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Respondent.

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Clerk of Supreme Court

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Counsel for Respondent

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Case No. 72091

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Steven D. Grierson

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,

CASE NO. C-16-312970-1

Plaintiff,

DEPT. NO. X

v.

JAMES COOPER,

TRANSCRIPT OF
PROCEEDINGS

Defendant.

BEFORE THE HONORABLE JESSIE WALSH, DISTRICT COURT JUDGE

PETROCELLI HEARING
JURY TRIAL - DAY 1

MONDAY, NOVEMBER 14, 2016

APPEARANCES:

FOR THE STATE:

KRISTINA A. RHOADES, ESQ.
WILLIAM C. ROWLES, ESQ.
Deputy District Attorneys

FOR THE DEFENDANT:

KENTON G. EICHACKER, ESQ.
TALIA L. WALKENSHAW, ESQ.
Deputy Public Defenders

COURT RECORDER:

VICTORIA BOYD
District Court

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CLERK OF THE COURT

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*** PETROCELLI HEARING ***

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1 LAS VEGAS, NEVADA, MONDAY, NOVEMBER 14, 2016, 9:53 A.M.

2 (Outside the presence of the prospective jurors)

3 THE COURT: THE CLERK: C-312970, State of Nevada
4 versus James Cooper.

5 THE COURT: Appearances for the record, please?
6 First by the State.

7 MS. RHOADES: Good morning, Your Honor. Kristina
8 Rhoades and William Rowles on behalf of the State.

9 THE COURT: Thank you.

10 MS. WALKENSHAW: Talia Walkenshaw, and my second
11 chair will be Kenton Eichacker on behalf of Mr. Cooper.

12 THE COURT: Very well. So we've set aside this time
13 for the Petrocelli hearing. Are the parties ready to proceed?

14 MS. RHOADES: Yes, Your Honor.

15 MS. WALKENSHAW: Yes, Your Honor.

16 THE COURT: Who's the first witness?

17 MS. RHOADES: Before we call the first witness, Your
18 Honor, I did just want to make a record of a few things.
19 First, the offer in the case.

20 THE COURT: Yes.

21 MS. RHOADES: The State did offer child abuse with
22 the State making no recommendation at sentencing and a battery
23 domestic violence misdemeanor, and we would recommend credit
24 for time served on that misdemeanor. It's my understanding
25 it's been rejected.

1 Second, we did file an amended information today. I
2 did show that to Ms. Walkenshaw last week. All we did was
3 comport the language to Clay (phonetic). I don't have the
4 case with me, but it was negligent treatment or maltreatment
5 and we just fixed that in the child abuse charges, and I
6 believe there's no objection.

7 MS. WALKENSHAW: There wasn't, Your Honor, and
8 that's correct.

9 THE COURT: And with respect to the offer, did you
10 extend that offer to your client?

11 MS. WALKENSHAW: I did, Your Honor.

12 THE COURT: Did he indicate to you he didn't want to
13 take it?

14 MS. WALKENSHAW: That's correct.

15 THE COURT: Is that true, Mr. Cooper?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: All right. Anything else?

18 MS. RHOADES: Yes. We did mark as court exhibits --
19 we figured this might be the best way. He is charged with
20 battery domestic violence, third offense, and therefore we
21 would need to prove up the priors to the Court, but wouldn't
22 show it to the jury. And so we marked the certified copies of
23 documents showing his prior battery domestic violence
24 convictions as court exhibits. Court Exhibit 1 are the
25 documents related to 14F12344X. It is the Criminal Complaint,

1 the admonishment of rights, and the court minutes showing that
2 he did plead guilty to battery domestic violence in that case.
3 And Court Exhibit 2, which will also be pertinent to the
4 hearing today, is the -- are the documents for 15F10224X.
5 Again, the Criminal Complaint, the admonishment of rights and
6 the minutes showing a guilty plea to battery domestic violence
7 misdemeanor.

8 THE COURT: And could we have a time frame for the
9 record with respect to both of those?

10 MS. RHOADES: Yes. For 14F, Exhibit No. 1, the
11 offense date is July 22nd, 2014. And he did plead guilty and
12 signed the admonishment of rights on October 6th, 2014. I
13 just want to make sure that that's right. The handwriting --
14 I'm sorry, he -- court's indulgence.

15 (Counsel conferring)

16 MS. RHOADES: Yeah, that -- he did sign that and
17 plead guilty on October 6th, 2014, per the admonishment
18 that's attached to the criminal complaint. And then the 2015
19 case, Court Exhibit 2, which is relevant to the charges here,
20 the offense date is July 2nd, 2015, and he has the signed --
21 we have the signed admonishment for August 20th, 2015, when
22 he pled guilty to battery domestic violence misdemeanor.

23 THE COURT: And Rhoades, and those victims are the
24 same victim in this case?

25 MS. RHOADES: The July 22nd, 2014 is a different

1 victim. And then the July 2015 is the same victim and what
2 we'll hear testimony about today.

3 THE COURT: Ms. Walkenshaw?

4 MS. WALKENSHAW: Yes. That's all correct, Your
5 Honor.

6 THE COURT: And you've reviewed all of that with
7 your client?

8 MS. WALKENSHAW: Yes, Your Honor.

9 THE COURT: Okay. Anything else, Ms. Rhoades?

10 MS. RHOADES: No, Your Honor, I just move for the
11 admission of those two at this time.

12 MS. WALKENSHAW: Any objection?

13 MS. RHOADES: No, Your Honor.

14 THE COURT: So ordered.

15 MS. RHOADES: And that's it.

16 THE COURT: I guess, those will be marked as
17 court's exhibit, Ms. Rhoades?

18 MS. RHOADES: Yes, Your Honor, we have those marked
19 as Court's Exhibits 1 and 2.

20 THE COURT: Thank you.

21 MS. RHOADES: Thank you. And with that, may the
22 State call its first witness?

23 THE COURT: Sure.

24 MS. RHOADES: Okay. Brittney Jensen.

25 THE COURT: Good morning.

1 BRITTNEY JENSEN, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please be seated. State
3 and spell your name for the record.

4 THE WITNESS: Brittney Jensen, B-r-i-t-t-n-e-y.
5 Jensen, J-e-n-s-e-n.

6 THE COURT: Whenever you're ready, Ms. Rhoades.

7 MS. RHOADES: Okay. Thank you very much, Your
8 Honor.

9 DIRECT EXAMINATION

10 BY MS. RHOADES:

11 Q Ms. Jensen, do you know James Cooper?

12 A Yes.

13 Q How do you know him?

14 A A relationship.

15 Q Is that a dating relationship?

16 A Yes.

17 Q And are you currently in a dating relationship with
18 him?

19 A I'm currently -- I don't know.

20 Q Okay. And this --

21 MS. RHOADES: For the record, Your Honor, I
22 apologize.

23 BY MS. RHOADES:

24 Q I know that you wanted to speak to the Court about
25 having an attorney appointed. Did you want to do that? All

1 we're here to talk about right now is the July 2nd, 2015
2 incident. Did you want to talk to the Court about that
3 regarding this incident or after we get done testifying about
4 that?

5 A Right now would be great.

6 Q Okay.

7 MS. RHOADES: I apologize, Your Honor. I should
8 have done that before I called her to the stand. She -- Ms.
9 Jensen, I spoke with her today. She did express some concern
10 saying that she wants an attorney appointed. I explained to
11 her that there are no criminal charges that would be filed as
12 a result of this case. We've been prosecuting Mr. Cooper for
13 quite some time, and we, State, obviously believes that he is
14 the aggressor under these facts.

15 And so there's no criminal charges that would be
16 pending, and I explained to her that because of that, she's
17 likely not entitled to appointment of counsel, but she did
18 want to bring it to the Court's attention and just have the
19 Court make a ruling on that, and I don't know if she has
20 anything else to say.

21 THE COURT: Well, let me ask you this. There
22 aren't any charges pending against her. Does the State
23 anticipate charging her with anything regardless of what her
24 testimony may be during the course of this trial?

25 MS. RHOADES: No, Your Honor. Not as a result of

1 these two incidents that we're going to talk about.

2 THE COURT: And that's the only reason she's here
3 today, right?

4 MS. RHOADES: That's correct, yes.

5 THE COURT: Does the defense have a position?

6 MS. WALKENSHAW: No, Your Honor. I think that was
7 just the concern regarding whether any criminal charges would
8 be brought stemming out of these two incidents.

9 THE COURT: Do you understand, ma'am, what the
10 prosecutor has stated to me?

11 THE WITNESS: Yes, I do.

12 THE COURT: Anything you want to say?

13 THE WITNESS: Yes, ma'am. I would like to see if I
14 could request counsel just to be advised as to how I need to
15 testify. My children are involved, and two be quite honest,
16 some of my statements could incriminate myself. I would just
17 -- I would feel very -- more comfortable if I had some legal
18 counsel, somebody I could talk to, offer advice as to how --

19 THE COURT: Well, the State has indicated they
20 don't intend to charge you with anything relating to these
21 two incidences.

22 THE WITNESS: Okay. Thank you. I also spoke with
23 them about maybe putting that on record or in writing in
24 front of here of the court.

25 THE COURT: It is on record. We're making a record

1 of everything. That's what the court recorder is doing over
2 there.

3 THE WITNESS: Is that what's -- and -- and how
4 concrete of a thing is that for me? I mean --

5 THE COURT: Well, the prosecutor's standing in a
6 court of law telling me under oath that she has no intention
7 of charging you with anything regardless of what your
8 testimony is with respect to these two incidences we're going
9 to hear about today.

10 THE WITNESS: Regardless of the testimony.

11 THE COURT: That's good enough for me.

12 THE WITNESS: Okay. All right, thank you.

13 THE COURT: All right. Let's proceed.

14 MS. RHOADES: Thank you, Your Honor.

15 BY MS. RHOADES:

16 Q And Ms. Jensen, when we talked earlier today, we did
17 tell you all we wanted was the truth; is that right?

18 A That's correct.

19 Q Okay. Do you want to be here to testify against
20 James Cooper today?

21 A I'm not here to testify against anyone. I'm here to
22 testify to the truth. No, I don't.

23 Q You don't want to be here?

24 A Absolutely not.

25 Q Brittney, I'm going to direct -- I'm sorry, may I

1 call you Brittney?

2 A That's fine.

3 Q Okay. I'm going to direct your attention to July
4 2nd, 2015. Were you living with Mr. Cooper on that date?

5 A Yes.

6 Q Do you see him in the court today?

7 A Yes.

8 Q Can you point to him and tell me something he's
9 wearing today?

10 A He's wearing your guys' get-up. Your blue uniform.

11 MS. RHOADES: May the record reflect identification
12 of the defendant, Your Honor?

13 THE COURT: Is he seated at counsel table with his
14 attorney, ma'am?

15 THE WITNESS: Appears to be, yes.

16 THE COURT: Record will so reflect.

17 MS. RHOADES: Thank you.

18 BY MS. RHOADES:

19 Q At about 8:00 o'clock at night on July 2nd, did you
20 get into some sort of a verbal argument with James?

21 A Yes.

22 Q Do you have children?

23 A Two.

24 Q What are their names and ages?

25 A James and Kaylee and six and nine.

- 1 Q What is James' last name?
- 2 A Blair.
- 3 Q And his middle name?
- 4 A Cameron, which is what we call him.
- 5 Q Okay. So he goes by Cameron?
- 6 A Yes.
- 7 Q And he's nine years old today?
- 8 A Yes.
- 9 Q Kaylee, what's Kaylee's last name?
- 10 A Jensen.
- 11 Q And she's six years old today?
- 12 A Yes.
- 13 Q Were Cameron and Kaylee living with you and James on
- 14 July 2nd, 2015?
- 15 A Yes.
- 16 Q Where were you guys living?
- 17 A 356 East Desert Inn, unit 111.
- 18 Q Did -- or do you and Cameron and Kaylee call James
- 19 something other than James?
- 20 A Yes. My daughter calls him dad.
- 21 Q Okay. Anything else?
- 22 A We also call him Tuda.
- 23 Q T-u-d-a?
- 24 A Or O.
- 25 Q Okay. T-o-d-a or T-u-d-a?

1 A Yeah.

2 Q Okay. Do you remember what the verbal argument was
3 about on July 22nd, 2015?

4 A I honestly don't. I don't remember the actual
5 argument.

6 Q Do you remember if it was about Tuda not giving you
7 your house keys?

8 A Oh, at a certain point, yeah, I did ask for the
9 house keys. I don't remember why we were arguing prior to me
10 asking for the keys, though.

11 Q Did something physical happen after that verbal
12 argument started?

13 A No, nothing physical.

14 Q Okay. What happened after the argument started?

15 A Just an argument. He was a little intoxicated. I
16 don't think he was clear, he was upset at the time.

17 Q You said he was intoxicated?

18 A You know, as far as I remember, I just remember the
19 argument and him not really knowing. I wasn't scared of him.
20 It was more -- I just wanted him to -- he was upset and just
21 kind of -- I just wanted him to calm down, and I wasn't
22 really sure about what, and he was, yeah, intoxicated and I
23 just wanted him to calm down so that's why I asked for the
24 keys.

25 Q Okay. What happened after you asked him to calm

1 down?

2 A Can I -- I'd like to plead the fifth on the rest of
3 this case. The only reason the cops were called -- you have
4 my statement here you can read, and that's all I want to say.
5 I was advised from a neighbor the next morning after the
6 incident to kind of make report because James had left after
7 the kids and I went to a neighbor's to allow him time to calm
8 down. I just made report of it, not knowing what kind of
9 state or how upset, and just to have on record.

10 We left, the incident subsided, everybody had time
11 to cool down. Other than that, what's written in my
12 statement there is probably as accurate as it will be. It
13 has been a long time since that event.

14 Q Okay.

15 MS. RHOADES: Well, with regard to pleading the
16 fifth, if Your Honor could make a ruling about that. Again,
17 there's no criminal charges. There's no fifth amendment
18 right to self-incrimination.

19 THE COURT: Well, you can't just plead the fifth
20 generally with respect to every question Ms. Rhoades
21 anticipates asking you. And please bear in mind, ma'am, that
22 while I understand you don't want to be here, the State
23 doesn't need your cooperation necessarily to try to convict
24 the defendant.

25 THE WITNESS: That's --

1 THE COURT: The jury's going to have an ability to
2 assess your testimony, the credibility of your testimony. In
3 fact, they are the fact finders, not the Court. So the fact
4 that you don't want to be here --

5 THE WITNESS: It's not --

6 THE COURT: -- Is really irrelevant at this point.

7 THE WITNESS: That is irrelevant. I don't know why
8 that was asked. I mean --

9 THE COURT: Let's go case-by-case basis.

10 MS. RHOADES: So could Your Honor instruct her to
11 answer the question, please?

12 THE COURT: Yeah, you need to answer the question.

13 BY MS. RHOADES:

14 Q So after you told him to calm down, what happened?

15 A Again, in my statement there --

16 Q Brittney, do you remember what happened after you
17 told him to calm down?

18 A Yes.

19 Q Okay. So what happened? Would it refresh your
20 memory to look at your statement about what happened?

21 A No.

22 Q Okay. So what happened?

23 A Nothing. He was upset and he had what appeared to
24 be a knife in his hand. And while we were arguing, he was
25 very belligerent, I'd really like to make that clear. He was

1 entering the kids' room. I think I had asked my children to
2 call 911 at the time, and when he was walking into the kids'
3 room, we got into a physical altercation where he ended up
4 being injured by the knife.

5 I just wanted him out of the kids' room is all.
6 Not that he was going to intend to hurt them, but that they
7 didn't need to see it. We just needed for us to go. And so
8 when that happened, the kids and I immediately went to
9 neighbor's house right upstairs, and like I said, everything
10 was calm. And as far as I know, he wasn't at the property
11 any longer.

12 Q Okay. You say everything was calm. When you and
13 the kids left, was everything calm?

14 A Well, not -- if it were we wouldn't have left. It
15 was calm, but we were able to get out so that everyone could
16 calm down.

17 Q And James was in the apartment still; is that right?

18 A When I left, I guess, yeah, because we had ran to --
19 we just went to the neighbor's, and he was still in the
20 apartment, yes.

21 Q And you and the kids -- what is the name of the
22 neighbor's house you went to?

23 A His name was Kevin. I don't know his last name.

24 Q Just another apartment in the same apartment
25 complex; is that right?

1 A Right.

2 Q Do you remember writing that after he refused to
3 give you the keys, he grabbed you by the arm and the neck got
4 you to the ground? Do you remember that happening?

5 A I truly don't.

6 MS. RHOADES: Your Honor, may I approach your
7 Clerk?

8 THE COURT: Sure.

9 MS. RHOADES: I'd like to have this marked as an
10 exhibit (inaudible).

11 THE CLERK: Okay.

12 MS. RHOADES: And may I approach the witness, Your
13 Honor?

14 THE COURT: Yes.

15 BY MS. RHOADES:

16 Q All right. I'm going to show you what's been marked
17 as State's Proposed Exhibit No. 9. Do you recognize the
18 handwriting in that statement?

19 A Yes.

20 Q And whose handwriting is that?

21 A Mine.

22 Q Did you also sign the bottom?

23 A Yes.

24 Q And is it dated July 3rd, 2015?

25 A Yes.

1 Q Okay. And did you write this statement on that day
2 about what had occurred on July 2nd?

3 A Yes.

4 Q Okay.

5 MS. RHOADES: Your Honor, I'd move for the
6 admission of this statement.

7 THE COURT: Any objection?

8 MS. WALKENSHAW: No, Your Honor.

9 THE COURT: So ordered.

10 (State's Exhibit 9 admitted)

11 MS. RHOADES: Okay.

12 BY MS. RHOADES:

13 Q Brittney, if you could read that into the record for
14 us. Just read that whole statement into the record.

15 A I asked to get the keys so I could take the kids to
16 the store -- and I don't remember that either.

17 Q And Brittney, I'm just going to ask you just read
18 it.

19 A Oh.

20 Q You don't need to narrate it. Just read it.

21 A "I asked to get the keys so that I could take the
22 kids to the store, and he refused to give me the keys, then
23 he grabbed me by the arm and the neck, got me to the ground,
24 and I yelled to the kids to call 911. And then he got up and
25 went to the kids' room and was standing on the bunk bed and

1 threatened the kids with a knife. They gave him the phone,
2 and I got behind him and was able to get the knife from him,
3 and we turned around. I was bear -- like bear hugging him,
4 and we fell to the ground, and I was able to get up, and we
5 ran out of the house. I left the knife where we fell,
6 underneath him. We ran upstairs to the neighbor's house in
7 number 2009."

8 Q Okay. Thank you. Did you call the police the day
9 after this happened on July 3rd?

10 A Yes.

11 Q Did you have any injuries when the police arrived?

12 A Minimal.

13 Q Okay. Do you remember all of the injuries that you
14 had?

15 A Just the pictures you showed me, it looked to be a
16 scrape on the cheek.

17 Q Okay. Do you remember having a scratch on your left
18 arm, on your elbow?

19 A I don't remember. Like, it's not a lasting -- if I
20 did, it was probably in there. I mean, I don't -- at this
21 point, I'm sure I did. I just don't, like, remember. It was
22 a pretty superficial wound, I guess.

23 Q Do you remember having multiple bruises on your body
24 from this incident?

25 A I -- like I said, yeah, I remember just the pictures

1 you showed me earlier.

2 Q Okay.

3 A I don't remember every detail.

4 Q Everything?

5 A Yeah.

6 MS. RHOADES: May I approach the witness, Your
7 Honor?

8 THE COURT: Sure.

9 BY MS. RHOADES:

10 Q I'm going to show you what's been marked as State's
11 3 through 8. If you could just look at those, and look up at
12 me when you're finished. (Witness reviewing photographs).
13 And are those photographs of you on July 3rd, 2015?

14 A Yes.

15 Q And do those photographs fairly and accurately
16 depict how you looked on that date when the police came and
17 took pictures of you?

18 A Yeah.

19 Q All right. Showing you State's --

20 MS. RHOADES: Oh, I'm sorry, Your Honor, I'd move
21 for the admission of State's 3 through 8.

22 THE COURT: Any objection?

23 MS. WALKENSHAW: No objection, Your Honor.

24 THE COURT: 3 through 8 are admitted.

25 (State's Exhibits 3 through 8 admitted)

1 MS. RHOADES: Thank you.

2 BY MS. RHOADES:

3 Q Looking at State's 4, does there appear to be a
4 scratch on your right eye?

5 A Yeah, it does. And I'd also like to point out that
6 I have that naturally, this what you said red. I mean, it
7 looks to be like maybe --

8 Q More red?

9 A -- a little redder.

10 Q Okay.

11 A But and just naturally they're always there.

12 Q Okay. Showing you State's 5, does there appear to
13 be a scratch on your -- on the right side of your face,
14 lower, lower side of your face?

15 A Yes.

16 Q Okay. Showing you State's 6, does there appear to
17 be some sort of an abrasion on your elbow?

18 A Not really.

19 Q Okay. That's your left elbow?

20 A Yeah.

21 Q Okay. And --

22 A It doesn't look like much there either.

23 Q -- showing you 7, is that your upper lip?

24 A Yes.

25 Q Okay. And showing you State's 8, does there appear

1 to be some sort of a scratch --

2 A Yeah.

3 Q -- on your hand or a cut on your hand?

4 A Yes.

5 Q Do you remember what that was from?

6 A More than likely, the knife.

7 Q Okay. Do you remember why you lifted your lip up
8 like you're doing in State's 7 and had the police take a
9 picture of that?

10 A I must have had something for them to see. I don't
11 see it, though.

12 Q Okay. Brittney, earlier today did you have the
13 opportunity to review the 911 call that you made in this
14 case?

15 A A portion of it, yeah.

16 Q And did you recognize your voice?

17 A Yes.

18 Q Okay.

19 MS. RHOADES: Your Honor, permission to publish a
20 portion of State's 1 before moving it admit it?

21 THE COURT: Any objection?

22 MS. WALKENSHAW: No, Your Honor.

23 THE COURT: So ordered.

24 MS. RHOADES: While we're loading that up, may I
25 approach the witness again?

1 THE COURT: Yes.

2 BY MS. RHOADES:

3 Q Showing you State's Proposed Exhibit No. 2; what do
4 you recognize this to be, if anything?

5 A My son's -- like, when we just looked at it, it
6 looks -- I guess, you know, it was his -- more than likely I
7 signed it. So I do remember at the time him giving --
8 writing something down so that's this right here.

9 Q That's Cameron's --

10 A Yeah.

11 Q -- written statement?

12 A Yes.

13 Q Okay. And you recognize that as his handwriting
14 back in 2015?

15 A I guess, yeah. Like I said, it's a lot different
16 now, but yeah, that's his.

17 Q Okay. And you signed it at the bottom; is that --

18 A Yes.

19 Q -- fair to say? And that was on July 3rd, 2015?

20 A Yes.

21 Q Okay.

22 (Ms. Rhoades/Mr. Rowles conferring)

23 MS. RHOADES: I'm sorry, Your Honor. If I could
24 just have the Court's indulgence. We did just try this and
25 it was working.

1 (Ms. Rhoades/Mr. Rowles conferring)

2 MS. RHOADES: Well, that's not working. We can get
3 our IT people here, but it's -- I think for this hearing, we
4 just won't move for the admission of that 911 call. It's
5 essentially the same as in her written statement.

6 THE COURT: Very well.

7 BY MS. RHOADES:

8 Q And your apartment on Desert Inn, that's here in Las
9 Vegas, Clark County, Nevada; is that right?

10 A Yes.

11 Q Okay.

12 MS. RHOADES: I think with our technical
13 difficulty, we will pass the witness, Your Honor.

14 THE COURT: Very well. Ms. Walkenshaw.

15 MS. WALKENSHAW: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. WALKENSHAW:

18 Q Good morning, ma'am. Now, this was for an incident
19 that occurred in July of 2015, correct?

20 A Yes.

21 Q Okay. And this was, I think the State had indicated
22 somewhere around 8:00 p.m. at night?

23 A I'm sorry, what?

24 Q This was around 8:00 p.m. on July 2nd, is what the
25 State had indicated.

- 1 A Okay.
- 2 Q Do you recall that specifically or --
- 3 A I don't remember the exact date.
- 4 Q Okay.
- 5 A Or I mean time, I mean.
- 6 Q Okay. It was in the evening, however?
- 7 A Yes.
- 8 Q Okay. Now, you'd indicated that at some point there
- 9 had been some kind of verbal argument between you and
- 10 Mr. Cooper? Yes?
- 11 A Yes, sorry.
- 12 Q No, that's --
- 13 A Oh, yeah, the head shaking --
- 14 Q -- okay.
- 15 A -- doesn't work, yeah.
- 16 Q And at some point, you asked him for the keys, you
- 17 had said?
- 18 A Yes. I --
- 19 Q Do you specifically remember that?
- 20 A No.
- 21 Q Okay. Now, the State had had you read a statement
- 22 into the record, correct? And that was a statement that you
- 23 wrote, correct?
- 24 A Yes.
- 25 Q Okay. Do you recall writing that statement?

1 A Yes.

2 Q Okay. Do you recall the incidents that you
3 described in that statement?

4 A Yes.

5 Q Now --

6 A To -- I mean, to a degree, honestly. A lot of it I
7 don't -- I -- as best as I remember the -- what I just told
8 her --

9 Q Okay.

10 A -- or the Court here.

11 Q Okay. And you had indicated that at some point
12 Mr. Cooper was injured, correct?

13 A Appeared to be, yeah.

14 Q Can you describe that?

15 A When I came back to the apartment, I saw blood on
16 the bed.

17 Q And is that the bed of your bedroom?

18 A Yes.

19 Q Okay.

20 A Like he had went to sit down because the bed had
21 still been made or something.

22 Q And there was blood on the bed?

23 A Yes.

24 Q Okay.

25 A On the cover.

1 Q Do you recall how much blood, if you could describe
2 it?

3 A Yeah, a decent amount.

4 Q Okay.

5 A And there was also some in the bathroom now that I
6 remember.

7 Q And was that the bathroom --

8 A Or we had a bathroom attached to our room at the
9 time.

10 Q Okay. And at the time that you returned back to the
11 apartment, Mr. Cooper was not there, correct?

12 A Right.

13 Q Do you recall what time you returned to the
14 apartment?

15 A It wasn't until the next morning.

16 Q Okay. And was that before or after you had called
17 the police?

18 A Just before.

19 Q Just before? And you observed the blood, correct?

20 A Yes.

21 Q And at this point, did you have any idea what had
22 caused that injury?

23 A I made a pretty good assumption that he was stabbed.

24 Q Okay. And what caused you to make that assumption?

25 A Well, we were struggling over a knife, okay, and I

1 remember trying to reach for it. I remember getting it
2 maybe, possibly from him or at least it felt like I had a
3 little control of it. At the time, he was facing the bunk
4 bed, I was from behind him. Again, like I said, just to get
5 him to come this way, and I was -- I was reaching that way.
6 What was the original question, I'm sorry?

7 Q What caused you to make the assumption that he had
8 been stabbed?

9 A Right.

10 Q And that was that at some point there was a struggle
11 over a knife; is that correct?

12 A Exactly.

13 Q And at some point you felt like you had something --

14 A I more than -- I know I caused his injury.

15 Q Okay. So you're saying that you stabbed Mr. Cooper?

16 A Essentially.

17 Q Okay. Now, you returned home and you saw the blood
18 on the bed, correct?

19 A Um-h'm.

20 Q And you indicated that you also saw some in the
21 bathroom, correct?

22 A Yes.

23 Q And were you concerned at this point?

24 A I was so concerned. I had no idea how bad he was
25 hurt. Why it had even gotten to the point it gotten to.

1 Yeah, it's not a good feeling.

2 Q Sure.

3 A It was a serious, you know, thing. It was very
4 traumatic.

5 Q And he wasn't -- he wasn't at the residence --

6 A No.

7 Q -- at that time, correct? Okay. Now, it was
8 shortly after that, that you'd indicated that you called 911,
9 correct?

10 A Yes.

11 Q Okay. And I believe you'd indicated that --

12 MS. WALKENSHAW: Court's indulgence.

13 BY MS. WALKENSHAW:

14 Q I believe, you indicated that you had gone to a
15 neighbor's apartment, correct?

16 A Um-h'm.

17 Q And was that the apartment that you stayed at during
18 the evening?

19 A Um-h'm.

20 Q Okay. And was that the neighbor that encouraged you
21 to call 911?

22 A Um-h'm.

23 Q Okay.

24 THE CLERK: Can you say yes or no?

25 THE WITNESS: Yes, sorry. I am sorry.

1 BY MS. WALKENSHAW:

2 Q Now, it's fair to say that in your statement you did
3 not include the fact that Mr. Cooper sustained an injury,
4 correct?

5 A At that time, I -- when I saw the blood I didn't
6 know until he came back a couple days later. I didn't
7 realize, you know, and then put it all together. At the
8 time, I just knew there was an injury.

9 Q Okay.

10 A Maybe it happened then, maybe it happened after. It
11 more than likely happened during our argument or struggle.

12 Q Okay. But it's fair to say that you came to
13 assumption that he had been injured prior to you calling 911,
14 correct?

15 A Yes.

16 Q Okay. And you indicated previously that you came to
17 a conclusion about how he had been injured, correct?

18 A Yes.

19 Q Okay. And then you indicated that you called 911,
20 correct?

21 A Yes.

22 Q And the police arrived, correct?

23 A Correct.

24 Q And you provided a statement, correct?

25 A Correct.

1 Q But in that statement you did not include that
2 Mr. Cooper had sustained an injury, correct?

3 A I guess I didn't. I think my sons did.

4 Q Okay. And there was no inclusion in your statement
5 regarding the blood that you had observed or anything like
6 that, correct?

7 A You're right, there wasn't.

8 Q Now --

9 MS. WALKENSHAW: Court's indulgence.

10 BY MS. WALKENSHAW:

11 Q Going back to what the argument, I guess, began
12 over, there was some dispute regarding some keys, correct?

13 A That's what it says in my statement. I honestly
14 don't remember the argument. I don't remember asking for the
15 keys.

16 Q Okay.

17 A Honestly, I don't remember why we would be going to
18 the store or maybe it was to get out of the -- yeah, I
19 don't --

20 Q You don't remember?

21 A I don't.

22 Q Okay. Did you each have your own set of keys?

23 A I'm sure we did.

24 Q Okay. And did you each have your own vehicle at the
25 time?

1 A I don't know at that time. I mean, I think we might
2 have. Both our vehicles ended up not -- you know, needing
3 repair. I don't remember if it was then or not, if I had a
4 vehicle or not then.

5 Q Okay. So you don't really recall specifically
6 regarding any issue with the keys?

7 A No.

8 Q Okay.

9 MS. WALKENSHAW: Court's indulgence.

10 THE COURT: Sure.

11 BY MS. WALKENSHAW:

12 Q Now, was Mr. Cooper ultimately, arrested on this
13 incident?

14 A Not that -- I don't believe so.

15 Q Okay. Did he -- was there ever a court case
16 stemming out of this incident?

17 A I don't think so.

18 Q Okay. And do you recall going to a court date
19 regarding that?

20 A Yes.

21 Q Okay.

22 A And I spoke with somebody. I also recall that he --
23 that they knew my feelings about the matter, and that he
24 ended up just pleading guilty because of his lawyers. I
25 don't know, but that -- I know that after that court date, he

1 was incarcerated for a period of time.

2 Q Okay. And you indicated that they knew your
3 feelings on the matter, correct?

4 A Yes.

5 Q What are those feelings?

6 A Just that simply, you know, as bad as it sounds,
7 it's not like he or I are just crazy people running around
8 with knives. That -- that he was upset that we got out --
9 that I was still in a relationship with him at the time,
10 that, you know, I didn't want this to get this serious. That
11 I did not personally want to press charges on the matter.
12 And that's all I basically remember speaking with somebody,
13 and it was the day of court literally ten minutes before
14 court started.

15 Q Okay. And the person that you spoke to was
16 presumably from the District Attorney's --

17 A It was someone, yes, in --

18 Q Okay.

19 A -- your position. I forget your name, sorry.

20 Q The District Attorney's Office?

21 A Yeah, um-h'm.

22 Q Okay. And do you recall specifically, and if you
23 don't that's okay, I don't want you to guess or anything, but
24 do you recall specifically what he was charged with
25 originally?

1 A A domestic.

2 Q Okay. Do you recall if he was charged with anything
3 else?

4 A No.

5 Q If you don't it's okay?

6 A Yeah, I don't.

7 Q Okay. And do you have any personal recollection,
8 and again, if you don't, it's okay, as to what the
9 disposition of it was? Like what it resolved to?

10 A That he ended up incarcerated.

11 Q Okay. But specifically, regarding to what he pled
12 to, do you have any recollection personal?

13 A I guess he pled -- no, all I -- I think he pled
14 guilty to the domestic, I think.

15 Q Okay.

16 A Again, I think.

17 Q And --

18 MS. WALKENSHAW: Court's indulgence.

19 THE COURT: Sure.

20 MS. WALKENSHAW: I have no further questions, Your
21 Honor?

22 THE COURT: Any follow-up, Ms. Rhoades?

23 MS. RHOADES: Yes, please, Your Honor.

24 //

25 //

1 REDIRECT EXAMINATION

2 BY MS. RHOADES:

3 Q Did you know at this time, July of 2015, that he was
4 doing domestic violence requirements on another case?

5 A I did.

6 Q Okay. And did -- were you aware that he did six
7 months jail time concurrent to his other case on the case
8 with you?9 A No, I did not. I thought that's why he was
10 incarcerated in the period of time I was talking about,
11 basically, just like a probation violation.

