

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LAMAR CHAMBERS

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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APPELLANT'S APPENDIX

Volume 5

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Chambers v. State Case No. 73446

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1 justice.

2 PROSPECTIVE JUROR NO. 270: Adjutant's General
3 Office, but I was an adjutant general.

4 THE COURT: All right. So do you think that that
5 experience will pose any impediment to your serving as a juror
6 here?

7 PROSPECTIVE JUROR NO. 270: None whatsoever.

8 THE COURT: You need to follow the State criminal
9 laws that will be instructed to you.

10 PROSPECTIVE JUROR NO. 270: The last decision I had
11 to make was in 1970, so that was a long time ago.

12 THE COURT: Okay. Very good. All right. Do you
13 think you could be a fair and impartial juror?

14 PROSPECTIVE JUROR NO. 270: Yes, sir.

15 THE COURT: Thank you very much for being here. Mr.
16 Brown.

17 PROSPECTIVE JUROR NO. 275: Nelson Brown, badge 275.
18 High school. Laborer's union. Not married, two kids, grown.
19 Never served.

20 THE COURT: All right. So what type of jobs do you
21 work for the laborer's union?

22 PROSPECTIVE JUROR NO. 275: Demo man.

23 THE COURT: Pardon me?

24 PROSPECTIVE JUROR NO. 275: Demo.

25 THE COURT: Demo?

1 PROSPECTIVE JUROR NO. 275: Yes.

2 THE COURT: Demolition?

3 PROSPECTIVE JUROR NO. 275: Yes.

4 THE COURT: All right. Thank you, sir. I
5 appreciate it.

6 PROSPECTIVE JUROR NO. 289: Carrie Lee, badge 289.
7 Some college. Retired from Las Vegas Valley Water District
8 and now a project manager for a consulting company. Not
9 married, no kids. Served on a jury about 25 years ago and it
10 was criminal.

11 THE COURT: All right. Were you a foreperson?

12 PROSPECTIVE JUROR NO. 289: No.

13 THE COURT: Did they reach a decision?

14 PROSPECTIVE JUROR NO. 289: Yes.

15 THE COURT: Is there anything about that experience
16 that causes you some difficulty in serving today?

17 PROSPECTIVE JUROR NO. 289: No.

18 THE COURT: All right. Thank you. Pass the
19 microphone.

20 PROSPECTIVE JUROR NO. 296: I'm John Rougeaux, badge
21 number 296. Graduated from a trade school after high school.
22 I'm a full-time taxidermist. I'm married, no kids. I've
23 never served on a jury.

24 THE COURT: What's the most common thing people get
25 taxidermied?

1 PROSPECTIVE JUROR NO. 296: Mule deer.

2 THE COURT: What is it?

3 PROSPECTIVE JUROR NO. 296: Mule deer.

4 THE COURT: Mule deer.

5 PROSPECTIVE JUROR NO. 296: Yep.

6 THE COURT: Oh, okay. Interesting. Thank you.

7 Next person.

8 PROSPECTIVE JUROR NO. 301: The name's Brandon
9 Lando, badge number 301. High school, currently in college.
10 Job position, assistant manager. Not married, no children,
11 and never served on a jury.

12 THE COURT: Job system's manager.

13 PROSPECTIVE JUROR NO. 301: Assistant manager.

14 THE COURT: Assistant manager. You're pretty young.
15 How is that -- you're 19?

16 PROSPECTIVE JUROR NO. 301: Yeah.

17 THE COURT: You're probably the youngest person
18 here. If you're picked to serve on the jury, are you able to
19 -- do you think you will have enough confidence to express
20 your opinions to others?

21 PROSPECTIVE JUROR NO. 301: Yeah, I will.

22 THE COURT: All right. Very good. Thank you, sir.

23 PROSPECTIVE JUROR NO. 309: Oki James, badge number
24 309. Associate degree and I own a business. I'm a vendor.
25 I'm married, I have three children. They are grown and gone.

1 And I served on jury in Texas about 15 years ago. It was a
2 civil case.

3 THE COURT: Civil? All right. What did you think
4 of that experience?

5 PROSPECTIVE JUROR NO. 309: You know, I have a short
6 memory. I've forgotten. I am so sorry.

7 THE COURT: That's fine. Can you be fair and
8 impartial in this case?

9 PROSPECTIVE JUROR NO. 309: I think so.

10 THE COURT: All right. Very good. Thank you.

11 PROSPECTIVE JUROR NO. 310: Daxa Bhakta, badge
12 number 310. High school completed. New home sales counselor.
13 I am married, have three children, and never served on a jury.

14 THE COURT: All right. Thank you, Ms. Bhakta.
15 Boucher?

16 PROSPECTIVE JUROR NO. 332: Anna Boucher, badge
17 number 332. High school educated, cosmetology trade school.
18 As of current, I'm a salon owner. I'm married with three
19 children, and never served a jury.

20 THE COURT: How old are your children?

21 PROSPECTIVE JUROR NO. 332: They're all grown.

22 THE COURT: All grown. Okay. Thank you. So I need
23 to ask. Is there anybody here, some general questions. If
24 this applies to you, raise your hand and then I'll get
25 information from you. Is there anybody here that has been the

1 victim of a violent crime? I just need to see a show of hands
2 and we'll talk to you about that. Victim of any violent
3 crime. No hands. All right.

4 PROSPECTIVE JUROR: How violent?

5 THE COURT: Well, any kind of assault or battery,
6 any kind of -- anything where you were in fear of being
7 injured. Go ahead and let's talk to -- and if you're not sure
8 err on the side of telling us about it.

9 PROSPECTIVE JUROR NO. 176: I'm really not sure, but
10 I was --

11 THE COURT: What is your badge number?

12 PROSPECTIVE JUROR NO. 176: 176.

13 THE COURT: All right. Go ahead.

14 PROSPECTIVE JUROR NO. 176: I was assaulted back in
15 high school, took about five stitches in my lip. I don't know
16 if that's important or not.

17 THE COURT: How long ago was that?

18 PROSPECTIVE JUROR NO. 176: About 50 years ago.

19 THE COURT: Okay. This is just some background
20 information to help the attorneys formulate follow-up
21 questions for you. All right. Anybody else? We've got some
22 hands down here, Marshal.

23 PROSPECTIVE JUROR NO. 252: Well, I was held up by
24 gunpoint when I worked at a 7-Eleven.

25 THE COURT: I need your badge number.

1 PROSPECTIVE JUROR NO. 252: 252.

2 THE COURT: 252. So you worked at 7-Eleven and you
3 were held up at gunpoint?

4 PROSPECTIVE JUROR NO. 252: Yeah, at gunpoint. It
5 was scary. I was also -- a guy ran up behind me, oh, this was
6 years ago, and knocked me to the ground and stole my purse and
7 ran off. I think they're both violent.

8 THE COURT: How long ago did these two incidents
9 happen?

10 PROSPECTIVE JUROR NO. 252: Well, the robbery at the
11 7-Eleven was in 1977. And the purse snatching incident was
12 sometime in the mid-1980s. I don't remember the exact year.

13 THE COURT: Okay. Thank you for providing that
14 information. Who else? Yes, ma'am. Badge number?

15 PROSPECTIVE JUROR NO. 268: Badge number 268. Not
16 sure of the relevance, but I was present for a mass school
17 shooting in high school in 2001.

18 THE COURT: Oh, wow. I'm sorry you had to
19 experience that. Was anybody injured in that shooting?

20 PROSPECTIVE JUROR NO. 268: Yeah. There were 15
21 victims in total. I would say that I probably knew about a
22 dozen of them, and I knew the shooter as well.

23 THE COURT: All right. Did any of the victims die?

24 PROSPECTIVE JUROR NO. 268: Yes.

25 THE COURT: Do you think you're able to set aside

1 your feelings about that horrible incident so you can look at
2 all the evidence in this case fairly and objectively?

3 PROSPECTIVE JUROR NO. 268: I believe I do. It was
4 kind of a unique scenario that I happened to be friends with
5 the shooter and with the victims. Because I was under the age
6 of 18 I was issued a subpoena on behalf of the shooter, but my
7 mother declined to let me participate in it because it was --
8 I was like 17. So it was something that probably wasn't good.
9 So I kind of had to see things from both sides.

10 THE COURT: So in this case I told you some of the
11 -- a couple of the charges against the defendant who's sitting
12 here. You understand that just because he's been charged with
13 a crime, that's no evidence whatsoever that he did the crime,
14 right?

15 PROSPECTIVE JUROR NO. 268: Yes.

16 THE COURT: And the defendant is presumed innocent,
17 presumed not guilty as he's sitting here today. Do you
18 understand that?

19 PROSPECTIVE JUROR NO. 268: Yes.

20 THE COURT: And you're willing to accept that?

21 PROSPECTIVE JUROR NO. 268: Yes.

22 THE COURT: All right. Thank you. Is there anyone
23 else who's been a victim of any violent crime?

24 PROSPECTIVE JUROR NO. 289: When I worked at the
25 water district and ran the branch office we were robbed at

1 gunpoint.

2 THE COURT: Robbed at gunpoint. Was a gun pointed
3 at you?

4 PROSPECTIVE JUROR NO. 289: Yeah.

5 THE COURT: How long ago was that?

6 PROSPECTIVE JUROR NO. 289: About 30 years ago.

7 THE COURT: Thirty years ago. Okay. Sorry you had
8 to experience that. Do you believe you can serve as a fair
9 and impartial juror here?

10 PROSPECTIVE JUROR NO. 289: Yes.

11 THE COURT: All right. Thank you. Anybody else?
12 Is there anybody here who's testified as a witness in a
13 criminal lawsuit? That's all I need to know. All right.
14 We've got two hands in the back. Let's have badge numbers.

15 PROSPECTIVE JUROR NO. 188: John Blythe, badge
16 number 188.

17 THE COURT: Tell us about that.

18 PROSPECTIVE JUROR NO. 188: Okay. Actually, the
19 assault wasn't against me. A fellow tried to sexually assault
20 my wife. He was unsuccessful. So anyway, I was asked to give
21 testimony of the event in front of the grand jury. This was
22 in Arizona.

23 THE COURT: All right. And remind us when that
24 happened.

25 PROSPECTIVE JUROR NO. 188: The late '70s.

1 THE COURT: Okay. So, sir, you're going to get some
2 preliminary instructions if you're chosen to serve on the jury
3 about how to judge a person's credibility on the stand. Are
4 you -- do you think you can serve in that capacity? Listen to
5 a person on the stand, studying their manner, studying their
6 internal consistency in what they're saying, compare what
7 they're saying with the evidence, and look -- I'm going to
8 give you some other factors. Do you think you can study a
9 person on the stand to determine their credibility?

10 PROSPECTIVE JUROR NO. 188: Absolutely. Actually,
11 that's what I did for four years as a hearing officer.

12 THE COURT: Very good. I appreciate that, sir. All
13 right. Let's find out, let's talk to the next person.

14 PROSPECTIVE JUROR NO. 187: Elissa Newby, badge
15 number 187. I had my wallet stolen from me in 2013 and I was
16 actually able to catch the people that did it through my
17 police report. It ended up being a case much, much larger
18 than that of husband and wife that were going around the
19 entire city and stealing from people. It actually involved
20 some cops and there was some like underground drug trade going
21 on with all of this. I was asked to take a polygraph test to
22 prove my innocence in this because they tried to say that I
23 owed them drug money and stuff. Yes, I had to testify --

24 THE COURT: Where did that happen?

25 PROSPECTIVE JUROR NO. 187: Here in Las Vegas.

1 THE COURT: So, were you being investigated by --

2 PROSPECTIVE JUROR NO. 187: Yes.

3 THE COURT: -- the State authorities, county
4 authorities or federal authorities, if you know?

5 PROSPECTIVE JUROR NO. 187: I don't know.

6 THE COURT: Was the Clark County District Attorney's
7 Office involved at all, do you know?

8 PROSPECTIVE JUROR NO. 187: Yes.

9 THE COURT: So how do you feel about that? Well,
10 let me ask you a better question. Does that experience where
11 you were basically being questioned, does that make it
12 difficult for you to -- do you have any hard feelings against
13 the Clark County District Attorney's Office, I guess is the
14 right question?

15 PROSPECTIVE JUROR NO. 187: No. They were very nice
16 to me, but I did feel a little nervous and like, not strong
17 enough at times. Even though I was innocent, it was very
18 draining. Who I was testifying against, he made some direct
19 threats towards me and my family. So there was a lot of fear
20 in testifying against him and being back here doing that
21 again.

22 THE COURT: Do you believe you could treat both
23 sides fairly and objectively in this case, despite that
24 experience?

25 PROSPECTIVE JUROR NO. 187: I honestly don't know.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 187: Growing up in a military
3 family and my father's a police officer, I've kind of grown up
4 one-sided.

5 THE COURT: All right. Thank you for being honest.
6 We need to know that. I'll let the attorneys here ask you
7 some follow-up questions about that. Thank you for explaining
8 that.

9 Anybody else who served as a witness in a criminal
10 lawsuit?

11 Is there anybody here, other than those who've
12 already explained, anybody here who has any connection with
13 law enforcement or the courts? If so, first, let me see a
14 show of hands how many people that might apply to. All right.
15 Let's talk to some of those people. Marshal, why don't you
16 just start in the back row then. This is connection to law
17 enforcement or the justice system.

18 PROSPECTIVE JUROR NO. 188: Badge 188, John Blythe.
19 When I was going to school at the University of Oklahoma my
20 wife worked for the Norman Police Department for two years.
21 And we had the opportunity to get to know a lot of the
22 officers and the ins and outs of police work. So the young
23 lady mentioned, you tend to all of a sudden, you know, think
24 they have a tough job and so, that's the connection with law
25 enforcement.

1 THE COURT: All right. So, do you understand that
2 if police officers take the stand here that you have to judge
3 their credibility just like every other witness?

4 PROSPECTIVE JUROR NO. 188: Absolutely.

5 THE COURT: So, do you agree to do that?

6 PROSPECTIVE JUROR NO. 188: Absolutely.

7 THE COURT: Are you going to assume, start off by
8 assuming anything regarding whether the police officer's going
9 to tell the truth before you even hear from them?

10 PROSPECTIVE JUROR NO. 188: No, sir.

11 THE COURT: All right. So you'll judge the police
12 officers just like any other way.

13 PROSPECTIVE JUROR NO. 188: Yes, sir.

14 THE COURT: All right. Thank you, sir. Pass the
15 microphone.

16 PROSPECTIVE JUROR NO. 187: Elissa Newby, badge
17 number 187. My father is a fatal detective here in Las Vegas
18 for Metro, has been for I believe 22 years.

19 THE COURT: All right. Having grown up in law
20 enforcement, you understand that just because a person is
21 accused of a crime doesn't mean they're guilty, right?

22 PROSPECTIVE JUROR NO. 187: Yes.

23 THE COURT: All right. Do you understand the system
24 where the State has to prove that the crime was committed, and
25 each element of the crime are satisfied by a standard called

1 beyond a reasonable doubt? You're familiar with that?

