

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2                                   \_\_\_\_\_

3   MELVYN SPROWSON,                                   )       No. 73674

4                                                           Appellant,                                   )

5                                                           v.                                                           )

6                                                           )

7   THE STATE OF NEVADA,                                   )

8                                                           Respondent.                                   )

Electronically Filed  
May 02 2018 04:31 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

9   \_\_\_\_\_)

10                                   **APPELLANT'S APPENDIX VOLUME VIII PAGES 1646-1841**

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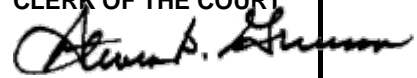
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TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA,	)	
	)	CASE NO. C295158-1
Plaintiff,	)	DEPT NO. XXIII
	)	
vs.	)	
	)	
MELVYN PERRY SPROWSON, JR.,	)	<b>TRANSCRIPT OF</b>
	)	<b>PROCEEDING</b>
Defendant.	)	

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 1**

TUESDAY, MARCH 21, 2017

APPEARANCES:

For the State:	JAMES SWEETIN, ESQ. JACQUELINE M. BLUTH, ESQ. Chief Deputy District Attorneys
For the Defendant:	MELVYN PERRY SPROWSON, Pro Se MICHAEL R. YOHAY, ESQ.

RECORDED BY MARIA GARIBAY, COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

UNCERTIFIED ROUGH DRAFT

## **I N D E X**

### **DEFENSE WITNESS:**

BRENT EARL - OPOJ

Direct Examination By Mr. Sprowson 51

Cross-Examination By Ms. Bluth 63

Redirect Examination By Mr. Sprowson 65

1           **LAS VEGAS, NEVADA, TUESDAY, MARCH 21, 2017, 10:35 A.M.**

2                           \* \* \* \* \*

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

4           THE COURT: Hi, Mr. Sprowson. Good morning. Looks  
5 like you're back in here, sir. All right, sir. So yesterday  
6 -- you want to call it?

7           THE MARSHAL: Page one, Criminal C-295158, Sprowson.

8           THE COURT: Hi, Mr. Sprowson. Good morning.

9           MR. SPROWSON: Good morning.

10          THE COURT: Okay. So yesterday when we were getting  
11 ready for this trial it came to our attention that you have  
12 filed a second pro se motion to continue the trial, but it  
13 looks like it's the same thing you've been bringing up over  
14 and over again throughout the course of proceedings with the  
15 warrant and the chain of custody.

16          MR. SPROWSON: Right, and I haven't received either  
17 one of them. As you know, Your Honor, last time -- first of  
18 all, I just want to say that I anticipated that I'd have this  
19 stuff prior to trial and that's why I said I was ready to go  
20 because, as you know, I have an investigator, Mr. Franke, and  
21 he issued subpoenas to the Justice Court.

22          So I was -- I was, like, thrilled. I said, hey,  
23 finally we're going to end this, I'll have those certified  
24 copies from the Justice Court. And come to find out that he  
25 -- he said that they couldn't give him the subpoenas. As you

1 know, they said that they were forwarded to you. Well, you  
2 also filed an affidavit stating that you never received them.  
3 So you didn't receive them, Mr. Franke didn't receive them.  
4 Ultimately, I didn't receive them and, so, here we are at a  
5 stand still in the same spot we were.

6 And then, of course, the issue of the chain of  
7 custody. I've been requesting from the State the chain of  
8 custody. Their response is the same every time. It's on the  
9 CD. Well, Mr. Yohawn -- Yohay and I looked at the CDs. I  
10 looked at the CDs with Mr. Franke, as well, and we didn't find  
11 any chain of custody forms. So we're right back where I was.

12 So the problem is I -- I'm requesting this stuff  
13 because it's instrumental, it's material to my case, it's  
14 Brady material because if there's some issues with the chain  
15 of custody, obviously, I can challenge their evidence. If  
16 there's some issues with the search warrants, which I believe  
17 there is, I can also challenge their evidence, and this is  
18 necessary because if I don't have this stuff prior to starting  
19 trial, obviously, when we start jury selection, the jury is  
20 going to be prejudiced by this material.

21 You know, not only that, but if -- if I do have this  
22 material I would also be able to file motions in limine or  
23 whatever else I have to do to actually limit their -- their  
24 exposure to the potential jury. I mean, I have other points  
25 that I wanted to go through today if I'm allowed, but that's

1 basically -- you know, it was all anticipated that I would  
2 have this material prior to trial and I was ready to go and,  
3 you know, like I said, I understand the State was in trial  
4 with war [phonetic] machine, I was okay with that.

5 The other issue, Your Honor, if I may, is we were  
6 set for March 20th and, again, I was scheduled for March 20th.  
7 I was getting ready to call my witnesses and get my witness  
8 list ready, and then we had moved it back to March 13th.  
9 Okay. So March 13th --

10 THE COURT: [Inaudible] you wouldn't be ready,  
11 [Inaudible]. You would be ready for March 20th.

12 MR. SPROWSON: Right. Well, March 20th, but then  
13 March 13th -- excuse me -- March 13th came up, and then that  
14 kind of caused me to forfeit a lot of time because here's the  
15 bottom line, Your Honor. And I just like to -- to quote the  
16 case here from the 9th Circuit Court of Appeals in 2010, the  
17 case is United States versus Ferras [phonetic], and this is in  
18 regards to just meaningful representation.

19 And in that case the Court of Appeals stated, "a  
20 criminal defendant does not simply have a right to represent  
21 himself, but rather he has a right to represent himself  
22 meaningfully." And, obviously, meaningful representation  
23 requires time to prepare.

24 Now, also, I have to be humble in this regards. You  
25 know, I'm incarcerated. I'm extremely limited. I'm not using

1 that as an excuse, but the bottom line is, you know, in my  
2 inexperience, you know, thinking that I would have this  
3 material, I went ahead and said, you know what, let's go ahead  
4 and go to trial.

5 I talked to my stand-by counsel. Mr. Yohay said,  
6 well, you know, really, that's not advisable. I talked to my  
7 investigator, Mr. Franke. Mr. Franke said, you know, hey,  
8 we've only been working together for two months. I usually  
9 on, these kinds of charges, I usually spend six months. I  
10 said, really? He said, yeah.

11 You know, there's still outstanding stuff that he  
12 would like to get for me and -- and, honestly, you know,  
13 having the discussion with him and I'm realizing, like, you  
14 know what? Really, am I prepared for trial? I actually would  
15 be cutting myself short. I mean, again, like I said, I have  
16 to be humble in this regards.

17 You know, I mean, the State thinks, you know, I -- I  
18 read their opposition that I'm being proud [sic] in this. No,  
19 I mean, obviously, I've been here a long time. I do want to  
20 go to trial, but, you know, I have to be honest with myself, I  
21 have to be prepared for trial. This is serious business --

22 THE COURT: Okay.

23 MR. SPROWSON: -- and I don't have the advantages of  
24 -- of the State --

25 THE COURT: Let's talk about a few things. The same

1 warrants we've talked about multiple hearings, okay? And the  
2 State, through discovery, has offered or tried and they gave  
3 you in court certified copies of those warrants, which you  
4 refused and you gave back to the State. As far as your  
5 request for assistance in this case, I do agree with the 9th  
6 Circuit. Absolutely, you're entitled to a meaningful defense  
7 and, as far as possible, the resources to have that meaningful  
8 defense.

9           So once you requested for the first time that you  
10 receive assistance, you were granted funds for an  
11 investigator. You were, likewise, given the ability and the  
12 funds, depending on the amount of those funds, to get money  
13 for any and all experts you deemed appropriate for the case.  
14 So you have been given resources to represent yourself even  
15 though you're within the detention center. Now, you've been  
16 in custody for I don't remember how long. This case has been  
17 ongoing for close to what?

18           MS. BLUTH: Four years.

19           THE COURT: Since 2014.

20           MS. BLUTH: No, '13.

21           THE COURT: Since 2013, so four years. You know,  
22 and you came in and there's been continuances -- I don't even  
23 know if there's been continuances in a long time by the State.  
24 A lot of the continuances were by you and you indicated that  
25 because of your limitations of being in custody it took you a

1 longer time to get ready. I recognized that and I gave you  
2 the continuances.

3 MR. SPROWSON: Well, Your Honor, if I may -- let me  
4 finish this.

5 THE COURT: Hold on. Here's the problem is the  
6 reason we have calendar call is both sides come into court and  
7 say am I ready or not ready? And once the representations are  
8 made that you're ready, absent something unforeseeable  
9 happening, the parties rely upon that. The State, as well as  
10 the defense, if you so desire, they line up their witnesses.  
11 They hire -- they pay experts. They make travel arrangements.

12 There's a lot of reliance that's gone into those  
13 representations made at calendar call and everything you bring  
14 up today, it's not new. You've had the ability to get those  
15 warrants. They've been offered to you through discovery. The  
16 chains of custody, I need to hear from Mr. Yohay real quick,  
17 but it's been represented -- and I -- I don't look at the  
18 discovery ordinarily -- but it's represented that they are, in  
19 fact, contained in the discovery, which I know you have to  
20 access, I believe, with a computer. I don't remember whether  
21 or not --

22 MR. SPROWSON: We referring to the chain of custody  
23 or the search warrants?

24 THE COURT: The what? I'm talking chain of custody  
25 now.

1 MS. BLUTH: I do need to make one correction, Your  
2 Honor, whenever you're done making your representations as to  
3 the chain of custody [inaudible].

4 THE COURT: Well, let me ask Mr. Yohay, did you go  
5 through the discovery?

6 MR. YOHAY: Here's what I can tell you. The first  
7 time we received the disks from the District Attorney's  
8 Office, I had -- I gave them to our IT people, said basically  
9 print out everything on them, and then I sent them -- sent  
10 everything they -- they provided over to Mr. Sprowson. Quite  
11 frankly, I didn't look through everything that there was. I  
12 just sent them to him.

13 He -- and then in speaking to him since then, he  
14 indicated his chain of custody wasn't in there. I went  
15 through the disks -- I -- I can tell you I didn't see them.  
16 So I brought my IT person, a gentleman by the name of Peter  
17 Eileson [phonetic], along with the computer, along with the  
18 disks. All three of us, Mr. Sprowson, Mr. Eileson, and myself  
19 went through them one afternoon.

20 I'll tell you we didn't see them in there, so I  
21 don't know -- I don't know whether they're on the disk. I  
22 haven't taken any independent time of my own volition to  
23 search through them. I can tell you everything that's been  
24 handed over from the State, I've handed to Mr. Sprowson.

25 I know, you know, he -- he brought up this chain of

1 custody, that's why, first, I had our people print everything  
2 off and give it to him, and then I had Mr. Eileson come over  
3 with me and a computer with the disks and went -- you know,  
4 the two of them basically went through it. I kind of just sat  
5 there. They knew what they were looking for. And then, it's  
6 my understanding that they didn't -- they didn't find -- I can  
7 tell you I've never seen anything that is headlined "chain of  
8 custody" or anything.

9 MS. BLUTH: They don't exist, that's why I just --  
10 there is no such thing as a chain of custody report, which is  
11 why I keep trying to explain this and I've explained this  
12 before. There's a property impound report and then there's a  
13 search warrant return. On the search warrant return, which  
14 I've given to Mr. Sprowson three times, the search warrant  
15 return shows everything that was taken from his apartment,  
16 which included paper items, which included his laptop, the  
17 victim's laptop, and his main computer, like a desktop  
18 computer.

19 Those are in the police reports that he has paper  
20 copies of. Not only are they listed in the police reports,  
21 they're listed on the back page of the search warrant on the  
22 search warrant return, and then there's property impound  
23 reports that show what property was impounded. Those were  
24 provided to Mr. Momot before prelim. Those were provided to  
25 the Defendant pursuant to a discovery request, and then those

1 were also provided when I just handed him papers in court.  
2 I've provided them three separate times.

3           What Mr. Sprowson is requesting does not exist.  
4 Chain of custody reports do not exist. That's not a thing,  
5 whether it's Clark County School District Police Department,  
6 Henderson Police Department or Las Vegas Metropolitan Police  
7 Department. The only things that exist are search warrant  
8 returns and property impound reports.

9           Those have been provided to the Defendant. If the  
10 Defendant would like me to give them to him a fourth time, I  
11 am happy to do so, but that does not change the posture of the  
12 case on either side. We both know what items were taken. We  
13 both know what items were impounded.

14           So, as far as Mr. Yohay's representations, I  
15 completely agree they're not on the disks. I've never made  
16 representations that they were on the disks. The only things  
17 that are on the disks are the things that were taken off of  
18 the cellphones and the computer. That's what the disks are.  
19 The rest of the discovery is paper discovery and Mr. Sprowson  
20 can find those in his paper documents, but I'm happy to give  
21 him another copy at one o'clock.

22           As for the Justice Court search warrants, I don't  
23 know what else to do. I've provided him with certified copies  
24 and he still thinks I've doctored the certified copies, so  
25 there's nothing else I can do to prove to him -- I mean, I can

1 go down again and get another certified copy from the Justice  
2 Court, which is not my job, but we've been willing to do, but  
3 he won't accept them.

4           So at this point he's the individual who's causing  
5 this. I completely disagree with everything he said today.  
6 He didn't think I was going to be able to do this case and now  
7 he sees that I am fine going right into this case, even though  
8 I just got out yesterday. If I can be ready after doing two  
9 back-to-back month-long trials, I think that he could be ready  
10 after having this case for four years.

11           MR. SPROWSON: May I -- may I do rebuttal? A couple  
12 things, Your Honor, that I'd like to clarify for the Court.  
13 This Court seems to think I've been representing myself for  
14 four years. I have not. Momot's been handling my case for --

15           THE COURT: I don't think that. Sir, I --

16           MR. SPROWSON: -- majority -- majority part of the  
17 case.

18           THE COURT: The long [inaudible] you've been  
19 representing yourself for a long period of time and what you  
20 bring up today is -- is nothing new.

21           MR. SPROWSON: Well, I still have to comment,  
22 please, if I may, Your Honor, on the chain of custody issue.  
23 What I'm referring to they're talking about doesn't exist does  
24 exist. Every police department, when you handle property,  
25 when they hand it to another person -- if I have, say, for

1 example, Your Honor, my glasses and I hand my glasses -- say  
2 this is evidence and I hand it to Mr. Dean [phonetic], okay,  
3 and then Mr. Dean hands it to someone else who puts it in  
4 property, and then they put it in somewhere else, or if they  
5 need to do a forensics on it and they take it out, that is  
6 what you call a chain of --

7 THE COURT: Are you talking about, like, the label  
8 that's on the bags and stuff?

9 MS. BLUTH: He's not talking about that, but that's  
10 what it is.

11 MR. SPROWSON: I'm talking about someone who has  
12 handled the evidence -- so here's the problem that I have,  
13 Your Honor, and this is why I keep making this big issue.  
14 It's not just a matter of what property was taken. It's a  
15 matter of who handled the property because, as you know, Your  
16 Honor, in a defense, if someone takes my computer and they  
17 take it home and they're doing stuff on it, you know, this --  
18 this interrupts the chain of custody and this is a very  
19 important issue.

20 THE COURT: Yes.

21 MR. SPROWSON: Now, there is a form that -- I know  
22 for a fact there is a form that states which officers handled  
23 the evidence from when it goes into the evidence vault. Say,  
24 for example, evidence was seized from my home, okay? What  
25 officers seized that evidence? You have to state who it is.

1 He signs a document. That document goes to the next person.

2 That person, whatever they do with it, say they do a  
3 forensics examination, they say, well, we did this, they sign  
4 it, they date it, they put their officer number on there, then  
5 that goes to -- if they put it into -- say you have an  
6 evidence -- what you call an evidence technician or whatever  
7 you want to call that title, they handle it, they put it in  
8 the vault or wherever they put it.

9 All of these things are very important to my case,  
10 Your Honor. This is Brady material because what it does is if  
11 there's a break in that chain of custody -- what I just  
12 defined, that is a legitimate form, a realistic form that  
13 police departments use, they have to, Your Honor. This is  
14 what we talk about DNA, when you're talking about --

15 THE COURT: What do you believe that form looks  
16 like? Because --

17 MR. SPROWSON: Well, it would have the officers'  
18 names on it who handled my evidence or the evidence that they  
19 seized, namely my computer and my phone because here's the  
20 issue. They -- they seized pictures and, obviously, they're  
21 saying other things that might be on there, as well.

22 So if -- if I come to trial and I say, well, look --  
23 they're saying, well, we got all this evidence and  
24 blah-blah-blah-blah, you know what I'm saying? I should be  
25 able to challenge that and say, well, who else handled this

1 equipment?

2           Because if I say that evidence wasn't on -- for  
3 example, what if there's, like, thousands of pornographic  
4 pictures all of a sudden on my phone? Thousands of  
5 pornographic pictures all of a sudden on my computer and I  
6 know for a fact that I didn't put those on there, now all of a  
7 sudden we have a chain of custody issue because somebody who  
8 had handled my -- I'm not saying this is a -- has happened.  
9 I'm just saying this is a scenario that I should be able to  
10 argue in open court.