12 Q Like a misdemeanor probation?

13 A That's what I thought happened, yeah.

14 Q Okay. But you were aware that he was doing
15 misdemeanor --

16 A I know that he --

17 Q -- requirements?

18 A Yeah. I knew he was attending a class.

19 Q You testified that you assumed that you stabbed him
20 because you were struggling over the knife; do you remember
21 that?22 A Yeah. I mean, I don't know how else that would have
23 happened, you know.

24 Q You didn't go at him and stab him; is that correct?

25 A No, that's not correct. I kind of did try to.

1 Q Okay. Explain for us how you tried to do that.

2 A Well, when I was getting the knife from him, I
3 didn't like want to intentionally like stab him, but I wanted
4 him to know like, hey, stop threatening us with a knife and
5 both while we were struggling, you know, with it and when we
6 fell. So, yeah, I guess, I did.

7 Q Do you remember previously, telling me earlier, that
8 you were trying to get the knife away from him and you two
9 fell to the ground and you think that's how he got hurt?

10 A Yeah. No, I do, and I think -- and that's probably
11 how it went, but I -- I also remember, you know, kind of
12 struggling with him a bit, you know, before --

13 Q You --

14 A No, I didn't run up to him and just like hey, no.

15 Q And you're making a stabbing motion for the record.

16 A Sorry.

17 Q No, that's okay. We just have to --

18 A I forget that we have to -- exactly.

19 Q We can't talk over each other, and we have to put
20 everything that happens on the record so --

21 A Sorry.

22 Q -- we have a hearing of it. And you were trying to
23 get the knife away from him because he was standing on your
24 kids' bunk beds with your kids on the bunk beds; is that fair
25 to say?

- 1 A Yes.
- 2 Q How old were your children at that time?
- 3 A So, 2015. So five and eight.
- 4 Q Five and eight?
- 5 A Yeah.
- 6 Q And you testified that you went to court in that
7 other case; do you remember that?
- 8 A Yes.
- 9 Q And just to tie it in, for this case, the January
10 2016 incident, you've never come to court; is that fair to
11 say, except for today?
- 12 A No, that's not fair to say.
- 13 Q Okay. When did you come to court for this --
- 14 A I did the initial --
- 15 Q Brittney, you have to let me finish the question,
16 okay?
- 17 A Sorry.
- 18 Q Okay. We can't talk over each other because she
19 can't take all that down. So the January 2016 incident, did
20 you have ever come to court?
- 21 A Yes.
- 22 Q When?
- 23 A The initial appearance, I came with Brett Whipple.
- 24 Q And was that Mr. Cooper's counsel?
- 25 A Yes.

1 Q Okay. Did you have a black eye when you came for
2 that initial appearance?

3 A I did.

4 Q Okay. Any other time after that, did you come to
5 court for any of the hearings?

6 A No.

7 Q Okay. And the January 2016 incident occurred in
8 that same apartment 11 -- 111 at 356 East Desert Inn; is that
9 fair to say?

10 A Yes, ma'am.

11 Q Okay. And your two kids were in that apartment on
12 that incident as well, right?

13 A Yes.

14 Q You said that James came back a couple of days
15 later. Did you see an injury on him when he came back?

16 A Yes.

17 Q And when he came back, were you guys back to getting
18 along okay?

19 A Yeah.

20 Q And everything was okay in your relationship when he
21 came back a couple days later?

22 A Well, obviously, it wasn't perfect, but yeah.

23 Q Do you know if he went to the hospital?

24 A He told me he did.

25 Q And then did he tell you that he left?

1 A He did tell me he left.

2 Q Are you aware if James called the police as a result
3 of this incident?

4 A As far as I know, he didn't.

5 MS. RHOADES: And Your Honor, I'm going to try to
6 play this 911 call again, if I may. We have another disk.
7 It's the same --

8 THE WITNESS: Wait,

9 MS. RHOADES: -- but just a copy of it. I'm going
10 to try to play it with her. But I do want to have marked as
11 Proposed Exhibit 1-A, and I would move for the admission of
12 it. It's the affidavit of custodian of record for Las Vegas
13 Metropolitan Police Department that goes along with the 911
14 we provided in this case.

15 THE COURT: Any objection by defense?

16 MS. WALKENSHAW: No, Your Honor.

17 THE COURT: 1-A's admitted.

18 (State's Exhibit 1-A admitted)

19 MS. RHOADES: Thank you. And because we were
20 having problems, may I approach the witness with the laptop,
21 Your Honor?

22 THE COURT: Sure.

23 MS. RHOADES: All righty. Hopefully, everybody can
24 hear this. This is State's Proposed 1-A.

25 (Portion of 911 recording played).

1 BY MS. RHOADES:

2 Q Okay. Just pausing that, do you recognize your
3 voice?

4 A Yes.

5 Q And is that the 911 call that you made the day after
6 the incident occurred between you and James?

7 A Yeah.

8 Q Okay.

9 MS. RHOADES: I'd move for the admission of State's
10 1, Your Honor.

11 THE COURT: Any objection?

12 MS. WALKENSHAW: No, Your Honor.

13 THE COURT: 1 is admitted.

14 (State's Exhibit 1 admitted)

15 MS. RHOADES: And permission to publish?

16 THE COURT: Yes.

17 MS. RHOADES: Can Your Honor hear it okay?

18 THE COURT: So far I can. Can you hear it, Ms.
19 Walkenshaw?

20 MS. WALKENSHAW: I can hear it, Your Honor.

21 MS. RHOADES: Okay.

22 THE COURT: Very well.

23 (911 recording played).

24 BY MS. RHOADES:

25 Q Okay. I'm going to stop it there. You guys are

1 talking about the gate clicker. Do you -- or we just
2 listened to the 911 call where you said something happened a
3 week earlier. He assaulted you a week earlier. What
4 happened, do you remember?

5 A I don't.

6 Q Do you remember if you called the police on that
7 incident a week earlier?

8 A I don't.

9 Q Okay.

10 MS. RHOADES: We would pass the witness, Your
11 Honor.

12 THE COURT: Very well. Ms. Walkenshaw.

13 MS. WALKENSHAW: Court's indulgence. Thank you.

14 RECROSS-EXAMINATION

15 BY MS. WALKENSHAW:

16 Q So I just wanted to clarify a couple things. You
17 had indicated to the district attorney that when you were
18 struggling over the knife, you did intend to stab him?

19 MS. RHOADES: I would object. That misstates the
20 testimony.

21 THE COURT: It does. Sustain the objection.
22 Please rephrase.

23 BY MS. WALKENSHAW:

24 Q When you -- and I apologize if that was incorrect.
25 Can you explain -- can you clarify what happened regarding

1 the stabbing?

2 A The what?

3 Q The stabbing.

4 A There was a struggle over a knife.

5 Q Okay.

6 A And at one point, I know I had control of it and
7 more or less was like, you know, waving it or jerking it in
8 his direction for him to see, too, like don't -- we don't
9 play with knives around here.

10 Q Okay.

11 A So it looked intentional. Like -- like, hey, you
12 know, like I'll stab you if you keep -- you know what I mean?

13 Q Okay.

14 A Is kind of the feeling at the time.

15 Q Okay. And at that time, you were the one holding
16 the knife, correct?

17 A No. I was more in control at that point with the
18 knife.

19 Q Okay.

20 A I came behind him and struggled with the knife that
21 he had, and we both -- at a point I did have more control
22 over the knife.

23 Q Okay. And --

24 MS. WALKENSHAW: Court's indulgence.

25 BY MS. WALKENSHAW:

1 Q In that 911 call you had indicated something to
2 dispatch regarding a restraining order, correct?

3 A Yes.

4 Q Did you ever --

5 A It's -- I guess.

6 Q Okay. You heard that in the call, correct?

7 A Yeah.

8 Q Did you ever actually obtain a restraining order?

9 A No.

10 Q Or file for any type of restraining order?

11 A I don't -- no.

12 Q Okay. And dispatch had asked you whether he was
13 home or not and you'd indicated that you didn't think he was
14 home, correct?

15 A Right.

16 Q And just to clarify, you had previously already gone
17 to the apartment, correct?

18 A Yes.

19 Q And that's when you had seen the blood on the bed --

20 A Right.

21 Q -- correct? Okay.

22 MS. WALKENSHAW: I have no further questions, Your
23 Honor.

24 THE COURT: Any follow-up, Ms. Rhoades?

25 MS. RHOADES: No, Your Honor.

1 THE COURT: With the thanks of the Court, ma'am,
2 you may step down. Do either party anticipate recalling this
3 witness today?

4 MS. RHOADES: No. Not the State.

5 THE COURT: She's been subpoenaed, though?

6 MS. RHOADES: Oh, yeah, she's under subpoena.
7 She's here.

8 THE COURT: Do you know when you're likely to call
9 her or you don't have any idea yet?

10 MS. RHOADES: Tomorrow, probably.

11 THE COURT: Ms. Jensen --

12 THE WITNESS: And do I need to stay here?

13 THE COURT: No, you don't need to sit -- wait in
14 the courtroom, but ma'am, you do understand that you are
15 under a subpoena and at some point the prosecution will be
16 calling you in their case-in-chief?

17 THE WITNESS: Yes.

18 THE COURT: You need to be present for that.

19 THE WITNESS: Yes.

20 THE COURT: All right. Thank you.

21 (Pause in the proceedings)

22 MS. RHOADES: Your Honor, Ms. Jensen has indicated
23 to me that she would prefer to be here. The next witness is
24 James Cameron Blair. He's nine years old today, eight during
25 when -- during the incident, she would like to be in the

1 courtroom when he testifies.

2 THE COURT: Does the defense have any objection?

3 MS. WALKENSHAW: I don't have any objection to that
4 just as long as there's not any communication, obviously,
5 between the witnesses.

6 THE COURT: Ms. Rhoades, does she understand she'll
7 need to sit in the back of the courtroom?

8 MS. RHOADES: Yes, she understands that. I mean, I
9 guess, for the record, the State's issue is I don't know what
10 she's been feeding him. I don't know what the defendant has
11 been feeding him. I know he was out of custody for some time
12 and did have communication with her and the kids. I mean,
13 needless to say, this is a scary situation for him. He
14 doesn't want to have to come and say mean stuff about the
15 defendant, especially in front of his mother.

16 THE COURT: Well, if there's any sort of
17 communication, I mean, non-verbal communication going on
18 between the witness and his mother, the State can certainly
19 make a record of it and at that point, she may be asked to
20 leave the courtroom while you continue to the examine the
21 child.

22 MS. RHOADES: Okay, all right. I'll let her know.

23 THE COURT: You need to let her know.

24 MS. RHOADES: I will. Thank you.

25 THE COURT: Thank you.

1 MS. WALKENSHAW: Thank you, Your Honor.

2 THE COURT: Good morning.

3 THE WITNESS: Good morning. Court please step up,
4 raise your right hand to be sworn by Madam Clerk over here.

5 CAMERON BLAIR, STATE'S WITNESS, SWORN

6 THE CLERK: Thank you. Can you spell your name for
7 the record, please.

8 THE WITNESS: C-a-m-e-r-o-n.

9 THE COURT: Last name?

10 THE WITNESS: B-l-a-i-r.

11 THE COURT: Mr. Rowles.

12 MR. ROWLES: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. ROWLES:

15 Q Okay, Cameron, I had a few questions to start off
16 with here. Now, you identified yourself as Cameron. Do you
17 have another first name as well?

18 A James.

19 Q James, okay. So do you go buy James Cameron or do
20 you like to go by Cameron?

21 A Cameron.

22 Q May I call you Cameron?

23 A Yeah.

24 Q All right, Cameron, so a few basic questions. How
25 old are you right now?

1 A Huh?

2 Q How old are you?

3 A Nine.

4 Q When's your birthday?

5 A March 5th.

6 Q March 5th? And what grade are you in?

7 A Fourth.

8 Q Fourth grade? How are you liking it so far? What's
9 your favorite class?

10 A My favorite class is science.

11 Q Science? Why science?

12 A Because like we can do experiments, stuff like that.

13 I -- most of the times I get As on it.

14 Q As in science?

15 A Yeah.

16 Q Congratulations. I don't think I've ever gotten an
17 A in science before in my life. Let's start with a few
18 preliminary questions here. Cameron, do you know the
19 difference between a truth and a lie?

20 A I guess, yeah.

21 Q Okay. So if I were to say that I'm wearing an
22 orange shirt, would I be telling the truth?

23 A No.

24 Q Why would I not be telling the truth?

25 A Because you're not wearing an orange shirt.

1 Q Okay. What shirt color am I wearing?

2 A Black.

3 Q Black? Oh, I mean, the under shirt here?

4 A Oh, white.

5 Q Okay. Now, Cameron, I'd like to turn your attention
6 back to July of 2015. Do you remember that far back?

7 A Yeah.

8 Q Okay.

9 A Well, a little bit of it.

10 Q A little bit of it?

11 A Yeah.

12 Q Okay. Who were you living with at that time?

13 A My mom, Tuda and my sister.

14 Q Okay. And what's your sister's name?

15 A Kaylee.

16 Q Kaylee? How old is she?

17 A Six.

18 Q And what's your mom's name?

19 A Brittney.

20 Q Brittney? Okay. And you were living -- referenced
21 a man by the name of Tuda. Who's that? Who's Tuda in
22 relationship to you?

23 A H'm?

24 Q Who is Tuda? Is it your mother's boyfriend?

25 A Yeah.

1 Q Okay. Does he go by a different name? Okay. You
2 previously -- was that a yes or no? This nice lady is taking
3 everything we say, so if you could respond yes or no --

4 A No.

5 Q -- we can't really get shakes. No? All right. You
6 previously pointed to an individual. Did you point to Tuda?

7 A Yes.

8 Q Okay. Can you please describe an article of
9 clothing he's wearing today?

10 A Black -- like, black and like -- like -- and orange
11 socks.

12 Q Okay. Can you point to him again?

13 A H'm?

14 Q Can you point to him again, please?

15 MR. ROWLES: Your Honor, may the record reflect the
16 identification of defendant?

17 THE COURT: It looks like he has, but it appears to
18 me to be Navy rather than a black garment. Is that Navy or
19 black?

20 THE WITNESS: Like, I don't -- like, it's black,
21 but Navy, I guess.

22 BY MR. ROWLES:

23 Q Is it a dark colored shirt?

24 A It's --

25 THE COURT: Where he is -- is he seated at counsel

1 table?

2 THE WITNESS: It -- he's right there.

3 THE COURT: Okay. And is he seated in between a
4 male and a female?

5 THE WITNESS: Yes.

6 THE COURT: Very well. That'll do it.

7 MR. ROWLES: Okay.

8 BY MR. ROWLES:

9 Q Now, Cameron, you said you were all living together
10 back in July of 2015. Was that here in Las Vegas?

11 A Yes.

12 Q Okay. Now, specifically, around July 2nd, 2015, do
13 you remember anything unusual happening that night?

14 A Not really, no.

15 Q Do you remember anyone who was home that night?

16 A My mom.

17 Q Your mom?

18 A And Tuda.

19 Q Were you home?

20 A Yeah, Kaylee was, too.

21 Q Kaylee, is that your sister, right?

22 A Yeah.

23 Q Okay. Do you remember anything happening?

24 A No.

25 Q Do you remember going to a friend's house after?

1 A No.

2 Q Do you remember speaking with police?

3 A July 2nd?

4 Q The next day?

5 A The next day? No.

6 Q So it was a little confusing. July 2nd you're home.

7 The next day, do you remember speaking with police at all?

8 A Speaking with them?

9 Q Yes.

10 A No.

11 Q Do you remember doing anything with the police?

12 A I saw some there.

13 Q Police officers?

14 A Yeah.

15 Q Do you remember writing out a statement?

16 A No.

17 MR. ROWLES: Your Honor, may I approach?

18 THE COURT: Sure.

19 MR. ROWLES: For the record, showing Counsel a copy

20 of a voluntary statement that's been marked as Court's

21 Proposed Exhibit 2.

22 BY MR. ROWLES:

23 Q Cameron, do you recognize this?

24 A No. I -- well, that was like my handwriting back a
25 long time ago.

1 Q Okay. So do you see this -- do you see your name up
2 on the top?

3 A Yes.

4 Q And do you see a bunk of block of text? Do you see
5 that?

6 A This?

7 Q Yeah.

8 A Okay.

9 Q You say that's your handwriting?

10 A That -- that's my handwriting.

11 Q That's your handwriting? Okay.

12 A Yeah.

13 Q Do you remember filling this out?

14 A No.

15 Q Okay. Do you remember telling police that Tuda
16 asked your mom to -- or that your mom asked for you to grab a
17 phone?

18 A No.

19 MS. WALKENSHAW: Objection. Leading, Your Honor.

20 THE COURT: Sustain the objection.

21 MR. ROWLES: Okay. And Your Honor, at this time,
22 I'd move to admit State's Proposed Exhibit 2 as a prior
23 consistent statement.

24 THE COURT: Any objection?

25 MS. WALKENSHAW: Well, my objection would just be

1 that, Your Honor, he already indicated he has no recollection
2 of filling that out or giving any type of statement to
3 police.

4 MR. ROWLES: And Your Honor, I would -- can I
5 respond?

6 THE COURT: Sure.

7 MR. ROWLES: Your Honor, under Crowley v. State
8 (phonetic) and I don't remember if it constitutes the same
9 thing as a previous denial, it's an inconsistent statement.
10 He testified right here that he recognized his handwriting on
11 this voluntary statement. The mother, Brittney Jensen,
12 testified earlier that she witnessed this, that she signed
13 this on the day in question. I believe it comes in under
14 Crowley v. State.

15 THE COURT: I think it probably does come in as a
16 prior inconsistent statement. The objection is overruled for
17 the record, and it may be admitted.

18 MR. ROWLES: May I approach?

19 THE COURT: What number was it, 2?

20 MR. ROWLES: 2, yes.

21 THE COURT: Okay.

22 (State's Exhibit 2 admitted)

23 MR. ROWLES: Court's indulgence.

24 THE COURT: Sure.

25 BY MR. ROWLES:

1 Q Now, Cameron, just a few more questions here. On
2 that day, July 2nd, do you remember running to Kevin's house
3 that night?

4 A Yes.

5 Q Okay. And who did you run with?

6 A I think my sister.

7 Q Was your mom there?

8 A Yes.

9 Q Do you remember staying at Kevin's house for quite a
10 while?

11 A Yeah.

12 Q How long did you stay there?

13 A Like two or three days.

14 Q Did Tuda go with you?

15 A No.

16 Q Okay. Did you see Tuda at all during those two to
17 three days?

18 A No.

19 MR. ROWLES: I'll pass the witness, Your Honor.

20 THE COURT: Ms. Walkenshaw.

21 MS. WALKENSHAW: Thank you, Your Honor. Court's
22 indulgence.

23 CROSS-EXAMINATION

24 BY MS. WALKENSHAW:

25 Q Hi Cameron.

1 A Hi.

2 Q You indicated that you don't really remember
3 anything happening July 2nd?

4 A No.

5 Q Okay. And I think you had said that you don't
6 remember speaking to police, correct?

7 A I don't remember -- I remember seeing them but not
8 speaking to them.

9 Q And you indicated that you guys went to Kevin's
10 house?

11 A Yes.

12 Q And is that your neighbor?

13 A Yeah.

14 Q Okay. And I think you indicated that you guys
15 stayed there for maybe like two to three days?

16 A Yes.

17 Q Okay. And do you recall your mom and Kevin ever
18 arguing?

19 A No.

20 Q No? Do you recall them ever arguing regarding you
21 or anything?

22 MS. RHOADES: Objection. Asked and answered and
23 relevance.

24 THE COURT: Sustained.

25 BY MS. WALKENSHAW:

1 Q You indicated during that time that Tuda was not
2 with you, correct?

3 A He was not with us.

4 Q And you indicated you didn't see him?

5 A I didn't see him within those two or three days.

6 Q In those two to three days? Okay.

7 MS. WALKENSHAW: Court's indulgence. I have no
8 further questions.

9 THE COURT: Any follow-up Mr. Rowles?

10 MS. RHOADES: No, Your Honor.

11 MR. ROWLES: No, Your Honor.

12 MS. RHOADES: Oh, I'm sorry.

13 MR. ROWLES: No, Your Honor.

14 THE COURT: With the thanks of the Court, you may
15 step down. Any other witnesses?

16 MR. ROWLES: Yes, Your Honor. The State's next
17 witness would be Officer Alfonsi.

18 THE COURT: Very well.

19 OFFICER CHRISTINA ALFONSI, STATE'S WITNESS, SWORN

20 THE CLERK: Thank you. Please be seated, stating
21 and spelling your name for the record.

22 THE WITNESS: It's Christina Alfonsi,
23 C-h-r-i-s-t-i-n-a, A-l-f-o-n-s-i.

24 THE COURT: Whenever you're ready, Mr. Rowles.

25 MR. ROWLES: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. ROWLES:

Q Ma'am, how are you currently employed?

A Las Vegas Metropolitan Police Department.

Q How long have you been employed with Metro?

A Eight-and-a-half years.

Q What are some of your responsibilities; you're a patrol officer?

A I'm a patrol officer.

Q Okay. How long have you been on patrol?

A For eight-and-a-half years.

Q Eight-and-a-half years? I'd like to turn your attention to July 3rd, 2015. On that day were you employed with the Las Vegas Metropolitan Police Department?

A Yes.

Q And were you on duty?

A Yes.

Q And did you have the opportunity to respond to 356 East Desert Inn?

A Yes.

Q Is that here in Las Vegas, Clark County, Nevada?

A It is.

Q Okay. And what was the nature of the call?

A I was responding due to a domestic violence call.

Q And when you arrived, did you make contact with the

1 person reporting?

2 A Yes.

3 Q Okay. Was that a female?

4 A It was a female.

5 Q Okay. Did you make contact with anyone else in the
6 area?

7 A The female name was Brittney. She had two children
8 with her.

9 Q Do you remember those two children's names?

10 A Kaylee and James Blair.

11 Q Okay. And when you responded, did you speak with
12 Brittney?

13 A Yes.

14 Q She sort of told you what happened?

15 A Yes.

16 Q Did you observe any injuries on her?

17 A She did have injuries.

18 Q What were those injuries?

19 A She had a bruising to her face, and she had bruising
20 on her arms.

21 Q Anything else?

22 A Reddening on her neck.

23 Q Did you also observe a scraped elbow?

24 A Yes. I -- I don't have a direct recollection which
25 arm it was. I'd have to refer to my report.

1 Q Okay. And so you referenced a report. When you
2 respond to a scene, do you generally document what you --
3 your investigation?

4 A Yes.

5 Q And is that reflected in a report?

6 A Yes.

7 Q And would reviewing that report help refresh your
8 recollection?

9 A Yes, it would.

10 MR. ROWLES: If I may approach, Your Honor?

11 THE COURT: Sure.

12 MR. ROWLES: For the record, showing defense
13 counsel a domestic violence report by Officer Alfonsi.

14 BY MR. ROWLES:

15 Q Ma'am, do you recognize this?

16 A Yes, I do.

17 Q What are we looking at here?

18 A It's a domestic violence report that I completed.

19 Q Okay. Do you mind taking a look at that real quick,
20 and look up when you're done?

21 A Okay.

22 Q Does that help refresh your memory or do you still
23 have no independent recollection?

24 A It helps refresh my memory. There's some factors I
25 do not have independent recollection of.

1 Q Okay. And is that because of the time difference
2 between now and July of 2015?

3 A Yes.

4 Q Okay. Having reviewed your report, did you notice
5 any injuries to her elbow?

6 A Yes.

7 Q And what injury was that?

8 A It was a scrape on her left elbow, and there was
9 also a swollen lip. Those are the two that I didn't --
10 failed to mention earlier.

11 MR. ROWLES: Pass the witness, Your Honor.

12 THE COURT: Ms. Walkenshaw.

13 MS. WALKENSHAW: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. WALKENSHAW:

16 Q Now, Officer, you'd indicated that you responded to
17 the scene, correct?

18 A No. I responded to a neighbor's apartment where the
19 victim was.

20 Q Okay. And that was not the scene of the incident,
21 correct?

22 A That's correct.

23 Q The incident had occurred sometime previously,
24 correct?

25 A Yes.

1 Q Okay. So she was -- she was -- I guess, you were
2 responding, obviously, after the incident had occurred,
3 correct?

4 A That's correct.

5 Q Okay. So, obviously, then, you didn't personally
6 observe any altercation between Mr. Cooper and Brittney,
7 correct?

8 A That's correct.

9 Q And you have no personal knowledge from observations
10 or seeing what had happened, how she sustained those
11 injuries, correct?

12 A No, I wasn't there when the incident happened.

13 Q Okay. And as far as you know, there hadn't been any
14 other witnesses, correct?

15 A Other than the children?

16 Q Correct.

17 A That's correct.

18 Q When you indicated on your report was there a
19 witness, and I believe your response was no, but there were
20 the children, correct?

21 A The children are in the report as victims.

22 Q Okay. And so when it says that there was not a
23 witness, that means other than anyone listed in the report,
24 correct?

25 A Yes.

1 Q Okay.

2 MS. WALKENSHAW: I have no other questions, Your
3 Honor.

4 THE COURT: Any follow-up?

5 MR. ROWLES: Briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. ROWLES:

8 Q You testified earlier that you didn't respond
9 specifically to the apartment in which Brittney lived in; is
10 that correct?

11 A That's correct.

12 Q Okay. Did you attempt to make contact at that
13 apartment?

14 A After I spoke with Brittney, yes, I requested
15 another unit and attempted to make contact at apartment 111.

16 Q And what do you mean by that? Knock on the door,
17 ring the doorbell?

18 A Knocking on the door.

19 Q Okay. Did anyone answer?

20 A No.

21 MR. ROWLES: Nothing further, Your Honor.

22 THE COURT: Any follow-up?

23 MS. WALKENSHAW: No follow-up, Your Honor.

24 THE COURT: Do either party anticipate recalling
25 this witness today?

1 MR. ROWLES: No, Your Honor.

2 MS. WALKENSHAW: No, Your Honor.

3 THE COURT: With the thanks of the Court, ma'am,
4 you're excused.

5 THE WITNESS: Thank you, ma'am.

6 THE COURT: Any other witnesses?

7 MS. RHOADES: No, Your Honor. The State --

8 THE COURT: Ms. Walkenshaw?

9 MS. WALKENSHAW: Court's indulgence.

10 (Ms. Walkenshaw/Defendant conferring)

11 MS. WALKENSHAW: No, Your Honor.

12 THE COURT: No witnesses?

13 MS. WALKENSHAW: No witnesses, Your Honor.

14 THE COURT: Very well. Argument. Ms. Rhoades?

15 MS. RHOADES: Yes, Your Honor. May I approach your
16 Clerk -- I mean, yes.

17 (Ms. Rhoades/Clerk conferring)

18 MS. RHOADES: And Your Honor has the certified
19 documents for the battery domestic violence conviction. I
20 mean, that alone is clear and convincing evidence of the
21 battery domestic violence portion. I think with this hearing
22 we've proven by more than clear and convincing evidence that
23 these incidents actually occurred. Now, the question is
24 whether or not they're admissible.

25 I just want to read Cameron's statement into the

1 record. That's Exhibit No. 2 that's been admitted. "Tuda
2 choked mom. Then he let go and mom said call 911, and he
3 said give me the phone. He got the phone by threatening us
4 with a knife. He grabbed it out of my sister's hand. Mom
5 was holding him off and fell on the bed."

6 And that's pretty much where it ends. There's a
7 few other words, I can't make out that last word, but, I
8 mean, the similarity of what he's doing in that case with
9 what he's doing in this case, it goes to his intent to commit
10 the child abuse. It goes to his common scheme or plan in
11 what he's doing. In both cases, he's trying to get the phone
12 away from the kids so that they can't call the police for
13 help and report that he's beating on mom.

14 So for those reasons, we believe that it is
15 admissible in this case; the child abuse, the threats against
16 the kids, that he does with the knife. As far as the
17 domestic violence portion of what he did, grabbed Brittney's
18 arm, put his hands around her throat, that is admissible to
19 provide context to the relationship. She's obviously,
20 uncooperative. She doesn't want to be here. She doesn't
21 want to testify in front of the defendant. She doesn't want
22 to testify against the defendant. That can provide context
23 to the relationship, explain why she is cooperative.

24 It is also more probative than prejudicial because
25 their story is that Brittney started it all. Brittney wrote

1 a letter on January 26th, indicating she's a hundred percent
2 at fault. She was drinking, she started hitting the
3 defendant, and everything that he did was in self-defense,
4 and all of the injuries, the significant injuries, which are
5 more significant than the July 2015 incident, more
6 significant injuries were all caused because the defendant
7 was trying to get her off of him and that she started
8 everything.

9 It goes to prove intent, motive, ill will to commit
10 these acts upon Brittney, and we do have to prove that he
11 intentionally impeded her breathing as part of the
12 strangulation, so it goes to his intent in this case as well
13 and that again, he didn't do it by self-defense, absence of
14 mistake or accident, things of that nature.

15 These incidents are not more prejudicial than
16 probative and the probative value is not substantially
17 outweighed by the risk of unfair prejudice, and we would
18 submit that based on the hearing today and the written papers
19 that these acts are admissible in front of a trial.

20 THE COURT: Okay. Thank you. Ms. Walkenshaw?

21 MS. WALKENSHAW: Thank you, Your Honor. Obviously,
22 regarding these types of incidents, regarding bad act
23 evidence, there's always going to be some probative value,
24 otherwise, we wouldn't have these hearings, otherwise the
25 State wouldn't file these motions. But they are a very

1 protected type of evidence, and they are very prejudicial
2 against the defendant. And that's why, you know, admitting
3 them is highly disfavored.

4 And I think especially in this case, the State has
5 not met its burden. In regards to the clear and convincing
6 evidence, what we have her testimony, which is, you know,
7 indicating that there was a knife and her statement indicates
8 that, you know, he had held it near or around the children,
9 and obviously, then the battery domestic violence
10 misdemeanor. And those are felony charges with very
11 different elements that were never established.

12 Obviously, the State dismissed those charges
13 specifically. I understand the State's position regarding
14 the battery domestic violence misdemeanor and the proof that
15 they've submitted regarding that for the clear and convincing
16 and that they submitted the previous judgment of conviction.
17 But they dismissed those other charges. They did not proceed
18 on those. And the evidence regarding that is highly
19 prejudicial.

20 Brittney indicated she went to the District
21 Attorney and told them how she felt, and based on that, they
22 offered Mr. Cooper the negotiation that they did. Now, in
23 regards to motive or ill will or that, an incident that
24 occurred in July of 2015 is not going to establish any type
25 of ill will or motive or anger on his behalf in January of

1 2016. And to say that somebody who commits a battery
2 domestic violence is angry and he was angry then and he's
3 angry now and so it shows some type of, you know, consistency
4 is to say like somebody who robs a store needs money or needs
5 items.

6 I mean, in almost every battery domestic violence
7 case there's some type of heated emotion, and I don't think
8 that anything specific to this case or specific to that case.
9 And, you know, there was a case where that was admitted to
10 establish ill will, but that was from an incident that
11 happened days before. We're talking about an incident in
12 this case that happened six months before. And that's in
13 Hogan v. State (phonetic).

14 Now, the State also indicated that they're alleging
15 this was more likely an intentional striking and less likely
16 an injury that occurred accidentally. And think the
17 assumption on their part is that the defense's position is
18 that this all occurred by accident. There's been no
19 assertion of that at this point, and so I think that that's a
20 premature assumption. And other cases that have allowed bad
21 acts to establish that it was not by mistake had a reason to
22 believe that that was going to be the defense's position at
23 trial. There's been no assertion at this point that the
24 defense is that this was a mistake, that there was some type
25 of accidental fall or, I mean, there's been nothing proffered

1 regarding that. And so I think that that is a premature
2 assumption.

3 In regards to providing context for the
4 relationship. It doesn't make any fact regarding the
5 allegations in this case, the elements, the necessary -- it
6 doesn't make any of that more or less probable. And so in
7 that respect, I would say that it's not relevant.
8 Specifically regarding that providing context for the
9 relationship and the case that was cited to was Big Pond
10 (phonetic). And in that case, the victim recanted her
11 testimony. And so there was some necessity to establish some
12 context because she was now recanting.

13 That's not the case here. She's -- you know, she's
14 never recanted, she's just been uncooperative. And as I
15 indicated previously regarding proving all the bad acts by
16 clear and convincing, not all of them resulted in a
17 conviction. There was just the one battery domestic violence
18 misdemeanor. Brittney came to court, she spoke with the
19 prosecutor and they ultimately decided what to do on that
20 case.

21 That leaves me to my final point, which I think is
22 most important, and that is that this is absolutely more
23 prejudicial than probative. There is nothing specific
24 regarding this fact pattern. There is no specific MO,
25 there's no specific -- you know, it's not like there's some

1 allocation that Mr. Cooper says a very specific thing before
2 he commits these incidents and that would show a lack of --
3 or it would show an intent on his behalf.

4 There's nothing here other than that it was
5 previous incident and I think it's purely, you know, just the
6 definition of propensity evidence. He has a conviction
7 before it previously. He must have done it in this case as
8 well. And they're very different fact patterns. They're
9 separated by six months apart. And obviously, the defense's
10 position is going to be different than regarding this
11 incident here.