2 PROSPECTIVE JUROR NO. 187: Yes, I'm familiar.

3 THE COURT: All right. Will you acknowledge that
4 under the American system of justice that the defendant is
5 presumed innocent until and unless the State can prove
6 otherwise? You agree with that?

7 PROSPECTIVE JUROR NO. 187: Yes, I understand that.

8 THE COURT: I understanding that growing up in a law
9 enforcement household you probably have a predisposition to be
10 very pro law enforcement and anti-crime, right?

11 PROSPECTIVE JUROR NO. 187: Yes.

12 THE COURT: All right. Is that going to interfere
13 with your ability to fairly judge this defendant here and
14 interfere with your requirement to hold the State to their
15 burden of proof?

16 PROSPECTIVE JUROR NO. 187: I don't know. I don't
17 want to say no, but I don't want to say yes.

18 THE COURT: That's fair. I'll let you guys talk to
19 her some more and see if you have any concerns. Thank you
20 very much for -- you're being honest. I appreciate that.
21 Who's next?

22 PROSPECTIVE JUROR NO. 186: Richard Casselman, badge
23 number 186.

24 THE COURT: All right.

25 PROSPECTIVE JUROR NO. 186: My stepson is a

1 Henderson police officer.

2 THE COURT: How long has he served?

3 PROSPECTIVE JUROR NO. 186: He graduated from the
4 academy January this year. He's new.

5 THE COURT: All right. Is there anything about that
6 fact that makes you have some pause about your ability to be
7 fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 186: No, it does not.

9 THE COURT: Thank you, sir. Anybody else in that
10 back row? Why don't you hand the microphone up to the
11 gentleman.

12 PROSPECTIVE JUROR NO. 198: Doug Lautner, badge
13 number 198. I interact with law enforcement on a regular
14 basis in the course of our duties. Typically, at accident
15 sites and things like that, albeit at the federal level rather
16 than the local level, although from time to time I interact
17 with Nevada Highway Patrol and Nye County Sheriff's Office
18 from time to time. I've been in the fire service for 38
19 years, most of it here in Las Vegas. So, similar cultures
20 with the police department. We interact regularly at social
21 events like charity events, golf tournaments, things like
22 that.

23 THE COURT: All right. Is that experience going to
24 give you any predisposition or predilection to be on the
25 State's side or the prosecution side before you've even heard

1 any evidence in this case?

2 PROSPECTIVE JUROR NO. 198: You know, I can't say
3 for sure. While I don't have close friends that are police
4 officers, I have a lot of acquaintances that I've interacted
5 with through the years. My experience has been that they're
6 capable, competent, fair. They do their due diligence.
7 That's always been my experience. In fact, typically what you
8 hear in the media here lately over the last couple years, I
9 have not seen that. I find them to be very fair and honest.
10 That's just a personal -- I don't know if that's a bias or
11 not. I'm not sure that it is, it's just my personal
12 experience.

13 THE COURT: All right. So you have a feeling that
14 police are generally competent and fair. Do you understand in
15 this particular case if police officers take the stand, that
16 you need to be presented with some evidence before you can
17 form any opinion as to number one, whether the officer is
18 credible; number two, whether he did his job properly, and
19 number three, whether there's any evidence against the
20 defendant. You've got to wait and hear the evidence before
21 you form any opinions. Do you agree with that?

22 PROSPECTIVE JUROR NO. 198: Yes, I agree with that.
23 I understand that.

24 THE COURT: Do you believe you could be fair and
25 impartial?

1 PROSPECTIVE JUROR NO. 198: I don't see why I
2 wouldn't be.

3 THE COURT: All right. Are you willing to hold the
4 State to their burden of proof, meaning you will not -- will
5 you pledge to me that you will not find the defendant guilty
6 if the State fails to meet its burden of proving the elements
7 of the crime beyond a reasonable doubt?

8 PROSPECTIVE JUROR NO. 198: I think I can do that.

9 THE COURT: All right. That's all I ask at this
10 point. Thank you, sir. Anybody else who has a law
11 enforcement connection? Go ahead.

12 PROSPECTIVE JUROR NO. 206: Badge number 206. I
13 have a cousin who is a California Highway Patrol and an uncle
14 with the Ontario Police in Canada.

15 THE COURT: All right. How frequently do you talk
16 to your cousin or your uncle?

17 PROSPECTIVE JUROR NO. 206: Oh, my uncle, very
18 seldom because he's in Canada. But my cousin, maybe -- he
19 comes to Vegas for the police golf tournament here every year,
20 and I text message him whenever there's a family reunion here.
21 So maybe like four times a year.

22 THE COURT: All right. And when your cousin comes
23 here, do you ever talk to him about his job as a California
24 Highway Patrolman?

25 PROSPECTIVE JUROR NO. 206: No. We don't talk about

1 work, because he says I'm on vacation. So, no work.

2 THE COURT: All right. Thank you. Anybody in the
3 first row that has law enforcement connection? Up here? All
4 right. Let's talk to you folks.

5 PROSPECTIVE JUROR NO. 265: Danielle Opperman, badge
6 265. I have family who work at the courts, retired Judge
7 Bixler, and then my cousin, his wife. I do have a brother in
8 law enforcement in Indiana. I have a cousin who's a cop here.
9 And I have numerous friends who are cops as well.

10 THE COURT: All right. Do you think any of that
11 impacts your ability to be a fair and impartial juror in this
12 case?

13 PROSPECTIVE JUROR NO. 265: No.

14 THE COURT: So what's your relationship with Judge
15 Bixler?

16 PROSPECTIVE JUROR NO. 265: Cousins.

17 THE COURT: Okay. Very good. Thank you. Let's
18 pass it down.

19 PROSPECTIVE JUROR NO. 232: Pandora Kono, badge 232.
20 My ex is a police officer, but this is all back in Hawaii. So
21 a lot of my friends are in the police force.

22 THE COURT: When was the last time you talked to
23 your ex?

24 PROSPECTIVE JUROR NO. 232: We don't talk a lot.

25 THE COURT: All right. So you don't talk with him

1 anymore about his job.

2 PROSPECTIVE JUROR NO. 232: In fact, none of my
3 friends we talk about work.

4 THE COURT: Do you think you can be fair and
5 objective here?

6 PROSPECTIVE JUROR NO. 232: Yeah. Sure.

7 THE COURT: Very good. That's all we need to know.
8 Thank you. Anybody else?

9 PROSPECTIVE JUROR NO. 209: Martin Burch, 209. I do
10 have an uncle who used to be a police officer in Kentucky.

11 THE COURT: When was the last time you ever talked
12 to him about his job?

13 PROSPECTIVE JUROR NO. 209: I don't think I ever
14 have. I just remembered.

15 THE COURT: Very good. Thank you for volunteering
16 that information. So Marshal, can we bring the microphone
17 over to the folks sitting in the back? Is there anybody back
18 there that has a connection to law enforcement that you
19 haven't discussed already?

20 PROSPECTIVE JUROR NO. 332: My brother overseas.

21 THE COURT: Your badge number, please.

22 PROSPECTIVE JUROR NO. 332: 332.

23 THE COURT: Brother?

24 PROSPECTIVE JUROR NO. 332: Correct.

25 THE COURT: In what country?

1 PROSPECTIVE JUROR NO. 332: Czechoslovakia. He's
2 retired for 10 years, so it's been awhile.

3 THE COURT: Thank you. I know you've told us
4 already that you have some concerns about your salon and being
5 here. But setting that aside for a moment, do you think you
6 could be a fair juror?

7 PROSPECTIVE JUROR NO. 332: I hope so.

8 THE COURT: All right. If you didn't have your work
9 issues, how would you feel about being here as a juror?

10 PROSPECTIVE JUROR NO. 332: I would do my best. I
11 mean, this is my first time ever and I just hope I can be -- I
12 can do the right thing.

13 THE COURT: Of course. It's an important
14 responsibility.

15 PROSPECTIVE JUROR NO. 332: Yes. I just worry that
16 I'm going to do something wrong.

17 THE COURT: Well, the most important part is to pay
18 attention, right, and just exercise your common sense and
19 follow the law. If you're chosen, do you think you could do
20 those three things?

21 PROSPECTIVE JUROR NO. 332: I hope so.

22 THE COURT: Thank you. Anybody else in that back
23 row? All right. So, is there anybody here who has ever been
24 arrested for a crime? I would need to know that. Marshal, I
25 need to talk to those people to see generally what the

1 circumstances are. That would include -- unfortunately, I
2 need to ask if anyone was ever arrested for a DUI. Usually
3 there's a couple people. Yes, sir.

4 PROSPECTIVE JUROR NO. 185: Kiley Georgia, badge
5 number 185. Long time ago, shoplifting, was a kid, and 20
6 years ago was DUI.

7 THE COURT: All right. Did you have to serve any
8 time for any of those?

9 PROSPECTIVE JUROR NO. 185: For not paying the
10 fines, yeah, I had to do that. Twenty days in Orange County.

11 THE COURT: That was the DUI or the shoplifting?

12 PROSPECTIVE JUROR NO. 185: The DUI. I couldn't pay
13 the fines so they made me do time.

14 THE COURT: All right. Thank you for being honest.
15 Appreciate it. Who else in that back row? Anybody else? All
16 the way down here on the left.

17 PROSPECTIVE JUROR NO. 176: 176. MIP. Does that
18 count?

19 THE COURT: MIP?

20 PROSPECTIVE JUROR NO. 176: Minor in possession.

21 THE COURT: Oh, okay. How old were you?

22 PROSPECTIVE JUROR NO. 176: I was probably 19.

23 THE COURT: That was quite a while ago, right?

24 PROSPECTIVE JUROR NO. 176: Fifty years ago.

25 THE COURT: That's okay. We won't worry much about

1 that.

2 PROSPECTIVE JUROR NO. 193: Badge 193. DUI in 1992.

3 THE COURT: A DUI. Okay. Thank you, sir. Anybody
4 else? The gentleman up here in the front.

5 PROSPECTIVE JUROR NO. 224: I was arrested in New
6 Orleans for attempted murder and kidnap.

7 THE COURT: Remind me of your badge number.

8 PROSPECTIVE JUROR NO. 224: 224.

9 THE COURT: Arrested. So, can you tell us what
10 happened?

11 PROSPECTIVE JUROR NO. 224: They turned me loose
12 because what they considered a false arrest. The person who
13 accused me was a nine-year-old girl coming home from school.

14 THE COURT: Mistaken identity?

15 PROSPECTIVE JUROR NO. 224: No. Since she was late
16 coming home from school she said she was kidnapped and I shot
17 at her or something. I was in the Marine Corps at the time.
18 She just seen somebody in uniform.

19 THE COURT: She just made up a story?

20 PROSPECTIVE JUROR NO. 224: Made up a story.

21 THE COURT: I mean allegedly or --

22 PROSPECTIVE JUROR NO. 224: Yes. But it's still on
23 my record.

24 THE COURT: I know she made up the story -- just
25 trying to find the right word here.

1 PROSPECTIVE JUROR NO. 224: She told a lie to her
2 mother, her mother called the police. The came by my house
3 after I had got off work from the Marine Corps, and they just
4 snatched me up.

5 THE COURT: Sorry you had to go through that. How
6 long did it take for the police to figure out that this was
7 all made up?

8 PROSPECTIVE JUROR NO. 224: Well, I arrested. I
9 stayed about 24 hours. They gave me a lie detector test,
10 passed that, and then they released me. And they said well,
11 we found evidence that this never took place because nobody in
12 the neighborhood reported any gunshots and the little girl was
13 just late coming home from school.

14 THE COURT: Hopefully, they apologized to you.

15 PROSPECTIVE JUROR NO. 224: The little girl didn't
16 apologize, and her mother, she believed her daughter. About
17 15 years later her mother, before she passed away, called me,
18 kept up with where I was staying, my mother-in-law called her
19 and then called me and apologized. But it's still on my
20 record. I never had it expunged.

21 THE COURT: I'm sorry you had to go through that.
22 Thank you for being honest with us, sir. What else do we
23 have?

24 PROSPECTIVE JUROR NO. 247: Badge number 247. In
25 2007 I was arrested for attempt theft.

1 THE COURT: How did that come about?

2 PROSPECTIVE JUROR NO. 247: It came about, a
3 misdemeanor, and then I served time, community service.

4 THE COURT: Were you wrongly accused?

5 PROSPECTIVE JUROR NO. 247: Kind of, yeah. It was
6 -- I don't know. It was a long time.

7 THE COURT: Back in 2007. How does that make you
8 feel now? Do you think law enforcement did their job or
9 didn't do their job?

10 PROSPECTIVE JUROR NO. 247: They did their job.

11 THE COURT: They did do their job?

12 PROSPECTIVE JUROR NO. 247: Yeah. I'm totally fine
13 with it.

14 THE COURT: All right. Do you hold any grudge
15 against law enforcement?

16 PROSPECTIVE JUROR NO. 247: No.

17 THE COURT: Hold any grudge against the prosecutors?

18 PROSPECTIVE JUROR NO. 247: No.

19 THE COURT: All right. And on the other side of the
20 coin, do you think you could be fair and impartial to both
21 sides here?

22 PROSPECTIVE JUROR NO. 247: Of course.

23 THE COURT: All right. And are you willing to find
24 the defendant not guilty if the State fails to meet its burden
25 of proof in this case?

1 PROSPECTIVE JUROR NO. 247: Of course.

2 THE COURT: All right. Very good. Thank you.

3 Anybody else?

4 PROSPECTIVE JUROR NO. 268: Badge number 268. I got
5 a DUI about five years ago.

6 THE COURT: Do you think you were treated fairly by
7 law enforcement?

8 PROSPECTIVE JUROR NO. 268: Yeah, I was drunk.

9 THE COURT: All right. Thank you. That's all I
10 need to know. Thank you very much. Anybody in that back row
11 back there that's ever been arrested for a crime? No? All
12 right.

13 Just a couple things here. Folks, I just need to
14 confirm. So under our system of justice there's certain basic
15 principles of law that apply in every criminal trial. I
16 mentioned this, but I need to mention it again. These
17 principles are number one, that the defendant is presumed
18 innocent. And number two, that the State must prove that the
19 defendant is guilty beyond a reasonable doubt. The burden is
20 on the State. Does anybody not believe in these basic
21 principles of American justice? I don't see any hands.

22 One more thing I need to mention to everybody as a
23 group. Under the law, if you're selected to serve as a juror,
24 you will be required to decide the facts of the case. In
25 making your decision, however, you must be guided by the law

1 as it applies to the facts. It will be my duty, after
2 conferring with counsel, to instruct you on what the law is.
3 Is there anybody here who will not be able to follow the law
4 if you believe the law should be something different than what
5 I tell you it is? Anybody who can't follow the law as I
6 instruct you? All right. I don't see any hands.

7 At this point in time, what I'm going to do is take
8 a 15-minute recess. I need to confer momentarily with the
9 attorneys, and then I'm going to bring you back in. I'm going
10 to allow the State to begin asking some questions of you. All
11 right? So, Marshal, excuse them after I read the
12 admonishment.

