
IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE MENDOZA,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

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Elizabeth A. Brown
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Case Number: 72056

Appeal from Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Carolyn Ellsworth, District Court Judge
District Court Case No. C-15-303991-1

APPELLANT'S AMENDED APPENDIX VOLUME II

Amanda S. Gregory, Esq.
Nevada Bar No. 11107
324 S. 3rd Street, Suite 1
Las Vegas, Nevada 89101
Telephone: (702) 830-7925
Facsimile: (702) 294-0231
Attorney for Appellant

Steven Wolfson, Esq.
District Attorney
Nevada Bar No. 1565
200 Lewis Avenue
Las Vegas, Nevada 89155

Adam Laxalt, Esq.
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

Attorneys for Appellee

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GREGORY & WALDO, LLC

Dated: November 1, 2017

By: /s/ Amanda Gregory

Amanda S. Gregory, Esq.

Nevada Bar No. 11107

324 S. 3rd Street, Suite 1

Las Vegas, Nevada 89101

Phone: (702) 830-7925

Fax: (702) 294-0231

ATTORNEY FOR APPELLANT

1 THE COURT: And during that time, what would be your
2 actual duties?

3 PROSPECTIVE JUROR NO. 326: Well, I actually didn't
4 like go overseas. We weren't activated or anything so it was
5 usually just training. We did two weeks out here at Nellis
6 Air Force Base, helping them, you know, protect the base and
7 stuff, doing traffic stops, just usual police activity.

8 THE COURT: Traffic stops on the base?

9 PROSPECTIVE JUROR NO. 326: Yep.

10 THE COURT: To keep people from speeding around on
11 the roads on the base?

12 PROSPECTIVE JUROR NO. 326: Correct.

13 THE COURT: And what about, did you do any guard
14 duty at the gates?

15 PROSPECTIVE JUROR NO. 326: No, ma'am.

16 THE COURT: No. Okay. So you didn't do any
17 investigation, no detective work?

18 PROSPECTIVE JUROR NO. 326: Not with them, but I do
19 have experience in that as well.

20 THE COURT: Okay. Tell me about that.

21 PROSPECTIVE JUROR NO. 326: Well, my dad was LAPD
22 for 26 years. When he retired, he opened up a private
23 investigation business where we did subros work for insurance
24 agencies. When I got out of the Army active duty I went to
25 work for him for a couple years as an investigator. I was a

1 state certified fire investigator. Did that for about three
2 years.

3 I've also done security work for the casinos for,
4 God, long time since I was about 21. So I've done a lot of
5 investigative work with them, made arrests, gone to court, you
6 know, all that good stuff so.

7 THE COURT: Okay, so made citizens arrests?

8 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

9 THE COURT: All right. So at some point at the end
10 of the trial, you'll be given instructions and one of those
11 instructions has to do with how you can weigh the testimony of
12 witnesses and because it's the jury's decision as to how much
13 weight to give to any witness's testimony. But there are
14 certain things that you can look at in determining whether you
15 believe a witness or you don't believe a witness, so their
16 manner on the stand, what they testify to, whether what
17 they're saying today is different than what they might have
18 said or written before the trial, before they're testifying,
19 whether you believe their testimony in comparison to other
20 testimony that you believe, their demeanor on the stand, all
21 kinds of things that you would potentially -- and that's not
22 an exclusive list, it's just some of the things that you might
23 weigh a witness's testimony.

24 So would you be able to do that with law enforcement
25 officers in the same way that you would do so for any witness?

1 PROSPECTIVE JUROR NO. 326: Absolutely.

2 THE COURT: Okay. All right. Now, let's see, you
3 said your father was also in LAPD --

4 PROSPECTIVE JUROR NO. 326: Correct.

5 THE COURT: -- for many years. And what did he do
6 for them? Was he a detective?

7 PROSPECTIVE JUROR NO. 326: He did do some detective
8 work, but he was a lieutenant for their motor division in the
9 harbor.

10 THE COURT: Okay. So working on a motorcycle?

11 PROSPECTIVE JUROR NO. 326: He did not, but he was
12 in charge of a motor unit.

13 THE COURT: Oh, okay. And so when you're doing this
14 subros work for the private investigation company, so this was
15 for insurance companies --

16 PROSPECTIVE JUROR NO. 326: Correct.

17 THE COURT: -- who are defending their -- or hiring
18 lawyers to defend their clients on lawsuits; is that correct?

19 PROSPECTIVE JUROR NO. 326: Usually, it was just the
20 opposite. The insurance company -- companies were trying to
21 figure out like if it was insurance fraud, stuff like that.

22 THE COURT: Oh, okay.

23 PROSPECTIVE JUROR NO. 326: Yeah.

24 THE COURT: So you're investigating say, for a
25 property damage type claim --

1 PROSPECTIVE JUROR NO. 326: Correct.

2 THE COURT: -- so fire claims --

3 PROSPECTIVE JUROR NO. 326: Correct.

4 THE COURT: -- or theft claims and you want to make
5 sure that it's a true claim, an actual loss and not a
6 fraudulent claim?

7 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

8 THE COURT: Okay. And what type of things would you
9 do to make that determination?

10 PROSPECTIVE JUROR NO. 326: My work was, basically,
11 with arson investigation. We did everything -- well,
12 primarily out here in Vegas, obviously, we get a lot of car
13 thefts. People torch vehicles, which is one of the hardest
14 things to prove, but do our best and, you know, gather
15 evidence, determine, you know, if there's any witnesses, you
16 know, interview witnesses and so on and -- and report back.
17 But, yeah, that's pretty much it.

18 THE COURT: Did you receive any training --

19 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

20 THE COURT: -- for that? What --

21 PROSPECTIVE JUROR NO. 326: It was state -- state
22 certified fire investigator.

23 THE COURT: Okay. And that was cause and origin
24 type training?

25 PROSPECTIVE JUROR NO. 326: Correct.

1 THE COURT: Of fires. What about investigative
2 techniques aside from fire?

3 PROSPECTIVE JUROR NO. 326: I didn't really get too
4 much involved with that. I actually have experience as a
5 volunteer firefighter, and that's how I got involved with the
6 investigative stuff. And one of my old chiefs was actually
7 putting on the class so he kind of drug me along with him.

8 But that -- I didn't really do too much other
9 investigative stuff other than fire so.

10 THE COURT: Okay. So you weren't interviewing
11 witnesses?

12 PROSPECTIVE JUROR NO. 326: Oh, yes, we would,
13 absolutely. Yeah.

14 THE COURT: So did you get any training on
15 interviewing techniques?

16 PROSPECTIVE JUROR NO. 326: Just from my dad, yeah.

17 THE COURT: So no -- you never went to any classes
18 or formalized training?

19 PROSPECTIVE JUROR NO. 326: No, ma'am.

20 THE COURT: All right. To your knowledge, did your
21 father ever get formalized training on interviewing
22 techniques?

23 PROSPECTIVE JUROR NO. 326: He was LAPD for 26 years
24 so -- yes, ma'am, he did.

25 THE COURT: Sometimes if you get put into -- you

1 know, you're doing patrol, you might have only gotten it at
2 the academy and never followed up so I don't know what his
3 experience was so -- so you don't know what formal training he
4 had, then?

5 PROSPECTIVE JUROR NO. 326: I know he has a
6 bachelor's degree in -- in criminal justice.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 326: So, I mean, other than
9 that, like I don't really know.

10 THE COURT: All right. Okay. And have you ever
11 been the victim of a crime?

12 PROSPECTIVE JUROR NO. 326: I have.

13 THE COURT: What crime?

14 PROSPECTIVE JUROR NO. 326: Recently, have had a
15 house that my family owns has been broken into about four
16 different times. We were actually remodeling it and homeless
17 people were breaking into it. We actually caught the guy
18 well, the second to last time because he moved back and broke
19 into it, but, yeah, and then I've had my vehicle broken into
20 once as well.

21 THE COURT: So the burglary by the homeless person,
22 you said you knew who it was --

23 PROSPECTIVE JUROR NO. 326: Correct.

24 THE COURT: -- so was he arrested?

25 PROSPECTIVE JUROR NO. 326: Yeah, that time, yes.

1 THE COURT: Okay. And have you been called upon to
2 testify?

3 PROSPECTIVE JUROR NO. 326: No, ma'am. Not -- not
4 in regards to that, no.

5 THE COURT: And how about in your car break-in, was
6 anyone apprehended for that?

7 PROSPECTIVE JUROR NO. 326: No, ma'am.

8 THE COURT: All right. How long ago was that?

9 PROSPECTIVE JUROR NO. 326: Oh, man, that was 2001,
10 2002, somewhere around there, yeah.

11 THE COURT: So quite a while ago?

12 PROSPECTIVE JUROR NO. 326: Yeah.

13 THE COURT: Anyone in your family or closely
14 associated with you been the victim of a violent crime?

15 PROSPECTIVE JUROR NO. 326: Violent crime, no,
16 ma'am.

17 THE COURT: Have you ever been accused of or
18 convicted of a crime?

19 PROSPECTIVE JUROR NO. 326: No, ma'am.

20 THE COURT: Anyone in your family closely associated
21 with you accused of or convicted of a serious crime?

22 PROSPECTIVE JUROR NO. 326: No, ma'am.

23 THE COURT: Do you believe in the presumption of
24 innocence?

25 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

1 THE COURT: Will be able to follow the law as I
2 instruct you?

3 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

4 THE COURT: Will be able to consider, if, in fact,
5 the jury determines that -- you know, finds that any of the
6 defendants or one of them or all of them guilty of first
7 degree murder, and that would be only if, and you were called
8 upon to deliberate in a penalty phase, would you be able to
9 consider all three punishments that have been discussed in the
10 courtroom already?

11 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

12 THE COURT: Do you feel that you could be a fair and
13 impartial juror?

14 PROSPECTIVE JUROR NO. 326: Yes, I do.

15 THE COURT: Tell us about yourself.

16 PROSPECTIVE JUROR NO. 326: Again, Mark Petrasich.
17 I work at the Wynn. I've worked -- I've worked there for
18 about 11 years. Worked in Wynn nightlife. I was a host --
19 well, actually, I started off doing security for the
20 nightclubs and then switched over to hosting. Did that for
21 about eight years. Just recently took a lateral promotion
22 into -- as an administrative manager doing more like project
23 work and stuff trying to go more electronic and, you know,
24 make things easier on every -- everyone over there.

25 I have some college. Started off trying to get my

1 associate's degree in fire science, then switched to criminal
2 justice. Never really finished up on any of that. Single, no
3 kids, never married. There you go.

4 THE COURT: No significant other of any kind?

5 PROSPECTIVE JUROR NO. 326: No. Not currently.

6 THE COURT: Okay. All right. Would the State like
7 to inquire further?

8 MS. LEXIS: Yes, Your Honor. Thank you. Hello.
9 How do you say your last name?

10 PROSPECTIVE JUROR NO. 326: It is Petrasich.

11 MS. LEXIS: Petrasich. Okay. Mr. Petrasich, you
12 indicated yesterday that you know a police officer, Sergeant
13 Pennucci?

14 PROSPECTIVE JUROR NO. 326: Yes.

15 MS. LEXIS: Okay. Do you spend a lot of time with
16 Sergeant Pennucci?

17 PROSPECTIVE JUROR NO. 326: No, ma'am. And -- and
18 in all honesty, I'm not exactly sure if it's the same
19 Pennucci. I knew he was -- if it's -- if it's Andy Pennucci,
20 he was -- he was with East Fork Fire and Paramedic District up
21 in northern Nevada, which is where I worked at and then came
22 down here so, yeah.

23 MS. LEXIS: Mr. DiGiacomo is nodding that it is --

24 PROSPECTIVE JUROR NO. 326: Okay.

25 MS. LEXIS: -- in fact, Andy Pennucci who works with

1 Metro. Do you know him very well?

2 PROSPECTIVE JUROR NO. 326: I knew him very well. I
3 haven't seen him in probably ten years.

4 MS. LEXIS: Okay, okay.

5 PROSPECTIVE JUROR NO. 326: Yeah.

6 MS. LEXIS: And, of course, your dad is retired
7 LAPD?

8 PROSPECTIVE JUROR NO. 326: Correct.

9 MS. LEXIS: All right. Are you close to your dad?

10 PROSPECTIVE JUROR NO. 326: Yes.

11 MS. LEXIS: Okay. Do you think having these law
12 enforcement affiliations, especially close ones, you yourself
13 military police, security, I mean, your background, okay. But
14 let's talk about your affiliations first.

15 You're with military police, your dad's LAPD. Do
16 you think, sir, if you were chosen as a juror in this
17 particular case you would have a hard time saying, hey, the
18 State didn't meet their burden of proof, you know, they didn't
19 prove guilt beyond a reasonable doubt; would you be
20 embarrassed to tell you dad, retired LAPD officer, that hey,
21 dad, I had to go not guilty?

22 PROSPECTIVE JUROR NO. 326: No, I don't. If you
23 guys screwed up, then you guys screwed up and we've all seen
24 it so, yeah.

25 MS. LEXIS: Okay. Well, we hope not to, but you

1 wouldn't have a problem with that?

2 PROSPECTIVE JUROR NO. 326: Right.

3 MS. LEXIS: Okay. But on the other side, if
4 Mr. DiGiacomo and I do prove guilt beyond a reasonable doubt,
5 if we do establish our burden, would you have difficulty, you
6 know, returning a verdict of guilty?

7 PROSPECTIVE JUROR NO. 326: No, I -- I would not at
8 all.

9 MS. LEXIS: Okay. It seems like every -- all of
10 your experience, thus far, the security work -- well, besides
11 the hosting and that kind of stuff, you have a very
12 investigative type of interest or mind; would you agree?

13 PROSPECTIVE JUROR NO. 326: I would.

14 MS. LEXIS: Okay. Do you think you're a good judge
15 of character?

16 PROSPECTIVE JUROR NO. 326: I try to be.

17 MS. LEXIS: Do you think your experience would give
18 you the tools to evaluate credibility?

19 PROSPECTIVE JUROR NO. 326: Absolutely.

20 MS. LEXIS: Okay. Well, with military police,
21 security work and fire investigation, have you -- you've dealt
22 with guns?

23 PROSPECTIVE JUROR NO. 326: Yes.

24 MS. LEXIS: Okay. Would you say you have extensive
25 experience with guns?

1 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

2 MS. LEXIS: Okay. Any views about gun ownership?

3 PROSPECTIVE JUROR NO. 326: I mean, it's everyone's
4 right to or not to bear arms so.

5 MS. LEXIS: Okay. All right. Do you think you'd
6 make a good juror?

7 PROSPECTIVE JUROR NO. 326: Yes.

8 MS. LEXIS: Why?

9 PROSPECTIVE JUROR NO. 326: Because I try to be
10 impartial and listen to everything and evaluate the evidence
11 and what has been presented and try and make a fair and
12 impartial judgment.

13 MS. LEXIS: Court's brief indulgence. As Wynn
14 security or when you were hosting, did you ever witness crimes
15 being committed?

16 PROSPECTIVE JUROR NO. 326: I've witnessed numerous
17 crimes being committed, yes.

18 MS. LEXIS: Okay. And you've had to testify in
19 court as well?

20 PROSPECTIVE JUROR NO. 326: Actually, not since I've
21 been at the Wynn. It's prior work as security up in northern
22 Nevada.

23 MS. LEXIS: Okay.

24 PROSPECTIVE JUROR NO. 326: Yep.

25 MS. LEXIS: All right. And what did you think of

1 that experience, testifying in court?

2 PROSPECTIVE JUROR NO. 326: Interesting.

3 MS. LEXIS: Yeah. Do you have an opinion about our
4 criminal justice system just generally?

5 PROSPECTIVE JUROR NO. 326: No, not really.

6 MS. LEXIS: Do you think it works?

7 PROSPECTIVE JUROR NO. 326: I think we do the best
8 with what we have so.

9 MS. LEXIS: I have no more questions, Your Honor.
10 Thank you. Thank you, Mr. Petrasich.

11 MS. McNEILL: Thank you, Your Honor. Mr. Petrasich,
12 I hope I got it close.

13 PROSPECTIVE JUROR NO. 326: You did. It's fine.

14 MS. McNEILL: You probably know what I'm going to
15 ask you about. I'm sure you can guess. Obviously, you know,
16 on this side somebody who comes in with an extensive law
17 enforcement background we tend to get a little nervous over
18 here on this side of the room.

19 PROSPECTIVE JUROR NO. 326: Sure.

20 MS. McNEILL: You indicated to Ms. Lexis that if
21 they didn't do their job, you wouldn't feel bad finding the
22 defendants not guilty, but the words you used were kind of
23 interesting to me, which were, if you guys screw it up, you
24 screw it up. So do you think if they don't meet their burden
25 it's because they screwed it up or could it be because they

1 just didn't have the evidence?

2 PROSPECTIVE JUROR NO. 326: It could be either/or.

3 MS. McNEILL: Okay.

4 PROSPECTIVE JUROR NO. 326: I'm just -- I was just
5 generalizing. I mean, obviously, they're innocent until
6 proven guilty. It's the State's, you know, responsibility to
7 prove otherwise so.

8 MS. McNEILL: Okay. You know lawyers, we like to
9 pick on --

10 PROSPECTIVE JUROR NO. 326: Absolutely.

11 MS. McNEILL: -- what people say.

12 PROSPECTIVE JUROR NO. 326: Yeah. I've got a bunch
13 in my family.

14 MS. McNEILL: Right. Okay, well, any negative
15 experiences with any of the lawyers in your family?

16 PROSPECTIVE JUROR NO. 326: No. No, ma'am.

17 MS. McNEILL: Okay. Any of the lawyers in your
18 family do criminal defense?

19 PROSPECTIVE JUROR NO. 326: Not out here.

20 MS. McNEILL: Okay, but in some other place?

21 PROSPECTIVE JUROR NO. 326: Correct.

22 MS. McNEILL: Okay. So you indicated that your dad
23 had kind of given you some background on interviewing people.

24 PROSPECTIVE JUROR NO. 326: Correct.

25 MS. McNEILL: Was your dad a patrol officer or did

1 he do any investigation, detective type work?

2 PROSPECTIVE JUROR NO. 326: As far as I remember, he
3 -- well, he was patrol for quite a while, you know, obviously,
4 got promoted sergeant then to lieutenant. I know he's -- he's
5 done some pretty high profile -- he's worked on high profile
6 cases.

7 MS. McNEILL: Okay.

8 PROSPECTIVE JUROR NO. 326: Like I said, I'm not
9 exactly sure what his training was. This was a long time ago
10 when I was very little.

11 MS. McNEILL: Okay.

12 PROSPECTIVE JUROR NO. 326: Like when -- I would say
13 when I was a teenager, he was already retired and started his
14 investigative firm so --

15 MS. McNEILL: Okay. The training that he sort of
16 imparted to you about interviewing people, do you think those
17 are skills that you use in your everyday life when you're
18 talking to --

19 PROSPECTIVE JUROR NO. 326: Oh, absolutely.

20 MS. McNEILL: -- people? Okay. So is it sort of
21 training to figure out maybe if you think someone's telling
22 you the truth?

23 PROSPECTIVE JUROR NO. 326: Correct.

24 MS. McNEILL: Okay. What sort of skills do you use
25 to evaluate that?

1 PROSPECTIVE JUROR NO. 326: Well, it's actually,
2 really -- I know I said I use it at work all the time, but
3 it's been awhile since I've actually had to because I don't --
4 I'm in an office now. But I think it's just in general
5 judgment, how people present themselves, how they speak, how
6 they -- you know, their hand gestures, eye contact, so on, and
7 there's all kinds of different techniques and stuff that I
8 really haven't had to get into in a long time just because I'm
9 not, you know, in law enforcement anymore.

10 So it's -- it's, I don't know, I think interviewing
11 people, it's -- it's a lot of gut feeling as well. It's hard
12 to explain.

13 MS. McNEILL: It's hard to explain? Okay.

14 PROSPECTIVE JUROR NO. 326: Yeah.

15 MS. McNEILL: I get that, I get that. I mean, you
16 -- so all of these things that you sort of factor in when
17 you're trying to determine if someone's being honest. Do you
18 factor in maybe what their motives might be to tell you
19 whether they're saying --

20 PROSPECTIVE JUROR NO. 326: Absolutely.

21 MS. McNEILL: Okay.

22 PROSPECTIVE JUROR NO. 326: Um-h'm.

23 MS. McNEILL: Tell me a little bit about that. How
24 do you think that affects what people say?

25 PROSPECTIVE JUROR NO. 326: Well, like you guys,

1 what you're doing right now, trying to figure out if we are
2 going to be good jurors or not. What is our motives? Do we
3 want to be here? Do we not want to be here? You know,
4 there's -- this is probably the perfect example.

5 MS. McNEILL: Right, okay.

6 PROSPECTIVE JUROR NO. 326: So --

7 MS. McNEILL: So people's motives do affect what
8 they have to say and why --

9 PROSPECTIVE JUROR NO. 326: Absolutely.

10 MS. McNEILL: -- they're saying it? Okay. All
11 right. So you come from this extensive law enforcement
12 background, and I know you said that you'll be fair. But do
13 you think that that's going to be difficult? I mean, you're
14 going to hear a lot of police officers, including a police
15 officer that you know personally. Do you feel that it may be
16 difficult to not want to maybe hold them to a higher standard
17 than other witnesses or give them a little more deference than
18 you might give someone else?

19 PROSPECTIVE JUROR NO. 326: Of course, it is. I
20 mean, they're law enforcement. I mean, they should be at a
21 higher standard. I know as a juror, like, you have to be
22 impartial and everything, but, I mean --

23 MS. McNEILL: And I know it's probably -- I mean,
24 it's hard to admit these things, but we really just appreciate
25 your honesty --

1 PROSPECTIVE JUROR NO. 326: Sure.

2 MS. McNEILL: -- obviously. So do you feel that
3 you're going to give law enforcement witnesses more deference?

4 PROSPECTIVE JUROR NO. 326: No.

5 MS. McNEILL: If their testimony disagreed with
6 someone else's, you'd have to go to with the officer?

7 PROSPECTIVE JUROR NO. 326: Ma'am, I would actually
8 look at what is actually being said, the evidence being
9 presented, and like I said, try and come to a, you know,
10 conclusion off of that. Just because they're in a uniform
11 doesn't make them any different than anyone else.

12 MS. McNEILL: Okay. So you would use those same
13 techniques you use to evaluate people's testimony with the
14 police officers?

15 PROSPECTIVE JUROR NO. 326: Correct.

16 MS. McNEILL: Okay. And your dad being an officer
17 and yourself having military police experience, would you
18 agree with me that -- I think Mr. DiGiacomo asked this of
19 another person -- there's good police and there's bad police.

20 PROSPECTIVE JUROR NO. 326: Absolutely.

21 MS. McNEILL: And police officers are just people,
22 right?

23 PROSPECTIVE JUROR NO. 326: Correct.

24 MS. McNEILL: And some of them make mistakes?

25 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

1 MS. McNEILL: Right? And some have maybe motives
2 that aren't so great?

3 PROSPECTIVE JUROR NO. 326: Correct.

4 MS. McNEILL: Right? Okay. And so you will keep
5 all of those things in mind when listening to police officer
6 witnesses?

7 PROSPECTIVE JUROR NO. 326: Yes, ma'am.

8 MS. McNEILL: Okay. And let me ask you this, if you
9 were me or you were Mr. Laguna, would you feel comfortable
10 having someone with your background on your jury?

11 PROSPECTIVE JUROR NO. 326: Yeah, I would.

12 MS. McNEILL: You would? You wouldn't have any
13 concerns?

14 PROSPECTIVE JUROR NO. 326: No.

15 MS. McNEILL: Okay. I'll pass for cause, Your
16 Honor.

17 THE COURT: Thank you. Ladies and gentlemen, we're
18 going to take our afternoon break right now. We've got
19 several requests from jurors, and so this is the perfect time.
20 We'll be in recess until 3:15.

21 During this recess, it is your duty not to converse
22 among yourselves or with anyone else on any subject connected
23 with the trial or to read, watch or listen to any report of or
24 commentary on the trial by any person connected with the trial
25 or by any medium of information, including without limitation,

1 newspaper, television, radio or Internet. And you are not to
2 form or express an opinion on any subject connected with this
3 case until it's finally submitted to you. We'll be in recess
4 until 3:15.

5 THE MARSHAL: All rise for the venire panel.

6 (Prospective jurors recessed at 2:59 p.m.)

7 THE COURT: All right. The record will reflect the
8 venire has left the courtroom. How are you guys doing? It
9 seems like it's getting hotter.

10 MR. DiGIACOMO: Yeah.

11 (Court recessed at 3:00 p.m. until 3:16 p.m.)

12 (Outside the presence of the prospective jurors)

13 THE COURT: All right. We're on the record outside
14 the presence of the venire panel. All three defendants are
15 present with their respective counsel, all the Chief Deputies
16 DA are present as are all officers of the court.

17 And there's a matter we wanted to put on the record.
18 Mr. Landis.

19 MR. LANDIS: I'll try my best to summarize it quick.
20 When I was questioning potential Juror 6, I was asking the
21 same questions about based on his girlfriend as a Corrections
22 Officer, if he believed cops to be more credible. I asked a
23 lot of questions. The Court asked us to approach.

24 At the bench, the Court was concerned with me
25 promising maybe an instruction that wasn't going to be read at

1 the close of trial. As to that, let me say that definitely
2 wasn't my intent, and I understand your concerns and I
3 apologize. I don't think it benefits me to intentionally do
4 that so I can assure you I wasn't trying to make promises that
5 weren't going to be delivered.

6 But I agree, it's not a -- anywhere near as specific
7 to what I was saying. Thereafter, we had a brief discussion
8 about the Court referenced the common sense instruction and
9 talked about how he said in his experiences officers have been
10 more credible, I think, something along those lines. And the
11 Court was saying that that was okay, and that's where I wanted
12 to get some clarification, I was concerned.

13 THE COURT: Well, I'm just saying that every -- all
14 of us bring to our experiences, our experiences, and our
15 everyday common sense. And so if you had a witness that was
16 on the stand. and so it was a battle of who are we going to
17 believe, and a police officer took the stand and said, this is
18 what that person did, okay? And then another person takes the
19 stand, and it's someone who looks seedy or comes to -- on
20 cross that the person has been convicted of a felony, or
21 convicted of a crime of dishonesty, but otherwise, there's no
22 other testimony, then a reasonable person might give the
23 greater credibility to the police officer who doesn't have
24 that kind of background or doesn't appear that way.

25 And is that incorrect? No, because the instruction

1 says you're to -- it's completely up to the jury as to how
2 much weight to give the testimony of any witness. It will be
3 up to them. There are certain things that they need to make
4 their -- or they may consider, and there's the litany of
5 things that they hear about both in the pre-instruction and
6 the subsequent instruction.

7 The witness's demeanor upon the stand, you know,
8 what they say, do they have a motive to fabricate, did they
9 say anything or write anything before, or for that matter,
10 after the testimony that -- or the statement that has been
11 made that they're trying to get into evidence that contradicts
12 what they're stating in court, there are probably other things
13 that I'm forgetting.

14 But all of those things the jury gets to take into
15 account. But the -- remember, the instruction ends up, but
16 whatever any witness may say, it is always up to you to
17 determine what weight to give to any witness's testimony. So
18 I'm -- all I was saying at the bench was that it's not
19 unreasonable for jurors to say okay, well, knowing that a
20 police officer may have gone through certain trainings, may
21 have -- be required as part of background checks, I mean, I
22 would -- a person of common sense would know that a police
23 officer is probably not an ex-felon --

24 MR. LANDIS: Sure.

25 THE COURT: -- that kind of thing. Would they,

1 under the right circumstance, maybe give a little more
2 credibility? That's not beyond the pale of reasonableness and
3 so that's all I was trying to say. And so I don't think that
4 a juror is disqualified by saying every witness -- I don't --
5 you know, matter what, are all the same to me. They're going
6 to have to make those decisions on weighing, and a lot of
7 things go into play. That's all I was saying.

8 MR. LANDIS: Sure. If I could ask just as a point
9 of clarification, and I'm just asking because I don't want to
10 have issues with these questions. Imagine a situation where
11 two witnesses are tied on credibility, which never happens,
12 but the only thing that a juror uses to tip the scale is the
13 fact that one's a police officer. In my view, that's what
14 they can't do, and I guess, that's what, I just want to make
15 sure I understand the Court's viewpoint.

16 THE COURT: I don't know that there's any law that
17 says --

18 MR. DiGIACOMO: The law is whether or not the
19 juror's personal views substantially impairs their ability to
20 be fair and impartial. So the question really for the juror
21 is, just merely because he's a police officer, does that mean
22 he's absolutely correct? If it is, then you can't be a fair
23 and impartial juror.

24 If a person says well, I'm more inclined to believe
25 a police officer than a lay witness, I don't believe that

1 prevents that person from sitting on a jury, depending on the
2 degree of that issue. I'm not sure that that one answer would
3 disqualify a juror.

4 THE COURT: Right. That's why when I'm doing voir
5 dire and I get that kind of question, I always going to the
6 okay, so what if the police officer takes the stand and says,
7 you know, that the sky is purple with yellow polka dots,
8 versus a non-police officer comes in and says the sky is blue?
9 So you're going to go with the officer, just that kind of
10 thing. So, right, it's always a problem, obviously, when
11 you've got two witnesses that you deem as either a juror, and
12 bench trials, you know, in civil cases where a judge has to
13 decide, okay, which witness do I find to be more credible, and
14 sometimes, boy, it's a toss up.

15 MR. LANDIS: Sure.

16 THE COURT: And that's what the jurors have to do.
17 And sometimes maybe knowing what their background is gives a
18 person, one type of person, a little more edge. Maybe it's
19 their education. Maybe it's how they're -- they come dressed
20 to court. Maybe -- there's all kinds of things.

21 But unless the juror is saying to me oh, I don't
22 care what the police officer -- whatever he says, that's
23 golden with me, no matter what, then obviously, that person is
24 not being fair and impartial and that's all I'm saying. I was
25 just concerned that you were saying several times well, you've

1 got to -- you know, it's got to be dead even no matter what if
2 they're a police officer and the Judge is going to tell you
3 that, and I -- that's why I stopped it just to have that
4 conference at the bench because the instruction doesn't say
5 that.

6 MR. LANDIS: No, I agree with you, it doesn't say
7 that expressly. I agree, I agree. Nothing further to add.

8 THE COURT: Okay. I mean, I'm very happy with -- I
9 think you're doing your best to ferret out and make your
10 decisions on who is going to be able to be fair and impartial.
11 And obviously, if I feel that anybody is -- you know,
12 unequivocally can't answer the question yes, I can be fair,
13 they're out, you know.

14 MR. LANDIS: And I didn't think the Court was being
15 nasty with me in any way when you -- I mean, I don't. I just
16 didn't want to keep doing it so we had the same thing keep
17 happening. That's all.

18 THE COURT: I appreciate that. Thank you very much.
19 Anything else outside the presence?

20 MR. DiGIACOMO: No.

21 THE COURT: Have we got everybody, Marshal?

22 THE MARSHAL: Yes, ma'am.

23 THE COURT: All right. Ready to go? Let's bring
24 them back in. And I did let the Commissioner know to let the
25 people they've been holding and we'll get a new group tomorrow

1 of 50.

2 THE MARSHAL: All rise for the venire panel.

3 (Prospective jurors reconvened at 3:25 p.m.)

4 THE MARSHAL: Your Honor, with the exception, again,
5 of Ms. Powers, all members of the venire panel are present.

6 THE COURT: All right. Thank you. Please be
7 seated. And the record will reflect that we've now been
8 rejoined by the venire panel. And we left off and still
9 examining prospective juror in Seat No. 6, and Mr. Wolfbrandt.

10 MR. WOLFBRANDT: Sure, thank you. Good afternoon.

11 PROSPECTIVE JUROR NO. 326: Good afternoon.

12 MR. WOLFBRANDT: If it was asked, I didn't hear it,
13 so I apologize.

14 PROSPECTIVE JUROR NO. 326: All right.

15 MR. WOLFBRANDT: Do you own guns yourself?

16 PROSPECTIVE JUROR NO. 326: Yes.

17 MR. WOLFBRANDT: How many do you have?

18 PROSPECTIVE JUROR NO. 326: Numerous. Numerous.

19 MR. WOLFBRANDT: Okay. Handguns and rifles?

20 PROSPECTIVE JUROR NO. 326: Yes.

21 MR. WOLFBRANDT: Do you possess a concealed weapons
22 permit?

23 PROSPECTIVE JUROR NO. 326: No, sir.

24 MR. WOLFBRANDT: Have you thought about getting one
25 of those?

1 PROSPECTIVE JUROR NO. 326: Why? State of Nevada is
2 open carry law.

3 MR. WOLFBRANDT: I understand. But the purpose --
4 or the reason for one or for the other is so you carry it
5 concealed.

6 PROSPECTIVE JUROR NO. 326: Yes, sir.

7 MR. WOLFBRANDT: Let me ask as to that burglary of
8 the house, I think you said happened just not too long ago.
9 That was one that you and your family or -- are
10 refurbishing --

11 PROSPECTIVE JUROR NO. 326: Yes.

12 MR. WOLFBRANDT: -- or were refurbishing?

13 PROSPECTIVE JUROR NO. 326: Yes.

14 MR. WOLFBRANDT: Okay. And then you had some
15 homeless people, squatters, if you will, got into it?

16 PROSPECTIVE JUROR NO. 326: Yeah. He -- he actually
17 lives in the wash behind the house and he's addicted to
18 something and kept breaking in, stealing stuff, selling it,
19 whatever, you know.

20 MR. WOLFBRANDT: Yeah. How did you -- did he do
21 that on a number of occasions?

22 PROSPECTIVE JUROR NO. 326: Yes.

23 MR. WOLFBRANDT: All right. And how did you
24 discover him?

25 PROSPECTIVE JUROR NO. 326: Well, the house is

1 alarmed, and we only live about five houses away, and we knew
2 he was down there and we actually called and actually had had
3 him removed several times. Called the -- the county -- I
4 forget which division it is, but come over and they moved the
5 homeless people and, you know, clean up the wash and all that
6 kind of stuff.

7 But we were actually driving to the house, the alarm
8 went off, we pulled up, he was in the front trying to break
9 into the garage door. And actually, a Metro officer just
10 happen today be driving by and heard the alarm and stopped as
11 well so, yeah.

12 MR. WOLFBRANDT: Okay. That was fortunate timing,
13 wasn't it?

14 PROSPECTIVE JUROR NO. 326: I know, right?

15 MR. WOLFBRANDT: All right, thanks. That's all I
16 have.

17 THE COURT: Mr. Landis.

18 MR. LANDIS: A couple questions about two of your
19 past employments --

20 PROSPECTIVE JUROR NO. 326: Okay.

21 MR. LANDIS: -- if I could. Starting with the auto
22 fraud investigation.

23 PROSPECTIVE JUROR NO. 326: Yes.

24 MR. LANDIS: When would the case get assigned to
25 you? At what stage? As soon as they found a burnt car?

1 PROSPECTIVE JUROR NO. 326: It would actually be
2 after it was reported to the insurance company. The insurance
3 company would then hire us and we would go out and
4 investigate.

5 MR. LANDIS: And that meant both physical
6 investigation, right?

7 PROSPECTIVE JUROR NO. 326: Correct.

8 MR. LANDIS: And generally, usually talking to the
9 car owner or --

10 PROSPECTIVE JUROR NO. 326: Correct.

11 MR. LANDIS: Did you personally do those interviews
12 with the car owner sometimes?

13 PROSPECTIVE JUROR NO. 326: Yes, yes.

14 MR. LANDIS: And they probably tended to be
15 recorded?

16 PROSPECTIVE JUROR NO. 326: Yes.

17 MR. LANDIS: I assume there's situations where you
18 went into those interviews edging one way or another whether
19 or not you believed that person was culpable for burning a
20 car?

21 PROSPECTIVE JUROR NO. 326: Depending on the
22 situation, yes. Yeah.

23 MR. LANDIS: Not every time, but sometimes --

24 PROSPECTIVE JUROR NO. 326: Correct.

25 MR. LANDIS: -- right? And those situations where

1 you suspected that they were guilty or they may have burnt the
2 car, was it your intent to go in there and try to get them to
3 admit it?

4 PROSPECTIVE JUROR NO. 326: No.

5 MR. LANDIS: Did people sometimes do that?

6 PROSPECTIVE JUROR NO. 326: Yes.

7 MR. LANDIS: Did that happen both whether you
8 thought they were guilty and when you didn't?

9 PROSPECTIVE JUROR NO. 326: No.

10 MR. LANDIS: Just when you thought they were guilty?

11 PROSPECTIVE JUROR NO. 326: Correct. Can.

12 MR. LANDIS: Can I just get rough ballpark, how many
13 of those interviews do you think you did?

14 PROSPECTIVE JUROR NO. 326: Several hundred.

15 MR. LANDIS: Again, rough ballpark, how many
16 confessions do we get out of that?

17 PROSPECTIVE JUROR NO. 326: Two or three.

18 MR. LANDIS: Two or three? You said those cases
19 were hard to prove?

20 PROSPECTIVE JUROR NO. 326: They are.

21 MR. LANDIS: Did you put much weight in it if a
22 suspect denied it?

23 PROSPECTIVE JUROR NO. 326: What do you mean by
24 weight into it?

25 MR. LANDIS: Did it affect your investigation, the

1 simple fact that a suspect said, I didn't do it, period,
2 that's it? Would that have changed your mind about what you
3 concluded in your investigation?

4 PROSPECTIVE JUROR NO. 326: Well, it depends on what
5 the evidence was showing.

6 MR. LANDIS: And what I'm trying to get at is it
7 also would depend on the details behind what they were saying
8 before they said I didn't do it?

9 PROSPECTIVE JUROR NO. 326: Correct. Yes.

10 MR. LANDIS: But the phrase "I didn't do it" in and
11 of itself, if that's all they said, probably wouldn't do a lot
12 to sway your opinion?

13 PROSPECTIVE JUROR NO. 326: Correct.

14 MR. LANDIS: Kind of turning to the security phase
15 of your employment.

16 PROSPECTIVE JUROR NO. 326: Um-h'm.

17 MR. LANDIS: When you saw a crime occurring, what
18 role did you play? Would you go down there and possibly
19 apprehend people?