12 And so based on that, I would just submit that that
13 the elements haven't been met, and that it's far more
14 prejudicial than probative.

15 THE COURT: Okay. Thank you. So perhaps I
16 misunderstood the prosecution, but I thought there were two
17 different misdemeanor battery domestic violence convictions;
18 is that correct?

19 MS. RHOADES: Well, Your Honor, there are two --
20 he's charged with battery domestic violence third offense.
21 One of those involves someone else, and we're not seeking to
22 admit that. The other involves Brittney. Those certified
23 copies of court minutes, showing the convictions, are to
24 prove up that felony charge if and when he is convicted of
25 the battery domestic violence, and we just had those marked

1 so that we could have them for this hearing and for the
2 future if we need be,

3 THE COURT: Okay, thank you.

4 MS. RHOADES: Thank you.

5 THE COURT: Did you have any rebuttal argument to
6 the defense, Ms. Rhoades?

7 MS. RHOADES: If I could just briefly. With -- I
8 mean, we cited a case, Bolin (phonetic) that talks about
9 prior rape and kidnapping charges that occurred 20 years
10 earlier that were admissible at trial there to prove
11 identity, plans, similar MO, and intent. Here the time frame
12 is not outside the realm of, you know, recency. It's six
13 months before this event. They were living in the same
14 apartment. The MO here and what he's doing in this case is
15 pretty much exactly the same. He's trying to get that phone
16 away from the kids, and he does that by harming them,
17 threatening to harm them,

18 With regard to proving it up, there doesn't need to
19 be guilty pleas or judgments of convictions or anything like
20 that. We wouldn't even be able to admit that that plea to
21 the battery domestic violence charge unless he got up there
22 and testified to something that the effect that he's never
23 violent. We wouldn't be able to admit the felony convictions
24 unless he was -- he got up there to testify to something. So
25 that's not really -- I mean, it's been proven, definitely,

1 the State would submit that, by the victim's statements and
2 the other victim, Cameron's statement.

3 48.06 specifically states that this evidence is
4 admissible for any relevant purpose, and the State has cited
5 a significant amount of case law addressing when this kind of
6 evidence has been admitted in other jurisdictions. Brittney
7 does say that she's a hundred percent at fault in that
8 letter. The jail calls between the defendant and Brittney
9 talk about how she was drunk and she started it and she got
10 on top of him, and she pulled out his hair. So that -- that
11 evidence is going to come in. We don't have to anticipate
12 every single defense that they might raise for these acts to
13 be admissible. And we would submit it on that, Your Honor.

14 THE COURT: Okay. Thank you.

15 MS. RHOADES: Thank you.

16 THE COURT: So it's the Court's view that the prior
17 acts as they relate to Brittney and the children are relevant
18 and specifically go to motive, intent, absence of mistake or
19 to disprove any contention of self-defense, specifically to
20 disprove that Brittney was at fault because she was
21 intoxicated and initiated the attack on the defendant. It
22 also provides context to the relationship between the
23 defendant and Brittney.

24 It may very well help the jury understand why
25 Brittney failed to appear at the preliminary hearing and

1 didn't want to proceed in the matter, why she may very well
2 recant her prior testimony and why the State anticipates that
3 she will testify at trial that she attacked the defendant and
4 that she is a hundred percent to blame for the events that
5 took place on the evening of January 22nd, 2016.

6 Specifically, the prior bad acts of child abuse,
7 specifically, defendant threatening Kaylee and James with a
8 knife and grabbing the phone out of Kaylee's hand during the
9 July 2, 2015 incident is relevant to establish motive,
10 intent, common plan or scheme regarding the child -- the
11 charged child abuse crimes.

12 It's the Court's view that this evidence can come
13 in. The State has certainly met the clear and convincing
14 prong. And it's the Court's view that of course, this
15 evidence is prejudicial to the defendant. But the issue is
16 whether or not it is more prejudicial than it is probative,
17 and the Court's view that it is more probative than
18 prejudicial.

19 Also, the Court notes that the Court will be giving
20 a specific limiting instruction to the jury that defendant's
21 bad acts can only be considered with respect to his motive,
22 intent, absence of mistake to disprove any claim of
23 self-defense and to provide context to defendant, and
24 defendant and Brittney's relationship with each other, not to
25 show that just because he committed similar acts in the past,

1 therefore, he's likely to have done it in this specific
2 instance.

3 I'll ask the State to prepare an order for the
4 Court's signature. Please run the proposed order past the
5 defense before you submit it to me for signature.

6 MS. RHOADES: Yes, Your Honor. Thank you.

7 THE COURT: So can we get some idea with respect to
8 timeline? I have a proposed set of defense instructions. I
9 don't -- I mean, the prosecution has provided a cited as well
10 as an uncited set of jury instructions. I don't have one
11 from the defense. Does the defense --

12 MS. WALKENSHAW: I can --

13 THE COURT: -- have one?

14 MS. WALKENSHAW: -- submit that today, Your Honor.

15 THE COURT: Okay. The sooner, the better.

16 MS. WALKENSHAW: Yes, absolutely.

17 THE COURT: Cited as well as uncited.

18 MS. WALKENSHAW: Absolutely.

19 THE COURT: We are supposed to bring our jury panel
20 up at 1:00 o'clock. Is there anything else we need to
21 address before then?

22 MS. RHOADES: No, Your Honor.

23 MS. WALKENSHAW: No.

24 THE COURT: Okay. Thank you, see you at 1:00.

25 MS. RHOADES: Thank you.

1 (Court recessed at 11:33 p.m. until 1:01 p.m.)

2 (In the presence of the prospective jurors)

3 THE MARSHAL: Okay, please be seated. From this
4 moment on you will be addressed by your last three digits of
5 your badge number. For Kirsten it will be 064. Kirsten
6 Fisher, and so on and so forth. So look at your badge, so
7 you know what your badge numbers are. Big numbers it will
8 say 0064 or 0314. It will be the last three digits plus your
9 last name.

10 When you respond to any questions either put forth
11 by the bench or by either side counsel, please raise your
12 hand, respond by your name, Kirsten Fisher, Badge No. 004
13 (sic). The reason for that is so that Madam Clerk and our
14 recorder can make an accurate record. Everybody knows who's
15 talking, who's answering, who's responding and who's getting
16 excused. You don't want to remain here if they've excused
17 you because we don't know what your number is. All right?

18 The first portion of this questioning concerns the
19 folks in the box. Everyone else in the gallery, listen up,
20 pay close attention to the questions because should you be
21 selected to fill in one of the vacant seats, you'll be
22 required to answer to the Judge with the proper response to
23 each and every one of those questions that she asks.
24 Everybody got that?

25 Turn your phones off, put them on vibrate or silent

1 or whatever. There's no gum chewing in this courtroom by
2 order of the Judge. She doesn't really care for that. You
3 don't want her on your bad side. Any questions from this
4 point on? Okay, boss, you're on.

5 THE COURT: Thank you, Mr. Diamond. Madam Clerk
6 will you please call the case up and let's have appearances
7 for the record.

8 THE CLERK: C-321970, State of Nevada versus James
9 Cooper.

10 MS. RHOADES: Good afternoon, Your Honor, and
11 ladies and gentlemen of the jury. My name is Kristina
12 Rhoades. This is William Rowles. We're here on behalf of
13 the State of Nevada.

14 THE COURT: Thank you.

15 MS. RHOADES: Thank you.

16 THE COURT: Ms. Walkenshaw.

17 MS. WALKENSHAW: Good afternoon, Your Honor. Good
18 afternoon. My name is Talia Walkenshaw. This is Kenton
19 Eichacker. We're here on behalf of Mr. Cooper.

20 THE COURT: Thank you. And ladies and gentlemen,
21 my name is Jessie Walsh. I am the Judge who will be
22 presiding over this case this week. You've met Mr. Diamond.
23 He is the bailiff in this department. He's the only one, by
24 the way, that may have any direct contact with any of you.
25 Not I, not my staff, not the attorneys nor the parties may

1 have any direct contact with you.

2 So if we should see you in the courthouse and not
3 chat with you, please don't think us discourteous. We don't
4 mean to be discourteous, we're simply not allowed to have any
5 direct contact with you.

6 To my right is Cynthia Molaris (phonetic). She's
7 our Courtroom Clerk. She's responsible for keeping the
8 minutes of the court. She's also so responsible for making
9 sure we have a proper chain of custody with respect to the
10 evidence, which will go to you members of the jury in the
11 deliberation at some point in the future. And to her right
12 is Victoria Boyd. Ms. Boyd is our court recorder. She is
13 responsible for making sure we have a really good
14 audio/visual recording of all of these proceedings.

15 And you may notice the monitors at the bench, at
16 the witness box, at counsel table. We're recording
17 everything as it's transpiring. So to that effect we need to
18 make certain when you answer a question, please out loud a
19 yes or a no because a shake of the head or a nod will not
20 turn out very well in a transcription.

21 I'm going to ask Madam Clerk to call roll. When
22 your name is called or your number's called, please answer
23 out loud. Madam Clerk?

24 THE MARSHAL: Just one thing, Your Honor, before
25 you start that.

1 THE COURT: Okay.

2 THE MARSHAL: For the record, the potential juror
3 Tanya Peay, Badge No. 1203 is excused for sickness. That
4 will be Juror Number 8 on the list, Madam Clerk.

5 THE COURT: Okay. That's what I show. Counsel
6 have that as well?

7 MS. RHOADES: Yes, Your Honor.

8 MS. WALKENSHAW: Yes, Your Honor.

9 THE COURT: Very well.

10 (CLERK CALLS THE ROLL OF THE PROSPECTIVE JURORS)

11 THE COURT: Thank you, Madam Clerk. So ladies and
12 gentlemen, I'm going to ask the attorneys to introduce
13 themselves, their clients and any witnesses that they intend
14 to call during this trial. I want you to pay particular
15 attention to the names of these individuals because I will
16 ask you if you know any of them. First the prosecution, Ms.
17 Rhoades.

18 MS. RHOADES: Yes, Your Honor.

19 THE COURT: Mr. Rowles.

20 MR. ROWLES: Good afternoon, everyone. My name is
21 William Rowles. With me today is Kristina Rhoades. We
22 represent the State of Nevada in the State of Nevada versus
23 James Cooper. During the course of the next several days we
24 may call, we won't necessarily call, all the following
25 witnesses:

1 Brittney Jensen, James Cameron Blair, Kaylee
2 Jensen, Officer Pickens of the Las Vegas Metropolitan Police
3 Department, Officer Sylvia of the Las Vegas Metropolitan
4 Police Department, Officer Berbe of the Las Vegas
5 Metropolitan Police Department, Officer Frazier of the Las
6 Vegas Metropolitan Police Department, Officer Giles of the
7 Las Vegas Metropolitan Police Department, Officer Kolank of
8 the Las Vegas Metropolitan Police Department, Officer Murray
9 of the Las Vegas Metropolitan Police Department, crime scene
10 analyst Amanda Wright, Officer Alfonsi of the Las Vegas
11 Metropolitan Police Department, Elynne Greene of the Las
12 Vegas Metropolitan Police Department, Dr. Lisa Gavin with the
13 Clark County Coroner's Office, and Deborah Ashenfelter of the
14 Clark County District Attorney's Office.

15 THE COURT: Okay, thank you. Ms. Walkenshaw.

16 MS. WALKENSHAW: Thank you, Your Honor. Good
17 afternoon. My name is Talia Walkenshaw. This is Kenton
18 Eichacker, and we may call James Alaman (phonetic).

19 THE COURT: Okay, thank you.

20 MS. WALKENSHAW: Thank you.

21 THE COURT: Did you introduce your client?

22 MS. WALKENSHAW: I did previously.

23 THE COURT: Okay.

24 MS. WALKENSHAW: This is James Cooper.

25 THE COURT: Okay, very good.

1 MS. WALKENSHAW: We're here on behalf of
2 Mr. Cooper.

3 THE COURT: All right. So ladies and gentlemen, I
4 propose that we select the jury as follows: The Court Clerk
5 has called the names of 23 prospective jurors from the jury
6 list, and you are seated in the jury box in the order in
7 which your names were called with the seats being numbered
8 left to right. Number 1 juror would be to my far left in the
9 upper row. The seats are numbered left to right.

10 These first 23 will be qualified for cause. Any
11 member excused for cause will be replaced by another member
12 of the panel. Once 23 prospective jurors have been qualified
13 for cause, counsel will then exercise their peremptory
14 challenges to reduce to 12, the number of jurors who will
15 actually try the case.

16 If any peremptory challenges are waived, the first
17 12 jurors will compose the jury. One alternate will be
18 chosen from among those seated. Will counsel stipulate that
19 the jury may be so selected?

20 MS. RHOADES: Yes, Your Honor.

21 MS. WALKENSHAW: Yes, Your Honor.

22 THE COURT: All right. Let me ask counsel this,
23 how long do you anticipate it will take to try this case to
24 conclusion? Ms. Rhoades?

25 MS. RHOADES: Your Honor, I -- we have a couple

1 witnesses that can only testify on Thursday, and I know that
2 there's an afternoon break that we need to take, and so
3 probably until Friday, but not past Friday.

4 THE COURT: Do you agree with that, Ms. Walkenshaw?

5 MS. WALKENSHAW: I would agree, Your Honor.

6 THE COURT: Very well. So I'm going to ask Madam
7 Clerk to swear all prospective jurors, those of you seated in
8 the box and just in front of the box, as well as those of you
9 further outside the rail to answer truthfully all questions
10 propounded to you concerning your qualifications to serve as
11 jurors in this particular case.

12 Ladies and gentlemen, please stand, raise your
13 right hand and face Madam Clerk.

14 (Clerk swears prospective jurors). @

15 THE CLERK: Thank you.

16 THE COURT: Please be seated. The following
17 comments are directed to all prospective jurors, those seated
18 in the jury box, and just in front of the box, as well as
19 those of you seated further outside the rail. It is
20 important that all of you pay close attention to what is
21 going to happen now, because it is not only possible but
22 probable that some of those jurors seated in the box and just
23 in front of the box will be excused and some of those of you
24 beyond the rail will take their places.

25 The purpose of what follows now is to ascertain if

1 you are qualified under the law to serve as a juror in this
2 particular case. That is to say are you so unrelated to the
3 parties, their attorneys and the facts of this case, that you
4 would be able to act as a fair and totally impartial juror?

5 So make this determination, I will ask you a number of
6 general questions. You are obligated by the oath you just
7 took to answer all such questions honestly and fully.

8 If any of your answers appears to reveal a legal
9 basis for you to be excused as a juror, one of the attorneys
10 may challenge you. That is to say he or she may request that
11 you be excused. If the Court agrees with the reason stated
12 for the challenge, you may be excused from further service in
13 this case, and the name of another prospective juror will be
14 drawn.

15 These challenges are called challenges for cause.
16 Once all jurors have been qualified for cause, the attorneys
17 then exercise another type of challenge known as a peremptory
18 challenge. Each side is allowed four peremptory challenges
19 and one for each alternate. If either side for any reason or
20 for no reason whatsoever makes this type of challenge against
21 you, the Court has no alternative but to excuse you. It
22 simply means that the attorney who challenges you believes
23 rightly or wrongly that you may not be as receptive to his or
24 her case as another prospective juror might be.

25 During this questioning, I ask you to bear in mind

1 that neither I nor the attorneys want to embarrass you or to
2 match wits with you. We are only seeking relevant
3 information upon which to decide your qualifications as a
4 possible juror.

5 I'm going to ask you the questions in a few moments
6 that I mentioned. If you were to answer yes to any of these
7 questions, please raise your hand. If you indicate an
8 affirmative answer, I may explore the matter further and the
9 attorneys will be allowed to follow up at a later point in
10 time. I encourage you not to hesitate to raise your hand
11 should you feel it appropriate.

12 If any prospective panel member seated beyond the
13 rail would answer yes to any of my questions, please remember
14 that question, and if you are called forward to replace one
15 of the members in this part of the room, I will ask you which
16 questions of mine you would have answered yes to.

17 The integrity of our judicial system depends upon
18 obtaining jurors who are disinterested, unbiased and
19 unprejudiced. And the only way we can do this is through the
20 question and answer process we're now to begin.

21 All right. Ladies and gentlemen, you were
22 introduced to the parties a few moments ago. This case is
23 called State of Nevada versus James Cooper. Do any of you
24 know these parties? You were introduced to the attorneys a
25 few moments ago, Ms. Rhoades and Ms. Rowles (sic) For the

1 prosecution. Do any of you know either of these individuals?

2 You were introduced to the defense, Mr. Eichacker
3 and Ms. Walkenshaw. Do any of you know either of these
4 individuals? No hands. Would counsel please tell me the
5 precise location of this particular crime. I had it earlier
6 today.

7 MS. RHOADES: Your Honor, it's 356 East Desert Inn.
8 I believe, it's on the corner of Desert Inn and Paradise here
9 in Las Vegas.

10 THE COURT: Thank you. Do any of you live near
11 that area? Yes, ma'am, your badge number, please.

12 PROSPECTIVE JUROR NO. 274: 274.

13 THE COURT: You live near that area, ma'am?

14 PROSPECTIVE JUROR NO. 274: Yeah, Desert Inn and
15 Maryland and Paradise. I live on Dumont --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 274: -- in another
18 apartment.

19 THE COURT: How far -- I've been here a long time
20 so I know the area as well.

21 PROSPECTIVE JUROR NO. 274: Desert Inn and Maryland
22 Parkway is my closest cross streets.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 274: But Paradise is
25 further (inaudible)..

1 THE COURT: Okay. Thank you. Anyone else as to
2 that last question? No hands. You were read by the
3 prosecution and the defense attorney a list of possible
4 witnesses who may or may not be called in this case. Do any
5 of you know any of the names of those witnesses whose names
6 were read into the record? Yes? Badge number, please?

7 PROSPECTIVE JUROR NO. 064: 064.

8 THE COURT: Yes, ma'am.

9 PROSPECTIVE JUROR NO. 064: I believe, I know
10 Officer Frazier.

11 THE COURT: Officer Frazier?

12 PROSPECTIVE JUROR NO. 064: Yes, ma'am.

13 THE COURT: And how do you know him, ma'am?

14 PROSPECTIVE JUROR NO. 064: He actually dated my
15 mom for a while.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 064: I believe, if it's the
18 same person.

19 THE COURT: What's the first name of the Officer
20 Frazier you know?

21 PROSPECTIVE JUROR NO. 064: Thomas.

22 THE COURT: Thomas? I have to say this is probably
23 a first ever in all of my years as a judge have I heard that
24 answer. Is that the same person, Ms. Rhoades?

25 MS. RHOADES: I am 98 percent sure that our officer

1 is Aaron Frazier. I can double check that, but I'm pretty
2 sure it's Aaron Frazier so it might be a different officer.
3 Aaron? Yeah, it's Aaron.

4 THE COURT: Okay. Sounds like it's a different
5 person. Do you know whether that person's related to Aaron
6 Frazier?

7 PROSPECTIVE JUROR NO. 064: I don't believe so, no.

8 THE COURT: And you say -- did I understand you
9 correctly that your mom used to date him?

10 PROSPECTIVE JUROR NO. 064: Yes.

11 THE COURT: Does she still?

12 PROSPECTIVE JUROR NO. 064: Not anymore, no.

13 THE COURT: How long has it been since she dated
14 this other Officer Frazier?

15 PROSPECTIVE JUROR NO. 064: About a year.

16 THE COURT: About a year. Okay. All right, thank
17 you, ma'am. Anyone else as to that last question? No hands.
18 Do any of you have any physical problems or persistent
19 physical aggravation, aside from jury service, which would
20 prohibit you from sitting for prolonged periods of time,
21 keeping in mind that we will be taking regular breaks? Yes,
22 sir.

23 PROSPECTIVE JUROR NO. 296: I am on doctor
24 prescribed pain medication.

25 THE COURT: Okay. And sir, does that impair your

1 ability to concentrate?

2 PROSPECTIVE JUROR NO. 296: Sometimes.

3 THE MARSHAL: We need a badge number and a name,
4 boss.

5 THE COURT: Badge number and name, please.

6 PROSPECTIVE JUROR NO. 296: Oh, I'm sorry. 296,
7 Court Stanley.

8 THE COURT: Okay. With the thanks of the Court,
9 you may be excused. Please return to Jury Services.

10 THE MARSHAL: This way, sir.

11 THE COURT: Okay. Madam Clerk, we need a
12 replacement.

13 THE CLERK: Badge 301, Charles McConaghy.

14 PROSPECTIVE JUROR NO. 301: Here.

15 THE CLERK: Oh, you're already -- oh, sorry, Judge.

16 THE COURT: It's okay.

17 THE CLERK: Badge 302, Marvin Lopez --

18 PROSPECTIVE JUROR NO. 302: Here.

19 THE CLERK: -- Cardoza. You'll move into chair
20 number --

21 THE MARSHAL: The empty chair.

22 THE CLERK: -- 22.

23 THE COURT: The empty chair will do it?

24 THE MARSHAL: Empty chair. Yeah, take a seat.

25 Stanley's gone, right? Okay.

1 THE COURT: Sir, is your name Lopez, and is your
2 badge number 302?

3 PROSPECTIVE JUROR NO. 302: Yes.

4 THE COURT: Mr. Lopez, would you have answered yes
5 to any of my questions?

6 PROSPECTIVE JUROR NO. 302: Yes.

7 THE COURT: Which ones?

8 PROSPECTIVE JUROR NO. 302: Marvin Lopez?

9 THE COURT: H'm?

10 PROSPECTIVE JUROR NO. 302: Marvin Lopez.

11 THE COURT: Okay. But what -- did you hear the
12 questions I asked the other members of the panel?

13 PROSPECTIVE JUROR NO. 302: No. No, I didn't.

14 THE COURT: Like, do you know the defendant, the
15 accused that's sitting at that table, do you know him?

16 PROSPECTIVE JUROR NO. 302: No, I don't.

17 THE COURT: Do you know the attorneys?

18 PROSPECTIVE JUROR NO. 302: No, I don't.

19 THE COURT: Do you know any of the witnesses?

20 PROSPECTIVE JUROR NO. 302: No.

21 THE COURT: Do you live near the scene?

22 PROSPECTIVE JUROR NO. 302: No. I live in Desert
23 Inn and (inaudible).

24 THE COURT: And are you taking -- do you have any
25 physical problems or persistent physical aggravation that

1 would keep --

2 PROSPECTIVE JUROR NO. 302: No, no.

3 THE COURT: Okay. All right, next question. Are
4 any of you taking any medication that would impair your
5 ability to serve? Any medication? Do any of you have any
6 visual impairments or hearing impairments that would affect
7 your ability to serve? No hands.

8 Do any of you have any medical issues that the
9 Court needs to know about for purposes of jury service this
10 week? No hands. Do any of you or do you have any close
11 friends or relatives connected with law enforcement either
12 federal, state, county, city or private? Yes, in the middle
13 row. Your badge number, please?

14 PROSPECTIVE JUROR NO. 220: 220.

15 THE COURT: Yes, sir.

16 PROSPECTIVE JUROR NO. 220: I'm an officer with
17 Henderson Police Department.

18 THE COURT: Okay. For how long, sir?

19 PROSPECTIVE JUROR NO. 220: Seven years.

20 THE COURT: Okay. We appreciate your service.

21 Have you ever been called to jury duty?

22 PROSPECTIVE JUROR NO. 220: Yes.

23 THE COURT: Did you serve?

24 PROSPECTIVE JUROR NO. 220: I did.

25 THE COURT: In a civil --

1 PROSPECTIVE JUROR NO. 220: On a civil trial.

2 THE COURT: Civil case. How long ago?

3 PROSPECTIVE JUROR NO. 220: About four or five
4 years ago.

5 THE COURT: Do you know any of the officers whose
6 names were read into the record, sir?

7 PROSPECTIVE JUROR NO. 220: None were familiar to
8 me.

9 THE COURT: Okay, thank you.

10 THE MARSHAL: Can I get a badge number and name.

11 THE COURT: Badge number -- I think he gave me the
12 badge number. What was the name, sir?

13 PROSPECTIVE JUROR NO. 220: Marc Smith.

14 THE COURT: Smith. That's right, Smith. Okay,
15 220?

16 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

17 THE COURT: There was another hand up behind you, I
18 thought. Yes, ma'am? The woman in the back row. Badge
19 number and name, please.

20 PROSPECTIVE JUROR NO. 112: 112. I have a very
21 close friend that's an attorney for Family Services. Also,
22 another one that's a criminal lawyer. And also, I am having
23 major, major trouble sitting here because all I can think of
24 is the fact that both of my nieces are gone, and the person
25 that killed them has never stood trial because it's all

1 circumstantial.

2 THE COURT: I'm so sorry, ma'am. With the thanks
3 of the Court, you may be excused. Madam Clerk, we need a
4 replacement for Ms. Solomon.

5 THE CLERK: Badge 310, Mark Gamett, chair number 2,
6 please.

7 THE COURT: Good afternoon, Mr. Gamett.

8 PROSPECTIVE JUROR NO. 310: Hi.

9 THE COURT: Is your badge number 310?

10 PROSPECTIVE JUROR NO. 310: Yes.

11 THE COURT: Would you have answered yes to any of
12 my questions?

13 PROSPECTIVE JUROR NO. 310: Yes.

14 THE COURT: Which one, sir?

15 PROSPECTIVE JUROR NO. 310: An officer who's a
16 friend.

17 THE COURT: Okay. And who would that be? Was it
18 somebody whose name was listed?

19 PROSPECTIVE JUROR NO. 310: No.

20 THE COURT: Okay. And how do you know this person?
21 This officer?

22 PROSPECTIVE JUROR NO. 310: Through church and
23 social.

24 THE COURT: Have you known him a long time?

25 PROSPECTIVE JUROR NO. 310: Yes.

1 THE COURT: And has he been an officer a long time?

2 PROSPECTIVE JUROR NO. 310: Yes.

3 THE COURT: Okay. Any other of my questions would
4 you have answered yes to?

5 PROSPECTIVE JUROR NO. 310: No.

6 THE COURT: Very well, then. As to that last
7 question, who else had a hand up? Yes, ma'am, in the front
8 row. Your name and badge number.

9 PROSPECTIVE JUROR NO. 273: Christy Pommier, 273.

10 THE COURT: Yes, ma'am.

11 PROSPECTIVE JUROR NO. 273: I'm a retired juvenile
12 probation officer.

13 THE COURT: Oh, very good. How long have you been
14 retired?

15 PROSPECTIVE JUROR NO. 273: Ten years.

16 THE COURT: Okay. Did you serve -- and was that
17 here --

18 PROSPECTIVE JUROR NO. 273: Yes, it was.

19 THE COURT: -- in Clark County? Did you serve many
20 years in that capacity?

21 PROSPECTIVE JUROR NO. 273: 25.

22 THE COURT: Okay. And do you know any of the
23 officers whose names were read into the record?

24 PROSPECTIVE JUROR NO. 273: I do not.

25 THE COURT: Do you know counsel?

1 PROSPECTIVE JUROR NO. 273: No, I don't.

2 THE COURT: Okay. Thank you, ma'am. Who else had
3 a hand up in the back row? Yes, back row, my far right.
4 Badge number and name.

5 PROSPECTIVE JUROR NO. 210: 210, Kelly Edmund.

6 THE COURT: Yes, ma'am.

7 PROSPECTIVE JUROR NO. 210: I work for a company
8 that does heart and lung physicals for all of the City of
9 Henderson Police, Boulder City Police, and my parent company
10 does the physicals for all of the Las Vegas Metro corrections
11 officers.

12 THE COURT: Do you know Officer Smith?

13 PROSPECTIVE JUROR NO. 210: Yes, I do.

14 THE COURT: Oh, you do?

15 PROSPECTIVE JUROR NO. 210: Yes.

16 THE COURT: Well, this is a first, too, I think.
17 Can I see counsel at the bench, please.

18 (Bench conference begins)

19 THE COURT: So I don't know if that qualifies as a
20 pecuniary interest or not. What do you think?

21 MS. RHOADES: I don't think so. A pecuniary
22 interest?

23 THE COURT: I mean, it's a bit of a reach, I guess,
24 but her company does provide --

25 MS. WALKENSHAW: Services.

1 THE COURT: -- what did she say?

2 MS. RHOADES: Health services. Like the --

3 THE COURT: Okay.

4 MS. RHOADES: Yeah, she --

5 THE COURT: The physicals and stuff --

6 MS. RHOADES: -- does physicals. So I don't think
7 that's --

8 THE COURT: -- for Metro. Do you see that as a
9 problem?

10 MS. WALKENSHAW: I don't, Your Honor.

11 THE COURT: Okay. I appreciate your candor.

12 MS. WALKENSHAW: Thank you.

13 MS. RHOADES: Thank you.

14 THE COURT: Thank you, counsel.

15 (End of bench conference)

16 THE COURT: Okay. Going back to the last question,
17 there were hands. Yes, sir, in the front row. Your badge
18 number and name, please.

19 PROSPECTIVE JUROR NO. 287: Badge number is 287.
20 Name is Michael Richards.

21 THE COURT: Yes, sir.

22 PROSPECTIVE JUROR NO. 287: I'm President of the
23 College of Southern Nevada. I have a police force of about
24 17 post certified officers, and I don't know any of the names
25 that have been disclosed, but I thought I'd share that with

1 you.

2 THE COURT: I appreciate that. That's a big job.
3 A lot of responsibility you've got over there. All right.
4 Who else had a hand up? Yes, in the back row, please.

5 PROSPECTIVE JUROR NO. 314: Kristie Lasiter. My
6 badge number's 314. And my ex-husband is a officer at the
7 detention center.

8 THE COURT: Okay. Clark County Detention Center?

9 PROSPECTIVE JUROR NO. 314: Yes.

10 THE COURT: And how long has he been an ex-husband,
11 ma'am?

12 PROSPECTIVE JUROR NO. 314: Three years.

13 THE COURT: And how long has he been employed as a
14 correctional officer?

15 PROSPECTIVE JUROR NO. 314: More than ten, if I
16 remember.

17 THE COURT: All right. Thank you. Anyone else as
18 to that last question? Have any of you had a -- have ever
19 had a particularly unpleasant experience with a law
20 enforcement officer? That you're willing to talk about. Not
21 including Mr. Diamond. Take him out of the equation. Yes,
22 ma'am, in the back row. Your name and badge number.

23 PROSPECTIVE JUROR NO. 314: Again, Kristie Lasiter,
24 badge 314. And this is a little tricky, but my father was
25 killed by officers.

1 THE COURT: Oh, I'm sorry to hear that. How long
2 ago, ma'am?

3 PROSPECTIVE JUROR NO. 314: Fifteen years ago,
4 maybe.

5 THE COURT: Did that occur in Nevada?

6 PROSPECTIVE JUROR NO. 314: No, in California.

7 THE COURT: Can you tell us about it?

8 PROSPECTIVE JUROR NO. 314: Sure. He -- he had a
9 weapon and -- and came up on him. It was basically his form
10 of suicide.

11 THE COURT: Okay, thank you. Anyone else as to
12 that last question? Any hands? All right, no hands. Any of
13 you ever had a particularly pleasant experience with a law
14 enforcement officer? Not counting, Mr. Diamond. Yes, sir.
15 Name and badge number, please?

16 PROSPECTIVE JUROR NO. 212: Pangallo, badge number
17 212. I was at the lake, and we came in off the boat, had a
18 few beers, and the ranger subjected me to a sobriety test.
19 And I just thought he was a little aggressive and trying to
20 prove my guilt for probable cause by making me continually
21 breathe through the Breathalyzer, each though I passed. And
22 so I just -- it was quite embarrassing. It was on the launch
23 pad at Lake Mead on Memorial Day, which is one of the most
24 busiest days of the season. So I was pretty upset about that
25 because I didn't feel I was inebriated, you know. I felt I

1 was below the legal limit.

2 THE COURT: How long ago was that, sir?

3 PROSPECTIVE JUROR NO. 212: That was about three
4 years ago.

5 THE COURT: Okay. That would constitute as an
6 unpleasant experience, I would imagine.

7 PROSPECTIVE JUROR NO. 212: Yes.

8 THE COURT: Were there any other hands with respect
9 to that question? Mr. Richards?

10 PROSPECTIVE JUROR NO. 287: I've had pleasant
11 experiences with officers. Badge is 287.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 287: At our law enforcement
14 training academy graduations, we have a partnership with John
15 Ponder (phonetic) and Hope For Prisoners with a program at
16 the Clark County Detention Center. A very positive program
17 there. Very positive experiences all around.

18 THE COURT: Um-h'm. I'm familiar with John Ponder.
19 He has an excellent program. Anyone else as to that last
20 question? Okay. All right.

21 Let me ask you this, have any of you or do you have
22 any close friends or relatives who have been a victim of a
23 crime? Yes, ma'am? Name and badge number, please?

24 PROSPECTIVE JUROR NO. 217: Marquesha Bethea, 1217.
25 My cousin was killed like -- like six years back due to a

1 crime that happened. So, yeah. Do you want the whole story?

2

3 THE COURT: Yes, please. I'm so sorry.

4 PROSPECTIVE JUROR NO. 217: I mean, he was at a
5 Halloween party, and he -- it was a guy -- he was affiliated
6 with gangs, and somebody from the gang seen -- like, one of
7 their enemies seen that he was there. And his friend fled
8 and left him there and they killed him at the party. Yeah.