13 Do not converse among yourselves or with anyone else
14 on any subject connected with the trial. Do not read, watch,
15 or listen to any report of or commentary on the trial, or any
16 person connected with the trial by any medium of information
17 including, without limitation, newspapers, television, radio,
18 or Internet. Do not form or express any opinion on any
19 subject connected with the trial until the case is finally
20 submitted to you. Don't perform any research about the case
21 or the facts of the case, the subject matter of the case, or
22 the issues in the case.

23 Also, I have instructed the attorneys not to have
24 any communication with you. The attorneys use the same
25 restrooms sometimes that you might be using. If you happen to

1 see the attorneys, please avoid any contact with them. If
2 they happen to try to avoid you, overt their eyes, please
3 don't hold it against them. They're not trying to be
4 antisocial, they're simply complying with my instruction to
5 avoid contact with you. All right?

6 So with that, please enjoy a 15-minute recess.
7 We'll see you back shortly.

8 (Prospective jury panel recessed at 3:44 p.m.)

9 THE COURT: All right. We're outside the presence
10 of the jury. Please be seated. So, two things. I have some
11 concerns about Ms. Newby, but I'm going to let you guys
12 question her. I'm not sure where to go with her yet. That's
13 the only person I really have some concerns with so far.

14 Having heard some of their comments, how many jurors
15 do we think we need the Jury Commissioner to bring in
16 tomorrow? How many more people do you think we need to bring
17 in?

18 MS. THOMSON: I wouldn't know where to estimate.

19 MR. YANEZ: Yeah, it's a tough one.

20 THE COURT: I mean, there's not a lot of information
21 to help you know at this point who you might challenge for
22 cause. You've got a little bit of sense for these people. We
23 have 14 to spare. You think I should bring in maybe 10 more
24 people tomorrow --

25 MS. THOMSON: Well, my concern --

1 THE COURT: -- to be safe?

2 MS. THOMSON: Unless my math is all wonky, we got
3 rid of like 20 people on the 60 just early on.

4 THE COURT: I thought you said we had 44 left.
5 Someone told me we had 44.

6 MS. THOMSON: That was what I counted --

7 THE COURT: Did you count -- what about the first
8 five, did you subtract those also? So we have 44 left. If we
9 had 60 and got rid of 20, we should have about 40 left. I
10 need to let Mariah know by 4:00.

11 MS. THOMSON: I just think 10 is probably too
12 conservative based on the potential for reasons they can't
13 serve. Looking at the number we excused today, based upon
14 that, I think 10 we'd end up with like three people, which --
15 maybe four people.

16 THE COURT: If we have 14 extra and we add 10 more,
17 that means we have 24 extra. If we had 44, minutes 32, that's
18 12 extra.

19 MS. THOMSON: So what if we do like 20, because
20 worst case scenario we take some people's day instead of
21 taking 20 people's day because we have to go into Wednesday
22 for another set of people.

23 THE COURT: All right. So you think -- I'll tell
24 Mariah 20 more?

25 MR. YANEZ: I agree.

1 THE COURT: All right. That's what we'll do. We'll
2 tell her 20 more. Thank you. I just needed some guidance on
3 that.

4 MS. THOMSON: Thank you.

5 THE COURT: All right. So take your recess and
6 we'll see you back here a few minutes before four.

7 MS. THOMSON: Before you pass the jury to us, will
8 you ask them if they're all citizens? Just because that's
9 kind of a weird question for me to have to ask.

10 THE COURT: Okay.

11 MS. THOMSON: I've only once had someone be like no,
12 but it was not -- I don't want to be that person.

13 THE COURT: I will ask that. Anything else?

14 MS. THOMSON: No.

15 THE COURT: Anything else sensitive that you don't
16 want to be the one asking?

17 MS. THOMSON: No.

18 THE COURT: All right. Because you have to be a
19 citizen to sit on the jury.

20 MS. THOMSON: That's why we're asking.

21 THE COURT: All right.

22 MS. THOMSON: You don't necessarily have to be a
23 citizen to be pulled. It's happened.

24 THE COURT: Thank you. I'll ask them. Thank you.
25 Enjoy your recess.

1 (Court recessed at 3:48 p.m. until 4:09 p.m.)

2 THE COURT: Marshal, will you go check on the juror
3 in the back or outside? So, ladies and gentlemen, I'm going
4 to excuse some of you. If I say your name and you hear your
5 name being called, please gather your belongings and you're
6 excused and free to go with the thanks of the Court.

7 If I don't excuse you, that doesn't mean you're
8 going to end up on the jury. It just means you need to -- we
9 might need to ask you some more questions, get more
10 information or you just need to go further in the process.
11 All right?

12 So, the following people are going to be excused.
13 Badge number 178, Marek Grabowski, you're excused. Badge
14 number 179, Christopher Ward, you're excused. Badge number
15 182, Cynthia Schaff, you're excused. Badge number 202, Yoko
16 Ito, you're excused. Badge number 216, Jacqueline
17 Setlak-Deleon, you're excused. Badge number 238, Angelo
18 Montana, you are excused. Badge number 297, Caitlin Wilson,
19 you're excused. Badge number 298, Joseph Pascua, you're
20 excused. Badge number 406, Darren Michels, you're excused.

21 Those are the only ones who are excused at this
22 point. We need to get more information from the rest of you.
23 Marshal, how's the prospective juror out there doing? Still
24 emotional? All right. I need to see what that's all about
25 before I go forward. All right, ladies and gentlemen, I need

1 to give you a 10-minute break. While you're on recess please
2 don't talk about the case, don't do any research, don't form
3 any opinions, and don't express any opinions to anybody else.
4 Don't read, watch, or listen to any reports of or commentary
5 on the trial. I'll see you back here in 10 minutes. Please
6 gather your belongings. When you come back in you're going to
7 sit where you're sitting now. Just remember where you're
8 sitting. Thank you.

9 (Prospective jury panel recessed at 2:27 p.m.)

10 THE COURT: Please be at ease. I just need to have
11 my Marshal bring in Ms. Teresa Martinat. I definitely need
12 more people, I'm just trying to decide how many more. Give me
13 a moment.

14 (Off-record colloquy)

15 THE COURT: Marshal, please bring her in. We need
16 to qualify 30 for eight, eight, and two alternates. All
17 right.

18 Please come forward up here to the jury stand,
19 ma'am. Thank you for expressing yourself. We need to know
20 whether you can serve. Please help her, Marshal. So your
21 name is Teresa Martinat.

22 PROSPECTIVE JUROR NO. 256: Yes.

23 THE COURT: Ma'am, I do need to administer an oath
24 because we have to make sure you recognize the responsibility
25 to tell the truth. We'll get you some Kleenexes. Will

1 someone please help with some Kleenexes? Marshal, can you
2 help.

3 TERESA MARTINAT, PROSPECTIVE JUROR, SWORN

4 THE CLERK: Please be seated. And if you could
5 speak into the microphone and state your name for the record,
6 please.

7 PROSPECTIVE JUROR NO. 256: Teresa Martinat.

8 THE COURT: So this is difficult for people to serve
9 on a jury sometimes for various reasons. What would you like
10 to tell us? It just seems hard for you. Please talk to me.
11 You don't have to worry about anybody else here.

12 PROSPECTIVE JUROR NO. 256: I'm a manic depressive.
13 I have a severe anxiety disorder. Just through my life, I'm
14 under a doctor's care. But it's just gotten so worse, and I'm
15 sorry. I am a wreck. I am mentally incapable of doing
16 anything. I can't even take care of my mother anymore who
17 needs to be taken care of. When I came in here I just thought
18 I could, you know, tell you that I have no memory. I can see,
19 but it's blurry. Basically, I have no control over myself,
20 over my emotions. The biggest problem I think is because I
21 just had my insurance, Medicare shot me through to a new
22 therapist and after so many years of being with one and then
23 I'm not getting, you know -- I don't know if you understand
24 depression and all this.

25 THE COURT: Sure. You're under a doctor's care.

1 PROSPECTIVE JUROR NO. 256: Yes. They're new. I
2 tried to get a note from them and even tried with my pain
3 management because I have spinal stenosis, whole rigmarole.
4 But that I could deal with. I thought I could deal with this
5 and I just -- I just lost it. Yeah, I am under -- it's just
6 they're new people. They wouldn't call me back to help me
7 out, either to --

8 THE COURT: Can I ask you some questions? Would
9 that be okay?

10 PROSPECTIVE JUROR NO. 256: Well, sure, it would be
11 okay. Do I have to answer them?

12 THE COURT: Well, let's see what the questions are
13 first.

14 PROSPECTIVE JUROR NO. 256: Okay.

15 THE COURT: Is it particularly this situation? Is
16 it intimidating because --

17 PROSPECTIVE JUROR NO. 256: No.

18 THE COURT: It's not intimidating?

19 PROSPECTIVE JUROR NO. 256: No, I mean, it's not
20 just this situation. I'm like this --

21 THE COURT: You're like this all the time?

22 PROSPECTIVE JUROR NO. 256: Pretty much.

23 THE COURT: Okay. Are you under some medication?

24 PROSPECTIVE JUROR NO. 256: Yeah.

25 THE COURT: And a doctor's care.

1 PROSPECTIVE JUROR NO. 256: Oh, yeah.

2 THE COURT: So this isn't something where like a
3 glass of water and a break you're going to feel better.

4 PROSPECTIVE JUROR NO. 256: Oh, no.

5 THE COURT: Just wanted to make sure. All right.
6 I'm sorry you're going through this. All right.

7 PROSPECTIVE JUROR NO. 256: I am sorry. I really
8 thought I was going to be okay.

9 THE COURT: Do you have someone who takes care of
10 you or helps you?

11 PROSPECTIVE JUROR NO. 256: No. We're working on
12 that now because we realize -- I've been taking care of my
13 mom, but it's just --

14 THE COURT: Do you have a job?

15 PROSPECTIVE JUROR NO. 256: No, I'm on disability.

16 THE COURT: I can obviously tell you're an emotional
17 wreck. I'm sorry to say that.

18 PROSPECTIVE JUROR NO. 256: It's all right.

19 THE COURT: I'm going to excuse you. Okay? I don't
20 think you'll be able to focus and serve on the jury with
21 competence given your situation. But you're brave for being
22 honest with us. Thank you. I think that bravery to be honest
23 with us --

24 PROSPECTIVE JUROR NO. 256: I wanted to just say it
25 and I knew you'd understand, but I just --

1 THE COURT: That's fine. I'll go ahead and excuse
2 you. You can gather your belongings and leave. All right?

3 PROSPECTIVE JUROR NO. 256: Thank you very much.
4 I'm really sorry.

5 THE COURT: It's okay. It happens. Juror 256 is
6 excused.

7 PROSPECTIVE JUROR NO. 256: Thank you.

8 THE COURT: So let's go ahead and I'll let the
9 attorneys and staff and everybody take a restroom break, if we
10 need to do that. We'll come back in about six minutes. All
11 right?

12 (Court recessed at 2:34 p.m. until 2:44 p.m.)

13 (Outside the presence of the prospective jury)

14 THE COURT: All right. Let's just figure out -- my
15 clerk just said I thought we need to qualify 32. We've got 12
16 on the jury, eight peremptts, eight peremptts, and then you each
17 get one for an alternate. That's 20. That's a total of 30.
18 I'm not sure how you're getting 32. Eighteen plus 12 is 30.

19 MS. THOMSON: But then there's no alternates, right?

20 MR. SCHWARTZ: We need two alternates, so that's the
21 32 I think. Twelve plus 20.

22 THE COURT: Oh, 12 plus -- I forget the alternates.
23 I'm doing the alternate challenges, but not the alternates
24 themselves. You were right, 32. My math, you know. I'm good
25 at algebra, but not just straight math.

1 Are you guys okay with two alternates that are going
2 to be in the last two positions, but undisclosed to the
3 jurors? You guys okay with that?

4 MR. YANEZ: Yeah.

5 MS. THOMSON: Yes.

6 THE COURT: All right. In terms of exercising your
7 peremptory challenges, by statute you're required to exercise
8 your eight as to the individuals who end up as regular jurors
9 and one as to a person that would end being an alternate. A
10 lot of times the attorneys stipulate to just use the nine to
11 whoever's been prequalified, so you don't need to spend a lot
12 of time trying to figure out who might end up in the alternate
13 seat. So do you want to just strictly follow the rules and
14 just use your nine peremptory challenges to anybody that's
15 deemed in the box, which would be 32 people.

16 MR. YANEZ: I'm fine with that.

17 MS. THOMSON: We so stipulate.

18 THE COURT: All right. So the parties jointly
19 stipulate to waive the rule to allow the nine to be used, nine
20 challenges to be used to whoever's been prequalified and in
21 the box out of the 32. All right.

22 Marshal, let's bring in the jurors.

23 MR. YANEZ: Judge, one question. How many -- so
24 we're going to go 20 -- how many?

25 THE COURT: A total of 30 that basically fill the

1 box and then you exercise your -- well, you conduct voir dire
2 as to those. I'll do some voir dire, you do voir dire. We
3 only have enough seats for 23 and then we're going to have
4 seven more back there.

5 MR. YANEZ: Okay.

6 THE COURT: But the seven that are going to be
7 sitting behind counsel's table will be deemed in the box for a
8 total of 30.

9 MR. YANEZ: Okay.

10 THE COURT: You'll be allowed to ask your voir dire
11 as to all 30. That's the only way to work it.

12 THE MARSHAL: Thirty or 32, Judge?

13 THE COURT: Thirty-two.

14 THE MARSHAL: Okay. There's 24 here.

15 THE COURT: In case I say 30, I mean 32 from here
16 forward. I'll probably say 30 again, but I mean 32.

17 (Prospective jury panel reconvened at 2:48 p.m.)

18 THE COURT: Marshal, everybody accounted for?

19 THE MARSHAL: The jury's accounted for.

20 THE COURT: All right. Please be seated everybody.
21 All right. We're now going to proceed with the next phase of
22 the jury selection process. Will the Court clerk please call
23 the first group of 32 people in order who will take the jury
24 box or the seats in front of the jury box and we will focus
25 our next phase of questioning on that group of 32. If you

1 hear your name called, please gather your belongings and
2 you're going to come sit up here. Unfortunately, we only have
3 16 of the comfortable chairs, so then the other 16 of you are
4 going to have to sit in the group up front here or the first
5 row behind counsel's table. All right, Madam Clerk.

6 Again, when you hear your name, please gather your
7 belongings and you're going to sit up here and you're going to
8 sit in this order. The first person called is seat number
9 one, the back left. And the back row goes one through eight.
10 And then the middle row here is nine through 16. And then up
11 here in the front row in front of the jury box is 17 through
12 24. And then after that it's the row back behind counsel
13 table. All right. Please proceed.

14 (CLERK CALLS JURORS TO JURY BOX)

15 THE COURT: If your name wasn't called I need you to
16 stay here, you're still under subpoena. You need to be
17 available to be called up to take the place of one of these
18 folks because invariably, during the questioning, we excuse a
19 few of these people, so we need you as reserve. We'll
20 continue with the jury selection process.

21 Ladies and gentlemen, you should have received a
22 sheet which has some categories of some additional information
23 that we need from each of you. I'll help guide you through
24 it. It's pretty easy, we just need a little bit of
25 information and then I'll have some follow-up questions for

1 you. So we'll start off with the person in seat number one.
2 Is that Mr. Peterson? Mr. Peterson, please go ahead and state
3 your name, please?

