.

15 PROSPECTIVE JUROR #006: The system didn't work for me.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR #006: It hurt me.

18 THE COURT: I got you. Okay. All right. Thank you, Mr. Welch.

19 Anyone in that back row? In the second row? All right. Mr. Storr.

20 PROSPECTIVE JUROR #013: Yes. Badge number 013.

21 THE COURT: Mm-hmm.

22 PROSPECTIVE JUROR #013: My youngest daughter was convicted -- well,  
23 charged and convicted of felony hit and run in 2010.

24 THE COURT: Where?

25 PROSPECTIVE JUROR #013: In Spokane.

1 THE COURT: Okay. And is there anything about that experience you believe  
2 that would affect your ability to be fair and impartial here?

3 PROSPECTIVE JUROR #013: No.

4 THE COURT: Okay. Thank you, Mr. Storr.

5 Anyone in the -- okay. Mr. Kwan, badge 011.

6 PROSPECTIVE JUROR #011: I have a colorful life. I was charged with  
7 batter in '01.

8 THE COURT: Okay, 2011?

9 PROSPECTIVE JUROR #011: Yes, sir.

10 THE COURT: All right. And was that here in Nevada?

11 PROSPECTIVE JUROR #011: Yes.

12 THE COURT: And what happened with that?

13 PROSPECTIVE JUROR #011: I had six months' probation and it was  
14 dismissed.

15 THE COURT: Okay. Did you feel the system was fair to you?

16 PROSPECTIVE JUROR #011: No.

17 THE COURT: Okay. In what regard? Was it domestic violence?

18 PROSPECTIVE JUROR #011: No, it wasn't.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR #011: I was actually at work and the person got too  
21 close for my comfort after several warning.

22 THE COURT: Mm-hmm.

23 PROSPECTIVE JUROR #011: I had to physically restrain him. Apparently,  
24 came down face first on the counter. He had a pretty bad cut lip and they pressed  
25 charges on me.

1 THE COURT: Okay. And did you get convicted from that?

2 PROSPECTIVE JUROR #011: I did not get convicted. I was charged. I had  
3 to go to court. Six months' probation and it was dismissed.

4 THE COURT: Where did that take place; here in Vegas or out in Pahrump?

5 PROSPECTIVE JUROR #011: Out in Nye County.

6 THE COURT: Out in Pahrump?

7 PROSPECTIVE JUROR #011: Yeah.

8 THE COURT: Okay. Is there anything about that experience that you believe  
9 that you couldn't be fair and impartial if you're selected as a juror here?

10 PROSPECTIVE JUROR #011: I will try my best to listen to the facts --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR #011: -- and make a decision from there.

13 THE COURT: Would you hold that against the State of Nevada since, you  
14 know, after -- after all they wasn't -- it wasn't these guys, but --

15 PROSPECTIVE JUROR #011: Yeah, it wasn't these guys.

16 THE COURT: -- it was the DAs that were prosecuting you; right?

17 PROSPECTIVE JUROR #011: Yeah, it was the DA's call, but I think it was a  
18 poor call.

19 THE COURT: Okay. So that's what I'm saying. Would you hold it against the  
20 State of Nevada if you were --

21 PROSPECTIVE JUROR #011: I wouldn't hold it against the State.

22 THE COURT: Okay. All right. Thank you.

23 Anyone else in the second row? In the third row?

24 Okay. Mr. Abrazaldo, badge 020. Mr. Abrazaldo.

25 PROSPECTIVE JUROR #020: My older brother --

1 THE COURT: Uh-huh.

2 PROSPECTIVE JUROR #020: -- was living in California and he got three  
3 strike and he's deported. He pretty much committed everything that I know of,  
4 probably murder somewhere around there, but he got deported regardless.

5 THE COURT: Okay. Anything about your relationship with your brother that  
6 you believe would affect your ability to be fair and impartial here?

7 PROSPECTIVE JUROR #020: No, I haven't seen him since '92, so I -- we're  
8 not close.

9 THE COURT: Okay. So other than you just telling me what -- what happened  
10 with regards to your brother, there's nothing in that that you believe would affect  
11 your ability to be fair?

12 PROSPECTIVE JUROR #020: No.

13 THE COURT: Okay. Thank you, Mr. Abrazaldo.

14 Anyone else in that row? In the fourth row? In the fifth row? Oh, fourth  
15 row; okay.

16 Go ahead. Mr. Colucci is 025.

17 PROSPECTIVE JUROR #025: About 30 years ago I got charged with  
18 disorderly conduct which was -- kind of a result of a neighborhood party kind of  
19 thing. So I -- we went to court and I pleaded no contest and it was \$75 fine. That  
20 was it.

21 THE COURT: Okay. And is there anything about that experience you think  
22 that you'll hold any particular ill-will --

23 PROSPECTIVE JUROR #025: No.

24 THE COURT: -- or grudges against anybody here now?

25 PROSPECTIVE JUROR #025: No.



1 THE COURT: Okay. All right. Thank you, Mr. Colucci.

2 Ms. Robles, you had your hand up. Okay, badge 023.

3 PROSPECTIVE JUROR #023: My grandfather served time for misuse of  
4 credit card -- government credit card use. He paid some -- paid it back and served  
5 time.

6 THE COURT: Okay. Misuse of a credit card?

7 PROSPECTIVE JUROR #023: Yeah.

8 THE COURT: Did -- is there anything about -- did you know about the case or  
9 whatever, or just knew he went to jail for it?

10 PROSPECTIVE JUROR #023: Did I knew -- know about it --

11 THE COURT: Did you know about the --

12 PROSPECTIVE JUROR #023: -- when it was taking place or --

13 THE COURT: The circumstances of the case; yeah.

14 PROSPECTIVE JUROR #023: No, just knew about it after it had happened.

15 THE COURT: Were you quite young when he was going through all this?

16 PROSPECTIVE JUROR #023: Probably early 20s.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR #023: Yeah.

19 THE COURT: Did you discuss with him about the case at all or --

20 PROSPECTIVE JUROR #023: No.

21 THE COURT: Did you have discussions about the case with anyone in the  
22 family?

23 PROSPECTIVE JUROR #023: Probably just about him going to jail, not really  
24 about --

25 THE COURT: The circumstances --

1 PROSPECTIVE JUROR #023: -- using the card or --

2 THE COURT: Okay. Is there anything about that that you believe would  
3 affect your ability to be fair and impartial here?

4 PROSPECTIVE JUROR #023: No.

5 THE COURT: Okay. All right. Thank you, Ms. Robles.

6 And badge 038, Ms. Shuey-Ridges. Ms. Shuey-Ridges.

7 PROSPECTIVE JUROR #038: Yeah, one of my daughters had a domestic  
8 violence charge for fighting with her sister.

9 THE COURT: What happened with that?

10 PROSPECTIVE JUROR #038: She took some classes and did some  
11 community service.

12 THE COURT: Did that happen here?

13 PROSPECTIVE JUROR #038: Yes, it did.

14 THE COURT: How long ago?

15 PROSPECTIVE JUROR #038: Oh, gosh. Probably about four or five years  
16 ago.

17 THE COURT: Is there anything about that -- your understanding of that case  
18 that you believe would affect your ability to be fair and impartial here?

19 PROSPECTIVE JUROR #038: No.

20 THE COURT: Okay. All right.

21 Anyone else? Okay. Thank you.

22 Ladies and gentlemen, would you have a tendency to give more weight  
23 or credence, or less weight or credence to the testimony of a police officer simply  
24 because he or she is a police officer? Anyone? Okay, no one raised their hand.

25 Can you wait in forming your opinion as to the guilt or innocence of the

1 Defendant until all the evidence has been heard and after considering the  
2 instructions I'll give you on the law? Can you all wait until everything's done before  
3 you form your opinion? Everyone's shaking their head yes. Is there anyone that  
4 disagrees with that? Okay.

5 Do you know of any reason why you couldn't be completely and fair and  
6 impartial juror if you're selected as -- in this case here? Anyone believes they can't  
7 complete -- be completely fair and impartial? Okay.

8 Is there anyone that has any medical reason that they believe will  
9 prevent them from participating as a juror? We've heard from one individual that I --  
10 that I released that indicated that he had -- his back is really bad and so he's dealing  
11 with that right now. Is there anybody here that has any medical issues that will  
12 prevent them from being -- participating as a juror? Okay.

13 Will the parties approach?

14 [Bench conference -- not recorded]

15 THE COURT: All right. Once again, if you hear your name called you'll be  
16 excused. I'd ask that you go back to the jury commissioner room and let them know  
17 that you have been excused in this matter.

18 Juror number 006, Thomas Welch, you've been excused. Thank you  
19 so much. You can go ahead and go.

20 Okay. You need to call next in line.

21 THE COURT CLERK: The next one should be -- the next one will be badge  
22 number 047, Melissa McKeehan.

23 Oh, I apologize. No. I apologize. I'm sorry. Badge number 043,  
24 Diedra Terry, in the next seat.

25 Okay. Ms. Terry --

1 PROSPECTIVE JUROR #043: Yes.  
2 THE COURT: -- how long have you been in Las Vegas?  
3 PROSPECTIVE JUROR #043: Five years.  
4 THE COURT: And where you from originally?  
5 PROSPECTIVE JUROR #043: Los Angeles.  
6 THE COURT: And are you employed?  
7 PROSPECTIVE JUROR #043: Yes.  
8 THE COURT: What do you do for work?  
9 PROSPECTIVE JUROR #043: I'm a software quality engineer.  
10 THE COURT: For?  
11 PROSPECTIVE JUROR #043: APS, it's a -- we do kiosks games and stuff  
12 like that.  
13 THE COURT: Okay. And how high did you get in your education, ma'am?  
14 PROSPECTIVE JUROR #043: Master's in communications.  
15 THE COURT: And are you married?  
16 PROSPECTIVE JUROR #043: No.  
17 THE COURT: Do you have any children?  
18 PROSPECTIVE JUROR #043: Two boys -- two men.  
19 THE COURT: How old are they?  
20 PROSPECTIVE JUROR #043: Thirty-six and 34.  
21 THE COURT: And what do they do for work?  
22 PROSPECTIVE JUROR #043: My older son is a restaurant manager, and my  
23 younger son works at Cal State -- Cal State Long Beach.  
24 THE COURT: As?  
25 PROSPECTIVE JUROR #043: He is in charge of the art department.

1 THE COURT: Oh, okay. Have you ever served as a juror before?

2 PROSPECTIVE JUROR #043: No.

3 THE COURT: And have you or anyone close to you, such as a family  
4 member or friend, ever been a victim of a crime?

5 PROSPECTIVE JUROR #043: Yes, but --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR #043: -- nothing -- nothing that went to trial.

8 THE COURT: Can you tell me what it was?

9 PROSPECTIVE JUROR #043: Assault.

10 THE COURT: How long ago?

11 PROSPECTIVE JUROR #043: It was probably 20 years.

12 THE COURT: Was it -- were you the -- was it you?

13 PROSPECTIVE JUROR #043: Oh, no.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR #043: It was a family member.

16 THE COURT: Okay. And you said nothing went to trial. Was he charged --  
17 the family member?

18 PROSPECTIVE JUROR #043: No, he wasn't. He was the victim of the  
19 assault.

20 THE COURT: Oh, I'm sorry. Was the person who was --

21 PROSPECTIVE JUROR #043: No, they never caught him.

22 THE COURT: They never caught anybody?

23 PROSPECTIVE JUROR #043: Yeah.

24 THE COURT: Is there anything about that you believe that would affect your  
25 ability to be fair and impartial if you're selected here?

1 PROSPECTIVE JUROR #043: No.

2 THE COURT: Okay. And have you or anyone close to you, such as a family  
3 member or friend, ever been accused of a crime?

4 PROSPECTIVE JUROR #043: No.

5 THE COURT: Okay. Would you have a tendency to give more weight or  
6 credence, or less weight or credence to the testimony of a police officer simply  
7 because he or she's a police officer?

8 PROSPECTIVE JUROR #043: No.

9 THE COURT: Can you wait in forming your opinion as to the guilt or  
10 innocence of the Defendant until all the evidence is presented to you, you've heard it  
11 all and -- and considered all the instructions I instruct you on?

12 PROSPECTIVE JUROR #043: Yes.

13 THE COURT: Okay. Do you know of any reason why you couldn't be a  
14 completely fair and impartial juror if you're selected in this case?

15 PROSPECTIVE JUROR #043: No.

16 THE COURT: And is there any medical reason that would prevent you from  
17 serving if you're selected?

18 PROSPECTIVE JUROR #043: No.

19 THE COURT: Okay. Parties want to approach?

20 [Bench conference -- not recorded]

21 THE COURT: Ladies and gentlemen, are you ready for a break?

22 THE PROSPECTIVE JURY PANEL: Yes.

23 THE COURT: Okay. All right. You know -- okay, we'll go ahead and do that.  
24 I'll go ahead and let you take a lunch break at this time.

25 Ladies and gentlemen -- the individuals that are here in the courtroom,

1 you're still part of this group until I release you. We're still going through the actual  
2 selection, so I need to give you this admonishment; okay.

3 Okay. Ladies and gentlemen, you're admonished not to converse  
4 amongst yourselves or with anyone else on any subject connected with this trial, or  
5 to read, watch, or listen to any report or commentary on the trial by any person  
6 connected with this case, or by any medium of information, including without  
7 limitation newspapers, television, internet or radio. You're further admonished not to  
8 form or express any opinion on any subject connected with this trial until the case is  
9 finally submitted to you.

10 Ladies and gentlemen, when you leave for lunch -- I'm going to give  
11 you about an hour and a half. When you leave for lunch do not get on your phone  
12 and take a picture and say -- do a selfie and send it to all your friends and say I'm  
13 down here on jury selection. And do not get on Facebook and tell them that you're  
14 doing jury selection or anything like that because I'll tell you the parties they look at  
15 this and that would be a violation of my admonishment.

16 Also, if your family members call you -- and I don't know what's going  
17 on or your work -- you can call your work and tell them that you are going through  
18 jury selection. But if your family members call you and they ask you what's going  
19 on, you can tell them that you're going through jury selection. You cannot tell them  
20 what the name of the case, or what's going on with the case.

21 Do not go out and investigate this case during this break. Do not get on  
22 the internet and try to find out anything about the prosecutors, the defense, or the  
23 Defendant, and do not investigate me. So if you -- also don't get on and look  
24 anything up, any addresses, or anything like it about -- trying to find out anything  
25 about this case, or any legal terms or anything at this point. Don't go up look up the

1 term voir dire or anything like that. If you have any questions we'll address that. But  
2 I'm going to you -- it's about -- well, it's a quarter after 11. Be back here a quarter till  
3 one.

4           So when you're out and about though wear that badge that you have on  
5 your chest. It will tell people around the courthouse that you are on jury selection.  
6 Also, when I -- at the beginning of the admonishment I tell you do not discuss this  
7 with anyone. Do not discuss the case at all even with your fellow jurors -- or fellow  
8 prospective jurors. When you get -- if you do get selected as a juror then you can  
9 only discuss it with your fellow jurors in the jury deliberation room, even throughout  
10 the trial. So don't discuss it.

11           Also, understand this. The parties come and go in the courthouse. And  
12 the way we have it set up often times you're waiting out in the hall. They won't talk  
13 to you. They won't even acknowledge you and that's because they're not allowed  
14 to. Ethically they can't talk to you, can't smile at you, can't frown at you because to  
15 do so may cause some problems, so please don't think that they're trying to be  
16 antisocial or rude or anything. They're specifically told not to do so. So -- all right.  
17 So do you have any questions?

18           When you come back you can bring -- even though it says that on my  
19 door you can't have any beverages, as long as you have something in a bottle or  
20 something you can close you're welcome to bring that with you; okay. And if you  
21 are selected as a juror I even let people bring snacks. But if there's no questions  
22 then we'll be at ease while the jury leaves the room. I expect you to be back here  
23 outside the courtroom at a quarter till one. Do not come in the courtroom.  
24 Remember where you're seated as well. The same with you all back there.  
25 Remember where you're seated because you'll be going right back in the same



1 spot; okay. We'll be at ease while the jury leaves the room.

2 [Outside the presence of the prospective jury panel]

3 THE COURT: Okay. We're outside the presence of the jury.

4 During one of the conferences at the bench I had asked the parties if  
5 they had any individuals that they wanted to excuse for cause. In addition to Mr.  
6 Welch the defense had a number of individuals that they wish to excuse for cause:  
7 Opal Stokes, Cinda Towne, Nethania Bridgewater, Elaine Davey, Karen Shuey-  
8 Ridges and Lisa Rich. Basically -- and I'll let you make more of a record, but  
9 basically by understanding was is in all regards, based on the fact that they were  
10 either a victim or a -- been charged with a crime previously, they indicated that they  
11 have difficulty with -- with handling this case. And I think some of them ever a little  
12 bit more -- one of them I believe the defense said that she said that she would be  
13 biased. So the State's position was that they wanted to have an opportunity to  
14 rehabilitate.

15 I will indicate on the record that I had asked the particular question  
16 about whether or not they would hold it against each other if they couldn't be fair and  
17 no one had indicated that they -- they couldn't, even to the extent of the individual  
18 that defense claims said they would be biased. So do you want to make more of a  
19 record?

20 MR. GASTON: Your Honor, my understanding is the Court didn't actually  
21 deny our motion for cause. It just allowed more questioning --

22 THE COURT: Right. Right.

23 MR. GASTON: -- [indiscernible.]

24 THE COURT: At this point in time I'm not -- I'm not denying it. I wanted the --  
25 I wanted you and the State to have an opportunity to question them even more in

1 depth, so --

2 MR. GASTON: That make -- that makes sense to me.

3 THE COURT: Okay.

4 MR. GASTON: I'll just wait until after the questioning to make a record on that  
5 for cause challenge if there's still --

6 THE COURT: Okay. Was there anything else that needed to be put on the  
7 record --

8 MR. GASTON: Two -- two things, Your Honor.

9 At the first bench conference when we approached with respect to the  
10 initial for cause challenges, we released a group of people that we all agreed upon.

11 THE COURT: Uh-huh.

12 MR. GASTON: There was one individual who wasn't released at that time,  
13 Thomas --

14 THE COURT: Oh, yes.

15 MR. GASTON: -- Puhek.

16 THE COURT: Yes.

17 MR. GASTON: He was later released because I believe he wrote a note to  
18 the bailiff indicating he had cancer.

19 THE COURT: He -- no, no, no. He had medical records. I looked at the  
20 medical records.

21 MR. GASTON: Oh, he had medical records. He provided --

22 THE COURT: Yeah, he presented them to my marshal. He -- my marshal  
23 then brought them to me, I reviewed them. He had just recently -- I believe as late  
24 as yesterday been diagnosed with cancer.

25 MR. GASTON: Okay.

1 THE COURT: And he told my mar -- I didn't ask any further questions, maybe  
2 that's what we should've done. But he told my marshal that he -- there's no way he  
3 could be thinking about this when he's just been told that he has cancer. And the  
4 medical records confirm that he -- that they -- diagnosed with cancer.

5 MR. GASTON: And given the new information that was provided to the Court,  
6 I don't believe the State nor the defense had an objection to him being released for  
7 cause --

8 THE COURT: Okay.

9 MR. GASTON: -- at that time.

10 THE COURT: Is that correct?

11 MR. JONES: That is correct, Your Honor.

12 THE COURT: Okay.

13 MR. GASTON: There --

14 THE COURT: Anything else?

15 MR. GASTON: There was one issue -- I would like to make a record on the  
16 fair cross-section of community issue.

17 THE COURT: Okay.

18 MR. GASTON: But briefly before -- I forgot to ask something at the beginning.  
19 May we approach?

20 THE COURT: Yeah.

21 MR. JONES: No one else --

22 THE COURT: There's no one here though. Okay.

23 [Bench conference -- not recorded]

24 THE COURT: What I want to put on the record, and what was being  
25 reminded, is that the defense had a question about the cross-section of the

1 community here and the number of minorities. I will note that although I asked the  
2 question at the request of the defense asking of the jury if there was anyone that  
3 would self-identify as a minority. I will note for the record there's a number of  
4 individuals that did not raise their hand and did not self-identify themselves as  
5 minorities. And matter of fact, I think number 3, and if I'm correct, Ms. Stokes --

6 MR. JONES: She did identify, Your Honor.

7 THE COURT: She did?

8 MR. JONES: Yeah.

9 THE COURT: Okay. But there's -- but there's a couple individuals on the  
10 panel now that did not.

11 MR. JONES: Yes.

12 THE COURT: And I believe -- I believe one of them appears to be African  
13 American to me. There's an Asian gentleman in the front row, but he said he was  
14 born and raised here, so he's not -- he's saying he's not identifying himself as Asian  
15 American, so -- so I'm going to let you make a record. Let the parties -- whatever  
16 they need to do with that -- whatever you need to do, Mr. Gaston.

17 MR. GASTON: Thank you.

18 I'll get to the legal argument in a second. But with respect to the actual  
19 self-identification, I do appreciate that the Court indulged us. As we saw, some  
20 people don't want to raise their hands and self-identify even though they may have  
21 marked on the sheet that they did. And the reason for this is because in the past  
22 trials I've done, I've almost always requested that -- I knew that they asked the  
23 question of race on the jury questionnaire, but that -- that actual question and  
24 answer has never been provided to the defense in any trial that I've done, but it was  
25 provided in this case. So I think that's actually the best indicator of race than -- than

1 who raised their hand and didn't raise their hand, so I'll be using that for my -- for  
2 purposes of this.

3 Okay. So my specific objection, the Defendant has a right to a fair and  
4 impartial jury chosen from a fair cross-section of the community. This right is  
5 guaranteed by the United States Constitution under the Fourteenth Amendment's  
6 due process clause, and equal protection clause, as well as the Sixth Amendment's  
7 fair cross-section requirement, as well as the Nevada Constitution. The importance  
8 of this has been talked at length in various Court jurisprudence.

9 Now the selection of a jury in violation of the equal protection clause, or  
10 the fair cross-section guarantee, is a structural error and it allows the Defendant  
11 relief without any showing of prejudice. You know -- so if -- if there is a -- if it is a  
12 structural error, it's not a showing of prejudice. Similarly, unlike a claim under the --  
13 unlike a claim purely under the equal protection clause, a fair cross-section claim  
14 does not require a showing that the selection procedure is susceptible of abuse or  
15 not race neutral. So we don't -- under a pure equal protection claim we would have  
16 to show a discriminatory intent. We do not have to do that in this case. And the  
17 case cite there is *Rodriguez-Lara*.

18 Court's indulgence. It's *United States v. Rodriguez-Lara*, 421 F. 3d  
19 932. That quote came from Pen cite 940. It's a Ninth Circuit case from 2005.

20 Now to establish a prima facie case -- a prima facie violation of the  
21 Sixth Amendment's fair cross-section requirement, the Defendant must show, A,  
22 that the group alleged to be excluded is a distinctive group in the community; B, that  
23 the representation of this group in venires from which juries are selected is not fair  
24 and reasonable in relation to the number of such persons in the community, and  
25 three, that this under-presentation is due to systematic exclusion of the group in the

1 jury selection progress. That standard was articulated by the United States  
2 Supreme Court in *Duren v. Missouri*, D-U-R-E-N. Case cite for that is 439 U.S. 357  
3 (1979). Then there are three or four subsequent cases where it's all been  
4 reaffirmed.

5 Now specifically, one, the group alleged to be excluded is a distinctive  
6 group of the community. I'm alleging that two groups were excluded from this venire  
7 unfairly; A, African-Americans; B, Latinos. I don't think there's any question that the  
8 first prong has been met. An African-American -- African-Americans are a  
9 distinctive group of the community as are Latinos.

10 Now to the second prong, which is that we must basically show that the  
11 exclusion is -- is statistically significant. That is not just random. It's not just due to  
12 random chance. And we have -- I do believe we've met that burden, and that's why  
13 I made such a big stink earlier about the statistics.

14 The 2012 census for Clark County showed a total population of 1.9 of  
15 1,999,371 people. African Americans totaled 233,371 people for a total of 11 ½  
16 percent of the Clark County population. Latinos totaled 608,794 people for a total  
17 30 percent of the total venire.

18 In this case, if we go by the -- how people self-identified when they filled  
19 out their jury question, which I do think is the best use. We have 45 jurors total.  
20 Two self-identified as African American; two self-identified as Latino; seven self-  
21 identified as Asian. Oh, and I'm sorry. I'm not claiming that Asians are unfairly  
22 represented here. In fact, they're represented almost twice how they should be.  
23 Specifically, in the census 194,814 individuals were Asian, which totaled 9.6 of the  
24 venire. In this case, seven Asians self-identified, which would be a total of 15  
25 percent of the venire are Asians as compared to 9.6 percent of the general

1 population.

2 But of the -- of the others who self-identified as a minority. I saw two  
3 African Americans, two Latinos and four other. I'm not clear if other was a refusal to  
4 identify, or identifying as another race that they weren't allowed to choose from. I  
5 suspect it was probably both. By eyeballing the venire, I think there was one person  
6 who identified as other who clearly was African American. So I do think that the  
7 total numbers of African Americans should be 3 out of 45, which would be a total of  
8 six percent of the venire -- roughly six percent of the venire. However, only two  
9 people self-identified as Latino. Now I know it was just eyeballing the three who  
10 selected as other, but they did not appear to be Latino, but 2 out of 45 members  
11 would only be four percent. And here's the thing. Even if -- even if we say all of the  
12 three remaining others would actually have identified as Latino and should be  
13 construed as Latino for purposes of this, that would still only be 5 out of 45, which is  
14 one-ninth, which is 11.1 percent, which is still significantly below the 30 percent that  
15 you would expect to see if this was truly a random sampling. That is absolutely  
16 statistically significant. So because of the statistical significance of the disparity of  
17 these two groups, I do believe we've met the first two prongs.