11           MS. BLUTH: Well, I can --

12           MR. SPROWSON: It's very important to my defense.

13           MS. BLUTH: I can alleviate your concerns, Mr.  
14 Sprowson.

15           MR. SPROWSON: Well, see, that's the thing. You're  
16 the State. You're the opposition. I -- I need this form.

17           MS. BLUTH: And I'm going to get you the form if you  
18 just listen. When we bring the evidence into court to be  
19 lodged with the court, there is a label on the front of the  
20 envelope. So, let's say, the computer comes in, it comes in  
21 an envelope. On the front of that envelope it will say -- it  
22 won't say chain of -- I don't know the exact words, but it's a  
23 -- it's an evidence sheet and everyone who touched that piece  
24 of evidence or who looked at it signs their name and their P  
25 number and, then, if it goes to the lab technician for -- for

1 forensics, that person.

2           So that's not a sheet that I can give you, but when  
3 the evidence comes into court on the first day of trial it  
4 will have every person's name whoever touched it or opened it.  
5 I think that that's what he's requesting and that -- that will  
6 be here in court on the first day of trial.

7           MR. SPROWSON: See, that's the second problem  
8 because what if I need to file a motion in limine -- there's  
9 an issue with it and I need to file a motion in limine. I  
10 don't have any time for preparation. So what they're  
11 suggesting is that on the day of I be excluded from having any  
12 preparation time.

13           See, this is the other problem that I was bringing  
14 up with wobbling -- the ping-ponging of the trial dates, Your  
15 Honor, is that, you know -- you know, I was set for March  
16 20th, again, anticipating certain evidence -- and I do want to  
17 comment on those search warrants just real quick, I'm not  
18 trying to drag it out -- but sticking with this whole issue  
19 with the preparation time. Now I've been robbed of  
20 preparation time to file any motions in limine, to file any  
21 motions to suppress, if need be.

22           The other issue is, Your Honor, NRS 1.180 says that  
23 the search warrants have to have a seal on them. Now --

24           THE COURT: Okay. So hold on a second.

25           MR. SPROWSON: They've given me -- they've given

1 me --

2 THE COURT: Let me stop. I got to stop you at  
3 something or we'll go on about these search warrants forever.  
4 Right, wrong or otherwise, whether you agree, disagree,  
5 whatever, there's been rulings made on these search warrants,  
6 okay? And once a ruling is made, it may be wrong, but it is  
7 -- you may believe it's just wrong, it is the ruling of the  
8 Court. And, really, at this stage of the game the only time  
9 you get to challenge those is if you get convicted and you  
10 seek some kind of relief and [inaudible] in court. But you're  
11 stuck with the rulings. You don't get to bring them up over  
12 and over again.

13 And on the search warrants, you've got to lay that  
14 to rest. I mean, at this point the State has offered to give  
15 you certified copies. I don't know what happened with your  
16 investigator, but you had the ability to have an investigator  
17 to go and get those copies. I don't know what happened.

18 MR. SPROWSON: But the search warrants were denied  
19 to me, Your Honor.

20 THE COURT: I don't know what happened, sir.

21 MR. SPROWSON: Not only that --

22 THE COURT: The only -- hold on. At some point  
23 there's got to be finality. So if you don't have the  
24 warrants, I don't know what happened with your investigator  
25 and why your investigator was unable to obtain those warrants.

1 There's a couple different ways that could happen.

2           You've presented -- your argument is, I don't want  
3 to take them from the State because I think they're doctoring  
4 the warrants. Fine. Fair enough. You're entitled to have  
5 that defense or have that belief, okay? That's why you have  
6 the investigator. But if you need the warrants, there's only  
7 a few ways to get them at this point because we do have to go  
8 to trial.

9           Everyone has relied upon the representations of both  
10 the State and the Defense that this case is ready for trial  
11 and the warrant issue has gone on and on and on for years. So  
12 the State has offered, and you can accept or deny their --  
13 their offer to get you certified copies, okay? And the  
14 certification would have the seal of the Clerk of the Court  
15 saying that this is, in fact, a legitimate thing.

16           I don't know if Mr. Yohay's office has the ability  
17 to go down to the Clerk's office and get a certified copy and,  
18 frankly, I don't know what's precluding your investigator from  
19 going down and getting a certified copy because usually it's  
20 not that hard to get a certified copies from the court. If  
21 you need them, those are three different ways you can  
22 potentially get them.

23           As far as I agree with Ms. Bluth in that I  
24 understand what you're asking for and I think the State  
25 understands what you're asking for as far as those chain of

1 custody, but usually they are -- usually when evidence comes  
2 in it's usually on some kind of bag usually, like a brown bag.  
3 And on that bag, just as Ms. Bluth has represented, there is  
4 information that would be what you consider chain of custody,  
5 which basically says on this date Joe Blow had the property,  
6 and then their identification number with the Las Vegas  
7 Metropolitan Police Department, and whether it's a detective,  
8 it's an officer, it's someone in the crime scene lab, every  
9 single person that's ever touched that should be represented  
10 on the bag.

11 Now, the State is going to be obligated, and they  
12 always do, they're going to have to go through that piece of  
13 evidence, whatever it is, to sit there and go through and lay  
14 that whole foundation of everyone who had that property until  
15 it comes into possession of the person who's sitting on the  
16 stand, and you will have the opportunity to do  
17 cross-examination on that, but what you're asking for does not  
18 exist in the form you believe it exist.

19 So, I mean, at this point, I -- I just honestly  
20 don't see any reason for this case not to go to trial and,  
21 again, you've been provided everything you've --

22 MR. SPROWSON: I just have two more points, Your  
23 Honor.

24 THE COURT: -- requested.

25 MR. SPROWSON: Please. If I could make two more

1 points. Number one, as far as the search warrants, the  
2 tell-all of that, what I did and what I found out in my  
3 research was that --

4 THE COURT: Are we arguing the search warrant issue  
5 because --

6 MR. SPROWSON: No, this is something new. This is  
7 new, Your Honor.

8 THE COURT: Because I --

9 MR. SPROWSON: This is new, Your Honor.

10 THE COURT: -- I respect the fact that you disagree.  
11 I respect that you believe that the law was --

12 MR. SPROWSON: Your Honor, it's new information,  
13 please.

14 THE COURT: -- wrong. Okay. If it's new. If it's  
15 new.

16 MR. SPROWSON: I beg of you, Your Honor. It's new.

17 THE COURT: Only.

18 MR. SPROWSON: It's new.

19 THE COURT: Okay.

20 MR. SPROWSON: During my research -- because one of  
21 the issues, like I said, they provided me what they call  
22 certified copies, so la-da-da-da, whatever. The issue, then,  
23 I did my research and I was looking at the court rules on  
24 electronic filings, okay? And I discussed this with my  
25 standby counsel. I discussed this with my investigator.

1 THE COURT: Okay.

2 MR. SPROWSON: So on Friday what we did -- well, let  
3 me -- let me just kind of give some background information.  
4 So as I'm doing my research and I'm looking on the law  
5 library, I realize it starts talking about scan dates and the  
6 scan dates are what happens when you get the document -- you  
7 put a file stamp on it and within a couple of days, no later  
8 than that, these documents are scanned into the system.

9 THE COURT: Okay.

10 MR. SPROWSON: So what I did on Friday -- and this  
11 is another reason why I ask for this continuance because this  
12 was something I just realized and learned, this -- this is the  
13 tell-all, the end of all discussion in regards to the search  
14 warrants. This is why it's good for the State, and it's good  
15 for me, and it's good for the Court because it establishes the  
16 integrity issue. The scan dates establish when those  
17 documents were filed. And so --

18 THE COURT: No, they don't.

19 MR. SPROWSON: Well, it has --

20 THE COURT: Filing and scanning are two different  
21 things.

22 MR. SPROWSON: Well, I mean, it has --

23 THE COURT: And sometimes the day it's scanned  
24 depends on how backed up they are.

25 MR. SPROWSON: Right, but the bottom line is that

1 the scan date shows within a certain period of time -- for  
2 example, if it's three or four months prior or three or four  
3 months afterwards, there's obviously going to be a discrepancy  
4 there. So -- so the new information that I'm trying to  
5 present to the Court on this issue --

6 THE COURT: How can you scan it before it's filed?  
7 The scan date --

8 MR. SPROWSON: That's -- that's my point. That's my  
9 point. See, if you -- here's the argument --

10 THE COURT: You're not going to know really the scan  
11 date. I mean, the scan date is --

12 MR. SPROWSON: Well, I subpoenaed the scan dates,  
13 Your Honor. This is what I'm trying to get to is that on  
14 Friday --

15 THE COURT: Okay.

16 MR. SPROWSON: -- I -- what I did was I subpoenaed  
17 the -- the custodian of records to be here at one o'clock so I  
18 could do a voir dire examination and to actually end this  
19 issue and to look at scan date. I asked them to bring the  
20 scan dates on those documents. The reason why it's important,  
21 Your Honor, is cause say, for example -- and this is why it's  
22 a very good point -- if it's been scanned six months prior to  
23 the documents being filed, would you agree that there's an  
24 issue with that document?

25 THE COURT: I'm just trying to figure out how

1 they're going to scan in a document --

2 MR. SPROWSON: Well, exactly.

3 THE COURT: -- and not file it unless it --

4 MR. SPROWSON: It has a file stamp on it.

5 THE COURT: -- goes to, like, some kind of --

6 MR. SPROWSON: Exactly. That's my point is that  
7 you're going to have -- definitely there's going to be an  
8 issue. How can you -- that's what I'm trying to talk about is  
9 if -- if I have scan dates that are six months or if -- if  
10 it's an antiquated scan date on this particular document and  
11 will actually -- what I'm getting at, it may not even be the  
12 very document because we're talking about document numbers.  
13 We're talking about, for example, search warrants --

14 THE COURT: Okay. Stop for a second. Okay. I need  
15 [inaudible] clarification. So what do you think happened?  
16 Like, it gets scanned in and it sits in some abyss until they  
17 take it out of the abyss and they file it?

18 MR. SPROWSON: No, that's not what I'm saying. What  
19 I'm saying --

20 THE COURT: And I -- I don't understand, sir,  
21 because --

22 MR. SPROWSON: What I'm saying is, okay, say, for  
23 example -- I'll use an example here, if I may --

24 THE COURT: Okay.

25 MR. SPROWSON: -- in my documentation. And, by the

1 way, I just want to say I did bring some evidence. I have an  
2 affidavit from Mr. Franke stating that he tried to get those  
3 and that they would not give them to him. If the Court would  
4 indulge me just to even look at --

5 THE COURT: See that, Jason. I don't know why he's  
6 unable to get these documents.

7 MR. SPROWSON: This is an affidavit from my --

8 THE COURT: You know why he's unable to get them?

9 MR. YOHAY: I - I got a phone call from somebody in  
10 Justice Court and they indicated to me -- I'm sorry -- I have  
11 their name back in -- back in my notes I've been keeping on  
12 this case. They indicated to me that they were unwilling to  
13 give them to Mr. Franke because he wasn't an attorney. They  
14 indicated they would send them to me because I was an attorney  
15 and acting as a standby counsel. I told them, that's fine,  
16 send them to me, and I'll --

17 THE COURT: Did you get them?

18 MR. YOHAY: No.

19 THE COURT: Okay. Obviously, I can't get them  
20 because I don't want to be able to be called in as a witness  
21 on any of this. So --

22 MR. YOHAY: I think --

23 THE COURT: -- you guys go down and get them today  
24 and get them to Mr. Sprowson?

25 MR. SPROWSON: Well, I subpoenaed the custodian of

1 records to be here with the scan dates and that material. So  
2 this is what I was trying -- if I may, I'll let you look at  
3 that. I have some other stuff that I'd like to just present  
4 to the Court, if I may.

5 THE COURT: Well, wouldn't -- why can't -- just tell  
6 me why Mr. Yohay can't send a representative of his office to  
7 go get these for you?

8 MR. SPROWSON: I subpoenaed the custodian of  
9 records. He's going to be here at one o'clock. I have to be  
10 here at 1:00 anyway.

11 THE COURT: At one o'clock today the custodian of  
12 records, we -- we don't have time for them to -- we have a  
13 jury that's coming up.

14 MR. SPROWSON: Well, Your Honor, it's very important  
15 that it be established when these documents -- what I'm  
16 getting at, I have to --

17 THE COURT: Well, hold on a second. Hold on,  
18 please. So you want them just to show up at one o'clock with  
19 a subpoena the scan --

20 MR. SPROWSON: Well, it would really be a search  
21 warrant --

22 THE COURT: I'm sorry. The search [inaudible]  
23 document?

24 MR. SPROWSON: They're supposed to bring the actual  
25 search warrants, certified copies, yes. I -- I requested

1 that, certified copies of the search warrants --

2 THE COURT: Okay.

3 MR. SPROWSON: -- and the scan dates. So that -- I  
4 mean, we don't even really have to go into any detail with the  
5 custodian of records. You're talking about having -- this  
6 would save him -- he's already on the way is what I'm getting  
7 at.

8 THE COURT: Assuming they come up with the search  
9 warrants, the certified copies of the search warrants, that's  
10 all you want, right?

11 MR. SPROWSON: Well, I want the scan dates, and this  
12 is -- I'm trying -- I'm trying to present my argument here so  
13 you understand what I'm trying to say, all right?

14 THE COURT: Please.

15 MR. SPROWSON: If I may. Are you done with the --  
16 done with the affidavit or --

17 THE COURT: I'm looking at it, but is there a copy,  
18 sir?

19 MR. SPROWSON: That's from Mr. Franke, yes.

20 THE COURT: Okay. I believe you and I believe Mr.  
21 Franke. I -- I don't understand why they're giving you so  
22 much difficulty, but your -- your counsel confirms this, so  
23 that means there's -- I guess there's three ways, new ways we  
24 can get it. Mr. Yohay can get it, the State can get it, or,  
25 if they show up pursuant to your subpoena, they can bring it

1 with them when they come.

2 MR. SPROWSON: And if I may just -- just, please,  
3 indulge me this one last thing on this, Your Honor.

4 THE COURT: Yes, sir.

5 MR. SPROWSON: Okay. I have here two copies of the  
6 same exact document, supposedly a certified copy, okay? Now,  
7 on one of these the stamp -- and I'm not nitpicking on this --  
8 because we know that when we say a file stamp, we're talking  
9 about a file stamp when they file stamp a document before it's  
10 scanned it should be in the same spot. In other words, if I  
11 scan a document and it's on my computer, every time I print  
12 out a copy I should get the exact same copy.

13 The issue that I'm having is that I have two  
14 purported copies that are supposed to be from the same exact  
15 original. I've got one file stamp that is straight in  
16 relation to my name and another file stamp that is crooked.  
17 And it's not just -- it's more predominant on the other two --

18 THE COURT: Let me ask this. Is the substance of  
19 the document the same in both of the --

20 MR. SPROWSON: Well, this is what I was leading to.

21 THE COURT: -- they are.

22 MR. SPROWSON: -- the scan dates.

23 THE COURT: But --

24 MR. SPROWSON: This is why I was leading to the scan  
25 dates on this, if I may.

1           THE COURT: And both of the items you're holding,  
2 are the -- is the substance of the document -- assuming it's  
3 the same document, is it the same exact?

4           MR. SPROWSON: For the most part, yes, and that's  
5 not what I have an issue with.

6           THE COURT: "For the most part," what do you mean?

7           MR. SPROWSON: For the most part, yes, I've got --  
8 I've got a label on this one. I've got a Defense Exhibit A on  
9 this one. As far as what you're talking about, the content --

10          THE COURT: The content.

11          MR. SPROWSON: -- the content is relatively the  
12 same, but that's not the point I'm trying to make. If I may,  
13 Your Honor, please, you know, I'm facing life sentences here.  
14 This is very important, as you know. I mean, there's a reason  
15 why I'm asking.

16          THE COURT: I agree this is important, but we need  
17 to -- it needs to be new.

18          MR. SPROWSON: I want -- I want to end it. That's  
19 why I subpoenaed the scan dates.

20          THE COURT: Sure.

21          MR. SPROWSON: What -- this is what I'm trying to  
22 get at with -- okay. So, say, for example, let's just look at  
23 two different scans real quick. Okay. This is a legitimate  
24 document. Goes into the court. They file it. You see that,  
25 all right? It's filed. At some point it has to be filed into

1 the system. It has to be scanned into the system. That's  
2 what I'm talking about. That's the scan dates that I'm asking  
3 for. Okay. So this date has December 20th, 1:37 p.m., '13.  
4 Now, they're backlogged within a relatively short period of  
5 time, give or take -- we'll give it a week.

6 THE COURT: Okay.

7 MR. SPROWSON: Okay. Variation, they should be  
8 relatively the same date. Now, what I'm asking for on the  
9 scan dates, if you have an antiquated scan date -- when I say  
10 "antiquated," say this one says December 20 at 2013 and you've  
11 got a date on the scan date that -- let's -- let's -- how are  
12 we -- first of all, let's establish how are we even  
13 identifying this document?

14 THE COURT: What date was that warrant signed? I'm  
15 assuming that's a warrant?

16 MR. SPROWSON: This is a warrant, but the document  
17 number is SW20132044, so this is how we're identifying it.  
18 What I'm getting at when I say "antiquated scan date," if the  
19 -- if the -- if the clerk is looking for -- okay. So they go  
20 in there, they look for a search warrant, 2013, the scan date  
21 for 2044.