4 PROSPECTIVE JUROR NO. 176: Steve Peterson.

5 THE COURT: Badge number?

6 PROSPECTIVE JUROR NO. 176: 176.

7 THE COURT: What level of education did you
8 complete?

9 PROSPECTIVE JUROR NO. 176: Post-college graduate.

10 THE COURT: What is your present position?

11 PROSPECTIVE JUROR NO. 176: I'm realtor here, but
12 retired from my day job about 10 years ago.

13 THE COURT: What did your day job used to consist
14 of?

15 PROSPECTIVE JUROR NO. 176: I was an airline pilot.

16 THE COURT: All right. Very good, sir. What is
17 your marital status?

18 PROSPECTIVE JUROR NO. 176: I'm married.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 176: Two boys.

21 THE COURT: And how old are they?

22 PROSPECTIVE JUROR NO. 176: Thirty-three and 35.

23 THE COURT: Have you ever served on a jury before?

24 PROSPECTIVE JUROR NO. 176: I've never been on a
25 jury, but I was involved in a case that had a jury.

1 THE COURT: All right. The attorneys will probably
2 ask you some questions about that. Very good. Pass the
3 microphone. Thank you, sir.

4 So this is Mr. Eastham?

5 PROSPECTIVE JUROR NO. 181: Yes, Tommy Eastham.

6 THE COURT: Why don't you provide us the same
7 information, just starting with the first category, name and
8 badge number.

9 PROSPECTIVE JUROR NO. 181: Tommy Eastham, badge
10 number 181.

11 THE COURT: What is your education level?

12 PROSPECTIVE JUROR NO. 181: High school.

13 THE COURT: And your present job?

14 PROSPECTIVE JUROR NO. 181: Point of sale manager.

15 THE COURT: You told us that. At the Hard Rock.

16 PROSPECTIVE JUROR NO. 181: Yes, sir.

17 THE COURT: You're married?

18 PROSPECTIVE JUROR NO. 181: Yes.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 181: I have one daughter and
21 one stepson.

22 THE COURT: How old are they?

23 PROSPECTIVE JUROR NO. 181: The stepson is 46 and
24 our daughter is 38.

25 THE COURT: Have you ever served on a jury before?

1 PROSPECTIVE JUROR NO. 181: No.

2 THE COURT: Thank you. You can pass the microphone.
3 Go ahead. Just provide us the info just like that.

4 PROSPECTIVE JUROR NO. 183: My name is Vicki Smith.
5 My badge number is 183. I have an MBA. I'm a temp with
6 Anthem. I'm an R.N. I am married. I have two grown
7 children, 45 and 49. And I have never served on a jury.

8 THE COURT: Thank you. Pass the microphone.

9 PROSPECTIVE JUROR NO. 184: Hi. My name is Kathy
10 Hussey, badge number 184. I have a bachelor of science
11 degree. I am a business owner, I own Las Vegas Fruits and
12 Nuts. I'm married. My husband is a retired attorney for the
13 school district. I have no children. I've never served on a
14 jury.

15 THE COURT: All right. Did your husband always
16 practice in civil law or did he ever do criminal law?

17 PROSPECTIVE JUROR NO. 184: He was the chief
18 prosecuting attorney maybe 50 years ago. Long time ago.

19 THE COURT: Long time ago. Okay. Great. Thank you
20 for that information.

21 PROSPECTIVE JUROR NO. 185: My name is Kiley Georgi,
22 badge number 185. I have an associate's degree. Current job
23 is conductor, B&SF Railway. Married, one child. And never
24 been on a jury before.

25 THE COURT: How old is the child?

1 PROSPECTIVE JUROR NO. 185: Seven.

2 THE COURT: All right. Never served on a jury.

3 Thank you. Pass the microphone.

4 PROSPECTIVE JUROR NO. 186: I'm Richard Casselman.

5 My badge number is 186. I have a two-year diesel certificate.

6 I'm a fleet technician for Amerit Fleet Solutions here in

7 town. Married and two boys. One boy is 30, the other one is

8 38. I've never been on a jury.

9 THE COURT: Thank you, sir.

10 PROSPECTIVE JUROR NO. 186: You're welcome.

11 PROSPECTIVE JUROR NO. 187: My name is Elissa Newby.

12 My badge number is 187. I have some college and trade school.

13 I'm a registered medical assistant and a medical aesthetician.

14 I am not married. I do not have any children. And I have

15 never served on a jury, but I have been involved in a case

16 with a jury.

17 THE COURT: All right. We'll hear more about that

18 shortly. Thank you.

19 PROSPECTIVE JUROR NO. 188: My name is John Blythe,

20 badge number 188. I have a Master's degree. I'm an

21 environmental health and safety specialist for a power company

22 in Henderson. I am married. I have three grown children.

23 I've served on two juries, one a civil case in Arizona,

24 another one was a criminal case in California. And I believe

25 it's probably relevant at this time to -- I also serve Clark

1 County as a hearing officer for the air district.

2 THE COURT: All right. A hearing officer. In what
3 capacity, sir? What type of cases?

4 PROSPECTIVE JUROR NO. 188: Air quality. All of the
5 air quality cases that came before NVL, things like this came
6 before the hearing officer. So I guess you could say an
7 administrative law judge.

8 THE COURT: Right. So you determine if employers or
9 individuals are in noncompliance with administrative
10 regulations?

11 PROSPECTIVE JUROR NO. 188: All air quality
12 regulations.

13 THE COURT: All air quality regulations.

14 PROSPECTIVE JUROR NO. 188: Yes. You would hold
15 basically a court or a trial where they'd bring in their
16 attorneys. And then Kathryn Jorgensen with the DA's Office
17 would present the evidence against the companies. Most of
18 them were company's developers. And then you'd hear all the
19 evidence, weigh the evidence, and determine what type of
20 monetary fines.

21 THE COURT: How long have you served as a hearing
22 officer?

23 PROSPECTIVE JUROR NO. 188: Four years.

24 THE COURT: Four years?

25 PROSPECTIVE JUROR NO. 188: Yes.

1 THE COURT: All right. Thank you for informing us
2 of that. We'll have more questions about that. Thank you
3 very much. Marshal, let's pass the microphone down to seat
4 number nine, please. Sorry about the uncomfortable chairs. I
5 know, I've been told they're not too comfortable.

6 PROSPECTIVE JUROR NO. 189: My name is Johnny Brown,
7 Jr., badge number 189. Education, completed some college
8 degree. Job position, I'm a quality assurance specialist.
9 Married. I have two kids. My youngest is three months old;
10 my oldest is six years old. I haven't been in a jury.

11 THE COURT: Thank you, Mr. Brown.

12 PROSPECTIVE JUROR NO. 193: My name is James Morgan.
13 My badge number is 193. I have two years of college. My job
14 position is a senior freight supervisor. I'm married, I have
15 one adult stepson who's 37. I've never been on a jury.

16 THE COURT: So tell us what a senior trade
17 supervisor does.

18 PROSPECTIVE JUROR NO. 193: I work for a large
19 general contractor in the trade show and convention industry
20 here locally, so I supervise freight operations.

21 THE COURT: Very good. Thank you. I appreciate
22 that. Yes, sir.

23 PROSPECTIVE JUROR NO. 194: My name is Gerhard
24 Duester. My badge number is 194. I am retired, live in a
25 domestic partnership. I have two children. A daughter in

1 Germany who is 45, and a son in Seattle who is 42. I'm a
2 software engineer, retired.

3 THE COURT: What company was your last employer?

4 PROSPECTIVE JUROR NO. 194: I've never been employed
5 here. I was self-employed. I worked for years for HP in the
6 Bay area.

7 THE COURT: All right. Very good. Thank you, sir.

8 PROSPECTIVE JUROR NO. 195: Stephanie Ocampo, badge
9 number 195. I have a Master's in finance. I'm a department
10 manager for collections with Wyndham Consumer Finance. I'm
11 married. I have a 19-year-old autistic son. And I've never
12 served on a jury.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR NO. 196: David Debenon, badge
15 number 196. High school education. I'm an estimator, project
16 manager for Las Vegas Paving. Married. I have two daughters,
17 one is 28 and one is 17. I did serve on a jury.

18 THE COURT: Was that a civil or a criminal case?

19 PROSPECTIVE JUROR NO. 196: It was an assault case.

20 THE COURT: So that would be criminal. How long
21 ago?

22 PROSPECTIVE JUROR NO. 196: I believe it was about
23 2004.

24 THE COURT: Was that here in Clark County?

25 PROSPECTIVE JUROR NO. 196: Yes, sir.

1 THE COURT: And without telling us the result, did
2 the jury reach a verdict?

3 PROSPECTIVE JUROR NO. 196: Yes, they did.

4 THE COURT: Did you happen to be the foreperson?

5 PROSPECTIVE JUROR NO. 196: No, sir.

6 THE COURT: Is there anything about that experience
7 as a juror that would make it difficult for you to serve as a
8 juror again in this case?

9 PROSPECTIVE JUROR NO. 196: I don't believe so, sir.

10 THE COURT: Thank you very much. You can pass the
11 microphone.

12 PROSPECTIVE JUROR NO. 197: Jacob Uecker, badge
13 number 197. Master's degree. I'm a chief network architect.
14 Married, and three children.

15 THE COURT: How old are your children, sir?

16 PROSPECTIVE JUROR NO. 197: Six, four, and 18
17 months.

18 THE COURT: Ever serve on a jury before?

19 PROSPECTIVE JUROR NO. 197: Oh, excuse me. No.

20 THE COURT: All right. Thank you. You can pass the
21 microphone.

22 PROSPECTIVE JUROR NO. 198: Douglas Lautner, badge
23 number 198. Associate's degree. Current position is
24 assistant fire chief. I'm married, two children, 37, 35.
25 I've never served on a jury.

1 THE COURT: Thank you, sir. Pass the microphone.

2 PROSPECTIVE JUROR NO. 206: I'm Analiza Saguisag.

3 My badge number is 206. I finished college. I'm currently a
4 table games dealer. I'm married. I've got one kid, nine year
5 old. And I've never served in a jury.

6 THE COURT: Thank you. Why don't you pass it to the
7 front road and then pass it all the way down. I want to start
8 with Mr. Burch.

9 PROSPECTIVE JUROR NO. 209: Hi. My name is Martin
10 Burch. My badge number is 209. I have a bachelor of science
11 degree. I'm a software engineer. I'm not married and have no
12 children and I've never been on a jury before.

13 THE COURT: All right. Thank you, Mr. Burch.

14 PROSPECTIVE JUROR NO. 222: Hi. My name is Anne
15 Alipon, badge number 222. I have a Master's degree. I'm an
16 accountant. I'm not married, I have no children. I've never
17 served on a jury.

18 THE COURT: Thank you.

19 PROSPECTIVE JUROR NO. 224: My name is Melvin Brown,
20 badge number 224. Completed high school. Retired Master
21 Sergeant Marine Corps. Currently CDL driver. Divorced, two
22 kids, grown and gone. Thank God. I never served on a jury
23 before.

24 THE COURT: Thank you for your Service, sir.

25 PROSPECTIVE JUROR NO. 232: Pandora Kono, badge

1 number 232. High school education. Payroll and accounting
2 clerk. Not married. Two boys, 26 and 32. And served on a
3 jury over 17 years ago.

4 THE COURT: All right. Was that a civil or a
5 criminal case?

6 PROSPECTIVE JUROR NO. 232: Criminal.

7 THE COURT: Did you happen to serve as a foreperson?

8 PROSPECTIVE JUROR NO. 232: No.

9 THE COURT: All right. Are you able to be a fair
10 and impartial juror in this case?

11 PROSPECTIVE JUROR NO. 232: Sure.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 247: My name is Ferroel
14 Carmona. My badge number is 247. I have an associate's
15 degree. I am dangerous haz agent. I'm married.

16 THE COURT: What type of agent?

17 PROSPECTIVE JUROR NO. 247: Dangerous haz for FedEx.
18 I'm married. I have two kids, an 11-year-old son and a
19 nine-year-old daughter. And I've never served on a jury.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR NO. 252: I'm Karen Tackett, badge
22 number 252. I have three years of college. I am retired.
23 I'm not married, I have no children. And yes, I've served on
24 a jury.

25 THE COURT: Tell us about that.

1 PROSPECTIVE JUROR NO. 252: Well, it was a civil
2 case about three years ago.

3 THE COURT: Here in Clark County?

4 PROSPECTIVE JUROR NO. 252: Yes.

5 THE COURT: Did the reach a decision?

6 PROSPECTIVE JUROR NO. 252: Yes.

7 THE COURT: Did you happen to serve as a foreperson?

8 PROSPECTIVE JUROR NO. 252: No.

9 THE COURT: So you'll be instructed about the burden
10 of proof. It's different in a criminal case. The civil case
11 you were probably told that it's preponderance of the
12 evidence.

13 PROSPECTIVE JUROR NO. 252: Right.

14 THE COURT: And here it's different. You'll be
15 instructed that the State has the burden of proving each of
16 the elements of the crimes charged beyond a reasonable doubt.
17 You understand there's a difference between the two burdens?

18 PROSPECTIVE JUROR NO. 252: Oh, yes, I do.

19 THE COURT: Very good. Thank you, ma'am. Pass the
20 microphone.

21 PROSPECTIVE JUROR NO. 265: Danielle Opperman, badge
22 265. Some college. I work for the City of Henderson in their
23 sports department. I am not married, no children, and never
24 served on a jury.

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

1 PROSPECTIVE JUROR NO. 268: Crystal Teen, badge
2 number 268. I have some college. I'm a bartender. I am
3 married. I have a two-year-old daughter and I've never served
4 on a jury.

5 THE COURT: Thank you, Ms. Teen. Let's go to Mr.
6 Carter.

7 PROSPECTIVE JUROR NO. 270: Thomas Carter, badge
8 number 270. Completed West Point Academy. I'm retired.
9 Married, no children. I was the sitting chair for two years
10 at Fort Leonard Wood, Missouri on all military suits.

11 THE COURT: Okay. Can you explain that for me?
12 What were your responsibilities?

13 PROSPECTIVE JUROR NO. 270: I was in charge of five
14 other officers to determine in a court martial where there was
15 a general if the person was guilty or not and what we were
16 going to do with him, like Leavenworth.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 270: Anything from AWOL to
19 murder.

20 THE COURT: So you were under the code of military
21 justice.

22 PROSPECTIVE JUROR NO. 270: Adjutant's General
23 Office, but I was an adjutant general.

24 THE COURT: All right. So do you think that that
25 experience will pose any impediment to your serving as a juror

1 here?

2 PROSPECTIVE JUROR NO. 270: None whatsoever.

3 THE COURT: You need to follow the State criminal
4 laws that will be instructed to you.

5 PROSPECTIVE JUROR NO. 270: The last decision I had
6 to make was in 1970, so that was a long time ago.

7 THE COURT: Okay. Very good. All right. Do you
8 think you could be a fair and impartial juror?

9 PROSPECTIVE JUROR NO. 270: Yes, sir.

10 THE COURT: Thank you very much for being here. Mr.
11 Brown.

12 PROSPECTIVE JUROR NO. 275: Nelson Brown, badge 275.
13 High school. Laborer's union. Not married, two kids, grown.
14 Never served.