18 Now the third prong is that this representation is due to systematic  
19 exclusion of the group in the jury selection process. That's not to be construed with  
20 the fact that we are trying to -- that doesn't mean it's on purpose; it doesn't mean it's  
21 intentional. It doesn't even mean that the processes of use is susceptible to abuse.  
22 And that was also posited in the case *Rodriguez v. Lara* [sic]. The fair cross-section  
23 claim does not require a showing that the selection procedure is susceptible of  
24 abuse or not race neutral. Instead, we only have to show that this -- as a system,  
25 this is happening and continually being excluded.

1 To make that prong I have a few issues. First -- I'll go ahead and make  
2 a record in a second, but if that's not sufficient, I'm going to be asking that the Court  
3 allow us to call the jury commissioner in and question him on the selection  
4 procedures. This would be relevant for two reasons. Number one, because he's  
5 only going to say one of two things. He's -- and he's the person uniquely in the  
6 position to do this. And my other position is if -- I feel like if we made these burdens  
7 it's -- the burden is on the -- on the State now to show that the process is random  
8 and isn't systematically excluding. But the jury commissioner guy, he's going to say  
9 one of two things. He's going to say, A, I don't know because it's outsourced to a  
10 third party vendor. And these are pretty much the two answers we've gotten in other  
11 cases where we actually got the jury commissioner on the stand. He's going to  
12 show -- say a third party vendor deals with this. It's outside my purview; sorry. Well,  
13 if that's true, well then we have -- Court's indulgence.

14 The legis -- the Nevada Legislature specifically has delegated oversight  
15 of the jury process to the commissioner. They've established specific procedures  
16 and requirements to be followed. Under the jury selection statutes the district court  
17 may select a jury commissioner and assign to them the -- the requirements of do I  
18 need jury administration. That's NRS 6.045 subsection 1. However, to him to then  
19 abrogate those duties to a third party vendor is not fulfilling the duties and  
20 procedures put upon him by the district --

21 MR. JONES: Your Honor, at this time --

22 THE COURT: Hold on. Hold on.

23 MR. JONES: -- I'm going to object because --

24 THE COURT: Just let -- just let him finish.

25 MR. JONES: I understand, but now he's saying what he thinks somebody's



1 going to come in here and testify to, that being the jury commissioner. So I think  
2 we're well beyond him making his record now.

3 MR. GASTON: Well, to be fair --

4 THE COURT: I'll let him say whatever he wants to say. I mean, it's just --

5 MR. JONES: Okay.

6 THE COURT: Go ahead. It's argument.

7 MR. GASTON: Thank you.

8 THE COURT: Thank you.

9 MR. GASTON: And the reason I'm saying this is because in the past I've only  
10 heard two answers from the jury commissioner when he's come in. One is the --  
11 what I'm saying, in which case that is also going to be a violation. And the other  
12 he's going to say comes from the DMV records and the utility companies and it's just  
13 randomly pulled. But by -- by going through utility companies and DMV records that  
14 is inherently discriminating against minorities who tend to be of low -- who tend to  
15 have lower so -- economic status. They're going to be under-presented in utility  
16 records. They're going to be under-presented in the DMV records for multiple  
17 reasons. And I could go -- you know, if we end up getting him in here and that's  
18 what he says, I'll go into more detail about all the ways that's been susceptible and  
19 why a lot of other states don't follow their procedures.

20 THE COURT: Okay. Before we go any further --

21 MR. GASTON: Yes, Your Honor.

22 THE COURT: -- make a record as to why you believe in this particular case  
23 minorities are being excluded, one, like you just said, or why you have an argument  
24 that your client is being prejudiced a fair trial in this case because of the issue of  
25 minorities.

1 MR. GASTON: I'm actually glad the Court brought that up. Specifically two  
2 claims. First, because this is a fair cross-section of the community issue, and it's a  
3 structural error, I don't actually have to show any prejudice to meet the requirement.  
4 If it is a violation, it's automatic. It's reversal; we need a new panel. Whatever it is,  
5 it's automatic. The prejudice is not a showing -- if we were just doing an equal  
6 protection claim I would have to show, A, discriminatory intent, and B, prejudice,  
7 among a couple other things. Just pure fair section of cross -- fair cross-section of  
8 the community violation --

9 THE COURT: Okay.

10 MR. GASTON: -- I don't have to show any prejudice.

11 THE COURT: So your argument is not that the prosecution is doing this.

12 MR. GASTON: No.

13 THE COURT: Your argument is that before we even get started that there's  
14 a --

15 MR. GASTON: Correct.

16 THE COURT: -- that there's a violation of technically *Batson* in that.

17 MR. GASTON: Correct.

18 THE COURT: Okay.

19 MR. GASTON: Because of the way Clark County chooses their jurors, we are  
20 systematically excluding -- and they have a history of doing this, and that's the third  
21 prong.

22 THE COURT: So because we choose them by use of driver's license and  
23 registration we're systematically excluding them.

24 MR. GASTON: Well, to be fair, we don't actually -- if that's what he comes in  
25 and says my argument will still be yes, but sometimes he says that we've

1 outsourced this to a third party and I actually don't know. That's still a violation.

2 THE COURT: Okay.

3 MR. GASTON: But whatever process we're using -- and I'm not in a position  
4 to be able to put this --

5 THE COURT: Whatever process, according to your argument, is a violation  
6 period.

7 MR. GASTON: Right. Because of --

8 THE COURT: Period.

9 MR. GASTON: -- because of the statist -- because if we look at the statistical  
10 lack of representation here --

11 THE COURT: Mm-hmm.

12 MR. GASTON: -- there's no way we could use a fair process --

13 THE COURT: Okay. Because you're saying if I had more African Americans,  
14 more Latinos here they would -- first of all, under your question -- because you  
15 prefaced it before, identify themselves that they are -- and I know this in here.  
16 There's a number of individuals wouldn't because one, they probably don't see it  
17 that way like you all do -- like you're making the argument here. But if they did that,  
18 you're saying that there's -- we don't have enough, so we need -- we need 11.5  
19 percent African Americans in my jury panel and we need 30 percent Latinos. And  
20 you're not claiming Asian because there's quite a few Asians [indiscernible]; is that  
21 what you're saying?

22 MR. GASTON: We don't need exactly that many, but we need enough that  
23 could be attributed to random variance and not the systematic exclusion.

24 THE COURT: Okay.

25 MR. GASTON: And it's not just the -- it's not just this absence here.

1 Specifically, the -- in 2005 the -- and this is again to the third prong of where I'm  
2 arguing that Clark County has a history of the systematic exclusion.

3 THE COURT: A history of what?

4 MR. GASTON: Of systematically excluding --

5 THE COURT: So some -- someone has --

6 MR. GASTON: -- African Americans and Latinos.

7 THE COURT: -- someone has made a finding that Clark County has had a  
8 history of systematically excluding. Who's made that finding?

9 MR. GASTON: Not -- not a Court finding --

10 THE COURT: Okay.

11 MR. GASTON: -- but -- not a Court finding, but --

12 THE COURT: But what --

13 MR. GASTON: -- that's part of the issue here.

14 THE COURT: -- your finding?

15 MR. GASTON: No, well -- I'm sorry. Not to get ahead of myself, but to clarify  
16 what I'm saying. A Court in appellate court hasn't actually determined this yet,  
17 although -- although that's not actually true because there was a Court -- usually  
18 when these cases get up on appeal it's because of something different that  
19 happened. And so they -- there has been occasion for them to consider this, but  
20 usually the issue is a little bit different that rises out of this, so nothing directly on  
21 point one way or the other.

22 THE COURT: So what are you asking me to do right now?

23 MR. GASTON: I'm --

24 THE COURT: Let's say -- let's say just for the sake of argument that I -- that I  
25 agree with you. What would you ask the Court to do right now?

1 MR. GASTON: I'm asking one of two things.

2 THE COURT: Okay.

3 MR. GASTON: A, if the Court does agree with me and believes I've met the  
4 prong for the fair cross-section of the community --

5 THE COURT: Mm-hmm.

6 MR. GASTON: -- that would be a structural error; we'd need a new panel  
7 brought in --

8 THE COURT: Okay.

9 MR. GASTON: -- and we'd start the voir dire process over.

10 THE COURT: Okay.

11 MR. GASTON: If the Court --

12 THE COURT: And if I can't get a panel, then resetting a new trial.

13 MR. GASTON: Well, if we can't get a panel within a certain amount of time.

14 THE COURT: If I can't get you another panel here today then I'll just vacate  
15 the trial and reset it.

16 MR. GASTON: And then we can --

17 THE COURT: Set in ordinary -- send it back to the original judge and set it in  
18 ordinary course.

19 MR. GASTON: And that would be unfortunate for my client, but if he's forced  
20 to choose between his right to a speedy trial and his right to have a fair trial --

21 THE COURT: Well, he's already waived his right to a speedy trial. He's  
22 waived that.

23 MR. GASTON: I don't think he did.

24 THE COURT: That's been waived.

25 MR. GASTON: I don't think he waived his rights.

1 THE COURT: Yeah, I just asked. We looked at it.

2 THE COURT CLERK: October 14<sup>th</sup>, 2015 at his initial arraignment.

3 THE COURT: So we're not even talking about that issue. I'm talking about  
4 some -- I mean, you -- but --

5 MR. GASTON: Fair -- fair enough.

6 THE COURT: -- I'm just asking what you want as a remedy.

7 MR. GASTON: My remedy is that we need a new panel. If we're not able --

8 THE COURT: Okay.

9 MR. GASTON: -- to get a new panel then yes we would have to continue the  
10 trial rather than to proceed with a trial that's unfair. And if the Court on the other  
11 hand feels that I haven't actually met my prong --

12 THE COURT: Mm-hmm.

13 MR. GASTON: -- of showing that there's systematic exclusion --

14 THE COURT: Right.

15 MR. GASTON: -- then I think the alternative isn't just to deny the claim; it's to  
16 allow us to question the jury commissioner on these issues.

17 THE COURT: Do you want --

18 MR. JONES: I would just argue he hasn't made the showing, Your Honor. I  
19 think the fact our own panel here shows that it's nothing really but a random  
20 selection of people within the community. I think defense themselves says that  
21 there's seven Asian Americans in this room. I showed eight reading their responses  
22 in the juror selection list when I did my count, so Asian Americans seem to be over-  
23 represented. Pacific Islanders I show one, which seems to be about where they lie  
24 in the community. African Americans, the defense says three, which is I think  
25 around six percent when you do the math, maybe a little bit more, so we're getting

1 close to the 11 percent. There are two people who identify as other; two people who  
2 identify as Hispanic. And again, these are what they are self-identify as, Your  
3 Honor, not necessarily what -- what they legally are, if that makes -- self-  
4 identification.

5 Secondly -- so we've got some high, some low. That's exactly what you  
6 would look for when you're talking about some -- a random variation of the cross-  
7 section of the community. That's exactly what you would see here and that's what  
8 we have. So I don't think we have anything in this courtroom other than a random  
9 selection. And when I did my count, Your Honor, I believe I got 16 folks who are  
10 claiming a minority class of the 45 that we brought in here. That's close to 40  
11 percent of the individuals in this room are claiming to be a minority. That's huge.  
12 So quite frankly I don't think Defendant has -- has met their burden, and at this point  
13 we don't need to bring in the jury commissioner.

14 THE COURT: Okay.

15 MR. GASTON: May I respond very briefly?

16 THE COURT: Sure. Mm-hmm.

17 MR. GASTON: What the State just did at the end, basically just aggregate all  
18 the minorities in the same class and said it looks like it's 40 percent therefore we  
19 have about the same amount of minorities --

20 THE COURT: Well, isn't the term minority mean --

21 MR. GASTON: Well, specifically --

22 THE COURT: -- something -- together --

23 MR. GASTON: Sure, but that's not the way that we're supposed to do this  
24 with the analysis. The analysis is their distinctive class that's being discriminated  
25 against and there is. I mean, A, African Americans six percent as opposed to the

1 11 ½ percent we'd expect to see. And then even more -- more egregious is the  
2 Latinos. And I think if --

3 THE COURT: Well, the problem with that -- the concern I have with that is  
4 your numbers. When you talk about 30 percent because you're basing on -- on the  
5 -- on the consensus. When you have to look at -- do you also take into  
6 consideration individuals that are here properly --

7 MR. GASTON: Well --

8 THE COURT: -- or do we just count the number that are here -- because I  
9 remember the last census they were saying not everybody identify themselves --  
10 everybody identify themselves even if you're not here legally because if you're  
11 undocumented -- because it helps with the consensus when it came to money that  
12 came to Nevada. And so I'm wondering with that. Did you -- does your calculation  
13 consider that as well?

14 MR. GASTON: No. We grouped Latinos as 30 percent. If they were taking  
15 not United States citizens into account, then obviously that would skew the  
16 numbers, and I think that's a good point.

17 THE COURT: Well, does it matter then?

18 MR. GASTON: Well, I think it absolutely matters. If you can't have United  
19 States citizens --

20 THE COURT: Mm-hmm.

21 MR. GASTON: -- serve on the jury -- but again, I'm not sure what the process  
22 is. If someone who gets --

23 THE COURT: Well, for that purpose -- I don't mean to keep --

24 MR. GASTON: No.

25 THE COURT: -- interrupting you, but one of the individuals that left, Ms.



1 Cotton --

2 MR. GASTON: Was not --

3 THE COURT: -- she said she was from Mexico, and that would be -- I  
4 mean --

5 MR. GASTON: Well, we count --

6 THE COURT: -- I don't know.

7 MR. GASTON: -- we counted her -- we counted her as a Latino for the  
8 purposes of being on the jury as well.

9 THE COURT: Mm-hmm.

10 MR. GASTON: I guess if you get -- I'm sure -- I'm not sure exactly how the  
11 summons works. If you get the summons --

12 THE COURT: No, it wasn't --

13 MR. GASTON: -- and you can write in --

14 THE COURT: I'm sorry. It wasn't Ms. Cotton.

15 MR. JONES: She did not answer. No, it wasn't --

16 THE COURT: It wasn't.

17 MR. JONES: -- Ms. Cotton, Your Honor.

18 THE COURT: Yeah.

19 MR. JONES: It was Ms. Vining-Cardenas. And I'll point out on her answer --

20 THE COURT: Right.

21 MR. JONES: -- she did not answer --

22 THE COURT: Yeah.

23 MR. JONES: -- that question on the jury --

24 MR. GASTON: I mean, for purposes of this argument we can assume all the  
25 people who didn't answer or chose other identify as Latino and you're still a third of

1 the way to 30 percent.

2 THE COURT: Mm-hmm.

3 MR. GASTON: But my point is, if they get the -- if they get the jury question  
4 and they're able to write in and say I'm not a United States citizen and they don't  
5 have to show up then, yeah, I think that should skew the numbers a little bit and this  
6 isn't exactly correct. It's still statistically significant, but not exactly correct. If  
7 instead they have to show up and then be here and then say they're not a United  
8 States citizen, well then we would expect them to be represented here and it  
9 wouldn't actually make a difference.

10 THE COURT: All right. Okay.

11 MR. JONES: And I just want to address --

12 THE COURT: I understand. No, I --

13 MR. JONES: -- real quick. I'm not just grump -- grouping people. And maybe  
14 it was in inartful to say, but -- I mean, we got one, two, three, four, five. I show at  
15 least -- plus Caucasian, six distinct groups represented in this courtroom today.

16 THE COURT: Mm-hmm.

17 MR. JONES: I think that's important to note for the record.

18 THE COURT: Okay. All right. I understand. And I do believe that the burden  
19 of the defense is to show that there is a systematic exclusion and I'm not accepting  
20 that -- that you've done that. Now I'm not -- I'm not preventing you also from making  
21 a further argument in the event that there's something shown by the prosecution in  
22 this proceeding. But your argument is that it's systematic exclusion in the selection  
23 process before it even gets here; is that correct?

24 MR. GASTON: Yes, Your -- yes.

25 THE COURT: Yeah, I don't find that you've established that.

1 MR. GASTON: Thank you.

2 THE COURT: So for purposes of this hearing I'm denying your request.

3 So -- all right. Anything further?

4 MR. JONES: Yes, and I --

5 MR. GASTON: I'm sorry. To clarify on that -- I'm sorry.

6 MR. JONES: Go ahead.

7 THE COURT: Are we ever going to get to the facts of this case?

8 MR. GASTON: I'm sorry.

9 THE COURT: Okay.

10 MR. GASTON: Am I -- just to clarify. My request to call in the jury  
11 commissioner for further evidence is also denied; correct?

12 THE COURT: Yes.

13 MR. GASTON: Okay. Thank you.

14 THE COURT: I think you probably should have done that earlier than trying to  
15 do it at the time of trial.

16 MR. GASTON: The jury selection issue?

17 THE COURT: Yes.

18 MR. GASTON: Well, unfortunate --

19 THE COURT: Because -- well, your argument's the same.

20 MR. GASTON: Well --

21 THE COURT: Your argument's the same. And if you put the Court on notice  
22 at least I have an opportunity to be prepared on that. That's the whole purpose of  
23 noticing the Court ahead of time rather than at the time of trial.

24 MR. GASTON: Unfortunate -- hard for me to do that though so I got to take --  
25 I got to count up the jurors before -- because I can't get past the first two prongs

1 unless I count up the jurors to --

2 THE COURT: Well, you can always put the Court on notice because you're  
3 saying -- that you're saying ahead of time, before it even gets here, they are  
4 systematically excluding.

5 MR. GASTON: Correct.

6 THE COURT: And so you have to show me something prior to this. The  
7 systematic that happens in the process and you've not done that. You just said this  
8 jury panel it's established systematic exclusion and I don't see that.

9 MR. GASTON: Thank, you, Your Honor.

10 THE COURT: Okay. Did you want to add anything?

11 MR. JONES: Just briefly, Your Honor, and just scheduling purposes. My  
12 three victims that I plan on calling all work in Mesquite.

13 THE COURT: Okay.

14 MR. JONES: Today I tentatively have them coming in at 2 p.m., but it does  
15 not look like we're going to get to them today, so --

16 THE COURT: Why not? We'll get a jury in another hour or so maybe. I  
17 mean, you guys are close to that now.

18 MR. JONES: I think so, but we've got two witnesses who will probably take  
19 an hour -- over an hour.

20 THE COURT: We can only go till five, so have your -- have your people --

21 MR. JONES: See --

22 THE COURT: -- ready to go.

23 MR. JONES: -- well, see I don't want to bring them -- to Mesquite if we don't  
24 get to them because they got to shut their businesses down --

25 THE COURT: Then bring someone else in.

1 MR. JONES: But we only have -- I think we're going to have five witnesses,  
2 the two people plus the three victims.

3 MR. GASTON: To be -- to be fair to the State. Even if -- even if we -- even if  
4 we don't start tomorrow until like ten or eleven, I suspect we'll submit this case to the  
5 jury at one. I mean -- those three witnesses he's mentioning will take a total of --

6 [Colloquy between the Court and the clerk]

7 MR. GASTON: To be fair, the only two witnesses that are going to take any  
8 time are the ones we're going to do today.

9 MR. JONES: Well, this is why I wanted --

10 THE COURT: Okay.

11 MR. JONES: -- to address the Court. I will bring them in if -- if we are running  
12 late, can we stay a little later to get them on?

13 THE COURT: Well, I don't --

14 MR. JONES: I don't want to have them shut their business today, then tell  
15 them, oh, sorry, we didn't get to you. Shut your business tomorrow too --

16 THE COURT: Mm-hmm.

17 MR. JONES: -- and we'll call you then.

18 THE COURT: So you're asking me to go beyond five?

19 MR. JONES: If I bring them down -- or we can just say once we get done with  
20 the two wit --

21 THE COURT: So -- so what's your -- what are you anticipating that we have a  
22 jury -- let's say we get a jury by three o'clock. You do your openings -- probably a  
23 half hour each. I'll give you --

24 MR. JONES: That would --

25 THE COURT: -- that's four o'clock.

1 MR. JONES: -- very generous. I'll be like --  
2 THE COURT: I mean, I can't imagine --  
3 MR. JONES: -- five minutes.  
4 THE COURT: -- well, I don't know. I listened to Mr. Gaston.  
5 MR. JONES: Yeah.  
6 THE COURT: If he does his opening --  
7 MR. HOWELL: I'm doing the open, Judge.  
8 THE COURT: -- it might be --  
9 MR. HOWELL: I got -- I speak a little -- a little less.  
10 THE COURT: Okay.  
11 MR. HOWELL: A little more brief.  
12 THE COURT: Okay. So let's say -- if we get a jury by three -- if we're lucky  
13 and get a jury by three, then you have -- you have a half hour in openings, so it's  
14 3:30.  
15 MR. JONES: Which is generous.  
16 THE COURT: So then -- 3:30 you probably --  
17 MR. JONES: And -- well, it's probably going to be over an hour for each of  
18 those witnesses.  
19 THE COURT: Geez. Okay.  
20 MR. GASTON: For what it's worth -- for what it's worth on the three victims --  
21 I mean, to make -- I offered this earlier, this rejected it, but I did offer a stipulation.  
22 Those witnesses that he's talking about, the three -- the three victims, my  
23 understanding is the main goal of that is them to come in and say I own these cards,  
24 he didn't have permission to have the cards.  
25 THE COURT: Mm-hmm.

1 MR. GASTON: If that's [indiscernible] I'm offering to stipulate that those --  
2 every card that they have the photo of belongs to that family and my client didn't  
3 have permission to have those cards. That's a stipulation I'm willing to offer. I don't  
4 know if they want to accept it. They might just want to have witnesses come in, but  
5 to make it easy -- that's not --

6 THE COURT: Those witnesses --

7 MR. GASTON: -- none of that's in contest.

8 THE COURT: -- you think are going to take -- there's three of them you take  
9 -- will take an hour.

10 MR. JONES: They'll be quick. Those witnesses will be quick.

11 THE COURT: Okay. Those are the three you're bringing?

12 MR. JONES: Those are the three I'm bringing in.

13 THE COURT: Okay. Well, it's --

14 MR. JONES: Have --

15 THE COURT: You have to decide. Whatever you want to do. I would  
16 anticipate -- I'm hoping by 3:30 we have a -- have a jury. So be ready to go and  
17 however you want to do. If you want -- if they come down and we need to go a little  
18 bit longer I'm willing to do that. I'm not beyond that. That's not a problem for me,  
19 so --

20 MR. JONES: Okay. Then -- I just wanted to clarify for scheduling purposes.  
21 Thank you, Your Honor.

22 THE COURT: Okay. All right.

23 MR. GASTON: And, Your Honor, do you want us to exchange jury  
24 instructions and discuss this tomorrow morning when we come in before closing; is  
25 that how you'd like us to do that?

1 MR. JONES: I did --  
2 MR. GASTON: Because the State has a copy of their jury instructions --  
3 THE COURT: Yeah.  
4 MR. GASTON: -- that they said they -- I think they just filed --  
5 THE COURT: I have it. They --  
6 MR. JONES: I gave it to your --  
7 THE COURT: -- they sent it to my --  
8 MR. JONES: -- JEA, Your Honor.  
9 THE COURT: Yeah, I got --  
10 MR. GASTON: And he said he's going to email it to me or hand it to me.  
11 THE COURT: Okay.  
12 MR. GASTON: We obviously haven't exchanged them yet, but is -- is -- the  
13 goal in this point that we just exchange them today and work on them tonight --  
14 THE COURT: Yeah.  
15 MR. GASTON: -- discuss them tomorrow morning.  
16 THE COURT: Mm-hmm.  
17 MR. GASTON: Okay.  
18 MR. JONES: Thank you, Your Honor.  
19 MR. GASTON: Thank you.  
20 [Recess taken at 11:49 p.m.]  
21 [Proceedings resumed 12:53 p.m.]  
22 [Outside the presence of the prospective jury panel]  
23 THE MARSHAL: Please remain seated. Department 19 is back in session.  
24 THE COURT: Okay.  
25 MR. HOWELL: We have just one request before we bring them in.



1 THE COURT: Well, I need to get on the record. We're --

2 THE COURT RECORDER: We're on.

3 THE COURT: Okay. We're on the record in the State of Nevada versus  
4 Sayedbashe Sayedzada. This is C310000. The record will reflect the presence of  
5 the Defendant and his counsel, as well as the State and their counsel.

6 MR. GASTON: Your Honor -- thank you.

7 I didn't mention this in -- originally in -- when we were discussing the  
8 jury issues. We referenced extensively the juror questionnaire, specifically how they  
9 identified race and didn't identify race. I would just ask that we're able to put that  
10 into the record so it's available to -- that the jury questionnaire's available in the  
11 record to the appeals court.