22 THE COURT: Yes.

23 MR. SPROWSON: So the scan date gives a date of such  
24 and such. I don't know. Whatever it gives. On here it has a  
25 file stamp that says December 20th, 1:37 p.m., at 2013. Okay.

1 Now, if that scan date is very, very, very, very far off,  
2 we've definitely got a problem because we can see that this  
3 document --

4 THE COURT: What's the date of the warrant?

5 MR. SPROWSON: -- could be questionable as far as  
6 even being filed.

7 THE COURT: What's the date of the warrant?

8 MR. SPROWSON: The date of this warrant is December  
9 20th, 1:37 p.m., 2013.

10 THE COURT: Okay. And it's filed the same day?

11 MS. BLUTH: He's reading the file date, Judge.

12 MR. SPROWSON: I'm reading the file date.

13 THE COURT: The last page, the signature page and  
14 see when it's signed.

15 MR. SPROWSON: As far as the issue date, the issue  
16 date on this one -- let me give you the issue date because  
17 we've talking about file date and we're talking about issue  
18 date. Okay. So, okay, the issue date on this one was the  
19 10th of December.

20 THE COURT: Okay. So ten days later it's filed.

21 MR. SPROWSON: Okay. So that's not the issue that  
22 I'm having because, you know, we know that after ten days, it  
23 has to be returned within ten days. That's not what I'm  
24 talking about. What I'm talking about as the scan date, the  
25 scan date, this obviously has to be put into the system. This

1 is a hard copy. This has to be put into the system and it's  
2 put under 2044 and it has that file stamp.

3 What I'm getting at is the way that you can verify  
4 this document is the date on it, that is the actual physical  
5 file stamp compared to the actual scan date. The scan date  
6 should be within approximately, like we already -- like I've  
7 already stated, within a week. I wouldn't see -- if it's a  
8 month earlier, two months earlier, a year earlier, what if I  
9 look at this and we look at -- this is my argument, if you  
10 look at 20132044 and we got a date on it of, say, November  
11 10th and 2008, wouldn't you find that kind of suspicious?

12 THE COURT: I would, but I don't know that in 2008  
13 they suspected that you would do something in 2013.

14 MR. SPROWSON: Well, that's my point is that that  
15 these numbers on here, 2044, if this is actually -- does this  
16 actually even belong to this document because this -- you can  
17 easily on a computer -- this, you know, I'm not going to go  
18 back to the same old argument that I've already argued about  
19 cut and paste stuff, although I'm not going to repeat that.

20 THE COURT: Sure.

21 MR. SPROWSON: My -- my argument is to scan dates.  
22 So what does the scan date actually establish? It establishes  
23 that this was actually filed on the date it was or within  
24 approximately the same few days. That's what the scan date  
25 establishes --

1 THE COURT: Okay. Let me just stop you for a  
2 second. Things should be scanned in relatively quick in time,  
3 but quite honestly, sometimes the scan -- things get scanned  
4 in a day or two after they're filed. Sometimes they can be  
5 several days before they're filed and that's talking about  
6 District Court. I have no idea what the backlog is as far as  
7 District Court.

8 There was a period of time when it took, oh, gosh,  
9 weeks and weeks and weeks for something to get scanned in, but  
10 hopefully both Justice Court and District Court are beyond  
11 that. But I don't really see the relevance in the scan date.  
12 I mean, I don't think in 2008 they were sitting around waiting  
13 for Melvyn Sprowson to commit some kind of crime in 2013.

14 MR. SPROWSON: That's my point. It's not under my  
15 name. It's under the -- it's under the search [inaudible]  
16 number.

17 THE COURT: Sir, I think that your arguments are  
18 just so tenuous --

19 MR. SPROWSON: Your -- Your Honor, but, see, these  
20 are the things that wouldn't be under my name. Your Honor, if  
21 you look in my -- we've already established this. There's  
22 nothing in my Justice Court case is the problem I'm having.  
23 You can't look under my name. I have another subpoena -- not  
24 subpoena, but affidavit here --

25 THE COURT: What is it exactly -- what is it -- just

1 spit it out.

2 MR. SPROWSON: There's nothing in my Justice Court  
3 case.

4 THE COURT: What exactly do you think? I mean,  
5 because --

6 MR. SPROWSON: There are no search warrants. There  
7 are no search warrants. And this is why I'm saying the State  
8 is saying, well, these are our search warrants, you know,  
9 you've got the stamp here says certified copy. That should  
10 have a seal there. NRS 1.180 establishes that as the law.  
11 You should have a seal there. How did I get this? If this is  
12 a legitimate certified copy, why doesn't it have a seal on it?  
13 Your Honor, that's all I'm saying. I have a legitimate  
14 argument. This is suspicious.

15 When you give me -- and I have on the record already  
16 in my motions that I filed in the past and in the present when  
17 you've got this right here without a seal and all of a sudden  
18 -- all of a sudden now I'm getting different copies where  
19 you've got one -- this was the one that was supposedly when we  
20 had the hearing on October 12th, and then on October 21st --

21 THE COURT: When you say it doesn't have a seal, are  
22 you talking about the raised portion that's made with that  
23 little machine?

24 MR. SPROWSON: Yes, that is the seal. 1.180 says it  
25 has to have a seal on it.

1 THE COURT: Okay. Cause it's -- cause it's just a  
2 regular copy. If you get a --

3 MR. SPROWSON: That makes it -- excuse me, Your  
4 Honor. Authenticates, excuse me, authenticates that it is an  
5 official copy.

6 THE COURT: Okay. So hold on. We got to stop. At  
7 some time, Mr. Sprowson, you've got to stop. It's a  
8 photocopy, okay? Photocopies are made of things and it's not  
9 going to have that seal unless it's the certified copy, okay?  
10 So what you have is simply a photocopy. What the State  
11 offered to give you, but you didn't want, which is fair, was  
12 the certified copy which would have had the raised seal.

13 MR. SPROWSON: This one has a photocopy seal. This  
14 is what I'm saying.

15 THE COURT: Of course, but not every time -- not  
16 every time that that document is reproduced is it going to  
17 have the certified copy simply because you usually have to pay  
18 or you got to go through extra steps. But all you want,  
19 right, is a certified copy?

20 MR. SPROWSON: I want the scan dates so I can  
21 establish an argument and have an opportunity to file a motion  
22 in limine, Your Honor. I just -- Your -- look, it -- here's  
23 -- here's my -- my point with -- with a continuance, Your  
24 Honor. I'm not asking a lot of time.

25 THE COURT: Okay.

1           MR. SPROWSON: I'm only asking for two months that I  
2 can have time --

3           THE COURT: I can't give you two months, sir.  
4 You're probably going to be --

5           MR. SPROWSON: I'm incarcerated. The State's not at  
6 a loss. The Court's not at a loss. I'm incarcerated, Your  
7 Honor. I'm the one that's at a loss. I'm the one that has to  
8 -- all I'm asking for is a fighting chance in this, Your  
9 Honor. You know, like I said, I understood the responsibility  
10 of representing myself. You know, this is only my second  
11 continuation.

12           My other attorney, Momot, he's the one that had all  
13 those other continuances. The Court had to continue and --  
14 and I didn't mind when the State was pregnant. And, I mean,  
15 and, you know, why was it that Momot withdrew in the first  
16 place was because I said I want to go to trial.

17           MS. BLUTH: Your Honor, we've gone far past today.  
18 So --

19           THE COURT: Okay. So we do -- I agree with the  
20 State in that we just have to have some resolution of this  
21 issue. So is there anything else? So, basically, you have  
22 the clerk's office coming up here at one o'clock with,  
23 hopefully, a certified copy and hopefully the scan dates,  
24 which they can present you. And if that's all they're doing,  
25 that's fine. We can delay the jury a little bit coming in

1 here. We have a jury coming at 1:00.

2 MR. SPROWSON: May I submit to you this affidavit  
3 from Mr. Franke that says there's nothing in my Justice Court  
4 [inaudible] --

5 THE COURT: Didn't you just -- didn't you show one  
6 of us a file --

7 MR. SPROWSON: That's -- that's another affidavit  
8 that we requested the search warrants that he didn't get the  
9 search warrants. See, this is another is --

10 THE COURT: Okay. Stay on point. What is that?

11 MR. SPROWSON: This is an affidavit that Mr. Franke  
12 signed stating that when he went and he asked for the  
13 documents in Justice Court, they did not have the documents.

14 MS. BLUTH: I think that Your Honor already put that  
15 in evidence a long time ago.

16 MR. SPROWSON: No, not this -- this -- I'm the only  
17 one that has this.

18 MS. BLUTH: No, it's on the record that there wasn't  
19 anything in Justice Court.

20 THE COURT: I'll let him file it. We'll make a copy  
21 for the State so it's in the record. Okay. So is there  
22 anything else? So, hopefully, you'll get your certified  
23 copies when the person comes up today. Is there anything  
24 else?

25 MS. BLUTH: Not on behalf of the State.

1 THE COURT: File this, please, for me. Okay. That  
2 would be -- let me see what it is.

3 THE CLERK: [Inaudible.]

4 THE COURT: Cover sheet on it. File it as  
5 affidavit, investigator.

6 MR. SPROWSON: That's for the -- we subpoenaed and  
7 asked for any search warrants under my name. That's under my  
8 name. There's nothing under my name, either. They couldn't  
9 find anything in Justice Court under my name.

10 THE COURT: They talked about this, how they file  
11 these. We've had other hearings on this.

12 MR. SPROWSON: Well, see, now we're going back,  
13 that's why I asked for the scan dates --

14 THE COURT: But, sir, these are --

15 MR. SPROWSON: -- because if it's not under my name  
16 it would be under --

17 THE COURT: -- all issues we discussed before.

18 MR. SPROWSON: -- the search warrant number.

19 THE COURT: Okay. So the affidavit of your  
20 investigator, we're going to put a cover sheet on it. We're  
21 going to file it as Defense Affidavit Investigator. We'll  
22 make a copy for the State.

23 MR. SPROWSON: The other thing -- just one more  
24 thing, Your Honor. I -- I here mailed into this court a  
25 notice of contempt to the Justice Court because we couldn't

1 get these documentations.

2 THE COURT: Okay.

3 MR. SPROWSON: All I'm saying is that I could not  
4 get these search warrants, and the fact that I could not get  
5 these search warrants, I did not have an opportunity to  
6 prepare and I was -- I was -- the thing is because I have Mr.  
7 Franke, my investigator, he's telling me they're on the way,  
8 they're on the way. So I tell the court, yes, I'm ready to go  
9 in anticipation of having this because I'm getting ready to  
10 whatever I need to file, any motions in limine.

11 This is my argument, Your Honor, is that I -- I've  
12 been robbed of preparation time; not only that, but the  
13 wobbling back of the -- of the trial dates. You know, I mean,  
14 it's not fair to me, Your Honor, quite honestly, when even if  
15 I'm ready or not ready to go on March 20th and it's moved back  
16 to March 13th and it's moved back to March 20th, then it's  
17 moved to March 21st, how am I going to do my planning?

18 I'm already restricted in -- in the facility that  
19 I'm in. I only get two hours a day to access the law library.  
20 I have to order paper. I have to order envelopes. And I  
21 understand all of these things, but this is why I quoted the  
22 case that I did because I should be allowed meaningful  
23 preparation and that's all I'm asking. It's the only reason I  
24 even ask for this because in anticipation of having that  
25 evidence that I was anticipating to be able to go ahead and

1 file motions in limine and challenge the State's evidence.

2 MS. BLUTH: Your Honor, may I make one point to Mr.  
3 Sprowson? At the last time when we continued this case nine  
4 months for him to be ready, he said, I will not -- Your Honor,  
5 I promise you, I will not ask for another continuance. We  
6 gave him nine months. And for him to say that these aren't  
7 his continuances, it's been continued seven times. He has all  
8 day every day for four years to prepare for this case. At  
9 some point it is time to go and that time is today.

10 So we would ask that he be ready to go at one  
11 o'clock. We'll make sure, we'll go call the clerk, make sure  
12 that somebody is here at one o'clock to provide him with these  
13 things, but at this point in time there is no outstanding  
14 discovery.

15 THE COURT: Okay. Sir, at this point --

16 MR. SPROWSON: I disagree, Your Honor, and I object.

17 THE COURT: I understand.

18 MR. SPROWSON: For the record, I just want to lay --  
19 okay.

20 THE COURT: But there's got to be finality --

21 MR. SPROWSON: Okay. Obviously, if I'm going to go  
22 to trial --

23 THE MARSHAL: Stop arguing with the Judge.

24 THE COURT: So, like, one minute closing statement.  
25 It's okay. Just one minute closing statement.

1           MR. SPROWSON: I just want to object for the record,  
2 Your Honor.

3           THE COURT: One minute to sum up what you want.

4           MR. SPROWSON: Okay.

5           THE COURT: And, then, I need to make a ruling, sir.  
6 Okay. At this point, the -- the motion to continue the trial  
7 is going to be denied, and I've kind of indicated already, I  
8 believe you've had adequate time to get ready and there has to  
9 be some reliance upon the representations made at calendar  
10 call, which are that both sides were ready to proceed.

11           I do recognize that occasionally something comes up  
12 post calendar call, which makes -- precludes a person from  
13 being ready for trial, but in this particular case nothing new  
14 has come up. The search warrant issue has been ongoing for  
15 years. I understand that you don't want to take the search  
16 warrants proffered by the State, notwithstanding the fact that  
17 they're certified copies, okay, but we have also given you the  
18 resources, notwithstanding the fact you're representing  
19 yourself and you're detained in the detention center.

20           We have still given you resources so that you can  
21 represent yourself to the best of your ability. Again, those  
22 resources would be the ability to have an expert -- I mean,  
23 sorry, an investigator that you can utilize to do the leg  
24 work, which you've had for -- you've had maybe only for a  
25 short period of time, but you've had it shortly after you made

1 the first request for that investigator.

2 We've also given you the ability, if you so desire,  
3 to have financial resources for the hiring of an expert. And,  
4 again, we gave you that ability the first time you asked for  
5 it and shortly thereafter. Even if it may have been late in  
6 the case, we gave it to you the first time you've asked.

7 None of these issues are new. As far as the search  
8 warrant, if you don't want to take it from the State and you  
9 don't want Mr. Yohay to get it, you've subpoenaed the Clerk,  
10 hopefully the Clerk does, in fact, show up at one o'clock. At  
11 that point you can get the requested documents and you can  
12 prepare, but the bottom line -- and you can also have, at that  
13 point, a certified copy to compare with the photocopy that you  
14 keep referencing. That there is no basis to continue this  
15 trial.

16 As far as the chain of custody, I understand what  
17 you want and I think the State understands what you want, as  
18 well, but it doesn't seem -- it doesn't exist in the format  
19 that you believe it exists in; however, there are going to be  
20 experts, I'm assuming, that will come in and they'll testify  
21 regarding evidence that was taken as part of the investigation  
22 of this case and the State will have to -- they're mandated to  
23 lay that foundation for that expert and introduction of that  
24 evidence. And you will have the opportunity, sir, if you want  
25 to spend whatever time you deem appropriate cross-examining

1 the person who's sitting on the stand about any chain of  
2 custody defects. But there, quite simply, is no basis to  
3 continue this trial out anymore.

4 We'll see you -- we need him up a little sooner  
5 because we're having that person coming at 1:00. So, Mr.  
6 Sprowson, what? Can you bring him up around 12:45?

7 MR. SPROWSON: Well --

8 THE MARSHAL: 12:45.

9 THE COURT: Yeah, and does he have clothing down  
10 there? Does he have clothing?

11 MR. SPROWSON: I'm going to come like this. I'm not  
12 going to change.

13 THE COURT: That choice is up to you, sir. You have  
14 a right to be dressed in civilian clothing, if you so desire.  
15 And if you want to be seen by the jury like that, we'll have  
16 to make a record because --

17 MR. SPROWSON: That's fine.

18 THE COURT: -- most people would prefer --

19 MR. SPROWSON: If it's --

20 THE COURT: -- to be in civilian clothing.

21 MR. SPROWSON: If I just may, for the record, Your  
22 Honor, just make a closing statement. Again, Your Honor, I do  
23 believe that I have just cause for this continuation. You  
24 know, the chain of custody, what I'm talking about, I  
25 understand what the State has represented, I understand what

1 you have represented.

2 THE COURT: Yes, sir.

3 MR. SPROWSON: As far as the chain of custody, I  
4 have seen other documents that list the police -- and I  
5 understand it's an issue I can address during the trial, but,  
6 see, what that does is it --

7 THE COURT: I know, sir, but we've brought all of  
8 this before.

9 MR. SPROWSON: I know.

10 THE COURT: We -- we have to move on.

11 MR. SPROWSON: The preparation time, all I'm arguing  
12 for, Your Honor, is that I've been -- because of the wobbling  
13 of the trial dates, it really has --

14 THE COURT: I understand, we've brought this up.

15 MR. SPROWSON: -- forfeit -- I have forfeited  
16 preparation time.

17 THE COURT: I respect that you disagree with me, I  
18 -- I do, but, if anything, with the wobbling, you've gotten  
19 that extra week you desired, but I do have other cases and,  
20 sir, you need to go back down, get dressed in whatever you  
21 want to wear and get ready for the trial because the jury will  
22 be here at 1:00, which is an hour, 45 minutes approximately.  
23 Thank you, sir. We'll see you soon.