9 THE COURT: Thank you, ma'am. There was another
10 hand up in the back row. Ms. Fisher?

11 PROSPECTIVE JUROR NO. 064: Kirsten Fisher, 064.
12 My cousin, (inaudible) well, she was killed by her boyfriend.
13 She was four months pregnant. She -- her and the baby passed
14 away and then the boyfriend committed suicide.

15 THE COURT: I'm awfully sorry to hear that and I
16 hate to ask about details, but can you tell us how it
17 happened?

18 PROSPECTIVE JUROR NO. 064: From what I was told,
19 they were in their home and they were in an argument,
20 (inaudible) heated argument (inaudible) grabbed his gun, came
21 back and shot her (inaudible).

22 THE COURT: Yes, ma'am, in the back row? Name and
23 badge number, please.

24 PROSPECTIVE JUROR NO. 314: Kristie Lasiter again.
25 Badge 314, and my nephew was killed by his mother, my aunt.

1 THE COURT: Your nephew was killed by who?

2 PROSPECTIVE JUROR NO. 314: My aunt, his mother.

3 THE COURT: Um-h'm. How did that happen?

4 PROSPECTIVE JUROR NO. 314: She -- she has mental
5 illness or had mental illness and she stabbed (inaudible).
6 He was a little over a-year-old.

7 THE COURT: How long ago, ma'am?

8 PROSPECTIVE JUROR NO. 314: This would have been
9 twenty years ago (inaudible).

10 THE COURT: Um-h'm.

11 PROSPECTIVE JUROR NO. 314: And then another --
12 just while we're on the subject not so positive for police
13 officers. I do have a positive respect for police officers
14 (inaudible) experiences, however, my aunt was then killed by
15 some officers while she was in jail.

16 THE COURT: The same person?

17 PROSPECTIVE JUROR NO. 314: The same aunt, yes.

18 THE COURT: Okay, thank you. Anyone else as to
19 that? Yes, ma'am, in the back row? Your badge number,
20 please.

21 PROSPECTIVE JUROR NO. 210: Kelly Edmund, 210.

22 THE COURT: Ms. Edmund.

23 PROSPECTIVE JUROR NO. 210: A coworker of mine was
24 murdered while at work. I was there working with her. It's
25 been almost 20 years ago, but it still is unsolved. It's a

1 cold case, ma'am.

2 THE COURT: Sure. I'm so sorry, ma'am. And you
3 said you were there at the workplace when she was murdered?

4 PROSPECTIVE JUROR NO. 210: We worked for Pizza
5 Hut. We were delivery drivers. I had done a delivery about
6 five minutes before her, and when she came out for her
7 delivery, she was ambushed, taken into her truck and they
8 found her on the road dead a few miles away.

9 THE COURT: I'm so sorry. Any other hands as to
10 that last question? No hands. All right, let me ask you
11 this, have any of you -- or do you have any close friends or
12 relatives who have ever been arrested for a crime. Yes, sir,
13 in the back row? Your name and badge number, please.

14 PROSPECTIVE JUROR NO. 006: Marcus Aubry, Badge No.
15 006.

16 THE COURT: Mr. Aubry.

17 PROSPECTIVE JUROR NO. 006: My cousin was -- he was
18 arrested I want to say around ten years ago. He committed a
19 crime I -- I believe. I wasn't there, which I was -- I was
20 fairly young, but I believe it was attempted murder. This
21 was not in Las Vegas. This was in California.

22 THE COURT: Did he go to prison?

23 PROSPECTIVE JUROR NO. 006: Yes, he is still in
24 prison.

25 THE COURT: Okay. Okay, thank you. Yes, ma'am in

1 the front row? Your name and badge number.

2 PROSPECTIVE JUROR NO. 283: 284, Alisha Graf. My
3 uncle has been in and out of prison and jail for drugs and
4 robbery and (inaudible).

5 THE COURT: Did you say your uncle?

6 PROSPECTIVE JUROR NO. 283: My uncle.

7 THE COURT: Here in Nevada?

8 PROSPECTIVE JUROR NO. 283: No, in Utah.

9 THE COURT: In Utah? Okay.

10 PROSPECTIVE JUROR NO. 283: He's out now.

11 THE COURT: And what is the nature of the crime,
12 robbery?

13 PROSPECTIVE JUROR NO. 283: He's been arrested for
14 burglary, robbery, drug possession.

15 THE COURT: Okay. Okay, thank you. There was a
16 hand up behind you. Yes, ma'am, badge number, please.

17 PROSPECTIVE JUROR NO. 260: 260, Lynda Mendoza. My
18 cousin, Christopher, in California was taken to jail for
19 robbing a liquor store.

20 THE COURT: Okay. And did he -- is he still in
21 jail?

22 PROSPECTIVE JUROR NO. 260: He just got out on
23 probation.

24 THE COURT: Okay. All right, thank you. Yes, sir,
25 badge number, please.

1 PROSPECTIVE JUROR NO. 223: 223, David. It
2 pertains to California. And I have a cousin that's in jail
3 now, and also my stepfather has been arrested as well.

4 THE COURT: In California as well?

5 PROSPECTIVE JUROR NO. 223: Yes.

6 THE COURT: What were the crimes, sir?

7 PROSPECTIVE JUROR NO. 223: My stepfather for I
8 guess it would be domestic violence against my mom and then
9 my cousin for -- I don't know exactly. I know probably drug
10 possessions and (inaudible).

11 THE COURT: Okay. Thank you. Yes, sir, badge
12 number, please.

13 PROSPECTIVE JUROR NO. 310: 310. My son was
14 arrested as well.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 310: Drug -- drug dealing.

17 THE COURT: And what happened with that charge,
18 sir?

19 PROSPECTIVE JUROR NO. 310: The charge was dropped.
20 I don't know the legal term for it, but he -- the charges
21 ultimately were dropped.

22 THE COURT: Okay. Thank you. Anyone else? No
23 hands. Let me ask you this; other than those that you've
24 already mentioned, have any of you or do you have any close
25 friends or relatives who have ever been accused of a crime?

1 No hands.

2 Have any of you or do you have close relatives or
3 friends who have ever been witness to a crime, other than
4 what you've disclosed? Witness to a crime. No hands.

5 Let me ask you this, have you any of you ever been
6 a witness in court? Officer Smith, what about you, sir?

7 PROSPECTIVE JUROR NO. 220: Many times.

8 THE COURT: Okay. Here in this courthouse?

9 PROSPECTIVE JUROR NO. 220: Yes.

10 THE COURT: Henderson?

11 PROSPECTIVE JUROR NO. 220: I was a -- I was an
12 officer with parole and probation Nevada --

13 THE COURT: Oh.

14 PROSPECTIVE JUROR NO. 220: -- prior to being with
15 Henderson.

16 THE COURT: Oh, do you know this young lady down
17 here in the front row?

18 PROSPECTIVE JUROR NO. 220: I can't say I do.

19 THE COURT: Okay. All right.

20 PROSPECTIVE JUROR NO. 220: (Inaudible).

21 THE COURT: And sir, has it been primarily in
22 criminal cases you're called as a witness?

23 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

24 THE COURT: Have you ever been called as a witness
25 in a civil case?

1 PROSPECTIVE JUROR NO. 220: Never.

2 THE COURT: How many times do you think you'd been
3 called as a witness? Is it impossible to guess?

4 PROSPECTIVE JUROR NO. 220: A hundred --

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 220: -- or more.

7 THE COURT: Fair enough. Thank you. Anyone else?
8 Yes, ma'am.

9 PROSPECTIVE JUROR NO. 273: I've been called as a
10 witness. Oh, my name, I'm sorry. Christy Pommier, 273.

11 THE COURT: Ms. Pommier? I would imagine you've
12 been called as a witness lots of times, too, haven't you?

13 PROSPECTIVE JUROR NO. 273: Yes.

14 THE COURT: And have they been primarily related to
15 parole and probation issues?

16 PROSPECTIVE JUROR NO. 273: Yes.

17 THE COURT: Have you ever been called as a witness
18 in a civil case?

19 PROSPECTIVE JUROR NO. 273: No.

20 THE COURT: And how many times would you venture to
21 say you've been called as a witness?

22 PROSPECTIVE JUROR NO. 273: 50.

23 THE COURT: Okay, okay. Thank you. Anyone else as
24 to that last question? Yes, sir?

25 PROSPECTIVE JUROR NO. 301: Yes, Charles McConaghy,

1 badge 301. I've served as expert witness (inaudible) in
2 federal court.

3 THE COURT: Oh, very interesting. Tell us a little
4 bit about that. That's an entirely different kind of court
5 system.

6 PROSPECTIVE JUROR NO. 301: Yes.

7 THE COURT: Can you tell us about it?

8 PROSPECTIVE JUROR NO. 301: I don't know where to
9 begin. I mean, it's entirely different. There's no jury
10 trial.

11 THE COURT: Right. How many times have you been
12 called as a witness in that capacity?

13 PROSPECTIVE JUROR NO. 301: Actually, in court,
14 maybe 10. For like maybe depositions maybe (inaudible).

15 THE COURT: Okay. And tell me about your service.

16 PROSPECTIVE JUROR NO. 301: I was 35 years in the
17 merchant marine and I had my own surveying business after
18 that.

19 THE COURT: Very interesting. We thank you for
20 your service.

21 PROSPECTIVE JUROR NO. 301: It's not (inaudible) --
22 it's not the armed service.

23 THE COURT: I am familiar with the Merchant
24 Marines. Great respect. Anyone else as to that last
25 question? No? All right. Let me ask you this, have any of

1 you otherwise been involved in the criminal justice system
2 other than what I've specifically asked you? No?

3 We heard from some of those of you about your prior
4 experience as a juror. What about the rest of you? Do you
5 have any prior experience as a juror in a criminal case?
6 Yes, sir, badge number, please?

7 PROSPECTIVE JUROR NO. 212: 212, Pangallo. I
8 served in a civil case. It was a sexual harassment, I
9 believe, about four, five years ago in this courthouse.

10 THE COURT: Okay. And I asked about criminal. Did
11 you have any experience as a juror in a criminal case?

12 PROSPECTIVE JUROR NO. 212: Yeah, I was a juror in
13 that case. Is that what you -- was that the question?

14 THE COURT: The question was have you had any prior
15 service as a juror in a criminal case? You told me about a
16 civil case, which is fine. That's going to be my next
17 question anyway.

18 PROSPECTIVE JUROR NO. 212: Oh, okay.

19 THE COURT: But for now do you have any prior
20 experience as a juror in a criminal case?

21 PROSPECTIVE JUROR NO. 212: No.

22 THE COURT: What about any of the rest of you? No
23 hands. All right. What about civil cases, other than the
24 one you've told us about, Mr. Pangallo? Any civil experience
25 as a juror? No hands. None of you? Oh, Officer Smith.

1 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

2 THE COURT: Tell us -- oh, yeah, you told us about
3 the one case. What kind of case was it?

4 PROSPECTIVE JUROR NO. 220: It was a business
5 licensing. I can't really remember the details.

6 THE COURT: Was it here in this courthouse?

7 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

8 THE COURT: Was it one of the short trial programs?

9 PROSPECTIVE JUROR NO. 220: It was about two weeks.

10 THE COURT: Two weeks, that's not hardly short, is
11 it? Did you like that experience?

12 PROSPECTIVE JUROR NO. 220: Not so much.

13 THE COURT: Yeah?

14 PROSPECTIVE JUROR NO. 220: If I could be honest.

15 THE COURT: Of course, we appreciate your honesty.

16 Anyone else, last question? Yes, sir? Badge number please
17 and name.

18 PROSPECTIVE JUROR NO. 253: 1253, Dovani Lesic. I
19 was here about ten years ago. It was a civil case and I was
20 excused because I couldn't understand everything so --
21 because my English wasn't good enough.

22 THE COURT: Your English sounds pretty good now,
23 sir?

24 PROSPECTIVE JUROR NO. 253: Yes, it's much better.

25 THE COURT: You haven't had any difficulty

1 understanding me, have you?

2 PROSPECTIVE JUROR NO. 253: No.

3 THE COURT: Okay. Very good, thank you. Anyone
4 else? No hands. Well, let me ask you this; have any of you
5 received any legal training either in school or as part of
6 your job? Officer Smith?

7 PROSPECTIVE JUROR NO. 220: Just I've been through
8 two police academies.

9 THE COURT: Two police academies?

10 PROSPECTIVE JUROR NO. 220: Yes.

11 THE COURT: So one with Henderson.

12 PROSPECTIVE JUROR NO. 220: And one with Department
13 of Public Safety.

14 THE COURT: Public safety. Did the public safety
15 job come first?

16 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

17 THE COURT: Okay. And how long ago did you
18 complete the academy with Metro?

19 PROSPECTIVE JUROR NO. 220: It was with Henderson.

20 THE COURT: I mean -- yeah, I meant Henderson. I
21 know you said Henderson.

22 PROSPECTIVE JUROR NO. 220: 2006.

23 THE COURT: 2006?

24 PROSPECTIVE JUROR NO. 220: No, 2009, I'm sorry.

25 THE COURT: Okay. And do you have to go back from

1 time to time for additional training?

2 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

3 THE COURT: How often?

4 PROSPECTIVE JUROR NO. 220: We do four to five
5 supplemental trainings per year.

6 THE COURT: So quite a few? Okay. And what about
7 Ms. Pommier? I'm sure you had some training.

8 PROSPECTIVE JUROR NO. 273: Yes, I have.

9 THE COURT: Can you tell us about it, please?

10 PROSPECTIVE JUROR NO. 273: A lot of safety
11 classes, self-defense classes. Frequent trainings on
12 protocol, laws. I've attended seminars on sexual offenders.
13 Gosh, I'm sorry. It's just there was just a lot of training
14 on various aspects, social work, dealing with people, child
15 welfare.

16 THE COURT: So I imagine like Officer Smith, you
17 probably were required to do some training from time to time,
18 regular training?

19 PROSPECTIVE JUROR NO. 273: Yes.

20 THE COURT: Like on a yearly basis some number of
21 classes or something?

22 PROSPECTIVE JUROR NO. 273: It's been ten years
23 (inaudible). Yes, he had so -- we had to complete so many
24 hours of training a year, but I couldn't tell you what that
25 was anymore. It's been ten years.

1 THE COURT: Sure.

2 PROSPECTIVE JUROR NO. 273: I think it was like 16
3 to (inaudible).

4 THE COURT: Okay, thank you. Yes, ma'am?

5 PROSPECTIVE JUROR NO. 274: Donna Clark, 274.

6 THE COURT: Yes.

7 PROSPECTIVE JUROR NO. 274: I attended community
8 college and the legal research program.

9 THE COURT: Oh, very good.

10 PROSPECTIVE JUROR NO. 274: For two years. And
11 that's in terms of my training part. I also represented
12 myself in a civil case.

13 THE COURT: Oh, good. How did you do?

14 PROSPECTIVE JUROR NO. 274: The case was dismissed
15 with prejudice.

16 THE COURT: Oh, okay.

17 PROSPECTIVE JUROR NO. 274: But I fought for
18 myself.

19 THE COURT: That's very important. When did you
20 complete the training program with the college?

21 PROSPECTIVE JUROR NO. 274: In 1999.

22 THE COURT: Did you like that field of study?

23 PROSPECTIVE JUROR NO. 274: I did.

24 THE COURT: Did you --

25 PROSPECTIVE JUROR NO. 274: Pursue it?

1 THE COURT: Yes, did you pursue it?

2 PROSPECTIVE JUROR NO. 274: No.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 274: No, I didn't because
5 the particular program I was in, the director of that program
6 he left and he had me go through constitutional law and
7 Indian law, and when he left, they discontinued the program.
8 And I couldn't continue in that particular field. But I
9 completed it, but not in what I wanted, which was Indian law
10 and constitutional law.

11 THE COURT: Um-h'm. That's an interesting
12 combination. Both interesting fields of study. Very good.
13 Thank you, ma'am. Anyone else as to that last question.
14 Yes, Mr. Richards.

15 PROSPECTIVE JUROR NO. 287: Richards, 287. I've
16 had some general training in contract law and employment law.

17 THE COURT: Okay. Did you like those fields of
18 study?

19 PROSPECTIVE JUROR NO. 287: Not particularly.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 287: But they've become
22 useful.

23 THE COURT: Okay, very good. Thank you. Anyone
24 else as to that last question? No hands. Other than what
25 you've described to us, has anyone here ever called the

1 police for assistance either for yourself or someone else?

2 Yes, ma'am. Ms. Fisher.

3 PROSPECTIVE JUROR NO. 064: Kirsten Fisher, 064.

4 I've called the police for a gentleman outside my house. He
5 was drunk and trying to get in my house when he was really
6 trying to get to the neighbor's house because that was his
7 friend. So he was beating on my door for about an hour.

8 THE COURT: Oh, my goodness. How long ago was
9 this?

10 PROSPECTIVE JUROR NO. 064: This was just about two
11 months ago.

12 THE COURT: And did the police respond swiftly to
13 your call?

14 PROSPECTIVE JUROR NO. 064: They did. They came
15 about 25 minutes later. So, fast I thought.

16 THE COURT: Yeah. Thank you, ma'am. Anyone else?
17 Ms. Pommier?

18 PROSPECTIVE JUROR NO. 273: Yes. Several years ago
19 our home was broken into and it was while we were home.

20 THE COURT: Oh, boy, that's scary.

21 PROSPECTIVE JUROR NO. 273: And we didn't know
22 until after the fact when we realized the door was opened and
23 jewelry was missing, had been ransacked. We were in another
24 area of the house until we called the police and filed a
25 report.

1 THE COURT: Yeah, that's pretty scary. Well, when
2 did you discover it? You didn't know they were in the house
3 at the same you were in the house?

4 PROSPECTIVE JUROR NO. 273: Right.

5 THE COURT: You didn't know that?

6 PROSPECTIVE JUROR NO. 273: Right, we were in --

7 THE COURT: So --

8 PROSPECTIVE JUROR NO. 273: -- another area of the
9 house.

10 THE COURT: So how long did it take before you
11 discovered that --

12 PROSPECTIVE JUROR NO. 273: A couple hours.

13 THE COURT: And you called the police?

14 PROSPECTIVE JUROR NO. 273: Yes, and they
15 responded, and it probably took them a couple hours to get
16 there. It was not an emergency at that time because they
17 were -- had fled or they were gone, and they took a report.

18 THE COURT: Did you ever get your things back?

19 PROSPECTIVE JUROR NO. 273: No.

20 THE COURT: They didn't discover who did it, I
21 imagine?

22 PROSPECTIVE JUROR NO. 273: No.

23 THE COURT: Okay. Thank you, ma'am. Anyone else?
24 Yes, ma'am. Name and badge number.

25 PROSPECTIVE JUROR NO. 274: Donna Clark, 274. I've

1 had to call the police on occasions both times because I was
2 -- well, I was robbed.

3 THE COURT: I'm sorry to hear that. Can you tell
4 us about it?

5 PROSPECTIVE JUROR NO. 274: I was on my way home
6 and I felt somebody behind me and I turned around and they
7 pulled a gun on me and asked me for my money. I told them I
8 didn't have no money. And they left. And I had just put the
9 money in the bank so I didn't have any money.

10 THE COURT: So they left you alone without any
11 incident after that?

12 PROSPECTIVE JUROR NO. 274: Yes.

13 THE COURT: Pretty scary. Okay, thank you, ma'am.
14 Who else had a hand up? Yes, sir. Badge number, please, and
15 name.

16 PROSPECTIVE JUROR NO. 275: 275, Richard Lucas. I
17 called the police one time in front of a convenient store. I
18 was inside the store, the Clerk was apparently too frightened
19 to. Some man was stealing -- was shoplifting -- he was
20 shoplifting a 12-pack of beer and he was causing a commotion.
21 He went outside with the beer and basically, he grabbed the
22 car handle of my car. It was locked, and he went around and
23 he just sat down, and I guess he knew the cops were coming so
24 he waited.

25 THE COURT: Did you wait around for the police to

1 get there?

2 PROSPECTIVE JUROR NO. 275: Yes. 911 was on the
3 line the whole time.

4 THE COURT: Okay. So would you say that it was a
5 pretty quick response?

6 PROSPECTIVE JUROR NO. 275: Could have been
7 quicker.

8 THE COURT: Did you give a statement?

9 PROSPECTIVE JUROR NO. 275: No.

10 THE COURT: You weren't asked to give a statement?

11 PROSPECTIVE JUROR NO. 275: I wasn't asked.

12 THE COURT: Did they arrest this person?

13 PROSPECTIVE JUROR NO. 275: Yes, they did because
14 he resisted arrest.

15 THE COURT: But you weren't ever called to come
16 testify as a witness?

17 PROSPECTIVE JUROR NO. 275: No.

18 THE COURT: Okay. Thank you, sir. Anyone else,
19 last question? Yes, sir, in the back row.

20 PROSPECTIVE JUROR NO. 006: Marcus Aubry, 006.

21 THE COURT: Mr. Aubry. Yes, sir.

22 PROSPECTIVE JUROR NO. 006: I once called the
23 police. It was kind of just I had a bad feeling. I was at
24 home at night and across the street there was a garage that
25 was slightly lifted up and I just saw headlights flashing,

1 you know, periodically. And I didn't know what to think of
2 it at first. But it just kind of kept frequently happening,
3 and, you know, eventually we called the police. And they
4 came in 20 to 30 minutes later. They found out there was
5 some type of domestic abuse in the house. The person --
6 whoever was living there was trying to signal for help or
7 something, and I guess, it was the husband in that household.
8 He ended up get arrested. (Inaudible).

9 THE COURT: Okay. Thank you. Anyone else as to
10 that last question? Yes, ma'am.

11 PROSPECTIVE JUROR NO. 314: Badge number 314,
12 Kristie Lasiter. And I used to work at a bank. I was a
13 supervisor and manager of a bank and so we called the police
14 for a bank robbery.

15 THE COURT: Did you have occasion to do that very
16 often?

17 PROSPECTIVE JUROR NO. 314: Not often. Maybe two
18 or three times.

19 THE COURT: Two or three times over the course of
20 the time you held that job?

21 PROSPECTIVE JUROR NO. 314: Correct.

22 THE COURT: Okay. Thank you, ma'am. Anyone else
23 as to that last question? No hands. Let me ask you this,
24 are all of you at least 18 years of age or older? If you're
25 not, please raise your hand. Are all of you United States

1 citizens? If you're not, please raise your hand. And do any
2 of you have any felony convictions? If you do, raise your
3 hand. No hands.

4 All right. Let me ask you this, the Court will
5 instruct you on the law of this case. Is there anyone among
6 you who cannot assure the parties and the Court that you will
7 follow these instructions regardless of what you may
8 personally believe the law is or ought to be?

9 In other words, will you follow the law even if you
10 disagree with it? If you disagree with that concept, please
11 raise your hand. You were instructed that the defendant is
12 presumed innocent unless proven guilty. And the burden is
13 upon the State to prove the defendant guilty beyond a
14 reasonable doubt. Is there anyone among you who has a
15 quarrel with these principles of law? Yes, ma'am. Middle
16 row, badge number, please.

17 PROSPECTIVE JUROR NO. 260: (Inaudible) 260. I
18 just feel that as hearing this, I wouldn't be able to judge
19 them because I don't know what -- I wasn't there so I
20 wouldn't know, you know --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 260: -- actually what
23 happened even if they were saying what happened. I couldn't
24 believe either side since I wasn't there.

25 THE COURT: Okay. With the thanks of the Court,

1 you may be excused. Please return to Jury Services. Madam
2 Clerk, will you replace number 4, Mendoza.

3 THE CLERK: Badge 317, Brandi Buehler.

4 THE COURT: Is your name Ms. Buehler and is your
5 badge number 317?

6 PROSPECTIVE JUROR NO. 317: Yes.

7 THE COURT: Would you have answered yes to any of
8 my questions?

9 PROSPECTIVE JUROR NO. 317: Yes.

10 THE COURT: Which ones, ma'am?

11 PROSPECTIVE JUROR NO. 317: My father-in-law --
12 well, my soon to be father-in-law works at Metro.

13 THE COURT: Okay. For how long?

14 PROSPECTIVE JUROR NO. 317: 25 years.

15 THE COURT: All right. Soon to be father-in-law.
16 So you're getting engaged to his son?

17 PROSPECTIVE JUROR NO. 317: Yes.

18 THE COURT: All right. Any other questions of mine
19 you would have answered yes to?

20 PROSPECTIVE JUROR NO. 317: (Inaudible).

21 THE COURT: All right. This case is expected to
22 conclude this week. I realize it's an inconvenience for
23 everybody to be in the courtroom for jury service, but my
24 question doesn't have to do with that. My question has to do
25 with whether or not anyone here would be put to an undue

1 hardship to serve jury duty this week? Yes, ma'am, Ms.

2 Pommier.

3 PROSPECTIVE JUROR NO. 273: Pommier, 273. I
4 babysit my two-year-old grandson while my daughter goes to
5 college and works. She's a single parent. There's nobody
6 else to assist her. So I have a (inaudible).

7 THE COURT: With the thanks of the Court, you may
8 be excused.

9 PROSPECTIVE JUROR NO. 273: Thank you.

10 THE COURT: Um-h'm. Madam Clerk.

11 THE CLERK: Badge 322, Christine Buralli. Okay.

12 THE COURT: Good afternoon. Is it Ms. Buralli,
13 badge number 322?

14 PROSPECTIVE JUROR NO. 322: Yes.

15 THE COURT: Would you have answered yes to any of
16 my questions, ma'am?

17 PROSPECTIVE JUROR NO. 322: No.

18 THE COURT: Okay. How about the last question?
19 Any hands in the middle row. Badge number and name, please,
20 sir. Yes, you. You. Yes, sir, you.

21 PROSPECTIVE JUROR NO. 223: Badge number 223,
22 David. I'm the only one that works to provide for my family.
23 I got a newborn and a girlfriend and it would be really a
24 hardship to take the whole week off of work.

25 THE COURT: What kind of work do you do?

1 PROSPECTIVE JUROR NO. 223: I'm in construction.
2 Las Vegas Paving.

3 THE COURT: And does your -- well, you've been
4 pretty busy lately, haven't you? Is your wife the only one
5 that can take care of the baby?

6 PROSPECTIVE JUROR NO. 223: Yes.

7 THE COURT: With the thanks of the Court, you may
8 be excused. Madam Clerk, we need a replacement for Mr. --

9 THE CLERK: Badge 323, Tellambure Bambarendage.

10 PROSPECTIVE JUROR NO. 323: Bambarendage.

11 THE CLERK: Thank you.

12 THE COURT: Sir, please tell me how to pronounce
13 your name.

14 PROSPECTIVE JUROR NO. 323: Bambarendage, but I go
15 by Akila. I had a legal name change. I don't know why it
16 was reflective on the --

17 THE COURT: Oh, well, how do you spell that? That
18 might be easier for me.

19 PROSPECTIVE JUROR NO. 323: A-k-i-l-a.

20 THE COURT: How?

21 PROSPECTIVE JUROR NO. 323: A-k-i-l-a.

22 THE COURT: A-k-i-l-a, Akila?

23 PROSPECTIVE JUROR NO. 323: A-k-i-l-a.

24 THE COURT: Okay. Did you hear that, counsel?
25 Also known as Akila.

1 THE MARSHAL: Is that his last name for first name?

2 THE COURT: Akila is the last name, sir?

3 PROSPECTIVE JUROR NO. 323: No, first name.

4 THE COURT: Oh, what's the last name?

5 PROSPECTIVE JUROR NO. 323: Bambarendage.

6 THE COURT: Oh, darn. I thought I was going to get
7 a break here. Okay. That's the one I need to know how to
8 pronounce it. Tell me again slowly.

9 PROSPECTIVE JUROR NO. 323: Bambarendage.

10 THE COURT: Bambarendage.

11 PROSPECTIVE JUROR NO. 323: Bambarendage.

12 THE COURT: Bambarendage. Okay. Sir, will you
13 have answered yes to any of my questions?

14 PROSPECTIVE JUROR NO. 323: Yes, I do watch over
15 like my uncle's son when he goes to work on one day a week.

16 THE COURT: Tell me that again.

17 PROSPECTIVE JUROR NO. 323: I watch over the son of
18 my uncle's, who's my niece, one day a week.

19 THE COURT: What days?

20 PROSPECTIVE JUROR NO. 323: It's usually Thursdays.

21 THE COURT: All day Thursday?

22 PROSPECTIVE JUROR NO. 323: Yeah.

23 THE COURT: Is there anyone else who can take care
24 of the child?

25 PROSPECTIVE JUROR NO. 323: No, he trust me more.

1 THE COURT: Okay. How old is he?

2 PROSPECTIVE JUROR NO. 323: He's about five years
3 now. He just turned five.

4 THE COURT: All right. With the thanks of the
5 Court, you may be excused. Please return to Jury Services.

6 THE CLERK: Badge 324, Kevin Futch.

7 THE COURT: Sir, is it Mr. Futch?

8 PROSPECTIVE JUROR NO. 324: Futch.

9 THE COURT: Futch. Is your badge number 324?

10 PROSPECTIVE JUROR NO. 324: Yes, it is.

11 THE COURT: Would you have answered yes to any of
12 my questions?

13 PROSPECTIVE JUROR NO. 324: Yes.

14 THE COURT: Which one, sir?

15 PROSPECTIVE JUROR NO. 324: My wife's first husband
16 was murdered. My stepson's served time in prison. Those are
17 the two main ones.

18 THE COURT: Okay. And can you give us a time frame
19 on the ex-husband's murder?

20 PROSPECTIVE JUROR NO. 324: That was 20 years ago
21 here in Las Vegas. It was an unsolved murder.

22 THE COURT: And the two stepsons, did you say --
23 are they serving time?

24 PROSPECTIVE JUROR NO. 324: He has served time in
25 the past.

1 THE COURT: For what, do you know?

2 PROSPECTIVE JUROR NO. 324: He had a possession of
3 a weapon. He was on probation. He failed probation by
4 having possession of stolen property, he served one year in
5 prison.

6 THE COURT: Okay. And how long ago was that?

7 PROSPECTIVE JUROR NO. 324: That was about three
8 years ago.

9 THE COURT: What about my other questions?

10 PROSPECTIVE JUROR NO. 324: I have call have called
11 the police --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 324: -- on numerous
14 occasions.

15 THE COURT: And tell us about that.

16 PROSPECTIVE JUROR NO. 324: I work for the public
17 works for City of Henderson.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 324: So we call the police
20 department on occasion for various issues when we're out in
21 the field. So we've had issues where we've had homeless in
22 storm drains and we had to call the police to have them
23 removed. I've called the police on -- as a citizen seeing a
24 drunk driver. I've called the police on numerous occasions
25 throughout my life so -- but nothing dealing with a criminal

1 act.

2 THE COURT: Okay. Do you know Officer Smith, the
3 gentleman sitting to your right?

4 PROSPECTIVE JUROR NO. 324: I don't know him, but
5 I've seen him.

6 THE COURT: I see.

7 PROSPECTIVE JUROR NO. 324: Seen him in the halls.

8 THE COURT: Small town, isn't it?

9 PROSPECTIVE JUROR NO. 324: City Hall, yeah.

10 THE COURT: All right. Any other of my questions
11 that you can think of you would have answered yes to?

12 PROSPECTIVE JUROR NO. 324: No. And as to that
13 last question, were there any hands? Yes, sir, in the back
14 row, your name and badge number, please.

15 PROSPECTIVE JUROR NO. 306: Collins, 306.

16 THE COURT: Mr. Collins.

17 PROSPECTIVE JUROR NO. 306: I live pretty far. I
18 don't have steady transportation to get here.

19 THE COURT: Where do you live, sir?

20 PROSPECTIVE JUROR NO. 306: Lake Mead and
21 Hollywood.

22 THE COURT: Well, that's pretty -- a long ways
23 away. What about the bus?

24 PROSPECTIVE JUROR NO. 306: I don't even know how
25 to get here on the bus.

1 THE COURT: How did you get here today?

2 PROSPECTIVE JUROR NO. 306: A ride, actually.

3 THE COURT: Ride what?

4 PROSPECTIVE JUROR NO. 306: My brother. He was
5 able to take me.

6 THE COURT: Oh, your brother gave you a ride. You
7 have no car?

8 PROSPECTIVE JUROR NO. 306: No, ma'am.

9 THE COURT: Are you working?

10 PROSPECTIVE JUROR NO. 306: Yes, ma'am.

11 THE COURT: Where do you work?

12 PROSPECTIVE JUROR NO. 306: Walmart.

13 THE COURT: How do you get to Walmart?

14 PROSPECTIVE JUROR NO. 306: Bus.

15 THE COURT: Is there no bus that comes directly
16 here from your area?

17 PROSPECTIVE JUROR NO. 306: I have no idea. I
18 never even came this far downtown. I live in Vegas.

19 THE COURT: With the thanks of the Court, you may
20 be excused. Please return to Jury Services.

21 THE CLERK: Badge 325, Alyssa Ahina. Ahina. Thank
22 you.

23 THE COURT: Good afternoon, ma'am, is your name
24 Ahina?

25 PROSPECTIVE JUROR NO. 325: Yes, ma'am.

1 THE COURT: Ms. Ahina, is your badge number 325?

2 PROSPECTIVE JUROR NO. 325: Yes, ma'am.

3 THE COURT: Would you have answered yes to any of
4 my questions?

5 PROSPECTIVE JUROR NO. 325: I've called the police
6 on several occasions because I work at a senior living home
7 so just from the residents, if anything happened, I'll give
8 them a call.