20 PROSPECTIVE JUROR NO. 326: Yes.

21 MR. LANDIS: Possibly investigate it?

22 PROSPECTIVE JUROR NO. 326: Correct.

23 MR. LANDIS: Which oftentimes meant talking to
24 witnesses?

25 PROSPECTIVE JUROR NO. 326: Correct.

1 MR. LANDIS: Making credibility determinations based
2 on those interviews, right?

3 PROSPECTIVE JUROR NO. 326: Yes, sir.

4 MR. LANDIS: And in that capacity, when you're
5 investigating these kinds of things, I assume there's times
6 when you talk to people who were potentially involved,
7 potential suspects, right?

8 PROSPECTIVE JUROR NO. 326: Correct.

9 MR. LANDIS: Versus sometimes you may talk to just a
10 eyewitness, no potential involvement, right?

11 PROSPECTIVE JUROR NO. 326: Yes.

12 MR. LANDIS: Between those two classes of people,
13 the uninvolved eyewitness and the potential suspect, do you
14 find one more credible just based on that?

15 PROSPECTIVE JUROR NO. 326: Not necessarily.

16 MR. LANDIS: If the potential suspect is blaming
17 somebody else when they talk to you --

18 PROSPECTIVE JUROR NO. 326: Um-h'm.

19 MR. LANDIS: -- do you consider their motives in
20 doing that?

21 PROSPECTIVE JUROR NO. 326: Absolutely.

22 MR. LANDIS: And a primary motive could be covering
23 their own butt.

24 PROSPECTIVE JUROR NO. 326: Correct.

25 MR. LANDIS: And have you seen that firsthand?

1 PROSPECTIVE JUROR NO. 326: Yes.

2 MR. LANDIS: And it's those kind of situations where
3 somebody might be involved. And what I'm trying to get at is
4 they have an incentive to lie that you won't see with
5 eyewitnesses who clearly don't have an involvement.

6 PROSPECTIVE JUROR NO. 326: Correct.

7 MR. LANDIS: And eyewitnesses could be wrong, but
8 it's generally not out of a motive to protect themselves,
9 right?

10 PROSPECTIVE JUROR NO. 326: Right.

11 MR. LANDIS: That's all the questions I have, sir.
12 Thank you.

13 PROSPECTIVE JUROR NO. 326: Thank you.

14 MR. LANDIS: Pass for cause, Your Honor.

15 THE COURT: Thank you. If you'll hand the
16 microphone over to Ms. Key. Now, Ms. Key, I don't recall, did
17 I ask you the were you ever a juror before and --

18 PROSPECTIVE JUROR NO. 314: No.

19 THE COURT: Oh, okay. I didn't think so because you
20 were a substitute into that seat. So have you ever been a
21 juror before?

22 PROSPECTIVE JUROR NO. 314: I have not.

23 THE COURT: Have you ever been in law enforcement?

24 PROSPECTIVE JUROR NO. 314: I have not.

25 THE COURT: Anyone in your family, closely

1 associated with you in law enforcement?

2 PROSPECTIVE JUROR NO. 314: No.

3 THE COURT: Have you ever been the victim of a
4 crime?

5 PROSPECTIVE JUROR NO. 314: No.

6 THE COURT: Anyone in your family, closely
7 associated with you been the victim of what you consider to be
8 a serious crime?

9 PROSPECTIVE JUROR NO. 314: No.

10 THE COURT: Ever been accused of or convicted of a
11 crime?

12 PROSPECTIVE JUROR NO. 314: No.

13 THE COURT: Anyone in your family, closely
14 associated with you been accused of or convicted of a crime?

15 PROSPECTIVE JUROR NO. 314: No.

16 THE COURT: Do you believe in the presumption of
17 innocence?

18 PROSPECTIVE JUROR NO. 314: Absolutely.

19 THE COURT: Will you be able to follow the law as I
20 instruct you?

21 PROSPECTIVE JUROR NO. 314: Yes.

22 THE COURT: And do you have any religious, moral,
23 personal beliefs that would make it difficult for you to do
24 the job of a juror, which is determine the facts and then
25 apply the law to the facts and come up with a determination?

1 PROSPECTIVE JUROR NO. 314: No.

2 THE COURT: How about if there was a penalty phase,
3 there's something a little different. Normally, you know, and
4 it would only be if the jury convicted on the first degree
5 murder charge, and it's only as to that charge, the jury might
6 be called upon to go through another phase of the trial and
7 make a determination as to the penalty. Would you be able to
8 do that as well?

9 PROSPECTIVE JUROR NO. 314: I would.

10 THE COURT: Would you be able to consider all three
11 of the possible penalties available?

12 PROSPECTIVE JUROR NO. 314: Yes.

13 THE COURT: Tell us about yourself.

14 PROSPECTIVE JUROR NO. 314: My name is Kimberly Key,
15 Juror 314. I have lived in Las Vegas for 11 years now. I am
16 divorced. I am a mother of four. I have boys that are 15 and
17 16 and girls that are 7 and 8. I work at one of the
18 properties on the Strip. I'm the spa salon manager at Vdara.
19 I'm trying to think of the other questions.

20 THE COURT: Education.

21 PROSPECTIVE JUROR NO. 314: I have a bachelor of
22 arts degree from the University of Nevada, Reno in health
23 education.

24 THE COURT: Significant other?

25 PROSPECTIVE JUROR NO. 314: No.

1 THE COURT: Okay. And have you been divorced very
2 long?

3 PROSPECTIVE JUROR NO. 314: For six years.

4 THE COURT: Okay. Your ex-husband, what did he do?

5 PROSPECTIVE JUROR NO. 314: He's an equipment
6 operator. Heavy equipment.

7 THE COURT: Here in town or --

8 PROSPECTIVE JUROR NO. 314: No longer. He's in
9 north Nevada, now.

10 THE COURT: All right. And as the salon manager,
11 how many people do you supervise?

12 PROSPECTIVE JUROR NO. 314: In total, about 65.

13 THE COURT: Oh, that's a lot. Okay. What types of
14 -- if you had to give me the job title of the type of people
15 that you're supervising, what jobs are you supervising?

16 PROSPECTIVE JUROR NO. 314: I have an assistant
17 manager, I have three supervisors, I have hourly employees, I
18 have receptionists, spa attendants, fitness attendants,
19 smoothy bar attendants, and I have commissioned providers,
20 massage therapists, aestheticians, hair stylists and nail
21 technicians.

22 THE COURT: Are you responsible for managing like
23 the budget, if you will, for that department as well?

24 PROSPECTIVE JUROR NO. 314: Absolutely.

25 THE COURT: Thank you. Would the State like to

1 inquire further?

2 MR. DiGIACOMO: Just briefly. Ma'am, how long you
3 been a spa or salon manager?

4 PROSPECTIVE JUROR NO. 314: I've been spa salon
5 manager for about five years, with MGM Resorts about seven-
6 and-a-half years.

7 MR. DiGIACOMO: That's my question. What did you do
8 before you became the manager at the spa?

9 PROSPECTIVE JUROR NO. 314: I worked with City
10 Center residential as the entire City Center project was being
11 built. I was the gallery supervisor that talked about the
12 project and -- and gave information about the project at all
13 the galleries that are located throughout the Strip.

14 MR. DiGIACOMO: Do you find yourself to be a
15 reasonable person, willing to accept the evidence before
16 making any conclusions?

17 PROSPECTIVE JUROR NO. 314: Absolutely.

18 MR. DiGIACOMO: And I guess, we really haven't
19 addressed this, and the defense really hasn't either, the
20 State of Nevada has charged three people here. Are you
21 willing to consider the evidence as it relates to each person
22 individually and give each one of the three people a fair
23 trial?

24 PROSPECTIVE JUROR NO. 314: Yes.

25 MR. DiGIACOMO: Any problems if Ms. Lexis and I meet

1 our burden, convicting one or more of these individuals?

2 PROSPECTIVE JUROR NO. 314: No.

3 MR. DiGIACOMO: And on the flip side, if we just
4 don't do our job, we don't make it, you don't have any problem
5 finding them not guilty?

6 PROSPECTIVE JUROR NO. 314: No.

7 MR. DiGIACOMO: Same thing with penalty. Any issue
8 in sitting in judgment and deciding what should happen to
9 somebody that's been convicted?

10 PROSPECTIVE JUROR NO. 314: No.

11 MR. DiGIACOMO: And you'd be willing to accept all
12 three forms of punishment --

13 PROSPECTIVE JUROR NO. 314: I would.

14 MR. DiGIACOMO: -- or at least consider them?

15 PROSPECTIVE JUROR NO. 314: Yes.

16 MR. DiGIACOMO: Thank you very much, ma'am.

17 PROSPECTIVE JUROR NO. 314: Thank you.

18 MR. DiGIACOMO: Judge, we'd pass for cause.

19 THE COURT: Okay. Defense.

20 MR. LANDIS: Are you familiar with people who work
21 at MGM and the various spas at the various casinos or are you
22 more just centralized Aria -- I mean, Vdara, sorry?

23 PROSPECTIVE JUROR NO. 314: Centralized to Vdara. I
24 do communicate with the -- my fellow directors. We do kind of
25 work together, I mean, as far as ideas or helping each other,

1 but I don't work closely with --

2 MR. LANDIS: Okay.

3 PROSPECTIVE JUROR NO. 314: -- other properties.

4 MR. LANDIS: Are you excited to be here, yesterday,
5 today?

6 PROSPECTIVE JUROR NO. 314: I am. I've always felt,
7 mean, it's -- it's our duty. I think it's -- is something
8 that we're all responsible for.

9 MR. LANDIS: Are you any more or any less excited
10 this morning versus yesterday morning?

11 PROSPECTIVE JUROR NO. 314: I mean, it's a little
12 bit nerve-wracking.

13 MR. LANDIS: Doing this part, yeah.

14 PROSPECTIVE JUROR NO. 314: Exactly.

15 MR. LANDIS: Yeah.

16 PROSPECTIVE JUROR NO. 314: Yes. But no, I don't --
17 I don't feel that it's nerve-wracking.

18 MR. LANDIS: I asked a question along this line
19 yesterday, do you tend to follow criminal justice cases, crime
20 cases that are going on currently in the United States?

21 PROSPECTIVE JUROR NO. 314: Not very much.

22 MR. LANDIS: How about crime shows? Is that
23 something you tend to follow?

24 PROSPECTIVE JUROR NO. 314: Not really. More
25 sitcom.

1 MR. LANDIS: Do you have strong beliefs about the
2 American criminal justice system in terms of it does a good
3 job or if it doesn't?

4 PROSPECTIVE JUROR NO. 314: I think it does the best
5 job that it can. I mean, I think there are things that can be
6 improved just like any other profession, any other area.

7 MR. LANDIS: Of course. Let me ask you a hard
8 question, maybe an unfair question. So if the answer is, "I
9 don't know", it's "I don't know".

10 PROSPECTIVE JUROR NO. 314: Okay.

11 MR. LANDIS: You'd agree that sometimes our system
12 makes mistakes?

13 PROSPECTIVE JUROR NO. 314: Absolutely.

14 MR. LANDIS: Do you have any thoughts about what
15 could cause that? What does cause that?

16 PROSPECTIVE JUROR NO. 314: What would cause a
17 mistake?

18 MR. LANDIS: And let me be -- let me specify.
19 Yesterday when I was talking about this, the potential juror
20 brought up bad police investigations as something that could
21 lead to a wrongful conviction.

22 PROSPECTIVE JUROR NO. 314: Um-hum. Right.

23 MR. LANDIS: Do you agree with that, that could be a
24 cause?

25 PROSPECTIVE JUROR NO. 314: A mistake can be made at

1 any point along the way, whether it's in the investigation or
2 detectives or eyewitnesses. I think there's -- mistakes can
3 happen at any point.

4 MR. LANDIS: And what I'm trying to get at, would
5 you agree that fault for something like that could fall on a
6 prosecutor's desk? It could be their fault?

7 PROSPECTIVE JUROR NO. 314: If they're --

8 MR. LANDIS: For a wrongful conviction.

9 PROSPECTIVE JUROR NO. 314: Yes, I guess.

10 MR. LANDIS: Same with bad defense attorney or --

11 PROSPECTIVE JUROR NO. 314: Absolutely, absolutely.

12 MR. LANDIS: Right. Same with bad police work,
13 right?

14 PROSPECTIVE JUROR NO. 314: Um-h'm.

15 MR. LANDIS: Lots of potential sources, right?

16 PROSPECTIVE JUROR NO. 314: Exactly.

17 MR. LANDIS: How about jurors, do you think jurors
18 could be responsible for that sometimes?

19 PROSPECTIVE JUROR NO. 314: Yes.

20 MR. LANDIS: And what do you think would make a
21 juror responsible for that? And I know, again, it's a hard
22 question.

23 PROSPECTIVE JUROR NO. 314: The responsibility on
24 the jurors lie -- it lies with the jurors to find defendants
25 guilty or not guilty, and there are 12 of them, but they're

1 humans just like everybody else.

2 MR. LANDIS: Right.

3 PROSPECTIVE JUROR NO. 314: I think can the wrong
4 conclusion be made sometimes? Yes.

5 MR. LANDIS: At least I think, tell me if you agree,
6 that it may be easier said than done, the whole being a juror
7 thing when push comes to shove and you have to make a decision
8 and talk to people?

9 PROSPECTIVE JUROR NO. 314: Absolutely.

10 MR. LANDIS: Putting emotions aside and things of
11 that probably easier said than done. But having said all
12 that, and I don't question it, but just to hear you say it,
13 you're comfortable that you're in a position to do that
14 throughout this trial?

15 PROSPECTIVE JUROR NO. 314: Yes.

16 MR. LANDIS: Thank you for your time.

17 PROSPECTIVE JUROR NO. 314: Thank you.

18 THE COURT: Thank you. Mr. Wolfbrandt.

19 MR. WOLFBRANDT: Sure. Real briefly, Ms. Key. Do
20 you own any firearms?

21 PROSPECTIVE JUROR NO. 314: I do not.

22 MR. WOLFBRANDT: Have you ever fired one?

23 PROSPECTIVE JUROR NO. 314: Years ago. I think,
24 target shoot -- shooting with my dad. It was probably a .22
25 or something.

1 MR. WOLFBRANDT: Okay. And do you have any
2 intentions or are you in the market for buying --

3 PROSPECTIVE JUROR NO. 314: No, not right now.

4 MR. WOLFBRANDT: -- any?

5 PROSPECTIVE JUROR NO. 314: No interest.

6 MR. WOLFBRANDT: Are your kids are still too young
7 to have them around?

8 PROSPECTIVE JUROR NO. 314: Teenage boys, it would
9 make me nervous.

10 MR. WOLFBRANDT: I'm getting mic yelled at.

11 THE COURT: We have to mic you.

12 MR. WOLFBRANDT: She moved it over here for me.

13 THE COURT RECORDER: And it's probably all the extra
14 noise, but (inaudible).

15 MR. WOLFBRANDT: I'll stand behind it. Is that
16 better?

17 THE COURT RECORDER: I'm not sure.

18 MR. WOLFBRANDT: Have you had to -- talk about the
19 boys; have you had to be referee a lot of times?

20 PROSPECTIVE JUROR NO. 314: Yes.

21 MR. WOLFBRANDT: And do they tend to want to want
22 to blame each other?

23 PROSPECTIVE JUROR NO. 314: Absolutely.

24 MR. WOLFBRANDT: And then you find you've come
25 across physical evidence that helps you --

1 PROSPECTIVE JUROR NO. 314: Yes.

2 MR. WOLFBRANDT: -- decide who's telling you the --

3 PROSPECTIVE JUROR NO. 314: Yes.

4 MR. WOLFBRANDT: -- lie and who isn't?

5 PROSPECTIVE JUROR NO. 314: Yes.

6 MR. WOLFBRANDT: All right.

7 PROSPECTIVE JUROR NO. 314: And sometimes that's
8 what it comes down to.

9 MR. WOLFBRANDT: Yeah. Pretty much do you think
10 that your role as a juror is going to be the same thing?

11 PROSPECTIVE JUROR NO. 314: Absolutely.

12 MR. WOLFBRANDT: Okay.

13 PROSPECTIVE JUROR NO. 314: And as a manager, I
14 think they all three --

15 MR. WOLFBRANDT: But, yeah, I guess so.

16 PROSPECTIVE JUROR NO. 314: -- as a mom, as a
17 manager, yeah, you're in the same position.

18 MR. WOLFBRANDT: Right. Okay. Has there been
19 anything about this process, other than the hot room today,
20 that you have found distasteful or concerning to you?

21 PROSPECTIVE JUROR NO. 314: No.

22 MR. WOLFBRANDT: The jurors are the ones that get
23 kind of the worst for the ware because we've got to do, you
24 know, certain things. Sometimes a juror will be asked to
25 leave and then come back. Would you just understand that

1 there's some things that could be going on in here that don't
2 necessarily relate to what you would need to be --

3 PROSPECTIVE JUROR NO. 314: Of course.

4 MR. WOLFBRANDT: -- doing as a juror?

5 PROSPECTIVE JUROR NO. 314: Of course.

6 MR. WOLFBRANDT: Okay. And you wouldn't hold any
7 of that against the attorneys?

8 PROSPECTIVE JUROR NO. 314: No. As far as anything
9 that has to happen between the attorneys --

10 MR. WOLFBRANDT: Well, if we've got to --

11 PROSPECTIVE JUROR NO. 314: -- and --

12 MR. WOLFBRANDT: -- have a conversation about
13 something.

14 PROSPECTIVE JUROR NO. 314: Of course not.

15 MR. WOLFBRANDT: Okay. Do you watch any TV lawyer
16 shows like Law & Order or --

17 PROSPECTIVE JUROR NO. 314: No.

18 MR. WOLFBRANDT: -- I don't even know what the
19 newer ones are but --

20 PROSPECTIVE JUROR NO. 314: I've never been a Law &
21 Order fan. Criminal Minds a little bit.

22 MR. WOLFBRANDT: Okay.

23 PROSPECTIVE JUROR NO. 314: The Mentalist, but
24 that's more --

25 MR. WOLFBRANDT: More for entertainment, isn't it?

1 PROSPECTIVE JUROR NO. 314: I like actors that are
2 in them, yeah.

3 MR. WOLFBRANDT: Yeah. All right. Well, thank
4 you.

5 PROSPECTIVE JUROR NO. 314: Thank you.

6 MR. WOLFBRANDT: I would pass for cause.

7 MS. McNEILL: I'll pass for cause, Your Honor.

8 THE COURT: Thank you. If you'll pass the
9 microphone over. And that's Badge No. 284, Alma Martinez.
10 Ma'am, have you served as a juror before?

11 PROSPECTIVE JUROR NO. 284: No.

12 THE COURT: Have you ever been in law enforcement?

13 PROSPECTIVE JUROR NO. 284: No.

14 THE COURT: Anyone in your family or closely
15 associated with you in law enforcement?

16 PROSPECTIVE JUROR NO. 284: No.

17 THE COURT: Have you ever been the victim of a
18 crime?

19 PROSPECTIVE JUROR NO. 284: No.

20 THE COURT: Anyone in your family, closely
21 associated with you been the victim of a serious crime?

22 PROSPECTIVE JUROR NO. 284: No.

23 THE COURT: Have you ever been accused of or
24 convicted of a crime?

25 PROSPECTIVE JUROR NO. 284: No.

1 THE COURT: Anyone in your family or closely
2 associated with you been convicted of a crime?

3 PROSPECTIVE JUROR NO. 284: No.

4 THE COURT: And do you believe in the presumption
5 of innocence?

6 PROSPECTIVE JUROR NO. 284: Yes, I do.

7 THE COURT: Will you be able to be a fair and
8 impartial in this case?

9 PROSPECTIVE JUROR NO. 284: Yes.

10 THE COURT: Will you be able to follow the law as I
11 instruct you?

12 PROSPECTIVE JUROR NO. 284: Yes.

13 THE COURT: Tell us about yourself.

14 PROSPECTIVE JUROR NO. 284: Well, my name is Alma
15 Martinez, again. I'm a mother of three. All of them are all
16 adults. And I'm a grandmother of seven and one on the way.
17 And I'm a housewife. I've been living -- I'm living in -- in
18 the Vegas -- in Vegas since 2005, yeah.

19 THE COURT: What does your husband do?

20 PROSPECTIVE JUROR NO. 284: He's a maintenance
21 supervisor -- supervisor from apartment complex.

22 THE COURT: And what does he do in that job, do you
23 know?

24 PROSPECTIVE JUROR NO. 284: He's in charge of five
25 people, I think. He's -- he deals with banners and he do

1 everything for the apartments be ready for the new people
2 moving -- to move in.

3 THE COURT: So if an apartment needs renovation --

4 PROSPECTIVE JUROR NO. 284: Yeah.

5 THE COURT: -- he would oversee that?

6 PROSPECTIVE JUROR NO. 284: He's the one, um-h'm.

7 THE COURT: What about your adult children, what do
8 they do for a living?

9 PROSPECTIVE JUROR NO. 284: The two oldest, they
10 live in California, and they work at the -- it's like a
11 dispatch -- dispatching company.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 284: Something like that.

14 THE COURT: Dispatching --

15 PROSPECTIVE JUROR NO. 284: Yeah.

16 THE COURT: -- did you say?

17 PROSPECTIVE JUROR NO. 284: Um-h'm.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 284: And the small -- the --
20 the -- the boy, he lives here in Vegas. He's tech for an
21 apartment complex, too.

22 THE COURT: All right. So doing the same type of
23 job that --

24 PROSPECTIVE JUROR NO. 284: Yeah.

25 THE COURT: -- his dad does?

1 PROSPECTIVE JUROR NO. 284: Um-h'm.

2 THE COURT: All right. Do you believe you could be
3 fair and impartial in this case?

4 PROSPECTIVE JUROR NO. 284: Yes.

5 THE COURT: Would the State like to inquire
6 further?

7 MS. LEXIS: Yes, Your Honor. Thank you. Hello.

8 PROSPECTIVE JUROR NO. 284: Hello.

9 MS. LEXIS: Ms. Martinez, you moved to Las Vegas in
10 2005?

11 PROSPECTIVE JUROR NO. 284: Um-h'm.

12 MS. LEXIS: Where did you live before?

13 PROSPECTIVE JUROR NO. 284: California.

14 MS. LEXIS: Okay. And prior to that?

15 PROSPECTIVE JUROR NO. 284: Mexico.

16 MS. LEXIS: Okay. Did you grow up in Mexico?

17 PROSPECTIVE JUROR NO. 284: Yes.

18 MS. LEXIS: Okay. How old were you when you move
19 to the United States?

20 PROSPECTIVE JUROR NO. 284: I think almost 24,
21 something like that. It was '88.

22 MS. LEXIS: 1988?

23 PROSPECTIVE JUROR NO. 284: Um-h'm.

24 MS. LEXIS: Okay. Are you familiar with the
25 criminal justice system, the court system in Mexico?

1 PROSPECTIVE JUROR NO. 284: No.

2 MS. LEXIS: Okay. So is all of your experience
3 pretty much with the American criminal justice system?

4 PROSPECTIVE JUROR NO. 284: Yes.

5 MS. LEXIS: Okay. Let's see. Do you watch TV?

6 PROSPECTIVE JUROR NO. 284: Not at all. I don't
7 have time. I take care of my two grandchilds, the babies,
8 and I don't have time for TV.

9 MS. LEXIS: Okay.

10 PROSPECTIVE JUROR NO. 284: Not much.

11 MS. LEXIS: Besides taking your little
12 grandchildren, and you have another one on the way, right?

13 PROSPECTIVE JUROR NO. 284: Yes.

14 MS. LEXIS: Okay. That's going to be more work.
15 Are you going to watch that baby, too?

16 PROSPECTIVE JUROR NO. 284: Lucky for me, it's in
17 California.

18 MS. LEXIS: Okay. Lucky for you. But
19 congratulations anyway.

20 PROSPECTIVE JUROR NO. 284: Yeah.

21 MS. LEXIS: What else do you like to do besides
22 watch your grandkids?

23 PROSPECTIVE JUROR NO. 284: There's -- there's not
24 much to do in my house. It's just the daily routine, the
25 kids and that's all my time with two babies.

1 MS. LEXIS: Okay. Yeah, that -- that was a silly
2 question. Babies, you don't have time. Is there any reason
3 you can think of where you couldn't be a fair and impartial
4 juror in this case?

5 PROSPECTIVE JUROR NO. 284: No. My only worry is
6 my kids. I'm -- I'm in charge of them, and I don't know if
7 that -- is be here three weeks is going to affect us because
8 they have to go to work. They are excused, not me.

9 MS. LEXIS: Right.

10 PROSPECTIVE JUROR NO. 284: Um-h'm.

11 MS. LEXIS: Who is watching your grand babies while
12 you're here?

13 PROSPECTIVE JUROR NO. 284: Today is the day off of
14 my son.

15 MS. LEXIS: Okay.

16 PROSPECTIVE JUROR NO. 284: Um-h'm.

17 MS. LEXIS: And so how many days out of the week
18 will you all have to find alternative, you know, babysitter,
19 if you were --

20 PROSPECTIVE JUROR NO. 284: A whole week.

21 MS. LEXIS: -- to be chosen. The whole week?

22 PROSPECTIVE JUROR NO. 284: Oh, you said Tuesday
23 and Wednesday, they -- those are the day offs.

24 MS. LEXIS: Okay.

25 PROSPECTIVE JUROR NO. 284: Um-h'm.

1 MS. LEXIS: So you'd have to find someone else to
2 watch the babies Monday, Tuesday and Friday?

3 PROSPECTIVE JUROR NO. 284: Um-h'm.

4 MS. LEXIS: Is that a yes?

5 PROSPECTIVE JUROR NO. 284: Yes.

6 MS. LEXIS: Okay. Have you -- do you have other
7 people, other family members that you can ask to --

8 PROSPECTIVE JUROR NO. 284: No.

9 MS. LEXIS: -- help out?

10 PROSPECTIVE JUROR NO. 284: Um-um.

11 MS. LEXIS: Okay. Is that going to be a key worry
12 for you?

13 PROSPECTIVE JUROR NO. 284: Pretty much, yeah.

14 MS. LEXIS: Okay. Is it going to be a worry such
15 that you're going to -- if you're chosen, you would have a
16 hard time focusing on this trial?

17 PROSPECTIVE JUROR NO. 284: I think so, yeah,
18 because they're babies.

19 MS. LEXIS: How old are the grand babies?

20 PROSPECTIVE JUROR NO. 284: Nine months and two
21 years.

22 MS. LEXIS: Okay. Okay. And you've watched them
23 pretty much --

24 PROSPECTIVE JUROR NO. 284: Since they --

25 MS. LEXIS: -- their whole lives?

1 PROSPECTIVE JUROR NO. 284: Yeah.

2 MS. LEXIS: Okay. And in terms of your -- which,
3 is it your son or your daughter's kids?

4 PROSPECTIVE JUROR NO. 284: It's my son.

5 MS. LEXIS: Your son. Okay. Are they able to take
6 time off work to watch the babies as opposed to you missing
7 jury duty?

8 PROSPECTIVE JUROR NO. 284: I don't think so.

9 MS. LEXIS: Have they asked?

10 PROSPECTIVE JUROR NO. 284: Well, they -- he asked
11 for Monday.

12 MS. LEXIS: Okay.

13 PROSPECTIVE JUROR NO. 284: Um-h'm.

14 MS. LEXIS: Okay. Court's brief indulgence. I
15 have no more questions, Ms. Martinez. Thank you very much.

16 MR. LANDIS: Court's brief indulgence. Can I
17 proceed?

18 THE COURT: Yes, please.

19 MR. LANDIS: I just want to clarify something you
20 said about grandchildren. If you're not watching them, did
21 you say they were going to go to work, meaning with a parent
22 or did I hear that completely wrong?

23 PROSPECTIVE JUROR NO. 284: Can you repeat that?

24 MR. LANDIS: Okay, so you'd get babysitters would
25 be the solution or try to?

1 PROSPECTIVE JUROR NO. 284: Um-h'm.

2 MR. LANDIS: That's all I have to ask. I'll pass
3 for cause.

4 MR. WOLFBRANDT: I'd pass for cause.

5 THE COURT: Ms. McNeill.

6 MS. MCNEILL: I'll pass for cause, Your Honor.

7 THE COURT: All right. If you'll hand the
8 microphone over. And this is let's see, Badge No. 261; is
9 that right? Ashley Lindsey?

10 PROSPECTIVE JUROR NO. 261: Yes.

11 THE COURT: All right. Tell us about yourself.

12 PROSPECTIVE JUROR NO. 261: My name is Ashley
13 Lindsey. I got three kids at home. I got a one, two and a
14 four-year-old. I'm six months pregnant. I got two jobs. I
15 work at the Cosmopolitan on-call and Taco Bell, and I got my
16 high school diploma.

17 THE COURT: Okay. And do you have a significant
18 other, husband?

19 PROSPECTIVE JUROR NO. 261: No, I'm single.

20 THE COURT: Partner? Single? Okay. So are you
21 the sole support of your family?

22 PROSPECTIVE JUROR NO. 261: Yes.

23 THE COURT: Okay. And but you didn't try and get
24 excused.

25 PROSPECTIVE JUROR NO. 261: No.

1 THE COURT: Okay. So you're fine with --

2 PROSPECTIVE JUROR NO. 261: Um-h'm.

3 THE COURT: Okay. Good. All right. And let's
4 see. How are you feeling?

5 PROSPECTIVE JUROR NO. 261: All right.

6 THE COURT: It's pretty hot today --

7 PROSPECTIVE JUROR NO. 261: Um-h'm.

8 THE COURT: -- in here. It shouldn't be that way.
9 I think by tomorrow they should have it fixed. Okay, good.
10 And they're just confirming, court staff that yes, it will be
11 fixed tomorrow. So now it could be just the opposite so
12 bring with you -- it's easier to bring a sweater that you can
13 put on if it's cold, but just know that it can be cold in the
14 courtroom so just know that.

15 Any reason at all that you believe you could not be
16 fair and impartial?

17 PROSPECTIVE JUROR NO. 261: No.

18 THE COURT: State like to inquire further?

19 MR. DiGIACOMO: Sure. And I apologize, ma'am, they
20 were playing with my fan and I heard almost nothing what you
21 said about your background so how many children do you have?

22 PROSPECTIVE JUROR NO. 261: I got three.

23 MR. DiGIACOMO: Three children? And how old are
24 they?

25 PROSPECTIVE JUROR NO. 261: One, two and four.

1 MR. DiGIACOMO: Oh, it's busy at your house. And
2 what do you do for a living? I didn't hear that.

3 PROSPECTIVE JUROR NO. 261: I'm on call at the
4 Cosmopolitan doing housekeeping and I work at Taco Bell as a
5 manager.

6 MR. DiGIACOMO: How long have you been at Taco Bell
7 as a manager?

8 PROSPECTIVE JUROR NO. 261: A year.

9 MR. DiGIACOMO: And how long have you been at the
10 Cosmopolitan?

11 PROSPECTIVE JUROR NO. 261: Six months.

12 MR. DiGIACOMO: And did I hear you right that
13 you're also currently pregnant?

14 PROSPECTIVE JUROR NO. 261: Yeah.

15 MR. DiGIACOMO: Okay. And you've heard us talking
16 here. We're at the end of day two. Is there any question
17 anybody's asked that you thought, you know what, it's
18 important for me to talk about? Do you think you're a fair
19 and impartial person?

20 PROSPECTIVE JUROR NO. 261: Yes, I do.

21 MR. DiGIACOMO: Do you think you could sit here,
22 listen to the evidence and ultimately, make a decision as to
23 whether or not these individuals are guilty or not?

24 PROSPECTIVE JUROR NO. 261: Yeah.

25 MR. DiGIACOMO: And what about for the penalty? Do

1 you think you'd be willing to consider all three forms of
2 punishment and --

3 PROSPECTIVE JUROR NO. 261: Sure.

4 MR. DiGIACOMO: -- ultimately pick one?

5 PROSPECTIVE JUROR NO. 261: Yeah.

6 MR. DiGIACOMO: Do you think you'd be a good juror?

7 PROSPECTIVE JUROR NO. 261: Yeah.

8 MR. DiGIACOMO: Thank you very much, ma'am.

9 THE COURT: Defense. Mr. Landis.

10 MR. LANDIS: I can't blame it on a fan, but I'm not
11 sure if you answered these questions either. Anyone close to
12 you ever been the victim of a crime? And I'm sorry if you
13 were already asked.

14 PROSPECTIVE JUROR NO. 261: Actually, I -- my
15 brother.

16 MR. LANDIS: Could you be more specific?

17 PROSPECTIVE JUROR NO. 261: My brother was charged
18 with robbery -- robbery with a deadly weapon.

19 MR. LANDIS: Here?

20 PROSPECTIVE JUROR NO. 261: Yeah.

21 MR. LANDIS: Close enough to be in contact with him
22 a little bit through that process?

23 PROSPECTIVE JUROR NO. 261: Not really, no.

24 MR. LANDIS: Did you ever go to court for --

25 PROSPECTIVE JUROR NO. 261: No.

1 MR. LANDIS: How long ago was that, roughly?

2 PROSPECTIVE JUROR NO. 261: 2012.

3 MR. LANDIS: Did you get information about it
4 through family or not even really that?

5 PROSPECTIVE JUROR NO. 261: Our family's not really
6 close so no.

7 THE COURT: I need you to hold the microphone up.
8 I can't hear you.

9 PROSPECTIVE JUROR NO. 261: No, our family's not
10 really close so no.

11 MR. LANDIS: Has anyone close to you victimized?

12 PROSPECTIVE JUROR NO. 261: No.

13 MR. LANDIS: Have you ever been accused of a crime?

14 PROSPECTIVE JUROR NO. 261: No.

15 MR. LANDIS: Aside from those childcare concerns,
16 which I'm sure you have, were you -- what was your feelings
17 about coming here yesterday?

18 PROSPECTIVE JUROR NO. 261: I think everybody
19 should have to do it. I don't really have any -- you know,
20 if you're a U.S. citizen and you get called to do it, I don't
21 really have a opinion about it good or bad.

22 MR. LANDIS: You respect the fact that it's a duty?

23 PROSPECTIVE JUROR NO. 261: Yes, I do.

24 MR. LANDIS: Do you feel like you're a good person,
25 though, to fulfill that duty --

1 PROSPECTIVE JUROR NO. 261: Yes.

2 MR. LANDIS: -- because we've seen a couple of
3 people who might not be, who are probably gone now.

4 PROSPECTIVE JUROR NO. 261: Yeah.

5 MR. LANDIS: But besides that, you don't think
6 you're one of the people who we should be concerned about,
7 right?

8 PROSPECTIVE JUROR NO. 261: No.

9 MR. LANDIS: All the things that we've talked about
10 as far as the presumption of innocence, the right to remain
11 silent, you're comfortable enforcing those rights?

12 PROSPECTIVE JUROR NO. 261: Yes, I am.

13 MR. LANDIS: Thank you. I'll pass for cause.

14 PROSPECTIVE JUROR NO. 261: Thank you.

15 THE COURT: Thank you. Mr. Wolfbrandt.

16 MR. WOLFBRANDT: Judge, we would pass for cause.

17 THE COURT: Thank you. Ms. McNeill.

18 MS. MCNEILL: Just briefly, Your Honor. Thank you.
19 And I'm sorry, I'm going to now be the third person who said
20 they didn't hear something that you said. You're just very
21 soft spoken. You said your brother was the victim of a
22 robbery or was charged with?

23 PROSPECTIVE JUROR NO. 261: He was charged with.

24 MS. MCNEILL: Okay. And that was here in Las
25 Vegas?

1 PROSPECTIVE JUROR NO. 261: Yes, it was.

2 MS. McNEILL: And how old were you when that
3 happened?

4 PROSPECTIVE JUROR NO. 261: I was 18.

5 MS. McNEILL: Eighteen, okay. So it wasn't that
6 long ago?

7 PROSPECTIVE JUROR NO. 261: No.

8 MS. McNEILL: Right? Was there anything about the
9 process with your brother that you were aware of that you
10 didn't like or that you had questions about?

11 PROSPECTIVE JUROR NO. 261: No.

12 MS. McNEILL: No? Okay. Were you really familiar
13 with what was going on?

14 PROSPECTIVE JUROR NO. 261: Not really.

15 MS. McNEILL: Do you know if he went to trial or if
16 he --

17 PROSPECTIVE JUROR NO. 261: He did -- he went to
18 trial, and I know he was let off on probation, and he just
19 went -- they sent him up because violation of probation, but
20 I'm not too sure of everything.

21 MS. McNEILL: Of anything else?

22 PROSPECTIVE JUROR NO. 261: Yeah, no.

23 MS. McNEILL: Okay. And you didn't go watch the
24 trial or anything?

25 PROSPECTIVE JUROR NO. 261: No, I didn't.

1 MS. McNEILL: Okay. How do you feel about getting
2 to watch a criminal trial?

3 PROSPECTIVE JUROR NO. 261: It's different.

4 MS. McNEILL: It's different? Okay.

5 PROSPECTIVE JUROR NO. 261: Yeah.

6 MS. McNEILL: Do you watch any type of television
7 shows about --

8 PROSPECTIVE JUROR NO. 261: No.

9 MS. McNEILL: -- the criminal justice system? No?

10 PROSPECTIVE JUROR NO. 261: No.

11 MS. McNEILL: Okay. Did you take a government class
12 in high school?

13 PROSPECTIVE JUROR NO. 261: I did.

14 MS. McNEILL: All right. So do you feel comfortable
15 with all the things we're talking about, like the burden of
16 proof --

17 PROSPECTIVE JUROR NO. 261: Yeah, I do.

18 MS. McNEILL: -- right to remain silent, those
19 things?

20 PROSPECTIVE JUROR NO. 261: Yeah.

21 MS. McNEILL: Okay. Mr. DiGiacomo asked you if you
22 had any problems with any of the three punishments.

23 PROSPECTIVE JUROR NO. 261: No.

24 MS. McNEILL: Is there -- when you say you don't
25 have any problems, is there -- kind of the reverse of that.

1 Is there anything where you feel like, you know what, in a
2 murder case, I just feel like it has to be one?

3 PROSPECTIVE JUROR NO. 261: No, I don't.

4 MS. McNEILL: You don't? Okay. So you'll listen to
5 everything that's presented to you and decide what you think
6 is appropriate?

7 PROSPECTIVE JUROR NO. 261: Yeah, because I really
8 stand by, you have to have the facts of something to be proven
9 guilty. I don't think you can just point fingers like there
10 really usually have to be really do something and had the
11 paperwork and evidence to show for someone to be guilty.
12 That's --

13 MS. McNEILL: Okay. So you're going to make them do
14 their job and --

15 PROSPECTIVE JUROR NO. 261: Yeah.

16 MS. McNEILL: -- prove it to you beyond a reasonable
17 doubt?

18 PROSPECTIVE JUROR NO. 261: Yeah.

19 MS. McNEILL: Okay. I'll pass for cause, Your
20 Honor.

21 THE COURT: Thank you. All right. If you'd pass
22 the microphone to your right there. And we have now Badge No.
23 263; is that correct, Patrice Zamani?