15 THE COURT: All right. So what type of jobs do you
16 work for the laborer's union?

17 PROSPECTIVE JUROR NO. 275: Demo man.

18 THE COURT: Pardon me?

19 PROSPECTIVE JUROR NO. 275: Demo.

20 THE COURT: Demo?

21 PROSPECTIVE JUROR NO. 275: Yes.

22 THE COURT: Demolition?

23 PROSPECTIVE JUROR NO. 275: Yes.

24 THE COURT: All right. Thank you, sir. I
25 appreciate it.

1 PROSPECTIVE JUROR NO. 289: Carrie Lee, badge 289.
2 Some college. Retired from Las Vegas Valley Water District
3 and now a project manager for a consulting company. Not
4 married, no kids. Served on a jury about 25 years ago and it
5 was criminal.

6 THE COURT: All right. Were you a foreperson?

7 PROSPECTIVE JUROR NO. 289: No.

8 THE COURT: Did they reach a decision?

9 PROSPECTIVE JUROR NO. 289: Yes.

10 THE COURT: Is there anything about that experience
11 that causes you some difficulty in serving today?

12 PROSPECTIVE JUROR NO. 289: No.

13 THE COURT: All right. Thank you. Pass the
14 microphone.

15 PROSPECTIVE JUROR NO. 296: I'm John Rougeaux, badge
16 number 296. Graduated from a trade school after high school.
17 I'm a full-time taxidermist. I'm married, no kids. I've
18 never served on a jury.

19 THE COURT: What's the most common thing people get
20 taxidermied?

21 PROSPECTIVE JUROR NO. 296: Mule deer.

22 THE COURT: What is it?

23 PROSPECTIVE JUROR NO. 296: Mule deer.

24 THE COURT: Mule deer.

25 PROSPECTIVE JUROR NO. 296: Yep.

1 THE COURT: Oh, okay. Interesting. Thank you.
2 Next person.

3 PROSPECTIVE JUROR NO. 301: The name's Brandon
4 Lando, badge number 301. High school, currently in college.
5 Job position, assistant manager. Not married, no children,
6 and never served on a jury.

7 THE COURT: Job system's manager.

8 PROSPECTIVE JUROR NO. 301: Assistant manager.

9 THE COURT: Assistant manager. You're pretty young.
10 How is that -- you're 19?

11 PROSPECTIVE JUROR NO. 301: Yeah.

12 THE COURT: You're probably the youngest person
13 here. If you're picked to serve on the jury, are you able to
14 -- do you think you will have enough confidence to express
15 your opinions to others?

16 PROSPECTIVE JUROR NO. 301: Yeah, I will.

17 THE COURT: All right. Very good. Thank you, sir.

18 PROSPECTIVE JUROR NO. 309: Oki James, badge number
19 309. Associate degree and I own a business. I'm a vendor.
20 I'm married, I have three children. They are grown and gone.
21 And I served on jury in Texas about 15 years ago. It was a
22 civil case.

23 THE COURT: Civil? All right. What did you think
24 of that experience?

25 PROSPECTIVE JUROR NO. 309: You know, I have a short

1 memory. I've forgotten. I am so sorry.

2 THE COURT: That's fine. Can you be fair and
3 impartial in this case?

4 PROSPECTIVE JUROR NO. 309: I think so.

5 THE COURT: All right. Very good. Thank you.

6 PROSPECTIVE JUROR NO. 310: Daxa Bhakta, badge
7 number 310. High school completed. New home sales counselor.
8 I am married, have three children, and never served on a jury.

9 THE COURT: All right. Thank you, Ms. Bhakta.
10 Boucher?

11 PROSPECTIVE JUROR NO. 332: Anna Boucher, badge
12 number 332. High school educated, cosmetology trade school.
13 As of current, I'm a salon owner. I'm married with three
14 children, and never served a jury.

15 THE COURT: How old are your children?

16 PROSPECTIVE JUROR NO. 332: They're all grown.

17 THE COURT: All grown. Okay. Thank you. So I need
18 to ask. Is there anybody here, some

19 general questions. If this applies to you, raise
20 your hand and then I'll get information from you. Is there
21 anybody here that has been the victim of a violent crime? I
22 just need to see a show of hands and we'll talk to you about
23 that. Victim of any violent crime. No hands. All right.

24 PROSPECTIVE JUROR: How violent?

25 THE COURT: Well, any kind of assault or battery,

1 any kind of -- anything where you were in fear of being
2 injured. Go ahead and let's talk to -- and if you're not sure
3 err on the side of telling us about it.

4 PROSPECTIVE JUROR NO. 176: I'm really not sure, but
5 I was --

6 THE COURT: What is your badge number?

7 PROSPECTIVE JUROR NO. 176: 176.

8 THE COURT: All right. Go ahead.

9 PROSPECTIVE JUROR NO. 176: I was assaulted back in
10 high school, took about five stitches in my lip. I don't know
11 if that's important or not.

12 THE COURT: How long ago was that?

13 PROSPECTIVE JUROR NO. 176: About 50 years ago.

14 THE COURT: Okay. This is just some background
15 information to help the attorneys formulate follow-up
16 questions for you. All right. Anybody else? We've got some
17 hands down here, Marshal.

18 PROSPECTIVE JUROR NO. 252: Well, I was held up by
19 gunpoint when I worked at a 7-Eleven.

20 THE COURT: I need your badge number.

21 PROSPECTIVE JUROR NO. 252: 252.

22 THE COURT: 252. So you worked at 7-Eleven and you
23 were held up at gunpoint?

24 PROSPECTIVE JUROR NO. 252: Yeah, at gunpoint. It
25 was scary. I was also -- a guy ran up behind me, oh, this was

1 years ago, and knocked me to the ground and stole my purse and
2 ran off. I think they're both violent.

3 THE COURT: How long ago did these two incidents
4 happen?

5 PROSPECTIVE JUROR NO. 252: Well, the robbery at the
6 7-Eleven was in 1977. And the purse snatching incident was
7 sometime in the mid-1980s. I don't remember the exact year.

8 THE COURT: Okay. Thank you for providing that
9 information. Who else? Yes, ma'am. Badge number?

10 PROSPECTIVE JUROR NO. 268: Badge number 268. Not
11 sure of the relevance, but I was present for a mass school
12 shooting in high school in 2001.

13 THE COURT: Oh, wow. I'm sorry you had to
14 experience that. Was anybody injured in that shooting?

15 PROSPECTIVE JUROR NO. 268: Yeah. There were 15
16 victims in total. I would say that I probably knew about a
17 dozen of them, and I knew the shooter as well.

18 THE COURT: All right. Did any of the victims die?

19 PROSPECTIVE JUROR NO. 268: Yes.

20 THE COURT: Do you think you're able to set aside
21 your feelings about that horrible incident so you can look at
22 all the evidence in this case fairly and objectively?

23 PROSPECTIVE JUROR NO. 268: I believe I do. It was
24 kind of a unique scenario that I happened to be friends with
25 the shooter and with the victims. Because I was under the age

1 of 18 I was issued a subpoena on behalf of the shooter, but my
2 mother declined to let me participate in it because it was --
3 I was like 17. So it was something that probably wasn't good.
4 So I kind of had to see things from both sides.

5 THE COURT: So in this case I told you some of the
6 -- a couple of the charges against the defendant who's sitting
7 here. You understand that just because he's been charged with
8 a crime, that's no evidence whatsoever that he did the crime,
9 right?

10 PROSPECTIVE JUROR NO. 268: Yes.

11 THE COURT: And the defendant is presumed innocent,
12 presumed not guilty as he's sitting here today. Do you
13 understand that?

14 PROSPECTIVE JUROR NO. 268: Yes.

15 THE COURT: And you're willing to accept that?

16 PROSPECTIVE JUROR NO. 268: Yes.

17 THE COURT: All right. Thank you. Is there anyone
18 else who's been a victim of any violent crime?

19 PROSPECTIVE JUROR NO. 289: When I worked at the
20 water district and ran the branch office we were robbed at
21 gunpoint.

22 THE COURT: Robbed at gunpoint. Was a gun pointed
23 at you?

24 PROSPECTIVE JUROR NO. 289: Yeah.

25 THE COURT: How long ago was that?

1 PROSPECTIVE JUROR NO. 289: About 30 years ago.

2 THE COURT: Thirty years ago. Okay. Sorry you had
3 to experience that. Do you believe you can serve as a fair
4 and impartial juror here?

5 PROSPECTIVE JUROR NO. 289: Yes.

6 THE COURT: All right. Thank you. Anybody else?
7 Is there anybody here who's testified as a witness in a
8 criminal lawsuit? That's all I need to know. All right.
9 We've got two hands in the back. Let's have badge numbers.

10 PROSPECTIVE JUROR NO. 188: John Blythe, badge
11 number 188.

12 THE COURT: Tell us about that.

13 PROSPECTIVE JUROR NO. 188: Okay. Actually, the
14 assault wasn't against me. A fellow tried to sexually assault
15 my wife. He was unsuccessful. So anyway, I was asked to give
16 testimony of the event in front of the grand jury. This was
17 in Arizona.

18 THE COURT: All right. And remind us when that
19 happened.

20 PROSPECTIVE JUROR NO. 188: The late '70s.

21 THE COURT: Okay. So, sir, you're going to get some
22 preliminary instructions if you're chosen to serve on the jury
23 about how to judge a person's credibility on the stand. Are
24 you -- do you think you can serve in that capacity? Listen to
25 a person on the stand, studying their manner, studying their

1 internal consistency in what they're saying, compare what
2 they're saying with the evidence, and look -- I'm going to
3 give you some other factors. Do you think you can study a
4 person on the stand to determine their credibility?

5 PROSPECTIVE JUROR NO. 188: Absolutely. Actually,
6 that's what I did for four years as a hearing officer.

7 THE COURT: Very good. I appreciate that, sir. All
8 right. Let's find out, let's talk to the next person.

9 PROSPECTIVE JUROR NO. 187: Elissa Newby, badge
10 number 187. I had my wallet stolen from me in 2013 and I was
11 actually able to catch the people that did it through my
12 police report. It ended up being a case much, much larger
13 than that of husband and wife that were going around the
14 entire city and stealing from people. It actually involved
15 some cops and there was some like underground drug trade going
16 on with all of this. I was asked to take a polygraph test to
17 prove my innocence in this because they tried to say that I
18 owed them drug money and stuff. Yes, I had to testify --

19 THE COURT: Where did that happen?

20 PROSPECTIVE JUROR NO. 187: Here in Las Vegas.

21 THE COURT: So, were you being investigated by --

22 PROSPECTIVE JUROR NO. 187: Yes.

23 THE COURT: -- the State authorities, county
24 authorities or federal authorities, if you know?

25 PROSPECTIVE JUROR NO. 187: I don't know.

1 THE COURT: Was the Clark County District Attorney's
2 Office involved at all, do you know?

3 PROSPECTIVE JUROR NO. 187: Yes.

4 THE COURT: So how do you feel about that? Well,
5 let me ask you a better question. Does that experience where
6 you were basically being questioned, does that make it
7 difficult for you to -- do you have any hard feelings against
8 the Clark County District Attorney's Office, I guess is the
9 right question?

10 PROSPECTIVE JUROR NO. 187: No. They were very nice
11 to me, but I did feel a little nervous and like, not strong
12 enough at times. Even though I was innocent, it was very
13 draining. Who I was testifying against, he made some direct
14 threats towards me and my family. So there was a lot of fear
15 in testifying against him and being back here doing that
16 again.

17 THE COURT: Do you believe you could treat both
18 sides fairly and objectively in this case, despite that
19 experience?

20 PROSPECTIVE JUROR NO. 187: I honestly don't know.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 187: Growing up in a military
23 family and my father's a police officer, I've kind of grown up
24 one-sided.

25 THE COURT: All right. Thank you for being honest.

1 We need to know that. I'll let the attorneys here ask you
2 some follow-up questions about that. Thank you for explaining
3 that.

4 Anybody else who served as a witness in a criminal
5 lawsuit?

6 Is there anybody here, other than those who've
7 already explained, anybody here who has any connection with
8 law enforcement or the courts? If so, first, let me see a
9 show of hands how many people that might apply to. All right.
10 Let's talk to some of those people. Marshal, why don't you
11 just start in the back row then. This is connection to law
12 enforcement or the justice system.

13 PROSPECTIVE JUROR NO. 188: Badge 188, John Blythe.
14 When I was going to school at the University of Oklahoma my
15 wife worked for the Norman Police Department for two years.
16 And we had the opportunity to get to know a lot of the
17 officers and the ins and outs of police work. So the young
18 lady mentioned, you tend to all of a sudden, you know, think
19 they have a tough job and so, that's the connection with law
20 enforcement.

21 THE COURT: All right. So, do you understand that
22 if police officers take the stand here that you have to judge
23 their credibility just like every other witness?

24 PROSPECTIVE JUROR NO. 188: Absolutely.

25 THE COURT: So, do you agree to do that?

1 PROSPECTIVE JUROR NO. 188: Absolutely.

2 THE COURT: Are you going to assume, start off by
3 assuming anything regarding whether the police officer's going
4 to tell the truth before you even hear from them?

5 PROSPECTIVE JUROR NO. 188: No, sir.

6 THE COURT: All right. So you'll judge the police
7 officers just like any other way.

8 PROSPECTIVE JUROR NO. 188: Yes, sir.

9 THE COURT: All right. Thank you, sir. Pass the
10 microphone.

11 PROSPECTIVE JUROR NO. 187: Elissa Newby, badge
12 number 187. My father is a fatal detective here in Las Vegas
13 for Metro, has been for I believe 22 years.

14 THE COURT: All right. Having grown up in law
15 enforcement, you understand that just because a person is
16 accused of a crime doesn't mean they're guilty, right?

17 PROSPECTIVE JUROR NO. 187: Yes.

18 THE COURT: All right. Do you understand the system
19 where the State has to prove that the crime was committed, and
20 each element of the crime are satisfied by a standard called
21 beyond a reasonable doubt? You're familiar with that?

22 PROSPECTIVE JUROR NO. 187: Yes, I'm familiar.

23 THE COURT: All right. Will you acknowledge that
24 under the American system of justice that the defendant is
25 presumed innocent until and unless the State can prove

1 otherwise? You agree with that?

2 PROSPECTIVE JUROR NO. 187: Yes, I understand that.

3 THE COURT: I understanding that growing up in a law
4 enforcement household you probably have a predisposition to be
5 very pro law enforcement and anti-crime, right?

6 PROSPECTIVE JUROR NO. 187: Yes.

7 THE COURT: All right. Is that going to interfere
8 with your ability to fairly judge this defendant here and
9 interfere with your requirement to hold the State to their
10 burden of proof?

11 PROSPECTIVE JUROR NO. 187: I don't know. I don't
12 want to say no, but I don't want to say yes.

13 THE COURT: That's fair. I'll let you guys talk to
14 her some more and see if you have any concerns. Thank you
15 very much for -- you're being honest. I appreciate that.
16 Who's next?