24 (Court recessed at 11:17 a.m. until 1:19 p.m.)

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

1 THE COURT: Mr. Sprowson, good morning. I mean,  
2 good afternoon. State of Nevada versus Melvyn Perry Sprowson,  
3 Case C295158. The State is present. Mr. Sweetin and Ms.  
4 Bluth on behalf of the State. Mr. Sprowson is present  
5 representing himself. I think you did issue a subpoena. I  
6 think we have somebody that's here through the subpoena.

7 MR. SPROWSON: Are they here?

8 THE COURT: Yeah. Are you with the Clerk's Office?

9 THE WITNESS: Las Vegas Justice Court.

10 THE COURT: Sir, can you come on up, please, and  
11 take the stand.

12 BRENT EARL, DEFENDANT'S WITNESS, SWORN

13 THE CLERK: Would you please state and spell your  
14 first and last name for the record?

15 THE WITNESS: My name is Brent Earl, B-R-E-N-T,  
16 E-A-R-L.

17 THE COURT: All right. Mr. Earl, what is your job  
18 description at the Las Vegas Justice court?

19 THE WITNESS: I'm a member of the legal staff at the  
20 Las Vegas Justice Court.

21 MS. BLUTH: Judge, I apologize. Mr. Sprowson is  
22 speaking to me.

23 THE COURT: Oh, he is. Okay. This is going to be  
24 your witness, Mr. Sprowson. So, I'm sorry. You're a member  
25 of the legal department?

1 THE WITNESS: Of the Las Vegas Justice Court.

2 THE COURT: Okay. And you're here pursuant to  
3 subpoena?

4 THE WITNESS: No.

5 THE COURT: Okay. So --

6 THE WITNESS: How did I come to be here?

7 THE COURT: Exactly.

8 THE WITNESS: Joanne Patterson from my office called  
9 me and essentially asked me if I would come and she gave me  
10 Mr. Sweetin's telephone number.

11 THE COURT: Uh-huh.

12 THE WITNESS: I spoke with Mr. Sweetin by telephone  
13 for a minute or two, three or four maybe, and he asked me if I  
14 would come and if I would bring the documents that I  
15 participated in redacting.

16 THE COURT: Okay. So what was the content of your  
17 conversation with Mr. Sweetin?

18 THE WITNESS: It was essentially that there was a  
19 hearing that was going to be starting at one o'clock in your  
20 courtroom and that the subject of the hearing was search  
21 warrant related documents --

22 THE COURT: Yes.

23 THE WITNESS: -- that were at issue in this case and  
24 a -- a little bit about how -- what my involvement was in the  
25 -- what participation, I suppose, I had in connection with the

1 Justice Court's production of documents that I understand and  
2 that were intended to be provided to Mr. Sprowson because of a  
3 subpoena that he sent to the Justice Court asking for,  
4 demanding the production of those documents.

5 THE COURT: Okay. So the items that you brought  
6 with you, are those items that's requested by the Defendant's  
7 subpoena?

8 THE WITNESS: Yes.

9 THE COURT: Okay. And you have those with you?  
10 Actually, where is Jason?

11 MR. SWEETIN: Well, Judge, I believe that when they  
12 produced the original documents there were redacted versions  
13 that were produced and I'm not sure that this witness has  
14 brought those -- those versions with him.

15 THE WITNESS: I have.

16 MR. SWEETIN: Oh. You have. Okay. I'm sorry.

17 THE COURT: Okay. I -- I want everyone to be able  
18 to see the items that were brought by Mr. Earl.

19 MS. BLUTH: Would you like me to approach?

20 THE COURT: Can you get them and, then, first hand  
21 them to the Defendant, please, and then the State --

22 MR. SPROWSON: I don't need to see them, Your Honor,  
23 because this is all a sham anyways, but, thank you for showing  
24 up. I -- I will waive this circus part of it.

25 THE COURT: Well, this is -- all right. Ms. Bluth,

1 can you get the items, please?

2 MS. BLUTH: Yes.

3 THE COURT: Thank you. And would you please hand  
4 them to me, ma'am? Thank you so much. All right. So it  
5 looks like what I have is a declaration of the custodian of  
6 records, which appears to be redacted. Okay. So it's the  
7 declaration of custodian of records by, on the first page,  
8 it's Anna Vasquez, City Records, Las Vegas Justice Court.  
9 Attached is an application affidavit for search warrant. It  
10 is date stamped December 10th, 2013. It looks like on the  
11 second -- and it is certified -- it looks like on the second  
12 and third page it is redacted. Who redacted it?

13 THE WITNESS: I did.

14 THE COURT: Why did you redact it?

15 THE WITNESS: My understanding at the time that I  
16 redacted it was that -- well, the reason that I redacted it  
17 was because it contains the name of the minor who I understand  
18 is the alleged victim of the crime that is the subject of this  
19 case; and I believe the name of the mother of the victim,  
20 which also could be used to identify the victim; and any  
21 other, I think, personal identifying information related to  
22 the identity of the alleged victim of the crime.

23 THE COURT: All right. Is that because you didn't  
24 want it to be in the public realm?

25 THE WITNESS: It's my understanding was when I spoke

1 to Joanne --

2 THE COURT: Yes.

3 THE WITNESS: -- from our office that the -- the  
4 judge who issued the search warrant wanted it to be redacted.  
5 I don't know that -- I don't have personal knowledge, if  
6 that's the case. And, in fact, I think it may actually not be  
7 the case, but at the time that I redacted it that was my  
8 understanding.

9 THE COURT: Okay. So that would be probably --  
10 looks like Judge Baucum.

11 THE WITNESS: That's correct.

12 THE COURT: So did the redaction occur around the  
13 time that the search warrant was filed?

14 THE WITNESS: No.

15 THE COURT: When did it occur?

16 THE WITNESS: Within the last month or so. And,  
17 actually, Judge --

18 THE COURT: I don't understand why Judge Baucum  
19 would have had any involvement with the search warrant within  
20 the last month, sir.

21 THE WITNESS: Well, I don't know either, other than  
22 I talked to Joanne. Joanne said Judge Baucum wants these  
23 redacted before they're produced and, so, I redacted them.

24 THE COURT: Okay. Well, what I believe that the  
25 Defendant is entitled to -- I recognize that, you know, we

1 reference [inaudible] victims by their initials often to  
2 protect their anonymity for crime -- events that occurred  
3 during their minority, but I believe the Defendant would be  
4 entitled to the un-redacted version. Now, the Court does  
5 recognize that it does contain certain information therein and  
6 the Court can protect that via filing it under seal, but I  
7 think he's entitled to the un-redacted versions.

8 THE WITNESS: And I guess I have two responses to  
9 that, Judge.

10 THE COURT: Yes, sir.

11 THE WITNESS: One is I was -- I redacted because I  
12 was asked to redact.

13 THE COURT: I understood that.

14 THE WITNESS: And the -- and the second -- the  
15 second response is I've brought with me an original copy, I --  
16 I understand, of those -- essentially, a clean, un-redacted  
17 version.

18 THE COURT: Perfect. Thank you so much.

19 THE WITNESS: And, so, I thought that -- I brought  
20 that kind of out of an abundance of caution, I suppose.

21 THE COURT: Just hand them to me, please, sir.  
22 Thank you. And [inaudible] Mr. Earl's handing me the  
23 un-redacted versions and these are subpoenas for -- obtained  
24 pursuant to the subpoena that was issued by the Defendant, Mr.  
25 Sprowson. These are -- these are obtained pursuant to your

1 subpoena. I'm going to have Ms. Bluth come and hand them to  
2 you.

3 MS. BLUTH: Both sets, Your Honor?

4 THE COURT: Both sets, please.

5 MS. BLUTH: Okay.

6 THE COURT: Mr. Sprowson, do you want to take  
7 possession of those, sir? They are certified and --

8 MR. SPROWSON: No, I would like to ask some  
9 questions, though.

10 THE COURT: Sure, of course you can, but, first, I  
11 mean, are you going to take possession of those?

12 MR. SPROWSON: No, I'm not going to take possession  
13 of them.

14 THE COURT: Because if you're not, they do need to  
15 be made --

16 MR. SPROWSON: Whatever you got to do, Your Honor,  
17 that's fine, because -- go ahead. Do whatever you got to do.  
18 I mean, I already know -- look, I already know where this is  
19 going. Do your legal stuff, let's get it over with. Do what  
20 you got to do. I'm not going to touch them.

21 THE COURT: You're not going to touch them? Okay.

22 MR. SPROWSON: No, I'm not going to touch them.

23 THE COURT: So --

24 MR. SPROWSON: Put it on the record. Do whatever  
25 you got to do. I just want to get this circus over with,

1 please. Can we just move it along, please?

2 THE COURT: Okay.

3 MR. SPROWSON: I already know where this is going  
4 and I just want to get it done and over with, please.

5 THE COURT: All right.

6 MR. SPROWSON: Have some mercy on me, okay?

7 THE COURT: So Mr. Earl has provided you with the  
8 redacted copy and he's also provided you with the un-redacted  
9 copy. They're sitting on the desk in front of you. You have  
10 an opportunity to review them and take possession of them, if  
11 you want. If you do not want to take possession of them,  
12 then, they will be part of the record. They will be made a  
13 Court exhibit.

14 The witness is sitting on the stand that you've  
15 subpoenaed and he is under oath. Would you like to ask him  
16 any questions, Mr. Sprowson?

17 MR. SPROWSON: There's -- there's one question, I  
18 would like.

19 DIRECT EXAMINATION

20 BY MR. SPROWSON:

21 Q I understand the Federal Rules of Civil Procedure  
22 5.2A states that -- that a minor, if they're listed in a  
23 search warrant or any document filed with the court, has to be  
24 redacted. This is why you're redacting, correct?

25 A No.

1 Q In relation to the laws, as far as, like, a minor  
2 having their name redacted, yes or no?

3 A No.

4 Q What was -- the purpose of redacting, you said, was  
5 because of the judge?

6 A Correct.

7 Q Right?

8 A Well, it was because my understanding was that the  
9 judge wanted them redacted.

10 Q The judge wanted them redacted.

11 THE COURT: Let's be clear. It's a different judge,  
12 Judge Baucum.

13 THE WITNESS: Yes, Judge Baucum, correct.

14 BY MR. SPROWSON:

15 Q Right. So it's -- it's -- at the time of the filing  
16 of these documents, you filed these redacted documents or --

17 A No, I didn't file anything.

18 Q You didn't file anything. So you redacted them for  
19 what purpose? Because the judge asked you to redact them for  
20 what? To get them to distribute them to the subpoenas or  
21 [inaudible] --

22 A I -- I understood them to be responsive to your  
23 subpoena. I also understood that I received direction that  
24 they -- that they needed to redact it so that the identity of  
25 the person who's alleged to be the victim of the crime, who --

1 who I understood to be a minor, so that that individual's name  
2 and any personal identifying information related to that  
3 individual would be redacted out of those documents.

4 Q Okay. And can you please tell -- do you have a copy  
5 in front of you?

6 A No.

7 Q No. Do you remember the date on these documents?  
8 The year? Just the year.

9 A No, I don't.

10 Q Okay. The year is 2013. At the time 2013 when this  
11 occurred the alleged victim was 16. So this is 2017, and  
12 let's just go with 2016. If we add three years to 2013, that  
13 would make the alleged victim how old? If she's 16 --

14 A I don't --

15 Q You add three, that would make the --

16 A I don't have any -- any personal knowledge or  
17 information whatsoever --

18 Q Just simple math here.

19 A -- as to the age of this person.

20 Q Just simple math. If she's 16 on the document.

21 A You're asking me what 13 plus three is?

22 Q Well, no. Sixteen -- 16 is the age of the -- the  
23 alleged victim on the document. We add three years because  
24 three years have gone by. How old would the alleged victim be  
25 now?

1 A You're asking me what 16 plus 3 is?

2 Q Yes.

3 A Nineteen.

4 Q Nineteen. So the alleged victim is actually 19  
5 years old. Of legal age. What would be the purpose of  
6 redacting a document when the person is a legal age?

7 A If you're asking me why do I redact -- I redact --  
8 when -- when someone is mentioned in a -- in a -- like a legal  
9 document that the Justice Court is going to disseminate to the  
10 public, it's not public information if the person identified  
11 in the document is a minor at the time of the incidents that  
12 are described in the document. Then, the practice would be  
13 for their name and personal identifying information to be  
14 redacted out of that document.

15 Q So the alleged victim was 16 at the time when these  
16 documents were not redacted is what you're saying?

17 A I'm sorry. I don't understand the question.

18 Q Well, the alleged victim was 16. You said you  
19 redacted them recently, correct?

20 A Correct.

21 Q So on the document it has -- I know at least in one  
22 of them is says Kathryn Smith, the mother of Jaysenia D.  
23 Torres, the 16-year-old Jaysenia D. Torres. What I'm getting  
24 at is at the time of the filing, alleged filing of these  
25 documents they were not redacted.

1           A     They -- the form in which I encountered them they  
2 were not redacted.

3           Q     They were not redacted. So, then, according to your  
4 testimony, three years later at my request of the documents,  
5 supposedly by your testimony, Judge Baucum had them redacted?

6           A     No, that's not correct.

7           Q     That's not what you said. Can you tell us what you  
8 said then?

9           A     I said I understood that Judge Baucum wanted them  
10 redacted and that's why I redacted them. I don't think it's  
11 accurate to characterize that as Judge Baucum having them  
12 redacted.

13                THE COURT: May I ask -- jump in and ask a question?

14                THE WITNESS: Sure.

15                THE COURT: Is the reason that Judge Baucum wanted  
16 them redacted, to your understanding -- and tell me if this is  
17 correct or not -- was because she was concerned that the  
18 warrants which contain a minor's identification information  
19 would be put forth in the public realm?

20                THE WITNESS: I don't know what her thought process  
21 was.

22                THE COURT: Okay.

23                THE WITNESS: I know what my thought process was,  
24 but not her's.

25                THE COURT: What was your thought process?

1 THE WITNESS: That, just as you said, that this  
2 information might find its way into the public and -- meaning  
3 the documents, the content of these documents -- and that in  
4 that event the minor's personal identifying information would  
5 be -- would have been redacted out.

6 THE COURT: Okay.

7 MR. SPROWSON: I'd like to object to that, Your  
8 Honor, because the person is not a minor. The person is 19  
9 years old, this is what I'm getting at. To redact the  
10 document --

11 THE COURT: Mr. Sprowson?

12 MR. SPROWSON: -- when the person is 19 years, that  
13 law would only apply at the time of the filing of this  
14 document they were a minor, which they should have been  
15 redacted back then, but to have them redacted right now  
16 doesn't really make any sense because they've already,  
17 according to the documents, 2013, they should have been filed  
18 already. So when they were filed they were not redacted is my  
19 point.

20 THE WITNESS: I'm not sure if I -- is that a  
21 question?

22 MR. SPROWSON: Well, I'm just making a statement --  
23 I'm making a statement for the record --

24 MS. BLUTH: Judge, I'm going to object. If he'd  
25 like to ask questions, then, he can ask questions and then

1 we'll have argument, but right now this witness is here simply  
2 for Mr. Sprowson or myself to ask questions, so I'd ask Mr.  
3 Sprowson to do so.

4 THE COURT: Do you have any additional questions for  
5 Mr. Earl, sir?

6 BY MR. SPROWSON:

7 Q So my questions is -- let me reframe it. My  
8 question is: So when you redacted this, you noticed that  
9 there was a minor's name on the document? Yes or no.

10 A That is correct.

11 Q Right. And did you observe the date of the filing  
12 on that document?

13 A No, I was -- I was concerned about at the time of  
14 the incidents that were alleged, that I understood to be  
15 alleged as constituting a crime or crimes, that the -- that  
16 the alleged victim of those crimes was a minor, and that's the  
17 reason that I redacted the name.

18 Q And did you notice a birthday on that document, any  
19 of them?

20 A No. Well, I mean, I -- I -- I guess -- I don't know  
21 how I knew that she was a minor. If I saw the birthday and  
22 did the math or otherwise, but it certainly was my  
23 understanding that she was, in fact, a minor and that was the  
24 reason for the redaction.

25 Q So you didn't find it odd when you saw [REDACTED] on

1 there that -- that this is a victim that is 19 years -- I  
2 mean, [REDACTED] would make the alleged victim 19 years old,  
3 correct?

4 A I don't think I'm able to answer the question.  
5 You're asking me, as I understand it, if I saw -- your -- your  
6 question assumes that I saw [REDACTED] on there and I can't -- I  
7 don't recall that I did.

8 Q Well, the reason why I'm assuming that is because  
9 you redacted them, correct?

10 THE COURT: All right. May I jump in again, please?  
11 Sir, when you were -- would the fact that some of the charges  
12 against the Defendant involve crimes such as child abuse,  
13 neglect or endangerment, with substantial bodily harm and/or  
14 mental harm and unlawful use of a minor in the possession of  
15 pornography, would those have indicated to you,  
16 notwithstanding doing a calculation of the birthday, that the  
17 victim in the case was potentially a minor?