24 PROSPECTIVE JUROR NO. 263: That's correct.

25 THE COURT: All right. And I asked you the other

1 questions about --

2 PROSPECTIVE JUROR NO. 263: Right, you have.

3 THE COURT: -- you being a juror? Okay. So now
4 tell us about yourself.

5 PROSPECTIVE JUROR NO. 263: I have been a resident
6 of Las Vegas for I think it was 26 years. I have been in
7 radio, and that's what I did when I first came here then. My
8 husband and I opened a business that's been open for almost 20
9 years. And I'm retired. He's working and I'm not. And --
10 and I have a degree, bachelor of science with a degree in
11 psychology and sociology.

12 THE COURT: And the business is what?

13 PROSPECTIVE JUROR NO. 263: Art and framing.

14 THE COURT: Oh, okay. So --

15 PROSPECTIVE JUROR NO. 263: We've had it for a long
16 time. We're on the west side of town.

17 THE COURT: Okay. Do you -- does the business
18 create art or just frame art or both?

19 PROSPECTIVE JUROR NO. 263: We do both. We're both.
20 We have a -- it's a large gallery so we have a lot of art of
21 all kinds, and we do all kinds of framing.

22 THE COURT: All right. And your husband's still
23 running that business?

24 PROSPECTIVE JUROR NO. 263: Yes, he is.

25 THE COURT: And you decided you'd have enough and --

1 PROSPECTIVE JUROR NO. 263: Yeah, I can't work with
2 him. Absolutely, I can't.

3 THE COURT: After 20 years?

4 PROSPECTIVE JUROR NO. 263: Well, we didn't -- we
5 never really worked together.

6 THE COURT: Oh.

7 PROSPECTIVE JUROR NO. 263: He was doing something
8 else when I was running that business. So when he came back
9 is when I left.

10 THE COURT: Okay.

11 THE MARSHAL: Ma'am, I need you to hold it closer to
12 your mouth.

13 PROSPECTIVE JUROR NO. 263: Oh, okay.

14 THE COURT: Okay. And what is it about -- is it
15 just him that you can't work with?

16 PROSPECTIVE JUROR NO. 263: Right.

17 THE COURT: But you could work with other people --

18 PROSPECTIVE JUROR NO. 263: Oh, yes.

19 THE COURT: -- in that business?

20 PROSPECTIVE JUROR NO. 263: Absolutely, I have, yes.

21 THE COURT: So it's fine to see him at home, but --

22 PROSPECTIVE JUROR NO. 263: Yes.

23 THE COURT: -- you don't want to see him --

24 PROSPECTIVE JUROR NO. 263: No.

25 THE COURT: -- at work, too.

1 PROSPECTIVE JUROR NO. 263: There's too many bosses,
2 no.

3 THE COURT: Okay. All right. Do you believe that
4 you, otherwise, could be fair and impartial juror in this
5 case?

6 PROSPECTIVE JUROR NO. 263: Yes.

7 THE COURT: And no children?

8 PROSPECTIVE JUROR NO. 263: No children.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 263: I have a stepdaughter
11 and a granddaughter.

12 THE COURT: All right. Stepdaughter, adult?

13 PROSPECTIVE JUROR NO. 263: She is an adult. She
14 lives in California.

15 THE COURT: And does she work?

16 PROSPECTIVE JUROR NO. 263: Not currently.

17 THE COURT: Did she have --

18 PROSPECTIVE JUROR NO. 263: She just was laid off.
19 She's been in the medical industry --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 263: -- for many years.

22 THE COURT: So doing what type of work?

23 PROSPECTIVE JUROR NO. 263: She's in -- worked for
24 an oncology radiologist company.

25 THE COURT: Okay. Sales?

1 PROSPECTIVE JUROR NO. 263: She worked with the
2 doctors. She had to try to get them to refer to her -- her
3 radiologist company.

4 THE COURT: Okay. All right. Very well, thank you.
5 Would the State like to inquire further?

6 MS. LEXIS: Yes, Your Honor. Thank you. Hello, Ms.
7 Zamani.

8 PROSPECTIVE JUROR NO. 263: Hi.

9 MS. LEXIS: Ma'am, what did you do in radio?

10 PROSPECTIVE JUROR NO. 263: I was in radio sales for
11 like 13 years. I came prior from here -- from Minneapolis and
12 then I went into it here only because I knew it, and I was new
13 here. Didn't like it because it was much smaller market. I
14 was in a top ten market in Minneapolis.

15 Came here, and it was only about 300,000 people. So
16 it was a whole, whole different thing. And I asked my husband
17 to get me out and that's why we opened the business so.

18 MS. LEXIS: Okay. So sales meaning like is it
19 advertising?

20 PROSPECTIVE JUROR NO. 263: Yes, advertising sales.

21 MS. LEXIS: Okay. Which radio company?

22 PROSPECTIVE JUROR NO. 263: It was owned at the time
23 by Nationwide, but this was a long time ago. It was KLUC.

24 MS. LEXIS: KLUC, okay. Do you still listen to
25 that --

1 PROSPECTIVE JUROR NO. 263: Yes, I do, actually.

2 MS. LEXIS: -- news station. The Morning Zoo?

3 PROSPECTIVE JUROR NO. 263: I still like the top 40
4 music, yes.

5 MS. LEXIS: Okay. What are your views on guns? Do
6 you have any?

7 PROSPECTIVE JUROR NO. 263: I am not a fan of guns.

8 MS. LEXIS: Okay. Why is that?

9 PROSPECTIVE JUROR NO. 263: I just believe they're
10 harmful and hurt people, and just -- I've never even touched a
11 gun.

12 MS. LEXIS: What do you think about our right to
13 bear arms?

14 PROSPECTIVE JUROR NO. 263: You know, I think
15 there's a point to that, obviously, but I also believe that
16 they should do better checks to get -- keep the -- the guns
17 out of the hands of bad people.

18 MS. LEXIS: Okay. So you don't have anything
19 against people lawfully owning firearms, you know --

20 PROSPECTIVE JUROR NO. 263: No.

21 MS. LEXIS: -- to protect their homes --

22 PROSPECTIVE JUROR NO. 263: No.

23 MS. LEXIS: -- to protect themselves?

24 PROSPECTIVE JUROR NO. 263: I can't. No, I -- no.

25 MS. LEXIS: Okay. It's just guns getting in the

1 hands of people who shouldn't have them?

2 PROSPECTIVE JUROR NO. 263: Right.

3 MS. LEXIS: And who commit crimes with them?

4 PROSPECTIVE JUROR NO. 263: Yeah, mentally ill,
5 particularly, and -- and criminals.

6 MS. LEXIS: Okay. Okay. Do you want to be a juror?

7 PROSPECTIVE JUROR NO. 263: Truthfully, not really,
8 but -- but if I have to, I will, and I'll do my best.

9 MS. LEXIS: Okay. Any reason that you can think of
10 that would prevent you from being a fair and impartial in this
11 case?

12 PROSPECTIVE JUROR NO. 263: No.

13 MS. LEXIS: Does the fact that it's a murder case
14 cause you any concern?

15 PROSPECTIVE JUROR NO. 263: Maybe.

16 MS. LEXIS: Okay.

17 PROSPECTIVE JUROR NO. 263: I'm not sure.

18 MS. LEXIS: What kind of concerns?

19 PROSPECTIVE JUROR NO. 263: Well, you know, it's
20 something --

21 MS. LEXIS: Serious.

22 PROSPECTIVE JUROR NO. 263: -- serious, absolutely.
23 And it's -- it's not something I like to talk about.

24 MS. LEXIS: Right. Are you -- so it just more like
25 a generalized anxiety?

1 PROSPECTIVE JUROR NO. 263: Yes, probably.

2 MS. LEXIS: Because, I mean, let's face it, this
3 process is intimidating, having to speak in front of all these
4 people --

5 PROSPECTIVE JUROR NO. 263: Right.

6 MS. LEXIS: -- talk about your views in front of
7 people you don't know --

8 PROSPECTIVE JUROR NO. 263: Right.

9 MS. LEXIS: -- that's intimidating.

10 PROSPECTIVE JUROR NO. 263: Right.

11 MS. LEXIS: Right? And we can't discount the fact
12 that if you are chosen as a juror, it is a -- it's a solemn
13 duty.

14 PROSPECTIVE JUROR NO. 263: Right. And I will take
15 it as that, absolutely.

16 MS. LEXIS: Okay. Do you watch TV?

17 PROSPECTIVE JUROR NO. 263: Yes.

18 MS. LEXIS: Okay. What kind of TV shows?

19 PROSPECTIVE JUROR NO. 263: Everything. My husband
20 only watches political, so I see a lot of political news. I
21 also do watch, you know, the fall new shows that come out.

22 MS. LEXIS: What's your favorite show on TV right
23 now?

24 PROSPECTIVE JUROR NO. 263: Probably a comedy. I
25 love the -- the show Mom. There's like a million fun -- I

1 like comedy the best.

2 MS. LEXIS: Okay, all right. Do you keep up with
3 the news?

4 PROSPECTIVE JUROR NO. 263: You know, I don't only
5 because my husband has always got the --

6 MS. LEXIS: Political stuff on?

7 PROSPECTIVE JUROR NO. 263: Yeah, yeah.

8 MS. LEXIS: Okay.

9 PROSPECTIVE JUROR NO. 263: So I -- I mean, I try,
10 but it rarely happens.

11 MS. LEXIS: Okay. Can you follow the law even if
12 you disagree with it?

13 PROSPECTIVE JUROR NO. 263: Yes.

14 MS. LEXIS: Okay. Because I watch some of the
15 political shows sometimes, and opinions are just being spouted
16 left and right.

17 PROSPECTIVE JUROR NO. 263: Right, absolutely.

18 MS. LEXIS: Are you the type of person who can hold
19 firm to your own opinion?

20 PROSPECTIVE JUROR NO. 263: Oh, absolutely.

21 MS. LEXIS: Are you the type of person who can also
22 remain open minded and deliberate with other jurors if you're
23 chosen?

24 PROSPECTIVE JUROR NO. 263: Absolutely.

25 MS. LEXIS: Would you say you're a person that's

1 easily swayed?

2 PROSPECTIVE JUROR NO. 263: No.

3 MS. LEXIS: Okay. Are you a person, though, that
4 can verbalize what they're thinking?

5 PROSPECTIVE JUROR NO. 263: Absolutely.

6 MS. LEXIS: Okay. Enough to say I'm not working
7 with you anymore to your husband. Do you think you would be a
8 good juror?

9 PROSPECTIVE JUROR NO. 263: Yes.

10 MS. LEXIS: Why?

11 PROSPECTIVE JUROR NO. 263: Because I would take it
12 seriously. Anything I've done, I do the best I can at it.

13 MS. LEXIS: Okay. Thank you, ma'am. Nothing
14 further. Thank you very much.

15 THE COURT: Defense.

16 MS. McNEILL: Thank you, Your Honor. Ms. Zamani,
17 you said that you think you would be a good juror because
18 you'd take it seriously.

19 PROSPECTIVE JUROR NO. 263: Um-h'm.

20 MS. McNEILL: But then earlier you kind of indicated
21 that you had -- you weren't really excited about being here
22 just because of it's kind of a heavy subject matter, right?

23 PROSPECTIVE JUROR NO. 263: Right.

24 MS. McNEILL: Do you --

25 PROSPECTIVE JUROR NO. 263: Honest.

1 MS. McNEILL: Right. No, and I like honest. I
2 appreciate that. Do you think that because it's such heavy
3 subject matter, you might feel like you'll have to error on
4 the side of the State when you're back there or you would be
5 able to sort of put that aside, the concerns you have, I mean,
6 there's a dead body --

7 PROSPECTIVE JUROR NO. 263: Um-h'm.

8 MS. McNEILL: -- sort of put that aside and really
9 listen critically to what they have to say?

10 PROSPECTIVE JUROR NO. 263: Yes.

11 MS. McNEILL: Okay. So you wouldn't let the fact
12 that there is this dead person --

13 PROSPECTIVE JUROR NO. 263: Right.

14 MS. McNEILL: -- make you sort of say well, maybe
15 I'll give them a little leeway on their burden? You wouldn't
16 do that? No? Okay. When you say your concerns because of
17 the subject matter, is there something about you or your life
18 that makes you feel a little -- and I know it is, you know, I
19 understand it's a very serious type of case.

20 PROSPECTIVE JUROR NO. 263: Um-h'm.

21 MS. McNEILL: Is there something that makes you feel
22 like you might be a little more concern than the average
23 person?

24 PROSPECTIVE JUROR NO. 263: No.

25 MS. McNEILL: No? Okay. You said you had a degree

1 in psychology and sociology, correct?

2 PROSPECTIVE JUROR NO. 263: Correct.

3 MS. McNEILL: Did you ever work in that field?

4 PROSPECTIVE JUROR NO. 263: I did not. I would have
5 really needed to go on for my master's and Ph.D. to do what he
6 really wanted, and I was not in the mood to go back to school
7 at that time.

8 MS. McNEILL: Okay. So what was it that you really
9 wanted to do?

10 PROSPECTIVE JUROR NO. 263: I really -- I -- I find
11 the mind very interesting so I -- I did some work on anorexia
12 and autism and schizophrenia. I'm just interested in anything
13 with the mind.

14 MS. McNEILL: Okay. So it sounds like you're kind
15 of interested in things that maybe make people think
16 differently than (inaudible)?

17 PROSPECTIVE JUROR NO. 263: Right.

18 MS. McNEILL: Right? Okay.

19 PROSPECTIVE JUROR NO. 263: Sure. Or be different,
20 yes.

21 MS. McNEILL: Do you do any reading or any type of
22 along those lines where you still find yourself interested in
23 those things? Maybe read articles or journal articles about
24 those types of things?

25 PROSPECTIVE JUROR NO. 263: No.

1 MS. McNEILL: No? Okay.

2 PROSPECTIVE JUROR NO. 263: No.

3 MS. McNEILL: When you you're watching these
4 political -- your husband's political shows --

5 PROSPECTIVE JUROR NO. 263: Yeah.

6 MS. McNEILL: -- do you sometimes use --

7 PROSPECTIVE JUROR NO. 263: When I leave the room --

8 MS. McNEILL: -- it then?

9 PROSPECTIVE JUROR NO. 263: I actually leave the
10 room and I'll --

11 MS. McNEILL: Okay. All right.

12 PROSPECTIVE JUROR NO. 263: -- watch something else.

13 MS. McNEILL: I get that. Okay. All right, I'll
14 pass for cause, Your Honor.

15 THE COURT: Thank you. Mr. Wolfbrandt.

16 MR. WOLFBRANDT: Do you share the same political
17 views as your husband?

18 PROSPECTIVE JUROR NO. 263: Yes, I do.

19 MR. WOLFBRANDT: Okay.

20 PROSPECTIVE JUROR NO. 263: Thank God.

21 MR. WOLFBRANDT: I guess, yeah. But he's just kind
22 of a hard one to be with when he's watching the shows so you
23 leave the room?

24 PROSPECTIVE JUROR NO. 263: He loves it. For him
25 it's a sport because he's not into sports like most people

1 here. So it's his sport. So I let him enjoy it and I do
2 whatever I need to do.

3 MR. WOLFBRANDT: What's his favorite show or which
4 ones does he typically watch or does he watch all of them?

5 PROSPECTIVE JUROR NO. 263: He watches all, all of
6 them. He's one of those people that needs to know everything
7 from every angle.

8 MR. WOLFBRANDT: From every angle? Okay.

9 PROSPECTIVE JUROR NO. 263: Yeah.

10 MR. WOLFBRANDT: So he's not just not with Fox only
11 or --

12 PROSPECTIVE JUROR NO. 263: No.

13 MR. WOLFBRANDT: -- MSNBC?

14 PROSPECTIVE JUROR NO. 263: No.

15 MR. WOLFBRANDT: He watches all and then --

16 PROSPECTIVE JUROR NO. 263: CNN, yep.

17 MR. WOLFBRANDT: Okay. Okay, now I missed it, if
18 you said. You were never been a victim of a crime?

19 PROSPECTIVE JUROR NO. 263: No.

20 MR. WOLFBRANDT: What did your husband do before he
21 moved you out of the store?

22 PROSPECTIVE JUROR NO. 263: He has been a business
23 owner and he used to have an oriental rug store and an
24 interior design store. He does integer design. He is in real
25 estate.

1 MR. WOLFBRANDT: Okay. And there was a lot of that
2 back in Minnesota?

3 PROSPECTIVE JUROR NO. 263: In Minnesota, I met him
4 because I was working in radio, and he was working at a store,
5 a oriental rug store, and I called on him and that's how we
6 met so.

7 MR. WOLFBRANDT: Do you or your husband own any
8 handguns or any --

9 PROSPECTIVE JUROR NO. 263: No.

10 MR. WOLFBRANDT: -- firearms at all?

11 PROSPECTIVE JUROR NO. 263: No.

12 MR. WOLFBRANDT: Okay. Have you ever shot one?

13 PROSPECTIVE JUROR NO. 263: No.

14 MR. WOLFBRANDT: Are you afraid of them?

15 PROSPECTIVE JUROR NO. 263: Yes.

16 MR. WOLFBRANDT: I would anticipate you're going to
17 see some firearms as part of the evidence in this case. Is
18 that going to make you nervous?

19 PROSPECTIVE JUROR NO. 263: No.

20 MR. WOLFBRANDT: Pretty convinced that they make --
21 everybody's made sure they've been unloaded and --

22 PROSPECTIVE JUROR NO. -263: Yeah, exactly.

23 MR. WOLFBRANDT: -- and not going to hurt you?
24 Okay. All right, thank you. I've got nothing further.

25 THE COURT: Mr. Landis.

1 MR. LANDIS: Thank you. One-ish question. Early
2 yesterday when the Court was asking kind of those general
3 questions if people were raising their hands or not --

4 PROSPECTIVE JUROR NO. 263: Um-h'm.

5 MR. LANDIS: -- I thought I saw you had your hand up
6 and eventually the mic never made it to you.

7 PROSPECTIVE JUROR NO. 263: That is correct. I
8 decided to bring it down because it really didn't seem big
9 enough to talk about.

10 MR. LANDIS: It was -- was it the close to you
11 victim of a crime question?

12 PROSPECTIVE JUROR NO. 263: No, no, no. It was have
13 you -- I -- okay, this is what it was. I had my wallet stolen
14 from my purse while I was working at our art gallery, and I
15 sort of blame myself because I had my purse sitting out there,
16 and it was like the dumbest thing you could do.

17 MR. LANDIS: I can understand the thought process on
18 that.

19 PROSPECTIVE JUROR NO. 263: Yeah, yeah.

20 MR. LANDIS: Okay. I just wanted to clarify that.
21 Thank you. I'd pass for cause.

22 THE COURT: Thank you. If you'll hand the
23 microphone over to Tina Hong, Badge No. 274. Ms. Hong, tell
24 us about yourself.

25 PROSPECTIVE JUROR NO. 274: Hi. My name's Tina

1 Hong, 274. I've lived here in Vegas for about roughly 10 to
2 15 years. I graduated from Basic High School. I have a
3 degree in psychology. I'm currently unemployed. I'm taking a
4 year off before I figure out what my next plan is, either
5 going to find a job or reapply for a master's program.

6 I live with my parents. My dad's a nail technician.
7 My mom works in a small company. She builds like the
8 emergency phones you see on the side of the freeways. And I
9 have an older brother. He's employed at the University of
10 Mississippi, and I have two dogs and one chinchilla.

11 THE COURT: A chinchilla?

12 PROSPECTIVE JUROR NO. 274: Yes.

13 THE COURT: All right. Your brother, you said he's
14 employed at the University. What does he do there?

15 PROSPECTIVE JUROR NO. 274: He's in the sports
16 department. He got his master's degree in the University of
17 Washington. I'm not really sure what it is, and I don't know
18 what his title is at the University of Mississippi.

19 THE COURT: Now, have you a bachelor of science,
20 then, in psychology?

21 PROSPECTIVE JUROR NO. 274: No, a BA.

22 THE COURT: A bachelor of arts is --

23 PROSPECTIVE JUROR NO. 274: Yes.

24 THE COURT: -- what they award?

25 PROSPECTIVE JUROR NO. 274: Yes.

1 THE COURT: Okay. And that's from UNLV?

2 PROSPECTIVE JUROR NO. 274: Yes.

3 THE COURT: All right. So you're having to decide
4 whether you want to further your education?

5 PROSPECTIVE JUROR NO. 274: I probably will most
6 likely, but I just don't know what program I would like to
7 step foot into right now. So I'm doing a little research on
8 what intrigues me the most, I guess would be the best way.

9 THE COURT: So now, when you said you're taking a
10 year off, a year off from working? A year off from school?

11 PROSPECTIVE JUROR NO. 274: Just a year off from
12 school, and I guess, until I go back to school, yeah.

13 THE COURT: So you're not looking for a job?

14 PROSPECTIVE JUROR NO. 274: No, not right -- not
15 currently right now.

16 THE COURT: So your parents are fine with you just
17 hanging out at the house?

18 PROSPECTIVE JUROR NO. 274: No, they don't let me
19 just sit around. They make me do stuff.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 274: Yeah.

22 THE COURT: All right. And so it's not a problem
23 for you to be here, obviously, for a trial and a good learning
24 experience --

25 PROSPECTIVE JUROR NO. 274: Yes.

1 THE COURT: -- and opportunity for you to serve?

2 PROSPECTIVE JUROR NO. 274: Yes.

3 THE COURT: All right. Do you believe you could be
4 a fair and impartial juror?

5 PROSPECTIVE JUROR NO. 274: Yes.

6 THE COURT: Okay. State.

7 MR. DiGIACOMO: Yes, ma'am. Do I take this to mean
8 that you just graduated this past May or have you been out of
9 school for a while now?

10 PROSPECTIVE JUROR NO. 274: Um-h'm, I've been out of
11 school since January.

12 MR. DiGIACOMO: January?

13 PROSPECTIVE JUROR NO. 274: Yes.

14 MR. DiGIACOMO: And so then you decided you're going
15 to take the year off before whatever it is you're going to do
16 next?

17 PROSPECTIVE JUROR NO. 274: Yes.

18 MR. DiGIACOMO: Do it while you can.

19 PROSPECTIVE JUROR NO. 274: Yes.

20 MR. DiGIACOMO: Trust me. When you graduated in
21 January, you have -- it's a bachelor of arts in psychology --
22 do you specialize when you go to school, like, did you
23 specialize in some form of psychology? I mean, is it
24 cognitive? What kind of class work were you involved in?

25 PROSPECTIVE JUROR NO. 274: I originally, started at

1 the University of Reno in neuroscience, and when I came back
2 here to UNLV, since the degree wasn't -- they didn't have that
3 -- neuroscience wasn't available here, I had to split my
4 degree into biology and psychology. And because I finished my
5 psyche degree first, I decided to just kind of just be done
6 with school because I'm -- I am 25 so I just kind of want to
7 move on instead of, I guess, still being in college with
8 undergrads.

9 MR. DiGIACOMO: Right.

10 PROSPECTIVE JUROR NO. 274: So --

11 MR. DiGIACOMO: At some point --

12 PROSPECTIVE JUROR NO. 274: Yes.

13 MR. DiGIACOMO: -- it all seems to get a little bit
14 old after a while, right?

15 PROSPECTIVE JUROR NO. 274: It becomes the same,
16 yes.

17 MR. DiGIACOMO: So like in the sense that you didn't
18 work in psychology labs, testing people, stuff like that?

19 PROSPECTIVE JUROR NO. 274: No.

20 MR. DiGIACOMO: Okay. That's all probably
21 post-graduate type work.

22 PROSPECTIVE JUROR NO. 274: I guess so, yes.

23 MR. DiGIACOMO: How long were you in school for?

24 PROSPECTIVE JUROR NO. 274: About five years. Five,
25 six years, yes.

1 MR. DiGIACOMO: We've asked a lot of questions here,
2 and I can't remember, at some point I think, Juror No. 1 got
3 us off track. So we've asked these questions of you, great,
4 but --

5 PROSPECTIVE JUROR NO. 274: Yeah.

6 MR. DiGIACOMO: -- have you or anybody you know ever
7 been the victim of a crime?

8 PROSPECTIVE JUROR NO. 274: No.

9 MR. DiGIACOMO: Have you or anyone you know ever
10 been accused of a crime?

11 PROSPECTIVE JUROR NO. 274: No.

12 MR. DiGIACOMO: Have you or anyone close to you been
13 a member of law enforcement?

14 THE COURT: I did ask her all those questions --

15 PROSPECTIVE JUROR NO. 274: No.

16 THE COURT: -- because she was part of the main
17 panel to start with so.

18 PROSPECTIVE JUROR NO. 274: Sorry.

19 MR. DiGIACOMO: I just couldn't remember if you
20 asked them. So all the questions we've asked, nothing usual
21 that you have to answer?

22 PROSPECTIVE JUROR NO. 274: No.

23 MR. DiGIACOMO: Do you think you could be fair and
24 impartial on both the guilt and the penalty phase?

25 PROSPECTIVE JUROR NO. 274: Yes.

1 MR. DiGIACOMO: And do you think that you could
2 consider all three forms of punishment?

3 PROSPECTIVE JUROR NO. 274: Yes.

4 MR. DiGIACOMO: Thank you very much, ma'am.

5 THE COURT: Defense.

6 MR. LANDIS: Good afternoon. You don't have your
7 choice, but if you had your choice, and you had to be on a
8 jury, that part was a given, you could choose a criminal case
9 or a civil case where people are likely fighting about money,
10 what choice would you make?

11 PROSPECTIVE JUROR NO. 274: I think both would be
12 interesting. I think both would be a learning experience.
13 But given the choice, I think criminal would be more
14 interesting and so.

15 MR. LANDIS: Or juicy, as people might say, right?
16 The facts a little more interesting?

17 PROSPECTIVE JUROR NO. 274: Little bit, yes.

18 MR. LANDIS: Were you excited when you got the jury
19 summons?

20 PROSPECTIVE JUROR NO. 274: Yes.

21 MR. LANDIS: Were you excited today to have to come
22 back here?

23 PROSPECTIVE JUROR NO. 274: Yes.

24 MR. LANDIS: Would you be excited if you're waking
25 up tomorrow or Thursday on be this jury?

1 PROSPECTIVE JUROR NO. 274: Yes.

2 MR. LANDIS: Anything you want to say about some
3 concepts we've talked about before, such as the presumption of
4 innocence, burden of proof on the State?

5 PROSPECTIVE JUROR NO. 274: I don't have any
6 questions or anything.

7 MR. LANDIS: Any of those strike you as odd?

8 PROSPECTIVE JUROR NO. 274: No.

9 MR. LANDIS: Do you have any problems that you'll be
10 able to follow those principles?

11 PROSPECTIVE JUROR NO. 274: I think I can follow the
12 rules, yeah.

13 MR. LANDIS: I have no further questions. Thank you
14 for your time.

15 THE COURT: Mr. Wolfbrandt.

16 MR. WOLFBRANDT: Judge, I'll pass for cause.

17 THE COURT: Ms. McNeill.

18 MS. MCNEILL: Thank you, Your Honor. Just briefly.
19 Ms. Hong, you indicated that you didn't have any problems with
20 any of the concepts of burden of proof or anything like that.
21 (Inaudible) forgive me if Mr. --

22 THE COURT: Ms. McNeill --

23 MS. MCNEILL: Yeah.

24 THE COURT: My court recorder is going crazy --

25 MS. MCNEILL: Sorry.

1 THE COURT: -- because she can't pick you up and
2 then you keep wandering away. Once you get to the microphone,
3 we hear a few words and then you wander into the dead zone
4 over here.

5 MS. McNEILL: I'm sorry. I apologize.

6 THE COURT: Okay. Thank you.

7 MS. McNEILL: Where was I? Oh, okay. You indicated
8 that you didn't have any problems with any of the concepts,
9 any of the concepts or constitutional concepts. And
10 Mr. DiGiacomo might have asked you this, so I forgive you if
11 he did, it's getting long in the day. The punishment, if you
12 get to that part, the three choices that you'll have where you
13 have the term of years that you can give, life with parole or
14 life without parole. Are there any of those that you have any
15 problems with?

16 PROSPECTIVE JUROR NO. 274: No.

17 MS. McNEILL: Okay. Do you have any strong feelings
18 about, you know, it's a murder case, so it should definitely
19 be this type of sentence?

20 PROSPECTIVE JUROR NO. 274: No.

21 MS. McNEILL: No? Okay. So you're willing to
22 listen to everything that's presented to you and then make
23 that determination?

24 PROSPECTIVE JUROR NO. 274: Yes.

25 MS. McNEILL: Okay. All right. I'll pass for

1 cause, Your Honor.

2 THE COURT: Thank you. If counsel will kindly
3 approach. I have a question for you.

4 (Off-record bench conference)

5 THE COURT: So we had a break. Where's the
6 microphone right this moment? Oh, Mr. Wirtner needs it. I
7 asked you, Mr. Wirtner, if you wanted to call your office
8 while we were on the break.

9 PROSPECTIVE JUROR NO. 252: Yeah, I had communicated
10 via text with my boss, and he was looking into it and said he
11 didn't have an answer for me yet so.

12 THE COURT: He did not have the answer?

13 PROSPECTIVE JUROR NO. 252: Yeah, the location does
14 not have those capabilities so they would have to bring
15 something in so he was looking to see if that was a
16 possibility.

17 THE COURT: Okay. And so when was he going to have
18 that info for you?

19 PROSPECTIVE JUROR NO. 252: As soon as he could try
20 to get it. I mean, he has to track down a projector and a --
21 a large screen, also make sure the room's configured for it.

22 THE COURT: Okay. And so that's at the end --
23 because it's at a bank location in Phoenix, one of your
24 facilities?

25 PROSPECTIVE JUROR NO. 252: It's at our -- one of

1 our corporate towers there.

2 THE COURT: Okay. And what about on this end where
3 you would be, is there --

4 PROSPECTIVE JUROR NO. 252: I'm sorry?

5 THE COURT: On this end where would you be, are you
6 set up for that?

7 PROSPECTIVE JUROR NO. 252: That, I have no idea.
8 I'd have to ask him about that, too. I would imagine if they
9 can do it on their end, they can do it on my end. Our laptops
10 do have cameras on them. I just don't know if they operate or
11 not.

12 THE COURT: Yeah, but are you going to be using
13 slides and materials as part of this presentation or is it
14 just addressing --

15 PROSPECTIVE JUROR NO. 252: No, no, it's
16 PowerPoint--

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 252: -- and there's backup
19 handouts to it. So it would be both.

20 THE COURT: Okay. And so your -- in your company
21 you've never done that type of video conferencing? You don't
22 do that under --

23 PROSPECTIVE JUROR NO. 252: No, that's not very
24 common for at least our division. I --

25 THE COURT: Okay. Yes?

1 MR. WOLFBRANDT: I believe, the State was willing to
2 stipulate that we could let --

3 MR. DiGIACOMO: I think all the parties will do so.

4 THE COURT: All right.

5 MR. WOLFBRANDT: To let him go.

6 THE COURT: And so we understand --

7 MR. WOLFBRANDT: We understand the situation.

8 THE COURT: We were hoping that you could stay, but
9 we understand that this is something that has been planned,
10 and you've done your best to look into it. I don't -- I
11 wasn't expecting your company to move heaven and earth, but
12 Chase Bank needs to get up with the times here.

13 PROSPECTIVE JUROR NO. 252: Like I said, it's not
14 common for our division.

15 THE COURT: All right. So it could save money on
16 travel.

17 PROSPECTIVE JUROR NO. 252: Believe me, I'd
18 appreciate that.

19 THE COURT: All right. So you're excused. We're
20 going to fill your seat with the next in order.

21 THE CLERK: Stefanie Warren, Badge No. 328.

22 THE COURT: Ms. Warren, if you could move on over.

23 PROSPECTIVE JUROR NO. 328: Right here?

24 THE COURT: Yeah, right there in that empty seat.
25 Great. Okay. So have you ever served as a juror before?

1 PROSPECTIVE JUROR NO. 328: No.

2 THE COURT: Have you ever been in law enforcement?

3 PROSPECTIVE JUROR NO. 328: No.

4 THE COURT: Anyone in your family, closely
5 associated with you in law enforcement?

6 PROSPECTIVE JUROR NO. 328: No.

7 THE COURT: Have you ever been the victim of a
8 crime?

9 PROSPECTIVE JUROR NO. 328: No.

10 THE COURT: Anyone in your family, closely
11 associated with you, been the victim of what you could --
12 would consider a serious crime?

13 PROSPECTIVE JUROR NO. 328: Like car thief or
14 breaking into a car or break -- like, home robbery, yes.

15 THE COURT: Something that -- oh, okay.

16 PROSPECTIVE JUROR NO. 328: Yes.

17 THE COURT: Something, yeah, that --

18 PROSPECTIVE JUROR NO. 328: Yes.

19 THE COURT: -- might be relevant in this case or
20 that --

21 PROSPECTIVE JUROR NO. 328: Yeah.

22 THE COURT: -- might impact your ability to be fair
23 and impartial. So what crime was that?

24 PROSPECTIVE JUROR NO. 328: Car burglary and home
25 robbery.

1 THE COURT: All right. So --

2 PROSPECTIVE JUROR NO. 328: But not for me.

3 THE COURT: Pardon me?

4 PROSPECTIVE JUROR NO. 328: Not for me. Just
5 someone --

6 THE COURT: Correct.

7 PROSPECTIVE JUROR NO. 328: -- close to me, yes.

8 THE COURT: So first of all, who was the person that
9 was involved in -- you've characterized this as a home
10 robbery.

11 PROSPECTIVE JUROR NO. 328: Just like friends or
12 just friends. Just people I know.

13 THE COURT: All right. So some people will say that
14 their house was robbed, and I just want to explain that
15 robbery can only be perpetrated against a person because if
16 you go into somebody's house to steal something, it's
17 burglary.

18 PROSPECTIVE JUROR NO. 328: Okay.

19 THE COURT: But you just said --

20 PROSPECTIVE JUROR NO. 328: Oh, I -- I guess I don't
21 understand the difference between the two so.

22 THE COURT: So that's why I just wanted to make sure
23 you didn't mean robbery. Do you mean burglary?

24 PROSPECTIVE JUROR NO. 328: Burglary.

25 THE COURT: Okay. Has anyone that you know been the

1 victim of a robbery where someone by force or violence or fear
2 or threat has --

3 PROSPECTIVE JUROR NO. 328: No.

4 THE COURT: -- had property taken from them? No?

5 PROSPECTIVE JUROR NO. 328: No.

6 THE COURT: Okay. Anything about this -- this was
7 just a friend that house their house burglarized?

8 PROSPECTIVE JUROR NO. 328: Um-h'm.

9 THE COURT: Did you know any details about it?

10 PROSPECTIVE JUROR NO. 328: Well, they -- they told
11 me about it so.

12 THE COURT: And --

13 PROSPECTIVE JUROR NO. 328: They weren't home. They
14 were on vacation.

15 THE COURT: Okay. Any reason that would make you
16 unable to be --

17 PROSPECTIVE JUROR NO. 328: No.

18 THE COURT: -- fair and impartial?

19 PROSPECTIVE JUROR NO. 328: No.

20 THE COURT: Okay. And have you ever been accused of
21 or convicted of a crime?

22 PROSPECTIVE JUROR NO. 328: I -- I got a ticket
23 before and --

24 THE COURT: All right. So a moving violation
25 type --

1 PROSPECTIVE JUROR NO. 328: I guess so, yeah.

2 THE COURT: -- thing?

3 PROSPECTIVE JUROR NO. 328: Yeah, yeah.

4 THE COURT: Okay. So yes, technically in the state
5 of Nevada that is considered to be a misdemeanor, but we're
6 going to throw that out because, you know, as far as we're
7 looking at other types of crimes. So misdemeanor crime other
8 than traffic matters.

9 PROSPECTIVE JUROR NO. 328: No.

10 THE COURT: Nothing? Okay. How about anyone in
11 your family or closely associated with you ever been convicted
12 of or a crime not a traffic matter?

13 PROSPECTIVE JUROR NO. 328: Not that I can think of,
14 no.

15 THE COURT: Okay. And do you believe in the
16 presumption of innocence?

17 PROSPECTIVE JUROR NO. 328: Um-h'm.

18 THE COURT: You need to say yes or no.

19 PROSPECTIVE JUROR NO. 328: Oh, yes, yes.

20 THE COURT: And --

21 PROSPECTIVE JUROR NO. 328: Sorry. I'm trying to
22 put it close. Yes.

23 THE COURT: Right. Yeah, just try and keep your
24 voice up a little bit. All right. Will you be able to follow
25 the law as I instruct you?

1 PROSPECTIVE JUROR NO. 328: Yes.

2 THE COURT: Do you have any moral or religious
3 beliefs that -- where you feel you could not be a juror and
4 sit in judgment?

5 PROSPECTIVE JUROR NO. 328: No.

6 THE COURT: Okay. Now, you've heard us talking
7 about a possible penalty phase. So that would only be if the
8 jury came to a unanimous decision that one or more of
9 defendants, and each defendant is considered separately, would
10 be guilty of first degree murder. You understand that part --

11 PROSPECTIVE JUROR NO. 328: Yes.

12 THE COURT: -- there would be a subsequent
13 immediately right away and we've factored that into our time
14 estimates for this trial, a penalty phase. And you would be
15 required, then, as part of the jury, to decide a penalty and
16 there are the three penalties that we've spoken about. Did
17 you recall those?

18 PROSPECTIVE JUROR NO. 328: Yes.

19 THE COURT: Okay. Would you be able to consider all
20 three?

21 PROSPECTIVE JUROR NO. 328: Yes.

22 THE COURT: All right. Any reason whatsoever that
23 you could think of that you could not be a fair and impartial
24 juror in this case?

25 PROSPECTIVE JUROR NO. 328: No.

1 THE COURT: Tell us about yourself.

2 PROSPECTIVE JUROR NO. 328: My name is Stefanie
3 Warren, and my Badge No. Is 328. I'm born and raised in Las
4 Vegas, Nevada. I have three kids, and I'm married. I work at
5 the VA Hospital. I've been there for four years, and I'm
6 ultrasound technician, and I graduated from community college,
7 that's why I have associate's. My kids are 17, 10 and 7. So
8 girl, girl and boy. And oh, my husband's a janitor.