17 PROSPECTIVE JUROR NO. 186: Richard Casselman, badge
18 number 186.

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 186: My stepson is a
21 Henderson police officer.

22 THE COURT: How long has he served?

23 PROSPECTIVE JUROR NO. 186: He graduated from the
24 academy January this year. He's new.

25 THE COURT: All right. Is there anything about that

1 fact that makes you have some pause about your ability to be
2 fair and impartial in this case?

3 PROSPECTIVE JUROR NO. 186: No, it does not.

4 THE COURT: Thank you, sir. Anybody else in that
5 back row? Why don't you hand the microphone up to the
6 gentleman.

7 PROSPECTIVE JUROR NO. 198: Doug Lautner, badge
8 number 198. I interact with law enforcement on a regular
9 basis in the course of our duties. Typically, at accident
10 sites and things like that, albeit at the federal level rather
11 than the local level, although from time to time I interact
12 with Nevada Highway Patrol and Nye County Sheriff's Office
13 from time to time. I've been in the fire service for 38
14 years, most of it here in Las Vegas. So, similar cultures
15 with the police department. We interact regularly at social
16 events like charity events, golf tournaments, things like
17 that.

18 THE COURT: All right. Is that experience going to
19 give you any predisposition or predilection to be on the
20 State's side or the prosecution side before you've even heard
21 any evidence in this case?

22 PROSPECTIVE JUROR NO. 198: You know, I can't say
23 for sure. While I don't have close friends that are police
24 officers, I have a lot of acquaintances that I've interacted
25 with through the years. My experience has been that they're

1 capable, competent, fair. They do their due diligence.
2 That's always been my experience. In fact, typically what you
3 hear in the media here lately over the last couple years, I
4 have not seen that. I find them to be very fair and honest.
5 That's just a personal -- I don't know if that's a bias or
6 not. I'm not sure that it is, it's just my personal
7 experience.

8 THE COURT: All right. So you have a feeling that
9 police are generally competent and fair. Do you understand in
10 this particular case if police officers take the stand, that
11 you need to be presented with some evidence before you can
12 form any opinion as to number one, whether the officer is
13 credible; number two, whether he did his job properly, and
14 number three, whether there's any evidence against the
15 defendant. You've got to wait and hear the evidence before
16 you form any opinions. Do you agree with that?

17 PROSPECTIVE JUROR NO. 198: Yes, I agree with that.
18 I understand that.

19 THE COURT: Do you believe you could be fair and
20 impartial?

21 PROSPECTIVE JUROR NO. 198: I don't see why I
22 wouldn't be.

23 THE COURT: All right. Are you willing to hold the
24 State to their burden of proof, meaning you will not -- will
25 you pledge to me that you will not find the defendant guilty

1 if the State fails to meet its burden of proving the elements
2 of the crime beyond a reasonable doubt?

3 PROSPECTIVE JUROR NO. 198: I think I can do that.

4 THE COURT: All right. That's all I ask at this
5 point. Thank you, sir. Anybody else who has a law
6 enforcement connection? Go ahead.

7 PROSPECTIVE JUROR NO. 206: Badge number 206. I
8 have a cousin who is a California Highway Patrol and an uncle
9 with the Ontario Police in Canada.

10 THE COURT: All right. How frequently do you talk
11 to your cousin or your uncle?

12 PROSPECTIVE JUROR NO. 206: Oh, my uncle, very
13 seldom because he's in Canada. But my cousin, maybe -- he
14 comes to Vegas for the police golf tournament here every year,
15 and I text message him whenever there's a family reunion here.
16 So maybe like four times a year.

17 THE COURT: All right. And when your cousin comes
18 here, do you ever talk to him about his job as a California
19 Highway Patrolman?

20 PROSPECTIVE JUROR NO. 206: No. We don't talk about
21 work, because he says I'm on vacation. So, no work.

22 THE COURT: All right. Thank you. Anybody in the
23 first row that has law enforcement connection? Up here? All
24 right. Let's talk to you folks.

25 PROSPECTIVE JUROR NO. 265: Danielle Opperman, badge

1 265. I have family who work at the courts, retired Judge
2 Bixler, and then my cousin, his wife. I do have a brother in
3 law enforcement in Indiana. I have a cousin who's a cop here.
4 And I have numerous friends who are cops as well.

5 THE COURT: All right. Do you think any of that
6 impacts your ability to be a fair and impartial juror in this
7 case?

8 PROSPECTIVE JUROR NO. 265: No.

9 THE COURT: So what's your relationship with Judge
10 Bixler?

11 PROSPECTIVE JUROR NO. 265: Cousins.

12 THE COURT: Okay. Very good. Thank you. Let's
13 pass it down.

14 PROSPECTIVE JUROR NO. 232: Pandora Kono, badge 232.
15 My ex is a police officer, but this is all back in Hawaii. So
16 a lot of my friends are in the police force.

17 THE COURT: When was the last time you talked to
18 your ex?

19 PROSPECTIVE JUROR NO. 232: We don't talk a lot.

20 THE COURT: All right. So you don't talk with him
21 anymore about his job.

22 PROSPECTIVE JUROR NO. 232: In fact, none of my
23 friends we talk about work.

24 THE COURT: Do you think you can be fair and
25 objective here?

1 PROSPECTIVE JUROR NO. 232: Yeah. Sure.

2 THE COURT: Very good. That's all we need to know.

3 Thank you. Anybody else?

4 PROSPECTIVE JUROR NO. 209: Martin Burch, 209. I do
5 have an uncle who used to be a police officer in Kentucky.

6 THE COURT: When was the last time you ever talked
7 to him about his job?

8 PROSPECTIVE JUROR NO. 209: I don't think I ever
9 have. I just remembered.

10 THE COURT: Very good. Thank you for volunteering
11 that information. So Marshal, can we bring the microphone
12 over to the folks sitting in the back? Is there anybody back
13 there that has a connection to law enforcement that you
14 haven't discussed already?

15 PROSPECTIVE JUROR NO. 332: My brother overseas.

16 THE COURT: Your badge number, please.

17 PROSPECTIVE JUROR NO. 332: 332.

18 THE COURT: Brother?

19 PROSPECTIVE JUROR NO. 332: Correct.

20 THE COURT: In what country?

21 PROSPECTIVE JUROR NO. 332: Czechoslovakia. He's
22 retired for 10 years, so it's been awhile.

23 THE COURT: Thank you. I know you've told us
24 already that you have some concerns about your salon and being
25 here. But setting that aside for a moment, do you think you

1 could be a fair juror?

2 PROSPECTIVE JUROR NO. 332: I hope so.

3 THE COURT: All right. If you didn't have your work
4 issues, how would you feel about being here as a juror?

5 PROSPECTIVE JUROR NO. 332: I would do my best. I
6 mean, this is my first time ever and I just hope I can be -- I
7 can do the right thing.

8 THE COURT: Of course. It's an important
9 responsibility.

10 PROSPECTIVE JUROR NO. 332: Yes. I just worry that
11 I'm going to do something wrong.

12 THE COURT: Well, the most important part is to pay
13 attention, right, and just exercise your common sense and
14 follow the law. If you're chosen, do you think you could do
15 those three things?

16 PROSPECTIVE JUROR NO. 332: I hope so.

17 THE COURT: Thank you. Anybody else in that back
18 row? All right. So, is there anybody here who has ever been
19 arrested for a crime? I would need to know that. Marshal, I
20 need to talk to those people to see generally what the
21 circumstances are. That would include -- unfortunately, I
22 need to ask if anyone was ever arrested for a DUI. Usually
23 there's a couple people. Yes, sir.

24 PROSPECTIVE JUROR NO. 185: Kiley Georgia, badge
25 number 185. Long time ago, shoplifting, was a kid, and 20

1 years ago was DUI.

2 THE COURT: All right. Did you have to serve any
3 time for any of those?

4 PROSPECTIVE JUROR NO. 185: For not paying the
5 fines, yeah, I had to do that. Twenty days in Orange County.

6 THE COURT: That was the DUI or the shoplifting?

7 PROSPECTIVE JUROR NO. 185: The DUI. I couldn't pay
8 the fines so they made me do time.

9 THE COURT: All right. Thank you for being honest.
10 Appreciate it. Who else in that back row? Anybody else? All
11 the way down here on the left.

12 PROSPECTIVE JUROR NO. 176: 176. MIP. Does that
13 count?

14 THE COURT: MIP?

15 PROSPECTIVE JUROR NO. 176: Minor in possession.

16 THE COURT: Oh, okay. How old were you?

17 PROSPECTIVE JUROR NO. 176: I was probably 19.

18 THE COURT: That was quite a while ago, right?

19 PROSPECTIVE JUROR NO. 176: Fifty years ago.

20 THE COURT: That's okay. We won't worry much about
21 that.

22 PROSPECTIVE JUROR NO. 193: Badge 193. DUI in 1992.

23 THE COURT: A DUI. Okay. Thank you, sir. Anybody
24 else? The gentleman up here in the front.

25 PROSPECTIVE JUROR NO. 224: I was arrested in New

1 Orleans for attempted murder and kidnap.

2 THE COURT: Remind me of your badge number.

3 PROSPECTIVE JUROR NO. 224: 224.

4 THE COURT: Arrested. So, can you tell us what
5 happened?

6 PROSPECTIVE JUROR NO. 224: They turned me loose
7 because what they considered a false arrest. The person who
8 accused me was a nine-year-old girl coming home from school.

9 THE COURT: Mistaken identity?

10 PROSPECTIVE JUROR NO. 224: No. Since she was late
11 coming home from school she said she was kidnapped and I shot
12 at her or something. I was in the Marine Corps at the time.
13 She just seen somebody in uniform.

14 THE COURT: She just made up a story?

15 PROSPECTIVE JUROR NO. 224: Made up a story.

16 THE COURT: I mean allegedly or --

17 PROSPECTIVE JUROR NO. 224: Yes. But it's still on
18 my record.

19 THE COURT: I know she made up the story -- just
20 trying to find the right word here.

21 PROSPECTIVE JUROR NO. 224: She told a lie to her
22 mother, her mother called the police. The came by my house
23 after I had got off work from the Marine Corps, and they just
24 snatched me up.

25 THE COURT: Sorry you had to go through that. How

1 long did it take for the police to figure out that this was
2 all made up?

3 PROSPECTIVE JUROR NO. 224: Well, I arrested. I
4 stayed about 24 hours. They gave me a lie detector test,
5 passed that, and then they released me. And they said well,
6 we found evidence that this never took place because nobody in
7 the neighborhood reported any gunshots and the little girl was
8 just late coming home from school.

9 THE COURT: Hopefully, they apologized to you.

10 PROSPECTIVE JUROR NO. 224: The little girl didn't
11 apologize, and her mother, she believed her daughter. About
12 15 years later her mother, before she passed away, called me,
13 kept up with where I was staying, my mother-in-law called her
14 and then called me and apologized. But it's still on my
15 record. I never had it expunged.

16 THE COURT: I'm sorry you had to go through that.
17 Thank you for being honest with us, sir. What else do we
18 have?

19 PROSPECTIVE JUROR NO. 247: Badge number 247. In
20 2007 I was arrested for attempt theft.

21 THE COURT: How did that come about?

22 PROSPECTIVE JUROR NO. 247: It came about, a
23 misdemeanor, and then I served time, community service.

24 THE COURT: Were you wrongly accused?

25 PROSPECTIVE JUROR NO. 247: Kind of, yeah. It was

1 -- I don't know. It was a long time.

2 THE COURT: Back in 2007. How does that make you
3 feel now? Do you think law enforcement did their job or
4 didn't do their job?

5 PROSPECTIVE JUROR NO. 247: They did their job.

6 THE COURT: They did do their job?

7 PROSPECTIVE JUROR NO. 247: Yeah. I'm totally fine
8 with it.

9 THE COURT: All right. Do you hold any grudge
10 against law enforcement?

11 PROSPECTIVE JUROR NO. 247: No.

12 THE COURT: Hold any grudge against the prosecutors?

13 PROSPECTIVE JUROR NO. 247: No.

14 THE COURT: All right. And on the other side of the
15 coin, do you think you could be fair and impartial to both
16 sides here?

17 PROSPECTIVE JUROR NO. 247: Of course.

18 THE COURT: All right. And are you willing to find
19 the defendant not guilty if the State fails to meet its burden
20 of proof in this case?

21 PROSPECTIVE JUROR NO. 247: Of course.

22 THE COURT: All right. Very good. Thank you.
23 Anybody else?

24 PROSPECTIVE JUROR NO. 268: Badge number 268. I got
25 a DUI about five years ago.

1 THE COURT: Do you think you were treated fairly by
2 law enforcement?

3 PROSPECTIVE JUROR NO. 268: Yeah, I was drunk.

4 THE COURT: All right. Thank you. That's all I
5 need to know. Thank you very much. Anybody in that back row
6 back there that's ever been arrested for a crime? No? All
7 right.

8 Just a couple things here. Folks, I just need to
9 confirm. So under our system of justice there's certain basic
10 principles of law that apply in every criminal trial. I
11 mentioned this, but I need to mention it again. These
12 principles are number one, that the defendant is presumed
13 innocent. And number two, that the State must prove that the
14 defendant is guilty beyond a reasonable doubt. The burden is
15 on the State. Does anybody not believe in these basic
16 principles of American justice? I don't see any hands.

17 One more thing I need to mention to everybody as a
18 group. Under the law, if you're selected to serve as a juror,
19 you will be required to decide the facts of the case. In
20 making your decision, however, you must be guided by the law
21 as it applies to the facts. It will be my duty, after
22 conferring with counsel, to instruct you on what the law is.
23 Is there anybody here who will not be able to follow the law
24 if you believe the law should be something different than what
25 I tell you it is? Anybody who can't follow the law as I

1 instruct you? All right. I don't see any hands.

2 At this point in time, what I'm going to do is take
3 a 15-minute recess. I need to confer momentarily with the
4 attorneys, and then I'm going to bring you back in. I'm going
5 to allow the State to begin asking some questions of you. All
6 right? So, Marshal, excuse them after I read the
7 admonishment.

8 Do not converse among yourselves or with anyone else
9 on any subject connected with the trial. Do not read, watch,
10 or listen to any report of or commentary on the trial, or any
11 person connected with the trial by any medium of information
12 including, without limitation, newspapers, television, radio,
13 or Internet. Do not form or express any opinion on any
14 subject connected with the trial until the case is finally
15 submitted to you. Don't perform any research about the case
16 or the facts of the case, the subject matter of the case, or
17 the issues in the case.

18 Also, I have instructed the attorneys not to have
19 any communication with you. The attorneys use the same
20 restrooms sometimes that you might be using. If you happen to
21 see the attorneys, please avoid any contact with them. If
22 they happen to try to avoid you, overt their eyes, please
23 don't hold it against them. They're not trying to be
24 antisocial, they're simply complying with my instruction to
25 avoid contact with you. All right?

1 So with that, please enjoy a 15-minute recess.
2 We'll see you back shortly.

3 (Prospective jury panel recessed at 3:44 p.m.)