9 THE COURT: So and you work -- what kinds of calls
10 do you have to call in given your employment there?

11 PROSPECTIVE JUROR NO. 325: Say if someone passed
12 away or they're having chest pains.

13 THE COURT: Okay. Okay. Thank you, ma'am. Anyone
14 else as to that last question? Yes, in the middle row, your
15 badge number, please, ma'am.

16 PROSPECTIVE JUROR NO. 317: It's 317. My name's
17 Brandi. I babysit my niece during the day while my sister
18 goes to work, and I also work, but my niece can't go to
19 daycare. She's on oxygen.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 317: She's at home. They
22 have her (inaudible) and I'm the only one that's here that
23 can babysit here.

24 THE COURT: How old is she?

25 PROSPECTIVE JUROR NO. 317: Two-and-a-half.

1 THE COURT: With the thanks of the Court, you may
2 be excused.

3 PROSPECTIVE JUROR NO. 317: Thank you.

4 THE COURT: Madam Clerk.

5 THE CLERK: Badge 332, Linda Hayes.

6 THE COURT: Ms. Hayes, is your badge number 332?

7 PROSPECTIVE JUROR NO. 332: Yes.

8 THE COURT: Will you have answered yes to any of my
9 questions?

10 PROSPECTIVE JUROR NO. 332: Yes.

11 THE COURT: Which ones?

12 PROSPECTIVE JUROR NO. 332: A lot of them. I have
13 a bad back, and a broken tailbone so I can't sit here for
14 very long. Being here just this hour is killing me.

15 THE COURT: Very well. With the thanks of the
16 Court, you may be excused. Madam Clerk.

17 THE CLERK: Badge 338, Vicky Victor.

18 THE COURT: Good afternoon, ma'am. Is your name
19 Victor?

20 PROSPECTIVE JUROR NO. 338: Yes, Vicky Victor.

21 THE COURT: Ms. Victor, is 338 your badge number?

22 PROSPECTIVE JUROR NO. 338: Yes.

23 THE COURT: Would you have answered yes to any of
24 my questions?

25 PROSPECTIVE JUROR NO. 338: Yes.

1 THE COURT: Which ones?

2 PROSPECTIVE JUROR NO. 338: I have a really bad
3 back.

4 THE COURT: There must be something wrong with that
5 seat.

6 PROSPECTIVE JUROR NO. 338: (Inaudible) medication
7 (inaudible).

8 THE COURT: I'm sorry, ma'am. With the thanks of
9 the Court, you may be excused. Madam Clerk.

10 THE CLERK: Badge 339, Nicole Nolan.

11 THE COURT: Ms. Nolan, is your badge number 339?

12 PROSPECTIVE JUROR NO. 339: Yes.

13 THE COURT: Would you have answered yes to any of
14 my questions?

15 PROSPECTIVE JUROR NO. 339: Yes.

16 THE COURT: Which ones?

17 PROSPECTIVE JUROR NO. 339: I am self-employed. I
18 own my own company. It's just me and so if I'm not there, I
19 don't get paid and my (inaudible) client -- I'm a CPA, and
20 there's only two of us in the finance department. And the
21 other CFO, she's -- she's away for two weeks.

22 THE COURT: What's the name of your company?

23 PROSPECTIVE JUROR NO. 339: My company's TNM
24 Consulting.

25 THE COURT: And the name of your client?

1 PROSPECTIVE JUROR NO. 339: Western Veterinary
2 Conference.

3 THE COURT: I don't really think you've given me
4 legal cause to excuse you. Would you have answered yes to
5 any of my other questions?

6 PROSPECTIVE JUROR NO. 339: (Inaudible).

7 THE COURT: All right. Anyone else? Yes, ma'am.
8 Badge number, please, and name.

9 PROSPECTIVE JUROR NO. 283: 283, Alisha Graf.

10 THE COURT: Yes.

11 PROSPECTIVE JUROR NO. 283: I have three kids that
12 are in a middle school, an elementary school or charter.
13 There's no bus, and I'm the one that picks them up. My
14 husband works during the day, and he tried to get off work
15 today and couldn't it off for me to watch the -- watch our
16 toddler isn't even in school. So I managed to get a ride
17 taken care of today, but to try and manage rides for the
18 whole week and get the toddler care of is a lot.

19 THE COURT: With the thanks of the Court, you may
20 be excused.

21 PROSPECTIVE JUROR NO. 283: Thank you.

22 THE CLERK: Badge 340, Jenny Leary.

23 THE COURT: Is it Ms. Leary?

24 PROSPECTIVE JUROR NO. 340: Yes.

25 THE COURT: Is your badge number 340?

1 PROSPECTIVE JUROR NO. 340: Yes.

2 THE COURT: Would you have answered yes to any of
3 my questions?

4 PROSPECTIVE JUROR NO. 340: Yes.

5 THE COURT: Which ones, ma'am?

6 PROSPECTIVE JUROR NO. 340: About two months ago I
7 work at Starbucks, and my store was shot up and one of our
8 customers was murdered, in a random act of violence. I've
9 been dealing with the emotions of it. And I know his court
10 case is soon. And so that, and I've also had cousins who
11 were arrested for drugs and DUIs. (Inaudible) every year
12 (inaudible). And I've had to call the police for that at
13 work.

14 THE COURT: So, very frightening, the -- like as
15 you termed it, the random act of violence. And one of your
16 patrons was shot and killed?

17 PROSPECTIVE JUROR NO. 340: Yeah, he was murdered
18 in it. And it -- I (inaudible). He didn't know -- we didn't
19 know each other.

20 THE COURT: Did you witness it?

21 PROSPECTIVE JUROR NO. 340: Yes. I was working
22 that day. I was about 5 feet away.

23 THE COURT: How long ago, ma'am?

24 PROSPECTIVE JUROR NO. 340: It's been about two-
25 and-a-half months now.

1 THE COURT: Okay. Anything else you would have
2 answered yes to?

3 PROSPECTIVE JUROR NO. 340: No, that's it.

4 THE COURT: Okay. Any other hands? Yes, ma'am, in
5 the back row. Your badge number, please, Ms. Edmund.

6 PROSPECTIVE JUROR NO. 210: 210. It's not really a
7 hardship for me, but the office that I do work for, it is a
8 small office and there is already someone scheduled to be off
9 to put in for vacation. So she's going to be off on Friday.
10 And it would be a hardship for the office to have two of us
11 off at the same time. There's only six people in the entire
12 office, including the doctor. So that would, you know, cut
13 the staff.

14 THE COURT: That sounds a lot like the lady sitting
15 in front of you. That's not a legal hardship for me to be
16 able to excuse you. I mean, I sympathize with both of you,
17 but I can't excuse you for that reason. Any other? Yes,
18 badge number, please.

19 PROSPECTIVE JUROR NO. 217: Marquesha Bethea, 1217.
20 This is my first time doing this, and I can admit it's a bit
21 overwhelming for me due to what I've been dealt with, with my
22 cousin (inaudible) murdered and I'm a bit uncomfortable.

23 THE COURT: Ma'am, we can't quite hear you.

24 PROSPECTIVE JUROR NO. 217: I said --

25 THE COURT: The court recorder indicates she can't

1 hear you. We need to make a good record.

2 PROSPECTIVE JUROR NO. 217: I apologize, ma'am.

3 But I said I'm a bit uncomfortable with sitting here talking
4 about the crime or whatever it is that -- what has happened
5 due to what I've dealt with with my family member personally,
6 and it's overwhelming. It is. It is a little overwhelming.

7 THE COURT: I understand, ma'am, there are a lot
8 of, seems like very intrusive personal questions we're asking
9 each of you, but that's the only way we can sort everything
10 out and get a fair and impartial jury for both sides. You
11 haven't heard anything about the facts of this particular
12 case. Is there anything that would prevent you from being
13 fair to both sides?

14 PROSPECTIVE JUROR NO. 217: I mean, I don't know
15 anything about the case --

16 THE COURT: Right.

17 PROSPECTIVE JUROR NO. 217: -- or the person but --

18 THE COURT: That's exactly what we want, people who
19 don't know anything about the case.

20 PROSPECTIVE JUROR NO. 217: Yeah.

21 THE COURT: So is there any reason, as you sit
22 there now, why you couldn't be fair to both sides?

23 PROSPECTIVE JUROR NO. 217: I just feel like my
24 opinion personally on anything of pertaining to this case
25 wouldn't matter.

1 THE COURT: Why not? You'd be one of the members
2 of the jury. You'd have an equal vote.

3 PROSPECTIVE JUROR NO. 217: But I can't honestly
4 give my honest opinion if I -- like the woman who left first.
5 I wasn't there so I can't really say (inaudible).

6 THE COURT: So are you telling me that not having
7 heard any of the testimony in this case, you could not be
8 fair to both sides?

9 PROSPECTIVE JUROR NO. 217: I can be fair if I was
10 there. I can't say that -- I mean, it's basically a witness
11 type of thing, and I wasn't there to say oh, well, this
12 happened, this happened and this happened. I feel like this
13 is okay. I just --

14 THE COURT: That's the reason the jury exists is to
15 be the fact finders of these cases?

16 PROSPECTIVE JUROR NO. 217: And it's just
17 overwhelming.

18 THE COURT: Any other hands as to the last
19 question? Yes, sir? Badge number and name, please.

20 PROSPECTIVE JUROR NO. 253: It's 1253. I just
21 wanted to mention that I'm the only in the house working
22 (inaudible).

23 THE COURT: I'm sorry, I can't hear all of what
24 you're saying. Could you please speak up?

25 PROSPECTIVE JUROR NO. 253: I'm sorry. I'm the

1 only one in the household working and my wife doesn't work.
2 We have a child I was just worried that the trial might take
3 longer because we -- I live like from paycheck to paycheck
4 and it would, how you say, affect on income, my income
5 (inaudible).

6 THE COURT: How old is your child?

7 PROSPECTIVE JUROR NO. 253: He's ten years old.

8 THE COURT: And your wife stays home with the
9 child?

10 PROSPECTIVE JUROR NO. 253: Yes. My son has a
11 little heart condition so we decided for now.

12 THE COURT: And what kind of --

13 PROSPECTIVE JUROR NO. 253: (Inaudible).

14 THE COURT: What kind of work do you do, sir?

15 PROSPECTIVE JUROR NO. 253: I'm a bartender in a
16 casino (inaudible).

17 THE COURT: Very well. With the thanks of the
18 Court, you may be excused.

19 THE CLERK: Badge 346, Tammy McKeever.

20 THE COURT: Okay, Ms. McKeever, is your badge
21 number 346?

22 PROSPECTIVE JUROR NO. 346: Yes.

23 THE COURT: Would you have answered yes to any of
24 my questions?

25 PROSPECTIVE JUROR NO. 346: Yes.

1 THE COURT: Which ones, ma'am?

2 PROSPECTIVE JUROR NO. 346: I was on a jury maybe
3 five years ago, four or five years ago. It was a criminal
4 trial.

5 THE COURT: And without telling us what the verdict
6 was, was there one?

7 PROSPECTIVE JUROR NO. 346: There was, yes. There
8 was multiple counts so there were some guilty and some --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 346: -- (inaudible).

11 THE COURT: And would you have answered yes to any
12 of my other questions?

13 PROSPECTIVE JUROR NO. 346: Yeah. So I was called
14 as a witness as well. I don't know -- it wasn't a jury
15 trial, so I don't really know. I think it was settled, but I
16 was called as a witness.

17 THE COURT: Okay. Was it maybe a bench trial, a
18 trial by the Judge?

19 PROSPECTIVE JUROR NO. 346: I'm not really sure.

20 THE COURT: Okay. Was it in this courthouse?

21 PROSPECTIVE JUROR NO. 346: Yes.

22 THE COURT: Okay. All right. And any other
23 questions you would have answered yes to?

24 PROSPECTIVE JUROR NO. 346: No.

25 THE COURT: Anyone else as to the last question?

1 Yes. Back row, badge number, please, and name, sir.

2 PROSPECTIVE JUROR NO. 006: Badge 006. My name is
3 Marcus Aubry.

4 THE COURT: Yes.

5 PROSPECTIVE JUROR NO. 006: If I may, I actually do
6 have a question in regards to the last question. While I do
7 plan on being here, if I may ask, is there a specific time
8 that this would end every day or can it carry on
9 throughout --

10 THE COURT: Well, I'll tell you this, we're not
11 going to be staying here late into the night. Get that,
12 counsel?

13 PROSPECTIVE JUROR NO. 006: No, the reason I ask is
14 because I do drive both myself and my girlfriend to work. We
15 both work the same jobs. And today we just so happened to
16 land on her day off, which was lucky for us. And while I
17 intend to be here, I don't really know if it's going to be a
18 later inconvenience for me, but I believe if I were to be
19 able to leave at a convenient time and it's earlier on in the
20 day, I think I could stay. But I couldn't give you a very
21 particular answer, so I do apologize for that.

22 THE COURT: All right. We may take it up later on.
23 Any other affirmative -- yes, Mr. Richards.

24 PROSPECTIVE JUROR NO. 287: Badge 287. If the
25 Court wishes I can clear my calendar for the week, but right

1 now as the semester winds down, I have a lot of leadership
2 obligations that I have scheduled. But again, if the Court
3 wishes, I could clear those.

4 THE COURT: It's not legal cause for me to excuse
5 you, Mr. Richards, much like I mentioned to the two women
6 behind you, but I appreciate your bringing that to my
7 attention. Anyone else as to that last question? No hands.

8 All right. We're going to hear in a few moments
9 from each of you one at a time, and I'd like you to stand up,
10 tell us your name, occupation, marital status, if any,
11 children, if any, and any hobbies or special interests
12 beginning first with our Juror Number 1, Ms. Fisher.

13 PROSPECTIVE JUROR NO. 064: Kirsten Fisher, 064. I
14 -- I'm sorry, there was a lot of questions you asked there.

15 THE COURT: Your occupation, ma'am?

16 PROSPECTIVE JUROR NO. 064: I work at the Secret
17 Garden and Dolphin Habitat at the Mirage. I am a facilitator
18 for the trainer for the day program.

19 THE COURT: And are you married?

20 PROSPECTIVE JUROR NO. 064: I am not. I'm single.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 064: I do not.

23 THE COURT: What do you like to do for fun?

24 PROSPECTIVE JUROR NO. 064: For fun, I do homework
25 because I'm also a full-time student. So I don't have a --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 064: -- lot of fun time.

3 THE COURT: What do you study?

4 PROSPECTIVE JUROR NO. 064: Psychology.

5 THE COURT: And where are you going to school?

6 PROSPECTIVE JUROR NO. 064: UNLV.

7 THE COURT: Okay. Thank you, ma'am.

8 PROSPECTIVE JUROR NO. 064: You're welcome.

9 PROSPECTIVE JUROR NO. 310: Mark Gamett, badge 310.

10 Retired CPA. I worked in public accounting for a little over
11 nine years and then 25 years with Clark County in the finance
12 department. Married, three children, adult children. And a
13 lifelong resident of Las Vegas, and interests are gardening
14 and art.

15 THE COURT: Okay, thank you.

16 PROSPECTIVE JUROR NO. 325: Hello, my name is
17 Alyssa Ahina, 325. I am 19. I work at Sunrise Senior Living
18 as a care manager. My favorite hobbies are probably playing
19 sports and just studying because I'm also a nursing student
20 as well.

21 THE COURT: Okay. And how far along are you in
22 your nursing program?

23 PROSPECTIVE JUROR NO. 325: My second year.

24 THE COURT: What do you -- are you married? Do you
25 have a spouse or any children?

1 PROSPECTIVE JUROR NO. 325: No, single.

2 THE COURT: Okay. Thank you.

3 PROSPECTIVE JUROR NO. 314: Kristie Lasiter, badge
4 314. I am single, divorced, and I am a preschool teacher. I
5 like to workout.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 314: And do things with my
8 kids.

9 THE COURT: Do you have any children?

10 PROSPECTIVE JUROR NO. 314: Yes, two boys.

11 THE COURT: Thank you, ma'am.

12 PROSPECTIVE JUROR NO. 394: Hello, my name is
13 William Sanchez, 394. I'm a biomedical technician. Work for
14 the Villa for 25 years. I got four children, married.

15 THE COURT: Okay. Does your wife work outside the
16 home, sir?

17 PROSPECTIVE JUROR NO. 394: She works also for the
18 Villa.

19 THE COURT: Okay. All right. What do you like to
20 do for fun?

21 PROSPECTIVE JUROR NO. 394: I build and fly drones.

22 THE COURT: You do what?

23 PROSPECTIVE JUROR NO. 394: I like to build and fly
24 drones.

25 THE COURT: Okay. Very good. Thank you, sir.

1 PROSPECTIVE JUROR NO. 394: Thank you.

2 PROSPECTIVE JUROR NO. 874: Hello, my name is
3 Christian Galvan, badge number 874. I work as valet SLS
4 Hotel and Casino. I am single, and I'm an automotive student
5 at CSN and for hobbies I look to work on cars.

6 THE COURT: Okay, very good. How far are you along
7 in that program, that automotive program?

8 PROSPECTIVE JUROR NO. 874: Last two semesters.

9 THE COURT: Okay, very good. And do you have any
10 children, sir?

11 PROSPECTIVE JUROR NO. 874: No.

12 THE COURT: Okay. Thank you.

13 PROSPECTIVE JUROR NO. 006: Hello, my name is
14 Marcus Aubry. My badge number is 006. I work for Sony Play
15 Station. Technically, single. Don't know what else there
16 was. Like to sing, dance, draw, play a few instruments.
17 That's it.

18 THE COURT: Okay. Thank you, sir.

19 PROSPECTIVE JUROR NO. 210: My name is Kelly
20 Edmund, badge number 210. I am married. I have four adult
21 children from a previous marriage, and three stepchildren,
22 three granddaughters, three grandsons. I like to go to
23 movies, and my husband and I just enjoy our three furry dogs.

24 THE COURT: Um-h'm. And you told us --

25 PROSPECTIVE JUROR NO. 210: Furry kids.

1 THE COURT: -- briefly about your job. Could you
2 mention it again for the attorneys.

3 PROSPECTIVE JUROR NO. 210: It's a company that
4 just does annual wellness exams and we work with Caesars,
5 Boyd Gaming, as I mentioned, City of Henderson Police and
6 Fire, Boulder City, and the parent company ARC mainly does
7 just the heart and lung physicals for Corrections, Metro,
8 that kind of thing.

9 THE COURT: Okay. And your husband, does he work?

10 PROSPECTIVE JUROR NO. 210: He works from home. He
11 has a website where he does proofreading and editing.

12 THE COURT: All right, thank you, ma'am.

13 PROSPECTIVE JUROR NO. 265: My name is Casandra
14 McDougall, badge number 265. I am a veterinary assistant at
15 the Las Vegas Veterinary Speciality Center in the surgery
16 department. I am married. I have three kitties, and I am in
17 the pet and foster program online to be a licensed veterinary
18 technician.

19 THE COURT: Three kitties, not kiddies, right?

20 PROSPECTIVE JUROR NO. 265: Kittens, cats.

21 THE COURT: Okay. Thank you, ma'am.

22 PROSPECTIVE JUROR NO. 265: Thank you.

23 PROSPECTIVE JUROR NO. 339: Hi, I'm Nicole Nolan.
24 I am self-employed as a CPA. I am married, have no children,
25 and I enjoy golfing, volunteering and reading.

1 THE COURT: Very good. And does your husband work?

2 PROSPECTIVE JUROR NO. 339: He works at Circus
3 Circus.

4 THE COURT: Okay. Thank you, ma'am.

5 PROSPECTIVE JUROR NO. 346: Hi, I'm Tammy McKeever,
6 badge number 346. I work for a technology company. I am
7 married. I have three grown children, two grandchildren, and
8 I like horses. I have horses.

9 THE COURT: Oh, very good. And does your husband
10 work as well?

11 PROSPECTIVE JUROR NO. 346: Yes, he does. He's a
12 battalion chief for the City of Henderson Fire Department.

13 THE COURT: Okay, thank you, ma'am. We have
14 Henderson well represented here today.

15 PROSPECTIVE JUROR NO. 324: Hi, I'm Kevin Futch.
16 I'm a project engineer with the City of Henderson. I'm
17 married, three children, two grandchildren, and really my
18 hobby's been keeping the grandchildren in line so -- of late
19 so --

20 THE COURT: Does your wife work outside the home?

21 PROSPECTIVE JUROR NO. 324: She does. She works
22 for the City of North Las Vegas. She's a manager there.

23 THE COURT: She's got a commute, hasn't she?

24 PROSPECTIVE JUROR NO. 324: Yep.

25 THE COURT: Thank you, sir.

1 PROSPECTIVE JUROR NO. 220: I'm Marc Smith, 220.
2 Henderson Police Department. I've been law enforcement since
3 2000. I'm married. Two stepkids. No natural kids.

4 THE COURT: And does your wife work?

5 PROSPECTIVE JUROR NO. 220: She does.

6 THE COURT: What does she do?

7 PROSPECTIVE JUROR NO. 220: My in-laws own a chain
8 of restaurants. She runs four of them.

9 THE COURT: Okay. And what do you like to do for
10 fun?

11 PROSPECTIVE JUROR NO. 220: I work out.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 219: Hi, I'm Cary Moylan. I
14 work for Dreyer's Ice Cream. I have one daughter and two
15 stepkids. I'm married, and I play softball. That's about
16 it.

17 THE COURT: Does your wife work outside the home?

18 PROSPECTIVE JUROR NO. 219: Yes, she works at
19 Canyon Ridge in the Venetian. She does nails.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 219: That's about it.

22 THE COURT: So you work for Dreyer's, sir?

23 PROSPECTIVE JUROR NO. 219: Yep. I'm a route sales
24 guy. I deliver and I stock and do stuff like that all around
25 town.

1 THE COURT: You could be one of the more popular
2 jurors on the panel. Thank you, sir.

3 PROSPECTIVE JUROR NO. 217: Hi, I'm Marquesha
4 Bathea. I work at Circus Circus. I'm a GRA as well as I
5 like poetry, I'm a vocalist. I like to sing and write all of
6 that. And I'm born and raised in Las Vegas. I don't have
7 any children, and that's about it.

8 THE COURT: Do you have a spouse?

9 PROSPECTIVE JUROR NO. 217: A spouse? No, I'm not
10 married. I'm single.

11 THE COURT: Okay, thank you.

12 PROSPECTIVE JUROR NO. 212: Dominic Pangallo, badge
13 212. I'm married, I've got one stepdaughter and three older
14 kids from a prior marriage. I work at Valley Health Systems.
15 I live in Henderson.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 212: Is there any -- was
18 there -- is that it?

19 THE COURT: Does your wife work?

20 PROSPECTIVE JUROR NO. 212: Yes, she does. She's a
21 nail tech.

22 THE COURT: Okay. What do you like to do for fun?

23 PROSPECTIVE JUROR NO. 212: Lots of things. I'm
24 going hunting, so I'm really excited about that.

25 THE COURT: What are you going to hunt, sir?

1 PROSPECTIVE JUROR NO. 212: Up near Elko, Nevada.

2 THE COURT: What animal?

3 PROSPECTIVE JUROR NO. 212: Deer.

4 THE COURT: Okay. When are you going hunting?

5 PROSPECTIVE JUROR NO. 212: Saturday, hopefully.

6 THE COURT: Did you hear that, counsel? Okay,
7 thank you, sir.

8 PROSPECTIVE JUROR NO. 322: Hi, I'm Christine
9 Buralli. I am married. I have a one-year-old son. My
10 husband works full-time, we both do. And I'm a pastry chef
11 at Bellagio at Michael Mina, and I like to read, travel,
12 watch football.

13 THE COURT: Pastry chef and somebody from Dreyer's
14 on the same panel. You could be a popular one, too, ma'am.
15 Did you say your husband works?

16 PROSPECTIVE JUROR NO. 322: Yes.

17 THE COURT: What does he do?

18 PROSPECTIVE JUROR NO. 322: He's a (inaudible).

19 THE COURT: Okay, thank you. Ms. Clark.

20 PROSPECTIVE JUROR NO. 274: Good afternoon. My
21 name is Donna Clark. I'm single. Presently I'm under
22 disability, but for the past 20 years I have been a stage
23 hand (indecipherable). Currently -- I mean, that's what I
24 did for a living. For my life, I have a documentary. And
25 currently I'm working on a document about Las Vegas and West

1 Las Vegas, in particular, I mean, because I'm from Las Vegas.

2 THE COURT: Okay. Thank you, ma'am.

3 PROSPECTIVE JUROR NO. 274: Um-h'm.

4 PROSPECTIVE JUROR NO. 275: Hi, I'm Richard Lucas,
5 badge number 275. I work for National Security Technologies
6 for the DOE. Foreman logistics. Live in Henderson, like to
7 workout. I have two sons. One of them has two sons, which
8 are my grandsons.

9 THE COURT: And your wife, does she work?

10 PROSPECTIVE JUROR NO. 275: I am divorced.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 340: Hi, I'm Jenny Leary and
13 I'm badge 340. I am a local, born and raised here in Las
14 Vegas. I work at Starbucks and I also tutor kids. I like to
15 dance, I love to read and snowboard when I can find some
16 snow. So that's --

17 THE COURT: You're not married, ma'am?

18 PROSPECTIVE JUROR NO. 340: No, I'm not married.

19 THE COURT: No children?

20 PROSPECTIVE JUROR NO. 340: Nope, none.

21 THE COURT: What do you tutor the children that you
22 tutor?

23 PROSPECTIVE JUROR NO. 340: It's with a company
24 called Catapult, and we go to faith based institutions, and I
25 have mostly reading groups, but I also have a math group. So

1 they're all levels. Kindergartners through fourth graders.

2 THE COURT: Very good. Thank you, ma'am.

3 PROSPECTIVE JUROR NO. 340: Thank you.

4 PROSPECTIVE JUROR NO. 287: I'm Michael Richards.

5 I'm employed by the Nevada System of Higher Education. I've
6 been president of CSN for ten years, married, five grown
7 daughters. My wife is retired, and for fun we try to travel
8 and find cell free zones.

9 THE COURT: Okay. Thank you.

10 PROSPECTIVE JUROR NO. 287: You bet.

11 THE COURT: Yes, I understand.

12 PROSPECTIVE JUROR NO. 302: Hi, my name is Marvin
13 Lopez-Cardoza, badge number 302. I'm married and work at
14 Hakkasan Warehouse.

15 THE COURT: What was the name of the company?

16 PROSPECTIVE JUROR NO. 302: Hakkasan Warehouse.

17 THE COURT: Okay. Does your wife work?

18 PROSPECTIVE JUROR NO. 302: No, she doesn't.

19 THE COURT: Okay. You have children?

20 PROSPECTIVE JUROR NO. 302: One daughter, she's 14.

21 THE COURT: Okay. And what do you like to do for
22 fun?

23 PROSPECTIVE JUROR NO. 302: Just watch movies.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 301: My name is Charles

1 McConaghy, badge 301. Retired master mariner. I have
2 divorced two grown children. And the only reason I'm in Las
3 Vegas was to take care of my grandkids and I'm an (inaudible)
4 and fisherman.

5 THE COURT: Okay. And are your grandkids here,
6 sir?

7 PROSPECTIVE JUROR NO. 301: Yes.

8 THE COURT: Okay. Where do you like to go fishing?

9 PROSPECTIVE JUROR NO. 301: Lake Mead here.. I like
10 to -- I really like to go in Maine and those kind of places.

11 THE COURT: Okay. Thank you, sir. Anybody need a
12 break or shall we press on?

13 UNIDENTIFIED SPEAKER: Let's press on.

14 THE COURT: Okay, then.

15 UNIDENTIFIED SPEAKER: Press on.

16 THE COURT: Who's going to do the examination for
17 the prosecution? One time around the panel in order as
18 needed.

19 MS. RHOADES: I am, Your Honor. I have some panel
20 questions, if I may.

21 THE COURT: Sure.

22 MS. RHOADES: And also, may I just briefly go
23 through the charges in the charging document? I don't think
24 we did that yet.

25 THE COURT: No, we're going to get to that at a

1 later point in time.

2 MS. RHOADES: Okay. So, Your Honor, I can ask some
3 general panel questions and then follow --

4 THE COURT: Yes.

5 MS. RHOADES: -- up with each individual as
6 needed --

7 THE COURT: Yes.

8 MS. RHOADES: -- only?

9 THE COURT: Yes.

10 MS. RHOADES: Thank you. Hello, everyone. As
11 Judge Walsh told you, we just want you here to be honest. I
12 don't want to -- I'm not trying to confront you guys if
13 anything comes up or pry in any way. There's no judgment
14 here. So we just want you to be honest, as honest as you can
15 with any questions that we ask.

16 Was anyone here excited to get their jury summons
17 in the mail? Anyone? Okay. I see some hands. And I'm
18 going to go to badge 325, Ms. Ahina. And excuse me if I
19 mispronounce your name because I'm sure I will. So I
20 apologize.

21 Okay. You had your hand raised. You were excited
22 to get your jury summons, how come?

23 PROSPECTIVE JUROR NO. 325: I've never gone through
24 a jury summons before so I -- it's something new to check
25 out, you know?

1 MS. RHOADES: And you've heard that this is a
2 criminal trial. It's State of Nevada bringing charges, and
3 they're just charges at this time. They're allegations
4 against Mr. Cooper. What, if anything, are you expecting to
5 see at this trial?

6 PROSPECTIVE JUROR NO. 325: Nothing in particular.
7 Just what I see and hear.

8 MS. RHOADES: Okay. I guess, along that same line,
9 is there anything that anyone is expecting to see in this
10 trial or feels that they need to see in order to potentially
11 find Mr. Cooper guilty beyond a reasonable doubt? Like, do
12 you have to have forensic evidence, print evidence, blood
13 evidence or something of that nature in order to convict him,
14 even though there's other evidence? No? I see no hands.

15 I know that there's a lot of crime shows, a lot of
16 CSI, and everything happens in an hour. And does everyone
17 understand that that's not really how it goes down, and
18 sometimes we don't have all the things that they have in
19 those crime shows? Does everyone understand that?
20 Everyone's nodding.

21 I think there were a couple other people over here
22 that were excited to get their jury summons. Badge 006,
23 Mr. Aubry. Did you have your hand raised? Okay, how come?

24 PROSPECTIVE JUROR NO. 006: I just feel like I have
25 a purpose as a citizen, I -- as much as it is kind of

1 inconvenient to be here, I genuinely believe that it's a
2 privilege.

3 MS. RHOADES: Okay. And anyone else? Yes? Badge
4 210, Ms. Edmund.

5 PROSPECTIVE JUROR NO. 210: I'm just really
6 interested in crime shows, lawyer shows. I've also been on a
7 mock jury before in an attorney's office, and it was very
8 interesting and I would really like to see the way it
9 (inaudible) like not -- instead of a mock jury but a real
10 jury situation.

11 MS. RHOADES: Okay. Is there anything that you're
12 expecting to see? I guess, what are you expecting to see
13 here at a criminal trial?

14 PROSPECTIVE JUROR NO. 210: Just eyewitness
15 testimony, just take into consideration everything from both
16 sides. And like I said, the reasonable doubt, keep that in
17 mind, and you know, make a judgment from there.

18 MS. RHOADES: I'm sorry, I didn't hear that last
19 part.

20 PROSPECTIVE JUROR NO. 210: And make a judgment.

21 MS. RHOADES: Okay. What attorneys -- was that an
22 attorney's office here in town that you did that for?

23 PROSPECTIVE JUROR NO. 210: Um-h'm.

24 MS. RHOADES: And what attorney's office?

25 PROSPECTIVE JUROR NO. 210: It was Anthony

1 (inaudible). It was a civil case. Had to do with damages
2 concerning a shooting at a bar for the PTSD type thing for
3 some people that were claiming damages based on being
4 witnesses to what happened.

5 MS. RHOADES: Okay. Anyone else want to weigh in
6 on that question?

7 There were some general questions about victim of a
8 crime. I just want to specifically ask; you or anyone close
9 to you, sister, mother, brother, friend have ever been the
10 victim of a domestic violence crime just by show of hands?
11 And just keep them up so I can try to write them down.

12 (Inaudible) and two and seven. Three Just three? Anyone
13 else? Okay. Badge number 064, Ms. Fisher. I know you told
14 us your friend was killed by her boyfriend of four months
15 pregnant; is that what you're talking about?

16 PROSPECTIVE JUROR NO. 064: No, my sister was
17 actually arrested for domestic violence (inaudible) about a
18 year ago.

19 MS. RHOADES: Okay. Was that here in Las Vegas?

20 PROSPECTIVE JUROR NO. 064: (Inaudible).

21 MS. RHOADES: Did you follow that case closely?

22 PROSPECTIVE JUROR NO. 064: They didn't press any
23 charges against each other so they just went to jail and then
24 released about 48 hours later.

25 MS. RHOADES: Were they both arrested?

1 PROSPECTIVE JUROR NO. 064: They were (inaudible).

2 MS. RHOADES: Okay. Do you know what happened?

3 PROSPECTIVE JUROR NO. 064: I know that they were
4 on Xanax and some alcohol and they both became very angry and
5 aggressive and broke a few TVs in the boyfriend's grandma's
6 house and were very loud causing disturbances and the police
7 were called on them and they both were taken to jail.