12 THE COURT: Everything I'm being asked is in the record.

13 MR. GASTON: Right, but the --

14 MR. HOWELL: The actual jury question --

15 MR. GASTON: -- the actual jury questionnaire where they identified their race  
16 on the jury questionnaires, so that --

17 THE COURT: Oh, you want to be part -- make it part of the record?

18 MR. GASTON: Yes.

19 MR. HOWELL: Yes, Your Honor.

20 THE COURT: I don't have any objection.

21 MR. JONES: Isn't this normally part of the record?

22 THE COURT: I -- I'm not sure. I think it is.

23 THE COURT CLERK: Yeah.

24 MR. HOWELL: I think we have to request.

25 THE COURT: Yeah, I always make a back --

1 MR. JONES: Oh, I always thought --  
2 THE COURT CLERK: Yeah, it's a left-side file. It goes up --  
3 THE COURT: Yeah.  
4 THE COURT CLERK: -- it goes up [indiscernible].  
5 THE COURT: Mm-hmm.  
6 MR. JONES: Yeah, I thought it was naturally part of the record.  
7 MR. GASTON: Well, I'm sorry. Thanks.  
8 THE COURT: Okay. We ready?  
9 MR. DICKERSON: We are, Your Honor.  
10 MR. HOWELL: Sure. And we just want to make sure that -- if just in case,  
11 that is ordered; that it's part of the record.  
12 THE COURT: Yeah, that's fine.  
13 THE COURT CLERK: Yeah, it's left-side filed. It goes up anyways  
14 [indiscernible].  
15 THE COURT: Jim, bring the jury in.  
16 THE COURT: Yeah, I always -- always have the one -- the normal one. It's  
17 always part of the record.  
18 MR. JONES: And, Your Honor, I told the Black family I'd text them around  
19 two to see if we're going to get to them or not.  
20 THE COURT: Okay.  
21 MR. JONES: So if you see me texting around two I just want you to know  
22 that's probably what I'm doing.  
23 THE COURT: All right. Okay.  
24 [In the presence of the prospective jury panel]  
25 THE MARSHAL: Please remain seated. Department is back in session.

1 THE COURT: Okay. We're back on the record in the case of State of  
2 Nevada versus Sayedbashe Sayedzada in C31000. I'd like the record to reflect the  
3 presence of the Defendant and his counsel, as well as the State and their counsel,  
4 all members of the jury panel.

5 Will the parties stipulate to the presence of the jury panel.

6 MR. JONES: Yes, Your Honor.

7 MR. GASTON: Yes, Your Honor.

8 THE COURT: Okay. Before we took a break I had ended with the questions I  
9 had. Did the State want to inquire?

10 MR. DICKERSON: Yes, Your Honor.

11 THE COURT: Okay. Mr. Dickerson.

12 MR. DICKERSON: May I proceed?

13 THE COURT: Yes.

14 MR. DICKERSON: Good afternoon, folks. Once again, I'm Mike Dickerson  
15 on behalf of the State. I'm just going to start by asking a few questions of each of  
16 you and then we'll open it up to the audience.

17 Ms. Stokes, I just wanted to talk to you real quick. Do you -- do you feel  
18 like you could follow the law in this case. Whatever is present to you would you be  
19 able to do just that?

20 PROSPECTIVE JUROR #034: Follow the law?

21 MR. DICKERSON: Yes, ma'am.

22 PROSPECTIVE JUROR #034: Yes.

23 MR. DICKERSON: And would you agree with me that -- the jury isn't there to  
24 rewrite the law?

25 PROSPECTIVE JUROR #034: Yes.

1 MR. DICKERSON: Would anybody else in the jury panel disagree with that  
2 statement that the jury is not here to rewrite the law?

3 Now --

4 THE COURT: For the record, no one raised their hands, Mr. Dickerson.  
5 Okay.

6 MR. DICKERSON: Thank you, Your Honor.

7 Ms. Bridgewater, same thing to you. Would you be able to follow the  
8 law?

9 PROSPECTIVE JUROR #037: Yes.

10 MR. DICKERSON: Now if the Court were to instruct you that the law was one  
11 thing, but you did not agree with it, would you still then be able to follow the law?

12 PROSPECTIVE JUROR #037: Yes.

13 MR. DICKERSON: And, Ms. Davey --

14 PROSPECTIVE JUROR #015: Yes.

15 MR. DICKERSON: -- do you have any qualms about your jury participation  
16 today?

17 PROSPECTIVE JUROR #015: No.

18 MR. DICKERSON: Do you feel that you would be able to be fair and impartial  
19 to Defendant in this case?

20 PROSPECTIVE JUROR #015: Yes.

21 MR. DICKERSON: And do you feel that you'd be able to be fair and impartial  
22 to the State?

23 PROSPECTIVE JUROR #015: Yes.

24 MR. DICKERSON: Ms. Shuey-Ridges --

25 PROSPECTIVE JUROR #038: Yes.

1 THE COURT: Make sure you put their badge number on the record; okay?

2 MR. DICKERSON: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. DICKERSON: Badge number 038.

5 PROSPECTIVE JUROR #038: Yes.

6 MR. DICKERSON: You said you were a victim of a crime?

7 PROSPECTIVE JUROR #038: Yes, fraud and credit card bill.

8 MR. DICKERSON: And how has becoming a victim of fraud and credit card  
9 theft affected your idea of the criminal justice system?

10 PROSPECTIVE JUROR #038: Well, it didn't really go to the justice system of  
11 the -- I just took care of it with the bank and closed my accounts and signed papers  
12 that I would testify if they found out who stole my identity.

13 MR. DICKERSON: And they never found out?

14 PROSPECTIVE JUROR #038: Hmm-mm.

15 MR. DICKERSON: Now --

16 THE COURT: Is that a no, ma'am?

17 PROSPECTIVE JUROR #038: That's a no.

18 THE COURT: Okay.

19 MR. DICKERSON: Does that experience leave you feeling like you can't be  
20 fair and impartial today in this case to this Defendant?

21 PROSPECTIVE JUROR #038: I don't think so.

22 MR. DICKERSON: You feel like you could fairly listen to the evidence --

23 PROSPECTIVE JUROR #038: Yes.

24 MR. DICKERSON: -- and judge -- judge it as it comes out?

25 PROSPECTIVE JUROR #038: Yes, I believe so.

1 MR. DICKERSON: Thank you, Ms. Shuey-Ridges.

2 Ms. Rich, you were also a victim of crime; isn't that correct?

3 PROSPECTIVE JUROR #029: Correct.

4 MR. DICKERSON: And that was fraud and the auto burglary?

5 PROSPECTIVE JUROR #029: Yes.

6 MR. DICKERSON: And how did that experience affect you and your view of  
7 society and the criminal justice system?

8 PROSPECTIVE JUROR #029: I have no problems with the criminal justice  
9 system. Personally, it makes you angry, but who wouldn't be.

10 MR. DICKERSON: Absolutely understandable. Now taking that experience,  
11 are you able to take that for what it is, but still be fair and impartial in your judgment  
12 of any evidence that comes out today?

13 PROSPECTIVE JUROR #029: I believe so.

14 MR. DICKERSON: And so you won't hold that experience against this  
15 Defendant?

16 PROSPECTIVE JUROR #029: No.

17 MR. DICKERSON: Now, ladies and gentlemen, would you all agree with me,  
18 raise your hand if you don't, that shows like CSI and Law and Order are make  
19 believe and that many of the things that happen in those shows don't actually even  
20 exist in real life? Seeing now hands.

21 PROSPECTIVE JUROR #029: I'm not sure I -- the question again.

22 MR. DICKERSON: Said shows like CSI, different crime dramas, things that  
23 happen, forensic techniques, the way that trials here and over in 15 minutes, things  
24 like that. That they're make believe a they're used for dramatic TV; you would agree  
25 with that?

1 PROSPECTIVE JUROR #029: I would.

2 MR. DICKERSON: Now --

3 THE COURT: For the record, that's Ms. Rich, badge number --

4 MR. DICKERSON: Badge number --

5 PROSPECTIVE JUROR #029: 029.

6 MR. DICKERSON: -- 029.

7 THE COURT: Okay.

8 MR. DICKERSON: Thank you, Ms. Rich.

9 With that in mind, is there anybody that feels like they would require  
10 forensic evidence in a case to convict somebody? Seeing no hands.

11 Ms. Rich, 028 [sic].

12 PROSPECTIVE JUROR #029: Nine.

13 MR. DICKERSON: 029. Is there something?

14 PROSPECTIVE JUROR #029: No.

15 MR. DICKERSON: Okay. Nothing in fact.

16 So does everybody feel like if the evidence came out beyond a  
17 reasonable doubt that the Defendant was guilty, but that evidence was based solely  
18 upon witness testimony, does everybody here feel like they could take that evidence  
19 and then find the Defendant guilty? Does anybody feel that they can't do that,  
20 please raise your hand? Seeing no hands.

21 I just want to talk to you guys a little bit about your experience with the  
22 criminal justice system, with law enforcement in general. Is there anybody that has  
23 negative feels about law enforcement? And is there anybody that has -- had a  
24 negative interaction with a police officer?

25 MR. DICKERSON: Now --

1 THE COURT: Just for the record, no one raised their hand.

2 MR. DICKERSON: Now I also want to talk to you about private security  
3 guards -- private security officers. Has anybody had -- does anybody have any  
4 negative feelings or ill-will towards private security officers?

5 Would everybody here agree with me, raise your hands if you don't,  
6 that private security officers tend to do good in neighborhoods? Seeing no hands.

7 And raise your hand if you can't, but would everybody here be able to  
8 listen to a private security officer's testimony objectively? If you can't, please raise  
9 your hand. Seeing no hands.

10 Now does everybody here carry debit or credit cards on them? If you  
11 don't just raise your hand. Seeing no hands.

12 Does -- does anybody here have a credit or debit card that they use for  
13 a specific purpose?

14 MR. DICKERSON: Ms. Aaron --

15 PROSPECTIVE JUROR #005: Yeah.

16 MR. DICKERSON: -- in the back. That's badge number 005; is that right?

17 PROSPECTIVE JUROR #005: Yes.

18 MR. DICKERSON: You said you have a credit card that you use for a specific  
19 purpose, what is that?

20 PROSPECTIVE JUROR #005: Online purchases.

21 MR. DICKERSON: Okay. Does anybody else have a credit card that they  
22 use for online purposes? Ms. Ridges, 028 [sic].

23 PROSPECTIVE JUROR #038: 038.

24 MR. DICKERSON: 038. What -- what do you use your card for?

25 PROSPECTIVE JUROR #038: For online purchases and spending.



1 MR. DICKERSON: And --  
2 PROSPECTIVE JUROR #033: Online purchases.  
3 MR. DICKERSON: And that's Ms. Bagan --  
4 PROSPECTIVE JUROR #033: Yes.  
5 MR. DICKERSON: -- 033.  
6 PROSPECTIVE JUROR #033: Yes.  
7 MR. DICKERSON: Now does anybody carry a card on them that they never  
8 plan to use?  
9 Yes, ma'am. Ms. Terry --  
10 PROSPECTIVE JUROR #043: Yes.  
11 MR. DICKERSON: -- badge 043.  
12 PROSPECTIVE JUROR #043: Yes.  
13 MR. DICKERSON: What do you carry?  
14 PROSPECTIVE JUROR #043: I have a card that I use strictly for  
15 emergencies, so I never hope to use it.  
16 MR. DICKERSON: You never hope to use it, but you carry it on you just in  
17 case that comes up. Does anybody else do that?  
18 Yes, sir. Ms. Lac -- Mr. Lac --  
19 PROSPECTIVE JUROR #031: Yeah.  
20 MR. DICKERSON: -- badge number 031.  
21 PROSPECTIVE JUROR #031: Yeah.  
22 MR. DICKERSON: What do you carry?  
23 PROSPECTIVE JUROR #031: I carry a credit card for the same reason.  
24 MR. DICKERSON: Same reasons. Just in case something comes up --  
25 PROSPECTIVE JUROR #031: Yeah.

1 MR. DICKERSON: -- you have the money available.

2 PROSPECTIVE JUROR #031: Yeah.

3 MR. DICKERSON: Now --

4 THE COURT: I believe Mr. Kwan had his hand up too; is that --

5 MR. DICKERSON: Mr. Kwan, I'm sorry. That's -- what badge number are  
6 you, Mr. Quan.

7 THE COURT: 011.

8 PROSPECTIVE JUROR #011: 011.

9 MR. DICKERSON: What do you carry?

10 PROSPECTIVE JUROR #011: A credit card just for emergencies.

11 MR. DICKERSON: Same thing? And do you guys carry that -- do you carry  
12 that with you every day?

13 PROSPECTIVE JUROR #011: Yes.

14 MR. DICKERSON: Just in case something comes up and you want to use it?

15 PROSPECTIVE JUROR #011: [No audible response.]

16 THE COURT: Is that a yes, sir?

17 PROSPECTIVE JUROR #011: Yes.

18 THE COURT: Okay.

19 MR. DICKERSON: Now -- have any of you ever found an item of personal  
20 property that belonged to somebody else? All right. We'll start in the back.

21 Ms. Aaron again, badge number 005.

22 PROSPECTIVE JUROR #005: Yeah.

23 MR. DICKERSON: What have you found?

24 PROSPECTIVE JUROR #005: A wallet.

25 MR. DICKERSON: A wallet?

1 PROSPECTIVE JUROR #005: Yeah.

2 MR. DICKERSON: And what did you do when you found that wallet?

3 PROSPECTIVE JUROR #005: Took it down to the Metro police department.

4 They don't come out when you ring. Well, they're busy.

5 MR. DICKERSON: Well, thank you for doing that.

6 We also had Mr. Kwan --

7 PROSPECTIVE JUROR #011: Yes.

8 MR. DICKERSON: -- badge number 011.

9 PROSPECTIVE JUROR #011: Yes.

10 MR. DICKERSON: What did you find?

11 PROSPECTIVE JUROR #011: Her purse, IDs, medical information, a variety  
12 of things.

13 MR. DICKERSON: And what did you do when you found that?

14 PROSPECTIVE JUROR #011: I usually hold it for a 24 hour period, and if the  
15 person does not come get it I [indiscernible].

16 MR. DICKERSON: This happened on multiple occasions?

17 PROSPECTIVE JUROR #011: Lots of occasions.

18 MR. DICKERSON: And who else? Can I just see some hands.

19 Right back there Ms. Struck [sic], badge number 003.

20 PROSPECTIVE JUROR #003: Stuck.

21 MR. DICKERSON: Stuck. I'm sorry.

22 What have you found, Ms. Stuck?

23 PROSPECTIVE JUROR #003: Oh, when I was in Pittsburgh I found a wallet  
24 on a city bus.

25 MR. DICKERSON: And what did you do with it?

1 PROSPECTIVE JUROR #003: Well, I looked to see if there was an ID to see  
2 if there -- if it was anybody around me. And then as I was getting off the bus I  
3 handed it to the bus driver to hand in.

4 MR. DICKERSON: Thanks,

5 Now did I see a hand over here with Ms. Davey?

6 PROSPECTIVE JUROR #015: Yes.

7 MR. DICKERSON: Badge number 015.

8 PROSPECTIVE JUROR #015: It happens frequently at work. People leave  
9 their cell phones, sunglasses -- they leave their cell phones, sunglasses on the table  
10 and we give it to management, along with the receipt because a lot of times they're  
11 guests at the hotel, so [indiscernible].

12 MR. DICKERSON: Is that the procedure?

13 PROSPECTIVE JUROR #015: It is. And then they turn it over to security.

14 MR. DICKERSON: Okay. Anybody else here in the front?

15 Yes. We'll start with Ms. Robles, badge number 023.

16 PROSPECTIVE JUROR #023: Yeah, money, cell phones --

17 THE MARSHAL: Wait for the mic, please.

18 PROSPECTIVE JUROR #023: Money, cell phones, cards. Just wherever I  
19 found it I've turned it in, you know, to the person at the store or wherever it's been  
20 found letting them know where I found it --

21 MR. DICKERSON: Great.

22 PROSPECTIVE JUROR #023: -- in case the person comes back.

23 MR. DICKERSON: Great.

24 And Ms. Ridges, badge number 038.

25 PROSPECTIVE JUROR #038: Yes, I've found money and credit cards

1 sticking out of a bank ATM machine.

2 MR. DICKERSON: Oh, wow. And what did you do?

3 PROSPECTIVE JUROR #038: Took it inside the bank and gave it to the  
4 teller.

5 MR. DICKERSON: Oh, very nice.

6 Now when you try to think about what someone else is thinking, this  
7 comes into play sometimes when you might see something in the distance and, you  
8 know, you're not talking to the person, so you're not quite sure what their -- they  
9 can't tell you what -- what they're thinking. But let's say if you were to look in the  
10 distance, you see a man. He's standing in the -- as the sun is setting and he has a  
11 woman in front of him, and the man gets down on one knee and pulls a little box out  
12 of his pocket. Do you all feel like you would know what that man is thinking and  
13 what he intends to do? Is there anybody here that feels like they don't know what  
14 that man intends to do?

15 Yes, sir. We have Mr. Storr, badge number 013.

16 PROSPECTIVE JUROR #013: Correct. Well, you preface that with he's out  
17 in the distance. I can't tell how far away it is. I don't know if the woman is 15 feet  
18 this side or 30 feet that side. Being a pilot I kinda pay attention -- or I try to pay  
19 attention to those kinda things. So, yeah, you can't -- you can generalize that I think  
20 that's what's happening. I don't know for sure.

21 MR. DICKERSON: What do you think is happening?

22 PROSPECTIVE JUROR #013: I think he's proposing, but he could also be  
23 trying to fix a car that you can't see.

24 MR. DICKERSON: Absolutely. Absolutely.

25 Court's brief indulgence.

1           So, Mr. Kwan, badge number 011. You said that when you found  
2 property in the past you keep it for 24 hours.

3           PROSPECTIVE JUROR #011: Yeah, that's at work.

4           MR. DICKERSON: That's at work?

5           PROSPECTIVE JUROR #011: Yes.

6           MR. DICKERSON: Is that like the policy --

7           PROSPECTIVE JUROR #011: Yes.

8           MR. DICKERSON: -- at work? And how does that work?

9           PROSPECTIVE JUROR #011: Works out quite well.

10          MR. DICKERSON: No, how does the policy -- I would imagine it does. But  
11 how does the policy come into play?

12          PROSPECTIVE JUROR #011: Well, at lot of times when we do find items in  
13 the beginning we turn it into the police or wherever it belongs to immediately the  
14 person comes back looking for it. And they have to go through whatever red tape to  
15 get it, so it makes it a lot easier that way.

16          MR. DICKERSON: And so who came -- they came up with the policy that --  
17 hold onto the property?

18          PROSPECTIVE JUROR #011: Yes.

19          MR. DICKERSON: And where do you hold on to that property?

20          PROSPECTIVE JUROR #011: Usually it's right at the front office.

21          MR. DICKERSON: And who came up with that policy?

22          PROSPECTIVE JUROR #011: The owner of the property.

23          MR. DICKERSON: Now, Mr. Storr, going back to our man in the distance.  
24 What would make you feel more comfortable that this man is in fact proposing?

25          PROSPECTIVE JUROR #013: If I had another piece of evidence that would

1 go with it that would -- as I fly airplanes, I've got several different instruments that --  
2 I'm always cross checking both instruments -- or all three instruments to make sure  
3 they're all saying about the same thing. And if they are, then I can assume that  
4 what this one is telling me is true.

5 MR. DICKERSON: And so how do you relate your experience flying airplanes  
6 and needing triple confirmation of things to your actual life?

7 PROSPECTIVE JUROR #013: Oh, I use it every day driving down I15. Oh,  
8 my God, you're looking -- situational awareness. I know what's happened to me --  
9 behind me. I know what's happening right now, which is beside me, and I know  
10 what's going to happen in the future --

11 MR. DICKERSON: Absolutely.

12 PROSPECTIVE JUROR #013: -- and that's -- that's all aviation is about.

13 MR. DICKERSON: And how long have you been a pilot, sir?

14 PROSPECTIVE JUROR #013: 1989. So it will be 30 years in 2019, so  
15 what's that, 17 --

16 MR. DICKERSON: Yeah.

17 PROSPECTIVE JUROR #013: -- or 27, excuse me.

18 MR. DICKERSON: Excuse me. Court's brief indulgence.

19 Now, Ms. Bagan -- Bagan?

20 PROSPECTIVE JUROR #033: Bagan?

21 MR. DICKERSON: Bagan. You were -- [indiscernible] the executive assistant  
22 for the bishop.

23 PROSPECTIVE JUROR #033: Mm-hmm.

24 MR. DICKERSON: And how long did you do that for?

25 PROSPECTIVE JUROR #033: That particular job for 18 years.

1 MR. DICKERSON: Wow. And do you feel that -- with your experience there,  
2 and with the bishop, and with the church, that you would be able to pass judgment  
3 on another individual?

4 PROSPECTIVE JUROR #033: Well, it would depend on what the situation is.

5 MR. DICKERSON: Let's say that the evidence comes out and it shows that  
6 the Defendant, beyond a reasonable doubt, committed the crimes that he's charged.

7 PROSPECTIVE JUROR #033: Mm-hmm.

8 MR. DICKERSON: Would you be able to come out here and say guilty?

9 PROSPECTIVE JUROR #033: Yes.

10 MR. DICKERSON: And how do you know that?

11 PROSPECTIVE JUROR #033: Well, because I would follow the law and what  
12 was asked of me.

13 MR. DICKERSON: Absolutely.

14 PROSPECTIVE JUROR #033: So if -- if the evidence totally proved that the  
15 person was guilty of the crime, then absolutely I would.

16 MR. DICKERSON: I appreciate that very much.

17 And now with that same concept in mind, for everybody here, is there  
18 anybody that feels like they would answer that question different than Ms. Bagan?  
19 Everybody feels that they can answer the law -- or follow the law? And seeing no  
20 hands otherwise.

21 And everybody feels that -- could everybody tell me that -- make the  
22 promise that if the State proves beyond a reasonable doubt that the Defendant  
23 committed these crimes charged, each one of you could come out here individually  
24 and say that he's guilty? Can anybody not do that? Seeing now hands.

25 I have no further questions for the panel.



1 THE COURT: Okay. Thank you, Mr. Dickerson.

2 Mr. Howell, Mr. Gaston.

3 MR. GASTON: Thank you, Your Honor.

4 THE COURT: Mr. Gaston.

5 MR. GASTON: My name is Tyler Gaston. I am a criminal defense attorney;  
6 okay. So I want to start by asking a question. Does anyone know a lawyer joke?  
7 Someone has to know a lawyer joke. Would somebody be brave enough to tell a  
8 lawyer joke? Raise your hand if you want to tell your joke. Someone -- if you --

9 All right. So why does California get all the lawyers and New Jersey  
10 gets all the toxic waste dumps? New Jersey got to choose first. Seriously though,  
11 as many people who are sitting here probably know a lawyer joke; all right. And if  
12 anyone is the brunt of more lawyer jokes it's got to be criminal defense attorneys;  
13 okay. So I want to ask a couple questions.

14 And, Ms. Rich, I actually -- Ms. Rich; right?

15 PROSPECTIVE JUROR #029: Yes.

16 MR. GASTON: I want to ask you first. Before I get to there -- you were the  
17 one -- you were a victim of fraud and auto burglary on multiple occasions; right?

18 PROSPECTIVE JUROR #029: [Inaudible response.]

19 MR. GASTON: And I'm sorry, you got to answer because they're writing --

20 PROSPECTIVE JUROR #029: Yes.

21 MR. GASTON: -- down the answers. And your badge number is --

22 PROSPECTIVE JUROR #029: 029.

23 MR. GASTON: Okay. To put it mildly, you were angry; correct?

24 PROSPECTIVE JUROR #029: Yes.

25 MR. GASTON: Okay. Fair to say -- what actually ended up happening? Did

1 someone get arrested or convicted of --

2 PROSPECTIVE JUROR #029: No, about five years later my purse showed  
3 up in a box on my doorstep from the evidence room.

4 MR. GASTON: What? I'm sorry.

5 PROSPECTIVE JUROR #029: My purse that had been stolen out of the car  
6 was mailed to my doorstep -- it happened in California; I was living here. And about  
7 five years later my purse came in a box from the police department.

8 MR. GASTON: Okay. Earlier the judge was asking questions about who's  
9 going to be able to be fair and listen to the evidence and whatnot. And I think your  
10 words says -- is you -- you fear that you weren't going to be able to be fair. You  
11 were going to try, you were going to listen to the evidence, but you thought your  
12 prior experiences were going to -- you were going to hold against the Defendant. Is  
13 that fair to say that's --

14 PROSPECTIVE JUROR #029: Not hold against the Defendant, but I could be  
15 biased.

16 MR. GASTON: Because of these prior experiences --

17 PROSPECTIVE JUROR #029: Yes.

18 MR. GASTON: -- fair to say? Okay. So let me ask you a question. What do  
19 you think of role -- what do you think the role of a criminal defense attorney is?

20 PROSPECTIVE JUROR #029: To get your client off the -- off the hook.

21 MR. GASTON: Okay. Does anyone agree? Raise -- show of hands.

22 If we could pass the mic -- I'm sorry. I got to [indiscernible] and I'll try  
23 my best to learn -- to learn everyone's names here.

24 Mr. Loc [sic], is that how you say it?

25 MR. GASTON: Lac; okay. Mr. Lac.

1 PROSPECTIVE JUROR #031: Yeah. The criminal defense attorney I would  
2 assume is trying to make sure their client doesn't go to jail.

3 MR. GASTON: I'm say -- I mean, I'm definitely not here to advocate against  
4 my client; right?

5 PROSPECTIVE JUROR #031: Correct.

6 MR. GASTON: Right. It would be a pretty bad job.

7 Does anyone think that my job is so simple though? That my job is  
8 pretty much just to get a guy off the hook? If I can pass the mic back to Mr. Garrett.  
9 I'm sorry. Okay, I'm good.