4 THE COURT: All right. We're outside the presence
5 of the jury. Please be seated. So, two things. I have some
6 concerns about Ms. Newby, but I'm going to let you guys
7 question her. I'm not sure where to go with her yet. That's
8 the only person I really have some concerns with so far.

9 Having heard some of their comments, how many jurors
10 do we think we need the Jury Commissioner to bring in
11 tomorrow? How many more people do you think we need to bring
12 in?

13 MS. THOMSON: I wouldn't know where to estimate.

14 MR. YANEZ: Yeah, it's a tough one.

15 THE COURT: I mean, there's not a lot of information
16 to help you know at this point who you might challenge for
17 cause. You've got a little bit of sense for these people. We
18 have 14 to spare. You think I should bring in maybe 10 more
19 people tomorrow --

20 MS. THOMSON: Well, my concern --

21 THE COURT: -- to be safe?

22 MS. THOMSON: Unless my math is all wonky, we got
23 rid of like 20 people on the 60 just early on.

24 THE COURT: I thought you said we had 44 left.
25 Someone told me we had 44.

1 MS. THOMSON: That was what I counted --

2 THE COURT: Did you count -- what about the first
3 five, did you subtract those also? So we have 44 left. If we
4 had 60 and got rid of 20, we should have about 40 left. I
5 need to let Mariah know by 4:00.

6 MS. THOMSON: I just think 10 is probably too
7 conservative based on the potential for reasons they can't
8 serve. Looking at the number we excused today, based upon
9 that, I think 10 we'd end up with like three people, which --
10 maybe four people.

11 THE COURT: If we have 14 extra and we add 10 more,
12 that means we have 24 extra. If we had 44, minutes 32, that's
13 12 extra.

14 MS. THOMSON: So what if we do like 20, because
15 worst case scenario we take some people's day instead of
16 taking 20 people's day because we have to go into Wednesday
17 for another set of people.

18 THE COURT: All right. So you think -- I'll tell
19 Mariah 20 more?

20 MR. YANEZ: I agree.

21 THE COURT: All right. That's what we'll do. We'll
22 tell her 20 more. Thank you. I just needed some guidance on
23 that.

24 MS. THOMSON: Thank you.

25 THE COURT: All right. So take your recess and

1 we'll see you back here a few minutes before four.

2 MS. THOMSON: Before you pass the jury to us, will
3 you ask them if they're all citizens? Just because that's
4 kind of a weird question for me to have to ask.

5 THE COURT: Okay.

6 MS. THOMSON: I've only once had someone be like no,
7 but it was not -- I don't want to be that person.

8 THE COURT: I will ask that. Anything else?

9 MS. THOMSON: No.

10 THE COURT: Anything else sensitive that you don't
11 want to be the one asking?

12 MS. THOMSON: No.

13 THE COURT: All right. Because you have to be a
14 citizen to sit on the jury.

15 MS. THOMSON: That's why we're asking.

16 THE COURT: All right.

17 MS. THOMSON: You don't necessarily have to be a
18 citizen to be pulled. It's happened.

19 THE COURT: Thank you. I'll ask them. Thank you.
20 Enjoy your recess.

21 (Court recessed at 3:48 p.m. until 4:09 p.m.)
22
23
24
25

ACKNOWLEDGMENT:

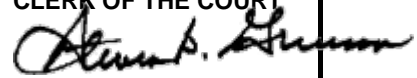
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A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

KIMBERLY LAWSON
TRANSCRIBER

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AA478



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C292987-1
)	DEPT NO. II
vs.)	
)	
GARY LAMAR CHAMBERS,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	

BEFORE THE HONORABLE RICHARD SCOTTI, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

WEDNESDAY, FEBRUARY 22, 2017

APPEARANCES:

For the State:	MEGAN S. THOMSON, ESQ. Chief Deputy District Attorney BRYAN S. SCHWARTZ, ESQ. Deputy District Attorney
For the Defendant:	ABEL M. YANEZ, ESQ.

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AA479

1 **LAS VEGAS, NEVADA, WEDNESDAY, FEBRUARY 22, 2017 10:26 A.M.**

2 * * * * *

3 (Outside the presence of the prospective jury panel.)

4 THE COURT: Good morning, counsel.

5 MS. THOMSON: Good morning, Your Honor.

6 MR. YANEZ: Good morning, Your Honor.

7 THE COURT: State versus Chambers, C292987. You may
8 be seated. Are we ready to proceed?

9 MS. THOMSON: Your Honor, we have a few issues
10 before we get started.

11 THE COURT: Yes, Ms. Thomson.

12 MS. THOMSON: Thank you. First of all, we filed
13 with your Court in open court this morning the -- a notice of
14 motion to use preliminary hearing transcript. That I don't
15 think is something that has to be decided right this minute.
16 It's with regard to Bridgett Graham. We had had an oral
17 promise to appear from her. Last week we were unable to
18 contact her. She did not appear for her subpoena yesterday
19 morning, which is when she was subpoenaed to be present. I
20 had contact with her on Monday night. She indicated she was
21 in Texas for a funeral. I told her I would contact her again
22 yesterday evening. When I did that, she indicated her lack of
23 willingness to cooperated.

24 And I included within either that or the warrant
25 that I provided to your Court this morning. I apologize, I

1 don't remember. It was in the warrant her exact language, but
2 it was less than flowery. The request is to use the
3 preliminary hearing transcript if we are not able to arrest
4 her prior to the State's resting. I did provide a copy of a
5 material witness warrant to the Court. That is currently
6 being filed. My belief, which is not based on anything but
7 experience, is that she's not actually in Texas, but that she
8 is in Las Vegas and avoiding us.

9 Additionally --

10 THE COURT: You're talking about Bridgett Graham?

11 MS. THOMSON: That's correct.

12 THE COURT: Does the defense want to say anything
13 about the State's argument about the unavailability of
14 Bridgett Graham? I would have to declare her unavailable
15 before I can admit the preliminary hearing transcript. Do you
16 want to be heard on that?

17 MR. YANEZ: Yes, I do. I don't think -- the statute
18 is NRS 51.055. There's basically a list, 1A through 1D, of
19 when a witness is unavailable. The only one that I could see
20 possibly applying under these circumstances as alleged by the
21 State is subsection B, persistent refusing to testify despite
22 an order of the judge to do so, which we don't have here. I
23 don't think there's been -- I know there's an oral promise to
24 appear, but there wasn't an actual subpoena. And I don't know
25 -- actually, I don't think one time refusing to testify

1 qualifies as persistent in refusing to testify despite an
2 order of the judge to do so.

3 So, we might get to that point down the road. I
4 don't think unavailability is an option at this point. There
5 might be other options for the State, but I don't think --

6 THE COURT: I'll decide it tomorrow. I'll decide
7 the issue tomorrow. Thank you.

8 MS. THOMSON: The second issue. Just want to put
9 the Court sort of on notice. We have not quite gotten to
10 where we're prepared to make any kind of decisions about what
11 we're requesting of the Court. We were able to locate another
12 witness last night. However, we located her in Phoenix. We
13 started the process, as the Court knows, of a compelling
14 order. That is on calendar on Friday in Phoenix. There are
15 people sort of working in the background while we're here, but
16 in the event that we are able to contact her and she is not
17 able to travel for this week or we are not able to get her
18 contacted on that compelling order now that we know where she
19 is, in combination with the fact that there's no assurances
20 that we will have Bridgett Graham, who we believed that we had
21 going into this. We may be seeking a continuance from the
22 Court, but we need more to happen sort of while we're here
23 before we can make that determination.

24 THE COURT: Okay. Thank you for keeping me
25 informed. Let's bring the jury in. I think the Marshal's

1 lining them up.

2 MR. YANEZ: Judge, one question. Your bench
3 conferences are recorded; is that correct?

4 THE COURT: They are recorded, yes. But I've had
5 jurors tell me in the past that sometimes if we're too loud
6 they can hear us. So, just want to caution you guys to speak
7 quietly.

8 Ms. Thomson, you're going to voir dire Henry and
9 Warwick, right?

10 MS. THOMSON: Yes.

11 THE COURT: And then we'll move on.

12 MS. THOMSON: Thank you.

13 (Prospective jury panel reconvened at 10:32 a.m.)

14 THE COURT: All right. Please be seated. Good
15 morning, ladies and gentlemen. Thank you for being back. I
16 know that you are required to be here, but on behalf of the
17 District Court we thank you anyway for your time.

18 We're going to proceed with the jury selection
19 process. Ms. Thomson, you have the floor to examine Mr.
20 Henry and Ms. Warwick.

21 MS. THOMSON: Thank you, Your Honor. I'll start
22 with an easy question. Were each of you listening yesterday
23 as I asked tons and tons of questions? Okay. Seeing yes from
24 both of you. Do either of you have anything to add to any of
25 those questions? Anything that you thought I would respond to

1 that? I'm seeing a not from Mr. -- I believe it was Henry.
2 And from Ms. Warwick, did you have anything that you would
3 have responded to?

4 PROSPECTIVE JUROR NO. 348: No.

5 MS. THOMSON: Okay. Pass for cause.

6 THE COURT: All right. Well, that was easy. All
7 right. Mr. Yanez. You have the floor, sir.

8 MR. YANEZ: Thank you. Good morning, everybody.
9 Just as a reminder, my name is Abel Yanez and I am
10 representing Gary Chambers, who's sitting over there at the
11 table with me. I'm going to ask some general questions to
12 start out with, and then I might get into some individual
13 questioning. But just a couple things I kind of wanted to
14 remind you of so perhaps you don't misinterpret my questions.
15 Sometimes I might get a little nosy or pry. Number one, I'm
16 not looking for a right or a wrong answer. I'm just looking
17 for your opinions and how strongly you feel about those
18 opinions. I'm not trying to figure out if you're a good
19 person or if you're a good juror, just whether you'd be a good
20 juror for the facts and the nature of this case. Does that
21 make sense?

22 As I said, sometimes I might get a little nosy.
23 Some of these questions sometimes are personal. So if you
24 prefer to have that discussion based on whatever issue might
25 come up outside the presence of everybody else with the Judge

1 and the prosecutor and myself, I'm sure the Judge would make
2 that available and he's done so in this case. So anything
3 that you don't feel comfortable with but you think is
4 important that I should know or the prosecution should know,
5 please feel free to ask that we have that conversation
6 privately. Okay?

7 My question to the entire panel, and it might seem
8 like a trick question, but it's not a trick question. As you
9 sit here right now, if the Judge were to ask you what your
10 verdict is in this case, as we sit here right now this moment,
11 what would your verdict be? I see someone shaking their head.
12 I'm going to try to get everyone's name and badge number.
13 You're 289, correct? Can we have your name for the record?

14 PROSPECTIVE JUROR NO. 289: Carrie Lee.

15 MR. YANEZ: Go ahead. Tell me what you were
16 thinking.

17 PROSPECTIVE JUROR NO. 289: I don't have any
18 opinion.

19 MR. YANEZ: Okay. Have you heard any evidence?

20 PROSPECTIVE JUROR NO. 289: No.

21 MR. YANEZ: Okay. So you don't think you could come
22 with a verdict either way?

23 PROSPECTIVE JUROR NO. 289: Oh, no, I could once I
24 hear it, but I haven't heard anything yet.

25 MR. YANEZ: I appreciate that. In the front, juror

1 number 197.

2 PROSPECTIVE JUROR NO. 197: 197, yes, sir. The
3 State hasn't met any burden of proof, so I would say innocent.
4 He's innocent until proven guilty.

5 MR. YANEZ: Okay. Anyone disagree or agree with
6 that? Does that make sense or -- sir, you had your hand up in
7 the back. If we could pass the microphone? Thank you, sir.
8 176. I'm sorry to call you by your numbers, but just so we're
9 accurate if you could tell me your name as well.

10 PROSPECTIVE JUROR NO. 176: Steve Petersen.

11 MR. YANEZ: Thank you, Mr. Petersen.

12 PROSPECTIVE JUROR NO. 176: I would agree with that.
13 Innocent to me until they prove the case.

14 MR. YANEZ: And 181 right next door. Is that your
15 opinion as well?

16 PROSPECTIVE JUROR NO. 181: Yes, it is.

17 MR. YANEZ: And then, let me go back to 289.
18 There's no right or wrong answers, remember. I know it was
19 maybe a bit of a tricky question. You heard what the other
20 jurors said. Is that -- what do you think of that. Does that
21 make sense?

22 PROSPECTIVE JUROR NO. 289: Yes.

23 MR. YANEZ: So maybe it was a little tricky, but I
24 guess the reason I ask that question is to stress how our
25 criminal justice system works and what your responsibility is

1 to maintain that presumption of innocence all the way until
2 you get to the deliberation room and then you make your
3 decision. Does that make sense, ma'am?

4 PROSPECTIVE JUROR NO. 289: Oh, yeah.

5 MR. YANEZ: Does anyone -- everyone, I'm sure,
6 understands that that is how our system works. And it seems
7 to be -- well, let me put it this way. Both sides are
8 supposed to get a fair and impartial jury. But if you look at
9 the way our presumption of innocence works, we kind of have,
10 the defense kind of has a little bit of a head start because
11 it's the prosecution that has to prove the case beyond a
12 reasonable doubt. And I know everyone understands that. Does
13 anyone perhaps disagree with that? Does someone think maybe
14 our system should be changed, that that's not fair, that
15 perhaps we should start on an even plane or maybe the burden
16 should be on the defense? Does anyone think -- have that
17 opinion? No one wants to be a rebel. No? Okay. So,
18 everyone's in agreement that's our system and we all think
19 it's a fair system and that's the way it should be? Is that
20 fair to say? Okay.

21 And I'm going to stick with you, 289. Sorry. As a
22 follow up. As we were just discussing, the prosecution has
23 the burden in this case to present the evidence and to prove
24 to the jurors beyond a reasonable doubt of the guilt of the
25 defendant. How would you feel in this case if you sat as a

1 juror and my side, the defense, I didn't question any
2 witnesses, I didn't present any evidence whatsoever, and you
3 felt that the prosecution hadn't proven their case beyond a
4 reasonable doubt? Would you have a problem coming back with a
5 verdict of not guilty on those facts?

6 PROSPECTIVE JUROR NO. 289: [inaudible]

7 MR. YANEZ: Okay. Are you expecting the defense or
8 -- well, not expecting. Are you requiring the defense to
9 present some evidence in this case?

10 PROSPECTIVE JUROR NO. 289: [inaudible]

11 MR. YANEZ: Anybody else? Anyone else think, you
12 know, the defense better present some evidence, even if the
13 State doesn't prove their case beyond a reasonable doubt, I
14 want to hear some evidence from the defense? Anybody think
15 that way? Anyone have that belief? Sir? Badge number,
16 please?

17 PROSPECTIVE JUROR NO. 197: 197. I think I would
18 feel like although I didn't feel like the State met reasonable
19 doubt, I would still say not guilty. But I would have a hard
20 time not feeling like he didn't get a fair trial if there was
21 no defense. I just don't -- it's an emotional reaction, not a
22 logical one, but it just feels like he ought to say something.