8 MS. RHOADES: Okay. Is your sister still with that
9 boyfriend?

10 PROSPECTIVE JUROR NO. 064: No, she's not.

11 MS. RHOADES: Are you aware of any domestic
12 violence between them previously, before that incident?

13 PROSPECTIVE JUROR NO. 064: Previously, we
14 suspected, but we didn't have any evidence of it.

15 MS. RHOADES: And who did you suspect of being the
16 abuser?

17 PROSPECTIVE JUROR NO. 064: The boyfriend.

18 MS. RHOADES: Why did you suspect that?

19 PROSPECTIVE JUROR NO. 064: My sister's attitude
20 changed drastically between her -- before getting with him
21 and then after getting with him. She was staying out later.
22 She was being very aggressive towards my parents. She had a
23 few bruises on her but said that she fell or hit herself at
24 work.

25 MS. RHOADES: Okay. So even though she didn't tell

1 you about it, you suspected that that was the reason?

2 PROSPECTIVE JUROR NO. 064: (No audible response).

3 MS. RHOADES: And then your friend, did you know
4 about her relationship with her boyfriend?

5 PROSPECTIVE JUROR NO. 064: My cousin, yes. We
6 knew that she was --

7 MS. RHOADES: I'm sorry, your cousin --

8 PROSPECTIVE JUROR NO. 064: Yes.

9 MS. RHOADES: -- was killed? I'm sorry about that.
10 I had friend.

11 PROSPECTIVE JUROR NO. 064: We knew that she was in
12 a relationship with him. We didn't know that there were any
13 signs of domestic violence between them. And it came very
14 suddenly.

15 MS. RHOADES: Did they have any children together?

16 PROSPECTIVE JUROR NO. 064: No, she was pregnant
17 with her first.

18 MS. RHOADES: With his child? Okay? Okay, anyone
19 else?

20 PROSPECTIVE JUROR NO. 064: No.

21 MS. RHOADES: Okay. Thank you. I'm going to go to
22 badge 314, Ms. Lasiter. Who are you talking about, victim of
23 domestic violence?

24 PROSPECTIVE JUROR NO. 314: So my mom was in two
25 abusive marriages.

1 MS. RHOADES: And did you see some of the abuse?

2 PROSPECTIVE JUROR NO. 314: I did.

3 MS. RHOADES: Did your mom also tell you about some
4 of the abuse?

5 PROSPECTIVE JUROR NO. 314: I don't know. I was a
6 child. Well, for the first or my biological dad, yes, I
7 witnessed it as a child, a young child. And then the second
8 incident was -- or the second relationship was many years
9 later and I witnessed it as a teenager.

10 MS. RHOADES: Okay. With your biological dad, how
11 old were you -- I guess, what's the youngest that you
12 remember stuff happening between them?

13 PROSPECTIVE JUROR NO. 314: I was probably two or
14 three.

15 MS. RHOADES: And did it go on for some time?

16 PROSPECTIVE JUROR NO. 314: For (inaudible) for I
17 believe four years or five years, maybe.

18 MS. RHOADES: Do you remember if it went on for the
19 entire relationship?

20 PROSPECTIVE JUROR NO. 314: Yeah, yeah.

21 MS. RHOADES: Did the police ever come to your
22 house?

23 PROSPECTIVE JUROR NO. 314: Yes. I would hide
24 under the bed or behind the couch.

25 MS. RHOADES: And even after something happened,

1 your mom would still stay with your dad and things would go
2 on; is that fair to say?

3 PROSPECTIVE JUROR NO. 314: Right.

4 MS. RHOADES: How do you --

5 PROSPECTIVE JUROR NO. 314: And she broke free.

6 MS. RHOADES: I'm sorry?

7 PROSPECTIVE JUROR NO. 314: And she broke free.

8 MS. RHOADES: How did she do that?

9 PROSPECTIVE JUROR NO. 314: I don't recall the
10 details. I just know she was strong.

11 MS. RHOADES: Do you remember how old you were when
12 she did that?

13 PROSPECTIVE JUROR NO. 314: Probably about five.
14 She was on welfare, then she ended up working at the welfare
15 office.

16 MS. RHOADES: And then the second relationship,
17 about how old were you when that second relationship started?

18 PROSPECTIVE JUROR NO. 314: I want to say maybe 6th
19 grade. No later. So junior high or so.

20 MS. RHOADES: Do you remember if the abuse lasted
21 for a --

22 PROSPECTIVE JUROR NO. 314: No, not at all. She
23 (inaudible).

24 MS. RHOADES: It happened one time?

25 PROSPECTIVE JUROR NO. 314: I only recall one time.

1 MS. RHOADES: Okay.

2 PROSPECTIVE JUROR NO. 314: And the police, yes,
3 were called.

4 MS. RHOADES: Was she married to him?

5 PROSPECTIVE JUROR NO. 314: Yes.

6 MS. RHOADES: All right. Anyone else that you can
7 think of? Victim of domestic violence?

8 PROSPECTIVE JUROR NO. 314: Possibly, but I don't
9 -- my brain's just overwhelmed.

10 MS. RHOADES: Okay. Well, if you think of
11 anything, just let me know, okay? I'm going to go to 217,
12 Ms. Bethea.

13 PROSPECTIVE JUROR NO. 217: Bethea.

14 MS. RHOADES: Bethea.

15 PROSPECTIVE JUROR NO. 217: Yeah.

16 MS. RHOADES: And who do you know?

17 PROSPECTIVE JUROR NO. 217: My aunt personally, she
18 was in this relationship back when I was -- I could say in
19 elementary and she --

20 THE COURT: We need --

21 PROSPECTIVE JUROR NO. 217: -- was --

22 THE COURT: Excuse me, ma'am, we need to make sure
23 we're capturing your voice and we can't hear it.

24 PROSPECTIVE JUROR NO. 217: I'm sorry.

25 THE COURT: That's what the court recorder tells

1 me.

2 PROSPECTIVE JUROR NO. 217: My aunt, she was with
3 this guy back whether I was in elementary, and he was very
4 abusive to her. They did have a son together, but she ended
5 up getting pregnant, and during her whole pregnancy he was
6 abusive, and he caused her to lose the child by pushing her
7 down stairs while she was pregnant. So yeah, that's
8 (inaudible).

9 MS. RHOADES: How did you -- how did you learn that
10 all this stuff was happening?

11 PROSPECTIVE JUROR NO. 217: I learned from
12 different family members. Like, as a kid you hear like older
13 people talk, like, in a conversation you're not supposed to
14 be listening to. So when I found that out, I was around my
15 auntie what she was pregnant. She was eight months pregnant
16 so I witnessed her stomach getting bigger. So when my auntie
17 didn't have the baby, everybody -- I was wondering like
18 where's the baby and --

19 MS. RHOADES: Okay. Do you know if he was ever
20 prosecuted for any of the abuse?

21 PROSPECTIVE JUROR NO. 217: He did go -- he did get
22 arrested. He did go to jail for some time, but it was for
23 other charges, not for that specific one.

24 MS. RHOADES: Do you know if he was -- for other
25 domestic violence charges?

1 PROSPECTIVE JUROR NO. 217: Yeah, he went to jail
2 for rape.

3 MS. RHOADES: Okay. Was that on your aunt?

4 PROSPECTIVE JUROR NO. 217: It was for his own
5 daughters.

6 MS. RHOADES: Okay. Anyone else that you can think
7 of, friends, family? Okay. Thank you.

8 Okay. Would anyone here be surprised if a victim of
9 domestic violence told officers something when they came to
10 the scene and then later recanted or changed her story here
11 when she's testifying at trial? Would anyone be surprised
12 about that?

13 Can anyone think of reasons why that might happen?
14 Why a victim might change her story? I'm going to go to
15 Mr. Aubry, 006.

16 PROSPECTIVE JUROR NO. 006: It could be any number
17 of reasons. Bribery or simply just change of heart, you
18 know, when the incident is actually occurring, there's
19 probably a lot of adrenaline and, you know, really -- really
20 really hard emotions. So maybe with some time to think that
21 through you might rethink your thought process like oh, maybe
22 I don't -- I don't want this to happen and maybe I'd rather
23 just let it slide. So I figure it could just being a number
24 of elements that just kind of add up to be one to understand
25 it all.

1 MS. RHOADES: Okay. And in that scenario, when a
2 victim wants to let it slide, I mean, would you believe what
3 the victim said when she first reported it or when she's come
4 in here testifying wanting to let it slide?

5 PROSPECTIVE JUROR NO. 006: I mean, when they
6 originally reported it, I feel like that's, you know, fear
7 just kind of brings out truth from people, I guess. So I
8 feel, yeah, in the heat of the moment, the initial call would
9 be easier to believe.

10 MS. RHOADES: Okay. And Ms. Edmund, badge 210, you
11 also had your hand raised. Can you think of any reasons why
12 a story might change?

13 PROSPECTIVE JUROR NO. 210: I think because they're
14 scared at the time, and when the police are there they're
15 talking to them and then once the police leave, they could be
16 scared to retell it and possibly get abused again.

17 MS. RHOADES: Possibly?

18 PROSPECTIVE JUROR NO. 210: Get abused again.

19 MS. RHOADES: Okay. Anyone else?

20 PROSPECTIVE JUROR NO. 274: Yeah, 274.

21 MS. RHOADES: Oh, badge number 274. Thank you.

22 PROSPECTIVE JUROR NO. 274: That's a difficult
23 question to answer, and I say it's difficult because since
24 that person's not here and the case is not ongoing, and
25 considering everything else that's going to go on, it's so

1 abstract to determine why somebody would say what they say
2 because you don't hear everything. So for you to ask that
3 question is kind of up in the air. That's somebody's
4 (inaudible). I mean, I just think it's (inaudible) question
5 (inaudible).

6 MS. RHOADES: Okay. I mean, I'm not asking you to
7 -- I'm not -- you know, we're not touching on exactly what's
8 going to come from that witness stand or what's going to be
9 evidence. I mean, it's a general question. That's pretty
10 much what the rules allow me to ask at this point in time.

11 PROSPECTIVE JUROR NO. 274: (Inaudible).

12 MS. RHOADES: And so I'm just wondering if you can
13 think of any reasons why a victim of a domestic violence
14 crime, specifically, would maybe not want to say the same
15 things that she initially told the police. Do you want to
16 answer that question or do you still think it's a bad
17 question?

18 PROSPECTIVE JUROR NO. 274: I still think it's a
19 bad question.

20 MS. RHOADES: Okay. All right. Badge 212,
21 Mr. Pangallo, I believe it is.

22 PROSPECTIVE JUROR NO. 212: That's right. Good
23 job. Yeah, they could -- the victim could feel threatened by
24 the perpetrator or person that was being violent with them.
25 They might feel threatened later that that person would even

1 be more violent to them later for turning them in.

2 MS. RHOADES: Thank you. Anyone else? I knew a
3 couple people had their hand up. Okay, badge 220, Mr. Smith.

4 PROSPECTIVE JUROR NO. 220: Fear and intimidation.
5 Sometimes they want to keep the family together so they'll
6 recant so he doesn't go to jail.

7 MS. RHOADES: Anyone else want to weigh in on this
8 in any way? All right. Going on this whole let it slide
9 phrase, is everyone familiar with the victim dropped the
10 charges or the victim pressed the charges in a case? Is
11 everyone familiar with that phrase?

12 Does everyone understand here that it's the State
13 of Nevada filing the charges? It's not the victim. And I
14 see people nodding in agreement. Does anyone have a problem,
15 an issue, anything they want to talk about regarding that?
16 Such as if the victim doesn't want to proceed, if the victim
17 wants to let it slide, does anyone have a problem with the
18 State of Nevada still going forward on those charges? Any
19 issues at all? Anyone? Ms. Clark?

20 PROSPECTIVE JUROR NO. 274: No, I don't.

21 MS. RHOADES: Okay.

22 PROSPECTIVE JUROR NO. 274: No, I don't.

23 MS. RHOADES: You were just eyeing me.

24 PROSPECTIVE JUROR NO. 274: No, because that --
25 because -- because when people speak, I look at them and

1 sometimes what you say out your mouth is not -- never mind.
2 I just -- you're talking so I'm looking at you.

3 MS. RHOADES: Oh, okay. You can keep going. Feel
4 free.

5 PROSPECTIVE JUROR NO. 274: But I don't have -- and
6 I don't have no problem with -- and I realize that the State
7 will pick up the charges, and I understand that. I
8 understand that for a lot of reasons. But in terms of the
9 victims, I've been in places where (inaudible).

10 MS. RHOADES: Are you sure?

11 PROSPECTIVE JUROR NO. 274: Yes, I'm sure.

12 MS. RHOADES: Okay. Does anyone feel that if a
13 victim does not leave after the very first incident of
14 domestic abuse that she is to blame for any subsequent abuse?
15 Does anyone feel like that? I see no affirmative responses.
16 How many people believe that it is sometimes appropriate to
17 use violence to solve a verbal argument? Anyone want to
18 weigh in on that?

19 What if a verbal argument escalates into hair
20 pulling and then the victim of that hair being pulled
21 perpetrates more violence on that person that initially
22 pulled the hair? Yes, Mr. Aubry, 006.

23 PROSPECTIVE JUROR NO. 006: It's self-defense, I
24 think it's just.

25 MS. RHOADES: Do you think self-defense has a

1 limit?

2 PROSPECTIVE JUROR NO. 006: Yes.

3 MS. RHOADES: Can you tell me what you think that
4 limit might be or any limitations on it?

5 PROSPECTIVE JUROR NO. 006: Once the violence
6 against you has stopped, like once you've prevented it, you
7 should stop as well. And that doesn't -- as far as how you
8 stopped it, I don't know how to (inaudible) feel as far as to
9 kill the person who is, you know, attacking you, unless it
10 were to come to that measure. It's hard to explain what I'm
11 saying out loud. But there is a limit. And once you feel
12 that you are in control is when you should stop, I believe.

13 MS. RHOADES: It sounds like the force shouldn't go
14 beyond the initial force.

15 PROSPECTIVE JUROR NO. 006: Yes.

16 MS. RHOADES: Okay. Does anyone else want to weigh
17 in on that, self-defense, use of force, anything?

18 PROSPECTIVE JUROR NO. 212: I -- I agree with that.
19 If someone's pulling their hair, that they have a right to
20 defend themselves to the point to where they feel safe,
21 whatever that means. All circumstances are different so.

22 MS. RHOADES: And you're badge 212, right?

23 PROSPECTIVE JUROR NO. 212: Yes.

24 MS. RHOADES: Okay. Anything else? Thank you,
25 sir. Anyone else? If a child was a witness to a crime,

1 would anyone here hold it against the State for calling that
2 child into court and, you know, asking him to testify in
3 front of a courtroom full of people? Would anyone hold that
4 against the State?

5 PROSPECTIVE JUROR NO. How --

6 PROSPECTIVE JUROR NO. 314: It makes me a little
7 uncomfortable, but I don't know if it's --

8 MS. RHOADES: Sure. Tell me more about that? And
9 badge 3 -- no, Badge 314, right?

10 PROSPECTIVE JUROR NO. 314: Correct.

11 MS. RHOADES: So it makes you uncomfortable?

12 PROSPECTIVE JUROR NO. 314: Yeah, that makes me
13 uncomfortable. I think it (inaudible) because that's a very
14 intimidating thing to have to do.

15 MS. RHOADES: Okay.

16 PROSPECTIVE JUROR NO. 314: (Inaudible).

17 MS. RHOADES: Would you be able to take that
18 evidence as you took all the other evidence in the case and
19 not kind of hold it against the State?

20 PROSPECTIVE JUROR NO. 314: I don't know, actually,
21 to be honest.

22 MS. RHOADES: Okay. So you think you might hold it
23 against the State?

24 PROSPECTIVE JUROR NO. 314: I don't know about your
25 terminology about holding it against the State. I do know

1 that that evidence might be a little more difficult for me to
2 absorrb, I guess.

3 MS. RHOADES: Okay. And that makes sense. I
4 guess, I just need to try to think of a better way to ask it.

5 PROSPECTIVE JUROR NO. 314: I think children are so
6 impressionable, and I think that their world is a little
7 different than ours. So for a child to state something or to
8 view something it, you know, that it would come across the
9 way we want it to.

10 MS. RHOADES: Would you be able to assess that
11 child's testimony kind of in their eyes, how they see things
12 and take all that into account?

13 PROSPECTIVE JUROR NO. 314: I'll try.

14 MS. RHOADES: I guess, would you think that -- would
15 you hold it against the State and think that we're bad, and
16 we shouldn't have called that person, and therefore, you
17 know, I can't -- I can't find him guilty beyond a reasonable
18 doubt simply because they called the child?

19 PROSPECTIVE JUROR NO. 314: Well, that -- I'm
20 having trouble with "hold it against the State". So I don't
21 know that -- I think my only point is that I don't know how
22 well I would be able to take that evidence, but I don't think
23 I would have necessarily an ill opinion of the State.

24 MS. RHOADES: Okay. All right, thank you, ma'am.
25 Someone else had their hand up. Yes, sir, 212.

1 PROSPECTIVE JUROR NO. 212: How young -- how young
2 are you talking about? I mean, can you give a range?

3 MS. RHOADES: Anyone under ten years old, five to
4 ten years old.

5 PROSPECTIVE JUROR NO. 212: I don't -- you know,
6 yeah, I would say it's hard to put an age, a specific age
7 minimum on it, you know, because kids develop at different
8 stages and different -- different -- some are slower than
9 faster. But I have a ten-year-old daughter, and I think she
10 could handle it. But I don't know about a five-year-old, you
11 know. I think that would be too much.

12 MS. RHOADES: Anyone else want to weigh in on that
13 at all? Yes, ma'am, badge 210.

14 PROSPECTIVE JUROR NO. 210: Would there be any
15 other way to do it, like a taped with a child advocate
16 present or would they have to be in the courtroom to testify?

17 MS. RHOADES: I mean, there's rules of evidence
18 that we all have to follow. So I just generally -- would it
19 cause you that much concern that you wouldn't be able to
20 weigh all of the evidence, you know, in the case, also taking
21 into consideration testimony of a child? Would you be able
22 to weigh the evidence? Okay. Anything else?

23 PROSPECTIVE JUROR NO. 210: No.

24 MS. RHOADES: Okay. Anyone else? I just want to
25 briefly touch on, I know a couple people have some medical

1 experience. Has anyone ever felt their heart rate by putting
2 their fingers against their neck? I see some affirmative
3 nods. Does anyone know why we do that? Anyone with medical
4 experience? You're in nursing, right? Badge 325.

5 PROSPECTIVE JUROR NO. 325: Yes.

6 MS. RHOADES: Are you familiar with the blood
7 vessels that are in the neck?

8 PROSPECTIVE JUROR NO. 325: Very few, yes.

9 MS. RHOADES: I'm sorry?

10 PROSPECTIVE JUROR NO. 325: Very few, yes?

11 MS. RHOADES: Very few?

12 PROSPECTIVE JUROR NO. 325: Like, that's our
13 carotid artery.

14 MS. RHOADES: Oh, okay. Do you know why we feel
15 there for our heart rate?

16 PROSPECTIVE JUROR NO. 325: For our pulse, just to
17 know our heartbeat and how it's going.

18 MS. RHOADES: And there's blood going to the brain
19 up and through vessels; is that fair to say? Okay. Anyone
20 here, themselves or close family or friends, a sovereign
21 citizen? No one? No one has --

22 PROSPECTIVE JUROR NO. 212: Could you repeat that
23 question?

24 MS. RHOADES: A sovereign citizen? Family, close
25 friends, yourself, would you consider yourself a sovereign

1 citizen? Are you familiar with that kind of movement?

2 PROSPECTIVE JUROR NO. 212: Could you clarify?

3 THE COURT: No. Counsel can't answer questions of
4 the jurors. Only the jurors get to answer questions during
5 this process. Sorry about that, Ms. Rhoades, that's just the
6 way it.

7 MS. RHOADES: Yep, that's fine. Do you know what a
8 sovereign citizen is? If not, that's okay.

9 PROSPECTIVE JUROR NO. 212: Not really.

10 MS. RHOADES: Okay. And just for the record, that
11 was badge 212. Anyone about that sovereign citizen? How
12 about the Black Lives Matter movement? Anyone have any
13 strong opinions one way or the other about that movement?

14 PROSPECTIVE JUROR NO. 212: Me again.

15 MS. RHOADES: Yes, 212.

16 PROSPECTIVE JUROR NO. 212: I oppose it.

17 MS. RHOADES: How come?

18 PROSPECTIVE JUROR NO. 212: Because according to
19 their charter, they have communist beliefs, and I'm very pro
20 American so I definitely oppose that.

21 MS. RHOADES: Okay. And 206, I saw you kind of
22 moving your head. What --

23 PROSPECTIVE JUROR NO. 206: As far as I Black Lives
24 Matter, I think it started just rather a statement rather
25 than a movement. (Inaudible) and respect that all lives

1 matter, but (inaudible) all lives matter is start saying
2 Black Lives Matter. So I feel like all lives matter is more
3 against black lives. I could talk about this for hours but
4 that's not really why we're here, is it? So I'm for it.

5 MS. RHOADES: Okay. Anyone else, strong opinions
6 one way or the other? Seeing no other hands. Anyone do any
7 non-profit organization volunteer community service work here
8 in the community? Just by a show of hands. Just raise them
9 high so I can note them down and ask you about them, please.
10 Just keep them up because I can't write very fast. Thank
11 you. Okay, thank you.

12 310, what kind of work do you do?

13 PROSPECTIVE JUROR NO. 310: Yes, church related and
14 volunteer projects that come from that, whether it's Three
15 Square or the book, cleaning books. So I do those kinds of
16 things and --

17 MS. RHOADES: Okay.

18 PROSPECTIVE JUROR NO. 310: -- a little diabetes,
19 things that come mainly through our -- our church related
20 things.

21 MS. RHOADES: Thank you, sir. 325, Ms. Ahina.

22 PROSPECTIVE JUROR NO. 325: Yes. Going to schools
23 and help tutoring other children. There's things from my
24 high school that they'll help send us to. They'll take us to
25 like the rock and walk and just different marathons to help

1 out.

2 MS. RHOADES: Okay. What grades do you tutor
3 generally?

4 PROSPECTIVE JUROR NO. 325: Third to fifth.

5 MS. RHOADES: Okay. Thank you. 314, Ms. Lasiter,
6 what do you do?

7 PROSPECTIVE JUROR NO. 314: I work for a non-profit
8 school, and we do volunteering through there. And then every
9 year also my boys and I go to the homeless shelter and feed
10 the homeless (inaudible).

11 MS. RHOADES: So the preschool that you work for is
12 a non-profit?

13 PROSPECTIVE JUROR NO. 314: Yeah, it's more than a
14 preschool. It's from nursery to high school.

15 MS. RHOADES: Okay. All right, thank you, ma'am.
16 Let's see, 339, Ms. Nolan.

17 PROSPECTIVE JUROR NO. 339: I specialize in
18 non-profits as a CPA, and I also volunteer for -- I volunteer
19 for several organizations in town. I'm a member of the
20 Junior League in Las Vegas, and we volunteer for countless
21 organizations like every month.

22 MS. RHOADES: Thank you, ma'am. 274, Ms. Clark.

23 PROSPECTIVE JUROR NO. 274: I'm a tutor for an
24 after school program for my neighborhood for the Boys and
25 Girls (inaudible) at the Boys and Girls Club.

1 MS. RHOADES: Okay. Thank you, ma'am. 340, Ms.
2 Leary.

3 PROSPECTIVE JUROR NO. 340: The tutoring company I
4 work for is non-profit. (Inaudible).

5 MS. RHOADES: Oh, okay.

6 PROSPECTIVE JUROR NO. 340: (Inaudible).

7 MS. RHOADES: All right, thank you. And right next
8 to you, Mr. Richards, 287.

9 PROSPECTIVE JUROR NO. 287: CSN is a non-profit.
10 We have a non-profit foundation and we have relationships
11 with nearly every non-profit in the valley.

12 MS. RHOADES: Okay. So you do a lot of non-profit
13 work. Okay. I'm just going to follow up, not with everyone.
14 Ms. Fisher, I believe you had your hand raised when the Court
15 asked about experience with criminal justice system. Did we
16 follow up on that already?

17 PROSPECTIVE JUROR NO. 064: No.

18 MS. RHOADES: Oh, okay. Can you tell us about
19 that?

20 PROSPECTIVE JUROR NO. 064: I just wanted to let
21 the Court know that my stepmom actually worked here for about
22 13 years.

23 MS. RHOADES: Oh, okay, where?

24 PROSPECTIVE JUROR NO. 064: She was a Court Clerk.

25 MS. RHOADES: Well, do you know what department she

1 worked for?

2 PROSPECTIVE JUROR NO. 064: I want to say
3 Department 9, I believe.

4 MS. RHOADES: Okay. Do you remember the Judge's
5 name?

6 PROSPECTIVE JUROR NO. 064: I believe, it was
7 Bonaventure.

8 MS. RHOADES: Okay. All right, thank you.
9 Mr. Gamett, badge 310. You said your son was arrested for a
10 drug charge, but the charge was dropped. Was that here in
11 Clark County?

12 PROSPECTIVE JUROR NO. 310: Yes.

13 MS. RHOADES: Okay. Anything about that that would
14 cause you to harbor any resentment, you know, feel for the
15 defense over the State or the police officers or anything
16 like that?

17 PROSPECTIVE JUROR NO. 310: I had some frustrations
18 in the way it was handled with Metro. And ultimately it
19 worked out, but I did have frustrations in that.

20 MS. RHOADES: Okay.

21 PROSPECTIVE JUROR NO. 310: I felt that the
22 officers were looking to further their -- their careers over
23 the interest (inaudible).

24 MS. RHOADES: And you realize the officers here are
25 different than those officers and would you hold --

1 PROSPECTIVE JUROR NO. 310: I do.

2 MS. RHOADES: -- would you hold it against the
3 officers here for what those guys did?

4 PROSPECTIVE JUROR NO. 310: In relation to this
5 case?

6 MS. RHOADES: Yes.

7 PROSPECTIVE JUROR NO. 310: I would dissociate the
8 two.

9 MS. RHOADES: Okay.

10 PROSPECTIVE JUROR NO. 310: I understand their
11 motivations and they're human so --

12 MS. RHOADES: Okay. And did your son go through
13 the court system?

14 PROSPECTIVE JUROR NO. 310: Yes.

15 MS. RHOADES: Okay. How do you feel about the
16 court system?

17 PROSPECTIVE JUROR NO. 310: It was fine. Not a
18 pleasant experience, but it was fine.

19 MS. RHOADES: Thank you, sir. Mr. Aubry, badge
20 006, you told us about headlights and a domestic violence
21 incident. Did you know your neighbors?

22 PROSPECTIVE JUROR NO. 006: Not very well. I -- we
23 would say "hi" on occasion, but.

24 MS. RHOADES: Had you seen any incidents or
25 anything that would, you know, arouse your suspicions prior

1 to that with them?

2 PROSPECTIVE JUROR NO. 006: It was more what I
3 didn't see. Like, I would always see the wife and the child
4 outside of the house, you know, like mowing the lawn or
5 something. I'd say hi to them. But I never saw the --
6 matter of fact, I didn't even know that there was a man
7 living there up until that night when I called the police and
8 I saw that they were assisting him out to the -- to the
9 police car, I never seen him.

10 MS. RHOADES: Okay. And you said you were
11 technically single. Was that because you're not married?

12 PROSPECTIVE JUROR NO. 006: Yes.

13 MS. RHOADES: Okay. But you have a girlfriend?

14 PROSPECTIVE JUROR NO. 006: (Inaudible).

15 MS. RHOADES: All right. Thank you, sir, very
16 much. Badge 217, Ms. Bethea. Okay. I want to talk about
17 some of the things you said earlier. You said something
18 about this being overwhelming and that you were going to
19 think about your cousin. Can you explain that a little bit
20 more?

21 PROSPECTIVE JUROR NO. 217: The situation with my
22 cousin or me saying it's overwhelming?

23 MS. RHOADES: You saying it's overwhelming and just
24 try to speak up as much as you can.

25 PROSPECTIVE JUROR NO. 217: Personally, I just feel

1 like because it's about you guys stated in the beginning
2 about a coroner, all the police officers that came within the
3 situation that happened. I instantly like guessed like
4 somebody passed away, something happened very drastic. And
5 it did get touchy, did get overwhelming because it's my first
6 time doing this. And that was it. That was about it.

7 MS. RHOADES: Okay. I can tell you I believe that
8 no one passed away.

9 THE COURT: Right.

10 MS. RHOADES: Okay.

11 PROSPECTIVE JUROR NO. 217: Okay.

12 MS. RHOADES: So does that change your mind? I
13 mean --

14 PROSPECTIVE JUROR NO. 217: I mean, I'm fine. I'm
15 perfectly fine. It was just that particular thing is I felt
16 talking about my cousin so that was about it.

17 MS. RHOADES: Would you be able to view each side
18 in this case fairly, the defense --

19 PROSPECTIVE JUROR NO. 217: (Inaudible).

20 MS. RHOADES: -- and the State?

21 PROSPECTIVE JUROR NO. 217: (Inaudible).

22 MS. RHOADES: Okay. And you work at Circus Circus
23 as a GRA. What's that?

24 PROSPECTIVE JUROR NO. 217: Housekeeping.

25 MS. RHOADES: Oh, okay. How long have you been

1 there for?

2 PROSPECTIVE JUROR NO. 217: I've been there for a
3 year and two months now.

4 MS. RHOADES: And is it full-time?

5 PROSPECTIVE JUROR NO. 217: Yes.

6 MS. RHOADES: Okay. And how long ago -- I'm sorry,
7 I didn't write it down. How long ago was your cousin --

8 PROSPECTIVE JUROR NO. 217: He passed away about
9 six years ago.

10 MS. RHOADES: Six years ago, and that was here in
11 Las Vegas?

12 PROSPECTIVE JUROR NO. 217: Um-h'm, yes.

13 MS. RHOADES: Okay. Thank you very much, ma'am.
14 Mr. Smith, 220, you said you had prior jury service and you
15 didn't really like it. How come?

16 PROSPECTIVE JUROR NO. 220: It was a civil trial.
17 It was long, and it wasn't very interesting.

18 MS. RHOADES: Okay.

19 PROSPECTIVE JUROR NO. 220: I work graveyard, so
20 coming here during the day is kind of like in the middle of
21 my night, basically.

22 MS. RHOADES: And then you had to go to work that
23 same night?

24 PROSPECTIVE JUROR NO. 220: Then I had to go to
25 work that night.

1 MS. RHOADES: Okay. Are you still working grave?

2 PROSPECTIVE JUROR NO. 220: Yes, ma'am.

3 MS. RHOADES: Okay. Is that going to cause you any
4 problems here?

5 PROSPECTIVE JUROR NO. 220: No, I'm off for the
6 week.

7 MS. RHOADES: Oh, okay.

8 PROSPECTIVE JUROR NO. 220: Due to an injury.

9 MS. RHOADES: Perfect.

10 PROSPECTIVE JUROR NO. 220: Ironie.

11 MS. RHOADES: Just what you wanted to do. Okay.
12 Thank you very much. You said your wife works at a
13 restaurant; is that right?

14 PROSPECTIVE JUROR NO. 220: Yes.

15 MS. RHOADES: What restaurant?

16 PROSPECTIVE JUROR NO. 220: She runs four
17 McDonalds.

18 MS. RHOADES: Oh, okay. The chain here? She works
19 four chains here. Okay. Thank you so much. Mr. McKeever,
20 badge 346. I'm sorry, Ms. McKeever. Tammy, I have it right
21 here, sorry. Were you the foreperson on that prior --

22 PROSPECTIVE JUROR NO. 346: No.

23 MS. RHOADES: -- jury? Okay. And you said you
24 were a witness to a crime. What kind of crime was it?

25 PROSPECTIVE JUROR NO. 346: No, I was -- it wasn't

1 a crime. It was I was called as a witness, but it was not a
2 jury trial. It wasn't a criminal. I don't really know what
3 it was. It was --

4 MS. RHOADES: Okay.

5 PROSPECTIVE JUROR NO. 346: -- somebody suing
6 somebody else.

7 MS. RHOADES: Oh, okay. All right. Thank you very
8 much, ma'am. And Ms. Nolan, 339, your husband works at
9 Circus Circus? What does he do there?

10 PROSPECTIVE JUROR NO. 339: He runs the Adventure
11 Dome.

12 MS. RHOADES: Oh, okay. Thank you. Ms. McDougall,
13 265, I haven't heard much from you. Is there any reason at
14 all, morally, philosophically, religiously that you wouldn't
15 be able to sit in judgment of another person?

16 PROSPECTIVE JUROR NO. 265: No.

17 MS. RHOADES: Okay. Anything you want to add --

18 PROSPECTIVE JUROR NO. 265: No.

19 MS. RHOADES: -- about anything? Okay. Thank you.
20 Badge 322, Ms. Buralli, any reason why you might not be able
21 to sit in judgment of another person?

22 PROSPECTIVE JUROR NO. 322: (Inaudible).

23 MS. RHOADES: And you understand criminal trials
24 differ from civil. The burden is different here, and it's
25 the State's burden to prove beyond a reasonable doubt that

1 Mr. Cooper committed the crimes that he's charged with?

2 PROSPECTIVE JUROR NO. 322: Absolutely.

3 MS. RHOADES: Okay. Thank you, ma'am. Mr. Lucas,
4 275, I wrote here the cops came, I believe it was a 7-Eleven
5 when you called the cops.