10 Your Honor, may I approach?

11 THE COURT: It's fine, yeah.

12 MR. GASTON: Okay. Mr. Garrett, can you identify your badge number,  
13 please?

14 PROSPECTIVE JUROR #018: Yes, 018.

15 MR. GASTON: Thank you. You were shaking your head. Do you think my  
16 job's that simple?

17 PROSPECTIVE JUROR #018: Definitely not.

18 MR. GASTON: Okay. And why is that?

19 PROSPECTIVE JUROR #018: Because I think it's probably harder to -- well,  
20 to get somebody off that everybody thinks is guilty than it does --

21 MR. GASTON: Where the evidence might not be as strong, for example?

22 PROSPECTIVE JUROR #018: Yes.

23 MR. GASTON: Well, would it surpri -- let me ask you. Would it surprise  
24 anyone in this jury that I actually agree with what Mr. Dickerson just said. If -- in  
25 fact, plain and simple. If you're on this jury you have a job to do. If the evidence is

1 not sufficient to prove Sayed committed the crimes beyond a reasonable doubt, you  
2 have a duty imposed by law, and the judge will instruct you on it, to find him not  
3 guilty. But the other -- other way goes too. If you're going to make it on this jury and  
4 you end up being convinced beyond a reasonable doubt, you have a job to do. You  
5 must find Sayed guilty. Everyone who is going to be on this jury has a job to do.  
6 Would it surprise you that I want you to follow -- would it surprise you that the  
7 defense attorney wants you to follow your job, Mr. Garrett?

8 PROSPECTIVE JUROR #018: No.

9 MR. GASTON: Okay. Would it surprise anyone? Okay.

10 All right. Now there was a member of this jury who was here earlier.  
11 He's no longer here, but he said some stuff that I want to talk about; all right.  
12 Specifically he -- his -- he had extensive membership with law enforcement. There  
13 was another person who was a prior officer and they made two tendrils of points.  
14 The first point they made was the police tend not to arrest innocent people; okay.  
15 So one -- show of hands. When they walked into this courtroom today -- you guys  
16 all walked in knowing nothing about this case, presumably, and you saw Sayed  
17 sitting here, the Defendant, who thought to themselves I wonder what that guy did?  
18 Show of hands. All right. Almost everybody; okay.

19 Now you're going to get instructed on the presumption of innocence  
20 and we'll talk about that in a second, but it's kind of natural; right? You're here --  
21 and no one grows up to say I can't find a police officer to disrespect; right?  
22 Presumably we all think to ourselves law enforcement have a high standard. They  
23 tend not to go around arresting innocent people. Presumably we all think this to  
24 ourselves; okay. Does anyone here think that if law enforcement arrests someone,  
25 odds are they did something? Show of hands. And may the record reflect most

1 people raised their hands.

2 If I can pass the mic back to Mr. Sloan.

3 PROSPECTIVE JUROR #042: Yes.

4 MR. GASTON: You didn't raise your hand; why?

5 PROSPECTIVE JUROR #042: I work in a laboratory, and most of the time  
6 we work on the assumption that we have to either get confirmation or negative  
7 confirmation on the tests that we do. That's kind of how my job works and that's  
8 kind of how things work in life. Until I get confirmation one way or the other, I try not  
9 to have an opinion on something.

10 MR. GASTON: Fair enough.

11 If we can pass the mic to Mr. Storr.

12 PROSPECTIVE JUROR #013: Yep.

13 MR. GASTON: Earlier Mr. Dickerson gave an example of a guy who might be  
14 proposing, might be fixing his car, might be tying his shoe; okay. And you  
15 mentioned that you wouldn't know for sure. You're talking about your subjective  
16 state of belief; right? You -- you believe something based on the evidence that you  
17 have.

18 PROSPECTIVE JUROR #013: Absolutely. And the only evidence I have are  
19 my eyeballs.

20 MR. GASTON: Okay. Fair to say that police officers act similarly?

21 PROSPECTIVE JUROR #013: [Indiscernible.] I couldn't comment on that. I  
22 don't know.

23 MR. GASTON: But like to believe it though, right; is that what you're saying?

24 PROSPECTIVE JUROR #013: I'd love to believe it. I would love to say that  
25 everybody out there kind of views the world skeptically like I do.

1 MR. GASTON: All right. So fair to say that police officers might make  
2 mistakes; correct?

3 PROSPECTIVE JUROR #013: I think that's fair.

4 MR. GASTON: Okay. They might not make mistakes, but presumably they're  
5 people and people makes mistakes; fair to say?

6 PROSPECTIVE JUROR #013: That is fair.

7 MR. GASTON: Okay. If we could pass the mic down to Mr. Kwan.

8 Correct me if I'm wrong, but you were charged with battery; correct?

9 PROSPECTIVE JUROR #011: Correct.

10 MR. GASTON: Okay. And you ended up getting six months' probation, doing  
11 your community service whatnot, and then getting the case dismissed; correct?

12 PROSPECTIVE JUROR #011: Correct.

13 MR. GASTON: Okay. And that was a situation you described where there  
14 was an individual who was too close for comfort. You reacted to restrain him and he  
15 ended up hitting his face into something and getting a cut; correct?

16 PROSPECTIVE JUROR #011: Correct.

17 MR. GASTON: Yeah. Police officers responded to that scene?

18 PROSPECTIVE JUROR #011: Correct.

19 MR. GASTON: Okay. And when they were on the scene he had injuries;  
20 correct?

21 PROSPECTIVE JUROR #011: Yes; correct.

22 MR. GASTON: You did not have injuries; correct?

23 PROSPECTIVE JUROR #011: Correct.

24 MR. GASTON: You said your story; correct?

25 PROSPECTIVE JUROR #011: Correct.

1 MR. GASTON: And he probably told his story; right?

2 PROSPECTIVE JUROR #011: Correct.

3 MR. GASTON: Presumably it probably wasn't the same story you told?

4 PROSPECTIVE JUROR #011: Most likely.

5 MR. GASTON: Okay. And the police had to make a decision of who to  
6 believe; correct?

7 PROSPECTIVE JUROR #011: Correct.

8 MR. GASTON: And they ultimately made an assumption; correct?

9 PROSPECTIVE JUROR #011: Correct.

10 MR. GASTON: And in your case do you feel like they made the correct  
11 assumption?

12 PROSPECTIVE JUROR #011: I feel that he did.

13 MR. GASTON: You feel the police made the correct assumption in charging  
14 you battery?

15 PROSPECTIVE JUROR #011: Yes, he was following the letter of the law.

16 MR. GASTON: Okay; correct. But ultimately they had to go -- they had to  
17 weigh the evidence back and forth; correct?

18 PROSPECTIVE JUROR #011: Yes.

19 MR. GASTON: So this goes to talking about decision making. What did you  
20 say you do for a living?

21 PROSPECTIVE JUROR #011: Property management.

22 MR. GASTON: Okay. And you have to make decisions throughout the  
23 course [indiscernible]; right?

24 PROSPECTIVE JUROR #011: And sometimes it's not exactly clear what to  
25 make?

1 PROSPECTIVE JUROR #011: Yes.

2 MR. GASTON: Okay. What kind of things do you do to help you make  
3 decisions?

4 PROSPECTIVE JUROR #011: Evidence is a lot.

5 MR. GASTON: Evidence is a lot.

6 PROSPECTIVE JUROR #011: I do interact with the situation, just to find out  
7 exactly what's going on before I make a decision.

8 MR. GASTON: Okay. If we could pass the mic back to Ms. Aaron. Right  
9 behind you to your right; sorry.

10 And I was thinking it was your husband who works on helicopters; is  
11 that correct?

12 PROSPECTIVE JUROR #005: Yeah, he flies and works on them.

13 MR. GASTON: Okay. And -- I'm sorry. What did you say you do for a living  
14 to remind me?

15 PROSPECTIVE JUROR #005: I'm retired now. I do whatever I want.

16 MR. GASTON: Nice life. Nice life.

17 [Indiscernible] how would you go about trying to make a decision? You  
18 have two -- you have children you mentioned?

19 PROSPECTIVE JUROR #005: Yes, I do.

20 MR. GASTON: One -- one of whom's in Germany; is that right?

21 PROSPECTIVE JUROR #005: That's my only one that's in Germany.

22 MR. GASTON: Only one; okay. When you're trying to make a decision and  
23 you have conflicting pieces of evidence, ultimately you're going to have to make a  
24 guess. How do you go about trying to make sure you're making a guess that's most  
25 likely to be correct? What kind of things do you do?



1 PROSPECTIVE JUROR #005: I follow my gut.

2 MR. GASTON: Follow your gut?

3 PROSPECTIVE JUROR #005: Yeah.

4 MR. GASTON: Okay. What if that's in contradiction to the evidence?

5 PROSPECTIVE JUROR #005: Well, let's see. Let's talk about tiling. Now if I  
6 know an 18 inch tile is going to fit here, and it will fit properly all the way through, but  
7 the 12 inch is on sale, which one are you going to go with?

8 MR. GASTON: I have no idea. My wife tells me what to do.

9 PROSPECTIVE JUROR #005: So you go with her gut.

10 MR. GASTON: All right. Fair enough. But I -- but in my case I learned  
11 through experience she's probably more likely to be right, so I defer to her, but --

12 PROSPECTIVE JUROR #005: Same thing. I go with what I know is right.

13 MR. GASTON: Fair enough. I appreciate that.

14 So when you're back in the jury room there's 12 of you. There will be  
15 an alternate, but there will be 12 people deliberating and making a decision.  
16 Probably when you first go back there not all of you are going to agree on the same  
17 things.

18 PROSPECTIVE JUROR #005: Mm-hmm.

19 MR. GASTON: Some of you will think one thing is important; another will  
20 think another thing's important. And you guys have the same goal, get to a  
21 decision.

22 PROSPECTIVE JUROR #005: Exactly.

23 MR. GASTON: What are you going to do if you disagree with everybody  
24 else? You have -- you have something you believe. You're going with your gut, you  
25 believe strongly, but 11 other presumably reasonable people disagree with you;

1 what are you going to do?

2 PROSPECTIVE JUROR #005: Well, if my -- if I believe in what the evidence  
3 is what it says it is, then I will stick with my guns.

4 MR. GASTON: But 11 people disagree with you. Presumably they're  
5 reasonable, so would you take into account what they have to say or would you just  
6 stand there --

7 PROSPECTIVE JUROR #005: Of course I always take into account what  
8 everybody else says.

9 MR. GASTON: And you see if that makes your mind change, but if it doesn't  
10 you would still go with your decision?

11 PROSPECTIVE JUROR #005: Yes.

12 MR. GASTON: So fair to say you wouldn't just give in to get home sooner?

13 PROSPECTIVE JUROR #005: No.

14 MR. GASTON: Okay.

15 PROSPECTIVE JUROR #005: I'm not one of those.

16 MR. GASTON: Okay.

17 PROSPECTIVE JUROR #005: I don't fold like a cheap card table.

18 MR. GASTON: Okay. Well, if we can pass the mic to -- I have her -- Ms.

19 Stuck.

20 PROSPECTIVE JUROR #003: Yes.

21 THE COURT CLERK: Badge number.

22 PROSPECTIVE JUROR #003: 003.

23 MR. GASTON: Thank you.

24 Is it fair to say probably when you were growing up your parents told  
25 you to respect your elders; right?

1 PROSPECTIVE JUROR #003: Yes.

2 MR. GASTON: They probably told you to -- you either had to learn through  
3 that or social pressures that intense arguments probably don't make you lots of  
4 friends; fair to say?

5 PROSPECTIVE JUROR #003: That -- I'm sorry, what?

6 MR. GASTON: That getting in intense arguments all the time probably  
7 doesn't make you a lot of friends; fair to say?

8 PROSPECTIVE JUROR #003: Correct.

9 MR. GASTON: Okay. But when you go back in the jury, let's say it gets  
10 intense. There's a lot of arguments going on. Maybe your elders disagree with you.  
11 Are you going to respect their opinions? Are you going to try to avoid the argument  
12 because you don't want to look uncool? What -- how -- how would you handle that?  
13 You go back, there's an intense disagreement; what would you do?

14 PROSPECTIVE JUROR #003: I would definitely listen to what they have to  
15 say; look at it from their point of view, but I think I'd also have to put in my two cents  
16 in what I think and how I look at it.

17 MR. GASTON: Okay. Fair enough.

18 If we could pass the -- let's pass the microphone down to Ms. Wiedmer.  
19 I notice you have a cup of coffee.

20 PROSPECTIVE JUROR #016: Uh-huh.

21 MR. GASTON: Presumably Starbuck's coffee.

22 PROSPECTIVE JUROR #016: That's right. Maybe it's iced tea.

23 MR. GASTON: I guess that goes back to the point -- I wasn't trying to do that,  
24 but that goes back to a point about making assumptions; right?

25 PROSPECTIVE JUROR #016: Mm-hmm.

1 MR. GASTON: That was actually an [indiscernible], but anyway -- point I'm  
2 trying to make, how would you prove, if you had to -- let's say an officer walked into  
3 this room right now and said Ms. Wiedmer you're under arrest for a petty larceny.  
4 You stole that coffee; okay.

5 PROSPECTIVE JUROR #016: Mm-hmm.

6 MR. GASTON: How would you prove you didn't?

7 PROSPECTIVE JUROR #016: I had her with me for lunch. She saw me pay  
8 for it.

9 MR. GASTON: Very fortunate. So you have a witness?

10 PROSPECTIVE JUROR #016: Yes.

11 MR. GASTON: Okay. Let's assume she wasn't there. Let's assume --

12 PROSPECTIVE JUROR #016: Okay.

13 MR. GASTON: -- you didn't make a friend so fast.

14 PROSPECTIVE JUROR #016: Uh-huh. Go back to the place I bought it  
15 from.

16 MR. GASTON: Starbucks?

17 PROSPECTIVE JUROR #016: Mm-hmm.

18 MR. GASTON: And hope they remember you?

19 PROSPECTIVE JUROR #016: Uh-huh. I didn't use a card, so I guess so.

20 MR. GASTON: You paid with cash; correct?

21 PROSPECTIVE JUROR #016: I paid cash today.

22 MR. GASTON: You paid with cash?

23 PROSPECTIVE JUROR #016: Mm-hmm.

24 MR. GASTON: And presumably you didn't keep your receipt; right?

25 PROSPECTIVE JUROR #016: It might be in my pocketbook.

1 MR. GASTON: My wife keeps all her receipts, but --

2 PROSPECTIVE JUROR #016: I think it is.

3 MR. GASTON: Fair to say, so if you don't have a receipt --

4 PROSPECTIVE JUROR #016: Mm-hmm.

5 MR. GASTON: -- and you don't have a witness there, it's just your testimony;  
6 right? There's no -- and the point I'm trying to make. If we can -- the point I'm trying  
7 to make. Would you agree that it's hard to prove that you didn't do something?

8 PROSPECTIVE JUROR #016: Mm-hmm.

9 MR. GASTON: Okay. If we could pass the mic down to Ms. Bridgewater.

10 PROSPECTIVE JUROR #037: Badge number --

11 MR. GASTON: Similar --

12 PROSPECTIVE JUROR #037: -- 37.

13 MR. GASTON: Oh, I'm sorry. I interrupted you.

14 PROSPECTIVE JUROR #037: Badge 37.

15 MR. GASTON: Let's assume an officer walks in today and says ma'am, you  
16 were speeding on your way here. You were driving 65 miles an hour; I saw you.  
17 How would you prove you weren't speeding?

18 PROSPECTIVE JUROR #037: [Indiscernible.]

19 MR. GASTON: You wouldn't. I'll tell you, you're going to pay that ticket;  
20 right?

21 PROSPECTIVE JUROR #037: Mostly likely; yes.

22 MR. GASTON: And so I guess -- we talk about the presumption of innocence.  
23 On one hand it's natural. We all assume police aren't going to go around arresting  
24 innocent people. If they're here they did something; right? On the other hand, we  
25 understand there's a presumption of innocence. And the judge will instruct you on it.

1 I'm not trying to go into great detail about it, but a man is presumed innocent unless  
2 the State can prove him guilty, okay, beyond a reasonable doubt. How can we  
3 reconcile those two things? And does anyone think that's fair? Does any -- anyone  
4 think it's fair that the burden is on the State; they have to come in and do all the  
5 work? Because I can sit there and play on my phone, read a magazine, and at the  
6 end if they haven't met their -- and they haven't proved their case, you -- the burden  
7 is on them. If they haven't done it you have to find them not guilty. Does anyone  
8 think that's fair or is that unfair to the State? I guess does anyone have an opinion?

9 Mr. -- Mr. Storr.

10 PROSPECTIVE JUROR #013: Well, I think it's extremely fair. We all are free  
11 Americans since -- you know, we put this -- this country together. And part of that  
12 freedom is -- is in my opinion presumption of innocence. You, as the State -- you,  
13 as the government, have to prove that he's guilty. And like you said earlier, if he's  
14 guilty, he's guilty.

15 MR. GASTON: What if he's probably [indiscernible], but you're not convinced  
16 beyond a reasonable doubt?

17 MR. GASTON: Is -- is -- yeah. And you will -- or the judge will define  
18 reasonable doubt to us, so --

19 MR. GASTON: Let's assume just for the sake of argument that probably  
20 doesn't equal beyond a reasonable doubt. You're convinced he probably did  
21 something wrong, but you're not convinced beyond a reasonable doubt what would  
22 you do?

23 PROSPECTIVE JUROR #013: He's not guilty.

24 MR. GASTON: Does anyone disagree with that? Does anyone think there's  
25 something wrong with finding someone not guilty who probably did something

1 wrong? Nobody has a problem with that? Someone has to have a problem with  
2 that. All right. Pass the mic down Mr. Abrazaldo.

3 PROSPECTIVE JUROR #020: Badge number 202.

4 MR. GASTON: Thank you.

5 PROSPECTIVE JUROR #020: Well, it's -- it's either you did it or not. I mean,  
6 you're not gonna -- maybe he did it -- maybe eight percent that he did it. It's -- you  
7 have to prove fully that he did it or he didn't do it. If there's a doubt, and you're not  
8 sure that he did it, then maybe he didn't do it. So for me I have to know -- it's either  
9 a hundred percent or zero percent.

10 MR. GASTON: Anyone disagree with that? Anyone have a different opinion?  
11 Because we talk about the standard being beyond a reasonable doubt; right? Does  
12 anyone like the standard being that high, beyond a reasonable doubt, instead of just  
13 maybe or just probably because that's a high standard to meet. Does anyone think  
14 that's kind of unfair or does everyone -- does everyone agree that's the way it  
15 should be?

16 UNIDENTIFIED PROSPECTIVE JUROR: That's the way it should be.

17 UNIDENTIFIED PROSPECTIVE JUROR: Should.

18 MR. GASTON: Okay. I got a couple more questions here. To jump ship to a  
19 totally different topic. My client's name is Sayedbashe Sayedzada; okay. He  
20 speaks English, grew up in Europe, but he has this Middle Eastern name; okay. I  
21 got to ask, does anyone think that -- I mean, there's prejudice -- I would think it's fair  
22 to say that we hear a lot in the media about the Middle East and people from the  
23 Middle East coming over; okay. Does anyone think that prejudice against the  
24 Middle East, or Middle Easterns, or Middle Eastern sounding names isn't a real  
25 thing. That's an excuse -- that's just an excuse made to justify other things? Does

1 anyone think prejudice -- that prejudice doesn't actually exist? Nobody? Everyone  
2 thinks that prejudice --

3 Mr. Abrazaldo, you actually have the mic so I'm just going to ask you. If  
4 the prejudice does exist, how do you think it might manifest -- how do you think it  
5 might present itself?

6 PROSPECTIVE JUROR #020: Well, funny that I got the mic 'cause I've gone  
7 to Middle Eastern countries and I don't believe that all of them are bad. I've gone to  
8 Afghanistan; I've gone to Iraq; I've gone to Saudi, and don't think they're all bad.  
9 Just a little portion of them that are -- they are terrorist extremists, but majority of  
10 them actually want to help themselves.

11 MR. GASTON: Do you think everybody agrees with you?

12 PROSPECTIVE JUROR #020: Probably not.

13 MR. GASTON: Do you think everyone in the United States agrees with you?

14 PROSPECTIVE JUROR #020: No. It's just because I've been out there. I've  
15 helped those people.

16 MR. GASTON: Okay. So if people disagree with you and they think -- they  
17 may say that, but they think that -- you know, if they are prejudice against the Middle  
18 East, in what way do you think they might be prejudiced?

19 PROSPECTIVE JUROR #020: They just -- just their name and what's going  
20 on around the world, yeah, that's a huge thing, you know.

21 MR. GASTON: So -- and this is question -- does anyone have an idea of how  
22 people might be prejudiced? I mean, no one's going to -- maybe I'm making an  
23 assumption, but no one's going to walk around with the I'm prejudiced card on their  
24 -- on their chest; right? But prejudice is subtler than that. In what kind of subtle way  
25 does my prejudice manifest itself? Does anyone have some ideas? Anybody? I'm



1 going to have to pick on someone if no one raises their hand. All right. We can  
2 pass it back to Mr. Sloan.

3 PROSPECTIVE JUROR #042: Someone may cross the street before a  
4 suspicious looking person is walking down the street [indiscernible]. I think  
5 everyone has walked down the street alone at some point and sees someone that  
6 maybe you're suspicious of so you cross the street, or some people will not want to  
7 move into certain neighborhoods because of the look of the neighborhood, not even  
8 necessarily seeing anyone that lives there; just the look of the neighborhood and not  
9 want to live there.

10 MR. GASTON: Is that a bad thing?

11 PROSPECTIVE JUROR #042: It's a cautious thing I think that --

12 MR. GASTON: I mean -- I mean --

13 PROSPECTIVE JUROR #042: -- is built into us.

14 MR. GASTON: You'll probably agree prejudice isn't good, but is that -- I  
15 mean, if you -- if you're suspicious of someone and you're by yourself is that a bad  
16 thing to cross the street and go try to protect yourself; would you view that as a bad  
17 thing?

18 PROSPECTIVE JUROR #042: It's kind of an evolutionary thing that we've  
19 come up with. People remember the bad berries. Don't eat those you get sick;  
20 whereas we don't necessarily remember the good berries.

21 MR. GASTON: And presumably you're not going to walk in a scary place to  
22 prove how politically correct you are; correct?

23 PROSPECTIVE JUROR #042: Correct.

24 MR. GASTON: All right. So let me ask this question. When we -- if I can go  
25 to Mr. Storr. When you're trying to make decisions, biases -- would you agree

1 biases are pretty subtle sometimes?

2 PROSPECTIVE JUROR #013: Yes; absolutely.

3 MR. GASTON: And to you, you're making your rational decision, you're being  
4 reasonable, you're weighing all the evidence, but unknown -- unbeknownst to you,  
5 subtly you're kind of giving more evidence weight, and less evidence weight based  
6 on your prior -- prior biases; would you agree that that's how it works?

7 PROSPECTIVE JUROR #013: I would say it could work that way.

8 MR. GASTON: Does anyone disagree or is there another way? I mean -- I  
9 mean, does anyone disagree that biases might be more obvious and you would  
10 know if you had a bias? Because I think the judge even asked, and the State asked,  
11 and I'm going to ask you in minute who has biases, who's prejudice, who's not going  
12 to be fair. Does everyone -- does anything think it's going to be that obvious?

13 Okay. May the record reflect a negative response.

14 Mr. -- who -- who has the microphone? Mr. Storr, do you want to be on  
15 this jury?

16 PROSPECTIVE JUROR #013: I'm kind of -- what's the word? Ambivalent. I  
17 don't know if that's the word -- I'll do it or you can send me home. It doesn't matter  
18 one bit to me.

19 MR. GASTON: Who got their jury summons and -- I've never actually  
20 received a jury summon, but I imagine it says you need to show up or else. Who --  
21 who got their jury summons and said, God, I'm so excited? Okay. I got lots of  
22 laughter, so I'm assuming that's negative.

23 THE COURT: Let's see. There's 24 of them right here.

24 MR. GASTON: Who doesn't think -- who thinks jury service is something to  
25 get out of? Nobody? I'm assuming that's --

1 PROSPECTIVE JUROR #028: I'm being honest, yes.

2 MR. GASTON: Okay. Fair enough.

3 Let's pass the mic down to Ms. Quan. Why?

4 PROSPECTIVE JUROR #028: I'm really busy at work, so I would rather be at  
5 work right now.

6 MR. GASTON: I'm assuming most people are probably pretty busy at work;  
7 right? Most people would rather be back living their lives than sitting here, right,  
8 trying to listen to all the evidence. You don't know how long this trial will last. This  
9 is going to be shorter one, two or three days, but some trials last a couple weeks.  
10 You get on a civil trial you're going to be here forever. Who -- who's willing to -- did  
11 -- I'm sorry. I was about to call on you. I'll pick someone else.

12 Someone was a school teacher; right? Someone was a school  
13 teacher? If we could pass the mic down to Ms. Parker.

14 You were a school teacher?

15 PROSPECTIVE JUROR #032: Yes.

16 MR. GASTON: Okay. Would you agree that jury service is important?

17 PROSPECTIVE JUROR #032: Yes.

18 MR. GASTON: Why?

19 PROSPECTIVE JUROR #032: Just to do our part to give back to the  
20 community.

21 MR. GASTON: Does it matter what answer you give? Ultimately, if you come  
22 back and you agree with the State, or you agree with me, does it -- do you think that  
23 matters whether the jury's important, or is it just the fact that you get an answer;  
24 what do you think? For example, if you --

25 PROSPECTIVE JUROR #032: The fact that you're part of -- give -- helping to

1 tell the truth.

2 MR. GASTON: So you would give -- the function of the jury is to find the  
3 truth?

4 PROSPECTIVE JUROR #032: Yes.

5 MR. GASTON: Okay. Going back to the question I asked him earlier. If  
6 you're convinced that the Defendant probably did something wrong, but you're not  
7 convinced that he did what he's charged with beyond a reasonable doubt, what  
8 would your verdict be?

9 PROSPECTIVE JUROR #032: Not guilty.

10 MR. GASTON: Does anyone -- does anyone have trouble with that? I asked  
11 the question before; I'm going to ask one more time and I got a negative response.  
12 Mr. Dickerson got up and asked questions about everyone who's ever found  
13 something missing and stolen and returned it. And everyone's a bunch of Good  
14 Samaritans here and I applaud your Good Samaritanness [sic]; okay. Here's my  
15 question. Does every -- does anyone think that everyone does that?