23 MR. YANEZ: Would you have an issue or maybe some
24 doubts to be able to come back with a verdict of not guilty
25 under those facts where we haven't presented any evidence and

1 you don't feel the State's proven their case beyond a
2 reasonable doubt?

3 PROSPECTIVE JUROR NO. 197: I guess maybe the way I
4 would put it is it would be harder to say is this doubt
5 reasonable because there was no -- I mean, unless the
6 prosecution's case was so clearly bad that you didn't need a
7 defense. It just seems like there should be something. It's
8 just -- you know, I would still require reasonable doubt, but
9 it just seems like there ought to be some kind of defense.

10 MR. YANEZ: Maybe I missed your answer. Maybe
11 you're not sure, which is a fine answer as well. Under those
12 facts, do you think you'd be able to come back with a verdict
13 of not guilty?

14 PROSPECTIVE JUROR NO. 197: Yeah.

15 MR. YANEZ: If you don't feel the State hasn't
16 proven their case --

17 PROSPECTIVE JUROR NO. 197: If the State hasn't
18 proven their case, then sure. I just think practically
19 speaking, that seems kind of crazy.

20 MR. YANEZ: Okay. I appreciate that. Anyone think
21 the same or anyone think differently under the facts where you
22 don't think the State's proven their case beyond a reasonable
23 doubt and on behalf of Gary I haven't presented any evidence,
24 made any questions. Does anyone have any problems with that
25 or disagreements with that? All right. Seeing no hands.

1 Let me ask everyone this question. We touched upon
2 a bit yesterday when the prosecutor was talking to you. How
3 many people feel that if the State, the prosecutor -- when I
4 say the State of Nevada I mean the prosecutors -- the fact
5 that they have actually brought a case against Gary, just the
6 fact that they have done that, bringing someone to trial, does
7 that make you think or feel that Gary must be guilty if the
8 State's going through all this effort to bring him to trial?
9 Ma'am, you're shaking your head. If we can pass the mic.
10 268, correct?

11 PROSPECTIVE JUROR NO. 268: Yes.

12 MR. YANEZ: You were shaking your head. Tell me.

13 PROSPECTIVE JUROR NO. 268: I think that there's
14 probably been many instances in history where there's been an
15 innocent man on trial for something he didn't do. I think
16 that, as we were discussing yesterday, that police officers
17 can be flawed and court systems can be flawed as well. I
18 think it would be a terrible thing to be part of a group of
19 people that found someone guilty of something they didn't do
20 just because they were presented in front of us as if they
21 did.

22 MR. YANEZ: Okay. I appreciate that. If we can
23 pass the mic back. 198, correct, sir?

24 PROSPECTIVE JUROR NO. 198: Yeah, Doug Lautner. If
25 you have the prosecution sitting here and obviously, the

1 police would have done an investigation and presented that
2 investigation to the prosecution, I would think that, you
3 know, they did so in an objective manner and there would be --
4 well, I guess they would go through their due diligence to do
5 that, and they would give that to the district attorneys.
6 They would review the evidence and they wouldn't be sitting
7 here if they didn't think they had a pretty strong case. I
8 guess I view it in terms of there isn't an occupation in
9 America that isn't under more scrutiny than law enforcement,
10 at the moment anyway.

11 So it would be difficult for me to believe that a
12 law enforcement officer would come in here to testify, raise
13 his right hand and solemnly swear, put his reputation, his
14 career on the line, and then embellish the facts or things of
15 -- you know, whatever went through the investigation.

16 So I don't know if that helps, but typically, if
17 we've gotten to this point, my assumption is there's a lot of
18 evidence there.

19 MR. YANEZ: And, of course, the Court would instruct
20 you that as Gary sits there right now he is innocent.

21 PROSPECTIVE JUROR NO. 198: That's correct.

22 MR. YANEZ: And you have to maintain that belief
23 until you deliberate and then you make your decision based on
24 the evidence you've heard. Based on your opinions that you
25 just expressed, would you be able to do that or would it be

1 difficult to do that?

2 PROSPECTIVE JUROR NO. 198: I don't know that it
3 would be difficult because we would be sitting here listening
4 to the testimony from an officer. So I guess that would
5 depend on his demeanor, how he presented himself, how he
6 answered the questions. I mean, typically, if you have
7 somebody that's up there and they're -- they appear to be
8 under duress, that might lead me to believe that they didn't
9 do their due diligence or things of that nature. But if they
10 were up there and they presented themselves in a professional
11 demeanor and they were objective and answered the questions, I
12 would be inclined to believe them.

13 MR. YANEZ: Let me ask you this. It was a question
14 I was going to ask down the road, but you've kind of touched
15 upon it a bit. When we talk about police officers coming here
16 and testifying, I think as a community, as a society in
17 general we have positive views of police officers. Let me ask
18 you this, sir, since you have the mic and then we can get
19 everyone else to chime in. Assuming a police officer's not an
20 actual witness to a crime, would you agree with me that a
21 police officer's investigation is only as good as the
22 information they receive from witnesses?

23 PROSPECTIVE JUROR NO. 198: Well, I think partly. I
24 mean, they would, you know, they would do witness interviews
25 I'm assuming. And then, they would go ahead and gather

1 physical evidence. I think it's a culmination of everything
2 that they do, and that's a part of it. I'm assuming. That's
3 the part that I'm familiar with where they interview witnesses
4 and things like that.

5 MR. YANEZ: Okay. What about everyone else? What
6 do you guys think? The question is police officers in
7 general, our community, society believes that they're truthful
8 to come in here and testify truthfully. My example or
9 scenario is where a police officer's not an eyewitness to the
10 actual crime, but receives information from witnesses, whether
11 his investigation is only as good as the information he
12 receives. Or perhaps the police officer can go above and
13 beyond what a witness tells him and be able to figure it out
14 on his own. What are your guys thoughts on that? Ma'am, if
15 we could pass the -- if no one participates I've got to call
16 on some people. You're 268, correct? Oh, 206, I'm sorry.
17 What do you think of that?

18 PROSPECTIVE JUROR NO. 206: I understand what you're
19 trying to say that whatever the witness says is only what the
20 police officer would report and put in a statement or
21 something. That is true because they're not physically there.
22 However, they will also do some deeper investigation on the
23 case and just try to put the puzzle together, the pieces of
24 the puzzle together. That's where the evidence comes in.

25 MR. YANEZ: Do you guys think a police officer, a

1 detective should just take what the witness says and keep it
2 at face value or should they go beyond that and do a little of
3 their own investigation based on what the witness says? If
4 you could pass that? Thank you, sir.

5 PROSPECTIVE JUROR NO. 247: That's their job, to
6 investigate, to bring more proof for us to see to prove
7 whether he's guilty or not guilty. So we just can't go by his
8 witness. He needs to do his job correctly to make sure he's
9 getting a fair trial.

10 MR. YANEZ: So, do you think that when a police
11 officer or detective interviews the witness he should take
12 that information and try to either prove that what the witness
13 said is true or prove that it's false or do some type of
14 investigation based on that statement?

15 PROSPECTIVE JUROR NO. 247: Right. They have to for
16 [indiscernible] because we don't know if that person's telling
17 the truth or not. So we have to make sure he's getting the
18 correct fact before he brings it to prosecutor.

19 MR. YANEZ: What about everyone else in regards to
20 police officers interviewing witnesses and doing follow-up
21 investigation? Anyone disagree with what was just said?
22 Anyone think the police officer should just take the
23 statements and then leave the rest for court where we are here
24 today? I see everyone shaking their head I think. Everyone's
25 in agreement the police officers should go a little bit beyond

1 just interviewing witnesses and trying to double check perhaps
2 what's been told to them by witnesses? Is that fair? Okay.

3 So I'm going to ask you guys for your true and
4 honest gut reactions when you heard that this was a murder
5 case. What were your thoughts that went through your head
6 when you heard this was a murder case?

7 PROSPECTIVE JUROR NO. 247: A raised eyebrow because
8 it was something new. I mean, I never -- this is my first
9 time even being this far as jury duty. So, yeah, when you say
10 murder case, I'm like, oh.

11 MR. YANEZ: Anything else?

12 PROSPECTIVE JUROR NO. 247: It was just interesting.
13 It was like oh, okay. I thought it was something else, like a
14 different kind of smaller crime. I didn't know it was going
15 to go to murder at all.

16 MR. YANEZ: Okay. Thank you. Anyone else? What
17 were your thoughts, your gut feeling when you heard that this
18 was a murder case? Why don't we go to 209? That's where I
19 would hang out at school, on the side, so the teacher wouldn't
20 see me. You're 209, correct, sir?

21 PROSPECTIVE JUROR NO. 209: Yes.

22 MR. YANEZ: Your last name?

23 PROSPECTIVE JUROR NO. 209: Burch, B-u-r-c-h.

24 MR. YANEZ: How did you feel when you heard that
25 this was a murder case?

1 PROSPECTIVE JUROR NO. 209: It felt weird because
2 this is a very antiseptic setting right now and to just hear
3 murder next to, you know, courtroom and kind of formal. It's
4 like a weird feeling. It seems surreal almost.

5 MR. YANEZ: Did the fact that it was a murder charge
6 make you feel one way or the other if perhaps Gary's guilty or
7 not guilty? Did that give you any emotion? Oh, this is a
8 murder case, he's probably guilty. Or, this is a murder case,
9 he's not guilty.

10 PROSPECTIVE JUROR NO. 209: No. I mean, just stakes
11 are higher. That seems surreal, that part. There's higher
12 stakes as to what would happen.

13 MR. YANEZ: Who else? What else were people's
14 feelings when they heard this was a murder case? If you can
15 just pass the mic one back? 189, correct, sir?

16 PROSPECTIVE JUROR NO. 189: Yes.

17 MR. YANEZ: And your last name, sir?

18 PROSPECTIVE JUROR NO. 189: Brown.

19 MR. YANEZ: Mr. Brown, how did you feel when you
20 heard this was a murder case?

21 PROSPECTIVE JUROR NO. 189: It's safety is a
22 concern.

23 MR. YANEZ: Your personal safety?

24 PROSPECTIVE JUROR NO. 189: For everybody, yeah.

25 MR. YANEZ: Did you have any feelings about guilt or

1 not guilt based on the fact that it's a murder case? Did that
2 pop in your head at all?

3 PROSPECTIVE JUROR NO. 189: No. It's always based
4 on the, you know, whatever is the -- what do you call it -- we
5 have to follow, you know, steps in order to get a verdict.
6 So, yeah, that's my opinion.

7 MR. YANEZ: Okay. Who else? Can we pass it up
8 front? 222, correct?

9 PROSPECTIVE JUROR NO. 222: Yes. Last name is
10 Alipon.

11 MR. YANEZ: Thank you.

12 PROSPECTIVE JUROR NO. 222: I just find it like
13 weird because the first thing I heard that it's about a murder
14 case I did not feel anything but just thought okay, I'll be,
15 if I get selected for jury duty I'll be here awhile. Put it
16 out there.

17 MR. YANEZ: I appreciate that. And you didn't have
18 any thoughts about whether he's probably guilty, not guilty
19 just based on the charge itself?

20 PROSPECTIVE JUROR NO. 222: Not really because I do
21 audits a lot of times so I'm very objective and very
22 analytical. And I don't listen much to news. I don't watch
23 news. I don't really care about a lot of things going on
24 outside of my world. So when I heard it I just -- I'm
25 thinking about my day-to-day basis that I'll be here awhile if

1 I get selected for jury duty, longer than I expected.

2 MR. YANEZ: Right. What about the previous question
3 I had asked about police officers and their investigation? Do
4 you agree that a police officer's investigation is only as
5 good as the information they receive?

6 PROSPECTIVE JUROR NO. 222: Yes. And I even, as an
7 auditor, I would also look at something. I don't take it at
8 face value, I tend to dig deeper. But at the end of the day
9 whatever I got is all I can present. So I may -- I cannot
10 swear on whatever I found, but I can present it as this is
11 what I found, this is the witness, for example, and this is
12 all that it can attest to. But then, other than that, it's as
13 good as what you have, what you can present.

14 MR. YANEZ: Okay. I appreciate that. And I
15 appreciate everyone's comments. Part of that question, and I
16 guess my concern, and I think it's fair for you as jurors to
17 have maybe a gasp of air when you hear this is a murder case.
18 I know it kind of changes the kind of ball game when you're
19 thinking maybe this is a shoplift or something like that. I
20 guess my question now is based on the fact that it's a murder
21 case, anyone have any reservations of being able to sit in
22 judgment on a murder case that, for whatever reason, just
23 based on the fact that it's a murder case? No concerns. No
24 problems. Okay. We have one in the back. Thank you.
25 Concerns, anything that might, you know, give me information

1 about what you're feeling about this case. 184, correct?

2 PROSPECTIVE JUROR NO. 184: 184, Kathy Hussey. My
3 concern is, and I want to be perfectly honest, I really would
4 like to be here, but my thought is I own a Taco Factory, I
5 have a brand-new customer with a big, huge opening order, and
6 that's what's on my mind. I feel like I new to go to work. I
7 need to be with my employees. That's my problem.

8 MR. YANEZ: And I appreciate that. Do you think you
9 might be -- if you're picked as a juror, that you might be
10 distracted in listening to the evidence, in listening to the
11 witnesses testify?

12 PROSPECTIVE JUROR NO. 184: Yes.

13 MR. YANEZ: And that's because of your concerns over
14 your -- you're the owner, correct, of the company?

15 PROSPECTIVE JUROR NO. 184: I'm the owner, yes.

16 MR. YANEZ: Okay.

17 PROSPECTIVE JUROR NO. 184: And I do everything. I
18 do everything.

19 MR. YANEZ: I appreciate that. I did have another
20 specific question I remember for you. Since you have the
21 microphone I'm going to ask you. Perhaps you said this
22 yesterday, but I wasn't sure. I know you indicated your
23 husband had been an attorney with the Clark County School
24 District, correct?

25 PROSPECTIVE JUROR NO. 184: Yes.

1 MR. YANEZ: And you also indicated before, it's been
2 awhile back, I think you described him as the chief
3 prosecuting attorney.

4 PROSPECTIVE JUROR NO. 184: Yes.

5 MR. YANEZ: Okay. Was that -- he was the district
6 attorney for Clark County or --

7 PROSPECTIVE JUROR NO. 184: Yes, Clark County.

8 MR. YANEZ: Okay. How long ago was that? I'm
9 sorry, ma'am.

10 PROSPECTIVE JUROR NO. 184: It was in the 1980s I
11 think. I'm not sure. His license plate is 12, so he's been
12 here a long time.

13 MR. YANEZ: His Bar license?

14 PROSPECTIVE JUROR NO. 184: Yeah.

15 MR. YANEZ: How long did he serve as district
16 attorney?

17 PROSPECTIVE JUROR NO. 184: I don't remember.

18 MR. YANEZ: Okay. So we're on the same page, you're
19 saying he was the district attorney, correct?

20 PROSPECTIVE JUROR NO. 184: Yes.

21 MR. YANEZ: When he was district attorney, would he
22 discuss his cases with you?

23 PROSPECTIVE JUROR NO. 184: I did not know him then.

24 MR. YANEZ: Oh, I see. It was before you guys had
25 met.