6 PROSPECTIVE JUROR NO. 275: It was a convenience
7 store. It was a Chevron or something like that.

8 MS. RHOADES: Do you think that the cops, you know,
9 did their job, did what they could have done in that case?

10 PROSPECTIVE JUROR NO. 275: He was acting like he
11 wanted to get arrested in a way.

12 MS. RHOADES: Okay.

13 PROSPECTIVE JUROR NO. 275: So he looked like he
14 resisted arrest and that was it.

15 MS. RHOADES: But he stuck around until the cops
16 came?

17 PROSPECTIVE JUROR NO. 275: Yeah.

18 MS. RHOADES: Okay. Did you think that was
19 strange?

20 PROSPECTIVE JUROR NO. 275: Yeah. I thought it was
21 like maybe a gang initiation or something, I don't know.

22 MS. RHOADES: Okay. Thank you, sir. Ms. Leary, I
23 know that that's a really scary thing that happened two
24 months ago. Would you be able to set that aside and be able
25 to focus on this trial on the date of -- day things that, you

1 know, we talk about, that's admitted? Would you be able to
2 do that?

3 PROSPECTIVE JUROR NO. 340: I would definitely do
4 my best. (Inaudible) I have been dealing with a lot of
5 emotional (inaudible) very severe anxiety (inaudible). It's
6 very stressful, but (inaudible).

7 MS. RHOADES: Okay.

8 PROSPECTIVE JUROR NO. 340: (Inaudible).

9 MS. RHOADES: Okay. And you have to -- have you
10 had had to testify in that case yet?

11 PROSPECTIVE JUROR NO. 340: No. And when I say
12 (inaudible) witness, I saw the shooter, I didn't see him kill
13 that man. I'm sorry. But no, I will not -- I don't believe I
14 would testify in that other case.

15 MS. RHOADES: Okay. Okay, thank you. Mr. Cardoza,
16 you have one 14-year-old daughter; is that right?

17 PROSPECTIVE JUROR NO. 302: Yes.

18 MS. RHOADES: Is there any reason morally,
19 philosophically, religiously that you wouldn't be able to sit
20 in judgment of another person? Is that a no?

21 PROSPECTIVE JUROR NO. 302: I'm fine.

22 MS. RHOADES: Okay. You just have to answer out
23 loud for us. I saw you shake your head, but --

24 PROSPECTIVE JUROR NO. 302: No, I'm fine.

25 MS. RHOADES: Okay. Anything that you want to add

1 to anything that we've been talking about that either side
2 might want to know about you.

3 PROSPECTIVE JUROR NO. 302: No.

4 MS. RHOADES: Okay. Mr. McConaghy.

5 PROSPECTIVE JUROR NO. 301: Yes.

6 MS. RHOADES: Okay. Badge 301. You said you were
7 an expert witness in what? I didn't hear you.

8 PROSPECTIVE JUROR NO. 301: Maritime affairs.

9 MS. RHOADES: Oh, okay. Maritime affairs. Got it.
10 Any grandkids?

11 PROSPECTIVE JUROR NO. 301: Six. Two here.

12 MS. RHOADES: Okay. All right, thank you very
13 much, sir. Your Honor, if we could approach?

14 THE COURT: Sure.

15 (Bench conference begins).

16 MS. RHOADES: I think I would pass the panel for
17 cause except, you know, I don't think (inaudible) very much,
18 but I think I would pass except for Ms. Leary. I'm a little
19 worried. I mean, she said she would try to do her best, but
20 that's not really unequivocal, and I don't know if we want to
21 excuse her. I mean, she's pretty shaken up. (Inaudible).

22 THE COURT: She is pretty shaken up, but I think
23 asking (inaudible) they would do their best. I don't know
24 that it gets any better than that. What do you think,
25 Counsel?

1 MS. WALKENSHAW: I agree. I do think that she
2 seems shaken up.

3 THE COURT: Seems what?

4 MS. WALKENSHAW: Shaken up.

5 THE COURT: Um-h'm.

6 MS. WALKENSHAW: But she did say that she would try
7 to do her best.

8 MS. RHOADES: Okay, that's fine.

9 THE COURT: I haven't gotten any legal cause to
10 excuse her.

11 MS. RHOADES: Okay. That's all I wanted to bring
12 the Court's attention.

13 THE COURT: Pass for cause, then?

14 MS. RHOADES: Yes, ma'am.

15 THE COURT: Entire panel?

16 MS. RHOADES: Yes.

17 THE COURT: Let's do it on the record.

18 MS. RHOADES: Okay.

19 (Bench conference concluded).

20 MS. RHOADES: Thank you, Your Honor. The State
21 would pass the panel for cause.

22 THE COURT: Very well. Ms. Walkenshaw.

23 MS. WALKENSHAW: Yes, thank you, Your Honor. Good
24 afternoon. And if it's okay with Your Honor, I'll start out
25 with some general questions and then follow up with

1 (inaudible).

2 THE COURT: Very well.

3 MS. WALKENSHAW: Thank you, Your Honor. I think I
4 want to start out by saying that it's okay if you disagree
5 with the law. I just will hope that you will be honest with
6 me about it and just let me know because it is important and
7 it's a fundamental concept of our justice system that they
8 receive fair and impartial juries.

9 And so I don't mean to pry, I'm not trying to be
10 noseey. I just want to make sure that Mr. Cooper gets a fair
11 jury. And if you disagree, that's fine. It will not be held
12 against you. Just please let me know.

13 So I know that these situations can be a little
14 uncomfortable with people asking questions, people you don't
15 know. Is there anyone here who feels like they would be too
16 embarrassed to say no to one of the questions if you felt
17 like maybe that was the wrong answer or anything? No?
18 Everyone feels like they'd be comfortable? Okay.

19 Did anyone -- I'm going to talk a little bit about
20 the presumption of innocence. Did anyone walk in here and
21 look at James and think that he looks guilty? No? Did
22 anyone think he's here, he must have done something, what an
23 awful person? Did anyone think that? No? Okay.

24 Did anyone think that well, even if he didn't do it
25 all, he must have done something to wind up here? Mr. Aubry,

1 could you kind of explain that a little bit?

2 PROSPECTIVE JUROR NO. 006: No reason in
3 particular. It's just, you know, maybe you just find
4 yourself in the wrong place at the wrong time. There's never
5 really no reason you're here. But that doesn't really go
6 against either side.

7 MS. WALKENSHAW: Well, I guess, so you're saying it
8 sounds like -- it sounds like what you're saying is that he
9 could have been in the wrong place at the wrong time. Not
10 necessarily that he did something --

11 PROSPECTIVE JUROR NO. 006: That he did something,
12 yeah.

13 MS. WALKENSHAW: -- but that circumstances --

14 PROSPECTIVE JUROR NO. 006: Just circumstances show
15 that he was definitely involved.

16 MS. WALKENSHAW: Okay. Does anyone agree,
17 disagree, want to say anything about that? No? Okay. Now,
18 Mr. Escobar.

19 PROSPECTIVE JUROR NO. 314: Ms. -- Ms. --

20 MS. WALKENSHAW: Yes, Ms. Escobar, sorry. The
21 judge already told you and told the panel that James is
22 presumed to be innocent. What does that mean to you?

23 PROSPECTIVE JUROR NO. 314: That just means exactly
24 what you said. We need to assume that he is innocent until
25 we see enough to tell us otherwise.

1 MS. WALKENSHAW: Okay. Does any --

2 PROSPECTIVE JUROR NO. 314: (Inaudible).

3 MS. WALKENSHAW: Does anyone have a different
4 definition of that or view that any differently? No? Okay.
5 Now, if anyone then agrees -- well, I guess I should ask it
6 this way. Is there anyone here who would not be able to
7 presume that he's innocent despite that? No? I don't show
8 any show of hands. I'm going to talk a little bit about an
9 individual's right to remain silent and not testify. James
10 does have the right not to testify. Does everyone understand
11 that? Okay. Does anyone think that should he choose not to
12 testify, it would be because he's hiding something? Anyone
13 think that? No?

14 Does anyone think that if you were innocent, then
15 you would absolutely want to tell your story? There would be
16 no reason that you wouldn't testify? Mr. Aubry?

17 PROSPECTIVE JUROR NO. 006: My apologies. I kind
18 of (inaudible) in the middle of your question. Can you
19 repeat it, please?

20 MS. WALKENSHAW: Sure. Do you or does -- do you,
21 does anyone think that if you were innocent, you would
22 absolutely want to testify or that you must testify if you're
23 innocent?

24 PROSPECTIVE JUROR NO. 006: I think you would
25 definitely want your side of the story be heard. If you --

1 if you personally knew that you were innocent, I wouldn't
2 just keep my mouth shut.

3 MS. WALKENSHAW: Okay. Can you think of any
4 reasons why somebody might not want to testify, even if they
5 are innocent?

6 PROSPECTIVE JUROR NO. 006: Acceptance. You know,
7 in regards to the whole thing in the wrong place at the wrong
8 time. You know, you'd probably feel that you'd definitely
9 look guilty so you might as well just take whatever you can.
10 Or, you know, I guess maybe your attorney advised you not
11 to --

12 MS. WALKENSHAW: Okay.

13 PROSPECTIVE JUROR NO. 006: -- just in your best
14 interest. What -- yes, Ms. Lasiter.

15 PROSPECTIVE JUROR NO. 314: Okay, so from personal
16 experience --

17 MS. WALKENSHAW: Yes.

18 PROSPECTIVE JUROR NO. 314: -- something that would
19 be my problem and my issue, I'm not always as great at
20 speaking when it's necessary. So if I were to have to go up
21 and be my own witness, I think that that may go against me,
22 my words may be twisted or --

23 MS. WALKENSHAW: Sure. It could be a little scary.

24 PROSPECTIVE JUROR NO. 314: It's scary, it's
25 intimidating, it's nerve wracking.

1 MS. WALKENSHAW: You're opening yourself to
2 cross-examination, obviously. It could be a little nerve
3 wracking. And would anyone here assume that James is guilty
4 if he chose not to testify, given those things? No? That
5 wouldn't be held against him?

6 Okay. Now, we spoke a little bit regarding
7 domestic violence, and I think 064, Ms. Fisher, yes, you'd
8 indicated that your sister and her boyfriend had both been
9 arrested on an incident; is that correct? Okay.

10 Now, was there anything about that incident that
11 would make you feel that you couldn't be unbiased regarding
12 evidence of a domestic violence?

13 PROSPECTIVE JUROR NO. 064: Not necessarily.

14 MS. WALKENSHAW: No? Okay. Not any way that
15 either your sister or her boyfriend were treated one way or
16 the other?

17 PROSPECTIVE JUROR NO. 064: I felt they were both
18 at fault so --

19 MS. WALKENSHAW: Okay.

20 PROSPECTIVE JUROR NO. 064: -- I'm really not
21 biased one way or the other toward them.

22 MS. WALKENSHAW: Okay. So, I believe, Ms. Lasiter,
23 as well indicated that you had witnessed some domestic
24 violence, correct? Anything about that, would it make you
25 unable to be fair regarding allegations of domestic violence?

1 PROSPECTIVE JUROR NO. 314: No, I don't believe so.

2 MS. WALKENSHAW: No? You think you could be fair?

3 PROSPECTIVE JUROR NO. 314: Sure.

4 MS. WALKENSHAW: Okay. Ms. Bethea?

5 PROSPECTIVE JUROR NO. 217: You said it.

6 MS. WALKENSHAW: 217? Did I say it right?

7 PROSPECTIVE JUROR NO. 217: Yes, yes.

8 MS. WALKENSHAW: Okay. I think you also indicated
9 that you had witnessed some domestic violence regarding your
10 aunt, correct?

11 PROSPECTIVE JUROR NO. 217: Yeah, that's correct.

12 MS. WALKENSHAW: Does anything about that make you
13 feel as though you couldn't be fair if the allegations were
14 domestic violence?

15 PROSPECTIVE JUROR NO. 217: (Inaudible).

16 THE COURT: Okay. Now, does anyone here consume
17 alcohol? Anyone? Occasionally, rarely, often? Most people,
18 okay. And there's, you know, no judgment here, but has
19 anyone here ever drank maybe a little too much? Drank to
20 excess? Ms. Lasiter, okay. Mr. Moy --

21 PROSPECTIVE JUROR NO. 219: Moylan.

22 MS. WALKENSHAW: Moylan. Moylan. You indicated
23 that you have previously. Did you do things that maybe you
24 regretted?

25 PROSPECTIVE JUROR NO. 219: No, I was at my own

1 house.

2 MS. WALKENSHAW: Okay.

3 PROSPECTIVE JUROR NO. 219: It was a birthday party
4 for myself so --

5 MS. WALKENSHAW: Okay. All right. So you had a
6 good time?

7 PROSPECTIVE JUROR NO. 219: Yeah, a little bit too
8 good of a time. It wasn't too good the next day, though.

9 MS. WALKENSHAW: Right. So you didn't feel so
10 great the next day?

11 PROSPECTIVE JUROR NO. 219: Yeah, you ain't lying.

12 MS. WALKENSHAW: Has anyone here seen somebody who
13 drinks too much and maybe their whole personality changes? A
14 couple people? Okay.

15 UNIDENTIFIED SPEAKER: Yes.

16 MS. WALKENSHAW: So Ms. Fisher -- I'll try and go
17 in order -- you indicated that you do or you have. Can you
18 tell me a little bit about that?

19 PROSPECTIVE JUROR NO. 064: I've seen a lot of
20 people over my years when they drink, they get very
21 aggressive, you know. And I think everyone's personality
22 changes a little bit. I -- some part of it. Like me, I get
23 -- I laugh at everything. I'm very funny. And others just
24 get very angry. My ex-boyfriend's dad, he drank because his
25 wife not forced him, but, you know, kept pushing drinks

1 towards him, and then at the end of the night, he becomes
2 very angry and he used to take it out on my ex-boyfriend
3 so --

4 MS. WALKENSHAW: Okay.

5 PROSPECTIVE JUROR NO. 064: -- I definitely have
6 witnessed both ends, aggression and just being crazy.

7 MS. WALKENSHAW: Right. Okay. Thank you.
8 Mr. Gamett --

9 PROSPECTIVE JUROR NO. 310: Yes.

10 MS. WALKENSHAW: -- did you indicate that you had
11 seen that as well?

12 PROSPECTIVE JUROR NO. 310: Yes, in my family.

13 MS. WALKENSHAW: Okay. Can you explain that a
14 little?

15 PROSPECTIVE JUROR NO. 310: In -- in a son that
16 drank some years back, and but he would be loud and angry,
17 which is very different from his normal personality. So when
18 he had --

19 MS. WALKENSHAW: Okay.

20 PROSPECTIVE JUROR NO. 310: -- (inaudible). And
21 usually it would be, well, as far as I know beers, but just a
22 lot of -- a lot of it so enough to --

23 MS. WALKENSHAW: It would be, sorry, I couldn't
24 hear you.

25 PROSPECTIVE JUROR NO. 310: Beer, excuse me.

1 MS. WALKENSHAW: Beer, okay.

2 PROSPECTIVE JUROR NO. 310: As far as I know that
3 it did make him loud and angry.

4 MS. WALKENSHAW: Okay. And were there times where,
5 perhaps, he said things or did things that he later regretted
6 or apologized for?

7 PROSPECTIVE JUROR NO. 310: Just being rude and
8 nothing that ever came to physical altercation, but --

9 MS. WALKENSHAW: Okay. And you said that that's
10 very different than his normal demeanor?

11 PROSPECTIVE JUROR NO. 310: Yes.

12 MS. WALKENSHAW: Okay. Mr. Aubry, I think you had
13 indicated that that -- you witnessed that as well? Can you
14 explain that a little?

15 PROSPECTIVE JUROR NO. 006: Yes, my roommate
16 (inaudible). We've known each other since seventh grade and
17 we were basically brothers. He's never really -- he's never
18 really left his middle school and high school phase, you
19 know, with a complete respect to him. He still doesn't have
20 a girlfriend yet and he's still very dependent on his mom.
21 So when he drinks, you know, a lot of his, you know, his
22 bottled up, you know, anger and just self-hatred just kind of
23 comes out. He has -- just changes who he is.

24 MS. WALKENSHAW: Okay. And you said he kind of
25 changes who he is.

1 PROSPECTIVE JUROR NO. 006: Yeah.

2 MS. WALKENSHAW: Is he normally -- how is he
3 normally?

4 PROSPECTIVE JUROR NO. 006: He's -- lights up the
5 entire room. He's always made everybody laugh and then when
6 he's drunk, everybody hates him.

7 MS. WALKENSHAW: Okay. Thank you for sharing that.
8 I know there were a few more people. Mr. McConaghy.

9 PROSPECTIVE JUROR NO. 301: Yes.

10 MS. WALKENSHAW: Yes.

11 PROSPECTIVE JUROR NO. 301: I've seen very skilled
12 and competent people (inaudible) and go off the deep end and
13 they hide booze everywhere and they're a danger to themselves
14 and everybody around.

15 MS. WALKENSHAW: And is this -- did you see it in
16 the work field? Yes. And you've indicated that it caused
17 them to be a danger for others around them?

18 PROSPECTIVE JUROR NO. 301: Yes.

19 MS. WALKENSHAW: Would it put other's lives at
20 risk?

21 PROSPECTIVE JUROR NO. 310: Sure.

22 MS. WALKENSHAW: Okay. Mrs. Smith?

23 PROSPECTIVE JUROR NO. 274: Yes.

24 MS. WALKENSHAW: I think you've indicated that you
25 had as well?

1 PROSPECTIVE JUROR NO. 274: Who me?

2 MS. WALKENSHAW: Yes.

3 PROSPECTIVE JUROR NO. 274: My last name is Clark.

4 MS. WALKENSHAW: Clark. Mrs. Clark. Why do I have

5 -- I -- Marc Smith. I was looking at the wrong row, I'm

6 sorry. Mrs. Clark.

7 PROSPECTIVE JUROR NO. 274: Have I witnessed people
8 being drunk?

9 MS. WALKENSHAW: And changing their demeanor?

10 PROSPECTIVE JUROR NO. 274: Yes, I have.

11 MS. WALKENSHAW: Can you tell me a little about
12 that?

13 PROSPECTIVE JUROR NO. 274: Well, it happens -- at
14 happened in my family but also in my family but also in my
15 community there is just a lot of people drink from despair
16 and hopelessness and (inaudible) changes them causing them to
17 sleep on the sidewalk and everything else. Yes, it's a --
18 otherwise if you ever see them sober or make them become
19 homeless we put them in situations, so yeah.

20 MS. WALKENSHAW: Okay.

21 PROSPECTIVE JUROR NO. 274: (Inaudible).

22 MS. WALKENSHAW: Fair to say. Anyone else? Yes,
23 Ms. Leary.

24 PROSPECTIVE JUROR NO. 340: I mean, just in the
25 past like my cousins (inaudible) don't really do it anymore.

1 But in the past, I mean, especially two of my cousins.
2 They're very smart, bright boys just like really a lot of
3 potential, but when they drank, you know, they just become
4 reckless and just kind of abandoning like (inaudible).

5 MS. WALKENSHAW: Okay. So sounds like they're
6 pretty wonderful when they're sober, and totally different
7 when they're not?

8 PROSPECTIVE JUROR NO. 340: Yeah.

9 MS. WALKENSHAW: Well, Mr. Smith, since I said your
10 name, I'm sure given the police -- given that you've been a
11 police officer for quite some time, you've seen quite a few
12 different incidents. Would anything about any domestic
13 incidents that you'd responded to affect how you would view
14 the testimony in this case?

15 PROSPECTIVE JUROR NO. 220: No. I can't say I
16 have.

17 MS. WALKENSHAW: No? Do you feel like you'd be
18 able to weigh the evidence fairly without considering other
19 incidents you've seen in the past?

20 PROSPECTIVE JUROR NO. 220: Oh, it's always going
21 to be there.

22 MS. WALKENSHAW: Sure.

23 PROSPECTIVE JUROR NO. 220: About people I've dealt
24 with, and since I've -- I've seen.

25 MS. WALKENSHAW: Sure. With Metro, do they give

1 you domestic violence training?

2 PROSPECTIVE JUROR NO. 220: I'm with Henderson.

3 MS. WALKENSHAW: I'm sorry, with Henderson?

4 PROSPECTIVE JUROR NO. 220: Yes.

5 MS. WALKENSHAW: They do?

6 PROSPECTIVE JUROR NO. 220: Yes.

7 MS. WALKENSHAW: And is there anything about that
8 training that would cause you to view either side more
9 critically or would cause you to be biased towards one side?

10 PROSPECTIVE JUROR NO. 220: Yeah, I'm always a
11 little partial towards law enforcement.

12 MS. WALKENSHAW: Sure. So you would view maybe the
13 State a little more favorable than the defense?

14 PROSPECTIVE JUROR NO. 220: Unfortunately, I
15 probably would.

16 MS. WALKENSHAW: It's okay. I appreciate your
17 honesty. Mr. Sanchez, I feel like we haven't heard from you
18 much at all.

19 PROSPECTIVE JUROR NO. 394: What's --

20 MS. WALKENSHAW: You're pretty quiet back there.

21 PROSPECTIVE JUROR NO. 394: I have an open mind.

22 MS. WALKENSHAW: Okay.

23 PROSPECTIVE JUROR NO. 394: Yeah.

24 MS. WALKENSHAW: And have you ever witnessed anyone
25 kind of change personalities if they'd been drinking?

1 PROSPECTIVE JUROR NO. 394: Yeah.

2 MS. WALKENSHAW: Yeah?

3 PROSPECTIVE JUROR NO. 394: I was like that.

4 MS. WALKENSHAW: You were like that?

5 PROSPECTIVE JUROR NO. 394: Yeah. I don't drink
6 anymore, but I was like that.

7 MS. WALKENSHAW: Okay.

8 PROSPECTIVE JUROR NO. 394: Just get into fights
9 and yeah.

10 MS. WALKENSHAW: Kind of do things that maybe you
11 regretted later?

12 PROSPECTIVE JUROR NO. 394: Definitely.

13 MS. WALKENSHAW: Okay. And is there anything about
14 domestic violence specifically that would cause you to be
15 unfair or biased to one side over the other?

16 PROSPECTIVE JUROR NO. 394: No.

17 MS. WALKENSHAW: No? Okay.

18 Now, we kind of touched on this a little bit, but is
19 there anyone here who finds the topic of domestic violence so
20 offensive that they couldn't be fair? No? Okay. Does
21 anyone here -- it sounds like we have a lot of people who do
22 volunteer work. Is there anyone who's ever belonged to or
23 contributed to an organization that takes a position on
24 domestic violence? Ms. Nolan?

25 PROSPECTIVE JUROR NO. 339: Yes.

1 MS. WALKENSHAW: Yes.

2 PROSPECTIVE JUROR NO. 339: I've volunteered at
3 Shade Tree.

4 MS. WALKENSHAW: At Shade Tree? Okay. Can you
5 tell me a little bit about that?

6 PROSPECTIVE JUROR NO. 339: I'm part of Junior
7 League, and they -- they had started Shade Tree (inaudible)
8 so we do a lot of volunteer work with them, and I've toured
9 their facilities and they do stuff with -- with the animals
10 when -- when the ladies camp -- or there's animals involved
11 and they have a place where the animals can go and they can
12 still be with the family.

13 MS. WALKENSHAW: Oh, okay. Animals of the family?

14 PROSPECTIVE JUROR NO. 339: Yeah.

15 MS. WALKENSHAW: Okay.

16 PROSPECTIVE JUROR NO. 339: (Inaudible) animal
17 shelter there and stuff.

18 MS. WALKENSHAW: Okay. Is there anything about
19 your work there that you feel might bias you against
20 Mr. Cooper or for the State?

21 PROSPECTIVE JUROR NO. 339: No.

22 MS. WALKENSHAW: Okay. Ms. Lasiter, I think you
23 raised your hand, too, correct?

24 PROSPECTIVE JUROR NO. 314: Yeah, but I don't have
25 any details really. I don't remember all the things that

1 we've done for Shade Tree also.

2 MS. WALKENSHAW: Okay.

3 PROSPECTIVE JUROR NO. 314: (Inaudible) and then I
4 (inaudible). I am in a church group, though, (inaudible) and
5 doing more volunteering for them specifically (inaudible).

6 MS. WALKENSHAW: Okay. Anything about that make
7 you feel partial to one side over the other?

8 PROSPECTIVE JUROR NO. 314: That's a tricky
9 question because as you're asking it, I feel like my mind is
10 just kind of changing and changing and changing. So I feel
11 like I would be fair; however, like he was stating he's
12 always got this little slant. So, of course, my heart goes
13 to somebody that possibly was abused.

14 MS. WALKENSHAW: Sure. And do you --

15 PROSPECTIVE JUROR NO. 314: I'm a little bit more
16 so it's --

17 MS. WALKENSHAW: Right.

18 PROSPECTIVE JUROR NO. 314: -- (inaudible).

19 MS. WALKENSHAW: No, absolutely. And like I said,
20 I really appreciate everyone's honesty. Do you think that
21 given that and given what you've been thinking about, you
22 would be able to be fair?

23 PROSPECTIVE JUROR NO. 314: I would like to say
24 that I would because I feel like in general I'm a pretty fair
25 person, and I don't like to rush to judgment before

1 (inaudible) just as a -- just as my own personal -- as my own
2 personality anyway.

3 MS. WALKENSHAW: Okay. Do you think that you would
4 have an open mind to hear both sides of a story?

5 PROSPECTIVE JUROR NO. 314: (Inaudible).

6 MS. WALKENSHAW: Okay. Now, we also kind of
7 touched on this a little bit earlier, but are there any
8 circumstances that anyone can think where violence would --
9 would be a result or a response in a verbal altercation if
10 it's escalated to something physical? And I think we touched
11 on it in the sense of self-defense. And I think Mr. Pangallo
12 had indicated that you felt that people do have the right to
13 defend themselves?

14 PROSPECTIVE JUROR NO. 212: Um-h'm.

15 MS. WALKENSHAW: Okay. At what point do you think
16 that that ends?

17 PROSPECTIVE JUROR NO. 212: Well, like I said
18 before, at the point to where the victim feels that they're
19 in a safe place.

20 MS. WALKENSHAW: Okay. And was there anyone else
21 who felt that that's appropriate if it's done in
22 self-defense? Mr. Aubry, at what point do you think that
23 that kind of ends?

24 PROSPECTIVE JUROR NO. 006: I'd say when
25 self-defense starts to become like (inaudible). I think I

1 mentioned before, how I said it was once they felt like they
2 were in control --

3 MS. WALKENSHAW: Okay.

4 PROSPECTIVE JUROR NO. 006: -- because, of course,
5 that could put you on the other side of the spectrum. Like
6 self-defense could turn to you being, you know, the one who's
7 in trouble.

8 MS. WALKENSHAW: Sure.

9 PROSPECTIVE JUROR NO. 006: But yeah, I think,
10 (inaudible) when I said once you (inaudible).

11 MS. WALKENSHAW: Okay. And --

12 PROSPECTIVE JUROR NO. 314: (Inaudible).

13 MS. WALKENSHAW: Yes. No, don't apologize, Ms.
14 Lasiter.

15 PROSPECTIVE JUROR NO. 314: So coming in as a
16 preschool teacher, being kicked and hit by little kids, it's
17 not very fair for me to say that I can -- I can respond in
18 self-defense in a way that I could hurt them.

19 MS. WALKENSHAW: Sure.

20 PROSPECTIVE JUROR NO. 314: So I think self-defense
21 needs to be, you know, a little better defined, but that it
22 should be sort of equal.

23 MS. WALKENSHAW: Okay. Between the two parties?

24 PROSPECTIVE JUROR NO. 314: Between the two, yeah,
25 and the Judge had mentioned there should be limits so you

1 don't put your full force into something that doesn't quite
2 deserve full force.

3 MS. WALKENSHAW: Require like a preschooler.

4 PROSPECTIVE JUROR NO. 314: Exactly.

5 MS. WALKENSHAW: Sure.

6 PROSPECTIVE JUROR NO. 314: So for me, the big
7 teacher, you know, defend my body from being kicked and hit,
8 it doesn't have to result in having (inaudible).

9 MS. WALKENSHAW: Okay. That's a fair point.
10 Anyone agree, disagree? Agree mostly? Okay. Oftentimes in
11 marital or relationship disputes or sometimes just disputes
12 in general, it comes down to one person's word against
13 someone else's. Mr. Futch?

14 PROSPECTIVE JUROR NO. 324: Yes.

15 MS. WALKENSHAW: Okay. In that kind of situation,
16 what would you do to determine the truth?

17 PROSPECTIVE JUROR NO. 324: I would weigh each
18 facts, listen to each part impartially and make a judgment
19 based on the information I have at hand.

20 MS. WALKENSHAW: Okay. Ms. McDougall, how about
21 you?

22 PROSPECTIVE JUROR NO. 265: I agree. It depends on
23 other evidence as well, not just verbal testimony from the
24 parties and those involved. But everything (inaudible), I
25 think has to be (inaudible).

1 MS. WALKENSHAW: Okay.

2 PROSPECTIVE JUROR NO. 210: I'm sorry, can I --

3 MS. WALKENSHAW: Of course, yes, please, Ms.

4 Edmund. Yes.

5 PROSPECTIVE JUROR NO. 210: I -- I keep going back
6 to the question about the defendant not taking the stand.

7 MS. WALKENSHAW: Sure.

8 PROSPECTIVE JUROR NO. 210: And now that you
9 brought that up about weighing he said/she said, if the
10 defendant doesn't take the stand, how do we weigh he said/she
11 said? And (inaudible) I've been paying attention, but I keep
12 going back to that, and honestly, I would really wonder why
13 he doesn't want to tell his side of the story.

14 MS. WALKENSHAW: Okay.

15 PROSPECTIVE JUROR NO. 210: Is it because he
16 doesn't want to perjure himself? As an attorney, you don't
17 want (inaudible) perjury, and that would really weigh on me.
18 That would just really be in the back of my mind. The more
19 I've been thinking about it, I would really wonder why he
20 doesn't want to tell his side of the story.

21 MS. WALKENSHAW: Okay. So then it would kind of
22 bother you not to hear his side or his --

23 PROSPECTIVE JUROR NO. 210: It would. I think it
24 would be hard to weigh the evidence if you're not getting the
25 full story, you know, his side of it or side of it

1 (inaudible) you know.

2 MS. WALKENSHAW: Okay. Ms. Clark?

3 PROSPECTIVE JUROR NO. 274: Yes. I mean,
4 (inaudible) and in my experience and what I know about the
5 justice system, she touched on Black Lives Matter, and I have
6 to say something. What I know is that there's a lot of plea
7 agreements, and when a person is willing to have 12 in a box,
8 that has to be something I have to weigh. Because normally,
9 you plea them out. There's no trial.

10 MS. WALKENSHAW: Sure.

11 PROSPECTIVE JUROR NO. 274: So there's no trial.

12 MS. WALKENSHAW: That's correct.

13 PROSPECTIVE JUROR NO. 274: So and that's the norm.
14 The trial is the exception. So having said that and knowing
15 that, I would have to listen to both sides, and the reason
16 you have an attorney is to represent you so you don't have to
17 speak. (Inaudible) opposite (inaudible). So I have no
18 problem with weighing the fact and the fact that he doesn't
19 want to testify because we don't know what they're going to
20 bring back in his past, or whatever. So I will stand by him
21 willing to take a jury trial. To me it says a lot that
22 there's something else that needs to be heard. And if his
23 attorney is willing to do that, because normally, ya'll tell
24 him like we going to make a deal, and that's the facts. And
25 that has to deal with a lot with Black Lives Matter.

1 Not that I'm for or against but because I
2 understand the justice system to be that. So that's all I
3 got to say.

4 MS. WALKENSHAW: No, I --

5 THE COURT: So let me interject just for a moment,
6 Ms. Walkenshaw --

7 MS. WALKENSHAW: Yes.

8 THE COURT: -- and I apologize for --

9 PROSPECTIVE JUROR NO. 274: Yes.

10 THE COURT: -- interrupting you, but many of the
11 prospective jurors have made some very valid points, but the
12 fact of the matter is that the Court will give the jury the
13 law, and within the instructions that the jury gets, there's
14 a specific instruction that if a defendant chooses not to
15 testify, you may not hold that against him in your
16 deliberation. There will be a lot of evidence adduced other
17 than testimony. Please proceed.

18 MS. WALKENSHAW: Thank you, Your Honor. Thank you,
19 Ms. Clark.

20 PROSPECTIVE JUROR NO. 274: Oh, you're welcome.

21 MS. WALKENSHAW: If I could just have the Court's
22 indulgence for just one moment.

23 THE COURT: Sure.

24 MS. WALKENSHAW: Thank you.

25 (Pause in the proceedings)

1 MS. WALKENSHAW: If we can approach, Your Honor.

2 THE COURT: Yes.

3 (Bench conference begins).

4 MS. WALKENSHAW: I was just going to make one
5 challenge for cause. I didn't know if you wanted me to do it
6 here or on the record, and that was going to be as to
7 Mr. Smith. He had indicated that just inherently, he would
8 be a little more pro State.