18 THE WITNESS: Yes, my -- the charge that I  
19 specifically recall was the child pornography-related charge  
20 and that certainly was a -- was -- would have indicated to me  
21 that the alleged victim was, in fact, a minor.

22 THE COURT: Mr. Sprowson, sir, I respect your  
23 ability to ask this witness questions, but I -- I don't  
24 understand where you're going. You've been provided with two  
25 copies, the redacted copy and the un-redacted. The Court does

1 agree with what I believe to be your position that you'd be  
2 entitled to the un-redacted version. I'm not sure where  
3 you're going with this.

4 MR. SPROWSON: All I'm asking is -- if I may,  
5 because you're asking me where I'm going -- [inaudible] is at  
6 the time of the filing, the alleged filing, it has several  
7 dates on there and the year is '13 for two of them, 2013 --  
8 well, actually for three of them, and then the other year is  
9 2015.

10 BY MR. SPROWSON:

11 Q Now, your concern of redacting these as of late, I  
12 just find it kind of odd that you would not notice on there  
13 the filing time, and then here we have a document that is, at  
14 least, three years old and you're redacting it three years  
15 later, according to your own testimony, at the suggestion of  
16 Judge Baucum. I just -- I just find that kind of odd why you  
17 would do such a thing, redact it later on when it's already  
18 supposedly filed with the Court.

19 A Well, you have to understand the difference between  
20 public record documents and non-public record documents. And  
21 if there's a document that's a non-public record document,  
22 then, I'm not concerned about the identity of a minor being  
23 included in that non-public record document; but when  
24 something becomes a public record document that was previously  
25 a non-public record document, if the person who's alleged to

1 be the victim of a crime, which would include a sexual -- a  
2 crime of a sexual nature, I would redact out the name of that  
3 individual.

4 And, just so that we're clear, if that crime  
5 happened 150 years ago or five years ago or anywhere in  
6 between, I would redact out the name of the individual because  
7 my concern is how old was the person at the time that the  
8 crime is alleged to have been committed.

9 Q So I'm -- I'm 48 years old, so if there was a  
10 document when I was a minor, you would redact it --

11 A If you were alleged to be a victim of a sexual  
12 crime?

13 Q -- if it was -- I was --

14 A I would redact it.

15 Q Well, let me restate the question. If I was the  
16 individual in the document and it was today and I'm 48 years  
17 old, according to your theory, you would redact it because at  
18 one time I was a minor?

19 A If you were the alleged victim of a sexual crime and  
20 that crime happened when you were a minor and I were asked to  
21 produce that and that was a non-public record document and I  
22 was asked to or the court were asked to produce that document,  
23 I would redact out your name if you were the minor, no matter  
24 how many years ago in the past that was alleged to have taken  
25 place.

1           Q     So you're telling me that these search warrants were  
2 not available to the public?

3           A     To my knowledge, they were not. I don't --

4           Q     So --

5           A     -- know if they were or weren't.

6           Q     So if I went in and I requested these documents, I  
7 would not be able to get them?

8           A     If they were not public record documents, I would  
9 say that is correct.

10          Q     Well, aren't search warrants public documents?

11          A     I -- I -- I guess the -- the kind of frame of  
12 reference that I use is if they -- typically what I use is if  
13 they're -- if something is file stamped, but in the event,  
14 even if something is file stamped, if there's a name of a  
15 minor who's alleged to be the victim of a sexual crime, I  
16 think it is appropriate and correct to redact out the name of  
17 that minor.

18          Q     So since these are public documents, search warrants  
19 are public documents --

20               MS. BLUTH: Objection, assumes facts not in  
21 evidence. Search warrants aren't public documents.

22               THE COURT: I'm sorry?

23               MS. BLUTH: That assumes facts not in evidence.  
24 Search warrants are not public documents and I believe that  
25 this witness testified he doesn't have knowledge of that, so.

1 THE COURT: So I'm not just sure what you're going  
2 to ask.

3 MR. SPROWSON: Well, I know for a fact that I can  
4 walk into the clerk's office today if I was not incarcerated  
5 and I could get those documents by simply requesting them,  
6 they're public documents.

7 THE COURT: Okay. So what's your point? Is your  
8 question really --

9 MR. SPROWSON: They're public documents and they --  
10 if they were filed, they were filed un-redacted and all of a  
11 sudden we got three years later and all of a sudden there's a  
12 concern about them being redacted because --

13 THE COURT: The question, perhaps, sir, that whether  
14 or not he's just redacted them in this particular case once  
15 you requested them or whether it's his standard policy and  
16 procedure to redact any documents that are requested, the  
17 victim of the crime was a minor at the -- at the time of the  
18 occurrence of the crime, is that the question you really are  
19 trying to ask?

20 MR. SPROWSON: No, bottom line what I'm saying is  
21 that they're forgeries. The State has fabricated this and  
22 this is a bunch of -- a circus. They -- these are forgeries.

23 THE WITNESS: Are you asking if I forged any  
24 documents?

25 MR. SPROWSON: No, I'm not saying you, but I know

1 for a fact --

2 THE COURT: Mr. Sprowson, instead of making a  
3 statement --

4 MR. SPROWSON: -- that these are forgeries.

5 THE COURT: -- do you have a question for the  
6 witness because I have --

7 MR. SPROWSON: No, I'm -- I'm finished, Your Honor,  
8 because, you know, obviously, you guys have --

9 THE COURT: Okay. I have one question.

10 MR. SPROWSON: -- you've done very, very well in  
11 getting this orchestrated, so let's just get on with it.

12 THE COURT: Okay. I have one more question for you,  
13 Mr. Earl, and I -- I started to ask it before. Did you just  
14 redact the -- in this case or is it your standard policy and  
15 procedure in any case where there's a minor victim to redact  
16 the identifying information of that victim?

17 THE WITNESS: No, the same policy would apply in any  
18 case, not just this case.

19 THE COURT: Thank you. Mr. Sprowson, any other  
20 questions based upon the Court's one question?

21 MR. SPROWSON: No, Your Honor.

22 THE COURT: Thank you. Does the State have any  
23 follow-up?

24 CROSS-EXAMINATION

25 BY MS. BLUTH:

1 Q Sir, have you ever met me before today?

2 A No.

3 Q Have we ever had any conversations?

4 A Before today?

5 Q Yes.

6 A No.

7 Q Have I ever spoke to you about anything involved in  
8 this case?

9 A No.

10 Q Including search warrants, et cetera?

11 A No.

12 Q Okay. Or, Mr. Sweetin, as well?

13 A Correct, I've never spoken to either of you before I  
14 walked in the courtroom this morning.

15 Q Have you ever spoken to Judge Miley?

16 A Yes.

17 Q Okay. Have you ever spoken to Judge Miley in  
18 regards to this case?

19 A No.

20 MS. BLUTH: Okay. Nothing further. Thank you.

21 THE COURT: I don't think you've ever spoken to me  
22 on a case, have you?

23 THE WITNESS: On a case, no. In the elevator.

24 THE COURT: In the elevator and perhaps in the  
25 parking lot?

1 THE WITNESS: Just in the elevator I think, Judge.

2 THE COURT: Okay. Okay. Good, because I don't  
3 remember ever speaking to you about a case.

4 THE WITNESS: Well, it was never about a case,  
5 Judge. It was, hi, how are you, good to see you.

6 THE COURT: It's the same elevator all the staff in  
7 the courthouse uses?

8 THE WITNESS: Correct.

9 THE COURT: All right. So, sir, thank you for your  
10 time. You are free to go. Mr. Sprowson?

11 MR. SPROWSON: I do have a few more questions, if I  
12 may.

13 THE COURT: Okay, sir.

14 REDIRECT EXAMINATION

15 BY MR. SPROWSON:

16 Q I've noticed that when I've researched and tried to  
17 find these documents in the Justice Court and my District  
18 Court files I couldn't find them. Now, is there -- is there a  
19 reason why that would be? Can you explain to us why we  
20 wouldn't be able to find those documents?

21 A I can tell you my understanding of what people who  
22 are looking from inside of the computer system and outside of  
23 the computer system. Is that what you're getting at?

24 Q Whatever -- whatever as your expertise can tell us.

25 A My understanding is that if you are logged into our

1 -- our -- our computerized record-keeping system called  
2 Odyssey, and if you're logged into Odyssey from inside of  
3 Odyssey, meaning -- meaning you have certain permissions to  
4 use -- to access Odyssey directly as opposed to over the  
5 Internet, then, you are -- you have access to and can see  
6 documents which people who are accessing Odyssey from the  
7 Internet cannot see.

8 Q Okay. But would -- would this document be filed  
9 with my case?

10 A I --

11 Q Would any of these documents be filed with my case  
12 or where would they be filed? What I'm getting at is if  
13 they're not filed with -- say, for example, it originated in  
14 Justice Court. If they're not filed with the Justice Court  
15 case number, my case number, where would they be filed?

16 A They were -- they were filed -- they were contained  
17 inside of your case number. So, in other words, when I went  
18 into the Justice Court case to pull up the documents to make  
19 the redactions, they were inside of the case that had the case  
20 number on it that was assigned to the case in Justice Court  
21 and with your name as the defendant.

22 Q Now, when I -- when I went in there and I checked, I  
23 couldn't find anything, and I've had other people take a look  
24 and there were no documents in there at all. Matter of  
25 fact --

1           A     That's --

2           Q     Let me ask you, Joanne Patterson, are you familiar  
3 with her?

4           A     Yes.

5           Q     And she is the -- who is Joanne Patterson?

6           A     She's a supervisor in, I believe, the criminal  
7 division of the Justice Court.

8           Q     And when I had my investigator ask her, she  
9 responded that she couldn't find a record. Is there any  
10 reason that -- that she wouldn't be able to find the record?

11          A     I -- I wouldn't know what she -- her thought process  
12 is or what she did to see or didn't see in any record.

13          Q     So but you're saying today -- let me ask you a  
14 question. Excuse me. I didn't mean to cut you off. You're  
15 saying today that those -- how many documents were in my  
16 Justice Court file?

17          A     I didn't count, so I don't know. Many.

18          Q     So how many do we have here? One --

19          A     That's -- there are four.

20          Q     There are four. Okay. In my Justice Court file?

21          A     There are more than four in your Justice Court file.

22          Q     Well, I mean search warrants. How many search  
23 warrants are in my Justice Court file?

24          A     To my -- I -- I guess I understood -- I believe that  
25 there are only these four, but I didn't attempt to find any

1 more than those because the ones that I redacted corresponded  
2 with the clean copies that I was provided and asked can you  
3 redact these four documents.

4 Q Okay. Let me ask you another question. If -- if  
5 there's a search warrant issued after the case had been bound  
6 over from Justice Court to District Court, that search warrant  
7 would be in the Justice Court file or in the District Court  
8 file?

9 A I don't know. I believe it would be in the District  
10 Court file, but I don't know.

11 Q So, then, there actually -- again, this is a  
12 question. Should be three in the Justice Court and one in the  
13 District Court because it was 2015 when that last one was  
14 issued and the case had already been bound over to District  
15 Court. And that's a statement I'm making. So, according to  
16 what you know, if it was after it was bound over to District  
17 Court, that search warrant should be in District Court?

18 A I don't -- I don't know if it would be in the  
19 District Court version of Odyssey or in the Justice Court  
20 version. I do know that I got all four of the documents that  
21 you -- that you have there today, both the clean version and  
22 the redacted version. Actually, I only produced the redacted  
23 version, but I compared those to the clean version that  
24 existed in the Justice Court's version of Odyssey where your  
25 Justice Court file was contained.

1 Q Okay. I have one more question. On one of the  
2 search warrants, when you have the actual physical stamp on a  
3 search warrant and you file it or scan it into the system,  
4 that's a single copy, right? You can't change that copy once  
5 it's scanned in?

6 A I -- I don't scan any documents into --

7 Q How does it get into the system, can you tell us?

8 A I believe that it is scanned in, but I've never  
9 scanned anything in.

10 Q Right. So -- so it should be scanned into the  
11 system in order for it to get in there, right?

12 A I believe --

13 Q If you look it up on the computer it would have to  
14 be scanned?

15 A I believe that is correct.

16 Q Right. So once you scan it in, this is just from  
17 your personal knowledge of any scanned image in your -- just  
18 in regards to anything that you would scan, when you print out  
19 a copy, would you get different copies or the same?

20 A The copies that -- the only -- you cannot get a copy  
21 out of Odyssey that does not already exist in Odyssey. Is  
22 that your question?

23 Q I -- I guess my question is this. Say, for  
24 example --

25 THE COURT: I just want to -- hold on. I mean, you

1 subpoenaed him for one thing, which is to bring the records,  
2 and he's certainly qualified to do that as the City Attorney  
3 -- I'm sorry -- as the staff attorney for the Las Vegas  
4 Justice Court, but you're asking him question that --

5 MR. SPROWSON: Pertain to the search warrants. I'm  
6 leading up to something that pertains to the search warrants.

7 THE COURT: -- may go beyond the scope of what he is  
8 qualified to testify to --

9 MR. SPROWSON: Every time I try to bring out the  
10 issue of the --

11 THE COURT: Can I finish just so I can make a good  
12 record in your case? What he's qualified to testify to. So  
13 I'm assuming you can ask the question and you can answer if  
14 you have the firsthand knowledge, please. Mr. Sprowson,  
15 continue.

16 BY MR. SPROWSON:

17 Q What I'm getting at is once a document is scanned  
18 into the system and I request a copy, that copy should be the  
19 same image? Yes or no?

20 A Anything that gets scanned into Odyssey, to my  
21 knowledge, it's going to exist as a document inside Odyssey  
22 and if you request a copy of that document, if the document is  
23 produced, then, you will get the -- essentially it will be  
24 like a photocopy of that document. In other words --

25 Q So it will be --

1           A     -- you'll get the image, the document's image,  
2     that's some of the terminology that we use.

3           Q     Right, [inaudible].

4           A     You'll get the -- you'll get the image of that  
5     document that is functionally, as far as I'm concerned,  
6     identical in every way to the document that as it exists in  
7     Odyssey and that is the case with respect to those documents  
8     that you have in front of you, other than the redactions and,  
9     of course, the clean version would not have any redactions.

10          Q     Right. So if I had in my possession a copy that is  
11     different -- what I mean by different -- well -- well, I guess  
12     you already answered the question that you would have the same  
13     -- you would have the same image. So I should in no wise get  
14     another copy that is different, for example, one of the  
15     official markings on it moving to a different position or  
16     place; is that correct?

17          A     I -- I don't understand the question.

18          Q     Well, if we print out -- according to what I was  
19     asking you, once you -- once you scan it into the system and  
20     you print it out, we were going to get an exact copy is what  
21     we're saying. What I'm asking is in the follow-up question  
22     that there's no way you would get a difference, you wouldn't  
23     get a different copy from that one original image? Yes or no.

24          A     I still don't understand the question.

25          Q     Well, say -- say I scanned this -- well, say I

1 scanned a document into the record, okay? Every time I print  
2 out a copy of that image I should get the exact same image.  
3 This is what I just asked, and you said yes.

4 A In my -- in my experience, whatever the page looks  
5 like inside of Odyssey, when I say print, the copy that comes  
6 out of my printer looks identical to the copy that is showing  
7 in Odyssey.

8 Q So if --

9 A I don't know if that's responsive to your question,  
10 but I hope that it is.

11 Q So then -- then no wise or no way I should ever get  
12 a copy that is different from that particular image?

13 A I suppose there could be some sort of a malfunction  
14 that would happen in the -- in the print delivery process that  
15 could result in an image that's different, but, in my  
16 experience, every time I've printed a copy out of Odyssey  
17 related to -- I mean, that is up on my computer screen, the  
18 image looks the same as it did on the -- the hard copy that I  
19 have that's printed looks the same as the image did when it  
20 was on the screen.

21 Q All right. So you wouldn't get -- if I had a file  
22 stamp on there, we're not talking about a mistake --

23 MS. BLUTH: Objection, asked and answered.

24 THE COURT: Mr. Sprowson, you are asking the same  
25 questions over and over again. Are you asking whether or not

1 he can modify it once it's in the system?

2 MR. SPROWSON: I'm just saying that --

3 THE COURT: Why don't you ask him whether it's a  
4 read-only version or --

5 MR. SPROWSON: I'm just saying that -- that the  
6 problem that I have is -- and he has answered my question and  
7 I do appreciate it.

8 BY MR. SPROWSON:

9 Q Just the problem is that I've got two copies of the  
10 same image and they're different. Is that possible?

11 A Yes.

12 Q In what way? How could they be different?

13 A It could be -- they could be scanned at different  
14 points in time and -- and whatever was scanned could be  
15 different than -- in other words, let's say I -- I spill a  
16 drink on an image and it gets scanned again and so it's got a  
17 stain on it. The second image might look different from the  
18 first image because it was two different scans.

19 Q Well, why would we scan something twice?

20 A I don't know. I wouldn't. I don't scan anything.

21 Q Right. So once we put it into the system it should  
22 be only scanned once, right?

23 A You're asking for information outside of my  
24 knowledge or expertise.

25 THE COURT: Mr. Earl, I just have one question.

1 THE WITNESS: Sure.

2 THE COURT: Once an item is scanned into the system,  
3 is it a read-only version in that it cannot be modified?  
4 Because I know when I pull things up on Odyssey it's just a  
5 read-only.