16 How many people have lost a wallet before?

17 UNIDENTIFIED PROSPECTIVE JUROR: I have.

18 MR. GASTON: All right. Let's go through this a little bit. If we can -- I'll take  
19 the mic.

20 Your Honor, may I approach the jury?

21 THE COURT: Mm-hmm.

22 MR. GASTON: We'll just start in the back and work out way down.

23 You lost your wallet before?

24 PROSPECTIVE JUROR #005: Yeah.

25 MR. GASTON: Did you ever get it back?

1 THE COURT: This is Ms. Aaron --  
2 MR. GASTON: Oh, I'm sorry.  
3 THE COURT: -- badge 005.  
4 PROSPECTIVE JUROR #005: 005, yeah.  
5 THE COURT: Okay.  
6 MR. GASTON: You lost your wallet before?  
7 PROSPECTIVE JUROR #005: Yes.  
8 MR. GASTON: Did you ever get it back?  
9 PROSPECTIVE JUROR #005: Yes.  
10 MR. GASTON: Was there any cash inside of it?  
11 PROSPECTIVE JUROR #005: Of course there was.  
12 MR. GASTON: Was there still cash inside of it when you got it back?  
13 PROSPECTIVE JUROR #005: No.  
14 MR. GASTON: But were the credit cards still there?  
15 PROSPECTIVE JUROR #005: No.  
16 MR. GASTON: Was the driver's license still there? You just got --  
17 PROSPECTIVE JUROR #005: Yes.  
18 MR. GASTON: -- you just got like a wallet back?  
19 PROSPECTIVE JUROR #005: Well, yeah. It was in Italy.  
20 MR. GASTON: Okay. And someone -- and someone returned it, but took  
21 kind of the stuff that was inside of it?  
22 PROSPECTIVE JUROR #005: No, it was kind of returned in the mail.  
23 MR. GASTON: Okay.  
24 PROSPECTIVE JUROR #005: The credit cards and everything could get  
25 replaced.

1 MR. GASTON: Okay. And -- and you said there was no cash inside of it  
2 anymore; correct?

3 PROSPECTIVE JUROR #005: Of course not. It was -- you know --

4 MR. GASTON: Now I'm not asking you to guess about what happened, but  
5 it's not too obvious; right? Someone found your wallet, took your cash and stuff  
6 inside and then returned the wallet to you; fair to say?

7 PROSPECTIVE JUROR #005: Yeah.

8 MR. GASTON: Okay. If we could pass -- anyone else raise their hand in the  
9 back row? All right. The next row?

10 And this is, for the record, Mr. Sloan, badge number --

11 PROSPECTIVE JUROR #013: Thirteen.

12 MR. GASTON: Oh, I'm sorry. You were just -- have the mic.

13 All right. Mr. Storr, badge number 13.

14 PROSPECTIVE JUROR #013: 013; yep.

15 I don't know how many cell phones I've lost, but you just leave them in  
16 a place. And I've have -- I have no kidding walked ten paces, or 20 paces, turned  
17 around and said my cell phone's gone, gone back and it's gone and it's gone  
18 forever.

19 MR. GASTON: Anyone in that row? All right. We'll go to the next one.

20 Mr. Abrazaldo.

21 PROSPECTIVE JUROR #020: [Indiscernible.] It's her.

22 MR. GASTON: Ms. Bridgewater.

23 PROSPECTIVE JUROR #037: Yes.

24 MR. GASTON: You lost a wallet once?

25 PROSPECTIVE JUROR #037: No, lost a cell phone.

1 MR. GASTON: Lost a cell phone. Did you get it back?

2 PROSPECTIVE JUROR #037: Multiple times.

3 MR. GASTON: Did you get them back?

4 PROSPECTIVE JUROR #037: No.

5 MR. GASTON: Okay. Can we go to the -- anyone else on that row ever lose  
6 -- Mr. Garrett.

7 PROSPECTIVE JUROR #018: Yes, I lost a wallet, and I had to cancel all of  
8 my credit cards.

9 MR. GASTON: Did you ever get the wallet back?

10 PROSPECTIVE JUROR #018: No.

11 MR. GASTON: Okay. If we can go to anyone else in that row then.

12 PROSPECTIVE JUROR #016: Same thing. I -- Wied -- Loretta Wiedmier,  
13 016. I lost a wallet and never --

14 MR. GASTON: Never got it back --

15 PROSPECTIVE JUROR #016: -- [indiscernible].

16 MR. GASTON: Okay. Anyone in the next row? If we could pass it to Ms.  
17 Quan.

18 PROSPECTIVE JUROR #028: I would argue the opposite. I used to be a  
19 hotel manager and we would almost always find the item that the guest was looking  
20 for. Whether they've lost it in the room, or they misplaced it, they usually ended up  
21 finding it.

22 MR. GASTON: The guest did or someone --

23 PROSPECTIVE JUROR #028: We used to.

24 MR. GASTON: -- at your hotel?

25 PROSPECTIVE JUROR #028: We would look for it and we would usually find

1 it for them.

2 MR. GASTON: Okay. And if you looked -- would you look inside and take the  
3 cash out?

4 PROSPECTIVE JUROR #028: No. Our security measures are very specific,  
5 so they would actually have a witness present if they were looking in a room for an  
6 item.

7 MR. GASTON: Because the fear is they might find it and just pocket it?

8 PROSPECTIVE JUROR #028: And the guest might say that because that  
9 specific person went into the room to find the item they might've taken it and no one  
10 was there to see it.

11 MR. GASTON: So true or not, it -- so fair to say the security measures protect  
12 the clients of the hotel; right?

13 PROSPECTIVE JUROR #028: Yes.

14 MR. GASTON: They also protect the security guards from a false accusation;  
15 right?

16 PROSPECTIVE JUROR #028: Yes.

17 MR. GASTON: Okay.

18 PROSPECTIVE JUROR #028: Definitely.

19 MR. GASTON: And without the witness it might be harder to prove a false  
20 accusation --

21 PROSPECTIVE JUROR #028: Mm-hmm.

22 MR. GASTON: -- going back to the thing harder to prove your innocence, fair  
23 to say?

24 PROSPECTIVE JUROR #028: Correct.

25 MR. GASTON: Okay. But ultimately the reason you guys didn't reach in the



1 wallet and take the cash and put it in your pocket is because you knew you were  
2 being watched; correct?

3 PROSPECTIVE JUROR #028: I would say that's a heavy part of it, but it's  
4 also because you know someone's looking for their item and obviously you want the  
5 outcome to be positive for the guest.

6 MR. GASTON: So a mix of because you'll get in trouble if you don't and good  
7 people; right?

8 PROSPECTIVE JUROR #028: Yes.

9 MR. GASTON: Okay. Anyone else front row? Okay.

10 I would say -- and this is interesting fact because this is a credit card  
11 case. The guy's charged with possession of credit cards without cardholder's  
12 consent; okay. I think probably almost half the jury, if I'm not mistaken -- you don't  
13 have to -- I'm not going to call on you individually, but if you could raise your hand  
14 up. Almost half the jury had been a victim of some type of credit card theft or false  
15 credit cards; right? About half the jury.

16 I'll go to Mr. Rich again. I know I said I wasn't going to call on anybody;  
17 I lied.

18 PROSPECTIVE JUROR #029: That's okay.

19 MR. GASTON: All right. Ms. Rich, when your credit cards are compromised,  
20 what did you mean by compromised?

21 PROSPECTIVE JUROR #029: Typically the credit card company was calling,  
22 us telling us the cards had been compromised, or we would look online checking out  
23 statements and see something that wasn't ours.

24 MR. GASTON: So presumably someone else had your credit cards; right?

25 PROSPECTIVE JUROR #029: Or our number.

1 MR. GASTON: Or number --

2 PROSPECTIVE JUROR #029: Yeah.

3 MR. GASTON: -- and they were using them?

4 PROSPECTIVE JUROR #029: Yes.

5 MR. GASTON: So they were using them to purchase things --

6 PROSPECTIVE JUROR #029: Mm-hmm.

7 MR. GASTON: -- or whatnot? And you were notified by the credit card  
8 company?

9 PROSPECTIVE JUROR #029: Yeah.

10 MR. GASTON: Now I'm assuming the situation was similar for everyone who  
11 mentioned that their credit cards were compromised. Sometimes it might just be a  
12 safety measure you automatically cancel your cards. But most people, presumably  
13 someone was using the credit cards; correct? Everyone that raised their hand -- just  
14 raise your hand again if that -- if that was the case. Okay. So there was some kind  
15 of financial loss involved; right?

16 So we talked about proving your innocence. And one of the ways --  
17 pretty much -- unless -- unless you lucked out and you got some -- some witnesses,  
18 or you kept a receipt or something, we agree that pretty much, when it comes down  
19 to it, the only thing you could really do is testify if you wanted; okay. Is anyone here  
20 expecting Sayed to testify?

21 Does anyone care if Sayed testifies? All right. So there's no one sitting  
22 here in this jury that cares whether he gets up and tells his story of what happened?  
23 All right. Now we got some hands. Okay. So if we could pass the mic to Mr. Kwan.

24 Mr. Kwan, fair to say that you would like to hear what Sayed has to  
25 say?

1 PROSPECTIVE JUROR #011: Yes.

2 MR. GASTON: You don't want to just hear from the State's witnesses?

3 PROSPECTIVE JUROR #011: No.

4 MR. GASTON: Most people agree with that; right? Most people agree with  
5 that? I'm going to pick on Ms. Stuck again.

6 PROSPECTIVE JUROR #003: Okay. 003.

7 MR. GASTON: You've been pretty quiet, so I'm picking on you a little bit, but  
8 you -- this is a public forum. Fair to say sometimes people, if not yourself, but some  
9 people might feel uncomfortable speaking in public?

10 PROSPECTIVE JUROR #003: Yes.

11 MR. GASTON: Okay. Is that a reason you think someone might not testify?

12 PROSPECTIVE JUROR #003: Maybe.

13 MR. GASTON: Maybe. Why do you say maybe?

14 PROSPECTIVE JUROR #003: Well, maybe if they feel like there are  
15 prejudice against them that they might just kinda back out and not want to get up in  
16 front of people and maybe them judge him.

17 MR. GASTON: Okay. Does anyone think that that's just an excuse, and that  
18 if you're on trial and the stakes are higher than they've ever been in your life, you  
19 know -- pardon my language, but -- you know, consequences can bite themselves.  
20 I'm going to testify if I'm afraid or not. Does anyone think it might just be an excuse  
21 public -- fear of public speaking to not testify?

22 PROSPECTIVE JUROR #015: Yes.

23 MR. GASTON: If we can pass the mic down to Ms. Davey.

24 PROSPECTIVE JUROR #015: If you really want to prove your innocence,  
25 regardless how scared you are, you're gonna prove it. You're gonna get up and

1 speak no matter what.

2 MR. GASTON: Okay.

3 PROSPECTIVE JUROR #015: I would think.

4 MR. GASTON: Okay. Now we're talking about proving your innocence, so --

5 PROSPECTIVE JUROR #015: Right.

6 MR. GASTON: Now let's assume there's a bird. Let's assume -- and  
7 [indiscernible] on assumption because that's where we are now, there's a  
8 presumption of innocence, so we -- we kind of got past the point. The way out trials  
9 work you don't have -- we don't have to prove anything. Would you still get up and  
10 want to testify? Not you personally, but would you think a person would still want to  
11 get up and testify?

12 PROSPECTIVE JUROR #015: If they don't need to maybe not --

13 MR. GASTON: So fair to say --

14 PROSPECTIVE JUROR #015: -- but --

15 MR. GASTON: Oh, I'm sorry. I didn't mean to interrupt you.

16 PROSPECTIVE JUROR #015: No, if -- if you're saying they don't have to  
17 then there's a difference.

18 MR. GASTON: Right.

19 PROSPECTIVE JUROR #015: But if you're asking them to get up, yes, they  
20 should.

21 MR. GASTON: All right. And you understand his decision to testify, or not to  
22 testify is based on advice of attorneys. It's not always --

23 PROSPECTIVE JUROR #015: Yes --

24 MR. GASTON: -- just his --

25 PROSPECTIVE JUROR #015: -- I do understand.

1 MR. GASTON: -- I [indiscernible]. Okay.

2 So fear of public speaking is a reason you might not want to testify,  
3 stakes being really high, so you might be nervous. Also, if you testify, you're subject  
4 to cross-examination by a veteran prosecutor. That would be -- also potentially be a  
5 reason you might not want to testify?

6 PROSPECTIVE JUROR #015: It's possible.

7 MR. GASTON: So all those stakes being really high, the nerves, you might  
8 fumble -- you might be afraid you might not present very well, for example; right?

9 PROSPECTIVE JUROR #015: Right. That's possible.

10 MR. GASTON: All right. Does anyone think that if Sayed does not testify  
11 they're not going to be able to have a full, complete understanding of the story and  
12 so they're not going to be able to make a decision or they're just going to trust the  
13 State's witnesses. Does anyone think that that might be a way they lean?

14 If we could pass the mic down to Ms. -- oh, I'm sorry. I can't pronounce  
15 your last name. Shuey --

16 PROSPECTIVE JUROR #038: Ridges.

17 MR. GASTON: What is it?

18 PROSPECTIVE JUROR #038: Shuey-Ridges.

19 MR. GASTON: Shuey-Ridges. You raised your hand?

20 PROSPECTIVE JUROR #038: Yeah, I would think that if there's evidence  
21 against somebody that they would want to testify to refute that -- that evidence. So I  
22 think that if -- if you're not testifying that I would question why.

23 MR. GASTON: Let's assume a person was guilty; okay. Would that person  
24 probably still -- if he's going to trial that person would probably still get up and say I  
25 didn't do it; correct?

1 PROSPECTIVE JUROR #038: I would think so.

2 MR. GASTON: Okay. An innocent person would get up and say the same  
3 thing; right?

4 PROSPECTIVE JUROR #038: I think so.

5 MR. GASTON: So fair to say, in certain situations you might not -- it might not  
6 change anything. If a guilty or innocent people's going to say the same thing, it  
7 might not help -- help yourself necessarily to testify; right?

8 PROSPECTIVE JUROR #038: That's possible.

9 MR. GASTON: But -- and you would agree all the risks that Ms. Davey just  
10 mentioned you would agree are still present, such as fear of public speaking, fear of  
11 being cross-examined by a veteran prosecutor, stakes being really high so you're  
12 being nervous; would you agree those -- those might still be present?

13 PROSPECTIVE JUROR #038: They could still be present, yes.

14 MR. GASTON: So -- so if you don't think it's going to help you, but you're  
15 worried you might not present very well, do you think that might be a reason  
16 someone decides not to testify even -- even though they're actually not guilty?

17 PROSPECTIVE JUROR #038: I think that there may be those reasons for not  
18 testifying, but I think that if there's evidence against you that you would want to  
19 testify.

20 MR. GASTON: So in your opinion -- and I'm not trying to put words in your  
21 mouth or pick on you, but in your opinion, if someone -- if there's evidence against  
22 them and someone doesn't testify it's more likely they're probably guilty?

23 PROSPECTIVE JUROR #038: I wouldn't say that it's more likely that they're  
24 probably guilty, but I guess I would just have a hard time understanding why you  
25 wouldn't testify if that was the case.

1 MR. GASTON: Okay. Does anyone agree with her? If we could pass it down  
2 to Ms. Rich.

3 Do you agree?

4 PROSPECTIVE JUROR #029: Yes. If I were in the Defendant's situation and  
5 I was innocent I would want to state my case personally.

6 MR. GASTON: Even -- even if it might just be as simple as -- I guess my  
7 point is -- I sort of brought it up. If you don't have much to add other than just say I  
8 didn't do it, or -- you know, if everything's correct except intent, for example, and  
9 they get up and they -- if all -- if that's all you had to add, would you still think it's  
10 important to testify?

11 PROSPECTIVE JUROR #029: Yes.

12 MR. GASTON: Okay. And the risks just -- the risk is just the risk you have to  
13 take?

14 PROSPECTIVE JUROR #029: [Inaudible response.]

15 MR. GASTON: Okay. So if someone doesn't testify do you think it's more  
16 likely they're probably guilty?

17 PROSPECTIVE JUROR #029: It seems a matter of integrity to me.

18 MR. GASTON: And I'm sorry, can you explain?

19 PROSPECTIVE JUROR #029: If I were innocent I would want to -- to say that  
20 personally.

21 MR. GASTON: Anyone else agree? I see a couple nods. If we could pass it  
22 to Ms. Quan.

23 PROSPECTIVE JUROR #028: I agree with that. If I was the Defendant's  
24 shoes and I was innocent I would want to state my case regardless of the possible  
25 repercussions because I would know that the facts are that I'm innocent and I didn't

1 do what the case is saying that I did.

2 MR. GASTON: What if your attorney told you not to?

3 PROSPECTIVE JUROR #028: I would ask why they would --

4 MR. GASTON: And they're afraid you don't present very well.

5 PROSPECTIVE JUROR #028: If the attorney --

6 MR. GASTON: They're afraid --

7 PROSPECTIVE JUROR #028: -- strongly advised against it and said that it  
8 would possibly ruin my chances of proving my innocence then possibly I would go  
9 against testifying. But I honestly am more likely to believe someone if they were  
10 able to say it themselves, not just have someone represent them and say it for them.

11 MR. GASTON: So if he -- if Sayed doesn't testify -- he decides not to testify,  
12 is that going to make it harder for you to reach a not guilty?

13 PROSPECTIVE JUROR #028: Depending on evidence. I think if the  
14 evidence was very strong then probably not, but I think it's -- it gives you more of a  
15 reason to believe or not believe that person I think if they're able to defend  
16 themselves or present themselves.

17 MR. GASTON: Okay. Some other people raised their hand; right.

18 Mr. Abrazldo.

19 PROSPECTIVE JUROR #020: Badge number 020.

20 MR. GASTON: What do you think?

21 PROSPECTIVE JUROR #020: I agree with all three. If you're a Defendant  
22 and you really believe that you're innocent, you sit there and you state your case I  
23 didn't do it.

24 MR. GASTON: What if your attorney tells you not to?

25 PROSPECTIVE JUROR #020: The attorney can request whatever --



1   however you want --

2       MR. GASTON: It's up to you.

3       PROSPECTIVE JUROR #020: -- but -- but it's up to you to sit there, but I  
4   would recommend to sit and state your case that I didn't do it.

5       MR. GASTON: What if says he's afraid that you'll look like a jerk and they  
6   won't pay attention to the evidence; they'll just convict you because you look like a  
7   jerk, would that change your mind?

8       PROSPECTIVE JUROR #020: I don't think that's the case. It's more of a --  
9   it's either you sink or you swim that's -- that's how I believe it.

10      MR. GASTON: As in not the case. Do you think -- hypothetically speaking,  
11   when we talk about prejudice and biases, do you think a jury might convict someone  
12   because they don't like him. They think they're a jerk; they did something wrong.  
13   And the evidence may not be beyond a reasonable doubt, but they don't think that  
14   much about it because this person's clearly a jerk. Do you think that might help  
15   them reach a guilty verdict and they not actually listen to the evidence?

16      PROSPECTIVE JUROR #020: Then they're not following the law.

17      MR. GASTON: So what would you do?

18      PROSPECTIVE JUROR #020: What I would do?

19      MR. GASTON: Yeah.

20      PROSPECTIVE JUROR #020: If I'm the Defendant?

21      MR. GASTON: You -- okay -- no, you. Personally as a juror you would pay  
22   attention to the evidence; right?

23      PROSPECTIVE JUROR #020: Yeah, I would pay -- I would pay closely --  
24   close attention to the evidence. And based on the evidence presented, that's how  
25   would I --

1 MR. GASTON: Will listen to the law?

2 PROSPECTIVE JUROR #020: Yeah, listen to the law. Yeah.

3 MR. GASTON: So even if you're convinced the Defendant is a jerk --

4 PROSPECTIVE JUROR #020: Mm-hmm.

5 MR. GASTON: -- if you're not convinced beyond a reasonable doubt that he  
6 actually did what he's charged with would you be able to come back with a not  
7 guilty?

8 PROSPECTIVE JUROR #020: If the evidence not strong enough, yes, I --

9 MR. GASTON: The evidence isn't strong enough, but you are convinced he's  
10 a jerk, would you still be able to come back as a not guilty?

11 PROSPECTIVE JUROR #020: I won't let my opinion hinder my -- my  
12 decision.

13 MR. GASTON: Does anyone disagree with that? Does anyone think they are  
14 going to take that personal opinion in account; they wouldn't be able to come back  
15 with a not guilty? And we're not -- and look, we're all here talking about following  
16 the law. We're not robots; right? We have feelings, we have emotions; right? Does  
17 anyone think they're not going to be able to put those emotions aside? Anybody?  
18 Everyone here is pretty confident that they're going to be able to follow the law.  
19 That everyone -- that they are going to be able to disregard that kind stuff and focus  
20 exactly on why they're here? Okay.

21 Court's indulgence one minute and I apologize.

22 Could we pass the mic to Mr. Colucci, please? I'm sorry. I guess you  
23 guys don't have a list in front of you. This guy.

24 And so this is the time where I start picking on people who haven't --  
25 haven't spoken a lot today; okay. Mr. Colucci, I know you spoke a little earlier, but

1 you didn't respond to any of my questions, so let me ask you a question.

2 PROSPECTIVE JUROR #025: Yes.

3 MR. GASTON: As far as the right not to testify, what's your opinion on that;  
4 what do you think?

5 PROSPECTIVE JUROR #025: Well, I -- I think -- I agree that the Defendant  
6 has a right not to testify. I mean, that's the whole idea of having -- is having the  
7 attorneys there to advise him. And I agree that, you know, he could look like a jerk if  
8 he gets up and testifies, so I agree with that.

9 MR. GASTON: So would you hold it against him if he didn't --

10 PROSPECTIVE JUROR #025: No, I wouldn't.

11 MR. GASTON: -- which would assume that means he's probably more likely  
12 to be guilty?

13 PROSPECTIVE JUROR #025: No -- no, I don't know.

14 MR. GASTON: Well, what's your -- I guess what -- on the jerk thing -- and I'm  
15 not -- I'm not trying to beat this to death, but if he didn't testify, and one of the  
16 reasons is because he's afraid he might come off as a jerk, does that make you  
17 think it's probably a little more likely he committed a crime?

18 PROSPECTIVE JUROR #025: Not necessarily, no. I don't.

19 MR. GASTON: Fair to say that you probably know someone in your life who's  
20 not a very nice person?

21 PROSPECTIVE JUROR #025: Absolutely.

22 MR. GASTON: That doesn't necessarily mean that person is a criminal;  
23 correct?

24 PROSPECTIVE JUROR #025: Correct.

25 MR. GASTON: If we could pass the mic to Ms. Ford.

1           We talked a little bit about law enforcement arresting someone. What is  
2 your opinion on law enforcement arresting somebody? Do you think more -- just  
3 because they've been arrested, is that more likely that they actually did what they're  
4 charged with?

5           PROSPECTIVE JUROR #024: Well, I'm assuming they must have some  
6 reason to believe the person did something. It doesn't necessarily prove that they  
7 did it, no.

8           MR. GASTON: So fair to say police officers don't arrest people that they think  
9 are innocent; right?

10          PROSPECTIVE JUROR #024: Well, I -- whoever does the investigating they  
11 hand it over to arrest somebody. Obviously somebody thinks that.

12          MR. GASTON: Right. And fair to say that people make mistakes; correct?

13          PROSPECTIVE JUROR #024: Yeah, we all do.

14          MR. GASTON: And, you know, everyone knows the phrase about what  
15 happens when you make assumptions, but basically sometimes you reach wrong  
16 assumptions; right?

17          PROSPECTIVE JUROR #024: Right, [indiscernible].

18          MR. GASTON: So when you hear all this evidence that's presented, are you  
19 going to think through it critically, or you going to have a skeptical eye, or are you  
20 going to take everything kind of at face value and if the officer says it's true it must  
21 be true?

22          PROSPECTIVE JUROR #024: And just listen to what's being said and go  
23 from there.

24          MR. GASTON: So what -- what kind of things would you look for to try to eval  
25 -- whether what the officer thinks is correct or incorrect, what kind of things would

1 you look for?

2 PROSPECTIVE JUROR #024: You know, I've never been in this situation, so  
3 I'm very -- I really don't and really --

4 MR. GASTON: Never been on a jury?

5 PROSPECTIVE JUROR #024: -- no, I've never been on a jury and I never  
6 really -- I'm going to be honest, I haven't really thought about these kind of situations  
7 and I wouldn't want to be in this position. But, you know, you're just going to have to  
8 listen and try to go by your gut. You know, gut instinct is -- is a strong thing. I don't  
9 even know what's gonna be, you know, presented, so you just -- I'm just gonna have  
10 to listen to everything.

11 MR. GASTON: You said something I think is pretty interesting. You said I  
12 wouldn't want to be in this position?

13 PROSPECTIVE JUROR #024: No, I wouldn't want to be.

14 MR. GASTON: By this position you're meaning the Defendant; correct?

15 PROSPECTIVE JUROR #024: Right. It would be a scary position for  
16 anybody.

17 MR. GASTON: Fair to say that innocent or guilty --

18 PROSPECTIVE JUROR #024: Correct.

19 MR. GASTON: -- it would not be fun to go through a trial; correct?

20 PROSPECTIVE JUROR #024: Correct.

21 MR. GASTON: And the stakes are very high, you understand that?

22 PROSPECTIVE JUROR #024: Yes.

23 MR. GASTON: So going back to your value as being a jury member. You  
24 mentioned you've never been here and that's what the judge mentioned earlier.  
25 This is the only time a lot of people come into contact with our government, so it's a

1 chance for you to learn and talk about the issues and serve. Would you agree that  
2 your function on the jury is very important, or do --

3 PROSPECTIVE JUROR #024: Oh, yeah.

4 MR. GASTON: -- think it's more just kind of something we got to do before  
5 we can get to, you know, the next step?

6 PROSPECTIVE JUROR #024: No, you're having an effect in someone's life.

7 MR. GASTON: Everyone -- everyone get that -- let's pass the mic to Ms.  
8 Wied -- I'm sorry, Ms. Robles.

9 Do you agree with that, the important of the jury is because you're  
10 affecting someone's life that's why the standards are so high?