9 THE COURT: Thank you.

10 PROSPECTIVE JUROR NO. 328: Oh, I have seven
11 brothers and sisters.

12 THE COURT: Okay. Big family.

13 PROSPECTIVE JUROR NO. 328: Yeah.

14 THE COURT: All right. And you all grew up here
15 in --

16 PROSPECTIVE JUROR NO. 328: Um-h'm.

17 THE COURT: -- Las Vegas?

18 PROSPECTIVE JUROR NO. 328: Yeah.

19 THE COURT: All right. Thank you. Would the State
20 like to inquire further?

21 MR. DiGIACOMO: Sure. Ma'am, at the end of day two,
22 I feel like a broken record so I'm just generally going to ask
23 you, you think basically you're a fair person?

24 PROSPECTIVE JUROR NO. 328: Yes.

25 MR. DiGIACOMO: Do you have any concerns? I think

1 there was some issues raised about the fact that it's a murder
2 case. Anything --

3 PROSPECTIVE JUROR NO. 328: No.

4 MR. DiGIACOMO: -- about that?

5 PROSPECTIVE JUROR NO. 328: No.

6 MR. DiGIACOMO: And I guess, maybe someone should
7 have brought this up with the prior 11 people at this point,
8 but there's probably going to be some fairly graphic
9 photographs that are going to be presented in this case. And
10 we don't mean to present that to you for anything other than
11 basically its evidentiary purpose. But on the flip side, you
12 have to be willing to look at it.

13 Now, you work in a hospital. Maybe for you it won't
14 be an issue, but do you think that you could still consider
15 that type of evidence or do you think you'd have a sort of a
16 visceral reaction that just says I don't want to look at it, I
17 don't want to --

18 PROSPECTIVE JUROR NO. 328: No, I'd be okay.

19 MR. DiGIACOMO: No problems with that?

20 PROSPECTIVE JUROR NO. 328: No.

21 MR. DiGIACOMO: No problems with a potential penalty
22 phase, if we get there?

23 PROSPECTIVE JUROR NO. 328: No.

24 MR. DiGIACOMO: And you think you could sit in
25 judgment and decide what should happen?

1 PROSPECTIVE JUROR NO. 328: Yes.

2 MR. DiGIACOMO: Thank you very much, ma'am.

3 PROSPECTIVE JUROR NO. 328: Um-h'm.

4 MR. DiGIACOMO: Judge, we'd pass for cause.

5 THE COURT: Thank you. Defense.

6 MR. LANDIS: I have a little bit of a new content.

7 Where were you in the seven brothers and sisters?

8 PROSPECTIVE JUROR NO. 328: I'm the youngest.

9 MR. LANDIS: The youngest? How close is your next
10 oldest sibling?

11 PROSPECTIVE JUROR NO. 328: She's ten years older
12 than I am.

13 MR. LANDIS: My brother and I which are the only
14 siblings are 12 years apart so I'm with you.

15 PROSPECTIVE JUROR NO. 328: Oh.

16 MR. LANDIS: I'm with you.

17 PROSPECTIVE JUROR NO. 328: Yeah.

18 MR. LANDIS: But I don't have any further questions.
19 Thank you for your time.

20 THE COURT: Thank you. Mr. Wolfbrandt.

21 MR. WOLFBRANDT: You know, you've been sitting here
22 for two afternoons now, right, so I'm not going to ask any of
23 the other questions that we've already asked. Is there
24 anything, though, that -- I mean, you kind of see what we're
25 looking for by a lot of the questions we have. Is there

1 something that we haven't asked you that you are sitting there
2 going, well, I wish they would ask me that because this is
3 what I want to tell them?

4 PROSPECTIVE JUROR NO. 328: No.

5 MR. WOLFBRANDT: Is there anything like that.

6 PROSPECTIVE JUROR NO. 328: No.

7 MR. WOLFBRANDT: All right, thank you. I'd pass for
8 cause.

9 THE COURT: Thank you. Ms. McNeill.

10 MS. MCNEILL: I'll pass for cause, Your Honor.

11 THE COURT: Thank you. All right. Ladies and
12 gentlemen, we've gone through the for cause for the 12 people
13 that are seated, and the next phase is what is known as
14 peremptory challenges. What that means is that each side gets
15 eight peremptory challenges where they can thank and excuse
16 can you know of the jurors for -- you know, they don't have to
17 state a reason, and so each side will exercise those
18 alternatively, and so if you are thanked and excused, then
19 pause a moment, and I will look to make sure you can be
20 excused from the courtroom, and then you'll just leave. And
21 they don't need to check in anywhere, correct, Marshal?

22 THE MARSHAL: Nope. You just have to go -- go home.
23 You do not have to check in at the third floor on your way
24 out.

25 THE COURT: But we won't make them go home. They

1 can go anywhere they'd like once they leave the courthouse.

2 All right. So it's the State's first peremptory challenge.

3 MR. LANDIS: Could we approach before State
4 exercises that?

5 THE COURT: Sure.

6 (Off-record bench conference)

7 THE COURT: All right. State's first peremptory
8 challenge.

9 MR. DiGIACOMO: Yes, Judge. The State would thank
10 and excuse the juror in Seat No. 10, Ms. Lindsey.

11 THE COURT: Thank you, Ms. Lindsey, you're excused.
12 And we'll fill with the next in order.

13 THE CLERK: Latoya Lomax, Badge No. 334.

14 THE COURT: So that's Latoya Lomax, Badge No. 334.
15 So, Ms. Lomax, you have the microphone. Have you ever served
16 as a juror before?

17 PROSPECTIVE JUROR NO. 334: No.

18 THE COURT: Have you ever been in law enforcement?

19 PROSPECTIVE JUROR NO. 334: No.

20 THE COURT: Anyone in your family in law
21 enforcement?

22 PROSPECTIVE JUROR NO. 334: No.

23 THE COURT: Close associates in law enforcement?

24 PROSPECTIVE JUROR NO. 334: No.

25 THE COURT: Have you ever been the victim of a

1 crime?

2 PROSPECTIVE JUROR NO. 334: No.

3 THE COURT: Was that a no?

4 PROSPECTIVE JUROR NO. 334: No.

5 THE COURT: Okay. Anyone in your family or closely
6 associated with you been the victim of a crime that you think
7 would be significant for this trial?

8 PROSPECTIVE JUROR NO. 334. No.

9 THE COURT: Have you ever been accused of or
10 convicted of a crime aside from traffic tickets?

11 PROSPECTIVE JUROR NO. 334: No.

12 THE COURT: How about anyone in your family or
13 closely associated with you?

14 PROSPECTIVE JUROR NO. 334: Yes.

15 THE COURT: What's that?

16 PROSPECTIVE JUROR NO. 334: My brother was convicted
17 of attempted murder.

18 THE COURT: Okay. Was that here in Clark County?

19 PROSPECTIVE JUROR NO. 334: Yes.

20 THE COURT: All right. How long ago was that?

21 PROSPECTIVE JUROR NO. 334: Probably six years or
22 so, probably. I'm not sure.

23 THE COURT: Okay. Did you attend the trial of that?

24 PROSPECTIVE JUROR NO. 334: Yes.

25 THE COURT: Okay. Were you a witness in the trial?

1 PROSPECTIVE JUROR NO. 334: No.

2 THE COURT: So you just watched the proceedings?

3 PROSPECTIVE JUROR NO. 334: Yes.

4 THE COURT: Okay. And did you feel that he was
5 afforded a fair trial?

6 PROSPECTIVE JUROR NO. 334: Yes.

7 THE COURT: You hesitated. Why did you hesitate?

8 PROSPECTIVE JUROR NO. 334: I'm not sure. I think
9 it -- I think it was fair.

10 THE COURT: And he was prosecuted by the District
11 Attorneys Office.

12 PROSPECTIVE JUROR NO. 334: Yes.

13 THE COURT: So do you bear any ill will or grudge
14 against the District Attorneys Office for --

15 PROSPECTIVE JUROR NO. 334: No.

16 THE COURT: -- prosecuting?

17 PROSPECTIVE JUROR NO. 334: No.

18 THE COURT: Okay. Did you -- before you sat through
19 the trial, did you know about the details of what had
20 occurred?

21 PROSPECTIVE JUROR NO. 334: No.

22 THE COURT: So the first time you heard everything
23 was at the trial?

24 PROSPECTIVE JUROR NO. 334: Yes.

25 THE COURT: Okay. So were you there when the jury

1 came in with the verdict?

2 PROSPECTIVE JUROR NO. 334: Yes.

3 THE COURT: And did you -- was your first impression
4 when the jury said they found him guilty that that was correct
5 or did you think having watched the entire trial that it was
6 -- you would have found differently?

7 PROSPECTIVE JUROR NO. 334: No, I think it was -- it
8 was correct.

9 THE COURT: And now, as a result of that -- and
10 well, let me ask you this, did you feel that your brother was
11 represented by a defense attorney, right?

12 PROSPECTIVE JUROR NO. 334: Yes.

13 THE COURT: Did you feel that the defense attorney
14 did a good job?

15 PROSPECTIVE JUROR NO. 334: Yes.

16 THE COURT: So you weren't dissatisfied with that?

17 PROSPECTIVE JUROR NO. 334: No.

18 THE COURT: Was there any aspect of the trial that
19 you felt was unfair?

20 PROSPECTIVE JUROR NO. 334: No.

21 THE COURT: Do you -- now, obviously, you've heard
22 what the charges are in this case. Do you feel that the fact
23 that your brother was convicted of this crime, that that would
24 impact your ability to be fair and impartial in this case?

25 PROSPECTIVE JUROR NO. 334: No.

1 THE COURT: So you could set aside what happened
2 with your brother and listen to the evidence in this case and
3 come to a decision based solely upon the evidence in this
4 case?

5 PROSPECTIVE JUROR NO. 334: Yes.

6 THE COURT: All right. Do you believe in the
7 presumption of innocence?

8 PROSPECTIVE JUROR NO. 334: Yes.

9 THE COURT: And will you be able to follow the law
10 as I instruct you?

11 PROSPECTIVE JUROR NO. 334: Yes.

12 THE COURT: Do you have you any personal or
13 religious, moral beliefs of any kind that would make it
14 impossible for you to sit in judgment on another person?

15 PROSPECTIVE JUROR NO. 334: No.

16 THE COURT: Tell us about yourself.

17 PROSPECTIVE JUROR NO. 334: My name is Latoya Lomax.
18 I have two kids. I've been divorced since March. I graduated
19 from Bishop Gorman High School. I work at the Excalibur Hotel
20 front desk for 11 years now. And that's it.

21 THE COURT: And what are the ages of your kids?

22 PROSPECTIVE JUROR NO. 334: Thirteen and eleven.

23 THE COURT: And your recent ex-husband, because
24 you've been only divorced not even a year yet, what did he do?

25 PROSPECTIVE JUROR NO. 334: Yeah. Utility porter at

1 Allure Grand Vacations.

2 THE COURT: All right. Would the State like to
3 inquire further?

4 MR. DiGIACOMO: Ma'am, I don't mean to go to a
5 sensitive subject, but can you tell me generally, I mean,
6 attempt murder has sort of a broad range. It could be, you
7 know, a husband and a wife. It could be, you know, any number
8 of things. Can you just generally tell me the type of case
9 we're talking about? Like, what was your brother accused of
10 doing?

11 PROSPECTIVE JUROR NO. 334: Attempted murder.

12 MR. DiGIACOMO: I know, but did he shoot somebody,
13 stab somebody?

14 PROSPECTIVE JUROR NO. 334: Shoot.

15 MR. DiGIACOMO: Over a stranger or somebody new?

16 PROSPECTIVE JUROR NO. 334: I'm not sure. I don't
17 remember.

18 MR. DiGIACOMO: Okay. How long was this?

19 PROSPECTIVE JUROR NO. 334: I believe, it was about
20 five years ago or six.

21 MR. DiGIACOMO: And it was in this jurisdiction?

22 PROSPECTIVE JUROR NO. 334: Yes.

23 MR. DiGIACOMO: And so the trial happened in a
24 courtroom similar to this?

25 PROSPECTIVE JUROR NO. 334: Yes.

1 MR. DiGIACOMO: Okay. And you said you sort of sat
2 through the trial. And at the end of it, you said the jury
3 found him guilty?

4 PROSPECTIVE JUROR NO. 334: Yes.

5 MR. DiGIACOMO: You know, and you know, I can
6 respect that family members don't always want to hear that
7 result, but I guess, my question is, it's like, as you sit
8 here today, you say to yourself, well, yeah, it was probably
9 the right result. Did you think that then?

10 PROSPECTIVE JUROR NO. 334: Not then, but over the
11 years, yeah.

12 MR. DiGIACOMO: Over the years you've kind of gotten
13 to the -- to acceptance of it?

14 PROSPECTIVE JUROR NO. 334: Yes.

15 MR. DiGIACOMO: Does your brother -- I'm assuming on
16 a conviction like that, he was sentenced to prison, not
17 probation.

18 PROSPECTIVE JUROR NO. 334: Correct.

19 MR. DiGIACOMO: And is he currently housed in the
20 prison system?

21 PROSPECTIVE JUROR NO. 334: Is he what, I'm sorry?

22 MR. DiGIACOMO: Is he still in prison?

23 PROSPECTIVE JUROR NO. 334: No, he's out.

24 MR. DiGIACOMO: He's out now?

25 PROSPECTIVE JUROR NO. 334: Yes.

1 MR. DiGIACOMO: Okay. Have you talked to him at all
2 about being in prison?

3 PROSPECTIVE JUROR NO. 334: Yeah, when he was in
4 there. Yeah.

5 MR. DiGIACOMO: So, I guess, you know, let's talk
6 first about you can imagine the trepidation of somebody
7 standing up here presenting a case who had to be my office
8 that sent your brother to prison, all right. Should I have
9 any concerns that, you know, you may not want to find somebody
10 else guilty of the same crime?

11 PROSPECTIVE JUROR NO. 334: No.

12 MR. DiGIACOMO: Okay. You think you can set aside
13 your brother's case and handle this case based on the evidence
14 you hear?

15 PROSPECTIVE JUROR NO. 334: Yes.

16 MR. DiGIACOMO: Okay. Now go to step two. Assuming
17 we were to convict one or all three or two, I guess, of these
18 defendants of first degree murder, do you think you'd be
19 capable of deciding what should happen to them?

20 PROSPECTIVE JUROR NO. 334:

21 MR. DiGIACOMO: I mean, do you think you could
22 consider all three forms of that punishment?

23 PROSPECTIVE JUROR NO. 334: Yes.

24 MR. DiGIACOMO: Anything about your background that
25 you think we should know before deciding if you should be on

1 our jury?

2 PROSPECTIVE JUROR NO. 334: Well, my brother killed
3 himself and his girlfriend in 2010, so it was still really new
4 to me so I might get a little emotional once I see like
5 evidence and stuff. I might get emotional because I've -- I
6 saw the evidence with my brother and his girlfriend.

7 MR. DiGIACOMO: Okay. And let me ask this question.
8 I mean, this case, you're going to wind looking at some
9 graphic, I guess the best description, photographs of an
10 individual, at least one individual. Do you think maybe based
11 upon your history with not only your brother -- is it the same
12 brother?

13 PROSPECTIVE JUROR NO. 334: No, it's a different
14 one. He --

15 MR. DiGIACOMO: Different brother.

16 PROSPECTIVE JUROR NO. 334: It was murder/suicide so
17 he's not living anymore. I have two brothers.

18 MR. DiGIACOMO: Okay. So the one who went to prison
19 and got out, it's a different brother --

20 PROSPECTIVE JUROR NO. 334: Right.

21 MR. DiGIACOMO: -- who -- was committed the
22 murder/suicide?

23 PROSPECTIVE JUROR NO. 334: Right.

24 MR. DiGIACOMO: So based upon, I guess, both family
25 members, but more of the murder/suicide --

1 PROSPECTIVE JUROR NO. 334: Um-h'm.

2 MR. DiGIACOMO: -- do you think maybe this is not
3 the type of case for you to sit on?

4 PROSPECTIVE JUROR NO. 334: It might be difficult,
5 but if I have to do it, I'll do it.

6 MR. DiGIACOMO: Well, and that's the question. I
7 mean, ultimately, the end of the day we're looking for 12
8 citizens who are, you know, bring their everyday experiences
9 in here, but we're not here to punish anybody.

10 PROSPECTIVE JUROR NO. 334: Right.

11 MR. DiGIACOMO: It's not like it's a some sort of
12 sentence. If it's going to be a hardship on you or you think
13 that you're going to be incapable of doing it, then this is
14 our only chance to really find out about it. It's not when
15 you see the first autopsy photo or something like that, so and
16 only you know you.

17 PROSPECTIVE JUROR NO. 334: Right.

18 MR. DiGIACOMO: So, I mean, do you think that it's
19 going to be the type of situation where when you see the
20 autopsy photos or the crime scene photos that, you know, it's
21 going to be something -- it will be emotional for everybody,
22 but for you in particular, it might be very emotional?

23 PROSPECTIVE JUROR NO. 334: I believe, it will
24 because I don't think that anybody will ever get over that
25 type of loss so --

1 MR. DiGIACOMO: That's fair.

2 PROSPECTIVE JUROR NO. 334: -- possibly, yeah.

3 MR. DiGIACOMO: Okay. And do you think based upon
4 that, that perhaps, you know, you'd be less capable or I
5 wouldn't say capable, but, you know, it's a terrible choice of
6 words, but less capable of being able to look real closely at
7 those photographs for what it is that they're presented for,
8 which is their evidentiary value? You're not going to want to
9 stare at those type of pictures; would you agree with that?

10 PROSPECTIVE JUROR NO. 334: Yes.

11 MR. DiGIACOMO: Do you think maybe the emotions of
12 this type of case, considering the history that you've had, is
13 maybe not -- maybe something where, through no fault of your
14 own, that maybe it just might be something where you can't set
15 that aside and just kind of dispassionately looking at the
16 evidence in this case? Do you think maybe that's the case?

17 PROSPECTIVE JUROR NO. 334: Yeah, possibly.

18 MR. DiGIACOMO: Thank you. I have no more
19 questions, Judge.

20 THE COURT: Defense, questions?

21 MR. LANDIS: Court's brief indulgence.

22 MR. DiGIACOMO: Judge, we'd make a motion to allow
23 Ms. Lomax for cause.

24 MS. McNEILL: No objection.

25 MR. LANDIS: No objection.

1 MR. WOLFBRANDT: No objection.

2 THE COURT: Defense. All right. You're excused,
3 ma'am. Thank you very much for your responses to questions.
4 And we'll fill the next in order.

5 THE CLERK: Eva Cruz, Badge No. 343.

6 THE COURT: Hello, Ms. Cruz. How are you?

7 PROSPECTIVE JUROR NO. 343: Good, you?

8 THE COURT: Very well, thank you for asking. And
9 have you ever served as a juror before?

10 PROSPECTIVE JUROR NO. 343: No.

11 THE COURT: Have you ever been in law enforcement?

12 PROSPECTIVE JUROR NO. 343: No.

13 THE COURT: Anyone in your family, closely
14 associated with you in law enforcement?

15 PROSPECTIVE JUROR NO. 343: No.

16 THE COURT: Have you ever been the victim of a
17 crime?

18 PROSPECTIVE JUROR NO. 343: Yes.

19 THE COURT: What crime is that?

20 PROSPECTIVE JUROR NO. 343: Three weeks ago my -- my
21 ex-husband or soon to be ex-husband broke into my house,
22 destroyed my property, beat me up.

23 THE COURT: Okay. So a domestic violence situation?
24 And how long ago did that occur?

25 PROSPECTIVE JUROR NO. 343: About three weeks ago.

1 THE COURT: So were you already separated at that
2 point?

3 PROSPECTIVE JUROR NO. 343: Yes.

4 THE COURT: Did you call the police?

5 PROSPECTIVE JUROR NO. 343: Well, after. My phone
6 was broken so I didn't have no way to call. I called the next
7 day.

8 THE COURT: Okay. And was he arrested?

9 PROSPECTIVE JUROR NO. 343: (No audible response).

10 THE COURT: Okay. Did the police respond?

11 PROSPECTIVE JUROR NO. 343: No, I called on Sunday,
12 and they said that I had to go in on Monday. So I went and I
13 filed a report and everything.

14 THE COURT: Okay. And did they say that they would
15 follow up?

16 PROSPECTIVE JUROR NO. 343: Yeah.

17 THE COURT: All right. Have you taken any steps
18 since then to protect yourself?

19 PROSPECTIVE JUROR NO. 343: I filed for the divorce
20 and now I'm thinking I need the protection order.

21 THE COURT: Okay. All right, so this all happened
22 very recently. So and you're emotional. So have you done
23 anything to -- have you heard from him again? Has he --

24 PROSPECTIVE JUROR NO. 343: Yes.

25 THE COURT: -- bothered you since then?

1 PROSPECTIVE JUROR NO. 343: He -- last night he was
2 texting me and texting me telling me all kinds of stuff.

3 THE COURT: All right. So this is an ongoing
4 dynamic situation? And is this something that's going to take
5 your attention away from being able to sit --

6 PROSPECTIVE JUROR NO. 334: Yeah, because I'm --

7 THE COURT: -- as a fair --

8 PROSPECTIVE JUROR NO. 334: -- here trying to think,
9 you know, my kids are home so I'm making sure that he's not
10 going to the house or anything like that.

11 THE COURT: Counsel.

12 MR. LANDIS: We have no objection.

13 MS. McNEILL: No objection, Your Honor.

14 THE COURT: All right. You're excused. Thank you.

15 PROSPECTIVE JUROR NO. 343: Thank you.

16 THE COURT: Next.

17 THE CLERK: Marie Dean, Badge No. 360.

18 PROSPECTIVE JUROR NO. 360: Hello, Your Honor.

19 THE COURT: Hello. And tell us, have you ever
20 served as a juror before?

21 PROSPECTIVE JUROR NO. 360: No, I have not.

22 THE COURT: Have you ever been in law enforcement?

23 PROSPECTIVE JUROR NO. 360: Yes, I have.

24 THE COURT: What was that?

25 PROSPECTIVE JUROR NO. 360: I was hired as a process

1 server in 1975, and transported prisoners for four years, and
2 then I worked for -- as a court intake officer for another
3 five years after that.

4 THE COURT: Was that here in Clark County?

5 PROSPECTIVE JUROR NO. 360: Yes.

6 THE COURT: Okay. So you, as certainly, as the
7 court intake officer, you were processing folks that would be
8 in --

9 PROSPECTIVE JUROR NO. 360: Whenever they he were
10 arrested, they -- they would come in, and then I would
11 interview them for the courts.

12 THE COURT: Okay. So you had a lot of interaction?

13 PROSPECTIVE JUROR NO. 360: Yes.

14 THE COURT: All right.

15 PROSPECTIVE JUROR NO. 360: A long time ago, though.

16 THE COURT: So as well, you were transporting
17 prisoners to -- to where?

18 PROSPECTIVE JUROR NO. 360: To court, to prison,
19 female prisoners, and I also did extraditions.

20 THE COURT: Okay. So do do you believe in this case
21 that you could be a fair and impartial juror to both sides?

22 PROSPECTIVE JUROR NO. 360: Yes, I do. I -- I had
23 compassion for the people that were arrested. They were
24 entitled to their stories also.

25 THE COURT: So they -- you knew that they were

1 presumed innocent unless and until a jury decided otherwise?

2 PROSPECTIVE JUROR NO. 360: Yes.

3 THE COURT: Is that how you treated them?

4 PROSPECTIVE JUROR NO. 360: Yes.

5 THE COURT: All right. Okay. Anyone else in your
6 family or closely associated with you in law enforcement?

7 PROSPECTIVE JUROR NO. 360: Yes, my father retired
8 in Metro.

9 THE COURT: Okay. When the did he retire?

10 PROSPECTIVE JUROR NO. 360: He retired in '77. He
11 started on the sheriff's department and then went to Metro and
12 retired as a captain.

13 THE COURT: Okay. All right. So he was with the
14 sheriff's department before the merging --

15 PROSPECTIVE JUROR NO. 360: Yes.

16 THE COURT: -- with the police, and so when the
17 department was a lot smaller, obviously --

18 PROSPECTIVE JUROR NO. 360: Yes, it was.

19 THE COURT: -- than it is today. All right. Now,
20 so, of course, you've heard the questions about whether
21 someone could evaluate the testimony of a police officer, a
22 law enforcement officer and fairly weigh that testimony. You
23 heard those questions posed to other prospective jurors?

24 PROSPECTIVE JUROR NO. 360: Yes.

25 THE COURT: Okay. So how would your answer to that

1 question be? Would you be able to fairly evaluate the
2 testimony of a police officer, a law enforcement officer?

3 PROSPECTIVE JUROR NO. 360: I think I would because
4 I've been on the other side, and I've seen some questionable
5 officers. I believe that each person has their own choices.
6 If you become a police officer, you're supposed to be an
7 example of humanity, that you're supposed to be in charge, and
8 I've seen that that's not always so.

9 THE COURT: Okay. So you realize police officers
10 are human like anyone else --

11 PROSPECTIVE JUROR NO. 360: Absolutely.

12 THE COURT: -- good, bad, just like everybody else
13 there is --

14 PROSPECTIVE JUROR NO. 360: I think most of them are
15 good. I think that there are a few exceptions there. And I
16 take each person as an individual and go from there.

17 THE COURT: And have you ever been the victim of a
18 crime?

19 PROSPECTIVE JUROR NO. 360: No.

20 THE COURT: Anyone in your family, closely
21 associated with you been the victim of a crime that you think
22 is serious and warrants your attention, you know, bringing it
23 to our attention?

24 PROSPECTIVE JUROR NO. 360: No.

25 THE COURT: How about anyone been accused of a crime

1 that you're -- in your family or yourself or closely --
2 someone closely associated with you?

3 PROSPECTIVE JUROR NO. 360: I have to say that I
4 have some cousins that were career criminals, one in
5 particular, and I have some cousins who have been in trouble,
6 but as far as my immediate family, no.

7 THE COURT: Okay. And these cousins that were
8 career criminals, was that here in Las Vegas?

9 PROSPECTIVE JUROR NO. 360: Yes.

10 THE COURT: And did you feel that -- were they part
11 of the criminal justice system from time to time, then?

12 PROSPECTIVE JUROR NO. 360: Yes.

13 THE COURT: And so being on trial? Did you see
14 them?

15 PROSPECTIVE JUROR NO. 360: Being not -- I was not
16 associated with the trials on that, no.

17 THE COURT: Okay. Did you feel that they were
18 treated fairly by the criminal justice system?

19 PROSPECTIVE JUROR NO. 360: Yes, I do.

20 THE COURT: Okay. Now, with that last juror who we
21 just excused, I realized that the questions we're asking, you
22 know, have you ever been the victim of a crime, has anyone
23 closely associated with you been accused of a crime sort of
24 leaves out the type of thing where someone does a
25 murder/suicide because they have not been convicted because

1 they killed themselves and yet, they committed a crime. So
2 anything like that in your background?

3 PROSPECTIVE JUROR NO. 360: No.

4 THE COURT: Okay. And so you believe in the
5 presumption of innocence?

6 PROSPECTIVE JUROR NO. 360: Absolutely.

7 THE COURT: Any reason whatsoever that you can think
8 of you could not be a fair and impartial juror in this case?

9 PROSPECTIVE JUROR NO. 360: No. I'd like to have
10 the opportunity to be a part of the justice system and hear a
11 trial. And as far as the penalties, I believe, that the
12 circumstances of the crime will determine a little bit more of
13 that, and that's where I am right now.

14 THE COURT: All right. So but you could consider
15 all three penalties?

16 PROSPECTIVE JUROR NO. 360: Yes.

17 THE COURT: And decide which one of those would be
18 appropriate if the jury found one or more of the defendants
19 guilty of first degree murder?

20 PROSPECTIVE JUROR NO. 360: I would like to think
21 so, yes.

22 THE COURT: Well, it's very important that you can
23 say that you could. I'm not -- you don't have to tell us that
24 you would decide because you don't know anything yet, but
25 could you consider all three?

1 PROSPECTIVE JUROR NO. 360: Yes. I -- it's a big
2 responsibility to make a choice for someone else's life.

3 THE COURT: That's correct, and so that's why jurors
4 are charged with that solemn duty and they --

5 PROSPECTIVE JUROR NO. 360: Right.

6 THE COURT: -- have to approach it in that manner,
7 and you believe that you could do that?

8 PROSPECTIVE JUROR NO. 360: If we listen to all the
9 -- if we listen to all the evidence and find that person
10 guilty, yes, I do.

11 THE COURT: Okay. So you don't -- there's none of
12 the -- no penalty that you would either exclude, or the flip
13 side of that would be because there are some people that say
14 well, if someone is convicted of murder, I don't care what the
15 circumstances are, I'm not going to consider anything else,
16 I'm going to say it has to be life without possibility parole.
17 You're not like that, are you?

18 PROSPECTIVE JUROR NO. 360: No.

19 THE COURT: Okay. Tell us about yourself.

20 PROSPECTIVE JUROR NO. 360: Oh, boy. I'm married
21 for just about 30 years. My husband is a long haul truck
22 driver -- or he works for Fed Ex and drives over the road. My
23 last job was as a truck driver. I've had other jobs.

24 I have two children. A son and daughter. My son is
25 a school teacher, and my daughter works in the school system.

1 She had -- my granddaughter is a special needs. She just
2 turned 17, and it's been a whole new experience.

3 THE COURT: Okay. And let's see, your husband's
4 always been a long haul trucker?

5 PROSPECTIVE JUROR NO. 360: No. We went trucking
6 together a couple -- well, 20 -- not quite 20 years ago, but
7 24/7 with him is not any fun.

8 THE COURT: All right. So you decided to let him go
9 on the road and you would do something else?

10 PROSPECTIVE JUROR NO. 360: Well, I got off the road
11 for a while and then I got back on the road because he was
12 trying to do his own business and so I was on the road for my
13 -- by myself for about a year-and-a-half off and on.

14 THE COURT: All right. So what kind of license do
15 you have to hold to --

16 PROSPECTIVE JUROR NO. 360: A CDL.

17 THE COURT: All right.

18 PROSPECTIVE JUROR NO. 360: Yes.

19 THE COURT: That's very impressive.

20 PROSPECTIVE JUROR NO. 360: Thank you.

21 THE COURT: If you could back one of those up. I
22 can't even back --

23 PROSPECTIVE JUROR NO. 360: It was quite an --

24 THE COURT: -- my horse trailer up.

25 PROSPECTIVE JUROR NO. 360: It was quite an

1 experience.

2 THE COURT: Yes. All right. Any reason whatsoever
3 that you think that you could not be fair and impartial in
4 this case?

5 PROSPECTIVE JUROR NO. 360: No.

6 THE COURT: State.

7 MR. DiGIACOMO: Just very briefly. How long ago was
8 it that you were at the court intake?

9 PROSPECTIVE JUROR NO. 360: It -- court intake was
10 in 1981 to -- I got laid off for a couple years when they had
11 the big layoff in '83, and then until '87.

12 MR. DiGIACOMO: Okay. And then the process server,
13 was that before that or after that?

14 PROSPECTIVE JUROR NO. 360: Before that. It was --

15 MR. DiGIACOMO: So that was before that?

16 PROSPECTIVE JUROR NO. 360: -- from, yeah, '75 to
17 '79.

18 MR. DiGIACOMO: So was '87 the last time you had a
19 job associated with the court system?

20 PROSPECTIVE JUROR NO. 360: Yes.

21 MR. DiGIACOMO: Okay. You made one other statement,
22 and I don't know, maybe I just misheard it. You said when
23 asked questions about police officers, you said, I've been on
24 the other side of it, too. I was wondering what you were
25 referencing, if you remember?

1 PROSPECTIVE JUROR NO. 360: Yeah, being my age
2 sometimes I don't come across clearly, but I've met some
3 officers that I didn't really agree with them.

4 MR. DiGIACOMO: Sure. I mean, well, those of us who
5 have the opportunity to meet more police officers can have an
6 opportunity to see the broad range that there is between, you
7 know, the excellent officers to the worst officers.

8 PROSPECTIVE JUROR NO. 360: Exactly.

9 MR. DiGIACOMO: And you would agree that there's a
10 range for all officers or probably any profession?

11 PROSPECTIVE JUROR NO. 360: Yes.

12 MR. DiGIACOMO: Do you think you'd be a fair and
13 impartial juror in.

14 PROSPECTIVE JUROR NO. 360: Yes.

15 MR. DiGIACOMO: Thank you very much, ma'am.

16 THE COURT: Defense.

17 MR. LANDIS: I've been listening, but I just want to
18 make sure when you say court intake, would be the same as
19 saying jail intake?

20 PROSPECTIVE JUROR NO. 360: No. I did not work in
21 the jail. I worked in -- as court intake. When they were
22 arrested, they were brought into the jail and processed. Then
23 I would interview them for whether they were needing a public
24 defender and reading them their rights and those things.

25 MR. LANDIS: Did you also ask questions about

1 background for like housing decisions?

2 PROSPECTIVE JUROR NO. 360: I asked them what their
3 background -- you know, if they -- where they lived and things
4 like that but nothing intricate.

5 MR. LANDIS: So I guess, things have changed. The
6 booking process started at the courthouse?

7 PROSPECTIVE JUROR NO. 360: Actually, it has
8 definitely -- definitely changed.

9 MR. LANDIS: How long would you estimate one of
10 those interactions would be with an individual?

11 PROSPECTIVE JUROR NO. 360: Probably five to ten
12 minutes at the most. Some of them didn't even want to talk.

13 MR. LANDIS: Sure. And I'm sure some were very
14 talkative, right?

15 PROSPECTIVE JUROR NO. 360: They were pretty much --
16 a lot of them were in shock of what was going on, and they
17 don't understand the justice system until they're a part of it
18 and then, you know.

19 MR. LANDIS: Sure. What -- sorry to cut you off.
20 Were there times when people wanted to talk to you about why
21 they were arrested or why they shouldn't have been arrested?

22 PROSPECTIVE JUROR NO. 360: That's been a long time
23 ago.

24 MR. LANDIS: Sure.

25 PROSPECTIVE JUROR NO. 360: Probably, but not -- for

1 the most part I was on a time schedule and had to do a lot of
2 people so we kept it at a minimum.

3 MR. LANDIS: And is it that role that also puts you
4 in contact with different police officers that you were
5 talking about earlier?

6 PROSPECTIVE JUROR NO. 360: I -- I believe most of
7 my interactions with other police officers were when I was
8 transporting and going to court because I took prisoners to
9 court and that also.

10 MR. LANDIS: Certainly. Thank you.

11 PROSPECTIVE JUROR NO. 360: You're welcome.

12 MR. LANDIS: I'll pass for cause.

13 THE COURT: Thank you. Mr. Wolfbrandt.

14 MR. WOLFBRANDT: Judge, thank you. I would pass for
15 cause.

16 THE COURT: Thank you. Ms. McNeill.

17 MS. MCNEILL: Thank you, Your Honor. You answered
18 some questions about the conversations you had when you were
19 an intake officer. Did you have conversations with the
20 prisoners when you were transporting them?

21 PROSPECTIVE JUROR NO. 360: Not for the most part,
22 but I can't say that I did not.

23 MS. MCNEILL: Okay.

24 PROSPECTIVE JUROR NO. 360: I mean, I did -- we did
25 fly prisoners up to the prison. Most of the time we were

1 paying attention to flights and most of them were scared to
2 death anyway because they hadn't been on airplanes.

3 MS. McNEILL: Okay. You said that you have
4 compassion for people who are arrested. Where does that
5 compassion come from?

6 PROSPECTIVE JUROR NO. 360: I -- I like people in
7 general.

8 MS. McNEILL: Okay.

9 PROSPECTIVE JUROR NO. 360: And I try to give most
10 people -- or try to give people the benefit of the doubt
11 because I don't know everyone's story from beginning to end.
12 I don't know where they came from, how they came to be in the
13 position that they were. I didn't -- and I didn't get to
14 follow up on that either. So, but I do believe in humanity.

15 MS. McNEILL: Okay. And it sounds like you also
16 believe in the burden of proof because you said you didn't get
17 to follow up with it. So you didn't actually assume just
18 because they'd been arrested, they were guilty of what they
19 were charged with?

20 PROSPECTIVE JUROR NO. 360: Correct.

21 MS. McNEILL: Correct? Okay. So you would agree
22 that times the police don't arrest the right people?

23 PROSPECTIVE JUROR NO. 360: Yes. I don't know the
24 circumstances behind it so I don't know.

25 MS. McNEILL: Okay.

1 PROSPECTIVE JUROR NO. 360: I don't assume things.

2 MS. McNEILL: All right. Is there anything else? I
3 mean, it's a long time. You've been listening to a lot of
4 questions. Anything you've wanted to answer or anything you
5 want us to know about you as far as being a juror?

6 PROSPECTIVE JUROR NO. 360: No.

7 MS. McNEILL: No? Okay, all right.

8 PROSPECTIVE JUROR NO. 360: Except I can't hear very
9 well.

10 MS. McNEILL: Okay, well, I'll pass for cause, Your
11 Honor.

12 THE COURT: All right. Thank you. So ladies and
13 gentlemen, the defense is going to need to exercise a
14 peremptory challenge. And I don't want to send you all home
15 right this moment only to have the first thing that happen is
16 that one of you is sent home the next day. So we're going to
17 take a recess for ten minutes and you can go out in the hall
18 into the cool and then we'll come back and the defense will
19 exercise their peremptory challenge and then we're going to
20 call it a day.

21 We'll call the next in order so that person knows
22 the seat, but we'll be done. And so once again, you'll have
23 to come back tomorrow.

24 Now, that being said, my calendar is somewhat
25 shorter tomorrow so we'll be able to start a half an hour

1 earlier at 1:00 rather than 1:30, but it's still an afternoon
2 start.

3 So I'm going to read you the admonition. Ladies and
4 gentlemen, during this ten minute recess, it's your duty not
5 to converse amongst yourselves or with anyone else on any
6 subject connected with the trial or to read, watch or listen
7 to any report of or commentary on the trial by any person
8 connected with the trial or by any medium of information,
9 including without limitation, newspaper, television, radio or
10 Internet. You are not to form or express an opinion on any
11 subject connected with this case until it's finally submitted
12 to you. We'll be in recess until quarter after 5:00.

13 THE MARSHALL: All rise for the venire panel.

14 (Prospective jurors recessed at 5:04 p.m.)

15 THE COURT: Anything outside the presence while
16 you --

17 MR. DiGIACOMO: Not from the --

18 THE COURT: -- confer?

19 MR. DiGIACOMO: -- State, no.

20 THE COURT: Okay. We're off the record, then.

21 (Court recessed at 5:05 p.m. until 5:16 p.m.)