6 THE WITNESS: To my --

7 THE COURT: Is that the same with Justice Court?

8 THE WITNESS: To my knowledge, I don't know -- I've  
9 never seen anyone modify one once it's in Odyssey and I've  
10 never modified one once it's been in Odyssey. So I don't know  
11 if it's a read-only image, but in my experience, that's the  
12 way it's functioned. I've never seen one modified or I -- and  
13 I would doubt that they're capable of being modified once  
14 they're -- something's in Odyssey.

15 THE COURT: Okay. Thank you. All right. So we  
16 need to bring the jury in.

17 MR. SPROWSON: Well, I have one more question and  
18 that will be it.

19 THE COURT: Okay.

20 BY MR. SPROWSON:

21 Q Okay. Do -- does the Justice Court, when they --  
22 let's say, for example, search warrants, is it the Justice  
23 Court that puts labels on the bottom then? For example --

24 A Like bar codes?

25 Q Yeah, like the bar codes.

1           A     Yes.

2           Q     Or -- or is it someone else? The Justice Court does  
3 it?

4           A     I've -- I've seen the Justice Court put bar codes  
5 on. I -- it may be the case that someone else puts them on,  
6 as well, but as part of the scanning process so that the  
7 document can end up in the correct file, there is a sticker  
8 with a bar code printed that is affixed to the paper, so, yes,  
9 the Justice Court does affix bar codes to papers prior to  
10 scanning.

11          Q     Right, so this -- you just said it was prior to  
12 scanning. So then I wouldn't have a copy that has a bar code  
13 and a copy that doesn't have a bar code?

14          A     I don't know what you would and wouldn't have. I  
15 just know that --

16          Q     I mean from the same original. From the same  
17 original, you wouldn't get one that has a bar code and one  
18 that doesn't is what I'm getting at?

19          A     I don't know.

20                THE COURT: Okay. Is there anything else for Mr.  
21 Earl by either side?

22                MS. BLUTH: No, Your Honor.

23                THE COURT: All right. Mr. Earl, thank you for your  
24 time, sir. You're free to go.

25                THE WITNESS: Thank you.

1 MR. SPROWSON: Well, I didn't ask about the --

2 THE COURT: You're finished.

3 MR. SPROWSON: -- the whole point was the scanning  
4 -- the scanning --

5 THE COURT: Can you please ask a different question  
6 then? If you're going to keep him on the stand you ask the  
7 same question over and over again. Can you please ask a  
8 [inaudible]?

9 MR. SPROWSON: I didn't ask anything about the  
10 scanning -- the scanning dates.

11 THE COURT: All right.

12 MR. SPROWSON: I didn't ask. I almost forgot.  
13 Sorry. Forgive me.

14 THE COURT: As long as it's a new question.

15 BY MR. SPROWSON:

16 Q Scanning dates, do you know anything about scanning  
17 dates?

18 A Scanning dates?

19 Q Right. For example, when a document is scanned, is  
20 there a date that is attached to that document?

21 A You mean physically visible on the document?

22 Q Well, is there a -- a scanning date recorded  
23 somewhere when that document was scanned into the system?

24 A I'm -- I guess I would be speculating a little bit.  
25 I -- I believe the answer is yes, but I don't know the inner

1 workings of Odyssey, so I couldn't say for certain.

2 Q So there's -- well, according to your knowledge,  
3 there's no way to track when that document was actually  
4 scanned into the system?

5 A No, that's not necessarily true.

6 Q So is -- is there -- according to your knowledge,  
7 how would you track when a document is scanned into the  
8 system?

9 A Well, there's -- there's a date that appears in  
10 Odyssey next to a document. So, for example, let's say a  
11 motion is filed in a case and in a civil case, for example,  
12 that might be a motion for summary judgment and there would be  
13 a file stamp date appearing on the piece of paper that's  
14 imaged up on the top right-hand corner, and then Odyssey would  
15 also have a date. And I'm just making these dates up, let's  
16 say it was June 1st.

17 So the Odyssey would contain a date that would say  
18 June 1st and then -- then the description "motion for summary  
19 judgment," and then you could look at the file stamp date.  
20 And to my recollection, I've never seen them be any different.  
21 In other words, if the upper right-hand corner says June 1st,  
22 2015, the Odyssey date that shows -- that's not part of the  
23 image, but just that is shown in Odyssey would also say June  
24 1st. So, to my knowledge, they -- they always correspond.

25 Q Okay. In the subpoena I requested the scanning

1 dates, which is what -- I guess what we're referring to here,  
2 the filing date, scanning date when [inaudible] put into the  
3 system, did you provide those in this documentation?

4 MS. BLUTH: Judge, I'm going to object as to the  
5 vagueness of the question because I think there's a difference  
6 between a filing date and a scanning date. So just so that  
7 the witness knows exactly what we're talking about, if Mr.  
8 Sprowson could use the --

9 THE COURT: If he understands, he can answer.

10 THE WITNESS: I -- I'm sorry. I don't understand  
11 the question.

12 BY MR. SPROWSON:

13 Q You were just telling me -- we were talking about on  
14 the document itself there would be a filing date, right? And  
15 then, when you scan it into the system, right next to it  
16 there's -- there's a date that shows when it was put into the  
17 system?

18 A What I --

19 Q We'll just call that the scanning date.

20 A What I was talking about actually were documents  
21 that are, like, electronically filed as opposed to being  
22 scanned. So if an attorney, a law firm, for example,  
23 electronically submits a document, it gets a -- a file stamp  
24 date up on the upper right-hand corner of the document and  
25 then Odyssey also shows a date. And, so, I wasn't -- my last

1 answer I wasn't referring to scanning dates. I was actually  
2 referring to documents that were electronically filed.

3 Q So in Justice Court -- in Justice Court when you  
4 file the documents, I notice that there's not an electronic  
5 stamp on it. We have a physical stamp, correct?

6 A I can't -- I can't -- I'm much more fluent with  
7 civil documents that are made or produced or filed in the  
8 context of civil litigation as opposed to criminal litigation.

9 Q But is it -- how is it -- how -- is it actually a  
10 physical file stamp or it's an electronic file stamp is what  
11 I'm asking in the Justice Court?

12 A In civil cases it is almost always an electronic  
13 file stamp. In criminal cases, I've noticed because there are  
14 different kind of versions or modules, I suppose maybe might  
15 be the way to put it, of Odyssey -- the criminal documents in  
16 criminal cases are sometimes a little bit different in terms  
17 of the way that Odyssey deals with them as opposed to  
18 documents in civil cases and I have noticed that in criminal  
19 cases, particularly older criminal cases, there are some times  
20 the file stamps appear to have been applied mechanically as  
21 opposed to electronically.

22 Q And, so, based on your knowledge, if you have a  
23 mechanical stamp on a document, how does that actually get  
24 into the system and how is that recorded for -- I mean,  
25 because obviously the -- at some point it -- it's put into a

1 system is what I'm getting at, the documents. They're put in  
2 the system and it's -- it's -- you're saying it's  
3 electronically filed, but at some point when you're doing that  
4 are you scanning it when you're -- when you're electronically  
5 filing those?

6 A Well, I don't -- I don't -- keeping in mind, I don't  
7 scan anything, so documents that I see already have an  
8 electronic file stamp attached to the document.

9 Q I guess what I'm asking is how -- how is the actual  
10 document -- how can I say -- how is the actual document  
11 transferred to a digital image?

12 A I can only give you my understanding as opposed  
13 to --

14 THE COURT: That's fine.

15 THE WITNESS: It's -- it's scanned, it's run through  
16 a scanner and everything that's captured, everything that  
17 exists on that page is scanned into Odyssey, just like a  
18 photocopy. If something exists on a photocopy and you put it  
19 on a photocopy or you push a button that says copy, the image  
20 that comes out is a copy of what exists on the page that's  
21 copied.

22 BY MR. SPROWSON:

23 Q And would it be fair to say that that's how Justice  
24 Court converts their documents into a digital image, they scan  
25 it?

1           A     Yes, to my knowledge, yes, they're --

2           Q     And would that -- would that create a date somewhere  
3 to -- according to your knowledge that you'd be able to verify  
4 that --

5           A     A time when something is scanned into the system? I  
6 -- I presume that it does and --

7           THE COURT: I don't want you to speculate or guess.

8           THE WITNESS: I guess I don't know for certain. I  
9 only know what I see and, then, I draw inferences from what I  
10 see.

11 BY MR. SPROWSON:

12          Q     And would -- would you find it odd -- just asking  
13 you this. If you -- if you find a document -- if you see a  
14 document that has got a mechanical file stamp on it and you're  
15 looking at the digital image, right, you're looking at the  
16 digital image and you're noticing the time that it was scanned  
17 into the system. We'll assume it has to be, in order to be a  
18 digital image it has to be scanned, I would assume. There's  
19 no other way to get it there, right? It has to be scanned.

20          A     All the documents that are inside Odyssey, I  
21 believe, were scanned in order to get them into Odyssey.

22          Q     Yeah, that's what I'm saying, there's no other way,  
23 right? There's no other way to get them into the system but  
24 scanning them?

25          A     I suppose you could take a photograph somehow and --

1 Q Right.

2 A I don't know if you could, but.

3 Q But to get it into a digital format, it has to be  
4 scanned is what I'm getting at. I keep asking the same  
5 question, but that's, I think, an obvious question. It has to  
6 be scanned and it does create a date, right?

7 MS. BLUTH: Objection, asked and answered. He does  
8 not know, Your Honor.

9 THE COURT: Mr. Sprowson, I don't think --

10 MR. SPROWSON: This is common knowledge any time you  
11 scan --

12 MS. BLUTH: Well, that's --

13 MR. SPROWSON: -- you get a scan date.

14 THE COURT: Okay. Mr. Sprowson, he -- he's  
15 testified a few times he doesn't know and we -- he's not  
16 supposed to speculate or guess. He's supposed to only testify  
17 to his own independent knowledge.

18 BY MR. SPROWSON:

19 Q Right. And -- and you're not the custodian of  
20 records, correct?

21 A I suppose it depends on your definition of custodian  
22 of records.

23 Q So are you -- your function in Justice Court is  
24 exactly what? Can you explain to me?

25 A I -- I'm on -- I work on the legal staff, so I do --

1 one of the things I do is what the judges ask me to do. I do  
2 legal research. I draft documents. I review documents. I  
3 redact documents. I consult with other attorneys and with  
4 judges regarding my legal analysis pertaining to issues that  
5 have come before the court, things of that nature.

6 Q So you're not the custodian of records? You're not  
7 the one -- or the clerk that actually handles these documents,  
8 in other words, taking and putting them into -- what I'm  
9 getting at is when I issued the subpoena, I issued the  
10 subpoena for the custodian of records, the one that actually  
11 would be responsible for these documents. That's not your  
12 responsibility, right?

13 A I don't -- I don't -- no, my job is not to keep and  
14 maintain documents.

15 Q Right. So the person that I actually subpoenaed is  
16 not here today then?

17 A Well, I'm the only one here and you didn't subpoena  
18 me, so.

19 Q Right. You're saying I subpoenaed you?

20 A No, you did not subpoena me.

21 Q I didn't. So, but, my request was for the custodian  
22 of records or the clerk that handles these particular  
23 documents is not here today --

24 A That's --

25 Q -- at the request of my subpoena?

1           A     The subpoena, as I understood it, called for the  
2 production of documents and this attendance at this hearing  
3 was not part of the production of documents.

4           MR. SPROWSON: Your indulgence, Your Honor. I'm  
5 just looking at these copies real quick because it says here,  
6 "please sign the affidavit of custodian of records," and on  
7 the top here it says "attention Joanne Patterson Supervisor  
8 and/or any floor supervisor of the criminal division records."

9 BY MR. SPROWSON:

10          Q     So you're -- you're not involved in the criminal  
11 division records, are you?

12          A     I don't understand what you mean by the word  
13 "involved".

14          THE COURT: Sir, is it -- Mr. Sprowson?

15          MR. SPROWSON: I issued a subpoena.

16          THE COURT: Mr. Sprowson, is there an affidavit of  
17 the custodian of records, by chance, attached to any of those  
18 documents?

19          THE WITNESS: They're -- I know that there are  
20 certifications, Judge, on the --

21          THE COURT: Is there a compliance with the statute  
22 in that they're made and retained in the ordinary course of  
23 business, et cetera, all the language contained within the  
24 statute?

25          THE WITNESS: I didn't sign the -- the certificate

1 so I'm not sure what's on them, but I know that there are  
2 certificates that are affixed.

3 THE COURT: Okay.

4 THE WITNESS: At least to the redacted copies  
5 because that's what was produced in response to the subpoena.

6 MR. SPROWSON: Well, I know that when I subpoenaed  
7 these, when I issued the subpoena, these are not the documents  
8 that I signed on Friday. What I signed on Friday was  
9 documents asking the custodian of records to be here, the  
10 person or the clerk in charge of these documents, and to bring  
11 the scanning dates of the search warrant numbers that I have  
12 requested in the subpoena. So what I'm getting at is the  
13 person that I requested to be here is really not here and I  
14 know that the Judge just mentioned an affidavit of the  
15 custodian of records, but it commanded that person to be here  
16 with the documents so I can have an opportunity --

17 MS. BLUTH: Judge, these are not questions. This is  
18 argument. So I'd ask if there will be any more questions,  
19 that he be allowed to --

20 BY MR. SPROWSON:

21 Q So my question is: So the person that I actually  
22 subpoenaed to be here is not here?

23 MS. BLUTH: Objection, asked and answered.

24 THE COURT: May I see your subpoena? Mr. Yohay, do  
25 you have a copy of the subpoena?

1 MR. SPROWSON: These are not the subpoenas I issued.

2 THE COURT: I understand, but I need to look at the  
3 scope of your subpoena, sir. No, these are the -- these are  
4 the -- the documents that are -- oh. This is his criminal  
5 subpoena. I'm sorry. You're right. Okay. Okay. You're  
6 saying this is not your subpoena?

7 MR. SPROWSON: What I subpoenaed, I signed three  
8 subpoenas on Friday with my investigator and in those  
9 subpoenas what I requested was the scanning dates and for the  
10 custodian of records to appear here so that I can ask  
11 questions pertaining to the scanning dates and to the  
12 custodian of records' knowledge of those documents.

13 THE COURT: Okay. Okay. So I'm looking at your  
14 subpoenas -- maybe I'm overlooking it -- you do have a  
15 criminal subpoena. It is signed in the first page by you and  
16 the second page indicates items to be produced, and it looks  
17 like -- let's see, warrants and certified copies of the  
18 following documents -- let's see, search warrants bar code  
19 numbers, SW2150159, bar code 4668870. At the bottom it says  
20 no court appearance is necessary. Please produce the  
21 requested documents.

22 MR. SPROWSON: Your Honor, if I may. Those are not  
23 -- those are subpoenas that I issued prior --

24 THE COURT: So these aren't the ones you're  
25 referencing?

1 MR. SPROWSON: Let me back up.

2 THE COURT: May I ask you this?

3 MR. SPROWSON: These are not the subpoenas that I  
4 signed this past Friday. These are subpoenas that I -- that I  
5 had signed previously with Mr. Franke that we did not get any  
6 documents for.

7 THE COURT: Okay.

8 MR. SPROWSON: This is the whole thing that we were  
9 having a hard time with --

10 THE COURT: My question is the same.

11 MR. SPROWSON: I filed a notice of contempt with the  
12 court, which has not been filed yet --

13 THE COURT: My question would be --

14 MR. SPROWSON: -- with those subpoenas attached.

15 THE COURT: My question is the same, sir. Okay.

16 MR. SPROWSON: They're not the same.

17 THE COURT: Okay. My question is the same. So the  
18 ones that have been provided which are attached to the search  
19 warrants which Mr. Earl has provided, you're saying those are  
20 not the ones you're referencing. So there -- is there another  
21 subpoena that you have that I can look at to see whether or  
22 not -- to see what the scope of the subpoena is? And that's  
23 what I'm asking.

24 MR. SPROWSON: I do not have them in my possession  
25 because I was assuming that this would be the person that I

1 subpoenaed.

2 THE COURT: Okay. Then --

3 MR. SPROWSON: Now, I have it in my files and Mr.  
4 Yohay was provided with a copy and he handed it to me  
5 yesterday.

6 THE COURT: Okay.

7 MR. SPROWSON: Because the -- what I requested --  
8 there was three things as far as the information. One was  
9 going to be mailed to Mr. Yohay, one was going to be mailed to  
10 me, and one was going to be brought to the court today.  
11 That's what was in the -- there was three different subpoenas  
12 that I signed on this past Friday, which was -- let's see --  
13 today is the 21st, 28th, 19th, 18th -- the 17th, which was  
14 March 17th, I signed subpoenas asking for the custodian of  
15 records to be here to produce the scanning dates and to  
16 produce the case name and the case number on those documents.