11 PROSPECTIVE JUROR #023: Of course. I put myself in those shoes. I  
12 hope everyone on the jury feels the same way. If I was on the other side, you  
13 know --

14 MR. GASTON: You would want someone who's going to take things  
15 seriously?

16 PROSPECTIVE JUROR #023: Yes, I definitely would want someone to take  
17 seriously.

18 MR. GASTON: You were robbed at gunpoint; correct?

19 PROSPECTIVE JUROR #023: Yeah.

20 MR. GASTON: Was there someone who was ever caught?

21 PROSPECTIVE JUROR #023: No.

22 MR. GASTON: How did that make you feel?

23 PROSPECTIVE JUROR #023: Um --

24 MR. GASTON: Probably not okay with it?

25 PROSPECTIVE JUROR #023: Not okay. I'm not very angry about it because

1 nothing happened. I'm sure if something happened I'd be more angry about it or  
2 affected.

3 MR. GASTON: The fact that no one was caught in your case --

4 PROSPECTIVE JUROR #023: Mm-hmm.

5 MR. GASTON: -- is it going to make you more likely to want to punish  
6 someone in this case?

7 PROSPECTIVE JUROR #023: No.

8 MR. GASTON: Because you recognize that these cases are different;  
9 correct?

10 PROSPECTIVE JUROR #023: Yes.

11 MR. GASTON: Is that true for everyone? Everyone can recognize  
12 intellectually that these are different cases?

13 If I could pass the mic back to Ms. -- Ms. Stokes in the middle right  
14 there.

15 Ms. Stokes, because of your prior credit cards being compromised, in  
16 answer to the judge's earlier questions, you said because of those experiences you  
17 may not be fair in this case; what did you mean?

18 PROSPECTIVE JUROR #034: I was saying that I wasn't sure. You know, I  
19 was pretty upset when it happened to me and I wanted to make sure that the person  
20 was caught who did it. And I just kind of have mixed feelings about that.

21 MR. GASTON: Now you recognize intellectually that Sayed presumably  
22 wasn't the person who took your credit cards; correct? You got to answer because  
23 she writes down your answers.

24 PROSPECTIVE JUROR #034: Yes.

25 MR. GASTON: So recognizing that these are different cases you're still upset

1 about what happened to you; right?

2 PROSPECTIVE JUROR #034: Yes.

3 MR. GASTON: And when we talked earlier about how biases work --

4 PROSPECTIVE JUROR #034: Mm-hmm.

5 MR. GASTON: -- maybe a little subtler. It's not like an overt thing. It's a little  
6 subtler. It affects out decision making process. Are you worried that because of --  
7 you're up it might affect your decision making process here?

8 PROSPECTIVE JUROR #034: No.

9 MR. GASTON: No?

10 PROSPECTIVE JUROR #034: I'm not worried about that.

11 MR. GASTON: So you're -- you're confident that you'll be able to listen to the  
12 evidence and make a decision?

13 PROSPECTIVE JUROR #034: Yes.

14 MR. GASTON: Okay. Now when evaluating evidence and when deciding  
15 what to do, because of what happened to you before, fair to say that you're not  
16 going to want to find someone not guilty -- well, let me ask you another question.  
17 Let me not ask it that way.

18 After you listen to all of the evidence, if you're convinced that Sayed --  
19 that the State has not proven their case beyond reasonable doubt against Sayed,  
20 despite what happened to you earlier, would you be able to return a verdict of not  
21 guilty, or would you be upset because of what happened to you before and you'd be  
22 a little more [indiscernible]?

23 PROSPECTIVE JUROR #034: No, I still wouldn't still be upset because what  
24 happened to me before?

25 MR. GASTON: All right. I got one more topic I want to cover and then we can



1 get started; okay. Someone had five kids, that person is no longer here. Does  
2 anyone have three kids or more? Let's pass the mic down to Ms. Shuey-Meyers  
3 [sic].

4 PROSPECTIVE JUROR #038: Shuey-Ridges.

5 MR. GASTON: Shuey-Ridges.

6 PROSPECTIVE JUROR #038: Just say Ridges.

7 MR. GASTON: Ridges. Just for this; okay.

8 You have three children?

9 PROSPECTIVE JUROR #038: I have four.

10 MR. GASTON: Four children. How old are they now?

11 PROSPECTIVE JUROR #038: Thirty-three, 30, 24 and 22.

12 MR. GASTON: Okay. So at one point they were 7 through 13; right?

13 PROSPECTIVE JUROR #038: Yeah.

14 MR. GASTON: And they have to have not gotten along all the time, fair to  
15 say?

16 PROSPECTIVE JUROR #038: Correct.

17 MR. GASTON: Now let's assume, for the sake of argument, one of your  
18 children did something wrong. They broke a vase or something like that. And one  
19 kid says I saw him break the vase and the other two kids says no he didn't, it was  
20 actually Tim; okay. How would you make a decision about what actually happened,  
21 or what would you do just ground them all? What would you do?

22 PROSPECTIVE JUROR #038: Well, I couldn't ground them all, although I'd  
23 probably like to, but -- you know, I think you have to look at all the -- all of the  
24 evidence. Like was that -- that child there at the time. And then of course you listen  
25 to the -- the two that are saying that he did it, but you can't just go off of that

1 because they might be mad at -- mad at that one.

2 MR. GASTON: Okay. What if they're not lying on purpose? What if they're in  
3 the other room and they say I heard vase -- it fell to the ground and broke and I ran  
4 in to see what happened because I was afraid you were going to blame me and I  
5 saw Timmy standing over the vase. Probably pretty conclusive evidence Timmy  
6 pushed it over; right?

7 PROSPECTIVE JUROR #038: Yeah, but if you didn't see it happened you  
8 couldn't say for sure.

9 MR. GASTON: So you would never -- you wouldn't be certain; right? It would  
10 be an assumption you're making.

11 PROSPECTIVE JUROR #038: Right.

12 MR. GASTON: Okay. Now let me ask you another question. Let's assume  
13 two weeks before Timmy had pushed over a vase at school. It's kind of his thing.  
14 He likes to push over vases.

15 PROSPECTIVE JUROR #038: Mm-hmm.

16 MR. GASTON: How would that affect your decision making here about  
17 whether he pushed over this vase. Would you think it's more likely he pushed over  
18 the vase or less likely, or would you not really consider it and would you just look at  
19 this incident?

20 PROSPECTIVE JUROR #038: I want to say that I'd look -- just look at this  
21 incident, but I might take that into consideration.

22 MR. GASTON: It makes sense; right? You got a kid that likes to push over  
23 vases.

24 PROSPECTIVE JUROR #038: Right.

25 MR. GASTON: So let me -- let me ask it a little different way and I'm going to

1 go Mr. Storr on this one. Can you pass the mic to Mr. Storr?

2 PROSPECTIVE JUROR #013: 013.

3 MR. GASTON: Let me -- let me ask it this way. Someone -- you know that  
4 someone committed a battery; okay. You know that -- we'll just -- I'll use the -- more  
5 specific, the Defendant committed a battery; okay, punched someone in the face  
6 twice. Is that going to make you more or less likely to think that he committed the  
7 crime he's charged with, which is possession of credit cards with [sic] cardholder's  
8 consent or you not going to consider it?

9 MR. JONES: Your Honor, may we approach?

10 THE COURT: Sure.

11 [Bench conference -- not recorded]

12 THE COURT: Okay. Mr. Gaston, I'm going to sustain the objection based on  
13 the discussion at the bench. Any further questions?

14 MR. GASTON: I have no further questions. Thank you.

15 THE COURT: Okay. Ladies and gentlemen, my marshal's indicating that a  
16 number of you probably have to take a break and that's fine. I appreciate your  
17 contacting the marshal. So at this point in time I'm going to give you 15 minutes.  
18 It's now -- what's that about -- ten after, so I'll give you till 25 after. During this  
19 recess you're admonished not to talk or converse amongst yourselves or with  
20 anyone else on any subject connected with this trial. Read, watch, or listen to any  
21 report of or commentary on the trial, or any person connected with this trial by any  
22 medium of information, including without limitation newspapers, television, internet  
23 or radio, or form or express any opinion on any subject connected with this trial until  
24 the case is finally submitted to you.

25 We'll be at ease while the jury exits the room -- the panel; okay. Just

1 25 after meet us -- meet my marshal outside the courtroom.

2 [Outside the presence of the prospective jury]

3 THE COURT: Okay. We're outside the presence of the jury. Do you want to  
4 address any --

5 MR. JONES: Your Honor, if I --

6 THE COURT: -- challenges at this point?

7 MR. JONES: If I could real quick just make a record that I did at the bench  
8 make an objection regarding some questioning -- Mr. Gaston, during voir dire, that  
9 got too close to the facts that are going to be presented in this case and that  
10 objection sustained.

11 MR. GASTON: To clarify the record -- the bench record though. I think I -- at  
12 the bench I did admit that the question was inartful. The point I was trying to get at  
13 was whether a jury was going to consider the factual facts of this case and apply it  
14 to the charge as opposed to holding him liable for some kind of wrongdoing. I  
15 proposed potentially trying to rephrase the question, oppose a different hypo. The  
16 Court indicated that that's still too close the facts and sustained the object.

17 THE COURT: Okay. Is there any -- do you want to address any challenges  
18 now? Is there any challenges or do you pass for cause?

19 MR. JONES: Court's indulgence.

20 THE COURT: Okay.

21 MR. JONES: In terms of cause, Your Honor, I think the State's prepared to  
22 pass for cause.

23 THE COURT: Okay. Defense?

24 MR. GASTON: Your Honor, we do -- we have a few motions for cause.

25 THE COURT: All right.

1 MR. GASTON: I'm going to let Mr. Howell --

2 THE COURT: Which ones, Mr. Howell.

3 MR. HOWELL: Your Honor, we'll like to -- sorry. I apologize. I'm looking at  
4 their name here.

5 Okay. Ms. Shuey-Ridges, juror number 38.

6 THE COURT: Okay.

7 MR. HOWELL: And Ms. Rich, number 29.

8 THE COURT: Okay. Do you want to give me -- put on the record what your  
9 challenge is?

10 MR. HOWELL: Sure.

11 Your Honor, they -- they testified that -- I'm sorry. They -- when  
12 questioned about whether or not they would hold Mr. Sayedzada not testifying  
13 against him, they did indicate that -- it seemed pretty clear they pushed back a little  
14 bit on Mr. Gaston saying that while they would weigh the evidence that they would  
15 consider that against him. And that would affect their impartiality and their bias in  
16 this case. In fact, Ms. Shuey-Ridges went off for some time about why she believed  
17 that. And Ms. Rich joined in that discussion essentially saying that based upon him  
18 not testifying alone that would be something for them that would potentially sway --  
19 sway their decision making.

20 THE COURT: State.

21 MR. DICKERSON: Your Honor, the State objects that both -- that -- actually  
22 both of those prospective jurors the State asked if they could be fair and impartial in  
23 this case. They both answered in the affirmative. And as to the Defendant  
24 testifying, they were really phrasing their answers in terms of themselves. If they  
25 were in that position they would want to testify. They didn't say that they would hold

1 the Defendant to a different standard.

2 THE COURT: All right. With respect to your challenge for cause with regards  
3 to juror number 38, Karen Shuey-Ridges, I'm going to deny that. And with respect  
4 to your challenge for cause for juror number 29, Lisa Rich, I'm going to deny that as  
5 well.

6 MR. GASTON: Thank you, Your Honor.

7 THE COURT: Do you have any further challenges?

8 MR. HOWELL: No, Your Honor.

9 THE COURT: Okay. All right. So what I'm going to do at this point then is  
10 I'm going to go ahead and give you the --

11 MR. GASTON: May I approach?

12 THE COURT: Yes.

13 Do you under -- under -- oh, do you know -- do you know how to use  
14 that?

15 MR. GASTON: We just do one and pass it back and forth; right?

16 THE COURT: Right. Uh-huh. Okay.

17 So, Jim, go ahead and go out and inform the jury that we might be a  
18 little bit longer.

19 Is that -- is that fair to the parties? I can inform the jury we might be a  
20 little bit longer because we're settling the jury --

21 MR. JONES: Yeah. I'm fine with that, Your Honor.

22 THE COURT: -- selections. Okay. And just let me know when you're ready;  
23 all right.

24 MR. DICKERSON: Thank you, Your Honor.

25 [Recess is taken at 2:12 p.m.]

1 [Proceedings resumed at 2:37 p.m.]

2 [Outside the presence of the prospective jury]

3 THE MARSHAL: Please remain seated. Department 19 is back in session.

4 THE COURT: Okay. All right. We're back on the record in the case the State  
5 of Nevada versus Sayedbashe Sayedzada in the case of C310000.

6 Now at this point in time I see that everyone has exercised the -- their  
7 peremptory challenges in this matter. Is there any further challenges from either  
8 party -- from the State?

9 MR. JONES: No, Your Honor.

10 THE COURT: From the defense?

11 MR. GASTON: No, Your Honor.

12 THE COURT: Okay. Appearing that all peremptory challenges have been  
13 either waived or exercised, I'm going to go ahead and have the jury return and then  
14 we'll call out their name and then I'll swear the jury.

15 Are the parties going to be prepared to do their openings?

16 MR. JONES: Yes, Your Honor.

17 THE COURT: Okay. I will charge them first and then give you the opportunity  
18 -- so it takes me probably about 15 minutes to go through that, so you'll be ready to  
19 go?

20 MR. JONES: Yes.

21 THE COURT: Do you have witnesses too?

22 MR. JONES: We have witnesses here as well.

23 THE COURT: Okay.

24 MR. JONES: I -- at least I hope they're still here.

25 THE COURT: Okay. All right.

1                   Okay. So go ahead and get the jury in, Jim.

2                   MR. JONES: Do you mind once the jury comes in if I pop out just to make  
3                   sure.

4                   THE COURT: No, you're fine. You can.

5                   Are either party going to be exercising the peremptory chall -- I mean,  
6                   the exclusionary rule?

7                   MR. JONES: I'm assuming both will, but none of my witnesses are in here.

8                   MR. GASTON: We will invoke just for the record.

9                   THE COURT: You will.

10                  MR. GASTON: Yes.

11                  THE COURT: Okay. All right.

12                                 [In the presence of the prospective jury panel]

13                  THE MARSHAL: Please be seated. Department 19 is back in session.

14                  THE COURT: Okay. For the record, this is case number C310000, State of  
15                  Nevada versus Sayedbashe Sayedzada. He's present with his counsel, as well as  
16                  the State and their counsel, and all members of the jury -- prospective panel.

17                                 Will the parties stipulate to the prospective jury panel?

18                  MR. JONES: Yes, Your Honor.

19                  MR. GASTON: Yes, Your Honor.

20                  THE COURT: Okay.

21                                 Ladies and gentlemen, during the break the parties were able to  
22                  exercise their peremptory challenges as -- what I indicated would eventually  
23                  happen. The individuals that are in the courtroom that haven't been called, you will  
24                  not be used here. They were able to get an agreement amongst the parties with  
25                  respect to the parties here. So I'm going to tell you know I want to thank you all for



1 being patient and sitting through this process, but the individuals that are in the  
2 courtroom in the -- not in the panel here, you'll be excused. But I'm going to go  
3 ahead and excuse the jurors here that are not going to be part of this jury.

4 Ladies and gentlemen, if you hear your name this time you will be  
5 remaining. If you do not hear your name that means that you've been excused. So  
6 Diane Albanese, juror number 002; Brittan Stuck, juror number 003; Pamela Aaron,  
7 juror number 005; Deidra Terry, juror number 043; Cinda Towne, badge number  
8 007; Weena Lachica, badge number 010; Loretta Wiedmer, badge number 016; Ms.  
9 Bridgewater, badge 037; Allan Abrazaldo, badge number 020; Terry Ford, badge  
10 number 024; William Colucci, badge number 025; Connie Quan, badge number 028;  
11 Simon Lac, badge number 031; Phyllis Bagan, badge number 033.

12 If your name was not called you are excused. I want to thank you all for  
13 taking the time and being here and going through this process, including those that  
14 are in the courtroom. I will ask that you go back to the jury commission room and let  
15 them know that you have been excused. Thank you so much.

16 We'll be at ease while the members leave the courtroom. And if there's  
17 any question about whether or not you can discuss this now you can; okay.

18 Okay. Ladies and gentlemen, I need to seat you in the seats that  
19 you're going to be -- okay. Ms. Albanese, you're juror number 1, so you'll be right  
20 there. Juror number 2 is Ms. Stuck, so you're in the right place. Ms. Aaron, move  
21 down to your left, you're number 3. Ms. Terry, you're juror number 4, so move to  
22 your left. Ms. Towne, you're juror number 5, so you'll be in the fifth seat in the back  
23 row. Juror number 6 is Weena Lachica; you must move over to your left. Juror  
24 number 7 is Loretta Wiedmer; just right behind you. Juror number 8 is Ms.  
25 Bridgewater; you'd be in the middle in the second row. Juror number 9 is Allan

1 Abrazaldo. Juror 10 is Terry Ford. Juror number 11 is William Colucci. Juror  
2 number 12 is Connie Quan. Juror number 13 is Simon Zac [sic]. Mr. Zac [sic] you'd  
3 be in the -- right in the middle.

4 JUROR NUMBER 13: Actually Lac.

5 THE COURT: I'm sorry. Mr. Lac, I'm sorry.

6 JUROR NUMBER 13: It's okay.

7 THE COURT: And juror number 14 is Phyllis Bagan; you'll be right next to Mr.  
8 Lac.

9 Okay. All right. So at this point in time, ladies and gentlemen, I'm  
10 going to ask that you please rise and raise your right hand again. We'll swear you in  
11 as my juror.

12 [The clerk swore in the jury panel]

13 THE COURT CLERK: Thank you. Please be seated.

14 THE COURT: Is there anyone that wouldn't take that oath? Okay. No one  
15 has indicated that they wouldn't.

16 At this point in time the exclusionary rule has been requested, so if  
17 there's anyone present who expects to be called as a witness I'm going to ask that  
18 you leave the courtroom. Please remain available in the hallway. Do not discuss  
19 this testimony or the testimony of any other witness with anyone except the parties  
20 in this case and their attorneys.

21 Mr. Jones, did you want to check the hall now or --

22 MR. JONES: I've already stepped out, Your Honor.

23 THE COURT: You're fine then?

24 MR. JONES: We are.

25 THE COURT: Okay.

1 Ladies and gentlemen, you are now sworn members of this jury. You  
2 are my jury in the case of the State of Nevada versus Sayedbashe Sayedzada in  
3 case number C310000. You've been hand -- you will be handed notepads and  
4 pens. Also my marshal will be handing you a different badge. It's a blue badge and  
5 I'm going to ask that you wear that at all times. That will signify that you are a juror  
6 and that people see that and know not to discuss anything with you regarding what  
7 you're doing as a juror.

8 What I'm now going to say to you is intended to serve as a general  
9 introduction to the trial of this case. It's not a substitute for the detailed instructions  
10 on the law which I will give you at the close of the case before you retire to consider  
11 your verdict.

12 This is a criminal case commenced by the State of Nevada which I may  
13 sometimes refer to as the State against the Defendant, Sayedbashe Sayedzada.  
14 This case is based on an Information. I'm going to now as my clerk to read that  
15 Information to you and indicate the pleas of the Defendant.

16 [The clerk read the Information aloud]

17 THE COURT: Ladies and gentlemen, this case is based on this Information  
18 which has just been read to you by my clerk. You should distinctly understand that  
19 the Information is simply a charge and it is not in any sense evidence of the  
20 allegations it contains. The Defendant here has pled not guilty to the Information.  
21 The State then therefore has the burden of proving each of the essential elements of  
22 the charges beyond a reasonable doubt. As the Defendant sits here now he is not  
23 guilty.

24 The purpose of this trial is to determine whether the State will meet that  
25 burden. It is your primary responsibility as jurors to find and determine the facts.

1 Under our system of criminal procedure you are the sole judge of the facts. You are  
2 to determine the facts from the testimony you hear and the other evidence including  
3 exhibits introduced here in court. It is up to you to determine the inferences which  
4 you feel may be properly drawn from this evidence.

5 The trial begins with opening statements. The district attorneys will  
6 make an opening statement if they so desire which is an outline to help you  
7 understand what the State expects to prove. Next the Defendant's attorneys may if  
8 they so desire make an opening statement, but they do not have to. Opening  
9 statements serve as an introduction to the evidence which the party making the  
10 statement intends to prove, but they are evidence.

11 Next the State will commence with its case in chief. This is the State's  
12 opportunity to present its evidence. This consists of the calling of the witnesses and  
13 the production of physical items of evidence such as documents and/or photographs  
14 and alike. Counsel for the Defendant may cross-examine the State's witnesses.  
15 Following the State's case in chief the Defendant may present and the district  
16 attorneys may cross-examine the defense witnesses; however, as I've said the  
17 Defendant is not obligated to present any evidence.

18 There are two kinds of evidence, direct and circumstantial. Direct  
19 evidence is testimony by a witness about what they witnessed, personally saw, or  
20 heard or did. Circumstantial evidence is testimony or exhibits which are proof of a  
21 particular fact from which, if proven, may be -- you may infer the existence of the  
22 second fact.

23 The best example I give is that if the issue -- the question is, is it raining  
24 outside. An individual comes in, he takes the stand, he sits up there, swears in and  
25 says I just came from outside, it's raining outside. That's direct testimony -- direct

1 evidence. Circumstantial evidence would be if the same question is it raining  
2 outside. A witness comes in, as he walks in the door he's got a raincoat on, he's  
3 closing his umbrella, he's shaking the water off and he's water on his sleeves. He  
4 sits down; he said I just came from outside. That is circumstantial evidence that you  
5 may infer that it's raining outside. You may consider both direct and circumstantial  
6 evidence in deciding this case. The law permits you to give equal weight to both,  
7 but it's for you to decide how much weight to give to any evidence. Anything you  
8 have seen or heard outside the courtroom and is not evidence and must be  
9 disregarded.

10           It is the duty of an attorney to object to evidence which he or she feels  
11 may not be properly brought before the jury. At times I may sustain objections or  
12 direct you to disregard certain testimony or exhibits. You may not consider any  
13 evidence to which an objection has been sustained or which I have instructed you to  
14 disregard.

15           In considering the weight and value of the testimony of any witness, you  
16 may take into consideration the appearance, attitude and behavior of the witness;  
17 the interest of the witness in the courtroom in the outcome of the case, if any; the  
18 relation of the witness to the Defendant or the State; the inclination of the witness to  
19 speak truthfully or not, and the probability or improbability of the witness' statements  
20 and all the facts and circumstances in evidence. Thus you may give the testimony  
21 of any witness just such weight and value as you believe the testimony of that  
22 witness is entitled to receive. If the Defendant presents evidence the State will have  
23 the opportunity to present rebuttal evidence and the Defendant may have the  
24 opportunity to present surrebuttal evidence.

25           After all the evidence has been presented I will instruct you on the law.

1 After the instructions on the law have been read to you each side will have the  
2 opportunity to present closing arguments. What is said in closing argument is not  
3 evidence just like opening statements are not evidence. The arguments are  
4 designed to summarize and interpret the evidence while discussing with you how to  
5 apply the law to the particular facts in the case.

6 Since the State has the burden of proving the Defendant guilty beyond  
7 a reasonable doubt the State has the right to open and close the arguments. This  
8 means that the State will make a closing argument, followed by closing argument  
9 from the defense, and then the State may make rebuttal closing argument. After the  
10 arguments have been completed you will retire to deliberate on your verdict.

11 I may during the trial take notes of the witness' testimony. You are not  
12 to make any inferences from that action. I'm required to prepare for legal arguments  
13 of counsel during this trial and for that reason I may take notes.

14 The jury will not have a transcript to consult at the close of the case;  
15 however, the jury will be furnished notepads and pencils and be allowed to take  
16 notes. You should have those now. Does everyone have them? Okay.

17 If any juror discovers during the trial, or after the jury has retired to  
18 deliberate, that he or she has personal knowledge of any fact in controversy in this  
19 case, he shall disclose that situation to myself in the absence of other jurors. This  
20 means that if you learn during the course of this trial that you were acquainted with  
21 any of the facts of the case, or witnesses and you haven't previously told me about  
22 it, you must then declare that fact to me. You do that by communicating through my  
23 marshal.

24 Additionally, if that -- if that aforementioned situation arises, you are  
25 admonished that you may not relate to any of the fellow jurors any of the facts

1 relating to this case that are within your own personal knowledge. Likewise, if you  
2 discovery that any other juror has personal knowledge of any fact in controversy in  
3 this case you shall also disclose that situation to myself in absence of the other  
4 jurors. Once again you communicate to the Court through my marshal, and if the  
5 aforementioned situation arises you're admonished that you may not relate to any  
6 fellow jurors any of the facts relating to this case that are within your own knowledge  
7 or that of the other juror.