22 (In the presence of the prospective jurors)

23 THE MARSHAL: Again, with the exception of Ms.
24 Powers, the venire panel is all present and accounted for.

25 THE COURT: Thank you. And the record will reflect

1 the presence -- that we are back within the presence of the
2 venire. All three defendants are present with their
3 respective counsel. All the Chief Deputies District Attorney
4 prosecuting the case are present. All officers of the court.
5 Defense, have you decided on peremptory challenge?

6 MS. McNEILL: We have, Your Honor. At this time, we
7 would thank and excuse Mr. Munoz.

8 THE COURT: And seat number and badge number,
9 please?

10 MS. McNEILL: Seat No. 1, and --

11 THE COURT: Badge No. 319.

12 MS. McNEILL: Yes.

13 THE COURT: Thank you. Thank you, Mr. Munoz. And
14 who will be filling that seat?

15 THE CLERK: Malinda Yates, Badge No. 366.

16 THE COURT: All right, so ladies and gentlemen,
17 we're going to be recessing for the evening. We're going to
18 start tomorrow at 1:00 instead of 1:30. The Marshal will let
19 you know what time he wants you to be here and assembled, and
20 so I will see you tomorrow. And I'm going to, again, read you
21 the admonition, which I'm required to read to you every single
22 time so you'll have it memorized by the end.

23 All right, during this overnight recess, it is your
24 duty not to converse among yourselves or with anyone else on
25 any subject connected with the trial or to read, watch or

1 listen to any report of or commentary on the trial by any
2 person connected with the trial or by any medium of
3 information, including without limitation, newspaper,
4 television, radio or Internet. And you shall not form or
5 express an opinion on any subject connected with this case
6 until it's finally submitted to you. We'll be in recess until
7 1:00 o'clock tomorrow.

8 THE MARSHAL: All rise one more time for the venire
9 panel.

10 (Prospective jurors recessed at 5:18 p.m.)

11 THE COURT: Thank you. And the record will reflect
12 that the venire has departed the courtroom. Any matters
13 outside the presence?

14 MR. WOLFBRANDT: No.

15 THE COURT: We'll go off the record. How are we
16 going as far as --

17 (Court recessed at 5:19 p.m. until Wednesday,
18 September 14, 2016, at 1:13 p.m.)

19 * * * * *

20 ATTEST: I hereby certify that I have truly and correctly
21 transcribed the audio/visual proceedings in the above-entitled
22 case to the best of my ability.

23

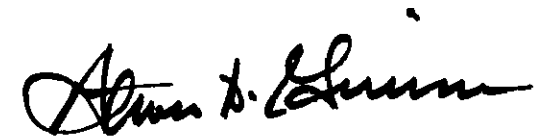
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JULIE LORD, INDEPENDENT TRANSCRIBER



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-15-303991-1
	.	CASE NO. C-15-303991-4
Plaintiff,	.	CASE NO. C-15-303991-5
	.	
vs.	.	DEPT. V
	.	
JORGE MENDOZA,	.	TRANSCRIPT OF
DAVID MURPHY, a/k/a	.	PROCEEDINGS
DAVID MARK MURPHY,	.	
JOSEPH LAGUNA, a/k/a	.	
JOEY LAGUNA,	.	
Defendants.	.	
.	

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3

WEDNESDAY, SEPTEMBER 14, 2016

APPEARANCES:

FOR THE STATE:	MARC P. DiGIACOMO, ESQ. AGNES M. LEXIS, ESQ.
FOR DEFENDANT MENDOZA:	WILLIAM L. WOLFBRANDT, ESQ.
FOR DEFENDANT MURPHY:	CASEY A. LANDIS, ESQ.
FOR DEFENDANT LAGUNA	MONIQUE A. McNEILL, ESQ.

COURT RECORDER:

LARA CORCORAN
District Court

TRANSCRIPTION BY:

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

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

1 LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 14, 2016, 1:13 P.M.

2 (Outside the presence of the prospective jurors)

3 THE COURT: All right. So we're back on the record
4 in Case C-303991, State of Nevada versus Jorge Mendoza, Joseph
5 Laguna, David Murphy. All three defendants are present with
6 their respective counsel. The Deputies District Attorney
7 prosecuting the case are present, as are all officer of the
8 court, and we're outside the presence of the venire.

9 So, my Marshal has indicated to me that Kimberly
10 Key, Badge No. 314, now seated in Seat No. 8, informed him
11 that her grandfather passed away last night unexpectedly,
12 apparently. And is that right, Marshal --

13 THE MARSHAL: Yes, ma'am.

14 THE COURT: -- unexpectedly? And --

15 THE MARSHAL: In the middle of the night.

16 THE COURT: And he lives in Montana and she's
17 planning on leaving to go to Montana so your thoughts on that?

18 MR. DiGIACOMO: I mean, obviously, that's a valid
19 excuse despite her being a good juror.

20 THE COURT: So unless you're objecting, I'm planning
21 on excusing her and then we'll have to fill that seat, and
22 we'll just fill it with the next in order. Now, Ms. -- what
23 was her name -- Bishop, who didn't show up yesterday because
24 of the car accident.

25 MR. DiGIACOMO: I thought it was Powers.

1 MS. LEXIS: I thought that was Powers.

2 THE COURT: Powers, excuse me. Carmela Powers,
3 which is Badge No. 324. She's still not here. I'm not sure
4 why because she was instructed by my JEA to come as soon as
5 she got off the freeway, and I'm assuming she was not there
6 overnight. But nonetheless --

7 THE CLERK: So she's excused?

8 THE COURT: No, she's not excused.

9 THE CLERK: I mean --

10 THE COURT: She's just missing in action.

11 THE CLERK: Okay, missing. I'll put missing.

12 THE COURT: And so --

13 THE CLERK: MIA.

14 THE COURT: Yeah. So we will -- we will call the
15 next in order to fill Kimberly Key's seat as soon as she comes
16 in. Now, do you want me to allow the Marshal to excuse her
17 without bringing her in or do you want that on the record, you
18 know, with her here?

19 MR. DiGIACOMO: No, the Marshal can excuse her. My
20 question for the Court will be did we already put Ms. Yates in
21 Seat 1?

22 THE COURT: Yes.

23 MR. DiGIACOMO: So it will be the one after Ms.
24 Yates? Mr. Lou --

25 MS. LEXIS: Yeah.

1 MR. DiGIACOMO: -- will go into seat 8?

2 MS. LEXIS: Yes.

3 THE MARSHAL: Correct.

4 MS. MCNEILL: Does that only leave one juror left in
5 the original panel?

6 THE COURT: No.

7 MR. DiGIACOMO: No.

8 MS. LEXIS: No.

9 MS. MCNEILL: Oh, okay.

10 MS. LEXIS: Like 14 or no, 5. How many, 14?

11 THE COURT: Okay. So Marshal, you will may excuse
12 Ms. Key and let her go attend to her funeral arrangements.

13 THE MARSHAL: Okay.

14 THE COURT: And then --

15 THE MARSHAL: Do I do that now or --

16 THE COURT: -- otherwise, are there any matters
17 otherwise outside the presence or can we bring the venire in?

18 MR. DiGIACOMO: Not from the State.

19 MS. McNEILL: No, Your Honor.

20 THE COURT: Okay. Let's bring them in --

21 THE MARSHAL: Okay.

22 THE COURT: -- after you excuse her.

23 (Pause in the proceedings)

24 THE MARSHAL: All rise for the venire panel.

25 (Prospective jurors reconvened at 1:17 p.m.)

1 THE MARSHAL: Your Honor, all members of the venire
2 panel are present.

3 THE COURT: All right, thank you. Please be seated.
4 And the record will now reflect that we have been rejoined by
5 the venire panel, and we need to fill Seat No. 8 for one of
6 our prospective jurors who had a death in the family and has
7 now been excused. So let's --

8 THE CLERK: Which would be Badge 369, Jeffrey Lou.

9 THE MARSHAL: Have a seat right there, please.

10 THE COURT: And Mr. Lou, if you would hand the
11 microphone up behind you to Seat No. 1 there, Ms. Yates.

12 PROSPECTIVE JUROR NO. 366: Yes.

13 THE COURT: All right. Ms. Yates, Malinda Yates,
14 and that's Badge No. 366, correct?

15 PROSPECTIVE JUROR NO. 366: Correct.

16 THE COURT: All right. Ms. Yates, have you served
17 as a juror before?

18 PROSPECTIVE JUROR NO. 366: Yes, I have.

19 THE COURT: Was that here in Clark County?

20 PROSPECTIVE JUROR NO. 366: Yes, it was.

21 THE COURT: How long ago?

22 PROSPECTIVE JUROR NO. 366. About 18 months ago.

23 THE COURT: 18, wow.

24 PROSPECTIVE JUROR NO. 366: Yeah. The last summons
25 I had, I served on a jury.

1 THE COURT: All right. So that's -- you know, it's
2 a random process --

3 PROSPECTIVE JUROR NO. 366: It is, yes.

4 THE COURT: -- but -- and boy, you really -- if you
5 win that well at the casino, you'd would probably be a rich
6 woman.

7 PROSPECTIVE JUROR NO. 366: I should do well.

8 THE COURT: All right. So it was a criminal case
9 or --

10 PROSPECTIVE JUROR NO. 366: Yes, it was.

11 THE COURT: Criminal case. Now, I don't want you to
12 tell us the verdict, but did the jury reach a verdict?

13 PROSPECTIVE JUROR NO. 366: Yes, we did.

14 THE COURT: Were you the foreperson?

15 PROSPECTIVE JUROR NO. 366: No, I was not.

16 THE COURT: Anything about that experience that
17 makes you think that you could not be a fair and impartial in
18 this case?

19 PROSPECTIVE JUROR NO. 366: No, no.

20 THE COURT: Have you ever been the victim of a
21 crime?

22 PROSPECTIVE JUROR NO. 366: Yes. I was a victim of
23 a break-in to our truck, and tools were stolen. The police
24 were called but they didn't never catch anyone. We were also
25 a victim of vandalism at our house. Someone through a rock

1 through our window while we were home. We called the police,
2 but they never came out and there was no one ever caught.
3 This was in Henderson, probably ten years ago for the -- the
4 vandalism, and probably 25 years ago for the truck.

5 THE COURT: And the truck was also here in --

6 PROSPECTIVE JUROR NO. 366: In --

7 THE COURT: -- Clark County?

8 PROSPECTIVE JUROR NO. 366: It was in Henderson,
9 yeah.

10 THE COURT: Henderson.

11 PROSPECTIVE JUROR NO. 366: And I don't know if you
12 would call this is a -- a crime or not, but there was a truck
13 that went through my block wall, and they left the scene. And
14 so I don't know if it was a hit and run or -- or what, but
15 they caused a lot of property damage to my wall and house, and
16 no one was ever caught. Supposedly, the truck was stolen so.

17 THE COURT: Okay. And when did that happen?

18 PROSPECTIVE JUROR NO. 366: Two years ago.

19 THE COURT: Now, have you ever been in law
20 enforcement yourself?

21 PROSPECTIVE JUROR NO. 366: No.

22 THE COURT: How about anyone in your family or
23 closely associated with you?

24 PROSPECTIVE JUROR NO. 366: No.

25 THE COURT: Okay. Now, anyone in your family or

1 closely associated with you ever been the victim of a violent
2 crime?

3 PROSPECTIVE JUROR NO. 366: No.

4 THE COURT: And how about have you ever been accused
5 of or convicted of a crime --

6 PROSPECTIVE JUROR NO. 366: No.

7 THE COURT: -- other than traffic?

8 PROSPECTIVE JUROR NO. 366: No, no.

9 THE COURT: And anyone in your family closely
10 associated with you?

11 PROSPECTIVE JUROR NO. 366: No.

12 THE COURT: All right. So yesterday we had that
13 unusual circumstance where there was a murder/suicide and so.

14 PROSPECTIVE JUROR NO. 366: No, I've never had
15 anything like that.

16 THE COURT: Nothing any --

17 PROSPECTIVE JUROR NO. 366: No, nothing.

18 THE COURT: Nothing like that?

19 PROSPECTIVE JUROR NO. 366: Um-um, no.

20 THE COURT: Obviously, you've served as a juror
21 before --

22 PROSPECTIVE JUROR NO. 366: Yes.

23 THE COURT: -- and you were able to follow the law.
24 Is there --

25 PROSPECTIVE JUROR NO. 366: Yes.

1 THE COURT: -- any reason you would not be able to
2 follow the law as I instruct you this time?

3 PROSPECTIVE JUROR NO. 366: No, no.

4 THE COURT: And you believe in the presumption of
5 innocence, correct?

6 PROSPECTIVE JUROR NO. 366: Yes.

7 THE COURT: Okay. So will you hold the State to
8 their burden of proof?

9 PROSPECTIVE JUROR NO. 366: Yes.

10 THE COURT: And if they reach their burden of proof
11 and prove the case to you beyond a reasonable doubt, would you
12 have any problem returning a guilty verdict?

13 PROSPECTIVE JUROR NO. 366: No.

14 THE COURT: And the flip side of that being if they
15 don't prove their case to you, would you have any problem
16 returning a not guilty verdict?

17 PROSPECTIVE JUROR NO. 366: No.

18 THE COURT: And would you be able to, if and only if
19 the jury decides first degree murder has either to one or more
20 of defendants, would you be able to consider in a penalty
21 phase all three of the possible penalties?

22 PROSPECTIVE JUROR NO. 366: Yes.

23 THE COURT: Tell us about yourself.

24 PROSPECTIVE JUROR NO. 366: I've been a resident of
25 Clark County since 1988. I am divorced. I have two adult

1 children, ages 29 and 32. I work at Comprehensive Cancer
2 Centers of Nevada in the research department as a regulatory
3 coordinator, which means I handle all the paperwork associated
4 with the clinic trial where the FDA would come in and look at
5 all my paperwork to make sure everything is perfect.

6 And I've worked there since 1996. And I took about
7 five years in between from like 2004 to 2008, four years, I
8 guess, and I worked in a regulatory department at the Nevada
9 Cancer Research Foundation. So I've been in this type
10 position since 1996.

11 THE COURT: All right.

12 PROSPECTIVE JUROR NO. 366: I can't think of
13 anything else.

14 THE COURT: What do your adult children do?

15 PROSPECTIVE JUROR NO. 366: My oldest son is a --
16 works in an architect's office doing the 3D presentations for
17 buildings and such all over the country and all over the
18 world.

19 My youngest son is a veterinary assistant, I
20 believe, is what he's called in a local -- they're both local
21 here at a local vet's office here in Las Vegas.

22 THE COURT: And what's your education background?

23 PROSPECTIVE JUROR NO. 366: I have an associate's of
24 applied sciences in health information technology mainly for
25 medical records and that. But I've never really used that in

1 that capacity. It's -- it actually helped me get the job in
2 the research. And then I went ahead and got a accreditation
3 through the SOCRA, which is a CCRP clinical research
4 professional, certified clinical research professional.

5 THE COURT: All right. Is there any reason
6 whatsoever that you do not think that you could be fair and
7 impartial in this case?

8 PROSPECTIVE JUROR NO. 366: No.

9 THE COURT: All right. Thank you. Would the State
10 like to inquire?

11 MS. LEXIS: Yes, Your Honor. Thank you. Good
12 afternoon, Ms. Yates.

13 PROSPECTIVE JUROR NO. 366: Hi.

14 MS. LEXIS: So the prior jury service for the
15 criminal case --

16 PROSPECTIVE JUROR NO. 366: Um-h'm.

17 MS. LEXIS: -- not so long ago --

18 PROSPECTIVE JUROR NO. 366: Right.

19 MS. LEXIS: -- what was the nature of that case?
20 What was the crime?

21 PROSPECTIVE JUROR NO. 366: It was battery with a
22 deadly weapon, I believe. There was also theft of an auto. I
23 can't remember what the technical term for that is. And there
24 was one other charge, and I can't remember what it was.

25 MS. LEXIS: Okay.

1 PROSPECTIVE JUROR NO. 366: It wasn't -- it was like
2 a domestic violence, I think -- domestic violence charge.

3 MS. LEXIS: Okay. I know Judge Ellsworth already
4 asked you --

5 PROSPECTIVE JUROR NO. 366: Um-h'm.

6 MS. LEXIS: -- if there was anything about that
7 experience that would cause you to not be fair and impartial
8 in this particular case, but let me ask you this.

9 PROSPECTIVE JUROR NO. 366: Um-h'm.

10 MS. LEXIS: Did you enjoy your jury service?

11 PROSPECTIVE JUROR NO. 366: Yeah. It was a learning
12 experience, and it was -- it was a little frustrating because
13 the defendant was actually functioning as his own attorney,
14 which it -- it just made everything a little bit rougher.

15 MS. LEXIS: Okay. But certainly, the defendants in
16 this particular case, they're represented by counsel.

17 PROSPECTIVE JUROR NO. 366: Yes.

18 MS. LEXIS: And defendants, as you've come to find
19 out, certainly have the right to represent themselves if they
20 want to.

21 PROSPECTIVE JUROR NO. 366: Yes.

22 MS. LEXIS: But you didn't hold that against that
23 particular --

24 PROSPECTIVE JUROR NO. 366: No.

25 MS. LEXIS: -- defendant?

1 PROSPECTIVE JUROR NO. 366: No.

2 MS. LEXIS: Okay.

3 PROSPECTIVE JUROR NO. 366: No.

4 MS. LEXIS: It just didn't run as smoothly?

5 PROSPECTIVE JUROR NO. 366: It did not run as
6 smoothly so and I -- we found out after the fact that this was
7 the third time. The first two counsels were -- I mean, he had
8 -- he had representation, but it just -- I think it just -- he
9 just didn't -- didn't want to be charged with this so he just
10 kept firing his people and getting retried, and it was -- it
11 was long, interesting and a little frustrating.

12 MS. LEXIS: Okay. So given that experience, and
13 that was again, not so long ago, how do you feel about now
14 potentially being a juror in a three-week long murder trial?
15 Seriousness is kind of escalated.

16 PROSPECTIVE JUROR NO. 366: Right, it is. It's --

17 MS. LEXIS: The time frame --

18 PROSPECTIVE JUROR NO. 366: -- it's a big -- yeah,
19 big responsibility, and you know, the people's lives are in
20 the balance of what we decide. And I think it will be
21 interesting to see how -- that was my first and only jury
22 service so I would be interested -- it would be interesting to
23 see how thing's are actually supposed to run.

24 MS. LEXIS: Okay. Well, we'll try our best --

25 PROSPECTIVE JUROR NO. 366: Yeah.

1 MS. LEXIS: -- if you're chosen. Okay. Thank you
2 very much for that. Let me see what else I have for you. Gun
3 ownership.

4 PROSPECTIVE JUROR NO. 366: I do not own a gun. I
5 have fired guns in the past.

6 MS. LEXIS: Any strong opinions one way or the
7 other?

8 PROSPECTIVE JUROR NO. 366: I think gun ownership is
9 a right. I don't have anything strong against or strong for.
10 I -- I would like to own a gun. I live alone. It would give
11 me a little bit of piece of mind possibly.

12 MS. LEXIS: Okay. So certainly for self-defense
13 or --

14 PROSPECTIVE JUROR NO. 366: Right.

15 MS. LEXIS: -- protecting you --

16 PROSPECTIVE JUROR NO. 366: Right.

17 MS. LEXIS: -- or things like that.

18 PROSPECTIVE JUROR NO. 366: Um-h'm.

19 MS. LEXIS: Okay. Have you ever had any negative or
20 positive contact with law enforcement outside of perhaps
21 calling the police when your truck was burglarized and the
22 vandalism and --

23 PROSPECTIVE JUROR NO. 36: No, I can't remember any.

24 MS. LEXIS: -- when you had someone run through your
25 brick --

1 PROSPECTIVE JUROR NO. 366: Yeah.

2 MS. LEXIS: -- or your block wall.

3 PROSPECTIVE JUROR NO. 366: Yeah. No, nothing
4 negative or positive. Just neutral.

5 MS. LEXIS: Okay.

6 PROSPECTIVE JUROR NO. 366: Pretty much.

7 MS. LEXIS: Okay. Do you watch like CSI shows?

8 PROSPECTIVE JUROR NO. 366: I used to.

9 MS. LEXIS: Crime shows?

10 PROSPECTIVE JUROR NO. 366: I used to, but not
11 anymore.

12 MS. LEXIS: Okay.

13 PROSPECTIVE JUROR NO. 366. Not anymore.

14 MS. LEXIS: You've seen how a criminal trial kind of
15 works. Do you have expectations of Mr. DiGiacomo and myself
16 to put on a Law & Order type of trial with the --

17 PROSPECTIVE JUROR NO. 366: No.

18 MS. LEXIS: -- the CSI from Las Vegas --

19 PROSPECTIVE JUROR NO. 366: No.

20 MS. LEXIS: -- solving crime in an hour?

21 PROSPECTIVE JUROR NO. 366: No, no, no.

22 MS. LEXIS: Do you have that expectation?

23 PROSPECTIVE JUROR NO. 366: No, no. I know --

24 MS. LEXIS: Okay.

25 PROSPECTIVE JUROR NO. 366: I know that's drama and

1 that's made for entertainment and this is definitely not going
2 to be a drama show or -- or an entertainment show.

3 MS. LEXIS: Okay. Okay. Court's brief indulgence.
4 I have no more questions of Ms. Yates. Thank you very much.

5 THE COURT: Thank you. Defense.

6 MS. McNEILL: Thank you, Your Honor. Good
7 afternoon, Ms. Yates.

8 PROSPECTIVE JUROR NO. 366: I had.

9 MS. McNEILL: You said one of the frustrating parts
10 of that last jury service you were on was that the defendant
11 didn't have a lawyer. So now there's three defense lawyers
12 over here. How do you feel about that?

13 PROSPECTIVE JUROR NO. 366: I think it could be
14 quite confusing at times to keep things straight, but you
15 know, we all get notebooks, and I have a tendency to write a
16 lot down anyways, so I think I could keep things straight.

17 MS. McNEILL: Okay. And do you understand that each
18 of us is only responsible for our client?

19 PROSPECTIVE JUROR NO. 366: Correct.

20 MS. McNEILL: Right? Okay. Do you have any
21 problems with that?

22 PROSPECTIVE JUROR NO. 366: No.

23 MS. McNEILL: Okay.

24 PROSPECTIVE JUROR NO. 366: No.

25 MS. McNEILL: What are your thoughts generally about

1 criminal defense attorneys?

2 PROSPECTIVE JUROR NO. 366: Neutral.

3 MS. McNEILL: Neutral? Okay. Well, that's --

4 PROSPECTIVE JUROR NO. 366: Really, yeah.

5 MS. McNEILL: -- good. That's better than what it
6 could have been.

7 PROSPECTIVE JUROR NO. 366: I don't have a strong
8 opinion either way.

9 MS. McNEILL: Okay. Do you think that defense
10 attorneys, it's our job to lie for our clients?

11 PROSPECTIVE JUROR NO. 366: No.

12 MS. McNEILL: No? Okay.

13 PROSPECTIVE JUROR NO. 366: No.

14 MS. McNEILL: Do you think -- do you agree that we
15 don't -- shouldn't have to do anything over here?

16 PROSPECTIVE JUROR NO. 366: Correct, yes.

17 MS. McNEILL: I mean, you probably want us to do
18 something.

19 PROSPECTIVE JUROR NO. 366: You're not obligated to
20 say a word. It's -- it's the prosecutors that have to do the
21 work.

22 MS. McNEILL: Okay. And you don't have any problems
23 with that?

24 PROSPECTIVE JUROR NO. 366: No, no.

25 MS. McNEILL: And it sounds like from your job, you

1 spend a lot of time sort of making sure that things at your
2 work comply with rules?

3 PROSPECTIVE JUROR NO. 366: Yes. With --

4 MS. McNEILL: With federal regulations?

5 PROSPECTIVE JUROR NO. 366: Federal, yes.

6 MS. McNEILL: Okay.

7 PROSPECTIVE JUROR NO. 366: Code of Federal
8 Regulations and, yeah.

9 MS. McNEILL: Do you feel like you're a very rule
10 based person?

11 PROSPECTIVE JUROR NO. 366: Definitely.

12 MS. McNEILL: Okay. So you're comfortable reading a
13 set of rules and then making sure it --

14 PROSPECTIVE JUROR NO. 366: I am.

15 MS. McNEILL: -- fits in with them?

16 PROSPECTIVE JUROR NO. 366: Yes, yes.

17 MS. McNEILL: Okay. So you wouldn't have any
18 problems with jury instructions --

19 PROSPECTIVE JUROR NO. 366: No.

20 MS. McNEILL: -- and following along with those?

21 PROSPECTIVE JUROR NO. 366: No.

22 MS. McNEILL: No? Okay. All right. I'll pass for
23 cause, Your Honor.

24 THE COURT: Thank you. Mr. Wolfbrandt.

25 MR. LANDIS: If I may. I think you mentioned that

1 that trial was long, yes?

2 PROSPECTIVE JUROR NO. 366: Yeah, yeah. It was -- I
3 think it was at least five days. I think it was a full week,
4 and it -- it didn't seem like it should have gone that long
5 for the amount of -- of information that was out there.

6 MR. LANDIS: You're probably right to conclude that
7 a trial without a defense attorney is going to run longer.

8 PROSPECTIVE JUROR NO. 366: Right, yeah.

9 MR. LANDIS: Based on your career, based on the fact
10 that you said you take a lot of notes, you did last time,
11 details oriented person, I'm guessing?

12 PROSPECTIVE JUROR NO. 366: Yes.

13 MR. LANDIS: T-crosser, as they call it.

14 PROSPECTIVE JUROR NO. 366: Yes. I-dotter.

15 MR. LANDIS: Besides the fact that that previous
16 trial you had experience with had no defense attorneys, it was
17 just the one defendant, correct?

18 PROSPECTIVE JUROR NO. 366: Correct.

19 MR. LANDIS: Which is most cases.

20 PROSPECTIVE JUROR NO. 366: Right.

21 MR. LANDIS: This case is three defendants, which is
22 different. Do you think the fact that there's three people
23 here charged versus one makes them more or less guilty than if
24 it was just one defendant here?

25 PROSPECTIVE JUROR NO. 366: No, no.

1 MR. LANDIS: And to continue off something Ms.
2 McNeill said, it's unusual for the defense attorneys because
3 usually, like I said, I think the beginning of Monday, you sit
4 there, you talk to the other, they're on the same team.

5 PROSPECTIVE JUROR NO. 366: Right.

6 MR. LANDIS: And we're not, but I'm sure you guys
7 have mentioned --

8 PROSPECTIVE JUROR NO. 366: Yeah.

9 MR. LANDIS: -- seeing that we have talked kind of
10 about some things.

11 PROSPECTIVE JUROR NO. 366: You kind of team up on
12 things, yes.

13 MR. LANDIS: Right, but if it makes sense at the
14 same time, I have no duties whatsoever to those other two
15 defendants and so when we can share, we probably do, but at
16 the same time, there is no unified --

17 PROSPECTIVE JUROR NO. 366: Right.

18 MR. LANDIS: -- I mean, there's no --

19 PROSPECTIVE JUROR NO. 366: There's no unified front
20 three against --

21 MR. LANDIS: Right.

22 PROSPECTIVE JUROR NO. 366: -- two.

23 MR. LANDIS: Rite. And that makes sense, obviously?

24 PROSPECTIVE JUROR NO. 366: Uh-huh, yes.

25 MR. LANDIS: You've mentioned that it might make it

1 harder to keep things straight, and that's probably true.

2 PROSPECTIVE JUROR NO. 366: Um-h'm.

3 MR. LANDIS: But you're confident that you'll see it
4 as three separate trials really.

5 PROSPECTIVE JUROR NO. 366: Three separate trials,
6 yes.

7 MR. LANDIS: And the evidence will come in all at
8 once, but again --

9 PROSPECTIVE JUROR NO. 366: Right.

10 MR. LANDIS: -- it doesn't a piece of evidence comes
11 in against all the defendants. It might, but it might not.

12 PROSPECTIVE JUROR NO. 366: Might not, yes.

13 MR. LANDIS: Okay.

14 PROSPECTIVE JUROR NO. 366: I'm aware.

15 MR. LANDIS: Thank you. Thank you for your time.

16 PROSPECTIVE JUROR NO. 366: Thank you.

17 MR. LANDIS: I'd pass for cause.

18 THE COURT: Thank you. And let's see --

19 MR. WOLFBRANDT: Your Honor, I would pass for cause.

20 THE COURT: Thank you, Mr. Wolfbrandt. And pass the
21 microphone down to Mr. Lou, and we'll clear him for cause. So
22 Mr. Lou, have you ever served as a juror before?

23 PROSPECTIVE JUROR NO. 369: No.

24 THE COURT: Have you ever been in law enforcement?

25 PROSPECTIVE JUROR NO. 369: No.

1 THE COURT: Anyone in your family, closely
2 associated with you in law enforcement?

3 PROSPECTIVE JUROR NO. 369: No.

4 THE COURT: Have you ever been the victim of a
5 crime?

6 PROSPECTIVE JUROR NO. 369: No.

7 THE COURT: Anyone in your family, closely
8 associated with you been the victim of what you consider to be
9 a serious crime?

10 PROSPECTIVE JUROR NO. 369: No, ma'am.

11 THE COURT: Have you ever been accused of or convict
12 of a crime?

13 PROSPECTIVE JUROR NO. 369: No, ma'am.

14 THE COURT: How about anyone in your family or
15 closely associated with you been --

16 PROSPECTIVE JUROR NO. 369: No, ma'am.

17 THE COURT: -- convicted or -- no? Okay. Do you
18 believe in the presumption of innocence?

19 PROSPECTIVE JUROR NO. 369: Yes.

20 THE COURT: Will you be able to follow the law as I
21 instruct you in this case?

22 PROSPECTIVE JUROR NO. 369: Yes, I do.

23 THE COURT: Do you have any reason whatsoever that
24 you could think of that you could not be a fair and impartial
25 juror in this case?

1 PROSPECTIVE JUROR NO. 369: Yes.

2 THE COURT: What's that?

3 PROSPECTIVE JUROR NO. 369: I believe, that everyone
4 have innocent.

5 THE COURT: Everyone is innocent?

6 PROSPECTIVE JUROR NO. 369: Before they have to do
7 something wrong.

8 THE COURT: Well, okay. So everyone in our system
9 is presumed to be innocent unless and until the State proves
10 beyond a reasonable doubt that that person --

11 PROSPECTIVE JUROR NO. 369: That's correct.

12 THE COURT: -- is guilty, right? You agree with
13 that?

14 PROSPECTIVE JUROR NO. 369: I agree.

15 THE COURT: Okay. And so why do you say that you
16 could not be fair?

17 PROSPECTIVE JUROR NO. 369: I'm not sure yet.

18 THE COURT: Do you have any problem understanding
19 English at all?

20 PROSPECTIVE JUROR NO. 369: Yes, a little bit.

21 THE COURT: Okay. What is your first language?

22 PROSPECTIVE JUROR NO. 369: My first English --
23 language is Chinese.

24 THE COURT: Okay. Which dialect?

25 PROSPECTIVE JUROR NO. 369: It's Taiwanese.

1 THE COURT: And so how long have you lived in the
2 United States?

3 PROSPECTIVE JUROR NO. 369: Over 30 years.

4 THE COURT: Obviously, English and any Asian
5 language, pretty much, are very different in the sounds and
6 the grammatical structure, et cetera. So have you ever had
7 formal study of English?

8 PROSPECTIVE JUROR NO. 369: Yes, I do.

9 THE COURT: Okay. And do you work?

10 PROSPECTIVE JUROR NO. 369: Right now I am retired.

11 THE COURT: What did you retire from?

12 PROSPECTIVE JUROR NO. 369: I retire -- I used to --
13 last work is a taxi driver.

14 THE COURT: Did you always work as a taxi driver
15 before you retired?

16 PROSPECTIVE JUROR NO. 369: And before the taxi
17 driver, I'm working the tourist -- tourist -- tourist leader.

18 THE COURT: Okay. Were these tour groups where you
19 could exercise your and use your language skills?

20 PROSPECTIVE JUROR NO. 369: Yes, I do.

21 THE COURT: All right, very good. All right. So
22 have you had trouble understanding what the lawyers or what I
23 have been saying?

24 PROSPECTIVE JUROR NO. 369: A little bit.

25 THE COURT: So did you understand the question about

1 whether you think that you could be fair or not?

2 PROSPECTIVE JUROR NO. 369: Part of it.

3 THE COURT: Okay. So do you understand what it
4 means to be fair and impartial?

5 PROSPECTIVE JUROR NO. 369: Not everything, just
6 part of it.

7 THE COURT: All right. So basically, to be fair and
8 impartial means that you need to listen to all the evidence
9 and make a decision based upon that, that you haven't formed
10 an opinion already about the guilt or innocence. There's a
11 presumption of innocence that attaches already, and then a
12 fair person who is impartial can listen to the evidence and
13 make a decision based only on the evidence and nothing else.
14 Are you that kind of person?

15 PROSPECTIVE JUROR NO. 369: Yes. Yes.

16 THE COURT: Okay. Tell us about yourself.

17 PROSPECTIVE JUROR NO. 369: Yes. I'm 68 years old,
18 and I live in Las Vegas from 1996, over 20 years. I'm
19 retired, and I'm divorced, and I think right now I have the
20 problem with my health because I have some problem of my
21 brain. I have a seizure. So probably that's -- I cannot be
22 doing something too much pressure of myself.

23 My doctor warning me not to sit down or standing too
24 long. Maybe that cause my problem again. So I have that
25 happen to me maybe once a year. So right now I have to very

1 careful to myself. I don't want to happen to everyone or
2 scare some people, to my family also.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 369: Because that could
5 happen to any time. I cannot control myself. You know, the
6 seizure --

7 THE COURT: Sure, of course. All right.

8 PROSPECTIVE JUROR NO. 369: -- that's kind of very
9 terrible things to myself.

10 MS. McNEILL: That's fine, Your Honor.

11 THE COURT: All right. Counsel has indicating to me
12 that they are in agreement, as am I, that you should be
13 excused --

14 PROSPECTIVE JUROR NO. 369: Thank you, Your Honor.

15 THE COURT: -- because of your condition. So thank
16 you very much.

17 THE CLERK: Badge 370, Anahi Vasquez.

18 THE COURT: Ms. Vasquez, do you have the microphone?
19 All right. So have you ever served as a juror before?

20 PROSPECTIVE JUROR NO. 370: No.

21 THE COURT: Have you ever been in law enforcement?

22 PROSPECTIVE JUROR NO. 370: No.

23 THE COURT: Anyone in your family or closely
24 associated with you been in law enforcement?

25 PROSPECTIVE JUROR NO. 370: No.

1 THE COURT: Have you ever been the victim of a
2 crime?

3 PROSPECTIVE JUROR NO. 370: No.

4 THE COURT: Has anyone in your family or closely
5 associated with you been the victim of what you consider to be
6 a serious crime?

7 PROSPECTIVE JUROR NO. 370: No.

8 THE COURT: Have you ever been accused of or
9 convicted of a crime?

10 PROSPECTIVE JUROR NO. 370: No.

11 THE COURT: How about anyone in your family or
12 closely associated with you?

13 PROSPECTIVE JUROR NO. 370: No.

14 THE COURT: Is there any reason that you think you
15 could not be a fair and impartial juror in this case?

16 PROSPECTIVE JUROR NO. 370: No.

17 THE COURT: Do you understand the presumption of
18 innocence?

19 PROSPECTIVE JUROR NO. 370: Yes.

20 THE COURT: And do you agree with that?

21 PROSPECTIVE JUROR NO. 370: Yes.

22 THE COURT: Okay. Do you believe that you could
23 follow the law as I instruct you?

24 PROSPECTIVE JUROR NO. 370: Yeah.

25 THE COURT: All right. Tell us about yourself.

1 PROSPECTIVE JUROR NO. 370: I live in Mesquite,
2 Nevada. I've lived there for like ten years, I think. I went
3 to Virgin Valley High School. I have a two-month old baby. I
4 work part-time right now at Subway, and I think that's it.

5 THE COURT: All right. Are you married, single,
6 divorced, significant other?

7 PROSPECTIVE JUROR NO. 370: A boyfriend, yeah.

8 THE COURT: Boyfriend. And do you live with the
9 boyfriend?

10 PROSPECTIVE JUROR NO. 370: Yeah.

11 THE COURT: What does he do?

12 PROSPECTIVE JUROR NO. 370: He's a busser at a
13 sports bar.

14 THE COURT: Okay. In Mesquite?

15 PROSPECTIVE JUROR NO. 370: Yeah.

16 THE COURT: All right. And how old are you?

17 PROSPECTIVE JUROR NO. 370: I'm 21.

18 THE COURT: How long have you lived on your own?

19 PROSPECTIVE JUROR NO. 370: I live with my parents
20 right now.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 370: Yeah.

23 THE COURT: So your the boyfriend lives with your
24 parents?

25 PROSPECTIVE JUROR NO. 370: Yeah, with me.

1 THE COURT: What do your parents do?

2 PROSPECTIVE JUROR NO. 370: My mom doesn't work
3 right now, and my dad works at a Primex Plastic place.

4 THE COURT: I'm sorry, a what?

5 PROSPECTIVE JUROR NO. 370: It's called Primex
6 Plastic.

7 THE COURT: Okay. Do you know what he does?

8 PROSPECTIVE JUROR NO. 370: No.

9 THE COURT: Would the State like to inquire further?

10 MR. DiGIACOMO: Yes. How are you?

11 PROSPECTIVE JUROR NO. 370: Good. Thank you.

12 MR. DiGIACOMO: Did you say you went to the Virgin
13 Valley High School?

14 PROSPECTIVE JUROR NO. 370: Yeah.

15 MR. DiGIACOMO: So that's in Mesquite, Nevada?

16 PROSPECTIVE JUROR NO. 370: Yes.

17 MR. DiGIACOMO: Okay. And so 21, you graduated
18 about three years ago?

19 PROSPECTIVE JUROR NO. 370: Two -- yeah, three.

20 MR. DiGIACOMO: Three years ago?

21 PROSPECTIVE JUROR NO. 370: Three.

22 MR. DiGIACOMO: Okay. Since you graduated high
23 school, have you always worked at Subways or did you work --

24 PROSPECTIVE JUROR NO. 370: Yeah.

25 MR. DiGIACOMO: -- other places?

1 PROSPECTIVE JUROR NO. 370: Yeah.

2 MR. DiGIACOMO: So you've been at Subway the whole
3 time?

4 PROSPECTIVE JUROR NO. 370: Uh-huh.

5 MR. DiGIACOMO: Okay. And have you always lived
6 with your parents that --

7 PROSPECTIVE JUROR NO. 370: Yes.

8 MR. DiGIACOMO: -- those three years?

9 PROSPECTIVE JUROR NO. 370: Uh-huh.

10 MR. DiGIACOMO: We've asked a whole bunch of
11 questions for a lot of days so I don't want to spend a lot of
12 time --

13 PROSPECTIVE JUROR NO. 370: Yeah.

14 MR. DiGIACOMO: -- with you. Is there anything that
15 anybody has asked that you thought might be important to you?

16 PROSPECTIVE JUROR NO. 370: You guys said about the
17 pictures that you guys are going to show as evidence.

18 MR. DiGIACOMO: Yes, ma'am.

19 PROSPECTIVE JUROR NO. 370: It might be a dumb
20 question, but is there going to be like blood on there and
21 stuff like that?