9 THE COURT: Well, he stated he would favor the
10 State, but he never said he wouldn't be fair to both sides.
11 You didn't ask him the follow-up question, you know, can you
12 be fair to both sides or are we already started out as a
13 disadvantage --

14 MS. WALKENSHAW: Okay.

15 THE COURT: -- at the starting gate? But we didn't
16 hear that so --

17 MS. WALKENSHAW: Okay.

18 THE COURT: -- I think you need a little more
19 before you can challenge him.

20 MS. WALKENSHAW: Okay. If I could just ask that
21 follow-up, then?

22 THE COURT: Sure.

23 MS. WALKENSHAW: Okay, thank you.

24 (Bench conference concluded)

25 MS. WALKENSHAW: And then I'm going to go back to

1 you, Mr. Smith. I'm sure you're surprised. Do you -- I know
2 you said that you would favor slightly the State, correct?
3 Do you feel, though, however, that you could be fair?

4 PROSPECTIVE JUROR NO. 220: Yes.

5 MS. WALKENSHAW: Okay. Or do you feel as the
6 defense, we'd be starting out as a slight disadvantage?

7 PROSPECTIVE JUROR NO. 220: I would be more
8 critical.

9 MS. WALKENSHAW: You would be -- so we'd be
10 slightly disadvantaged?

11 PROSPECTIVE JUROR NO. 220: Slightly. (Inaudible)
12 I'd try to be fair.

13 MS. WALKENSHAW: But you could be fair? Okay? I
14 -- if we could just approach, Your Honor.

15 (Bench conference begins)

16 MS. WALKENSHAW: I know he's indicated he could be
17 fair. He did also say we'd be at a slight disadvantage so I
18 would just --

19 THE COURT: Why don't you ask him this question, if
20 he was seated at either table, prosecution or defense, would
21 he feel comfortable having somebody with his mindset on the
22 jury panel?

23 MS. WALKENSHAW: Okay.

24 THE COURT: Let's nail him down one way or the
25 other.

1 MS. WALKENSHAW: Okay.

2 (Bench conference concluded).

3 MS. WALKENSHAW: One more follow-up. If you were
4 seated at either of these tables, whether it's State's or the
5 defense's, would you feel comfortable having somebody with
6 your mindset as a juror?

7 PROSPECTIVE JUROR NO. 220: If I was at the defense
8 table?

9 MS. WALKENSHAW: Sure.

10 PROSPECTIVE JUROR NO. 220: Probably not.

11 MS. WALKENSHAW: Probably not?

12 PROSPECTIVE JUROR NO. 220: Having someone look at
13 it from the point of view of law enforcement.

14 MS. WALKENSHAW: Okay. I appreciate your honesty.

15 THE COURT: And with the thanks of the Court,
16 Officer Smith, you may be excused. Please return to Jury
17 Services. Madam Clerk?

18 THE CLERK: Badge number 347, Donald Nubia.

19 THE COURT: Good afternoon, Mr. Nubia. Is your
20 badge number 347?

21 PROSPECTIVE JUROR NO. 347: 347. 1347.

22 THE COURT: Sir, would you have answered "yes" to
23 any of my question as soon as.

24 PROSPECTIVE JUROR NO. 347: Yes.

25 THE COURT: Which one, sir?

1 PROSPECTIVE JUROR NO. 347: I've been -- I've been
2 retired 15 years from the federal law enforcement, and I was
3 in 22 years in the Navy. That's the only thing I have to
4 say.

5 THE COURT: When you say retired from federal law
6 enforcement, what branch, sir?

7 PROSPECTIVE JUROR NO. 347: U.S. Custom Service. I
8 was federal -- I was a federal agent.

9 THE COURT: Okay, very good.

10 PROSPECTIVE JUROR NO. 347: Yes.

11 THE COURT: Any other of my questions you would
12 have answered yes to?

13 PROSPECTIVE JUROR NO. 347: I probably need a
14 refresher on some of them, but no, no problem.

15 THE COURT: Very well. Would you be so kind as to
16 tell us a little bit about yourself as we asked the others to
17 do?

18 PROSPECTIVE JUROR NO. 347: Yes.

19 THE COURT: Stand up, give us your name, marital
20 status, occupation, children and any hobbies or special
21 interests.

22 PROSPECTIVE JUROR NO. 347: Oh, okay. My name is
23 Donald Nubia. I'm 46 years old -- 76 years old.

24 THE COURT: Quite a difference, sir.

25 PROSPECTIVE JUROR NO. 347: Yes, and I was -- I've

1 been in the -- I've been working for the federal government
2 for 44 years and been retired for 15. I have a wife, I have
3 six kids, four grandkids and two great grandkids.

4 THE COURT: Very good, sir. And does your wife
5 work?

6 PROSPECTIVE JUROR NO. 347: No, not now. Her
7 ailments, she can't work anymore.

8 THE COURT: Oh, I'm sorry. What do you like to do
9 for fun?

10 PROSPECTIVE JUROR NO. 347: I used to workout a
11 lot. Now I'm just patiently watching TV. Taking it easy.
12 Traveling.

13 THE COURT: Maybe we can spice it up for you this
14 week, sir. Maybe we can spice it up with you -- for you --

15 PROSPECTIVE JUROR NO. 347: I hope you can, but --

16 THE COURT: -- with jury service.

17 PROSPECTIVE JUROR NO. 347: -- (inaudible).

18 THE COURT: Oh, yeah, it must be getting late in
19 the day. Ms. Walkenshaw.

20 MS. WALKENSHAW: Thank you, Your Honor. Good
21 afternoon, Mr. Nubia.

22 PROSPECTIVE JUROR NO. 347: Yes.

23 MS. WALKENSHAW: I know you'd indicated that you
24 were with the federal government for a long time.

25 PROSPECTIVE JUROR NO. 347: Yes.

1 MS. WALKENSHAW: Does anything about your work with
2 the federal government make you feel favored to one side over
3 the other?

4 PROSPECTIVE JUROR NO. 347: By being in law
5 enforcement, I think it do. I think it sways. I'm very
6 enforcement -- I was very enforcement minded so --

7 MS. WALKENSHAW: Okay. Do you think you could be
8 fair?

9 PROSPECTIVE JUROR NO. 347: I could be fair.

10 MS. WALKENSHAW: Okay. If you were seated in
11 Mr. Cooper's seat, would you like to have a juror like
12 yourself? Would you feel comfortable with a juror like
13 yourself?

14 PROSPECTIVE JUROR NO. 347: With a juror like me?

15 MS. WALKENSHAW: Yeah.

16 PROSPECTIVE JUROR NO. 347: Yes, I would be fair.

17 MS. WALKENSHAW: You -- okay.

18 PROSPECTIVE JUROR NO. 347: I'd feel comfortable
19 with it.

20 MS. WALKENSHAW: Okay.

21 PROSPECTIVE JUROR NO. 347: Yeah.

22 MS. WALKENSHAW: Was there anything about, you
23 know, the presumption of innocence or his right not to
24 testify that you disagreed with or it made you feel a little
25 uncomfortable?

1 PROSPECTIVE JUROR NO. 347: No, not really.

2 MS. WALKENSHAW: Not really?

3 PROSPECTIVE JUROR NO. 347: No.

4 MS. WALKENSHAW: Wouldn't hold it against him if he
5 didn't testify?

6 PROSPECTIVE JUROR NO. 347: I think he -- that's
7 his rights if he don't want to testify.

8 MS. WALKENSHAW: You think what?

9 PROSPECTIVE JUROR NO. 347: I think that's his
10 right if he do not want to testify.

11 MS. WALKENSHAW: Okay. Anything about domestic
12 violence that you find -- that you couldn't be fair about?

13 PROSPECTIVE JUROR NO. 347: Yes.

14 MS. WALKENSHAW: Okay. Can you explain?

15 PROSPECTIVE JUROR NO. 347: It's a two-way street.

16 MS. WALKENSHAW: Okay. And can you explain that a
17 little bit?

18 PROSPECTIVE JUROR NO. 347: Domestic violence is, I
19 think, a lot of times the man -- they think a lot of time the
20 man perpetrates everything in the majority of the time in
21 domestic violence. You can't believe everything you see on
22 Cops. So -- but a lot of it is instigated, a lot of it is
23 brought about by the woman and apparently a lot of times they
24 take the woman's side. The enforcement take the woman's side
25 most of the time. And a lot of time it started by the woman.

1 A man try to get away, but they still going coming
2 at him. He's still, no matter what, when he leave, when he
3 leaves, she still going to come at him. So you have to --
4 you have to weigh everything together. You have to hear it
5 from all your witnesses and everything. So and whether it
6 come down to it, it's just one on one, you just got to listen
7 to which one -- which side is theirs.

8 MS. WALKENSHAW: Okay. So that kind of answered my
9 question about someone's word against someone else's --

10 PROSPECTIVE JUROR NO. 347: Right.

11 MS. WALKENSHAW: -- you would just have to hear out
12 both sides.

13 PROSPECTIVE JUROR NO. 347: Take both sides.

14 MS. WALKENSHAW: Okay. Ever seen somebody drink so
15 much that their personality kind of changes?

16 PROSPECTIVE JUROR NO. 347: Yes.

17 MS. WALKENSHAW: Okay. Maybe they're a great
18 person when they're sober, and a totally different person
19 when they're not?

20 PROSPECTIVE JUROR NO. 347: Oh, yeah.

21 MS. WALKENSHAW: Okay.

22 PROSPECTIVE JUROR NO. 347: I've had that situation
23 happen to me. Really, truthfully.

24 MS. WALKENSHAW: Okay. Will you tell us a little
25 bit about that?

1 PROSPECTIVE JUROR NO. 347: Well, you know, I was
2 -- I was in the service and I drank a lot, okay? But it --
3 my personality changed to be a fun guy, though.

4 MS. WALKENSHAW: Okay.

5 PROSPECTIVE JUROR NO. 347: And a lot of people's
6 personality turn out to be they're a completely different
7 person, you know. The gorilla come out of them or whatever
8 you want to say, but --

9 MS. WALKENSHAW: Okay. But you have seen that
10 where maybe --

11 PROSPECTIVE JUROR NO. 347: A lot of times.

12 MS. WALKENSHAW: -- they get angry or --

13 PROSPECTIVE JUROR NO. 347: Oh, yeah.

14 MS. WALKENSHAW: Okay.

15 PROSPECTIVE JUROR NO. 347: I was in the Navy so
16 that kind of explains itself.

17 MS. WALKENSHAW: Normal? I have no further
18 questions, Your Honor. I'll pass the panel.

19 THE COURT: You pass the panel for cause?

20 MS. WALKENSHAW: Walk I do, Your Honor.

21 THE COURT: All right. Very good.

22 PROSPECTIVE JUROR NO. 347: I had one other thing,
23 though, if I may say?

24 MS. WALKENSHAW: Absolutely.

25 PROSPECTIVE JUROR NO. 347: I'm on disability for

1 incontinent. It's very hard for me to stay put. I'm
2 struggling back there now to keep from going to the bathroom.
3 But that's a problem I do have and I'm getting -- getting
4 disability for incontinent right now.

5 THE COURT: With the thanks of the Court, you may
6 be excused, sir. Please return to Jury Services. Madam
7 Clerk.

8 THE CLERK: Badge 350, Udomsak Sangon.

9 THE COURT: Sir, how do you pronounce your name,
10 please?

11 PROSPECTIVE JUROR NO. 350: Udomsak Sangon.

12 THE COURT: Is your badge number 350?

13 PROSPECTIVE JUROR NO. 350: Yes.

14 THE COURT: Would you have answered "Yes" to any of
15 my questions?

16 PROSPECTIVE JUROR NO. 350: Yes. I have one about
17 calling the police.

18 THE COURT: Yes, sir. Please tell us about it.

19 PROSPECTIVE JUROR NO. 350: Yeah, I was work at the
20 Pizza Hut. I'm the store manager. So we get rob -- you
21 know, robbery one day like the guy would come with the gun
22 and jump on the counter, you know, like over inside the
23 store. Then point the gun to like all the employee.
24 Normally, like, you know, they (indecipherable). Then just
25 they take like the money from the register, like, you know.

1 He -- normally, he hit three of my employee, including me, to
2 the head with the gun. Yeah, he -- yeah, he really hit two
3 or three of my employee. Then after that, then I said, you
4 know -- because we have like the emergency (indecipherable)
5 to call the police. Then after that, I just, you know -- we
6 hit the (indecipherable) then -- then just open the drawer
7 for the money for him and after that like about -- I would
8 say like only like one-and-a-half minutes then he's gone.

9 THE COURT: Did the police catch him?

10 PROSPECTIVE JUROR NO. 350: No.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 350: But he take like only
13 like, I would say like 1 minute and 15 seconds, he gone.

14 THE COURT: Any other of my questions you would
15 have answered yes to?

16 PROSPECTIVE JUROR NO. 350: I would say yes,
17 because I work me -- I was working three job. It's just kind
18 of like hard for me to, you know, to -- I don't know how long
19 it -- what it going to take from here. I working three jobs
20 for 11 years.

21 THE COURT: What are the other two jobs, sir?

22 PROSPECTIVE JUROR NO. 350: I work at
23 (indecipherable) and right now I work -- for (indecipherable)
24 but I used to work at Albertson's. I just quit Albertson's.
25 I've been there for like 13 years, that like all my three

1 job.

2 THE COURT: How many hours a day do you work, then?

3 PROSPECTIVE JUROR NO. 350: I would say at least
4 one day, I max it like 16, 17 hour, but when I -- when I off
5 one job, then I work another job because like per week I
6 (indecipherable).

7 THE COURT: When do you sleep, sir?

8 PROSPECTIVE JUROR NO. 350: No, really, like I was
9 sleeping about four to five hour a day. (Indecipherable)
10 but I never sleep at the same time every day it's kind of
11 different time every day.

12 THE COURT: Well, if you're working that many
13 hours, are you going to be able to stay awake and listen to
14 the testimony?

15 PROSPECTIVE JUROR NO. 350: You know, it like
16 normal for me. Like, I will say okay, because like I'm say I
17 don't sleep like at the same time every day, you know. But
18 as soon as I get home normally I fall asleep every day
19 because, you know, for how many hours I've been work, but.

20 THE COURT: Right.

21 PROSPECTIVE JUROR NO. 350: So, but --

22 THE COURT: Sir, if you're serving jury duty, this
23 is your full-time job. Are you going --

24 PROSPECTIVE JUROR NO. 350: I'm sorry?

25 THE COURT: If you're going -- if you serve jury

1 duty, it's your full-time job this week. Can you do that?

2 PROSPECTIVE JUROR NO. 350: (Indecipherable) say
3 yes or no. I have to -- in other words, I have to put all my
4 three job to take off pretty much.

5 THE COURT: Right. Can you do that, sir?

6 PROSPECTIVE JUROR NO. 350: I say, yes.

7 THE COURT: Okay. Is there any reason you can
8 think of that you couldn't serve jury duty?

9 PROSPECTIVE JUROR NO. 350: No.

10 THE COURT: Okay. Can you tell us a little bit
11 about yourself, sir, like the others did?

12 PROSPECTIVE JUROR NO. 350: I'm -- you mean like
13 about myself, right?

14 THE COURT: Yes.

15 PROSPECTIVE JUROR NO. 350: I was married. I have
16 -- for three year now, I have one kid, then one on the way
17 right now. Then --

18 THE COURT: Does your wife work outside of the
19 home?

20 PROSPECTIVE JUROR NO. 350: No, she take caring the
21 kids. I will take care of everything, including my family
22 (inaudible).

23 THE COURT: What do you like to do for fun?

24 PROSPECTIVE JUROR NO. 350: A lot of time -- yeah,
25 a lot of time I --

1 THE COURT: Do you ever get any free time? What do
2 you like to do for fun, sir?

3 PROSPECTIVE JUROR NO. 350: No, like, a lot of time
4 when I take off, when I take off, I take (indecipherable)
5 off. You know, I take off at the same time because like --
6 because when I work at like -- example (indecipherable)
7 store manager, I make -- pretty much I make my own schedule.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 350: You know, if I take
10 time off and schedule even vacation, we go back to Thailand
11 every year.

12 THE COURT: Oh, okay. Every year?

13 PROSPECTIVE JUROR NO. 350: I mean, like I work
14 hard for it, but, you know, I mean, like I take care of my
15 family. I get what I want from -- you know, from when I
16 finish school so --

17 THE COURT: Very good, sir. Did you want to
18 proceed, Ms. Walkenshaw?

19 MS. WALKENSHAW: Thank you, just briefly. So there
20 anything about any questions I've asked that made you feel
21 uncomfortable about being a juror today?

22 PROSPECTIVE JUROR NO. 350: No. I would say no,
23 but the only reason for me to only like -- you know, sometime
24 I did kind of not understand a word, a lot -- you know, a lot
25 of word. I may not understand, you know, the meaning of it

1 because, you know -- and also my accent, you know, is not
2 like -- that I'm not from here.

3 MS. WALKENSHAW: Okay. Have you had trouble
4 understanding us here today?

5 PROSPECTIVE JUROR NO. 350: Not really, but
6 (indecipherable) only some word I not understand.

7 MS. WALKENSHAW: Okay. So some you understand?

8 PROSPECTIVE JUROR NO. 350: Um-hum.

9 MS. WALKENSHAW: Some not? Okay. Do you feel like
10 it would affect you to serve as a juror?

11 PROSPECTIVE JUROR NO. 350: I would say "yes" if
12 I'm not understand.

13 MS. WALKENSHAW: Sure. So you -- you are concerned
14 that you don't understand enough to fully know what's going
15 on here?

16 PROSPECTIVE JUROR NO. 350: Yes.

17 MS. WALKENSHAW: Okay.

18 THE COURT: With the thanks ever the Court, you may
19 be excused, sir. Please return to jury service. Madam
20 Clerk.

21 THE CLERK: Badge 1356, Gualberto Morco.

22 THE COURT: What number was it, Madam Clerk?

23 THE CLERK: 13 -- or (inaudible).

24 THE COURT: Sir, is your name Morco?

25 PROSPECTIVE JUROR NO. 356: Yes.

1 THE COURT: Mr. Morco, is your badge number 356?

2 PROSPECTIVE JUROR NO. 356: Yes, it is, ma'am.

3 THE COURT: Would you have answered yes to any of
4 my questions?

5 PROSPECTIVE JUROR NO. 356: Yes. I was on the
6 freeway. I was -- noticed somebody swerving, called the
7 cops, followed them to the gas station, got out of his car.
8 He was so drunk, he fell on the floor. Cop came five minutes
9 later and I was out of there.

10 THE COURT: How long ago was that, sir?

11 PROSPECTIVE JUROR NO. 356: That was probably like
12 five years ago.

13 THE COURT: Okay. Any of my other questions would
14 you have answered yes to?

15 PROSPECTIVE JUROR NO. 356: No.

16 THE COURT: Would you tell us a little bit about
17 yourself.

18 PROSPECTIVE JUROR NO. 356: I am about to be a
19 father. I was in the Air Force for about nine years, and I
20 got out in 2006. I lived in Baghdad for about five years as
21 a contractor. Now I -- I work at the airport as a airline
22 baggage courier. I deliver all the late and lost baggages to
23 everybody. So I get a lot of slack. I typically work
24 graveyard and then during the daytime I take care of my wife.
25 That's about it.

1 THE COURT: When is the baby due as if.

2 PROSPECTIVE JUROR NO. 356: January 25th.

3 THE COURT: Any questions --

4 MS. WALKENSHAW: Yes.

5 THE COURT: -- Ms. Walkenshaw?

6 MS. WALKENSHAW: Thank you, Your Honor. Is there
7 anything about anything I've asked or anything that you've
8 heard that makes you feel uncomfortable about being a juror
9 in this case?

10 PROSPECTIVE JUROR NO. 356: No.

11 MS. WALKENSHAW: No? Okay. It wouldn't bother you
12 if Mr. Cooper didn't testify?

13 PROSPECTIVE JUROR NO. 356: No, not at all.

14 MS. WALKENSHAW: Okay. Do you feel like you could
15 be fair?

16 PROSPECTIVE JUROR NO. 356: I believe, I can.

17 MS. WALKENSHAW: Okay. Is there anything about
18 your service in the Air Force that would cause you to be a
19 little more critical of the defense or pro --

20 PROSPECTIVE JUROR NO. 356: No. I mainly play
21 video games (inaudible).

22 MS. WALKENSHAW: Okay. I do appreciate your
23 honesty. Any strong feelings about domestic violence that
24 would cause you to be unfair?

25 PROSPECTIVE JUROR NO. 356: I was just taught not

1 to hit a woman so if I -- I've always walked away, even
2 though sometimes you get pulled back in like the last
3 gentleman, you know, claimed, so.

4 MS. WALKENSHAW: Okay. Anything, though, about the
5 way that you were raised would cause you to be unfair to
6 either side in the case? Do you feel you could listen to
7 both sides fairly?

8 PROSPECTIVE JUROR NO. 356: Yes.

9 MS. WALKENSHAW: Okay. I will pass the panel for
10 cause, Your Honor.

11 THE COURT: Very well.

12 MS. WALKENSHAW: Thank you.

13 THE COURT: The State didn't have an opportunity to
14 examine our most recent prospective juror. Did you want to
15 do so, Ms. Rhoades?

16 MS. RHOADES: Just briefly, Your Honor. Anyone
17 that you know, friends, family, close friends or family, I
18 guess, victims of domestic violence that you know of?

19 PROSPECTIVE JUROR NO. 356: No.

20 MS. RHOADES: Okay. That's all, Your Honor. The
21 State would pass for cause.

22 THE COURT: Very well. So what's going to happen
23 now is counsel are going to exercise their peremptory
24 challenges. I told you earlier they each get four challenges
25 each and one challenge each for the alternate.

1 So the bailiff is going to be passing a sheet of
2 paper back and forth between counsel table. What I'm trying
3 to tell you is we're close to empaneling a jury. We're not
4 close enough that I can let you leave the room. I can't let
5 you talk amongst yourselves because counsel needs to be able
6 to focus on what they're doing. But if you want to stand up
7 and take a stretch break, feel free to do so.

8 (Pause in the proceedings from 6:09 P.M. to)

9 THE COURT: So let me ask counsel, were there any
10 challenges to the other side's use of the peremptory
11 challenges by the State?

12 MS. RHOADES: Court's indulgence.

13 THE COURT: By the defense?

14 MS. RHOADES: Court's indulgence.

15 MS. WALKENSHAW: No, Your Honor. If we could
16 approach and I'll make a record.

17 THE COURT: Sure.

18 (Bench conference begins)

19 MS. WALKENSHAW: I'm sorry. I was going to be
20 challenging two of their peremptories pursuant to Batson.
21 There are only two African-Americans on the panel, both of
22 which the State challenged, used a challenge for. And the
23 third individual who identifies themselves as
24 African-American on this was left on, however, his
25 appearance-wise there are only two that appear to be

1 African-American and the State excluded both of them.

2 THE COURT: What's the basis for the challenge? I
3 hope there's more than that.

4 MS. WALKENSHAW: Well, there are only two
5 individuals on the panel that are African-American, both of
6 which have been excluded. They both indicated that they
7 could be fair, Ms. Clark and Ms. Bethea. Upon questioning
8 both indicated that they could be fair. I know Ms. Bethea
9 originally indicated that she was overwhelmed. Once Ms.
10 Rhoades advised her that there was not any type of deceased
11 individual, she indicated that she felt better about that and
12 that she could be fair.

13 As to Ms. Clark, she also indicated that she could
14 be fair as well. I think when both the State and myself
15 questioned her, she indicated that as well. I can't see any
16 reason why -- any reason -- I know State will have to provide
17 a (indecipherable) as to why they excluded them, but that's
18 the challenge.

19 MS. RHOADES: Your Honor --

20 THE COURT: Ms. Rhoades.

21 MS. RHOADES: And this is all being recorded,
22 right?

23 THE COURT: Yeah.

24 MS. RHOADES: We only have to provide a race
25 neutral reason after and if the Court finds that a prima

1 facie case has been shown that there was been -- or that
2 there has been discrimination. There actually Mr. Aubry on
3 the jury questionnaire identifies himself as
4 African-American, that's 006. So he's on the jury. We did
5 not kick him. There are two females that are also
6 African-American. We did kick those people, but also, there
7 were two African-American males that were on there that the
8 Court did kick for cause. The State had nothing to do with
9 that. You know, the State would have, of course, been fine
10 with them on the jury, I mean, depending on any questions
11 that came up. But I don't think that they can show prima
12 facie case that there has been discrimination here.

13 THE COURT: You know, I don't really think they can
14 either and that's why I asked Counsel to elaborate because it
15 sounds like your argument has to do with the percentage make
16 up of the jury.

17 MS. WALKENSHAW: Certainly, and they all -- I mean,
18 I think that that is and has been taken consideration when
19 there's only three individuals that identify or appear to be
20 African-American and two of them are excluded. That can be
21 taken into consideration, as well as the fact that both
22 testified that they could -- or both indicated that they
23 could be a fair juror and weigh the evidence fairly. There
24 was nothing about what they said that indicated that they
25 could not be a fair juror.

1 I know that both sides have an opportunity to
2 question more about some things that may have caused each
3 concern. And they both indicated upon further voir dire that
4 they could be a fair juror. And so at this point, given the
5 pattern and I'm making a Batson challenge.

6 THE COURT: So the argument is premised on this
7 being a percentage issue?

8 MS. WALKENSHAW: And the fact that there appeared
9 to be no other reasons for disqualifying them because they
10 all -- both indicated that they could be fair jurors, and so
11 given that, combined with the fact that there's only three
12 that identified African-American, and two of them were
13 struck.

14 THE COURT: I can think of a whole host of reasons
15 for Counsel wanting to preempt either of those two particular
16 individuals. So unless you can be a little more specific in
17 your analysis, the Court would have to deny your motion.

18 MS. WALKENSHAW: I understand.

19 THE COURT: Okay.

20 MS. RHOADES: And just for the record, that's
21 denied because no prima facie case has been shown?

22 THE COURT: Right.

23 MS. RHOADES: Okay, thank you.

24 THE COURT: Correct.

25 MS. WALKENSHAW: Thank you.

1 (Bench conference concluded)

2 THE COURT: Okay. Other than the conversation we
3 had at the bench, are there any other challenges to these --
4 the other side's challenges?

5 MS. WALKENSHAW: No, Your Honor.

6 THE COURT: Ms. Rhoades?

7 MS. RHOADES: No, Your Honor.

8 THE COURT: Okay. Thank you, Mr. Diamond. I'm
9 going to ask the Clerk to read the names of those remaining
10 jurors in the order in which their names were called. Madam
11 Clerk.

12 THE CLERK: Badge 064, Fisher. Badge 1325, I'm
13 sorry, Ahina. Badge 394, Sanchez. Badge 874, Galvan. Badge
14 006, Aubry. Badge 1219, Moylan. Badge 1366, Morco. Badge
15 1324, Futch. Badge 346, McKeever. Badge 1339, Nolan. Badge
16 1365, McDougall.

17 THE COURT: McDougall, wasn't it?

18 THE MARSHAL: McDougall.

19 PROSPECTIVE JUROR NO. 365: McDougall.

20 THE CLERK: McDougall, excuse me.

21 THE MARSHAL: That certainly is McDougall.

22 THE CLERK: Badge 1340, Leary. Badge 1302, Lopez.
23 That's all of them.

24 THE COURT: Thank you. Ladies and gentlemen, if
25 your name was not called, please step to the spectator's

1 section just for a few moments.

2 THE MARSHAL: All right, let's go.

3 (Pause in the proceedings)

4 THE MARSHAL: All right, boss. They're all ready.

5 THE COURT: Thank you, Mr. Diamond. Ladies and
6 gentlemen, appears that we have ourselves a jury. Would
7 counsel agree?

8 MS. RHOADES: Yes, Your Honor.

9 MS. WALKENSHAW: Yes, Your Honor.

10 THE COURT: So member of the panel who are seated
11 beyond the rail, I want to take an opportunity on behalf of
12 the Court and counsel and the parties to thank you for your
13 service here today because it wouldn't be possible for these
14 parties to exercise their right to trial by jury without
15 those of you who are willing to listen and observe and
16 participate in the process.

17 You've afforded these parties their constitutional
18 right to trial by jury, and that's a constitutional right we
19 hold very dear in this country. So on behalf of the Court
20 and counsel and the parties, thank you. You may be excused.

21 (Prospective jurors excused)

22 THE COURT: May I see counsel at the bench, please,
23 for scheduling purposes.

24 (Bench conference begins)

25 THE COURT: By the way, are you any relation to

1 Virginia Eichacker?

2 MR. EICHACKER: I am.

3 THE COURT: Are you?

4 MR. EICHACKER: Yeah.

5 THE COURT: How so?

6 MR. EICHACKER: My mom.

7 THE COURT: Your mom?

8 MR. EICHACKER: Yes.

9 THE COURT: Oh, I hold her in very high esteem.

10 Please give her my regards.

11 MR. EICHACKER: I will.

12 THE COURT: Okay. So for purposes of scheduling,
13 I'm going to ask Madam Clerk to swear the jury and then we're
14 going to recess for the evening. Tomorrow morning, we'll
15 start at 9:00 o'clock. What's on the agenda? Who's the
16 first witness?

17 MS. RHOADES: Probably Brittney. Probably.

18 THE COURT: Oh, okay.

19 MS. RHOADES: Is there any way we can start at
20 9:30?

21 THE COURT: We're pretty pressed for time this
22 week.

23 MS. RHOADES: I don't know that we're going to -- I
24 mean, we -- I guess, the bad acts motion went kind of long,
25 but I think we'll move pretty quickly through witnesses

1 tomorrow, maybe have some on Wednesday.

2 THE COURT: Okay. So we're going to start
3 Wednesday at 10:30 in the morning.

4 MS. RHOADES: At 10:30, okay.

5 THE COURT: Who was the next witness after
6 Brittney?

7 MS. RHOADES: Probably Cameron again and then some
8 officers.

9 THE COURT: In the afternoon?

10 MS. WALKENSHAW: I would agree that, I think, we
11 would anticipate moving pretty quickly --

12 MS. RHOADES: Um-h'm.

13 MS. WALKENSHAW: -- too. I know the bad acts
14 motion took a while, but I don't anticipate it being like
15 that.

16 MS. RHOADES: I mean, she's going to take a long
17 time because that's --

18 MS. WALKENSHAW: Sure.

19 MS. RHOADES: -- how she's going to be in this
20 case, too. Or, I mean, that's how she's going to be. That's
21 how she is. So --

22 THE COURT: And a word on that, if I may. She
23 likes to wiggle around and not really answer the questions so
24 perhaps, counsel could kind of tighten up the questions on
25 both sides because she's obviously going to have some --

1 we're going to have some credibility issues, frankly, from
2 what I can see given her testimony today.

3 MS. RHOADES: Okay.

4 THE COURT: If you can tighten up the questions, it
5 would be great.

6 MS. RHOADES: I will do my best --

7 THE COURT: All right.

8 MS. RHOADES: -- to do that.

9 THE COURT: Thank you.

10 MS. RHOADES: Thank you.

11 (Bench conference concluded).

12 THE COURT: Okay. Ladies and gentlemen of the
13 jury, I'm going to ask you to stand, raise your right hand to
14 be sworn by Madam Clerk. Madam Clerk.

15 (CLERK SWEARS JURORS)

16 THE CLERK: Thank you.

17 THE COURT: It's late in the day. I appreciate
18 your patience and tolerance with all of us. We're going to
19 adjourn for the evening. When you return tomorrow, I'm going
20 to give you some preliminary instructions. They're not the
21 final instructions you're going to get at the end of the
22 case, just some things to guide you through this process.

23 Then you're going to hear opening statements from
24 counsel and we'll get going. In the meantime, it's my
25 obligation to advise you not to talk about this case, not to

1 form or express any opinion, not to do any research on any
2 subject connected with this case, not to conduct any
3 experiments.

4 When I say research, I mean including, but not
5 limited to, newspapers, television, radio, the Internet and
6 that includes all forms of social media.

7 That said, have a nice evening. Please return
8 promptly tomorrow at 9:00 o'clock because the sooner you get
9 here, each and every one of you, the sooner we can begin.
10 Question in the back row, Mr. Moylan?

11 JUROR NO. 6: Oh, I was just wondering how long
12 does this go for?

13 THE COURT: As long as it takes.

14 JUROR NO. 6: No, I was just wondering to tell my
15 job. That's all.

16 THE COURT: Oh, well, you told -- counsel told you
17 the case was going to be finished by Friday so --

18 JUROR NO. 6: Oh, okay.

19 THE COURT: -- I think you better told them to
20 that.

21 JUROR NO. 6: Okay, I'll tell them.

22 THE COURT: Very well.

23 JUROR NO. 6: Thank you.

24 THE COURT: All right. Have a nice evening.

25 (Outside the presence of the jury.)

1 THE COURT: Okay. See you tomorrow.

2 MS. WALKENSHAW: Thank you.

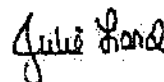
3 MS. RHOADES: Thank you, Your Honor.

4 (Court recessed at 5:36 P.M., until Tuesday,

5 (November 15, 2016, at 9:25 A.M.)

6 * * * * *

7 ATTEST: I hereby certify that I have truly and correctly
8 transcribed the audio/visual proceedings in the above-
9 entitled case to the best of my ability.

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13 _____
14 JULIE LORD, INDEPENDENT TRANSCRIBER
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vi.

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