8           You will also recall that during the course of this trial the attorney for  
9 both sides, the parties, the witnesses and court personnel, other than the marshal,  
10 are not permitted to converse with members of the jury. As I previously stated,  
11 these individuals are not being antisocial; rather they are bound by ethics of law not  
12 to talk to you. To do so might contaminate your verdict.

13           Moreover, you are admonished that you're not to visit the scene of any  
14 of the acts or occurrences made mentioned of during this trial unless specifically  
15 directed to do so by the Court.

16           Please don't investigate this case or anyone who has anything to do  
17 with this case on your own. Do not undertake any legal or factual research on your  
18 own.

19           Finally, you must not be influenced in any degree by any personal  
20 feeling of sympathy for, or prejudice against the State or the Defendant. Both sides  
21 are entitled to the same and impartial consideration.

22           Once again, do not get on social media and try to find out any  
23 information about the case.

24           You will be given the opportunity to ask written questions of any of the  
25 witnesses called to testify in this case. You are not encouraged to ask a large

1 number of questions because this is the primary responsibility of these attorneys.  
2 Only a limited number of questions may be posed by jurors and you will not be  
3 allowed to become the third attorney or to advocate a certain position with your  
4 questions. I have the discretion to preclude individual jurors from asking any  
5 excessive number of questions. Questions may be asked after both lawyers have  
6 finished questioning the witnesses and only at that time. For example, the State  
7 calls a witness and conducts direct examination. The defense then has an  
8 opportunity to cross-examine that witness. This process may go back and forth a  
9 number of times where the State would redirect and then defense recross, redirect,  
10 recross; that happens often times.

11           Should you decide to ask a question, you should write your question  
12 down on your notepad on a full sheet of paper; you need to put your name on it,  
13 your juror number, not -- it be like juror number 1, juror number 2, where you're  
14 seated, and then ask your question and write it in -- in the full sheet of paper. When  
15 you have a question raise your hand with the notepad and give -- my jury will come  
16 over -- my marshal will come over and get it from you, only after all the questions  
17 have been asked by the defense and State; okay.

18           Any question you pose must be factual in nature and designed to clarify  
19 information already presented. All questions must be directed to the witness and  
20 not to the lawyers or to me, the Judge.

21           After you have indicated that you have a question my bailiff will pick it  
22 up and then I'll consult with the parties. They'll approach the bench like we've done  
23 previously. You've watched that. We'll consult, and if I determine that your question  
24 is legally proper -- and only questions permissible under the rules of evidence will be  
25 asked and juror should not draw any inferences or conclusions if a question they



1 have submitted is not asked.

2           Often times we get hearsay question; did somebody tell you about this,  
3 this, this. That's a hearsay question. That's not a legally proper question. The rules  
4 of evidence apply to your questions, just like they apply to the attorneys. And so if I  
5 find that they're not properly asked I won't ask it. If I determine that your question  
6 may be properly asked, I'll ask the witness and the attorneys will be allowed to  
7 asked questions -- follow up. The questions will be asked exactly like you write it. It  
8 won't be -- I won't be correcting your grammar, or putting words in that need to be  
9 added. I'll ask it exactly like it's asked. If it doesn't make sense the way it's asked  
10 we won't ask it; do you under -- okay?

11           Until the case is submitted to you, you must not discuss it with anyone,  
12 even with your fellow jurors. After it is submitted to you, you must discuss it only in  
13 the jury room with your fellow jurors. It's important that you keep an open mind and  
14 not decide any issue in the case until the entire case has been submitted to you  
15 under instructions from me.

16           If you cannot hear a witness, please raise your hand as an indication.  
17 Also, if you need to use the restroom, or if you feel ill, please raise your hand as an  
18 indication. I try to take a break about every 90 minutes or so, or if you all want to go  
19 earlier I'll do that as well. If you want to stay later I'll do that as well.

20           I have no objection to you bringing drinks in. I've already indicated that.  
21 Also, if you want -- want to bring a snack in or something and you feel like you need  
22 to do so, you can. But understand this, and I always use this example, if  
23 somebody's testifying and you're over there eating Doritos and it's scrunching, and  
24 it's disruptive, I will stop you from doing so; all right, so just understand that.

25           Understand also you're not in your home; you're in --you're in a public

1 building, so if you bring anything to drink make sure that you the ability to close it up  
2 because if you spill it then it causes a mess and you can understand where I'm  
3 going with that.

4 Again, let me remind you that until the case is submitted to you do not  
5 talk to each other about it, or about anyone that has anything to do with it until the  
6 end of this case when you to the jury room to decide your verdict.

7 Do not talk to anyone else about this case or anybody who has  
8 anything to do with it until the trial has ended and you have been discharged as  
9 jurors. Anyone else includes members of your family. You may tell them that you  
10 are a juror in a criminal case, but don't tell them anything else about it until after you  
11 have been discharged by myself.

12 Sometimes spouses give problems with our jurors. They don't believe  
13 that they're down here doing this. And so I tell you, if you have a spouse that  
14 persists and continues to try to grill you on this, let us know and I'll take care of it. If  
15 not, tell them to come down. They're more than welcome. They can join us in the  
16 courtroom so they can see what you're going through and hear what you're -- what  
17 you're dealing with. Understand however you cannot discuss it with them. Under  
18 those circumstances sometimes spouses try to interject a little more than they  
19 should. You just need to remind them you can't -- I can't hear you -- I can't discuss  
20 it with you.

21 Also, if they do -- if you do invite them down, I'll ask that you inform  
22 them that they need to stay during the proceeding. I do not like it when witnesses  
23 are testifying that people are up and down during that proceeding. I won't let that  
24 happen. And so if they come in and they get up in the middle of their -- chances are  
25 I'll either lock the door, they can't get out, or I'll them to sit down; okay.

1 Do not talk to -- do not let anyone talk to you about the case or anyone  
2 that has anything to do with it. If someone should try to, just notify my marshal and  
3 we'll take care of it. So if someone else here is trying to talk to you about it let us  
4 know; okay.

5 Do not visit the scene or anything -- any of the events mentioned during  
6 the trial or undertake an investigation or research on your own. Do not read any  
7 news stories or article or listen to any radio, television reports about the case or  
8 anyone that has anything to do with it.

9 This is on the honor system. If you're at home and something happens  
10 and this happens to be on the news, or it happens to be in the newspaper, or you're  
11 looking on the internet and it pops up on the internet or whatever, on your honor  
12 you'll need to shut that down and either leave the television, leave the computer, or  
13 leave the newspaper where it is. Please do not read anything or look at anything  
14 involving this case.

15 Also, while you're in here, during the trial I'm going to ask that you turn  
16 your phones off. We are picking up -- some of you have phones and we are picking  
17 it up when it goes on vibrate it comes through our system. And my recorder  
18 indicated she had some trouble when a couple -- a couple of them came across. So  
19 I'm going to ask that you turn them while -- during -- in session; okay.

20 Do you have any questions? If you need to bring a sweater, or you  
21 need to bring a pillow for your back or anything like that, feel free to do so. Anything  
22 to make you comfortable; okay.

23 Mr. Jones, Mr. Dickerson, did you want to address the Court in  
24 openings?

25 MR. JONES: We do have an opening prepared, Your Honor.

1 THE COURT: Okay.

2 MR. JONES: May I proceed?

3 THE COURT: Yes.

4 **OPENING STATEMENT BY THE STATE**

5 BY MR. JONES:

6 May it please the Court, ladies and gentlemen of the jury, defense  
7 counsel, 13 credit cards Defendant had on his possession on September 23<sup>rd</sup>, 2015.  
8 These cards were discovered by a security guard who worked for a security  
9 company by the name of Unity One. That security guard's name is Cory Newton.  
10 Cory Newton is going to tell you that he was patrolling 1401 Santa Margarita on  
11 September 23<sup>rd</sup>, 2015. Towards the back of the development he noticed Defendant.  
12 And Defendant caught his eye because he noticed there was a big bulge  
13 underneath Defendant's shirt. He noticed some straps around Defendant's neck.  
14 And even though he hadn't been assigned to security at that location very long, he  
15 didn't recognize Defendant.

16 So he asked Defendant as he's approaching him, do you live at this  
17 residence and Defendant said no. The -- Security Officer Newton then asked  
18 Defendant if he could ask him a few more questions -- or wanted to ask him a few  
19 more questions about what he was doing on property. As they approached each  
20 other -- as the Defendant and the security guard approached each other, the  
21 Defendant basically said fuck you to the security guard and took off running. At this  
22 point having no idea why a Defendant is on site, and noticing this big bulge  
23 underneath Defendant's shirt, the security guard then began to chase after  
24 Defendant. They make their way to the back wall. At this point the security guard --  
25 Security Officer Newton catches up with Defendant and begins to reach for him.

1 The Defendant turns around, begins to strike the security guard at least two times  
2 and runs off again. At this point the Security Officer Newton follows him again and  
3 catches up with him, at which point the Defendant turns. The officer fears he's going  
4 to be struck again and then the Defendant is tased by the security guard.

5 At this point the security officer then asks to conduct a search of the  
6 Defendant. He then pulls what he now knows is a purse from outside of the  
7 Defendant's shirt. He pulls it out of the Defendant's shirt. He glances in the purse  
8 and notices that there are credit cards inside that purse. In fact, there are seven  
9 credit cards in that purse in the name of Jamie Black. The officer then tries --  
10 security officer then tries to attend to the Defendant's health. He is concerned.  
11 After all, the Defendant has been tased. He also calls police. At this point he does  
12 place the Defendant in cuffs and he then waits for security and medical to arrive.  
13 Now at this point -- at some point medical arrives first and then some point after  
14 security -- excuse me, Metro -- the Las Vegas Metropolitan Police Department  
15 arrives. He is then -- he being the Defendant is then given over to Metro.

16 Now where the Defendant was tased was right in front of a vehicle.  
17 After a period of time after Metro arrived, the owner of that vehicle then gets in and  
18 leaves. And Security Officer Newton looks down and notices that underneath that  
19 vehicle, near where the Defendant had been, were more cards. In fact, six of them  
20 in the name of Jamie Black, Lori Black and Michael Black. The security guard then  
21 tenders those cards over to the Las Vegas Metropolitan Police Department.

22 Ladies and gentlemen, that's a total of 13 credit cards, again in the  
23 name of Jamie Black, Lori Black and Michael Black that the Defendant possessed.  
24 You will hear from all three of the Blacks, all three of them say they have -- they do  
25 not know the Defendant and Defendant did not have permission to possess those

1 credit cards. In fact, Jamie Black will testify that all of those cards were in her  
2 possession. The last time she saw them was when she was -- she got home from --  
3 late that day. She removed her child from the car to go to the house and she left her  
4 purse there in the car because she was busy carrying her child into the residence.  
5 She left her purse in the car and that was the last time she saw those cards.

6 Ladies and gentlemen, after hearing all of the evidence in this case,  
7 after listening to the instructions that Judge Kephart is going to give you, and  
8 weighing all of the facts, we are confident that you will find the Defendant guilty of all  
9 13 counts of possession of credit or debit card without cardholder's consent. Thank  
10 you.

11 THE COURT: Mr. Jones, thank you so much.

12 Do you have any -- Mr. Gaston or Mr. Howell?

13 MR. HOWELL: Mr. Howell. Thank you, Your Honor.

14 THE COURT: Mr. Howell.

15 MR. HOWELL: May I proceed, Your Honor.

16 THE COURT: [No audible response -- nodding in the affirmative.]

17 **OPENING STATEMENT BY THE DEFENSE**

18 BY MR. HOWELL:

19 Everything the State just told you just about true, but make no mistake,  
20 Sayed is not guilty. This case is about intent. Specifically, the State will not be able  
21 to prove beyond a reasonable doubt that Sayed intended to use the cards that were  
22 found inside the purse.

23 Now the evidence will show that Sayed -- Sayed was in possession of  
24 Jamie Black's purse. The evidence will show that inside that purse were several  
25 credit cards belonging to various members of the Black family. The evidence will

1 show that Sayed was stopped by security at an apartment complex for trespassing,  
2 that he attempted to run, he was eventually tased and placed into handcuffed.  
3 Those are the facts and we do not dispute them. Sayed was in possession of Jamie  
4 Black's purse. It wasn't his; he knew that it wasn't; he tried to conceal it. But again,  
5 that's not what this case is about. This case is about what the evidence cannot and  
6 will not show.

7 Now the State's going to ask you to make some assumptions. They're  
8 going to ask you to guess about Sayed's intent. Ladies and gentlemen, you cannot  
9 and must not guess your way into convicting a man for 13 felonies. After you've  
10 heard all the evidence we are confident that you will come back with not guilty on all  
11 counts. Thank you.

12 THE COURT: Thank you, Mr. Howell.

13 Mr. Jones, did you have any witnesses -- Mr. Dickerson?

14 MR. DICKERSON: Yes, Your Honor.

15 THE COURT: Mr. Dickerson, call your first witness.

16 MR. DICKERSON: First witness is going to be Cory Newton.

17 THE COURT: Okay.

18 THE MARSHAL: Remain standing. Face the clerk; raise your right hand.

19 **CORY NEWTON**

20 [having been called as a witness and being first duly sworn, testified as follows:]

21 THE COURT CLERK: Please state your full name, spelling your first and last  
22 name for the record.

23 THE WITNESS: My full name is Cory Newton, spelled C-O-R-Y, last name  
24 spelled N-E-W-T-O-N.

25 MR. DICKERSON: May I pro --

1 THE COURT: Are you going to use that? If you need to just pull it up.

2 MR. DICKERSON: Yes, Your Honor.

3 THE COURT: Okay. All right. Your witness, Mr. --

4 MR. DICKERSON: May I proceed?

5 THE COURT: Yes, Mr. Dickerson.

6 **DIRECT EXAMINATION**

7 BY MR. DICKERSON:

8 Q Mr. Newton, how are you employed?

9 A I'm currently employed with Unity One, a private security company  
10 based out of Las Vegas, Nevada.

11 Q Are you a security officer with them?

12 A Yes.

13 Q And when did you get hired with Unity One?

14 A Approx -- sometime in August -- August 7<sup>th</sup>, I do believe.

15 Q 2015?

16 A Yes, sir.

17 Q Did you have any sort of training with Unity One?

18 A Yes. We start off with two weeks of field training. And then after those  
19 two weeks of field training we do a bunch of individual classes, such as case law,  
20 use of force, stuff like that, and then we receive taser training.

21 Q And what sort of things do they teach you in training?

22 A They teach us how to approach people, how to -- how to de-escalate a  
23 situation that seems like it might get a little out of hand. They teach us how to be  
24 friendly with our customers that we have such as the clients and the residents that  
25 live on the properties.



1 Q So what is the general goal of Unity One?

2 A General goal is to keep the clients happy.

3 Q Now as part of your training are you taught about customer service?

4 A Yes.

5 Q And what do they teach you about customer service?

6 A They teach us to be friendly and try to meet everyone that we see that  
7 we don't recognize. Try to introduce ourselves and let them know who we are, and  
8 what our company is, and what they do and everything like that.

9 Q So what are your duties with Unity One?

10 A My duties are to actually patrol certain properties that we're assigned  
11 to, and get to meet everyone that's on the property, make sure that there's no  
12 homeless or anything like that happening, and respond to dispatches and alarm  
13 responses when they happen.

14 Q Is crime of a concern to you?

15 A Yes.

16 Q In what sense?

17 A Just to keep the customers safe, keep the residents safe and stuff like  
18 that.

19 Q So how do you go about meeting individuals in the neighborhood?

20 A We walk up, introduce ourselves, ask them if they're a resident of the  
21 property. If they state they are, then we let them know who we are and what we're  
22 doing. If they're not, then we ask them, you know, what their business is on  
23 property, maybe they're just visiting somebody, and take things from there.

24 Q And do you wear a uniform?

25 A Yes.

1 Q So you're readily identifiable?

2 A Yes.

3 Q When you meet residents on the property how do you usually start  
4 those interactions?

5 A I usually ask them how their day's going. That's usually how we start  
6 off, ask them how their day's going, ask them their name, ask them if they're a  
7 resident of the property.

8 MR. GASTON: Your Honor, may we approach?

9 THE COURT: Sure.

10 [Bench conference -- not recorded]

11 THE COURT: Okay. Mr. Dickerson, go ahead and proceed.

12 MR. DICKERSON: Thank you, Your Honor.

13 BY MR. DICKERSON:

14 Q So, Mr. Newton, how many people would you say you talk to in a given  
15 day when you're working as a security officer?

16 A Depending on the time of day and what shift we're on, it can range  
17 anywhere between -- I usually try to make in 20 interactions a day.

18 Q And on September 23<sup>rd</sup>, 2015 were you working?

19 A Yes, I was.

20 Q And what shift were you working?

21 A I was working the morning shift, 05 to 1300.

22 Q Did you have a specific assignment that day?

23 A I was assigned to north, so I was covering the north section of the  
24 properties.

25 Q What is the north section of the properties covered?

1 A It covers the whole north of the valley from -- all the way on the east  
2 side off Craig Road all the way to -- just off Rainbow.

3 Q And how many properties do you patrol in that north area?

4 A Six.

5 Q And the property located at 1407 Santa Margarita --

6 A Yes.

7 Q -- is that one of them?

8 A Yes, it is.

9 Q What property is that?

10 A That's known as Scottsdale Place. It's an HOA complex for condos.

11 Q So did you patrol Scottsdale Place that morning?

12 A Yes, I did. Approximately at 0655.

13 Q And just to be clear, that location 1407 Santa Margarita, Scottsdale  
14 Place, that's located here in Las Vegas, Clark County, Nevada?

15 A Yes, it is.

16 Q What time did you arrive there?

17 A I arrived there probably around I would say 6:45, and then I did my foot  
18 patrol around 6:55.

19 Q Do you drive a vehicle?

20 A Yes, we do.

21 Q Did you drive a vehicle to that location?

22 A I drove a vehicle to that location and then I also walked in on foot.

23 Q And where did you park the vehicle?

24 A I parked my vehicle in the front of the -- before entering the complex,  
25 and there's a pedestrian gate there that I walked through.

1 Q So at approximately 6:45 a.m. you arrived there --

2 A Yes.

3 Q -- is that correct?

4 A Yes.

5 Q And you parked your vehicle?

6 A I do a vehicle patrol first and then I park.

7 Q Okay. And by vehicle patrol you drive around the property?

8 A Drive it one time, yes.

9 Q Now after parking your vehicle, what did you do this morning?

10 A I then walked towards the back, cutting through the center line making  
11 sure everything in the center of the property was okay, talking to some residents.  
12 And then I made it all the way to the east wall when I came into contact with Sayed.

13 MR. DICKERSON: Your Honor, may I approach your clerk.

14 THE COURT: Yes.

15 MR. DICKERSON: May I approach the witness, Your Honor?

16 THE COURT: Yes.

17 BY MR. DICKERSON:

18 Q Mr. Newton, I'm showing you what's been pre-marked as State's  
19 proposed Exhibit 22; do you recognize this exhibit?

20 A Yes, I do.

21 Q And how do you recognize it?

22 A This is Scottsdale Place.

23 Q And does this image in State's proposed Exhibit 22 fairly and accurately  
24 represent Scottsdale Place as you know it?

25 A Yes.

1 Q And it fairly and accurately represents it as it was on September 23<sup>rd</sup>,  
2 2015 at approximately 6:45 a.m.?

3 A Yes.

4 MR. DICKERSON: Your Honor, just showing defense counsel briefly.

5 State moves for the admission of State's proposed Exhibit 22.

6 THE COURT: Any objection?

7 MR. GASTON: No objection, Your Honor.

8 THE COURT: Mr. Gaston, have you been provided this prior to today?

9 MR. GASTON: Yes, Your Honor. They provided a list -- this photo  
10 specifically, as well as the list of exhibits they'll be introducing this trial.

11 THE COURT: Okay. All right. Thank you.

12 All right. It will be admitted.

13 **[STATE'S EXHIBIT 22 ADMITTED]**

14 MR. DICKERSON: Permission to publish?

15 THE COURT: Yes.

16 BY MR. DICKERSON:

17 Q Publishing State's Exhibit 22; can you see that, Mr. Newton?

18 A Yes, I can.

19 THE COURT: Okay. Hold on.

20 Can the jury see this okay? Okay. Every -- Mr. Lac --

21 JUROR NUMBER 13: No, I'm good.

22 THE COURT: -- could you --

23 JUROR NUMBER 13: I'm sorry.

24 THE COURT: You're okay?

25 JUROR NUMBER 13: Yeah.

1 THE COURT: Oh, that was a thumbs up?

2 JUROR NUMBER 13: Yeah.

3 THE COURT: Okay. All right. Okay. Sorry about that.

4 All right. Go ahead, Mr. Dickerson.

5 MR. DICKERSON: Thank you, Your Honor.

6 BY MR. DICKERSON:

7 Q Now you said you arrived -- did your vehicle patrol. Where exactly on  
8 this map -- and actually that screen in front of you it's kind of like Monday Night  
9 Football. You can touch it and it will make on there.

10 A Okay.

11 Q So can you just mark on that screen where you parked?

12 A I parked right around here.

13 Q Now --

14 THE COURT: Just for the record, it would be at the bottom of your photo right  
15 now in the middle; is that fair?

16 MR. DICKERSON: That's fair, Your Honor.

17 THE COURT: Is that fair, Mr. Gaston?

18 MR. GASTON: Yes, Your Honor.

19 THE COURT: Okay.

20 BY MR. DICKERSON:

21 Q Can you indicate for the jury where the entrance is of Scottsdale Place  
22 are?

23 A There are three entrances. There's two vehicle entrances here and  
24 here, and along with the pedestrian entrance there.

25 MR. DICKERSON: All right. And for the record, he's indicated three

1 entrances on the bottom of the screen on Santa Margarita Street; is that correct?

2 THE WITNESS: That's correct.

3 BY MR. DICKERSON:

4 Q Now when you got out of your vehicle, can you just show me where you  
5 walked -- show the jury where you walked?

6 A I walked straight back checking out the pool and meeting with some  
7 residence in the -- in the pool area.

8 Q And then where was it -- was it upon walking straight back that you  
9 came into contact with an individual?

10 A Yes.

11 Q And do you see that individual in the courtroom today?

12 A Yes, I do.

13 Q If you could please point to that individual and identify a piece of  
14 clothing that he or she is wearing?

15 A He's right over there. He's wearing a green shirt with a blue tie.

16 MR. DICKERSON: Your Honor, if the record could reflect that the witness  
17 has identified the Defendant, Sayedbashe Sayedzada.

18 THE COURT: It will.

19 BY MR. DICKERSON:

20 Q Now where was it that you came in contact with the Defendant?

21 A I came in contact with the Defendant right around here.

22 Q Which -- you were walking which direction?

23 A I was walking that way.

24 Q And where was the Defendant walking?

25 A He was walking this way.

1 Q So were you walking towards each other?

2 A Yes.

3 Q And what, if anything, did you notice about the Defendant as you were  
4 approaching him?

5 A He was hiding something underneath his shirt.

6 Q And how could you tell?

7 A It was a very large object; it was sticking pretty far out there.

8 Q The Defendant, what was he wearing when you saw him?

9 A He was wearing a red shirt with a beanie that had some black on it.

10 Q And was that -- how was that shirt fitted to him?

11 A It was a pretty loose-fitting shirt.

12 Q And you were still able to see that there was something bulging?

13 A Yes.

14 Q How big would you describe that bulge and where would you describe it  
15 as being?

16 A The bulge I found approximately right around here and it was -- it was a  
17 good sized bulge. I'd probably say it looked bigger than a football.

18 MR. DICKERSON: And for the record -- if the record could reflect that the  
19 witness had pulled open his shirt right about the mid-stomach line.

20 THE COURT: Is that a yes, sir?

21 THE WITNESS: Yes. That's a yes.

22 THE COURT: Okay. All right.

23 BY MR. DICKERSON:

24 Q And that's where you saw the bulge?

25 A Yes.



1 Q Now did you find anything odd about that?

2 A I did. I found it was a little weird that he was -- that he had something  
3 hiding underneath his shirt.

4 Q So at this point in time we're talking -- what time is it right now?

5 A Approximately 6:55 in the morning.

6 Q Six fifty-five in the morning, September 23<sup>rd</sup>, 2015; is it light out?

7 A Yes.

8 Q And so you were able to see this?

9 A Yes.

10 Q How far away would you say that you were when you first saw the  
11 Defendant?

12 A We probably -- I probably initially made contact approximately 10 to 20  
13 feet away from him.

14 Q Now when you first see him 20 feet away what do you do?

15 A I ask him -- I ask him how his day's going. That's how I start off all my  
16 interactions and I ask him if he's a resident of the property.

17 Q And does he say anything?

18 A Yeah, he tells me he's not.

19 Q And what, if anything, did that tell you?

20 A Well, it told me he was not supposed to be on property, and it could  
21 have been something that he was doing that was not supposed to be doing on  
22 property.

23 Q Does him not being a resident of the property send any sort of red flags  
24 for a security officer for Unity One?

25 A Yes. It makes us want to question a little bit further, find out what he --

1 what he's doing on property, and if he has a legal reason to be on property.

2 Q And other than just that answer, was there any other reason that you  
3 wanted to question him?

4 A I wanted -- I wanted to talk to him about why he was on property and  
5 what was underneath his shirt.

6 Q And why is that important?

7 A Safety and security. Don't know what's under there, what could have  
8 been under.

9 Q So what happened next?

10 A After -- I tried getting him -- tried to get him to come over and talk to me.  
11 And then at this point he tells me to fuck off and takes off running towards the back  
12 wall.

13 Q And what did you do?

14 A I took off after him.

15 Q Now if we could just -- okay. If you could just indicate on the map  
16 where it was that you came in contact with him and asked him if he was a resident?