22 MR. DiGIACOMO: Yeah.

23 PROSPECTIVE JUROR NO. 370: Yeah?

24 MR. DiGIACOMO: There will normally be blood in
25 homicide cases, for the most part, not always, but -- and

1 there will be a pretty substantial amount. Does that cause
2 you a concern?

3 PROSPECTIVE JUROR NO. 370: It's weird, but a few
4 years back, I was -- I was in Mexico, and I was visiting. And
5 I was running around chasing my little cousin, and I stepped
6 in a -- in a glass, like a piece of glass and it went in my
7 foot. And when I looked at it, there was like blood gushing
8 out everywhere. And ever since then, I'm just -- I'm
9 terrified of looking at blood, whether it's in a picture, in,
10 you know, anything like that. So I don't know --

11 MR. DiGIACOMO: Okay. --

12 PROSPECTIVE JUROR NO. 370: -- if that's --

13 MR. DiGIACOMO: Well, and you know, that's why we
14 ask those questions.

15 PROSPECTIVE JUROR NO. 370: Yeah.

16 MR. DiGIACOMO: Unfortunately, in a homicide case,
17 there's really only one way to -- there's two ways to get
18 information, I guess.

19 PROSPECTIVE JUROR NO. 370: Um-h'm.

20 MR. DiGIACOMO: You hear a witness talk about
21 something or you get physical pieces of evidence.

22 PROSPECTIVE JUROR NO. 370: Yeah.

23 MR. DiGIACOMO: You've heard the term a picture's
24 worth a thousand words, right?

25 PROSPECTIVE JUROR NO. 370: Yeah.

1 MR. DiGIACOMO: So there will be pictures admitted
2 that will have blood and probably a pretty good amount of
3 blood on them. Are you telling me that based upon that
4 experience you had in Mexico that --

5 PROSPECTIVE JUROR NO. 370: Yeah, I can't --

6 MR. DiGIACOMO: -- you're not going to be --

7 PROSPECTIVE JUROR NO. 370: Yeah.

8 MR. DiGIACOMO: -- looking at these photographs for
9 their evidentiary value?

10 PROSPECTIVE JUROR NO. 370: Yeah.

11 MR. DiGIACOMO: Right? And so you think maybe
12 perhaps a case that, you know, maybe there's no physical
13 injury, maybe there is no blood --

14 PROSPECTIVE JUROR NO. 370: Yeah.

15 MR. DiGIACOMO: -- may be a better case for you?

16 PROSPECTIVE JUROR NO. 370: Uh-huh.

17 MR. DiGIACOMO: Okay. And that you wouldn't be able
18 to handle the pictures?

19 PROSPECTIVE JUROR NO. 370: No. I don't -- I don't
20 think so, no.

21 MR. DiGIACOMO: Thank you very much.

22 PROSPECTIVE JUROR NO. 370: Thank you.

23 MR. DiGIACOMO: Judge, we'd make a motion.

24 MR. LANDIS: No objection.

25 MS. McNEILL: No objection, Your Honor.

1 MR. WOLFBRANDT: No objection, Your Honor.

2 THE COURT: You're excused. Thank you.

3 THE CLERK: Badge 36, Ju Jung.

4 THE COURT: Badge No. 371. Hello, sir, how are you?

5 PROSPECTIVE JUROR NO. 371: Fine. How are you?

6 THE COURT: Very well. Thank you. Have you ever
7 served as a juror before?

8 PROSPECTIVE JUROR NO. 371: No, ma'am.

9 THE COURT: Have you ever been in law enforcement?

10 PROSPECTIVE JUROR NO. 371: No, ma'am.

11 THE COURT: Have you ever been the victim of a
12 crime?

13 PROSPECTIVE JUROR NO. 371: Yes, I have.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 371: Several case.

16 THE COURT: What?

17 PROSPECTIVE JUROR NO. 371: Several case.

18 THE COURT: Oh, several times?

19 PROSPECTIVE JUROR NO. 371: Yeah, several times.

20 THE COURT: What were those?

21 PROSPECTIVE JUROR NO. 371: Yeah. Actually, I spent
22 a lot of money for replacing windows because it's been several
23 times previous they break in. So actually, I start -- I had a
24 business about -- I'd say about 12 years ago, I began a small
25 franchise. It's called Tropical Smoothie Cafe, and actually,

1 every single years and normally about holiday time, they just
2 breaking, burglarize, and one time had a gunpoint to -- to my
3 employee.

4 THE COURT: All right. Were you present when that
5 happened?

6 PROSPECTIVE JUROR NO. 371: Yes, I -- yeah, I was in
7 an office doing paperwork, and I heard something going on. I
8 look at the, you know, TV because they're, you know, we
9 watched or, you know, the camera system there. One of the
10 guys came in, just putting a gun to my cashier. So as soon as
11 I look at it, and I call 911, report it, and actually, the
12 time is so quick. So normally, they took less than five
13 minutes, and they took, you know, the money out the way.

14 So I was -- you know, there was -- I was surprised I
15 was during the phone call they asking so many things, but I
16 just -- you know, there is some kind of reaction time. You
17 know, actually police came after that about, I believe,
18 exactly eight, nine minutes, so which is about four minutes
19 past. So that's some kind of my question about, you know,
20 that's why, you know, that policemen reaction time.

21 THE COURT: Okay. So you were -- you felt
22 frustrated that they didn't get there until after the robber
23 had left?

24 PROSPECTIVE JUROR NO. 371: Yes.

25 THE COURT: Okay. And did you feel that was because

1 the dispatcher was asking you questions?

2 PROSPECTIVE JUROR NO. 371: I don't know what it was
3 that happened. I don't know what's -- you know, what they
4 doing at, that's -- I don't know exactly what's the system
5 going on, but, you know, I was very disappointed with they
6 doing, you know, reaction time, you know. That's -- that
7 period, you know, during about -- you know, the five minutes
8 window if he shoot to, you know, my -- you know, the cashier
9 it's going to be something happen, you know, or injury or
10 something. So I had a very disappointing, you know, bad
11 experience for those incident.

12 THE COURT: Okay. So did the police find who had
13 committed this robbery?

14 PROSPECTIVE JUROR NO. 371: I think this -- yeah, I
15 didn't went to the court. I didn't do any things, but there's
16 still another things, too. They didn't -- they didn't call --
17 they didn't send in a letter. There's no communication. So,
18 you know, that's another disappointing, too. But actually,
19 after about two year -- two months -- two -- two, three months
20 later, I think they caught it and doing, you know -- yeah, I
21 had some kind of that's letter, you know, to (indecipherable).
22 But I don't know exactly what they did it.

23 THE COURT: So you know that somebody eventually was
24 caught, and they were prosecuted?

25 PROSPECTIVE JUROR NO. 371: Prosecuted, yeah.

1 THE COURT: And -- okay.

2 PROSPECTIVE JUROR NO. 371: I don't know what, you
3 know --

4 THE COURT: What happened and --

5 PROSPECTIVE JUROR NO. 371: -- what happening later,
6 yeah.

7 THE COURT: You didn't call anybody to find --

8 PROSPECTIVE JUROR NO. 371: I didn't call any --

9 THE COURT: -- out?

10 PROSPECTIVE JUROR NO. 371: Yeah.

11 THE COURT: Okay. So you could have called, but you
12 just chose not to?

13 PROSPECTIVE JUROR NO. 371: Actually, yeah, I'm not
14 getting involved with, you know, if they get caught. That's
15 fine, you know. Probably they're going to punish, but I don't
16 want to involve it to more detail. And also, I'm kind of --
17 I'm kind of busy person, too, doing -- doing in my business.
18 I spend almost seven years for -- you know, I spend a lot of
19 time, you know, building, you know, building and the business.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 371: And but another case I
22 had -- I had a renter, you know, property, and actually,
23 there's the one tenant, and they don't pay the rent. And, you
24 know, actually, we kick them out, and next days they just
25 break in our back window, came in, you know, just regular

1 (indecipherable), you know, things. And actually, I called
2 the police. That times was reaction was real, you know -- you
3 know, that's very fast. Actually, there's -- the police
4 chapter, you know, hanging around the property and keep, you
5 know, contact me about update, what's going on, they just keep
6 talking, just wait until police is coming. You know, those
7 kind of reaction is actually I'm very happy about it for
8 previous experience, but during I'm doing the business, and
9 especially gunpoint, that's another disappointing, too.

10 THE COURT: Okay. So do you feel that these
11 experiences make it difficult for you to be fair and
12 impartial?

13 PROSPECTIVE JUROR NO. 371: Yeah, it's -- actually,
14 it's very this kind of case, and I'm not very comfortable to
15 stay in the middle side.

16 THE COURT: I guess, I didn't understand that last
17 part, but you're saying you cannot be fair in this case?

18 PROSPECTIVE JUROR NO. 371: I could not, yeah. Yes,
19 exactly.

20 THE COURT: You're excused. Thank you.

21 PROSPECTIVE JUROR NO. 371: Thank you, Your Honor.

22 THE CLERK: Badge 383, Bryan Troy.

23 THE COURT: Hello, Mr. Troy. How are you?

24 PROSPECTIVE JUROR NO. 383: Good. How are you
25 doing?

1 THE COURT: Good. Have you ever served as a juror
2 before?

3 PROSPECTIVE JUROR NO. 383: No, I have not.

4 THE COURT: Have you ever been in law enforcement?

5 PROSPECTIVE JUROR NO. 383: Nope.

6 THE COURT: Anyone in your family closely associated
7 with you in --

8 PROSPECTIVE JUROR NO. 383: Nope.

9 THE COURT: -- law enforcement? Ever been the
10 victim of a crime?

11 PROSPECTIVE JUROR NO. 383: Yes.

12 THE COURT: What was that?

13 PROSPECTIVE JUROR NO. 383: A few different times.
14 Two years ago, I was robbed at gunpoint in Oakland when I was
15 visiting my sister. About five, six years ago, maybe, I was
16 stabbed outside of a parking lot at Green Valley Ranch Casino.
17 When I was younger, 18, 19, I've been, you know, jumped. I
18 didn't grow up in a great neighborhood. Other than that,
19 that's about it.

20 THE COURT: Okay. So you said you got stabbed in a
21 parking lot. Were you robbed as part of that or just --

22 PROSPECTIVE JUROR NO. 383: No, we were -- at the
23 time, there was a club there called Whiskey's, I don't know,
24 it hasn't been there in years. But we got into kind of an
25 altercation inside the club, and when we and my friends were

1 leaving out to the parking garage, we got jumped by about a
2 dozen Filipinos with mops, wet floor signs.

3 This went on for about seven, eight minutes, no
4 security came or anything. Me and my friend both got stabbed.
5 My other friend got knocked unconscious over the head.

6 THE COURT: All right. And did you call the police?

7 PROSPECTIVE JUROR NO. 383: No. We went to the
8 hospital later on. The next day we filed a police report,
9 went to the casino and took care of all that later on.

10 THE COURT: Okay. Did they discover who had
11 attacked you?

12 PROSPECTIVE JUROR NO. 383: Two people got in
13 trouble and I don't -- I don't recall what happened with the
14 rest of them, but two people did get in trouble for it.

15 THE COURT: Did you have to testify at a trial or in
16 court at all?

17 PROSPECTIVE JUROR NO. 383: No, I never went back to
18 do anything.

19 THE COURT: So you don't know what happened?

20 PROSPECTIVE JUROR NO. 383: Um-um.

21 THE COURT: Is that a no?

22 PROSPECTIVE JUROR NO. 383: No.

23 THE COURT: Thank you. We have to -- we have the
24 recorder and they have to transcribe so they can't get
25 uh-huh's and --

1 PROSPECTIVE JUROR NO. 383: Okay.

2 THE COURT: -- uh-uh's. So obviously, those two
3 cases are both, you know, violent crimes, robberies, and you
4 said you were robbed twice in --

5 PROSPECTIVE JUROR NO. 383: No.

6 THE COURT: -- one visit to your sister?

7 PROSPECTIVE JUROR NO. 383: No, I was -- no, we were
8 held up at gunpoint and then they took my -- my sister's from
9 Australia, but she lived in the San Francisco area before
10 that. So I went out there to visit her when she was there,
11 and they stole her passport and wallet and everything else,
12 and I had, you know, \$8 on me and my ID. Nothing -- nothing
13 too major that couldn't be replaced.

14 THE COURT: And how long --

15 PROSPECTIVE JUROR NO. 383: But --

16 THE COURT: -- ago did that happen?

17 PROSPECTIVE JUROR NO. 383: This was 2011, maybe.
18 2010, 2011.

19 THE COURT: So are you able to set aside those
20 experiences and decide the case -- this case based upon the
21 evidence that you hear in this courtroom and not based upon
22 what happened to you in those unrelated matters?

23 PROSPECTIVE JUROR NO. 383: I believe so, yes.

24 THE COURT: You could?

25 PROSPECTIVE JUROR NO. 383: Um-h'm.

1 THE COURT: Is that a yes?

2 PROSPECTIVE JUROR NO. 383: Yes.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR NO. 383: Sorry.

5 THE COURT: All right. Anyone in your family or
6 closely associated with you been the victim of a serious crime
7 other than your sister that you've already talked about?

8 PROSPECTIVE JUROR NO. 383: Not that I can think of,
9 no.

10 THE COURT: Have you ever been accused of or
11 convicted of a crime?

12 PROSPECTIVE JUROR NO. 383: I've got a DUI that was
13 in 2007, I believe, and that's it.

14 THE COURT: And were you prosecuted? Did you go to
15 court and --

16 PROSPECTIVE JUROR NO. 383: Yes.

17 THE COURT: All right. Do you know whether it was
18 the District Attorney's Office that prosecuted you or was it a
19 city attorney?

20 PROSPECTIVE JUROR NO. 383: I honestly don't
21 remember.

22 THE COURT: Did you feel that you were treated
23 fairly?

24 PROSPECTIVE JUROR NO. 383: Yes.

25 THE COURT: And did you have a lawyer representing

1 you?

2 PROSPECTIVE JUROR NO. 383: No.

3 THE COURT: No?

4 PROSPECTIVE JUROR NO. 383: Um-um.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 383: I had a public defender.

7 THE COURT: That's a lawyer.

8 PROSPECTIVE JUROR NO. 383: I'm sorry, yeah. I just
9 remembered as soon as you said that, yeah. I know, I did.

10 THE COURT: And they're very good lawyers, actually.

11 PROSPECTIVE JUROR NO. 383: I know.

12 THE COURT: For the record. So your public
13 defender, were you happy with the representation?

14 PROSPECTIVE JUROR NO. 383: Yes.

15 THE COURT: Any reason at all that you think you
16 could not be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 383: No.

18 THE COURT: Tell us about yourself.

19 PROSPECTIVE JUROR NO. 383: Moved out here summer of
20 2004 from New York. I moved out here with my family at the
21 time. Couldn't afford to stay out by myself. I work for an
22 electrical distributor. I'm a store manager for one of our
23 six locations in Las Vegas. And single, I have two dogs.

24 THE COURT: No kids?

25 PROSPECTIVE JUROR NO. 383: Nope.

1 THE COURT: No significant other, partner, nothing?

2 PROSPECTIVE JUROR NO. 383: Nope.

3 THE COURT: Okay. State like to inquire further?

4 MR. DiGIACOMO: Yes. What kind of dogs?

5 PROSPECTIVE JUROR NO. 383: Pugs.

6 MR. DiGIACOMO: Pugs? I think the Court asked you
7 whether or not you've had it and you talked about your DUI.
8 Was that in Henderson?

9 PROSPECTIVE JUROR NO. 383: Yes.

10 MR. DiGIACOMO: Okay. And so you went to some
11 courthouse in Henderson --

12 PROSPECTIVE JUROR NO. 383: Yes.

13 MR. DiGIACOMO: -- to handle the matter?

14 PROSPECTIVE JUROR NO. 383: Yeah.

15 MR. DiGIACOMO: And I'm assuming at the end of the
16 day, you know, you felt like the system treated you fairly?

17 PROSPECTIVE JUROR NO. 383: Yes.

18 MR. DiGIACOMO: Okay. What I don't think I heard
19 the Court say, maybe she did and I apologize; anyone you know
20 or closely associated with you, family member, ever been
21 accused of a crime, anything like that?

22 PROSPECTIVE JUROR NO. 383: No.

23 MR. DiGIACOMO: I'm not going to sit here and ask
24 you every question we've asked, so let me just start with the
25 general question. Is there anything you can think of we might

1 want to know before we select the jury?

2 PROSPECTIVE JUROR NO. 383: The only thing I -- I
3 spoke to the Marshal yesterday. I found out Monday evening
4 when I left here that my work isn't going to pay me for this.
5 It's going to be a little bit tough because I do live on my
6 own and I have two expensive dogs to take care of.

7 MR. DiGIACOMO: Right.

8 PROSPECTIVE JUROR NO. 383: But other than that, I
9 mean, not that I can think of.

10 MR. DiGIACOMO: Well, let me ask you just a couple
11 questions about that.

12 PROSPECTIVE JUROR NO. 383: Sure.

13 MR. DiGIACOMO: You know, is it the type of
14 situation where if you're not there for two, two-and-a-half
15 weeks now, I guess, maybe three at the outside, that it's
16 going to be the type of thing where you're not going to be
17 able to pay your rent or your mortgage, your bills type of
18 situation or is it --

19 PROSPECTIVE JUROR NO. 383: Exactly.

20 MR. DiGIACOMO: -- hey, I'm going to eat a lot less
21 food, I'm going to be making food at home not going --

22 PROSPECTIVE JUROR NO. 383: No, I'm already behind
23 on payments because I had a trip planned two weeks ago, a
24 fishing trip, and I -- I missed three days of work for that so
25 I'm kind of already -- I mean, I'm paycheck to paycheck as it

1 is so it's kind of --

2 MR. DiGIACOMO: Okay, so it's --

3 PROSPECTIVE JUROR NO. 383: -- tough, as --

4 MR. DiGIACOMO: So you're talking a legitimate
5 hardship --

6 PROSPECTIVE JUROR NO. 383: Yeah.

7 MR. DiGIACOMO: -- in that sense?

8 PROSPECTIVE JUROR NO. 383: Um-h'm.

9 MR. DiGIACOMO: So that's something between you and
10 the Court, but --

11 PROSPECTIVE JUROR NO. 383: Yes.

12 MR. DiGIACOMO: -- let me ask you kind of -- I did
13 this yesterday with another juror. If you're in the situation
14 where you're thinking about you're not going to make your rent
15 or your mortgage, whatever it is, are you going to be able to
16 give your full attention to the evidence that's being
17 presented or do you think -- can you set that aside and pay
18 attention?

19 PROSPECTIVE JUROR NO. 383: I -- I believe I could
20 put it aside. I mean, it would still be in the back of my
21 head, you know, a little bit worrisome, but I think I could --

22 MR. DiGIACOMO: I mean --

23 PROSPECTIVE JUROR NO. 383: -- put it aside.

24 MR. DiGIACOMO: -- obviously, I mean, your problems
25 to you are going to be very, you know, important to you, but

1 obviously, this is also a very proceeding, not only to myself
2 and Ms. Lexis, but obviously the people sitting over in that
3 side of the room. If the Court makes you stay, do you think
4 you can do that? You can set it aside? You could pay
5 attention?

6 PROSPECTIVE JUROR NO. 383: I believe so.

7 MR. DiGIACOMO: No issues with the photographs that
8 are --

9 PROSPECTIVE JUROR NO. 383: No, I watch a lot of
10 crime shows, Law & Order. I grew up on Unsolved Mysteries and
11 Freddy Kruger and so I -- I don't think it will bother me too
12 much.

13 MR. DiGIACOMO: Probably won't quite be Freddy
14 Kruger, but sort of like Ms. Lexis says, you recognize that a
15 lot of those shows, even the ones that say they're based on
16 the truth, certainly don't tell the whole story?

17 PROSPECTIVE JUROR NO. 383: Yes.

18 MR. DiGIACOMO: And they certainly, like we call it
19 the CSI effect, they don't -- what they do in an hour may take
20 us years and --

21 PROSPECTIVE JUROR NO. 383: Yeah.

22 MR. DiGIACOMO: -- we may not even be able to do
23 half of what they tell you they do do.

24 PROSPECTIVE JUROR NO. 383: Um-h'm, yes.

25 MR. DiGIACOMO: You'd agree with that, right? Okay.

1 PROSPECTIVE JUROR NO. 383: Yes.

2 MR. DiGIACOMO: I guess, the only other area would
3 be penalty. Any concerns in if you reach a guilty verdict
4 deciding what should happen to the individuals?

5 PROSPECTIVE JUROR NO. 383: I don't believe so. I
6 mean, at this time, it's tough to say. But as of right now I
7 don't think I would have any issues. You know, maybe down the
8 line, it might mentally to kind of take a toll on me, you
9 know, afterwards. I might say oh, well, you know, I did this
10 and it may bug me, but I don't -- I don't think it really
11 will, honestly.

12 MR. DiGIACOMO: And look, nobody is going to suggest
13 to you that sitting as a juror and deciding the guilt or
14 innocence of somebody is something that either should be taken
15 lightly or is going to be easy for anyone. I mean, it's a
16 difficult job for anybody. And the next step as well is
17 probably even harder because there's somewhat less rules to be
18 applied, and it's a judgment between you and 11 other citizens
19 that have no experience doing it.

20 So we don't expect you to have an answer, but the
21 question is really, you don't rule out the possibility of
22 imposing any one of those three sentences if you get to that
23 point?

24 PROSPECTIVE JUROR NO. 383: No.

25 MR. DiGIACOMO: Okay. Do you think you're

1 essentially a fair person?

2 PROSPECTIVE JUROR NO. 383: Yes, I do.

3 MR. DiGIACOMO: How long have you been with the --
4 this electrical distributor that you're with?

5 PROSPECTIVE JUROR NO. 383: This particular one only
6 six months.

7 MR. DiGIACOMO: Have you been in that business for a
8 period of time?

9 PROSPECTIVE JUROR NO. 383: Yeah, about eight years.

10 MR. DiGIACOMO: Eight years or so?

11 PROSPECTIVE JUROR NO. 383: Um-h'm.

12 MR. DiGIACOMO: Okay. And you're now the manager.
13 I'm assuming you --

14 PROSPECTIVE JUROR NO. 383: Yeah.

15 MR. DiGIACOMO: -- didn't start there?

16 PROSPECTIVE JUROR NO. 383: No.

17 MR. DiGIACOMO: How many people report to you?

18 PROSPECTIVE JUROR NO. 383: Just seven right now.

19 MR. DiGIACOMO: Seven? Okay. All right. Thank you
20 very much, sir.

21 PROSPECTIVE JUROR NO. 383: Yep.

22 MS. McNEILL: Your Honor. Mr. Troy, when you were
23 talking about these incidents where you were stabbed or the
24 robbery, you sounded kind of nonchalant about it. Is that --
25 do you kind of consider yourself someone who's cool under

1 pressure?

2 PROSPECTIVE JUROR NO. 383: No, it used to bother me
3 a lot more. I think now and just kind of, you know, it was --
4 you know, I wouldn't say that long ago, but I was younger and
5 stupid and kind of moved on and grown up since then so.

6 MS. McNEILL: Okay.

7 PROSPECTIVE JUROR NO. 383: -- I've just kind of
8 pushed to the side.

9 MS. McNEILL: So you put it behind you?

10 PROSPECTIVE JUROR NO. 383: Um-h'm.

11 MS. McNEILL: Okay. So you feel like you've been
12 able to sort of work through whatever feelings you might have
13 had about those things that happened?

14 PROSPECTIVE JUROR NO. 383: Yes.

15 MS. McNEILL: Okay. Do you feel that maybe
16 listening to people talk about situations that have happened
17 to them, it might have been frightening, might bring back some
18 of those feelings?

19 PROSPECTIVE JUROR NO. 383: Maybe a little bit, but
20 not to the point where I think it would really affect me too
21 much.

22 MS. McNEILL: Okay. Would you be able to just set
23 that aside and not hold it against any of the gentlemen
24 sitting over here?

25 PROSPECTIVE JUROR NO. 383: Yes.

1 MS. McNEILL: Are you sure about that or do you have
2 concerns about that?

3 PROSPECTIVE JUROR NO. 383: I'm 99 percent sure.

4 MS. McNEILL: Okay. And I know sometimes it seems
5 like we're picking on people to try to give me a definite
6 answer, but that is kind of what we're doing, because it is
7 important. And I think Mr. DiGiacomo pointed this out once is
8 we'd hate for you to get back there and then realize, you know
9 what, this is kind of a problem for me, because that's not
10 fair to, you know, anyone in this room.

11 It's not fair to you. So we want to make sure that
12 if there's anything that might cause you problems when you're
13 deliberating that maybe this isn't a trial for you. So when
14 you say you're 99 percent certain, why do you feel that way?

15 PROSPECTIVE JUROR NO. 383: I mean, there's -- I
16 just -- I would say 100 percent, I just don't know how. You
17 know, down the line I may see something or, you know, trigger
18 something in my head say oh, yeah, kind of bothering me a
19 little bit, you know, that this happened or that happened, and
20 it may trigger, you know, some sort of memory or something
21 that bothers me. But I don't -- I'm pretty -- I'm pretty good
22 about that stuff. I don't think it will, but like I said, I
23 just -- I 99 percent sure I don't think anything I see would
24 bother me in that way.

25 MS. McNEILL: Okay. So you feel fairly comfortable

1 sitting here?

2 PROSPECTIVE JUROR NO. 383: Yes.

3 MS. McNEILL: And let me -- we've asked this of
4 other jurors. Let me ask you this, if you were accused of
5 this crime, would you feel comfortable with somebody --
6 because you know you better than I do. Would you feel
7 comfortable with you as a juror if you were my client,
8 Mr. Laguna?

9 PROSPECTIVE JUROR NO. 383: Yes.

10 MS. McNEILL: Okay. You wouldn't have any concerns
11 about that?

12 PROSPECTIVE JUROR NO. 383: No.

13 MS. McNEILL: No? Okay. And you -- Mr. DiGiacomo
14 asked you a little bit about the penalties and you said you
15 didn't think that you would have a problem with any of those.
16 Do you feel like because it's a murder case, you would be more
17 inclined to give one of those punishments than another?

18 PROSPECTIVE JUROR NO. 383: No.

19 MS. McNEILL: No. Okay. So as you sit here,
20 they're equal in your eyes?

21 PROSPECTIVE JUROR NO. 383: Yes.

22 MS. McNEILL: Okay. All right. I'll pass for
23 cause.

24 THE COURT: Thank you. Mr. Wolfbrandt.

25 MR. WOLFBRANDT: Hi, Mr. Troy.

1 PROSPECTIVE JUROR NO. 383: Good afternoon.

2 MR. WOLFBRANDT: If you said, I didn't hear it.

3 What kind of dogs do you have? You have two, right?

4 PROSPECTIVE JUROR NO. 383: Pugs.

5 MR. WOLFBRANDT: Pugs?

6 PROSPECTIVE JUROR NO. 383: Yes.

7 MR. WOLFBRANDT: Okay. And you live alone?

8 PROSPECTIVE JUROR NO. 383: Yes.

9 MR. WOLFBRANDT: Do you own any firearms?

10 PROSPECTIVE JUROR NO. 383: No.

11 MR. WOLFBRANDT: Do you have any desire to have --

12 well, let me back up. Have you ever shot any firearms?

13 PROSPECTIVE JUROR NO. 383: Yes.

14 MR. WOLFBRANDT: Do you have any plans on getting --

15 acquiring any firearms of your own?

16 PROSPECTIVE JUROR NO. 383. Not in the immediate

17 future. Maybe down the line, but not at this present time,

18 no.

19 MR. WOLFBRANDT: That's all I have. Thanks.

20 THE COURT: Mr. Landis.

21 MR. LANDIS: Getting back to your job situation.

22 PROSPECTIVE JUROR NO. 383: Okay.

23 MR. LANDIS: It's a situation where you're not going

24 to be paid, you mentioned that, but it's not a situation where

25 you might lose your job?

1 PROSPECTIVE JUROR NO. 383: I -- I wouldn't lose my
2 job. I mean, they're not going to fire me over it, I don't
3 believe, but like I said, it's just more of a financial
4 situation where I wouldn't be able to pay my bills on time.

5 MR. LANDIS: I respect that. And that's real. I'm
6 not trying to minimize it.

7 PROSPECTIVE JUROR NO. 383: Um-h'm.

8 MR. LANDIS: Today you feel mentally you can live
9 with it, if I can use that phrase, and it's not going to
10 infect the way you view this case if you're sitting here for
11 weeks and not getting paid, right?

12 PROSPECTIVE JUROR NO. 383: Yeah.

13 MR. LANDIS: This happens to me all the time, and
14 let me ask if it's a concern for you. Sometimes a change of
15 circumstance happens to me, and right after I'm pretty
16 optimistic about it, I'll generate a good mindset and I'll say
17 I can get through this, just got to keep my head to the grind
18 stone, it will pass. Then three weeks later I'm looking I'm
19 like an immature baby about it and I'm finally mad. We don't
20 want that situation here. We don't want that stuff to fester
21 and then even though today you've got your mindset, a couple
22 weeks from now you're upset about it because bills are hitting
23 your mail stop and you're not paying them.

24 And our greatest concern is that that kind of anger
25 causes you to not look at the evidence or take it out on

1 either side, to be honest with you. Phrasing it that way, and
2 I'm just trying to make sure we don't end up in one of those
3 situations, concerned about that?

4 PROSPECTIVE JUROR NO. 383: Yes, a little bit. The
5 only thing I would be, you know, partially concerned about is
6 maybe, possibly thinking about it, you know, when you guys are
7 talking or showing evidence or doing something, I'm thinking
8 about, I'll have to pay this bill by tomorrow morning, what am
9 I going to do type of thing. But that's -- yeah, I mean,
10 that's the main concern, I guess, I would have about that.

11 Just possibly worrying about other things going on
12 like that.

13 MR. LANDIS: You're not so concerned that you think
14 we should consider another juror, though, right?

15 PROSPECTIVE JUROR NO. 383: No, I don't think it
16 would get that -- that bad.

17 MR. LANDIS: And you mentioned -- I hope you heard
18 you right -- you work for an electrical distributor?

19 PROSPECTIVE JUROR NO. 383: Yes.

20 MR. LANDIS: Excuse me for not knowing, but what's
21 that mean?

22 PROSPECTIVE JUROR NO. 383: We basically, there's
23 contractors, electrical companies, purchase, we supply all the
24 pipe, wire --

25 MR. LANDIS: That makes sense.

1 PROSPECTIVE JUROR NO. 383: -- fittings. It's kind
2 of like a Home Depot type place sort of, but --

3 MR. LANDIS: Food distributions, but for
4 electricians --

5 PROSPECTIVE JUROR NO. 383: Exactly.

6 MR. LANDIS: -- as opposed to restaurants?

7 PROSPECTIVE JUROR NO. 383: Um-h'm, yes.

8 MR. LANDIS: You also mentioned that you spent some
9 time or grew up in a bad neighborhood. Did I hear that right?

10 PROSPECTIVE JUROR NO. 383: Yes, I did.

11 MR. LANDIS: Is that referring to Vegas or New York
12 or both?

13 PROSPECTIVE JUROR NO. 383: No, New York.

14 MR. LANDIS: And there was at least some criminal
15 activity that you witnessed there, right?

16 PROSPECTIVE JUROR NO. 383: Yes. Um-h'm.

17 MR. LANDIS: A lot of police interaction also or no?

18 PROSPECTIVE JUROR NO. 383: Not too much.

19 MR. LANDIS: Have you had much police interaction
20 here in Vegas? I know you mentioned an incident or two but
21 just in general?

22 PROSPECTIVE JUROR NO. 383: No.

23 MR. LANDIS: Any strong feelings about police?

24 PROSPECTIVE JUROR NO. 383: No.

25 MR. LANDIS: Any strong feelings about the criminal

1 justice system?

2 PROSPECTIVE JUROR NO. 383: No.

3 MR. LANDIS: I'll pass for cause. Thank you, sir.

4 PROSPECTIVE JUROR NO. 383: Um-h'm.

5 THE COURT: Okay, Mr. Troy, what are your normal
6 working hours?

7 PROSPECTIVE JUROR NO. 383: I work 6:00 to 4:00
8 Monday through Friday.

9 THE COURT: 6:00 to 4:00, and so you would be able
10 to Monday through Thursday work for half the day.

11 PROSPECTIVE JUROR NO. 383: Well, I'm salary so I
12 wouldn't get paid for, you know, like five hours or -- you
13 know what I mean? I wouldn't get paid unless I worked a full
14 week, I don't get paid.

15 THE COURT: Is your boss saying they're not going to
16 allow you to come in and work in the morning?

17 PROSPECTIVE JUROR NO. 383: I can work, but I'm not
18 going to get paid for it.

19 THE COURT: Well, actually, if you're salaried, then
20 they can't really dock you, necessarily, for -- if you don't
21 work the full day. But have you talked to them about that?

22 PROSPECTIVE JUROR NO. 383: Yeah.

23 THE COURT: About working part --

24 PROSPECTIVE JUROR NO. 383: Yeah.

25 THE COURT: -- part time? I mean, because you could

1 get a lot of work done.

2 PROSPECTIVE JUROR NO. 383: Yeah. I mean, it would
3 be difficult because a change just happened two weeks ago. We
4 just had to let somebody go last week and hired somebody else
5 that drove a forklift through our back gate and had to get let
6 go. So it's kind of a -- kind of a tough time right now,
7 because there's only one other person above me that even can
8 open the store up, and he's not even at our branch all the
9 time. It's a group manager of all six locations.

10 So he would have to open and --

11 THE COURT: You weren't concerned about that three
12 days --

13 PROSPECTIVE JUROR NO. 383: -- close the branch.

14 THE COURT: -- ago when we started the process, and
15 I --

16 PROSPECTIVE JUROR NO. 383: Yeah. I -- I'd found
17 this out --

18 THE COURT: -- asked the question.

19 PROSPECTIVE JUROR NO. 383: -- Monday. Originally,
20 Monday I was told that I was going to get paid, and they told
21 me Monday evening they were going to pay me for the day, and
22 there's no company policy with my -- the corporation I work
23 for that pays for jury duty. So I didn't find that out until
24 Monday evening when I left here.

25 THE COURT: Okay. And so you haven't discussed with

1 them whether you could work part of the day and they're -- you
2 know, because you're the manager, right? You could get a lot
3 accomplished in that time --

4 PROSPECTIVE JUROR NO. 383: Yeah.

5 THE COURT: -- could you not? And what do you make
6 per day? How much money do you make per day?

7 PROSPECTIVE JUROR NO. 383: Roughly about 150.

8 THE COURT: Okay. And so you realize you're
9 compensated for your time here, right?

10 PROSPECTIVE JUROR NO. 383: Yes.

11 THE COURT: Anybody know what it is right now? It's
12 like 43; \$44 a day, I think.

13 MS. McNEILL: Something like that.

14 THE COURT: Roughly. So you haven't talked to your
15 employer about the possibility of you working half time and --

16 PROSPECTIVE JUROR NO. 383: Not really. I -- I
17 mentioned to them that it -- you know, it does -- they do know
18 that it does start in the afternoons for the most part, but
19 when you talked to my group manager, they said if I didn't
20 work a full work week, they wouldn't pay me a salary. I
21 wouldn't get my full salary. I would maybe get, you know,
22 maybe a partial salary, but they would have to work that out.

23 THE COURT: All right. Well, so you could get a
24 partial salary and then --

25 PROSPECTIVE JUROR NO. 383: Yeah, I'd have to find

1 out.

2 THE COURT: -- the remainder would be -- you would
3 be compensated for your time that you weren't because you'd
4 get your stipend then.

5 PROSPECTIVE JUROR NO. 383: Um-h'm.

6 THE COURT: Daily stipend. So that being the case,
7 it doesn't sound like it would be the financial hardship that
8 you were talking about.

9 PROSPECTIVE JUROR NO. 383: Oh, like I said, I don't
10 know. I would have to discuss that with them to see if I can
11 get a partial salary or not.

12 THE COURT: All right, thank you.

13 PROSPECTIVE JUROR NO. 383: Yep.

14 THE COURT: Okay. All right, we've now got all 12
15 cleared again, and it's the State's next peremptory challenge,
16 the second.

17 MR. DiGIACOMO: Judge, State would thank and excuse
18 the juror in Seat No. 5, 251, Ms. Ramirez.

19 THE COURT: Thank you, Ms. Ramirez. Call the next
20 in order.

21 THE CLERK: Badge 384, Robert Pressman.

22 THE COURT: Hello, Mr. Pressman. How are you?

23 PROSPECTIVE JUROR NO. 384: I'm doing good. Is this
24 on?

25 THE COURT: Yeah, it's on.

1 PROSPECTIVE JUROR NO. 384: Okay.

2 THE COURT: I can hear you. All right. Have you
3 ever served as a juror before?

4 PROSPECTIVE JUROR NO. 384: Yes, I have.

5 THE COURT: When was that?

6 PROSPECTIVE JUROR NO. 384: First time was sometime
7 during the '80s. I can't remember exactly when. And the
8 second time was about three years ago.