17 THE COURT: Okay.

18 MR. SPROWSON: The subpoenas that you have --

19 THE COURT: Mr. -- Mr. Sprowson --

20 MR. SPROWSON: -- are the ones that I was having a  
21 hard time with.

22 THE COURT: Can we please go back? Okay. The  
23 subpoenas that he's attached to the warrants, these warrants  
24 -- I mean, these subpoenas, from my review of them, they  
25 appear to be -- it appears that he was responsive to the

1 subpoena. The subpoena you're arguing that he has not  
2 complied with, I haven't seen. I can make no findings and I  
3 don't think this gentleman has seen it either.

4 So perhaps the appropriate course of action is to  
5 bring it with you tomorrow, as well as proof that it was  
6 properly served upon the clerk's office, because it's  
7 impossible for us to determine whether or not the scope the  
8 subpoenas been complied with.

9 MR. SPROWSON: Expected. Expected, Your Honor. I  
10 mean, I -- I did not subpoena this individual to be in court.  
11 It says --

12 THE COURT: Sir?

13 MR. SPROWSON: -- your appearance is not necessary.

14 THE COURT: I don't have that subpoena.

15 MR. SPROWSON: Why would he be here?

16 THE COURT: He has -- okay. Based upon the  
17 subpoenas that are attached to these warrants, they are in  
18 compliance.

19 MR. SPROWSON: Your Honor -- Your Honor, it's plain  
20 to me --

21 THE COURT: Okay. Let me make it easier.

22 MR. SPROWSON: -- how this is going to go. So I'm  
23 going to shut my mouth and let you guys convict me so I can go  
24 to prison and get this stuff over with. Please, let's just  
25 get on with the circus.

1           THE COURT: Okay. Again --

2           MR. SPROWSON: I'm done, Your Honor, because you  
3 guys are corrupt.

4           THE COURT: You can be done.

5           MR. SPROWSON: You guys are corrupt and -- and --  
6 and you guys are not giving me a fair trial. And you know  
7 what? If you want to go ahead and play games and have someone  
8 here that I didn't ask to be here and subpoenas that I have  
9 been fighting to get documents for three weeks ago, a month  
10 ago, and then when I issue subpoenas on Friday by my  
11 investigator and that person is now not here and now you're  
12 going to tell me, well, you got to go through another course  
13 of action, too bad, and, again, the DA, of course, wins the  
14 day. Bravo.

15           THE COURT: Okay. Mr. Sprowson, the only thing I'm  
16 requesting is to see the subpoena. I am not making any  
17 finding whatsoever whether the subpoena has been complied with  
18 with respect to production of documents and with respect to  
19 the scope of what was requested.

20           I can't read your mind. I'm not back in your cell  
21 with you. I don't know what it says. The only thing -- and  
22 it's not in the computer system that I can see. Let me double  
23 check. The only thing I can do is ask for you to bring me a  
24 copy and we can look to see what you specifically requested  
25 because I don't know, I cannot read your mind, and at that

1 point make a determination whether or not you got what you  
2 needed to get. But as far as the subpoenas that he showed up  
3 with, that he was served with, he's complied with the scope.  
4 So if there's anything else --

5 MR. SPROWSON: What I don't understand, Your Honor,  
6 if I may, is why is he here? Why is he here if it does not  
7 ask for him to be here when I have a subpoena that asks for  
8 the custodian of records to be here? I find that, quite  
9 frankly, Your Honor, odd.

10 THE COURT: I don't know, sir, but you filled up an  
11 hour's worth of questions for this gentleman. So is there  
12 anything --

13 MR. SPROWSON: Assuming he was the custodian of  
14 records --

15 THE COURT: Okay.

16 MR. SPROWSON: -- or at least had some capacity to  
17 answer those questions --

18 THE COURT: I hear your frustration.

19 MR. SPROWSON: -- the questions that I need to ask  
20 that person is not here.

21 THE COURT: I can offer you no assistance until I  
22 can see it and I'm making no findings one way or the other. I  
23 just haven't seen it. That's all I've simply requested of  
24 you. So, again, can you hand these back to Mr. Sprowson? Mr.  
25 Sprowson will look at them. There's two sets of subpoenas --

1 I'm sorry. There's two sets of documents that have been  
2 provided pursuant to the subpoena. Those would be the ones  
3 that are redacted and the ones that were un-redacted. Please  
4 let me know if you want to take custody of either or both of  
5 those sets of documents.

6 MR. SPROWSON: What I asked for is not here today.

7 THE COURT: Okay. The question is --

8 MR. SPROWSON: And I'm not going to accept something  
9 I did not --

10 THE COURT: -- the same.

11 MR. SPROWSON: -- ask for.

12 THE COURT: Okay. I don't know what you've asked  
13 for because, again, I don't have --

14 MR. SPROWSON: I understand that, Your Honor. I  
15 can't give you what you're asking until I go back to my cell.

16 THE COURT: Okay.

17 MR. SPROWSON: If they haven't taken the documents  
18 from me already because they've been taking my discovery and  
19 by the time I get back to my cell I'm assuming all my stuff is  
20 going to be gone.

21 THE COURT: I have no idea because --

22 MR. SPROWSON: I would have no doubt that that has  
23 occurred probably while I'm here. So, Your Honor, like I  
24 said --

25 THE COURT: Please let me finish speaking. Please,

1 sir.

2 MR. SPROWSON: Your Honor, I'm not going to get a  
3 fair trial. Why should I? I mean, you're not going to give  
4 me a fair shake.

5 THE COURT: All I want to know, sir, is, again, I  
6 don't have the subpoena you're referencing. If you bring it  
7 tomorrow --

8 MR. SPROWSON: That's fine, Your Honor. Let's move  
9 on, please.

10 THE COURT: -- I will look at it. The second  
11 question is, and I do need a response one way or the other, is  
12 the two sets of search warrants, the redacted, the  
13 un-redacted, do you want to take custody of both or one?

14 MR. SPROWSON: I want what I subpoenaed, that's all  
15 I want.

16 THE COURT: Do you want to take custody of them or  
17 not because --

18 MR. SPROWSON: That's not what I subpoenaed.

19 THE COURT: -- I cannot leave them sitting on the  
20 table. So are you taking them within your possession?

21 MR. SPROWSON: I'm not taking them because it's not  
22 what I subpoenaed.

23 THE COURT: Okay. So are you rejecting possession  
24 of those items?

25 MR. SPROWSON: I am not saying anything in regards

1 to that, I have no comment --

2 THE COURT: I cannot --

3 MR. SPROWSON: -- because I subpoenaed --

4 THE COURT: -- leave them --

5 MR. SPROWSON: -- scanning dates. I asked for the  
6 custodian of records --

7 THE COURT: Okay.

8 MR. SPROWSON: -- to be here. That's what I asked  
9 for. You know --

10 THE COURT: Here's the thing --

11 MR. SPROWSON: -- the legal system. You want to  
12 kind of snowball me here, that's fine. Let's just get on with  
13 it, please.

14 THE COURT: I just want this case to get tried is  
15 all I want, sir.

16 MR. SPROWSON: No, no, you don't. What you want me  
17 to do is go to prison. Let's get it over with.

18 THE COURT: The end result is of no consequence,  
19 sir. All I want to know --

20 MR. SPROWSON: I already know where this is going.  
21 You guys are snowballing me, okay?

22 THE COURT: Okay. Please just answer my question.

23 MR. SPROWSON: I don't want the documents, Your  
24 Honor. Say it for the record. I don't want them. That's not  
25 what I asked for. Let's move on, please.

1 THE COURT: Okay. Then, I have to make them a court  
2 exhibit, which means once they're marked as a court exhibit I  
3 cannot give them back to anyone.

4 MR. SPROWSON: I don't know what these documents  
5 are. They're not what I asked for.

6 THE COURT: Do you want to look through them, sir?

7 MR. SPROWSON: No, I don't because they're not what  
8 I asked for.

9 THE COURT: Okay. So if you're not going to take  
10 custody of the documents, I cannot leave them sitting on the  
11 table. I cannot shred them. They have to be part of the  
12 court record. Again, once the clerk puts the markings on it  
13 indicating that it is a court exhibit, it cannot be taken by  
14 the State or the defense.

15 MR. SPROWSON: I do not want it as court exhibit  
16 because these are the whole -- you know, Your Honor --

17 THE COURT: Okay. I -- okay. So at this time --

18 MR. SPROWSON: You guys -- you guys really are good.

19 THE COURT: -- take them into your possession, sir.

20 MR. SPROWSON: You're really good at really screwing  
21 a person over. Do what you got to do, Your Honor?

22 THE COURT: Okay.

23 MS. BLUTH: Judge, at the request of the State, can  
24 you please make those a court exhibit, please?

25 THE COURT: If he takes them back with him, then

1 they can go back with him.

2 MR. SPROWSON: Do what you got to do.

3 THE COURT: If they're still here --

4 MR. SPROWSON: I want to hurry up so I can get out  
5 of this frickin' jail and out of this circus of a court.

6 THE COURT: Okay.

7 MR. SPROWSON: Please.

8 THE COURT: All right. So we'll leave them on the  
9 table. He can look at it during the course of jury selection.  
10 If he decides he doesn't want them, he can leave it on the  
11 table. They'll be made Court Exhibit 1, Court Exhibit 2,  
12 okay? The other thing I have to put on the record --

13 MR. SPROWSON: These people have forged documents,  
14 Your Honor, and you're letting them do it.

15 THE COURT: Mr. Sprowson?

16 MR. SPROWSON: And now you're going to try to  
17 validate these documents.

18 THE COURT: And you've made a record, sir. The  
19 other question I have to put on the record, make sure that  
20 there are any offers in this case. I don't know if they would  
21 have been conveyed to Mr. Yohay or the Defendant directly,  
22 that they were, in fact, offers that you've had a chance to  
23 consider and reject and go to trial or accept or whatever you  
24 would like to do. So if the State could please relay any and  
25 all offers if they were, in fact, made?

1 MS. BLUTH: Your Honor, I'll need some -- I'll need  
2 some time to pull up on my computer because it was to very  
3 specific charges with very specific ranges. The Defendant did  
4 counter with a gross misdemeanor and credit for time served,  
5 which the State politely rejected. But if you give me a  
6 moment, I'll have to research the exact offer because it was  
7 given a long time ago.

8 MR. SPROWSON: Your Honor, I -- I didn't give a  
9 counter to anything. I made an offer.

10 MS. BLUTH: That's what that means.

11 THE COURT: Was it presented by way of counsel?

12 MS. BLUTH: Excuse me?

13 THE COURT: Were they presented by --

14 MS. BLUTH: Mr. Yohay and the -- the investigator,  
15 as well, Mr. Franke, I believe he sent me one, as well.

16 THE COURT: Okay.

17 MR. SPROWSON: Well, I don't know anything about  
18 that, Your Honor.

19 THE COURT: Based on U.S. Supreme Court precedence I  
20 think it's important that we put the last offer on the record  
21 and make sure that Mr. Sprowson was aware of it and did  
22 knowingly --

23 MR. SPROWSON: Mr. Sprowson was not aware of it.

24 THE COURT: Well, let's see what it is, make sure  
25 that you did get it or didn't get it.

1 MR. SPROWSON: Your Honor, I'm -- I'm not going to  
2 show up tomorrow because this is a circus. You guys want to  
3 convict me, go ahead and get it done and over with. Do I need  
4 to be present to be convicted?

5 THE COURT: You need to show up.

6 MR. SPROWSON: This is -- this is not a trial. I  
7 mean, a trial is fair. Quite frankly, Your Honor, I know  
8 what's going on and I know how you guys are doing it and I  
9 know you got to make it as legal as possible. All I wanted  
10 was a fair trial.

11 MS. BLUTH: May I read --

12 MR. SPROWSON: I clearly am not going to get that,  
13 so my question is: Can I just sit this one out and just go to  
14 prison and get it done and over with?

15 MS. BLUTH: May I read the offer, Your Honor?

16 THE COURT: Yes, ma'am.

17 MS. BLUTH: This is -- excuse me.

18 MR. SPROWSON: I am getting upset because this --  
19 people are -- this is wrong.

20 UNIDENTIFIED SPEAKER: Calm down. Just listen to  
21 what the offer is going to be.

22 MS. BLUTH: Okay.

23 MR. SPROWSON: I don't accept the offer. I don't  
24 care -- even want to hear it.

25 THE COURT: She still has to put it on the record.

1 MS. BLUTH: So on September 23rd of 2015, I met with  
2 District Attorney Wolfson and after meeting with him the offer  
3 was conveyed to Mr. Yohay on September 23rd of 2015 at 1:01  
4 p.m. "After speaking with the District Attorney, the offer  
5 for Mr. Sprowson is as follows: Plead guilty to one count of  
6 unlawful use of a minor in the production of pornography,  
7 which carries a term of 5 to life. Plead guilty to one count  
8 of second degree kidnapping, 2 to 15 years. State would  
9 retain the right to argue.

10 This plea would entail the defendant being subject  
11 to lifetime supervision, as well as sex offender registration  
12 due to the plea to the first count of the unlawful use. If  
13 the Defendant would like this negotiation, he will need to  
14 plead guilty at our court date of October 5th. If he has any  
15 questions or counter offers, please get them to me as soon as  
16 possible so I can run them through the proper channels. Thank  
17 you so much."

18 THE COURT: Okay. Was that offer relayed to you,  
19 Mr. Sprowson?

20 MR. SPROWSON: No, it was not.

21 THE COURT: Okay. Would you -- would that offer  
22 still be open if Mr. Sprowson would like to consider it?

23 MS. BLUTH: Yes, absolutely, Your Honor.

24 THE COURT: Mr. Sprowson, would you like to consider  
25 that offer or would you like to confer with your standby

1 counsel on that offer? Do you have any questions regarding  
2 that offer?

3 MR. SPROWSON: May I use the restroom and think  
4 about it?

5 THE COURT: Sure, sir. Of course. I don't want to  
6 be in here with the attorneys.

7 (Court recessed at 2:18 p.m. until 2:38 p.m.)

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

9 THE COURT: Are we back on, Maria?

10 THE RECORDER: We're on.

11 THE COURT: Okay. Mr. Sprowson, the State made an  
12 offer to you before we went on break. Did you have a chance  
13 to consider it?

14 MR. SPROWSON: Yes, I'm not going to take it, Your  
15 Honor.

16 THE COURT: All right.

17 MS. BLUTH: Your Honor, for the record, I did have  
18 the opportunity at the break to look through my emails and I  
19 had sent that offer to Mr. Yohay, and then Mr. Yohay wrote me  
20 back on September 30th saying that he had spoken to Mr.  
21 Sprowson, that he rejected it. And, then, I asked if there  
22 was a counter offer. He said, "no." On October 5th, Mr.  
23 Yohay wrote me and said that Mr. Sprowson would like me to  
24 consider a few things, and then stated that he would plead to  
25 a gross misdemeanor with credit for time served.

1           THE COURT: Okay. So let's go over one thing, and I  
2 -- I have had -- I've had the State in court before for trials  
3 and I haven't had you in court, Mr. Sprowson. So the way it's  
4 laid out over here is these are the main group. Obviously, I  
5 don't know how much Jason's told you.

6           There's going to be twelve jurors plus two  
7 alternates, okay? The alternates are just simply going to be  
8 Juror No. 13 and No. 14. And you start counting with that far  
9 chair, the upper right, will be one, two, three, four, and so  
10 on. You get nine peremptory challenges. The State gets nine  
11 and you get nine peremptory challenges.

12           As far as voir dire, you can ask pretty much any  
13 relevant question. The one thing you guys can't do,  
14 obviously, is ask for the jury to kind of give you tentative  
15 rulings, such as put a factual scenario before the jury like  
16 the case at hand and ask them to give a -- an opinion as to  
17 how they would make a decision given the sets of facts. You  
18 can't do that, but you can pretty much ask a lot of other  
19 things that would go towards their bias.

20           One thing that we do is the jury is outside right  
21 now. They've been called up. They're randomly selected.  
22 Jury service calls them in based upon the list they utilize  
23 and they are assigned to our department. There are a few  
24 jurors -- Jason gives a run down just generally to the group  
25 as a whole as far as what will and will not get you out of

1 jury services.

2 For the most part, I'm pretty strict. In order for  
3 people to get out of jury service they have to have -- if it's  
4 for travel, it has to be prepaid, pre-planned. And, like, if  
5 it's a doctor's appointment, whatever, they've got to provide  
6 documentation. So they have to provide documentation for  
7 everything.

8 So Jason's already gone out there, given them the  
9 general speech about all the things that won't get them out of  
10 jury duty, and there are some individuals who have indicated  
11 that they may have reasons for getting out of jury duty which  
12 comply with the court's rules.

13 On the first juror that indicates they may have a  
14 conflict is Lisa Vollmer. She's on page one. Her badge  
15 number is 0631. Ms. Vollmer indicates that she's worked with  
16 me previously. I did go back and look at her -- the history  
17 she's indicated and she looks like she worked for State Farm  
18 Insurance Company.

19 I did, in fact, used to be an attorney for State  
20 Farm Insurance Company, but I ceased my work for them at  
21 approximately 2002. I do not know Ms. Vollmer personally,  
22 plus I'm not going to be the finder of fact. Frankly, I don't  
23 see that there's any reason to excuse her from this jury  
24 unless the State or the Defendant has a reason to excuse her.