17 A Came in contact right around here.

18 Q Now after he said -- and excuse my language, ladies and gentlemen of  
19 the jury, fuck you and took off running, which direction --

20 THE COURT: Excuse me. I don't think he said that.

21 Is that what you said he said?

22 THE WITNESS: He said fuck off, sir.

23 THE COURT: Okay. All right.

24 MR. DICKERSON: Oh. Excuse me.

25 ///

1 BY MR. DICKERSON:

2 Q He said fuck off and ran. Which direction did he go?

3 A He ran this way to head towards that wall back there.

4 Q And you gave chase?

5 A Yes.

6 Q How big is that wall?

7 A The wall -- I would say it was approximately -- maybe three and a half,  
8 four feet high.

9 Q And did you again make contact with him?

10 A Yes, made contact at the back wall.

11 Q Can you indicate on the map for the ladies and gentlemen of the jury  
12 where you made contact with him?

13 A We made contact right around here.

14 Q And what happened when you then made contact with him at that point  
15 on the back wall?

16 A At this point he turns around and punches me twice in the face.

17 Q And did that startle you?

18 A Of course.

19 Q Did you lose anything of your own during that?

20 A It was enough force to knock off my sunglasses off my face.

21 Q And where did your sunglasses go?

22 A They landed behind me right around this area just -- yeah, right up  
23 there.

24 Q What, if anything, happened next?

25 A Then he took off running back towards -- back away from me again.

1 Q If you could please indicate for the ladies and gentlemen of the jury on  
2 the map where he took off running?

3 A There is a dumpster right here, so he took off running that way.

4 Q And what happened?

5 A After that he's -- it appeared that he was stopping to turn around again  
6 possibly to assault, so I pulled out my taser and deployed it.

7 Q You said it appeared that he was stopping.

8 A Yes.

9 Q So what did he do?

10 A He stopped and he was getting ready to turn around.

11 Q Which way did he turn?

12 A He turned towards his left.

13 Q And what did that make you feel or think?

14 A I felt that I was -- I thought it was a threat against my safety again, so --

15 Q Had the Defendant said anything else at this point in time?

16 A Not at this point no.

17 Q Now what did you do?

18 A I deployed my taser.

19 Q And how did you do that?

20 A I aimed for the center mass of his body and pulled the trigger back and  
21 deployed it.

22 Q And just to be clear for the ladies and gentlemen of the jury, what does  
23 the taser -- how does it operate?

24 A The taser sends out two probes and it sends an electric current  
25 between the probes incapacitating the person.

1 Q So did the two probes shoot out?  
2 A Yes.  
3 Q And did they make contact with the Defendant?  
4 A Yes, they did.  
5 Q And where did they contact the Defendant?  
6 A They contacted him on his left side; one up by the shoulder blade and  
7 one lower in the lower back region.  
8 Q And what happened?  
9 A After that he went down and was complying with orders and was put in  
10 handcuffs.  
11 Q You put him in handcuffs?  
12 A Yes.  
13 Q And where did -- where were you at this point in time?  
14 A At this point in time we're right over here behind the dumpster.  
15 Q If -- I'm sorry, I couldn't see that.  
16 A It's going to be right around here.  
17 Q Okay. That's where you tased him?  
18 A Yes.  
19 Q And we're indicating about the top middle right of the image. So did  
20 you put him in handcuffs right there too?  
21 A Yes.  
22 Q And did you sit him up?  
23 A Yes.  
24 Q And did you sit him up right there?  
25 A I sat him upright in that general region, yes.

1 Q Now that area -- what is around you at this in time?

2 A There's a couple of cars around us and there's parking awning directly  
3 over our head.

4 Q What cars are around you?

5 A Specifically there was a black car, but other than that I couldn't tell you  
6 what kind of cars they were.

7 Q And that black car -- is he sitting near that car?

8 A Yes.

9 Q Where is he sitting?

10 A He's sitting -- there's a curb right over here. You're not going to be able  
11 to see it that well. There's a car right there where he's sitting.

12 Q And where's he sitting in relation to these vehicles?

13 A I was -- it was behind it -- behind it and to the left.

14 Q Now you had him tased; you put him in handcuffs, what happened  
15 next?

16 A I offered him medical assistance to pull out the probes to which he said  
17 he wanted, so I pulled out -- pull out the probes for him. I contacted fire rescue and  
18 Metro.

19 Q Did you see anything when you pulled out those probes?

20 A I didn't see anything when I directly pulled out the probes. I didn't see  
21 anything until after I asked for consent to search his persons.

22 Q And what did he say?

23 A He said yes.

24 Q So he gave you consent?

25 A That's correct.

1 Q And what did you do when he gave you consent?

2 A After he gave me consent I pat searched him looking for weapons, and  
3 then I asked him if I could remove the -- the thing that was hiding underneath his  
4 body -- underneath his shirt which he -- which was then indicated it was a purse.

5 Q So this purse that you say was on his body where exactly is it?

6 A It was hanging on the handles, drew up around his neck, approximately  
7 [indiscernible] where bulge was.

8 Q And you said it's under his shirt?

9 A Yes, that's the correct.

10 Q Is he only wearing one shirt?

11 A He's only wearing the one shirt.

12 Q So is the purse touching the skin?

13 A Yes.

14 Q And when you remove the purse how do you remove it?

15 A I take it off his head using the loops. Pull it off his head and ask for  
16 consent to search that as well.

17 Q You pull it up out the top -- pull it -- you pull it --

18 A I pull it up off the top; yes.

19 Q And at this point in time had you spoken to him at all?

20 A Other than getting a consent, that's all we really talked about at that  
21 moment.

22 Q So when you look in this purse what do you see?

23 A There's a lot of stuff. It was pretty messy for a purse. I ended up  
24 pulling out a credit card that had someone else's name on it.

25 Q Whose name was on that card?

1 A I do believe it was Jamie Black.

2 Q And did you inquiry or find out whether that was in fact the Defendant?

3 A Yes, I asked him what his name was.

4 Q And what did he tell you?

5 A He told me his name was Sayed Sayedzada. Forgive me, I think I'm

6 pronouncing that wrong.

7 Q And did you have any further conversation with him?

8 A We just talked about what -- he wanted to know what had happened to

9 him in regards to the taser and he just stated he found the purse.

10 Q So upon seeing that card and the purse what did you decide to do?

11 A That's when my -- Metro was already on their way, so I -- I turned it over

12 to Metro.

13 Q Now you said you had contacted paramedics as well?

14 A Yes.

15 Q And is that something that you would normally do in an incident where

16 someone gets tased?

17 A Absolutely.

18 Q So you called for paramedics and you called for Metro?

19 A Yes.

20 Q And who arrived first?

21 A Fire -- fire rescue arrived first.

22 Q And did they see the Defendant?

23 A They did.

24 Q And where was the Defendant when they arrived?

25 A When they arrived I had already -- we had already stood him up and



1 brought him up to fire rescue which was parked right in that area.

2 Q So they were parked on that back street?

3 A Yes, that's correct.

4 Q Now how long was the Defendant sitting back there on that curb?

5 A From the incident until the time that Las Vegas fire arrived it was  
6 probably about 30 minutes.

7 Q Thirty minutes until fire arrived?

8 A Somewhere around there; yes.

9 Q And did you stay right there in the area?

10 A I stayed pretty close to him.

11 Q And when the paramedics arrived, did the Defendant go with them?

12 A No, the Defendant refused medical treatment at that time.

13 Q And was Metro already there?

14 A No, Metro arrived after.

15 Q How long after?

16 A I would say probably ten, 15 minutes.

17 Q So after Metro -- or after the paramedics leave -- after the Defendant  
18 refuses treatment, where does the Defendant go from there?

19 A From there he goes back into the general area of the dumpster where  
20 the initial tase was.

21 Q If you could please indicate on the map where that is?

22 A Yeah. It's gonna be right in there.

23 Q Same general area that he was before?

24 A Correct.

25 Q By that curb that he was sitting up?

1 A Correct.

2 Q By those vehicles that are in front of the curb?

3 A Correct.

4 Q And when Metro arrives what, if anything, starts to transpire?

5 A Metro then assumes -- they take the Defendant into custody and start

6 questioning him. And then some time during that time a --

7 Q What we'll do is we'll stop right there. Once again, just to make me

8 clear, I'm going to have you mark on that map where the Defendant was after the

9 paramedics arrived?

10 A [No audible response -- marking on screen.]

11 Q Now Metro arrives, where does Metro arrive?

12 A Metro parked right around there.

13 Q And does the Defendant then go over to the Metro vehicle?

14 A Yes.

15 Q And where are you after Metro arrives?

16 A After this point I am right around in this area in front of Metro.

17 Q Okay. So you're also near where the Defendant was originally sitting?

18 A Yes.

19 Q And this -- you said there was a vehicle that the Defendant was by. Is

20 that vehicle at some point in time become occupied?

21 A The vehicle did become occupied and moved while Metro was still on

22 property.

23 Q So the vehicle was parked in a parking spot for the residents?

24 A Correct.

25 Q And who came down and got in that car?

1 A I don't know who it was. It was presumed it was the owner of the car.  
2 Q Okay. Nobody associated with Unity One?  
3 A No.  
4 Q Nobody associated with Metro?  
5 A Not that I'm aware of; no.  
6 Q Okay. Nobody that you had a conversation with?  
7 A No.  
8 Q And what happened is they got in that vehicle and drove away?  
9 A After they departed the property I noticed a bunch of -- a lot more credit  
10 cards scattered throughout the ground along with two phones underneath where the  
11 car was parked.  
12 Q So you said a lot of credit cards and phones?  
13 A Phones; yes, that's correct.  
14 Q What did the phones look like?  
15 A The phones appeared to be iPhones. I think one had a green case and  
16 one maybe had a pink case. I don't remember.  
17 Q And the credit cards, were you able to tell what those looked like?  
18 A They looked like standard credit cards. I just waved over to Metro after  
19 I saw them and let them take over that.  
20 Q Okay. So you waved Metro over; they take over. Just to be clear, I  
21 wanted -- did -- from your prospective as you were there, where were these credit  
22 cards in relation to where the Defendant had been sitting?  
23 A They were probably in front of him underneath -- if he was sitting right  
24 there, the car was parked right around there.  
25 Q I'm just going to clear the screen real quick.

1 A Yeah. Thank you.  
2 Q Okay.  
3 A The car's parked right here.  
4 Q Okay.  
5 A The Defendant's sitting right over in this area.  
6 Q Okay. So how close was the Defendant to that vehicle?  
7 A Probably within a couple feet.  
8 Q And that was for approximately half an hour?  
9 A Right around there; yes.  
10 Q Now did you fill out a witness statement or a report?  
11 A I did. I filled out a report for my company and a witness statement for  
12 Metro.  
13 Q Okay. And did you give detail in that report?  
14 A I gave the details the best I could at the time; yes.  
15 Q Okay. And as part of that you tried to describe everything that you can?  
16 A Try; yes.  
17 Q And that includes what you think the Defendant looks like?  
18 A Yes.  
19 Q That includes the taser that you used?  
20 A Yes.  
21 Q And that includes the area that you were in the complex?  
22 A Yes.  
23 Q And why is it that you do that?  
24 A So that we're there when we go to use of force board they have all the  
25 information they need and it also helps keep the report accurate the best that we

1 can.

2 Q Now you say the use of force board. Did you report your use of force,  
3 that being the taser, to Metro?

4 A Yes, I did.

5 Q And you did that at this time?

6 A Yes, I did.

7 Q And did anything transpire because of that?

8 A No, Metro justified it; said it was a justified chase.

9 Q And did you report your use of force to your company?

10 A Yes, I did.

11 Q And did anything transpire with that?

12 A We did a use of force board and also they determined it was justified.

13 MR. DICKERSON: May I approach your clerk, Your Honor?

14 THE COURT: Yes.

15 BY MR. DICKERSON:

16 Q Did you take any pictures as part of your reporting in this incident?

17 A I did.

18 MR. DICKERSON: May I approach the witness, Your Honor?

19 THE COURT: Yes.

20 BY MR. DICKERSON:

21 Q I'm going to be showing you what's been pre-marked and shown to  
22 defense counsel as State's proposed Exhibits 20 and 21. If you could take a look at  
23 these two images and tell me if you recognize those?

24 A Yes, I do.

25 Q And how do you recognize them?

1 A This was Mr. Sayed on the day that we made contact, and this was the  
2 purse that was concealed underneath his shirt.

3 Q And do these two image fairly and accurately depict both of those  
4 things that you mentioned?

5 A Yes.

6 Q On the day of September 23<sup>rd</sup>, 2015?

7 A Yes.

8 MR. DICKERSON: Your Honor, the State moves for the admission of both  
9 State's Exhibit -- State proposed Exhibit 20 and 21.

10 MR. GASTON: May we approach?

11 THE COURT: Yes.

12 [Bench conference -- not recorded]

13 THE COURT: You -- did you -- did you want to make an objection on the  
14 record here with regards to their motion? Just -- just you're objecting --

15 MR. GASTON: Yes.

16 THE COURT: -- to certain --

17 MR. GASTON: Yes, Your Honor. I'm objecting to the admission of photo  
18 number 20.

19 THE COURT: Twenty; okay.

20 MR. GASTON: State's Exhibit 20.

21 THE COURT: All right. I'm going to overrule the objection at this time. It will  
22 be admitted, Exhibit 20.

23 [STATE'S EXHIBIT 20 ADMITTED]

24 THE COURT: And you're moving also Exhibit 21?

25 MR. DICKERSON: Yes, Your Honor.

1 THE COURT: That will be -- do you have any objection to that?

2 Mr. Gaston, any --

3 MR. GASTON: No, Your Honor.

4 THE COURT: -- objection to number 21.

5 MR. GASTON: No, Your Honor.

6 THE COURT: Okay. That will be admitted.

7 **[STATE'S EXHIBIT 21 ADMITTED]**

8 MR. DICKERSON: And given what we spoke about, could I -- could I have  
9 permission to publish both?

10 THE COURT: Yes.

11 MR. DICKERSON: Thank you, Your Honor.

12 BY MR. DICKERSON:

13 Q Publishing State's Exhibit 20. Now, Mr. Newton, is State' Exhibit 20 a  
14 photo that you recognize?

15 A Yes, it is.

16 Q And how do you recognize it?

17 A I recognize it as the photo that I took of the individual that I made  
18 contact with.

19 Q Is that how the Defendant appeared on September 23<sup>rd</sup>, 2015?

20 A It is.

21 Q And is that the shirt that he was wearing?

22 A That is.

23 Q Is that the shirt that you saw the purse hidden underneath?

24 A It is.

25 Q And from where the Defendant -- from the way the Defendant was

1 wearing the purse were you able to see any part of that purse hanging out of his  
2 shirt?

3 A No, I could only see an outline of where the handles were, but it was  
4 only an outline. I couldn't tell exactly what it was.

5 Q And where did you see that outline?

6 A It was around his neck area.

7 Q If you could please indicate to the ladies and gentlemen of the jury on  
8 the photo where you saw the outline?

9 A Yes, this top one right here was buttoned and it was right around -- right  
10 around there.

11 Q And if you could also indicate on the photo where you saw the bulge?

12 A The bulge was approximately right there.

13 Q Now I'm going to show the ladies and gentlemen of the jury also State's  
14 Exhibit 21. What is State's Exhibit 21?

15 A That's the purse that was recovered from around his neck.

16 Q Is that how the purse appeared when you found it?

17 A That is.

18 Q And this is what you found to be causing the bulge that you originally  
19 saw on the Defendant?

20 A It is.

21 Q And just -- let's get back to the map. Publishing again State's Exhibit  
22 22. You'd indicated that the -- the entrance were down here on Santa Margarita?

23 A That's correct.

24 Q Two cars -- two car entrances?

25 A Two car entrances and one pedestrian.



1 Q Are there any other entrances or exits anywhere else on this property?

2 A No, there's not.

3 Q And specifically to the back drive -- the back wall, that whole area back  
4 there where you indicated that the events took place, are there any exits along that  
5 wall?

6 A No, it is all one wall.

7 MR. DICKERSON: Okay. Court's brief indulgence.

8 State will pass the witness.

9 THE COURT: Cross?

10 MR. GASTON: Yes, Your Honor.

11 **CROSS-EXAMINATION**

12 BY MR. GASTON:

13 Q Good afternoon, sir.

14 A Mr. Gaston.

15 Q You're employed by Unity One; right?

16 A Correct.

17 Q Specifically, you're a security guard for the apartment complex?

18 A Correct.

19 Q And you were hired by them on August 5<sup>th</sup> of 2015?

20 A I was hired by -- yes, Unity One.

21 Q And this incident occurred in the early morning of September 23<sup>rd</sup>,  
22 2015?

23 A That's correct.

24 Q So fair to say at the time of this incident you'd only been employed by  
25 Unity One for about seven weeks?

1 A That's fair to say; yes.

2 Q And you get training when you're hired?

3 A Yes.

4 Q And I know you mentioned some of that on direct, but specifically you

5 get about two weeks of field training?

6 A Two weeks of field training; yes.

7 Q And about a week at the academy?

8 A About a week at the academy.

9 Q About a day to learn how to do the taser?

10 A That's correct.

11 Q And then some more -- on course eval -- the case law, use force, how

12 to do reports, stuff like that?

13 A Yes.

14 Q Okay. So about four weeks' worth of training?

15 A It's fair to say; yes.

16 Q So if you don't count training, about the time of this incident you've

17 been employed by about three -- for about three weeks; correct?

18 A Correct.

19 Q Now I know for the State you indicated -- let's talk about the tasing

20 incident. You indicated where you tased Sayed. Specifically, you tased Sayed near

21 the back wall of the apartment complex; right?

22 A That's correct.

23 Q And there -- this happened near a dumpster?

24 A Yes.

25 Q The dumpster's between two cars?

1 A Yes.

2 Q And you're standing on the right side of the dumpster?

3 A Yes.

4 Q And so Sayed is running to the left side of the dumpster?

5 A That's correct.

6 Q And that -- he makes it to the left side of the dumpster?

7 A Yes.

8 Q And then you tase him?

9 A Yes.

10 Q Specifically, the taser makes contact in his back; correct?

11 A It makes contact in his back; yes.

12 Q And then he falls to the ground?

13 A Yes.

14 Q Specifically, he falls to the ground in front of a car; right?

15 A Yes.

16 Q Okay. And to be clear, when he fell to the ground Sayed had the purse

17 underneath his sweatshirt?

18 A That's correct.

19 Q Strapped to his neck actually?

20 A That's correct.

21 Q You then handcuffed him?

22 A Yes.

23 Q And you just set him up on the curb near where he had fallen; right?

24 A Yes.

25 Q And he stayed there until medical arrived?

1 A Yes.

2 Q And handcuffed the entire time?

3 A Yes.

4 Q Okay. And the car he fell in front of -- you placed him in front of was a  
5 black car; right?

6 A That's correct.

7 Q Okay. And this is also the car under which the other items you found  
8 were under; correct?

9 A Yes.

10 Q Okay. And you described them as being scattered on the ground?

11 A Yes.

12 Q Now after placing him in handcuffs you asked him if he could -- you  
13 could search him for weapons?

14 A After I offered him medical treatment; yes.

15 Q Okay. And he said yes --

16 A Yes.

17 Q -- to the fact you could search him for weapons; right?

18 A Yes.

19 Q Okay. And now when searching for weapons it's obviously in your best  
20 interest to be as thorough as possible?

21 A Yes.

22 Q Okay. And in fact you receive training on how to conduct a thorough  
23 search?

24 A Yes.

25 Q Specifically you're looking for hard objects that might be a weapon;

1 right?

2 A That is correct.

3 Q And you do -- you did this pat down?

4 A Yes, I did.

5 Q And you didn't feel anything that could've been a weapon?

6 A Not in his pockets; no.

7 Q Nowhere on him; correct?

8 A Nowhere on him. It was just the purse that I had to look inside

9 afterwards.

10 Q So that's a no. You didn't find anything on him that could've been a

11 weapon?

12 A No.

13 Q Okay. Then you asked if you could get the purse out from under his

14 sweatshirt?

15 A Yes, underneath --

16 Q Oh, you didn't know --

17 A -- the shirt.

18 Q -- at the time was a purse, but you --

19 A Yes.

20 Q Okay. Then you -- then he said yes.

21 A Yes.

22 Q And then you searched that purse?

23 A Yes.

24 Q And then you called Metro?

25 A Yes.

1 Q And they arrived about a half hour later?  
2 A Right. Approximately; yes.  
3 Q Okay. Now during this time you were keeping an eye Sayed?  
4 A For the most part. There was brief moments where I wasn't.  
5 Q But fair to say you were trying to keep an eye on him?  
6 A Yes, that's fair to say.  
7 Q Okay. And once Metro arrives he's then placed in the back of a patrol  
8 car?  
9 A Yes.  
10 Q And it's when Sayed is in the back of a the patrol car that the owner of  
11 the black car comes out and moves it?  
12 A That's correct.  
13 Q And that's when you see the items that had fallen under the car?  
14 A Yes.  
15 Q Specifically there were more credit cards and two iPhones?  
16 A Correct.  
17 Q And Sayed did tell you how he got the purse; right?  
18 A He told me he had found it.  
19 MR. GASTON: Court's indulgence.  
20 No further questions, Your Honor.  
21 THE COURT: Any further redirect?  
22 MR. DICKERSON: Just briefly, Your Honor.  
23 THE COURT: Okay.  
24 ///  
25 ///

**REDIRECT EXAMINATION**

BY MR. DICKERSON:

Q Defense counsel briefly touched on your training.

A That's correct.

Q You had several weeks with Unity One?

A Yes.

Q You had prior training in situational awareness type situations?

A Yes.

Q And where, if anywhere, did you get that sort of training?

A I received SR training all throughout my career when I was in the military and also while I was employed as a correctional officer with the Nevada Department of Corrections.

Q How long were you in the military?

A I was in the military for four years.

Q Which branch?

A The Marine Corp.

Q And how long were you employed with the Nevada Department of Corrections?

A Approximately three years.

Q And did you go through any sort of academy with them?

A Yes, I did.

Q And what was that?

A The academy was a POST category three academy. It was about -- it was approximately six weeks long.

MR. DICKERSON: Thank you.

1 The State will pass the witness.

2 THE COURT: Recross?

3 MR. GASTON: No recross, Your Honor.

4 THE COURT: Any questions?

5 I have a question, sir.

6 THE WITNESS: Yes, sir.

7 **EXAMINATION BY THE COURT**

8 THE COURT: Can you put Exhibit Number 20 back -- 21 back up?

9 Previously you had indicated when we had the other picture of the  
10 Defendant up there and you drew something around his neck --

11 THE WITNESS: Yes, sir.

12 THE COURT: -- was there something around his neck?

13 THE WITNESS: Yes, sir. It was these -- this -- these band right here. This  
14 handles.

15 THE COURT: So you had to stick -- you had to pull it over his head?

16 THE WITNESS: That's correct.

17 THE COURT: So it's stuck around and down hang -- like as to hang on his  
18 neck?

19 THE WITNESS: That's correct.

20 THE COURT: Okay. All right.

21 Do you have any questions as a result of my questions?

22 **QUESTIONS IN RESPONSE TO THE COURT'S EXAMINATION**

23 **FOLLOW-UP BY THE STATE**

24 BY MR. DICKERSON:

25 Q So you totally removed this from the Defendant's person?



1 A Yes.

2 Q And when did you do that?

3 A I did that after I gained consent to shortly after he was tased.

4 MR. DICKERSON: [Indiscernible] from the State, Your Honor.

5 THE COURT: Any questions as a result of my questions, Mr. Gaston?

6 MR. GASTON: No, Your Honor.

7 THE COURT: Okay. All right. Is Mr. Newton free to leave then?

8 MR. JONES: He's not permanently excused, Your Honor, but he is free to  
9 leave today.

10 THE COURT: Okay.

11 Mr. Newton, thank you so much. That concludes your testimony --

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: -- you could step down.

14 Call your next witness.

15 MR. JONES: Your Honor, the State calls Officer Reese.

16 THE COURT: Okay.

17 MR. JONES: And, Your Honor, may I retrieve some core exhibits?

18 THE COURT: Yes.

19 THE MARSHAL: Step up here, please. Remain standing. Face the clerk and  
20 raise your right hand.

21 **JOEL REESE**

22 [having been called as a witness and being first duly sworn, testified as follows:]

23 THE COURT CLERK: Please be seated. Please state your full name,  
24 spelling your first and last name for the record.

25 THE WITNESS: It's Joel Reese, J-O-E-L R-E-E-S-E.

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAYEDBASHE SAYEDZADA, ) No. 71731  
)  
Appellant, )  
vs. )  
)  
THE STATE OF NEVADA, )  
)  
Respondent. )

**APPELLANT'S APPENDIX – VOL III PAGES 313-556**

PHILIP J. KOHN  
Clark County Public Defender  
309 South Third Street  
Las Vegas, Nevada 89155-2610  
Attorney for Appellant

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

ADAM LAXALT  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538

Counsel for Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 24<sup>th</sup> day of May, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

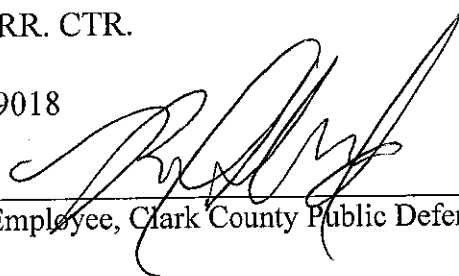
ADAM LAXALT  
STEVEN S. OWENS

DEBORAH L. WESTBROOK  
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

SAYEDBASHE SAYEDZADA  
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c/o SO. DESERT CORR. CTR.  
PO Box 208  
Indian Springs, NV 89018

BY

  
Employee, Clark County Public Defender's Office