9 THE COURT: Were both instances here in Clark
10 County?

11 PROSPECTIVE JUROR NO. 384: Yes. First one was
12 federal, though.

13 THE COURT: First one in federal court?

14 PROSPECTIVE JUROR NO. 384: Um-h'm.

15 THE COURT: All right. And do you recall in the
16 federal trial, was that a criminal case or a civil case?

17 PROSPECTIVE JUROR NO. 384: It was criminal.

18 THE COURT: Without telling us what the verdict was,
19 did the jury reach a verdict?

20 PROSPECTIVE JUROR NO. 384: Yes, we did.

21 THE COURT: Were you the foreperson?

22 PROSPECTIVE JUROR NO. 384: No.

23 THE COURT: And the second case, was that here in
24 this courthouse?

25 PROSPECTIVE JUROR NO. 384: Yes.

1 THE COURT: And criminal or civil?

2 PROSPECTIVE JUROR NO. 384: It was civil.

3 THE COURT: And did you reach a verdict, without
4 telling us what it is?

5 PROSPECTIVE JUROR NO. 384: Yes, we did.

6 THE COURT: And were you the foreperson in that
7 jury?

8 PROSPECTIVE JUROR NO. 384: No.

9 THE COURT: All right. So now, obviously, having
10 been in both types of cases, you realize that the law and the
11 burden of proof is different in a civil case than in a
12 criminal case. That the burden of proof is higher in a
13 criminal case, it's beyond a reasonable doubt. Whereas, in
14 the civil case, it's just preponderance of the evidence; do
15 you understand that?

16 PROSPECTIVE JUROR NO. 384: Yes.

17 THE COURT: So you'll be able to set the
18 instructions that you might remember from those other trials
19 and listen to the instructions that I would give you in this
20 case and follow those?

21 PROSPECTIVE JUROR NO. 384: In this case, yes.

22 THE COURT: Have you ever been in law enforcement?

23 PROSPECTIVE JUROR NO. 384: No. I've worked closely
24 with law enforcement, though.

25 THE COURT: In what capacity?

1 PROSPECTIVE JUROR NO. 384: I was in social work for
2 28 years, and I worked closely with the abuse and neglect part
3 of the police departments.

4 THE COURT: Okay. Was that here also in Clark
5 County?

6 PROSPECTIVE JUROR NO. 384: Yes, it was.

7 THE COURT: Where did you work?

8 PROSPECTIVE JUROR NO. 384: I worked first with the
9 State of Nevada for seven years, and then the rest of the time
10 with the Clark County Social Service.

11 THE COURT: And what was your job title during that
12 period?

13 PROSPECTIVE JUROR NO. 384: Most of the time social
14 work supervisor.

15 THE COURT: Okay. So did you have then case
16 assignments? In other words, clients that were assigned to
17 you to manage their cases?

18 PROSPECTIVE JUROR NO. 384: No. I workers who
19 worked for me who had that.

20 THE COURT: The entire time?

21 PROSPECTIVE JUROR NO. 384: Yes.

22 THE COURT: As part of your duties, though, as
23 supervisor, would you be called upon to review their work?

24 PROSPECTIVE JUROR NO. 384: Oh, yes.

25 THE COURT: So you were familiar, then, with their

1 cases?

2 PROSPECTIVE JUROR NO. 384: Absolutely.

3 THE COURT: So tell us about your interaction with
4 law enforcement in that capacity.

5 PROSPECTIVE JUROR NO. 384: Well, during some of the
6 time when the workers were not available, I had to go out and
7 do -- when I was working for State -- child abuse and neglect
8 investigations, and that involved the Henderson or the Las
9 Vegas Metro Police Department if we needed to remove the
10 children.

11 THE COURT: If you --

12 PROSPECTIVE JUROR NO. 384: And then -- sorry. And
13 then with the County, it was senior protective service, and
14 again, we worked with the police departments in order to get
15 the senior into a better situation, if we needed to.

16 THE COURT: And so you were in a mandated reporter
17 in both of those --

18 PROSPECTIVE JUROR NO. 383: Yes.

19 THE COURT: -- capacities, and so you would have --
20 from time to time have to call for police and if you thought
21 that there was an abuse or neglect situation, correct?

22 PROSPECTIVE JUROR NO. 384: Absolutely.

23 THE COURT: Now, as a result of that, do you believe
24 that you could still be fair and impartial in this case?

25 PROSPECTIVE JUROR NO. 384: In this case, yes.

1 THE COURT: Is there a situation where you think you
2 might not be fair, say, if it was a abuse, child abuse or
3 senior abuse and neglect case? Would you have a problem with
4 that?

5 PROSPECTIVE JUROR NO. 384: Probably, due to my
6 background dealing with those situations, yes.

7 THE COURT: But as far as you know of what little
8 you know of the facts of this case, you don't think you would
9 have any problem?

10 PROSPECTIVE JUROR NO. 384: No.

11 THE COURT: Okay. So have you ever been the victim
12 of a crime yourself?

13 PROSPECTIVE JUROR NO. 384: Yes. We had a rock come
14 through our front window about three years ago, three-and-a-
15 half years ago, something like that. As far as the
16 disposition of that, I don't know if they caught someone. We
17 did get some type of letter from victim compensation or
18 something where we had to give information about our insurance
19 and so on. But I never heard anything further about what
20 happened with anyone in the case.

21 THE COURT: And you never inquired --

22 PROSPECTIVE JUROR NO. 384: No.

23 THE COURT: -- yourself?

24 PROSPECTIVE JUROR NO. 384: No.

25 THE COURT: Okay. And --

1 PROSPECTIVE JUROR NO. 384: Yeah, we had suspicions
2 because we have a group home near us, and they had been doing
3 some other things with some of the other neighbors.

4 THE COURT: Anyone in your family or closely
5 associated with you ever been the victim of what you consider
6 to be a serious crime?

7 PROSPECTIVE JUROR NO. 384: No.

8 THE COURT: Have you ever been accused of or
9 convicted of a crime?

10 PROSPECTIVE JUROR NO. 384: No.

11 THE COURT: Anyone in your family or closely
12 associated with you been accused of or convicted of a crime?

13 PROSPECTIVE JUROR NO. 384: No.

14 THE COURT: Any reason whatsoever that you think you
15 could not be a fair and impartial juror in this case?

16 PROSPECTIVE JUROR NO. 384: Not in this case. This
17 case I could be.

18 THE COURT: Tell us about yourself.

19 PROSPECTIVE JUROR NO. 384: I'm retired, but I also
20 substitute teach. I've been doing that for the last 15 years,
21 since I retired from social work in 2001. I also do some
22 hearings for the county for -- still for social service when
23 people are denied assistance and they want to appeal that. A
24 few every year occasionally on that.

25 I'm married. I have two daughters. Older is 37 and

1 is in Texas. Works for a hotel. The younger is 19 and is in
2 college.

3 THE COURT: Did you say you were married, single?

4 PROSPECTIVE JUROR NO. 384: Yes, married.

5 THE COURT: And your wife, does she work?

6 PROSPECTIVE JUROR NO. 384: She's retired, too.

7 THE COURT: What did she do when she worked?

8 PROSPECTIVE JUROR NO. 384: She was in social work.

9 THE COURT: All right. So you've been out of the
10 social work game and in substitute teaching now for quite some
11 time?

12 PROSPECTIVE JUROR NO. 384: Yes.

13 THE COURT: Your second career, I would say then.

14 PROSPECTIVE JUROR NO. 384: Yes.

15 THE COURT: So do you have any law enforcement
16 officers at the present time who are friends, associates that
17 you see --

18 PROSPECTIVE JUROR NO. 384: No, um-um.

19 THE COURT: -- a lot? How about lawyers?

20 PROSPECTIVE JUROR NO. 384: No. Used to be years
21 ago.

22 THE COURT: Thank you. State like to inquire
23 further?

24 MS. LEXIS: Yes, Your Honor. Hello, sir.

25 PROSPECTIVE JUROR NO. 384: Hi.

1 MS. LEXIS: Sir, what was the nature of the crime
2 with the federal criminal case?

3 PROSPECTIVE JUROR NO. 384: It was tax related.

4 MS. LEXIS: Okay. And the civil case, do you
5 remember?

6 PROSPECTIVE JUROR NO. 384: It was a slip-and-fall
7 in a business.

8 MS. LEXIS: Okay. So you keep getting picked.

9 PROSPECTIVE JUROR NO. 384: Um-h'm.

10 MS. LEXIS: Regardless of what type of case. What
11 do you think that is?

12 PROSPECTIVE JUROR NO. 384: Probably because I -- I
13 can -- except for certain circumstances -- well, I was --
14 about a year-and-a-half ago I went for a case, but it was a
15 capital case, and I cannot sit on one of those.

16 MS. LEXIS: Okay.

17 PROSPECTIVE JUROR NO. 384: Okay. And there's some
18 other cases that if I'm asked about, I could not sit on.

19 MS. LEXIS: Okay.

20 PROSPECTIVE JUROR NO. 384: Okay?

21 MS. LEXIS: But so you have no problems with this
22 particular case --

23 PROSPECTIVE JUROR NO. 384: No.

24 MS. LEXIS: -- because obviously, death isn't an
25 option?

1 PROSPECTIVE JUROR NO. 384: Exactly.

2 MS. LEXIS: Okay.

3 PROSPECTIVE JUROR NO. 384: And it's against
4 property and -- and person.

5 MS. LEXIS: Okay. I imagine when you were a social
6 worker, you worked on some of the saddest cases --

7 PROSPECTIVE JUROR NO. 384: Yes.

8 MS. LEXIS: -- particularly because they involved
9 children.

10 PROSPECTIVE JUROR NO. 384: Um-h'm.

11 MS. LEXIS: We don't have children in this case so
12 that's good. Do you watch TV?

13 PROSPECTIVE JUROR NO. 384: Yes.

14 MS. LEXIS: What kind of shows?

15 PROSPECTIVE JUROR NO. 384: Political, science
16 fiction, just other general shows.

17 MS. LEXIS: Okay.

18 PROSPECTIVE JUROR NO. 384: I don't -- other than
19 science fiction and some political, I don't have anything in
20 particular.

21 MS. LEXIS: Okay. What news stations do you watch
22 or what (inaudible)?

23 PROSPECTIVE JUROR NO. 384: Very rarely the local
24 news. I'll watch national MSNBC and read the -- the Wall
25 Street Journal.

1 MS. LEXIS: Okay. So you kind of keep up with some
2 of the topics, like the topics that are being discussed on
3 those political shows?

4 PROSPECTIVE JUROR NO. 384: Yes.

5 MS. LEXIS: Okay. Do you have an opinion one way or
6 the other concerning our criminal justice system, how it
7 works?

8 PROSPECTIVE JUROR NO. 384: That it is fair. That
9 it applies the laws fairly.

10 MS. LEXIS: Okay. We do the best we can, right?

11 PROSPECTIVE JUROR NO. 384: Um-h'm.

12 MS. LEXIS: The fact that with that rock throwing
13 incident through your window, the fact that you weren't
14 contacted or followed up with by probably someone in our
15 office or the Victims of Crime Division, does that cause you
16 to hold any ill feelings --

17 PROSPECTIVE JUROR NO. 384: No.

18 MS. LEXIS: -- towards my office, the District
19 Attorney's Office, Mr. DiGiacomo?

20 PROSPECTIVE JUROR NO. 384: No.

21 MS. LEXIS: Gun ownership.

22 PROSPECTIVE JUROR NO. 384: Um-h'm.

23 MS. LEXIS: Do you have a gun?

24 PROSPECTIVE JUROR NO. 384: No, I don't.

25 MS. LEXIS: Okay. Do you have any opinions about

1 guns, people having guns, owning guns, the right to own guns?

2 PROSPECTIVE JUROR NO. 384: I think that they should
3 be regulated so that we can make sure that people who should
4 not have guns for criminal and mental reasons not get their
5 hands on them. Limit --

6 MS. LEXIS: (Inaudible)?

7 PROSPECTIVE JUROR NO. 384: Yes.

8 MS. LEXIS: Okay.

9 PROSPECTIVE JUROR NO. 384: And I have shot a gun --
10 guns before.

11 MS. LEXIS: Okay. But you realize that they
12 shouldn't be in certain people's hands?

13 PROSPECTIVE JUROR NO. 384: Exactly.

14 MS. LEXIS: Okay. Though, if -- we should be
15 allowed to have them?

16 PROSPECTIVE JUROR NO. 384: Yes.

17 MS. LEXIS: Is there anything -- I mean, we've asked
18 all these general questions, you've done this before. Is
19 there anything that either the defense or Mr. DiGiacomo or
20 myself should know about you?

21 PROSPECTIVE JUROR NO. 384: Well, just that, not in
22 this case because it's -- like I said, it's -- it's a crime
23 against person and property, that if it was a victimless
24 crime, I would not be able to follow instructions from the
25 Judge on those.

1 MS. LEXIS: Okay. And you said if they were
2 victimless crimes?

3 PROSPECTIVE JUROR NO. 384: Yes.

4 MS. LEXIS: Okay.

5 PROSPECTIVE JUROR NO. 384: The drug crimes, the --
6 you know, unless there's other things as well where people
7 have gotten money illegally in order to pay for them or
8 they've done other things like that.

9 MS. LEXIS: Okay. And why -- you mentioned that you
10 consider like drug offenses --

11 PROSPECTIVE JUROR NO. 384: Um-h'm.

12 MS. LEXIS: -- or drug-related offenses to be
13 victimless. What about that?

14 PROSPECTIVE JUROR NO. 384: Well, not the people
15 that are distributing, obviously, but the individuals. If
16 they were having a problem with that, it is, to me, a -- a --
17 I don't want to say a mental problem, but a physical or mental
18 problem that they're having with a drug, not that it should be
19 any -- anywhere near the criminal system.

20 MS. LEXIS: Okay, okay. I think I understand.
21 Because you were probably here when I asked some of the other
22 jurors about whether they could follow the law even if they
23 disagreed with it --

24 PROSPECTIVE JUROR NO. 384: Right.

25 MS. LEXIS: -- and I used --

1 PROSPECTIVE JUROR NO. 384: Yeah, and that's --

2 MS. LEXIS: -- medical marijuana example.

3 PROSPECTIVE JUROR NO. 384: And since -- since the
4 Judge and you brought this up, I -- I -- I want to be honest
5 about it, you know.

6 MS. LEXIS: Right.

7 PROSPECTIVE JUROR NO. 384: You know, so that's -- I
8 have to say that.

9 MS. LEXIS: Okay. So victimless in that, you know,
10 possession of drugs, if you choose to ingest, consume,
11 however, get illegal substances into your system --

12 PROSPECTIVE JUROR NO. 384: Um-h'm.

13 MS. LEXIS: -- the State should butt out?

14 PROSPECTIVE JUROR NO. 384: That's it.

15 MS. LEXIS: That's your own problem, right?

16 PROSPECTIVE JUROR NO. 384: Yep.

17 MS. LEXIS: Okay. What else do you consider
18 victimless crimes?

19 PROSPECTIVE JUROR NO. 384: Anywhere where it's only
20 the -- the person themselves, and if someone does a suicide.

21 MS. LEXIS: Okay. Do you think that some people put
22 themselves in situations where they're more prone to be
23 victimized?

24 PROSPECTIVE JUROR NO. 384: I don't think anyone
25 normally does that by choice.

1 MS. LEXIS: Okay. Do you think that the State
2 should butt out of cases where perhaps, victims may have put
3 themselves in situations or made certain decisions that could
4 have put themselves in bad situations?

5 PROSPECTIVE JUROR NO. 384: No.

6 MS. LEXIS: So you think that those types of crimes
7 should be prosecuted with the same vigor?

8 PROSPECTIVE JUROR NO. 384: Yep. If they're -- any
9 crime against the person or property, yes.

10 MS. LEXIS: Court's brief indulgence. I have no
11 more questions. Thank you, Mr. --

12 PROSPECTIVE JUROR NO. 384: Thank you.

13 MS. LEXIS: -- Pressman.

14 THE COURT: Thank you. Defense.

15 MR. LANDIS: Good afternoon, sir.

16 PROSPECTIVE JUROR NO. 384: Good afternoon.

17 MR. LANDIS: Regarding the criminalization of drug
18 crimes, if I can just ask, is that a viewpoint you've shared
19 your -- or had your entire adult life or is it something
20 that's developed?

21 PROSPECTIVE JUROR NO. 384: It's my entire adult
22 life.

23 MR. LANDIS: Turning now to your experience with
24 child abuse and elder investigations, if I can use that as
25 terms.

1 PROSPECTIVE JUROR NO. 384: Sure.

2 MR. LANDIS: You worked with the police in at least
3 some of those cases when it was necessary?

4 PROSPECTIVE JUROR NO. 384: Yes, um-h'm.

5 MR. LANDIS: Some of those cases, I would assume,
6 resulted in criminal actions?

7 PROSPECTIVE JUROR NO. 384: Um-h'm.

8 MR. LANDIS: Did you have to go to court ever for
9 those?

10 PROSPECTIVE JUROR NO. 384: Rarely, rarely. A few
11 -- a few times to indicate how the children were -- were taken
12 from the situation.

13 MR. LANDIS: When you say what you just said, you
14 mean testifying or --

15 PROSPECTIVE JUROR NO. 384: Yes.

16 MR. LANDIS: -- or just talking to the court?
17 Testifying?

18 PROSPECTIVE JUROR NO. 384: Testifying.

19 MR. LANDIS: Give me just a -- I know it's been a
20 minute, but a ballpark of how many times that happened.

21 PROSPECTIVE JUROR NO. 384: Over the course of my
22 career only probably 10 to 20.

23 MR. LANDIS: Seeing those cases, being involved in
24 those cases, did that shape your view of the criminal justice
25 testimony? Did it change it? Let me phrase it that way.

1 PROSPECTIVE JUROR NO. 384: No.

2 MR. LANDIS: Do you have confidence in the criminal
3 justice system?

4 PROSPECTIVE JUROR NO. 384: Yes.

5 MR. LANDIS: And is it fair to say you saw it
6 working?

7 PROSPECTIVE JUROR NO. 384: Yes, I did.

8 MR. LANDIS: I have no further questions. I'll pass
9 for cause. Thank you, sir.

10 MS. McNEILL: Thank you. Mr. Pressman, is it fair
11 to say that in your job dealing with abuse and neglected
12 children, you saw people who maybe lived their lives a little
13 differently than yours?

14 PROSPECTIVE JUROR NO. 384: Yes.

15 MS. McNEILL: Okay. Is there anything about that
16 experience that would cause you problems being a juror in a
17 criminal case, because sometimes the State's witnesses,
18 defendants might live their lives a little differently than
19 what we would experience.

20 PROSPECTIVE JUROR NO. 384: No, that -- that has no
21 bearing. It was only in relation to the welfare of the
22 children that there was a concern.

23 MS. McNEILL: Okay. So you don't judge people whose
24 lives don't follow the plan that maybe some of us have?

25 PROSPECTIVE JUROR NO. 384: No.

1 MS. McNEILL: Okay. And would you agree that some
2 people's circumstances are not of their own doing?

3 PROSPECTIVE JUROR NO. 384: That's true.

4 MS. McNEILL: Okay. It sounds like you have some
5 very well-defined thought processes about how you feel about
6 things; is that fair?

7 PROSPECTIVE JUROR NO. 384: That's true.

8 MS. McNEILL: Okay. And you indicated that you
9 would not be able to give a death verdict?

10 PROSPECTIVE JUROR NO. 384: Right.

11 MS. McNEILL: Right? And so I want to ask you on
12 the three punishments that you would have available if the
13 jury got there on this case, are there any of those that you
14 have concerns about?

15 PROSPECTIVE JUROR NO. 384: No.

16 MS. McNEILL: No? Okay. So you don't feel like one
17 of them is more appropriate than others just because it's a
18 murder?

19 PROSPECTIVE JUROR NO. 384: No.

20 MS. McNEILL: No? Okay. Do you have any feelings
21 about those punishments at all?

22 PROSPECTIVE JUROR NO. 384: They're fine for anyone
23 who's convicted of first degree murder.

24 MS. McNEILL: Okay. But you would be willing to be
25 open to any one of the three?

1 PROSPECTIVE JUROR NO. 384: Yes.

2 MS. McNEILL: Based on what you heard? Okay.

3 PROSPECTIVE JUROR NO. 384: Yes.

4 MS. McNEILL: All right. I'll pass for cause, Your
5 Honor.

6 THE COURT: Thank you. Mr. Wolfbrandt.

7 MR. WOLFBRANDT: Yeah, I'll pass for cause.

8 THE COURT: Thank you. It's the defense's second
9 peremptory challenge.

10 MR. LANDIS: Brief indulgence, please. We'd thank
11 and excuse Mr. Petrasich, seat 7, badge 326.

12 THE COURT: Thank you.

13 THE CLERK: 388, Ivan Becerra.

14 THE COURT: Hello. Is it Mr. Becerra?

15 PROSPECTIVE JUROR NO. 388: Correct.

16 THE MARSHAL: Hold the mic up to your mouth.

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

18 PROSPECTIVE JUROR NO. 388: First time.

19 THE COURT: Have you ever been in law enforcement?

20 PROSPECTIVE JUROR NO. 388: No.

21 THE COURT: Anyone in your family, closely
22 associated with you, that's in law enforcement?

23 PROSPECTIVE JUROR NO. 388: No.

24 THE COURT: All right. And have you ever been the
25 victim of a crime?

1 PROSPECTIVE JUROR NO. 388: No.

2 THE COURT: Anyone in your family or closely
3 associated with you ever been the victim of a crime?

4 PROSPECTIVE JUROR NO. 388: No.

5 THE COURT: How about have you ever been accused of
6 or convicted of a crime?

7 PROSPECTIVE JUROR NO. 388: No.

8 THE COURT: Anyone in your family, closely
9 associated with you, to your knowledge, that's ever been
10 convicted of a crime?

11 PROSPECTIVE JUROR NO. 388: No.

12 THE COURT: Now, Mr. Becerra, do you have any reason
13 whatsoever that you feel that you could not be fair and
14 impartial in this case?

15 PROSPECTIVE JUROR NO. 388: Yes.

16 THE COURT: Okay. Go ahead and tell us what that
17 might be.

18 PROSPECTIVE JUROR NO. 388: I may have a tough time
19 discussing with others.

20 THE COURT: You may have a tough time discussing
21 matters?

22 PROSPECTIVE JUROR NO. 388: Yeah. Mainly,
23 deliberation.

24 THE COURT: Okay. So you think you might not be
25 able to, after the jury would retire to deliberate, that you'd

1 have a difficult time talking to your fellow jurors?

2 PROSPECTIVE JUROR NO. 388: Yeah. I may have.

3 MS. McNEILL: And Your Honor, I think all parties
4 would agree that to excuse Mr. Becerra.

5 THE COURT: Okay. Do you want to be excused?

6 PROSPECTIVE JUROR NO. 388: Yes, Your Honor.

7 THE COURT: All right, you're excused. Thank you.

8 THE CLERK: Badge 390, Soyoung Sellari.

9 THE COURT: Ms. Sellari, have you ever been a juror
10 before?

11 PROSPECTIVE JUROR NO. 390: No.

12 THE COURT: Have you ever been in law enforcement?

13 PROSPECTIVE JUROR NO. 390: No.

14 THE COURT: Anyone in your family, closely
15 associated with you in law enforcement?

16 PROSPECTIVE JUROR NO. 390: No.

17 THE COURT: Have you ever been the victim of a
18 crime?

19 PROSPECTIVE JUROR NO. 390: If it is include small
20 things, yes.

21 THE COURT: Smoking?

22 PROSPECTIVE JUROR NO. 390: Small things.

23 THE COURT: Small things, okay.

24 PROSPECTIVE JUROR NO. 390: Sorry.

25 THE COURT: Sometimes I feel like if somebody blows

1 cigar smoke in my face, yeah, I'm a victim. Okay. Small
2 things?

3 PROSPECTIVE JUROR NO. 390: It was last May. Yeah.

4 THE COURT: Anything that you think would impact
5 your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR NO. 390: No.

7 THE COURT: So you've never been the victim of a
8 violent crime of any kind?

9 PROSPECTIVE JUROR NO. 390: No.

10 THE COURT: How about has your house been broken
11 into, anything like that?

12 PROSPECTIVE JUROR NO. 390: No.

13 THE COURT: Okay. How about anyone that's in your
14 family or closely associated with you, have they ever been the
15 victim of what you consider to be a serious crime?

16 PROSPECTIVE JUROR NO. 390: No.

17 THE COURT: No?

18 PROSPECTIVE JUROR NO. 390: No.

19 THE COURT: All right. Well, that's good. Have you
20 ever been accused of or --

21 PROSPECTIVE JUROR NO. 390: No.

22 THE COURT: -- convicted of a crime? No? And how
23 about anyone in your family or closely associated with you?

24 PROSPECTIVE JUROR NO. 390: No.

25 THE COURT: Do you believe in the presumption of

1 innocence?

2 PROSPECTIVE JUROR NO. 390: Yes.

3 THE COURT: Will you be able to follow the law as I
4 instruct you?

5 PROSPECTIVE JUROR NO. 390: Yes.

6 THE COURT: Do you have any reason whatsoever that
7 you think you could not be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 390: No.

9 THE COURT: Tell us about yourself.

10 PROSPECTIVE JUROR NO. 390: Before the -- the tell
11 me about me, can I excuse because my English is not perfect
12 so.

13 THE COURT: All right. Well, perfect English, if
14 that was a requirement, maybe everybody would have to leave
15 the courtroom. And so perfection is not required.

16 PROSPECTIVE JUROR NO. 390: Yeah.

17 THE COURT: But we want you to be able to understand
18 what's going on. Have you had difficulty understanding what's
19 going on?

20 PROSPECTIVE JUROR NO. 390: You know, just a few
21 words I missed so that's why I want to know everything
22 perfectly before I do something. That's why I'm kind of
23 guilty to say something.

24 THE COURT: All right. Well, when the lawyers
25 present their case and they're going to be asking questions,

1 obviously, and they -- we always try to use language that's
2 understandable to the normal lay juror. In other words, not
3 lawyers, because sometimes lawyers use jargon just like
4 doctors do or electricians or whatever, we don't know what
5 they're saying because we don't understand what they do. So
6 we try to --

7 PROSPECTIVE JUROR NO. 390: Yeah, I understand.

8 THE COURT: -- avoid that. But also, the jury is
9 going to be able to ask questions in writing --

10 PROSPECTIVE JUROR NO. 390: Right.

11 THE COURT: -- and so if you didn't understand
12 something and you wanted to ask a follow-up question, would
13 you be able to --

14 PROSPECTIVE JUROR NO. 390: Yes.

15 THE COURT: -- write that down and ask?

16 PROSPECTIVE JUROR NO. 390: Yeah.

17 THE COURT: Okay. Also, would you feel comfortable
18 in -- when you were discussing the case with the jury, would
19 you feel comfortable if --

20 PROSPECTIVE JUROR NO. 390: Yes.

21 THE COURT: -- one of them used a word or a term you
22 weren't familiar with --

23 PROSPECTIVE JUROR NO. 390: Right.

24 THE COURT: -- would you feel comfortable in saying
25 I didn't understand that, could you explain it a different

1 way?

2 PROSPECTIVE JUROR NO. 390: If it is possible, yes.

3 THE COURT: Of course. Well, when you're in the
4 jury deliberation room, that's the whole point is for you to
5 all discuss the case and you would have that opportunity if --
6 but some people are afraid. You know, they --

7 PROSPECTIVE JUROR NO. 390: Yeah, right.

8 THE COURT: -- won't participate or they won't ask
9 or if they didn't understand something there, they don't want
10 to let the rest the group know, and that would be a problem.

11 PROSPECTIVE JUROR NO. 390: Right.

12 THE COURT: But would you be able to let the group
13 know?

14 PROSPECTIVE JUROR NO. 390: I would ask -- yeah,
15 right. I will.

16 THE COURT: Okay. And -- all right. So tell us
17 about yourself now.

18 PROSPECTIVE JUROR NO. 390: Okay. I came to the
19 states 11 years ago for studying. And then I moved to Las
20 Vegas like eight years ago because my husband, he got in the
21 UNLV for the Ph.D. program, math. Yeah, and then I'm married,
22 no children. And what else?

23 THE COURT: Where did you come from when you moved
24 here?

25 PROSPECTIVE JUROR NO. 390: Oh, yes, South Korea,

1 Seoul.

2 THE COURT: Okay. So you grew up in Seoul?

3 PROSPECTIVE JUROR NO. 390: Right.

4 THE COURT: And do you work yourself?

5 PROSPECTIVE JUROR NO. 390: I have a part-time job
6 as a pastor --

7 THE COURT: Oh --

8 PROSPECTIVE JUROR NO. 390: -- in Korean church.

9 THE COURT: -- okay. And is that -- you say you're
10 part-time?

11 PROSPECTIVE JUROR NO. 390: Right.

12 THE COURT: So how does that work as a pastor? I
13 always thought that was really a full-time job.

14 PROSPECTIVE JUROR NO. 390: Oh, yeah, but, you know,
15 the Korean church is very small so they can't pay and then,
16 you know, it's not our building so we can't be there. So only
17 some day I work for, you know, people, Korean people, I mean.

18 THE COURT: Do you share a church building with
19 another church?

20 PROSPECTIVE JUROR NO. 390: Yes. Three other
21 churches.

22 THE COURT: Three other churches. All right.

23 PROSPECTIVE JUROR NO. 390: Yeah.

24 THE COURT: What building do you hold your services
25 in?

1 PROSPECTIVE JUROR NO. 390: Oh, the building is near
2 the Luxor, the casino. There was a -- the office building, I
3 think.

4 THE COURT: Okay. All right. Would the State like
5 to inquire further?

6 MS. LEXIS: Yes, Your Honor. Thank you. Hello.

7 PROSPECTIVE JUROR NO. 390: Hi.

8 MS. LEXIS: Good afternoon, Ms. Sellari. I just
9 want to follow up briefly on some of the questions that you
10 Judge Ellsworth asked you.

11 PROSPECTIVE JUROR NO. 390: Um-h'm.

12 MS. LEXIS: You indicated that you wanted to be
13 excused because you missed some words.

14 PROSPECTIVE JUROR NO. 390: Right.

15 MS. LEXIS: Okay. And I was watching you. I'm
16 sitting fairly close to you, and you looked a little bit
17 stressed out about --

18 PROSPECTIVE JUROR NO. 390: Yeah, because of
19 English.

20 MS. LEXIS: -- about that.

21 PROSPECTIVE JUROR NO. 390: Yeah.

22 MS. LEXIS: Okay. Is it that you're kind of
23 stressed out about missing a word because this is a very
24 serious case?

25 PROSPECTIVE JUROR NO. 390: Um-h'm. Yeah, that's

1 why because, you know, I have to decide something very
2 important for other's life. So if I don't understand, how can
3 I say, you know, I don't want to, like, give them influence.
4 That's why, you know, I want to understand everything.

5 MS. LEXIS: Okay.

6 PROSPECTIVE JUROR NO. 390: That was reason.

7 MS. LEXIS: Okay. And so I guess there's
8 understanding on one side, and then there's, you know, missing
9 some words here.

10 PROSPECTIVE JUROR NO. 390: Right.

11 MS. LEXIS: Is it because if you miss or you don't
12 understand a little bit here, you think that will influence
13 whether you understand the big picture?

14 PROSPECTIVE JUROR NO. 390: No, I think the
15 vocabulary, because of that, the big words, I don't know some
16 -- no, usually, you know, I guess many things, but sometimes,
17 you know, if I miss a big word, I can't guess. You know what
18 I'm talking about?

19 MS. LEXIS: Okay. Yeah, you don't want to guess at
20 what is being said --

21 PROSPECTIVE JUROR NO. 390: Right.

22 MS. LEXIS: -- because there's so much --

23 PROSPECTIVE JUROR NO. 390: Yeah.

24 MS. LEXIS: -- on the line.

25 PROSPECTIVE JUROR NO. 390: Right.

1 MS. LEXIS: Okay. So far we've been here -- this is
2 the third afternoon, okay. Have you missed -- do you feel
3 like you've missed important topics or words?

4 PROSPECTIVE JUROR NO. 390: I guess so, because, you
5 know, if I don't know some word, how can I guess what was that
6 so.

7 MS. LEXIS: Right. Like, what's -- do you mean that
8 you didn't understand some of the words or just that you
9 missed it?

10 PROSPECTIVE JUROR NO. 390: Not missed.

11 MS. LEXIS: You didn't --

12 PROSPECTIVE JUROR NO. 390: I didn't understand that
13 word.

14 MS. LEXIS: Okay, okay.

15 PROSPECTIVE JUROR NO. 390: That meaning I mean.

16 MS. LEXIS: Okay. Like, what word was -- do you --
17 was there a --

18 PROSPECTIVE JUROR NO. 390: Is there a -- no.

19 MS. LEXIS: -- particular word that you --

20 PROSPECTIVE JUROR NO. 390: No.

21 MS. LEXIS: -- don't -- okay, okay. Did you go to
22 school in Korea?

23 PROSPECTIVE JUROR NO. 390: Yes.

24 MS. LEXIS: Okay. And do they -- the Korean justice
25 system is a little bit different from American justice system?

1 PROSPECTIVE JUROR NO. 390: I don't know because I
2 never involved that kind of stuff so.

3 MS. LEXIS: Okay. Like in Korea is there a trial by
4 a jury?

5 PROSPECTIVE JUROR NO. 390: No, we don't have that
6 system.

7 MS. LEXIS: Okay, okay. And how old were you when
8 you moved to the United States?

9 PROSPECTIVE JUROR NO. 390: When I was 39.

10 MS. LEXIS: Okay. And with the Korean church --

11 PROSPECTIVE JUROR NO. 390: Um-h'm.

12 MS. LEXIS: -- do you -- you're a pastor.

13 PROSPECTIVE JUROR NO. 390: Um-h'm.

14 MS. LEXIS: So do you give your sermon or your
15 lecture in Korean?

16 PROSPECTIVE JUROR NO. 390: Korean.

17 MS. LEXIS: Okay.

18 PROSPECTIVE JUROR NO. 390: Yeah.

19 MS. LEXIS: And you said it was a Korean church so
20 the church goers, are they Korean?

21 PROSPECTIVE JUROR NO. 390: Yeah.

22 MS. LEXIS: All Korean?

23 PROSPECTIVE JUROR NO. 390: All Korean, but
24 children, they are second generation so they can't speak
25 Korean.

1 MS. LEXIS: Okay.

2 PROSPECTIVE JUROR NO. 390: So that's why my husband
3 help them --

4 MS. LEXIS: Okay.

5 PROSPECTIVE JUROR NO. 390: -- to --

6 MS. LEXIS: Okay. And I know Judge Ellsworth kind
7 of went over this with you and that, you know, as if you're
8 chosen as a juror, you could ask questions. But are you the
9 type of person who would feel bad if you had to keep raising
10 your hand and ask for clarification?

11 PROSPECTIVE JUROR NO. 390: Depends on, you know --

12 MS. LEXIS: Okay. So far, during the last two or
13 three afternoons, how much do you think you missed or
14 misunderstood in terms of what we were talking about?

15 PROSPECTIVE JUROR NO. 390: You know, normally, I
16 understand, but I -- I don't know because, you know, the
17 words, I don't --

18 MS. LEXIS: Okay.

19 PROSPECTIVE JUROR NO. 390: Yeah.

20 MS. LEXIS: Okay.

21 PROSPECTIVE JUROR NO. 390: If I knew it, I can find
22 my dictionary, but you know, I missed it so.

23 MS. LEXIS: Okay.

24 PROSPECTIVE JUROR NO. 390: -- I don't know. So
25 that's why I'm not proper here.

1 MS. LEXIS: Okay. So you don't feel comfortable
2 being a juror in this case?

3 PROSPECTIVE JUROR NO. 390: Yeah, because that is
4 also my responsibility and then it's my duty so I want to do
5 it if I can understand so.

6 MS. LEXIS: Okay. And so as you sit here right now,
7 you don't think that you could be the juror that we all are
8 looking for, but only because you're afraid that you're going
9 to misunderstand?

10 PROSPECTIVE JUROR NO. 390: English, right.

11 MS. LEXIS: I have no more questions. Thank you.

12 THE COURT: Defense.

13 MR. LANDIS: Court's brief indulgence.

14 (All counsel conferring)

15 MR. LANDIS: We're willing to stipulate if the
16 Court's okay with that.

17 THE COURT: All right. I mean, I think your English
18 is excellent, and I think maybe your expectation is more.
19 Probably there are people sitting here where English is their
20 first and only language and they didn't get certain words
21 either. That's just the way things are sometimes. But we're
22 going to excuse you because I'm more concerned --

23 PROSPECTIVE JUROR NO. 390: Thank you so much.

24 THE COURT: -- about your stress level. All right.

25 THE CLERK: Badge 400, Christina Reep.

1 THE COURT: Hello, Ms. Reep, how are you?

2 PROSPECTIVE JUROR NO. 400: I'm nervous.

3 THE COURT: Why are you nervous?

4 PROSPECTIVE JUROR NO. 400: Just speaking in front
5 of people makes me nervous.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 400. Other than that --

8 THE COURT: All right.

9 PROSPECTIVE JUROR NO. 400: -- I'm okay.

10 THE COURT: So we're practically all buddies here, I
11 think, in three days together.

12 PROSPECTIVE JUROR NO. 400: Yeah.

13 THE COURT: So you don't need to be nervous, all
14 right? Have you ever been a juror before?

15 PROSPECTIVE JUROR NO. 400: Nope.

16 THE COURT: Have you ever been involved in law
17 enforcement in any way?

18 PROSPECTIVE JUROR NO. 400: No.

19 THE COURT: How about anyone in your family or
20 closely associated with you?

21 PROSPECTIVE JUROR NO. 400: Yes.

22 THE COURT: What's that?

23 PROSPECTIVE JUROR NO. 400: I have a cousin and an
24 uncle that are policemen in Washington State, and I have an
25 aunt in Reno that is also.

1 THE COURT RECORDER: Ma'am.

2 PROSPECTIVE JUROR NO. 400: -- law enforcement,
3 sorry, that transports a lot of the prisoners back and forth.

4 THE COURT: Okay. All right. Do you talk to your
5 aunt about that --

6 PROSPECTIVE JUROR NO. 400: No.

7 THE COURT: -- a lot?

8 PROSPECTIVE JUROR NO. 400: No.

9 THE COURT: How about your relatives in Washington
10 State, are you close to them so you're talking with them about
11 their job?

12 PROSPECTIVE JUROR NO. 400: Just family-wise, not
13 work at all.

14 THE COURT: So you haven't been influenced by them
15 concerning your opinions regarding the criminal --

16 PROSPECTIVE JUROR NO. 400: No.

17 THE COURT: -- justice system?

18 PROSPECTIVE JUROR NO. 400: No.

19 THE COURT: Okay. All right. Have you ever been
20 the victim of a crime?

21 PROSPECTIVE JUROR NO. 400: Yes.

22 THE COURT: All right. What's that?

23 PROSPECTIVE JUROR NO. 400: When I was 19, I was --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 400: I was drugged and

1 assaulted and held at gunpoint. And I didn't do anything
2 about it because, I don't know, it wore on me, and my family
3 was threatened, so I just got on with it and didn't do
4 anything about it.

5 THE COURT: Okay. How long was that?

6 PROSPECTIVE JUROR NO. 400: I'm 35, so I was 19 at
7 the time. I was living by myself and taking care of my
8 younger sister so I just let it go.

9 THE COURT: All right. Did you ever seek any kind
10 of counseling or anything for that?

11 PROSPECTIVE JUROR NO. 400: No.

12 THE COURT: No? All right. Was this the person
13 that I know you didn't report it, but was this a person that
14 you into you or a stranger?

15 PROSPECTIVE JUROR NO. 400: Stranger. My younger
16 sister, I actually, was taking care of her. She was living
17 with me. And she had a friend that I let live with us as
18 well, and it was actually acquaintances of his friend. So
19 what I thought was innocent turned in to not be and I never
20 saw her again so which is probably a good thing.

21 THE COURT: Do you think that that experience would
22 have an effect on your ability to be fair and impartial?

23 PROSPECTIVE JUROR NO. 400: No.

24 THE COURT: Okay. So you can set that aside and --

25 PROSPECTIVE JUROR NO. 400: Oh, yeah.

1 THE COURT: -- decide this case on the evidence in
2 this case?

3 PROSPECTIVE JUROR NO. 400: Yeah.

4 THE COURT: All right. Have you ever been accused
5 of or convicted of a crime?

6 PROSPECTIVE JUROR NO. 400: I had a DUI when I was
7 21, but it -- I did everything I needed to so it was dropped
8 to reckless driving.

9 THE COURT: And did you feel that you were treated
10 fairly in that proceeding?

11 PROSPECTIVE JUROR NO. 400: Yeah.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 400: It was my first real
14 offense on anything so I didn't really know how it worked. I
15 just followed the rules and did what I needed to and that was
16 pretty much it.

17 THE COURT: Anyone in your family or closely
18 associated with you been accused of or convicted of a crime?

19 PROSPECTIVE JUROR NO. 400: Yes.

20 THE COURT: Who's that?

21 PROSPECTIVE JUROR NO. 400: My -- my children's
22 father is an ex-felon. He lives with me. I have -- you know,
23 my father's been burglarized. His home's been burglarized.
24 My sister is back and forth, in and out of drug problems, so
25 I'm constantly in, you know, bad situations with her so.

1 THE COURT: But you said -- so this is not your
2 husband. This is the father of your children --

3 PROSPECTIVE JUROR NO. 400: Yeah, I have --

4 THE COURT: -- that you live with?

5 PROSPECTIVE JUROR NO. 400: -- three daughters that
6 are all with him so he's -- I don't know, but yes, he lives
7 with me. We've been together for a long time so.

8 THE COURT: Okay. And he's an ex-felon for what?

9 PROSPECTIVE JUROR NO. 400: Attempted burglary,
10 that's, I guess, what his charge eventually was. It was
11 accused of something more than that, but that's what it came
12 down to so.

13 THE COURT: Okay. So when was he convicted of the
14 attempt burglary?

15 PROSPECTIVE JUROR NO. 400: It was in '99. He did
16 two-and-a-half years in Indian Springs and has been good ever
17 since, you know, for the most part.

18 THE COURT: Did you feel -- did you have any
19 knowledge of that trial process or that -- I don't know
20 whether he went to trial but --

21 PROSPECTIVE JUROR NO. 400: No. He was a friend
22 mine. We've been friends for 25 years so at the time he was
23 gang affiliated and all of that kind of stuff, you know, to a
24 lower level, I guess, and so it was apparently the whole
25 situation somebody fired at him, they accused him of firing

1 back, but didn't have evidence for that, and it was in a
2 public, like a gas station or something like that, so that's
3 where they -- he had friends and didn't want to tell on his
4 friends, I guess, so he pretty much took the wrap for it.

5 THE COURT: I see. All right.

6 PROSPECTIVE JUROR NO. 400: So --

7 THE COURT: Do you feel that those experiences would
8 have any influence on your ability to be fair and impartial in
9 this case?

10 PROSPECTIVE JUROR NO. 400: No.

11 THE COURT: Tell us about yourself.

12 PROSPECTIVE JUROR NO. 400: I'm 35. I'm single. I
13 have three daughters, 5, 10 and 13. Like I said, I live with
14 -- their father lives with me. We're together. And I am an
15 office manager and a cardiovascular technician for a
16 cardiologist here in town. I've been doing it for 17 years,
17 and I have an associate's degree as a medical assistant.
18 That's pretty much it.

19 THE COURT: Thank you. Would the State like to
20 inquire further?

21 MS. LEXIS: Yes, Your Honor. Hi, Ms. Reep.

22 PROSPECTIVE JUROR NO. 400: Hello.

23 MS. LEXIS: It feels weird holding the microphone.

24 PROSPECTIVE JUROR NO. 400: It does.

25 MS. LEXIS: It's like American Idol, but just it's

1 very unnerving. You're not alone.

2 PROSPECTIVE JUROR NO. 400: My daughters singing,
3 and I'm kind of like hey, hold it up, you know.

4 MS. LEXIS: It's okay.

5 PROSPECTIVE JUROR NO. 400: So it's not usually
6 me --

7 MS. LEXIS: Just try to keep it up.

8 PROSPECTIVE JUROR NO. 400: -- on this side.

9 MS. LEXIS: Listen, I get nervous when someone puts
10 a mic right there so --

11 PROSPECTIVE JUROR NO. 400: Yeah.

12 MS. LEXIS: -- you're not alone. We're going to try
13 to make this quick, okay?

14 PROSPECTIVE JUROR NO. 400: Okay.

15 MS. LEXIS: I'm sorry about what happened to you.
16 When Judge Ellsworth asked if anyone had been a victim of a
17 violent crime and things like that, there's a reason we ask
18 that because you heard about the charges in this particular
19 case.

20 PROSPECTIVE JUROR NO. 400: Um-h'm.

21 MS. LEXIS: And while it doesn't involve -- well,
22 you were drugged, assaulted, held at gunpoint. It does
23 involve a firearm.

24 PROSPECTIVE JUROR NO. 400: Yeah.

25 MS. LEXIS: Okay? And so you don't think that if

1 once we start presenting evidence --

2 PROSPECTIVE JUROR NO. 400: No.

3 MS. LEXIS: -- some of that stuff is going to get
4 brought back up to the forefront? I know you've been good
5 about kind of setting it aside --

6 PROSPECTIVE JUROR NO. 400: Yeah.

7 MS. LEXIS: -- not thinking about it.

8 PROSPECTIVE JUROR NO. 400: Yeah. I mean, of
9 course, there's always, you know, you have memories of things
10 that happen, but I've been in and out of so many situations,
11 it -- you know, I don't know them, I don't know what happened,
12 I wasn't there. I can't really say or, you know, whether --
13 have an opinion on that so far other than being proved if it
14 was possible.

15 MS. LEXIS: Okay.

16 PROSPECTIVE JUROR NO. 400: Yeah.

17 MS. LEXIS: Looking back on it, you had a lot of
18 life experiences since this happened to you. I think I wrote
19 down you were 19 when this happened?

20 PROSPECTIVE JUROR NO. 400: Yeah.

21 MS. LEXIS: Okay. A lot of life experiences. Do
22 you think that the you now would have reported what happened
23 to you?

24 PROSPECTIVE JUROR NO. 400: Yeah, probably. It's
25 funny because -- not funny, but when I got my DUI and all this

1 stuff that I had to do, here you'd think, you know, something
2 like you will never see that person again, and one of those
3 victim impact panels, one of them was there, and that really
4 scared me, but --

5 MS. LEXIS: One of them meaning one of the people
6 who assaulted you?

7 PROSPECTIVE JUROR NO. 400: The people that did it
8 was in the same room, but so that was hard, but I just --

9 MS. LEXIS: Okay.

10 PROSPECTIVE JUROR NO. 400: But yeah, I never really
11 wanted -- they lived closer to me than what I expected, and it
12 just -- you know, I didn't it to get any further than what had
13 already happened. I just wanted to put it behind me so.

14 MS. LEXIS: Okay. Being that you were the victim of
15 a serious crime and a serious crime is charged here, do you
16 think that that experience would make you sympathetic --
17 unduly sympathetic to the victims we have in this particular
18 case?

19 PROSPECTIVE JUROR NO. 400: No. I mean, my own
20 personal experience is not the same as what is going on so
21 it's not -- no, it's not the same.

22 MS. LEXIS: Okay. Do you think your ex was treated
23 fairly when he got that conviction in 1999?

24 PROSPECTIVE JUROR NO. 400: Yeah. Other than him
25 not standing up for himself, I think it was his own -- but,

1 you know, in that environment, that's the way you're supposed
2 to -- you know, you keep your mouth shut for the most part, I
3 guess, in their mentality, so he --

4 MS. LEXIS: Okay.

5 PROSPECTIVE JUROR NO. 400: -- did what he did. But
6 overall the who process, I -- I wasn't involved in it, but I
7 think he -- you know, he paid for his lawyer and they did what
8 they could do and settled on what was best for both sides,
9 yes.

10 MS. LEXIS: Okay. And he eventually was sent off to
11 prison?

12 PROSPECTIVE JUROR NO. 400: He did.

13 MS. LEXIS: Okay.

14 PROSPECTIVE JUROR NO. 400: Um-h'm.

15 MS. LEXIS: And has he talked to you about that
16 experience at all?

17 PROSPECTIVE JUROR NO. 400: I hear about it all the
18 time.

19 MS. LEXIS: Okay. And do you think that what you
20 know, kind of the insider's perspective, you know, concerning
21 prison and what happened with criminal convictions and things
22 like that, do you think that would have some kind of play in
23 your thought process if you were chosen as a juror here?

24 PROSPECTIVE JUROR NO. 400: No. I mean, I know I've
25 heard his stories his far as how things are done there and the

1 way, you know, you don't have a choice about certain things.
2 And then he'll watch, you know, prison shows on TV and, you
3 know, be thankful that he's not there and glad that he hasn't,
4 you know, been in trouble since or, you know, I think the
5 whole -- depending on whatever situation you get yourself
6 into, no matter how bad it is, that your whole mental aspect,
7 I guess, is really more of a focus than what was done or, you
8 know, there's more things to -- how it got you in that
9 situation, I guess.

10 MS. LEXIS: Okay.

11 PROSPECTIVE JUROR NO. 400: Whether you really
12 intended to or you didn't.

13 MS. LEXIS: Okay.

14 PROSPECTIVE JUROR NO. 400: So --

15 MS. LEXIS: You said something just a little while
16 ago that struck me because it came back to me. You said that
17 your ex didn't stand up for himself, and so it was kind of
18 like he deserved what he got because --

19 PROSPECTIVE JUROR NO. 400: Not necessarily --

20 MS. LEXIS: -- he didn't --

21 PROSPECTIVE JUROR NO. 400: -- deserved it, but I
22 mean, he had the choice to say yes, I did it, no I didn't do
23 it, you know, my friend of 20 years was the one that did this,
24 you know. That kind of thing. He chose not to or not point
25 the finger, I guess, and rather took on the circumstance, you

1 know, for himself rather than someone else.

2 MS. LEXIS: Well, what do you think about that?
3 What's your opinion about that?

4 PROSPECTIVE JUROR NO. 400: I think anybody that
5 goes to prison, it's going to affect them the rest of their
6 life, and but anybody that -- whether -- I guess, you're --
7 how you deal with it afterwards. Are you going to --

8 MS. LEXIS: But do you think that he should have
9 stood up for himself?

10 PROSPECTIVE JUROR NO. 400: Yeah. But knowing him
11 at the -- at that time, he was kind of a hard head, too, so
12 it's more of a pride and, you know, all of that kind stuff,
13 but --

14 MS. LEXIS: Did he talk to you about some of the
15 reasons why he didn't want to speak against his friend?

16 PROSPECTIVE JUROR NO. 400: To keep the friendship,
17 to not have anyone label him as being --

18 MS. LEXIS: A snitch?

19 PROSPECTIVE JUROR NO. 400: -- a snitch. Pretty
20 much.

21 MS. LEXIS: Okay.

22 PROSPECTIVE JUROR NO. 400: Um-h'm.

23 MS. LEXIS: You talked about some gang membership
24 and things like that.

25 PROSPECTIVE JUROR NO. 400: Yeah.

1 MS. LEXIS: And so you said that's what "they" do.
2 Were you thinking people in the gang culture?

3 PROSPECTIVE JUROR NO. 400: Well, I mean, that's
4 what all what you hear. You know, I've heard him -- he's
5 Mexican, you know, all the Mexican Mafia and the this and that
6 and how, you know --

7 THE COURT: Okay. Don't just gesture with that
8 microphone.

9 PROSPECTIVE JUROR NO. 400: -- how everything is,
10 you know, different. Yeah, there's --

11 MS. LEXIS: It's a different lifestyle?

12 PROSPECTIVE JUROR NO. 400: -- different ways of the
13 way they look at how things need to be done.

14 MS. LEXIS: And --

15 PROSPECTIVE JUROR NO. 400: I am not -- we're
16 totally opposite in that feeling so.

17 MS. LEXIS: Okay. And you said he's stayed out of
18 trouble --

19 PROSPECTIVE JUROR NO. 400: Um-h'm.

20 MS. LEXIS: -- since he got out of prison.

21 PROSPECTIVE JUROR NO. 400: Yeah.

22 MS. LEXIS: And were you two together since he got
23 out?

24 PROSPECTIVE JUROR NO. 400: Yes. We weren't
25 together before. It just kind of, it was oddly how things

1 happened, but yeah.

2 MS. LEXIS: So do you believe that everyone should
3 get a second chance?

4 PROSPECTIVE JUROR NO. 400: I do.

5 MS. LEXIS: Okay. Now, one of the -- we talked
6 about the different penalties --

7 PROSPECTIVE JUROR NO. 400: Um-h'm.

8 MS. LEXIS: -- that can be imposed in this
9 particular case, if there is, in fact, a verdict of guilty for
10 first degree murder on one, two -- all defendants, okay. If
11 and only if. One of the penalties is life without the
12 possibility of parole. And if you're chosen as a juror,
13 you're going to have to, one, the first stage, decide guilt.
14 Two, if there's that conviction, decide penalty. One of the
15 penalties is life without the possibility of parole. How does
16 that play into your belief that everyone should have a second
17 chance? Would you consider life without the possibility of
18 parole?

19 PROSPECTIVE JUROR NO. 400: Well, I mean, for the --
20 I mean, the little bit -- if somebody was killed, they don't
21 have that option so, you know, it just -- I can't -- it's hard
22 to explain the whole circumstance on how things happen without
23 really knowing --

24 MS. LEXIS: Right.

25 PROSPECTIVE JUROR NO. 400: -- is -- yes, everybody

1 deserves it, but you know, if you intentionally did something,
2 then you need to be accountable for it.

3 MS. LEXIS: Okay.

4 PROSPECTIVE JUROR NO. 400: I guess.

5 MS. LEXIS: You said you and your ex were complete
6 opposites. Are you more the rule follower --

7 PROSPECTIVE JUROR NO. 400: Oh, yeah.

8 MS. LEXIS: -- in the relationship? Okay.

9 PROSPECTIVE JUROR NO. 400: Yeah.

10 MS. LEXIS: All right. And what do you do for a
11 living?

12 PROSPECTIVE JUROR NO. 400: I'm a cardiovascular
13 technician and office manager for --

14 MS. LEXIS: So very technical field?

15 PROSPECTIVE JUROR NO. 400: Um-h'm.

16 MS. LEXIS: Okay. Is that a yes?

17 PROSPECTIVE JUROR NO. 400: Yes.

18 MS. LEXIS: Okay.

19 PROSPECTIVE JUROR NO. 400: Yes.

20 MS. LEXIS: Are you the type of person who could
21 express their opinion in a group of people? If you were
22 chosen as a juror, you're going to have to deliberate with the
23 other jurors.

24 PROSPECTIVE JUROR NO. 400: Yeah. I'm more of a
25 listener than for me to speak out and say anything, but yeah,

1 I would need to.

2 MS. LEXIS: Okay.

3 PROSPECTIVE JUROR NO. 400: Wouldn't I?

4 MS. LEXIS: So you understand that --

5 PROSPECTIVE JUROR NO. 400: I do understand.

6 MS. LEXIS: -- you would have to --

7 PROSPECTIVE JUROR NO. 400: Yes, yes.

8 MS. LEXIS: You would have to make a decision
9 yourself, and you would have to --

10 PROSPECTIVE JUROR NO. 400: Yes.

11 MS. LEXIS: -- speak on certain things if you agreed
12 or disagreed.

13 PROSPECTIVE JUROR NO. 400: Right.

14 MS. LEXIS: Okay. Court's brief indulgence. I have
15 no more questions.

16 PROSPECTIVE JUROR NO. 400: Okay.

17 MS. LEXIS: Thank you.

18 THE COURT: Thank you. Before you start, it's 3:00
19 o'clock. We've been at it for two hours and anybody need a
20 break? Yes. Okay. That's what I thought.

21 All right. So ladies and gentlemen, we're going to
22 take a break until 3:15. During this recess, it is your duty
23 not to converse among yourselves or with anyone else on any
24 subject connected with the trial or to read, watch or listen
25 to any report of or commentary on the trial by any person

1 connected with the trial or by any medium of information,
2 including without limitation, newspaper, television, radio or
3 Internet. And you are not to form or express an opinion on
4 any subject connected with this case until it's finally
5 submitted to you. We'll be in recess until 3:15.

6 THE MARSHAL: All rise for the venire panel.

7 (Court recessed at 3:01 p.m. until 3:18 p.m.)

8 THE MARSHAL: All rise for the venire panel.

9 (In the presence of the prospective jurors)

10 THE MARSHAL: Your Honor, all members of the venire
11 panel are present and accounted for.

12 THE COURT: Thank you. Please be seated. And the
13 record will reflect we're back within the presence of the
14 venire. All three defendants are present with their
15 respective counsel. The Chief Deputies District Attorney
16 prosecuting the case are present as are all officers of the
17 court. And when we left off, Ms. McNeill was about to
18 question.

19 MS. MCNEILL: Thank you, Your Honor. Court's
20 indulgence.

21 THE COURT: You need to -- have we got the
22 microphone here still? Okay.

23 MS. MCNEILL: Sorry, more talking in public, I know.

24 PROSPECTIVE JUROR NO. 400: Okay.

25 MS. MCNEILL: It's okay. Some of us love to hear

1 ourselves talk so.

2 PROSPECTIVE JUROR NO. 400: Get past the initial
3 part.

4 MS. McNEILL: And I notice --

5 PROSPECTIVE JUROR NO. 400: Not so bad.

6 MS. McNEILL: You were talking -- I'm going to talk
7 to you a little bit about your husband's case or your
8 boyfriend's case. You had said that, you know, he didn't
9 stand up for himself and I think you sort of thought that was
10 a little bit foolish and maybe the outcome would have been
11 different if he had; is that fair to say?

12 PROSPECTIVE JUROR NO. 400: Yeah.

13 MS. McNEILL: Okay. Do you -- did he think maybe
14 that was the honorable thing to do was to not say anything?

15 PROSPECTIVE JUROR NO. 400: I think so.

16 MS. McNEILL: Do you think it would have made an
17 outcome if he had, it would have changed the outcome?

18 PROSPECTIVE JUROR NO. 400: Well, it would have been
19 someone else sitting in his seat rather than him, I'm sure --

20 MS. McNEILL: Okay.

21 PROSPECTIVE JUROR NO. 400: -- but --

22 MS. McNEILL: And let me talk to you a little bit
23 about that because I think you have a very different opinion
24 than he did about what he should have done, right?

25 PROSPECTIVE JUROR NO. 400: Yeah. I mean, at the

1 time, you know, he had no kids, he had no -- you know, he
2 didn't have as much to lose as he does now, I guess, so I
3 think things would be totally different.

4 MS. McNEILL: Okay. So sort of you would agree that
5 your life circumstances sort of affect maybe what you're
6 willing to do for others?

7 PROSPECTIVE JUROR NO. 400: Oh, yeah.

8 MS. McNEILL: Okay. Do you think that somebody who
9 does say, hey, it wasn't me, it was someone else, is always
10 telling the truth?

11 PROSPECTIVE JUROR NO. 400: No.

12 MS. McNEILL: Okay. So -- because I think the word
13 "snitch" was used and I think "snitch" maybe has sort of
14 sounds like somebody, you know, kind of bad connotation.

15 PROSPECTIVE JUROR NO. 400: Yeah.

16 MS. McNEILL: But you would agree that sometimes
17 people will do what they have to to save themselves?

18 PROSPECTIVE JUROR NO. 400: Some do.

19 MS. McNEILL: Okay. How do you feel about that?

20 PROSPECTIVE JUROR NO. \$400: When it's life or
21 death, it's, you know, to each their own how they're going to
22 respond to things, but for little minute things, sometimes
23 there's really no reason to, you know, lie about it, I guess.

24 MS. McNEILL: Okay. What about if it affects
25 someone else's life? Does that make a difference? Whereas,

1 it doesn't really have an affect on someone else's life or if
2 it does, do you think that makes a big difference?

3 PROSPECTIVE JUROR NO. 400: Yeah. I mean, if I knew
4 I was lying and how it was going to affect someone else's
5 life, then yeah, it would take a toll on me.

6 MS. McNEILL: Okay. All right. And then I want to
7 ask -- I hate to do this because I know that -- you know where
8 I'm going.

9 PROSPECTIVE JUROR NO. 400: Um-h'm.

10 MS. McNEILL: When you were 19.

11 PROSPECTIVE JUROR NO. 400: Yeah.

12 MS. McNEILL: It sounds like you are very -- you
13 kind of have a strong personality in that you believe you can
14 sort of put yourself -- get yourself through anything. Is
15 that --

16 PROSPECTIVE JUROR NO. 400. I do.

17 MS. McNEILL: -- correct? Okay. So I think you
18 seem very convinced that that was your life, it's something
19 you've dealt with, it is not going to affect you --

20 PROSPECTIVE JUROR NO. 400: Yeah.

21 MS. McNEILL: -- as you sit here today? Okay. And
22 you said you didn't call the police. Do you think -- would
23 you agree with me that maybe part of that is, would you agree,
24 that the police don't treat everyone the same?

25 PROSPECTIVE JUROR NO. 400: Yeah.

1 MS. McNEILL: Do you agree that sometimes the police
2 might treat people from certain backgrounds differently than
3 others?

4 PROSPECTIVE JUROR NO. 400: Yes.

5 MS. McNEILL: Okay. Was that maybe a factor in that
6 decision making process?

7 PROSPECTIVE JUROR NO. 400: From my own personal
8 experience?

9 MS. McNEILL: Yeah.

10 PROSPECTIVE JUROR NO. 400: No.

11 MS. McNEILL: Okay.

12 PROSPECTIVE JUROR NO. 400: I -- from the effect of
13 what happened and the drugs and I honestly didn't think that
14 there was any way of knowing who it was or if there was any
15 possibility of doing anything. Plus, I didn't want it to
16 trickle onto my family --

17 MS. McNEILL: Okay.

18 PROSPECTIVE JUROR NO. 400: -- so.

19 MS. McNEILL: All right. And I guess, so what I'm
20 hearing you say is because you couldn't be sure about who did
21 it, you'd rather say nothing than maybe falsely accuse
22 someone; does that kind of sound right?

23 PROSPECTIVE JUROR NO. 400: Yeah. For myself, yes.

24 MS. McNEILL: And so that was important to you that
25 you not --

1 PROSPECTIVE JUROR NO. 400: Yes.

2 MS. McNEILL: -- potentially bring criminal --

3 PROSPECTIVE JUROR NO. 400: Especially for something
4 to that magnitude, yes.

5 MS. McNEILL: Okay, all right. Fair enough. I'd
6 pass for cause, Your Honor.

7 THE COURT: Mr. Wolfbrandt.

8 MR. WOLFBRANDT: Thank you. Ma'am, if it was asked,
9 I apologize --

10 PROSPECTIVE JUROR NO. 400: That's okay.

11 MR. WOLFBRANDT: -- what's your -- it's easier to
12 call him a husband. What does he do?

13 PROSPECTIVE JUROR NO. 400: He is a traffic control
14 flagger now.

15 MR. WOLFBRANDT: Okay.

16 PROSPECTIVE JUROR NO. 400: He was in the labor
17 union, but because of the lack of work, he's -- but, yeah, he
18 holds a sign.

19 MR. WOLFBRANDT: So we see him out there --

20 PROSPECTIVE JUROR NO. 400: Stop sign. Yep.

21 MR. WOLFBRANDT: -- on all these road projects?

22 PROSPECTIVE JUROR NO. 400: Um-h'm.

23 MR. WOLFBRANDT: Okay. And I take it -- I hope that
24 you have no firearms at home?

25 PROSPECTIVE JUROR NO. 400: Oh, no. He's not

1 allowed.

2 MR. WOLFBRANDT: Right.

3 PROSPECTIVE JUROR NO. 400: I personally am kind of
4 glad but --

5 MR. WOLFBRANDT: Okay. Before he went to prison,
6 did he have guns?

7 PROSPECTIVE JUROR NO. 400: No. Actually, no. And
8 not in my own -- I should take that back. I don't -- I'm not
9 glad that I don't have guns because of him. I grew up, you
10 know, my father always had guns, rifles. I've shot them all.
11 I'm just not as comfortable to go and grab it and use it, if I
12 needed to. I'd be more of like a bat or furniture or, you
13 know, anything like that to defend myself before I would
14 personally go and grab a gun, my own sake. He, on the other
15 hand, would probably feel more comfortable and feels like we
16 need to because we have three daughters and more of a
17 protection level, but he's not allowed so --

18 MR. WOLFBRANDT: But he can't, yeah.

19 PROSPECTIVE JUROR NO. 400: -- it's a definite
20 no-no.

21 MR. WOLFBRANDT: Okay. All right, thank you.
22 That's all I have.

23 PROSPECTIVE JUROR NO. 400: No problem.

24 THE COURT: Mr. Landis.

25 MR. LANDIS: Just a couple questions about the

1 father of your children and I'll try to be brief because I
2 know --

3 PROSPECTIVE JUROR NO. 400: Yes.

4 MR. LANDIS: -- it's been a lot. Were you guys --
5 going back to the time period of his case. Were you guys
6 romantic back then --

7 PROSPECTIVE JUROR NO. 400: No.

8 MR. LANDIS: -- or just friends?

9 PROSPECTIVE JUROR NO. 400: We were just friends.

10 MR. LANDIS: Good friends, I presume?

11 PROSPECTIVE JUROR NO. 400: Yeah.

12 MR. LANDIS: Was he in jail from the time of his
13 arrest until he went to prison or was he out of jail until he
14 went to prison?

15 PROSPECTIVE JUROR NO. 400: He actually went for a
16 short while and got out and was on probation and got caught up
17 in the drug possession, so he violated his probation and
18 that's when he went back for the rest of the sentence.

19 MR. LANDIS: My question -- I appreciate that. My
20 question was probably bad. I was talking about the period of
21 time until he was convicted, the pretrial section of the case.

22 PROSPECTIVE JUROR NO. 400: Oh, was he out? Yes.

23 MR. LANDIS: And were you in contact with him during
24 that period of time?

25 PROSPECTIVE JUROR NO. 400: Yeah, as much as, you

1 know, we were friends. He maintained a full-time job. You
2 know, like he did everything that he normally would do and
3 then just had to meet with the lawyers and do everything else
4 that he needed to do so.

5 MR. LANDIS: Did he talk to you about the case,
6 about these kind of specific things we've been talking about
7 here today?

8 PROSPECTIVE JUROR NO. 400: No, um-um.

9 MR. LANDIS: It sounds to me, though, that the
10 arrest kind of centered on a conflict between two groups of
11 people or two people?

12 PROSPECTIVE JUROR NO. 400: Oh, yeah. Yeah.

13 MR. LANDIS: That kind of played itself out.

14 PROSPECTIVE JUROR NO. 400: It was, you know, from
15 what I know now, obviously, the years that have passed, the
16 more stories that come -- or the -- something will trigger
17 something and he'll remember, you know, but it was, you know,
18 between one car and another car and arguments that ended up in
19 the parking lot and it just escalated from there so.

20 MR. LANDIS: Fair for me to say most of your
21 knowledge comes from things he's told you since the case was
22 over?

23 PROSPECTIVE JUROR NO. 400: Oh, yeah.

24 MR. LANDIS: But at the end of the day it sounds to
25 me like he was with one or more other persons?

1 PROSPECTIVE JUROR NO. 400: Yes.

2 MR. LANDIS: At least that's what he's been saying,
3 right? And then there was the other group, one or more
4 people?

5 PROSPECTIVE JUROR NO. 400: Right.

6 MR. LANDIS: And he's told you, it's your belief,
7 that he didn't do whatever he was charged with?

8 PROSPECTIVE JUROR NO. 400: Well, yes. The -- what
9 they accused of, he didn't do. He then settled on the lesser,
10 I guess. You know, took the fact that he had to go to prison
11 for it, you know, which was tolling on anybody, but --

12 MR. LANDIS: He --

13 PROSPECTIVE JUROR NO. 400: -- yeah, I guess, he
14 felt more comfortable to take the responsibility of it than to
15 have something be proved more towards somebody else.

16 MR. LANDIS: I understand what you're saying. And
17 the State at least was fingering him as the guy who caused the
18 harm to the other person?

19 PROSPECTIVE JUROR NO. 400: Yeah. Well, there
20 really wasn't any harm, I guess. There was gunshots fired.
21 They didn't really have proof on the other evidence -- you
22 know, it was one car -- it was all kind of hearsay, and then
23 be they had a video camera from the gas station. So he was in
24 the scene of the area, but nobody ever, you know, had oh, they
25 had their gun -- hand on the gun here and there, it was never

1 like that.

2 MR. LANDIS: Was the State alleging that, though,
3 that he was the one with the hand on the gun?

4 PROSPECTIVE JUROR NO. 400: They tried, um-h'm.

5 MR. LANDIS: Initially, at least, right?

6 PROSPECTIVE JUROR NO. 400: Yes, um-h'm.

7 MR. LANDIS: Did anybody else who may have been with
8 him that was alleged in his group, did they also get arrested
9 or he was the only one?

10 PROSPECTIVE JUROR NO. 400: No, he was the only one.

11 MR. LANDIS: And getting back to something that you
12 spoke of briefly before. It's at least your belief today that
13 if he would have told the police that it was somebody else, it
14 would have benefitted him?

15 PROSPECTIVE JUROR NO. 400: Probably. I -- I can't
16 say what his choices would have been different if he had not
17 gone to prison, because overall, you know, in that time we
18 were friends, but, you know, what he chose to do was totally
19 different than what I chose to do --

20 MR. LANDIS: Sure.

21 PROSPECTIVE JUROR NO. 400: -- so it just -- I can't
22 say that it wouldn't have happened some other way along the
23 way, but it's --

24 MR. LANDIS: This is my last question.

25 PROSPECTIVE JUROR NO. 400: Um-h'm.

1 MR. LANDIS: These talks about what he should do or
2 shouldn't do back at that time when he had the opportunity to
3 make decisions, you guys didn't talk about that at that time?

4 PROSPECTIVE JUROR NO. 400: No.

5 MR. LANDIS: Thank you for your time.

6 PROSPECTIVE JUROR NO. 400: You're welcome.

7 MR. LANDIS: I'd pass for cause.

8 THE COURT: Thank you. It's State's third
9 peremptory challenge.

10 MR. DiGIACOMO: The State would thank and excuse the
11 juror in Seat No. 5, Mr. Pressman.

12 THE COURT: Thank you, Mr. Pressman.

13 THE CLERK: Badge 403, Maria Wynants.

14 THE COURT: Ms. Wynants, hello.

15 PROSPECTIVE JUROR NO. 403: Hi.

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

17 PROSPECTIVE JUROR NO. 403: No.

18 THE COURT: Have you ever been in law enforcement?

19 PROSPECTIVE JUROR NO. 403: No.

20 THE COURT: Anyone in your family, closely
21 associated with you in law enforcement?

22 PROSPECTIVE JUROR NO. 403: No.

23 THE COURT: Have you ever been the victim of a
24 crime?

25 PROSPECTIVE JUROR NO. 403: No.

1 THE COURT: Has anyone in your family or closely
2 associated with you been the victim of a crime?

3 PROSPECTIVE JUROR NO. 403: Yes.

4 THE COURT: What's that?

5 PROSPECTIVE JUROR NO. 403: My brother was home when
6 someone was breaking into our house, yeah.

7 THE COURT: How long ago was that?

8 PROSPECTIVE JUROR NO. 403: It was actually like six
9 months ago. It was very recent. He -- he was caught trying
10 to break into someone else's house. My brother was supposed
11 to go and identify him, but he said he didn't know where to go
12 so he didn't come even though he was subpoenaed so, yeah.

13 THE COURT: How old is your brother?

14 PROSPECTIVE JUROR NO. 403: Too old. He is 23.

15 THE COURT: So is he mentally disabled or --

16 PROSPECTIVE JUROR NO. 403: No.

17 THE COURT: No.

18 PROSPECTIVE JUROR NO. 403: Nope.

19 THE COURT: No. So he just is directionally
20 challenged or did he just not want to go?

21 PROSPECTIVE JUROR NO. 403: No, I think -- he did
22 go. He just didn't -- when he got here, he didn't know who to
23 speak to and he didn't use his words because he's smart so.

24 THE COURT: Because he is smart?

25 PROSPECTIVE JUROR NO. 403: No, he's not. I'm

1 sorry, I'm being sarcastic.

2 THE COURT: All right. Well, I suppose that
3 somebody who's so intellectual they are in their own world,
4 maybe they don't speak, but so I wasn't sure.

5 PROSPECTIVE JUROR NO. 403: No.

6 THE COURT: All right. And so was your brother
7 upset by this?

8 PROSPECTIVE JUROR NO. 403: No. He was the -- he
9 was a kid. He was 18 breaking into our house. He caught him
10 fairly quickly. He didn't even get in. He was just taking
11 the screen off of our window so, yeah, he wasn't upset.

12 THE COURT: So your brother, what, confronted him on
13 the other side of the window and he ran away?

14 PROSPECTIVE JUROR NO. 403: Yes, yes.

15 THE COURT: All right. Besides that, any crime,
16 victims in your family?

17 PROSPECTIVE JUROR NO. 403: No.

18 THE COURT: Anyone in your family or closely
19 associated with you or for that matter you yourself been
20 accused of or convicted of a crime?

21 PROSPECTIVE JUROR NO. 403: Not that I know of, no.

22 THE COURT: Do you believe that you could be a fair
23 and impartial juror in this case?

24 PROSPECTIVE JUROR NO. 403: Yes.

25 THE COURT: Will you be able to follow the law as I

1 instruct you?

2 PROSPECTIVE JUROR NO. 403: Yes.

3 THE COURT: Tell us about yourself.

4 PROSPECTIVE JUROR NO. 403: Well, my name is Maria.

5 I have two jobs. I work for Clark County Parks & Rec in the

6 Safe Key department. I am a site supervisor at Hickey

7 Elementary School. And my other job I work at School of Rock,

8 which is I'm the studio coordinator there. So I work with

9 kids in both of my jobs.

10 I have a boyfriend. He is an adjunct professor at

11 UNLV. He teaches English. I have no kids. I have a dog and

12 a turtle and that's it.

13 THE COURT: Okay. So do you live with your

14 boyfriend or do you live on your own or --

15 PROSPECTIVE JUROR NO. 403: No. I -- I live with my

16 -- my brother and my dad.

17 THE COURT: Okay. And what does your dad do?

18 PROSPECTIVE JUROR NO. 403: Well, my dad has two

19 jobs. He works for the City of North Las Vegas. He works at

20 a golf course. And he just got a new job. I'm not quite sure

21 what he does. I think he sells refrigerators. Yeah.

22 THE COURT: Is this in lieu of his other job or as a

23 second job?

24 PROSPECTIVE JUROR NO. 403: I believe, he is

25 quitting his part-time job with the City of North Las Vegas to

1 -- yeah.

2 THE COURT: And what about your brother, what does
3 he do for a living?

4 PROSPECTIVE JUROR NO. 403: My brother also works
5 for Clark County Parks & Rec. He works at Hollywood Rec
6 Center, and he's a front desk staff.

7 THE COURT: And what do you do for Parks and Recs?

8 PROSPECTIVE JUROR NO. 403: I work for Safe Key. So
9 I -- it's a before and after school program, and we just watch
10 the kids until parents come pick them up.

11 THE COURT: Right. Thank you. Would the State like
12 to inquire further?

13 MS. LEXIS: Yes, Your Honor. Good afternoon.

14 PROSPECTIVE JUROR NO. 403: Hi.

15 MS. LEXIS: Hi. Do you want to be a juror?

16 PROSPECTIVE JUROR NO. 403: I think it would be a
17 very interesting experience. The -- I think the only
18 nerve-wracking part of it is this. So yes, I think I could --

19 MS. LEXIS: Being questioned?

20 PROSPECTIVE JUROR NO. 403: Yes. Yeah.

21 MS. LEXIS: Well, I hope that's true. Why? Do you
22 think --

23 PROSPECTIVE JUROR NO. 403: Why --

24 MS. LEXIS: -- you'd want to be a juror?

25 PROSPECTIVE JUROR NO. 403: Well, I think that you

1 would learn a lot from an experience like this. I think that
2 I'm -- I think someone had said this before. I think the
3 Judge had said it before that if my family were in a situation
4 like this, then I would want somebody to be there for them
5 that would make the right decision. So yeah, I -- that's --
6 um-h'm.

7 MS. LEXIS: And you think you could certainly do
8 that?

9 PROSPECTIVE JUROR NO. 403: Yes.

10 MS. LEXIS: Okay. You've heard us talk about the
11 different types of penalties, if there is a first degree
12 murder conviction. Do you have any problems with any of those
13 three?

14 PROSPECTIVE JUROR NO. 403: No.

15 MS. LEXIS: Okay. Are you the type of person who
16 can wait until you've heard awful the evidence, listen to all
17 the witness testimonies before forming an opinion?

18 PROSPECTIVE JUROR NO. 403: Yes.

19 MS. LEXIS: Are you an opinionated person?

20 PROSPECTIVE JUROR NO. 403: I think everyone can be,
21 depending on the situation, but not particularly, no.

22 MS. LEXIS: Okay. Are you the type of person who
23 can voice your opinion in --

24 PROSPECTIVE JUROR NO. 403: Yes.

25 MS. LEXIS: -- a group of people?