25 MS. BLUTH: Not by the State, Your Honor.

1 THE COURT: Mr. Sprowson, sir?

2 MR. SPROWSON: Hold on a second, Your Honor.

3 THE COURT: Yeah, it's on page one.

4 MR. SPROWSON: I see it. Vollmer, Lisa. Now, what  
5 was it you were saying? If you don't mind repeating.

6 THE COURT: Apparently, she worked with me before  
7 and I think what she was, she was an insurance adjuster and I  
8 was an attorney for State Farm Insurance. I had worked for  
9 State Farm in, I don't know, at least 2002.

10 MR. SPROWSON: Can you give me a moment to look at  
11 her page real quick?

12 THE COURT: Sure.

13 MR. SPROWSON: Now, your question to me is --

14 THE COURT: Is there any reason to kick her off the  
15 jury? I don't see any reason to kick her off the panel -- and  
16 not off the jury -- let me be more clear, the panel.

17 MR. SPROWSON: Well, would I have to use one of my  
18 peremptories to get --

19 THE COURT: No, no, no, sir. The only thing that  
20 happens -- we're just trying to streamline the process. So if  
21 they can't serve as a juror on this case, we send them back  
22 down to Jury Services and say either dismiss them or re-assign  
23 them.

24 MR. SPROWSON: Right offhand I can't really think of  
25 anything, but I'd probably have to ask her a few questions.

1 THE COURT: Well, you'll get to do that during voir  
2 dire. It would just be separate. You would have to use your  
3 peremptory challenge. Once they come in here and you want to  
4 get rid of them, you either have to do a challenge for cause  
5 because you believe they can't be fair or peremptory  
6 challenge, which means you can excuse them for any reason.

7 MR. SPROWSON: I understand.

8 THE COURT: Okay. So we'll leave her on the jury  
9 panel. The next one is on the same page.

10 MR. SPROWSON: Before we -- jury panel, when you say  
11 that, are you selecting them as a juror or are we --

12 THE COURT: No, we just try to streamline the  
13 process.

14 MR. SPROWSON: You're saying -- I just want to make  
15 sure I understand it because this is my first time  
16 participating as an actual actor.

17 THE COURT: Sir, you don't have to use any of your  
18 peremptory challenges.

19 MR. SPROWSON: What we're saying is she's being in  
20 the loop that we're going to select from, is what you're  
21 saying?

22 THE COURT: Yes, sir.

23 MR. SPROWSON: Okay. I have no problem with her.

24 THE COURT: Yes, sir. The next one down the page is  
25 Lauren Storck, S-T-O-R-C-K. It is Badge 635. She's indicated

1 that her mother just had major surgery. Does she have any  
2 type of documentation?

3 THE MARSHAL: She did, Judge.

4 THE COURT: Okay. And what? Is she saying she's  
5 the caregiver?

6 THE MARSHAL: She's the caregiver for her and  
7 smaller children.

8 THE COURT: Okay. So she's just asked either to go  
9 back down to Jury Services and seek reassignment to another  
10 jury panel either at some other time or somewhere else in this  
11 building.

12 MR. SPROWSON: What was her name?

13 THE COURT: Lauren Storck, Badge No. 635.

14 MS. BLUTH: Submit it to the Court, Your Honor.

15 THE COURT: I don't see a -- I mean -- well, I don't  
16 have a problem with sending her back down to Jury Services. I  
17 just need to hear from the Defendant. If she's provided  
18 documentation --

19 MR. SPROWSON: I'm trying to locate her on the --  
20 can you tell me what panel number she is?

21 UNIDENTIFIED SPEAKER: Nine.

22 MR. SPROWSON: Oh. Storck. Lauren Storck?

23 THE COURT: Yes, sir.

24 MR. SPROWSON: And you're wanting to excuse her from  
25 the selection --

1 THE COURT: I was just going to send her back down  
2 to Jury Services and have them put her on a panel at a  
3 different time.

4 MR. SPROWSON: And your reasoning for that was?

5 THE COURT: What? Because she's -- she's provided  
6 documentation that she is the caregiver for her mother who  
7 just had major surgery.

8 MR. SPROWSON: So she needs to be home with her mom.  
9 Okay. That's fine.

10 THE COURT: Okay. So we'll just send her back down  
11 to Jury Services by agreement of the parties. Okay.

12 The next one is Kathy Davis. It's Badge 644. She's  
13 also listed on page one. She tells Jason she can't hear.  
14 Does she have --

15 THE MARSHAL: She told me she has some hearing  
16 disease [inaudible] hearing. I told her we got the ear thing.

17 THE COURT: I -- I really don't care one way or the  
18 other. We can put her on, ask her about her hearing issues or  
19 we can just send her back down to Jury Services for  
20 reassignment.

21 MS. BLUTH: Submit it, Your Honor.

22 THE COURT: Mr. Sprowson?

23 MR. SPROWSON: I have no problem, Your Honor.

24 THE COURT: You're okay with that?

25 MR. SPROWSON: Yeah, I'm fine.

1 THE COURT: Okay. We'll send her back down to Jury  
2 Services. Badge No. 682, three-fourths of the way down on  
3 page one, Brad Heatherington. His child was run over by a  
4 school bus recently?

5 THE MARSHAL: Yes, it's been on the news.

6 MS. BLUTH: Oh. No, no objection.

7 THE COURT: Was the child killed?

8 MR. SPROWSON: Is that Heatherington?

9 THE MARSHAL: [Inaudible.]

10 MR. SPROWSON: Is that Heatherington?

11 THE COURT: Yes, sir. I guess the child has medical  
12 problems. I guess it was on -- I didn't see it was run over  
13 by a school bus. It was on the news.

14 MR. SPROWSON: I have no problem, Your Honor.

15 THE COURT: Okay. So we'll send that individual  
16 back down to Jury Services. Turning to page two, fourth of  
17 the way down we have Susan Nielson, Badge 717. That would be  
18 panel 27. She indicates she's closing on house today. What  
19 time?

20 THE MARSHAL: Three o'clock.

21 THE COURT: She's not going to make it anyways, but.

22 MR. SPROWSON: Page?

23 THE COURT: Page two, sir. Three-fourths -- I'm  
24 sorry -- a fourth of the way down the page.

25 MR. SPROWSON: What is the name again, Your Honor?

1 THE COURT: Susan Nielson.

2 MR. SPROWSON: Nielson?

3 THE COURT: Uh-huh.

4 MS. BLUTH: The very top of the page, Mr. Sprowson,  
5 if you count six down.

6 MR. SPROWSON: What page is that? Two?

7 UNIDENTIFIED SPEAKER: One.

8 MR. SPROWSON: Nevermind. I see it. Panel member  
9 No. 27. And the reasoning for this one? She said she had to  
10 close on a house?

11 THE COURT: Yeah, I don't know if she has  
12 documentation or not. Does she have documentation? She has  
13 no documentation.

14 MS. BLUTH: The State's position would be to just  
15 keep her on. If she's closing by three o'clock, then, that's  
16 kind of already done.

17 THE COURT: Yeah, my position is just to keep her n  
18 the panel.

19 MR. SPROWSON: I agree.

20 THE COURT: Okay. So she will stay on the panel.  
21 All right. Same page, little -- about halfway down we have  
22 Badge 725, which is Courage Ugboodu. Apparently, this  
23 individual has provided documentation that they are traveling  
24 on a ticket that is prepaid, pre-planned.

25 MS. BLUTH: No objection.

1 THE COURT: Okay. And do you have an objection, Mr.  
2 Sprowson?

3 MR. SPROWSON: One second, Your Honor. I'd like to  
4 keep this one. What was his reasoning? He said he was  
5 traveling?

6 THE COURT: Uh-huh. They'll probably ultimately get  
7 missed -- I mean, we do let them go if they've provided proof  
8 that they're traveling.

9 MR. SPROWSON: All right.

10 THE COURT: So we'll send that one back down to Jury  
11 Services because they have provided documentation to travel.  
12 Just under him is Jacob Baca, Badge No. 728. That one has  
13 also provided documentation of prepaid, pre-planned travel.

14 MS. BLUTH: No objection, Your Honor.

15 MR. SPROWSON: No objection.

16 THE COURT: Okay. Send him down to Jury Services.  
17 Toward the end of the page we have Dennis Hughes, Badge No.  
18 768. He indicates he's blind in his right eye and can't  
19 drive.

20 MS. BLUTH: I'll submit it to the Court's  
21 discretion.

22 THE COURT: Mr. Sprowson, sir?

23 MR. SPROWSON: One second. His excuse is blind?

24 THE COURT: Yeah, and cannot drive.

25 MR. SPROWSON: Can he hear?

1 THE COURT: I'm assuming. He could hear Jason.

2 MR. SPROWSON: I'd kind of like to keep this one, to  
3 be honest with one.

4 THE COURT: Sure, we can do that. We'll keep him  
5 here. All right. Michael Strobel, he's the bottom of the  
6 page two, Badge No. 771. Indicates that his daughter has  
7 special needs. Is he the caregiver?

8 THE MARSHAL: He is, Judge.

9 THE COURT: Okay.

10 MS. BLUTH: Submitted.

11 MR. SPROWSON: I have no problem.

12 THE COURT: All right. We'll send that one back  
13 down to Jury Services. Turning to Page 3, we have Tejani  
14 Chavez-Acosta, Badge 788. Do you guys see that one?

15 MS. BLUTH: Yes.

16 THE COURT: That individual is not a U.S. citizen.  
17 They cannot sit on the jury.

18 MS. BLUTH: Okay.

19 THE COURT: So we will have to send that one back  
20 down to Jury Services.

21 MR. SPROWSON: I just want to -- that one's not  
22 qualified?

23 THE COURT: No, you have to be a U.S. citizen. All  
24 right. Let's see. Halfway down the page we have Elizabeth  
25 Trujillo, Badge No. 809. She apparently has a ten-month-old

1 baby, which she is the sole food provider. She's breast  
2 feeding.

3 MR. SPROWSON: What is her badge number again, Your  
4 Honor?

5 THE COURT: She is Elizabeth Trujillo.

6 MS. BLUTH: 809. Panel member No. 52. Submitted,  
7 Your Honor.

8 MR. SPROWSON: What was the reasoning on this one?

9 THE COURT: She's breast feeding her baby.

10 MR. SPROWSON: Oh. She's breast feeding her baby.  
11 That happens all day? I'm not a mother.

12 THE COURT: I don't know. I think for some mothers.  
13 I'd have to defer on her feeding schedule.

14 MR. SPROWSON: I'd like to keep that one. I'd like  
15 to keep this one. I just --

16 THE MARSHAL: She's got a whole bag out there.

17 MR. SPROWSON: I'll just -- is it, like, just a  
18 newborn?

19 THE COURT: Eight months old.

20 MR. SPROWSON: Eight months.

21 THE COURT: She has -- she has her bag with her  
22 pump?

23 THE MARSHAL: Yeah, she said she does not take them  
24 off at all. I don't want to get into any --

25 MS. BLUTH: Oh. If the baby doesn't take a bottle,

1 then, the baby can't be without food for eight hours.

2 THE COURT: Yeah, I think we're going to have to let  
3 this one go. I don't really want to -- I'll accept her  
4 representation that she's the sole food source for the  
5 eight-month-old baby.

6 MR. SPROWSON: Well, she'll probably be distracted  
7 anyways. I agree.

8 THE COURT: Probably. I would guess that's a good  
9 bet. And then, okay, three-fourths of the way down we have  
10 Maria Balint, Badge No. 833, who's a student at the  
11 university?

12 THE MARSHAL: Yes.

13 MS. BLUTH: Submitted.

14 THE COURT: Did you ask when her classes are?

15 THE MARSHAL: [Inaudible.]

16 THE COURT: Are they daytime?

17 THE MARSHAL: Daytime, Monday through Thursday, and  
18 then she has Friday all day.

19 MR. SPROWSON: I have no problem, Your Honor, with  
20 this.

21 THE COURT: Okay. We'll send that one back down to  
22 Jury Services. All right. So we're letting those -- we're  
23 just sending those individuals back down to Jury Services.  
24 Kathy's going to get together our list.

25 MS. BLUTH: And then, Your Honor, whenever you're

1 ready, we just -- I just have a few questions about the  
2 selection process.

3 THE COURT: Of course. You want to do it now?

4 MS. BLUTH: Sure. A few things that I --

5 THE COURT: Let's see, I checked the ones that are  
6 staying and I X'd the ones that I let go. Did you get the  
7 ones we're keeping? Okay. Yeah. X's are go, checks are  
8 stay.

9 THE MARSHAL: Checks stay.

10 THE COURT: All right.

11 MS. BLUTH: When we do have a kick for cause, do we  
12 ask to approach or do we just say the State makes a motion or  
13 defense makes a motion?

14 THE COURT: You know, usually I kind of go with the  
15 flow on those. If you have a challenge for cause, just kind  
16 of go with the flow. I mean, I try not to have too many bench  
17 conferences --

18 MS. BLUTH: Sure.

19 THE COURT: -- and I try not to bring it up too much  
20 to the jury's attention.

21 MS. BLUTH: Right.

22 THE COURT: So what we can do is usually I give  
23 breaks pretty frequently. We can do it at a break.

24 MS. BLUTH: Okay. So just notate on my --

25 THE COURT: Yes, and I'll ask you at a break. So,

1 Mr. Sprowson, I don't know how much you've read up on this.  
2 Challenges for cause are, again, are the individuals you can  
3 let go. They don't count against you.

4 MR. SPROWSON: I'm -- not to cut you off, Your  
5 Honor. I'm familiar with the process on that part. I just --  
6 what I would like to ask you, Your Honor, what -- what do you  
7 usually do because I've heard that some judges, what they  
8 usually do is they'll usually handle the aspect of the bias  
9 issue. So you're going to allow us to participate to some  
10 level in -- in challenging for bias and you're -- most of the  
11 pertinent questions, are you going to ask that or are we going  
12 to be able to have some of our own questions, as well?

13 THE COURT: Okay. First question, I ask the first  
14 questions and it's just background information. I make sure  
15 they don't know the witnesses. I get the little background  
16 about where do they work, are they married, do their kids  
17 work, do their husbands work, whatever, I get that  
18 information. And, then, the State will get to ask questions,  
19 then you'll get to ask questions. As far as the challenges  
20 for cause, those don't count against you. It's just someone  
21 who has exhibited that they can't fairly consider both your  
22 position and the State's position.

23 MR. SPROWSON: Yeah.

24 THE COURT: I do let you guys make a record --

25 MR. SPROWSON: I was just more --

1 THE COURT: -- tell me why you think they're not  
2 fair.

3 MR. SPROWSON: Right, I was just more inquiring on  
4 what your -- what your policy was and how you usually --

5 THE COURT: No, I let you guys make a record. And I  
6 -- I take notes at the same time, but sometimes you guys clue  
7 in things that are different than from what I clue in on.  
8 And, then, the peremptory challenges, you get nine each. I  
9 don't care why you excuse a juror, for the most part.

10 MS. BLUTH: So, then, if we have a motion -- if we  
11 would like to make a motion to kick a juror for cause, then,  
12 we'll just notate it, and then when you take a break we'll  
13 speak about all those things on the break.

14 THE COURT: Yeah, and the other thing I don't do is  
15 if someone has a challenge for cause, to stop the learning  
16 curve, I don't allow them to leave. I relocate them to the  
17 back of the room. Everyone stays until we have a jury  
18 selected.

19 MS. BLUTH: Oh. Okay.

20 THE COURT: It seems to lessen the learning curve.  
21 And what I'm talking about is when you do this long enough,  
22 one juror will figure out that if they say certain things and  
23 they get to leave, and then all of a sudden the rest of your  
24 panel starts saying the same thing.

25 MR. SPROWSON: I got you.

1           THE COURT: So we just put them in the back of the  
2 room.

3           MS. BLUTH: Okay. And, then, Your Honor had made  
4 some pretrial rulings in regards to the victim running away  
5 before and being a victim before and that Your Honor stated  
6 that that was not going to be admissible. And I know that Mr.  
7 Sprowson doesn't always -- you know, he hasn't been a part of  
8 this so that's -- that counts in even when we're picking a  
9 jury we can't talk about those types of things because you  
10 can't unring the bell. So I just want to make sure that  
11 everybody knew that. The pretrial rulings not only apply to  
12 what's going to come into evidence, but also to the questions  
13 asked of the jurors.

14          MR. SPROWSON: And -- and, Your Honor, in regards to  
15 that, if it's in the record, am I not allowed to bring it up  
16 -- and, so, I understand the limitations -- but if it's in the  
17 record and the witness has already brought it up, am I not  
18 allowed to discuss it or at least inquire into it. I  
19 understand that I am.

20          THE COURT: We're talking about two different  
21 points. During voir dire, you can't try your case in jury  
22 selection, okay?

23          MR. SPROWSON: So we're talking about -- she's  
24 talking about just jury selection.

25          THE COURT: I thought she was talking about jury

1 selection.

2 MR. SPROWSON: All right.

3 MS. BLUTH: I am. I mean --

4 MR. SPROWSON: I misunderstood her. Sorry.

5 MS. BLUTH: No, that's okay. So, yeah, I'm just  
6 talking about jury you can't -- you know, neither one of us  
7 would be able to say, oh, well, if the victim was a victim  
8 before or if she ran away before, things like that, because  
9 that's basically letting the jury go into evidence that's not  
10 coming in in the trial, which I --

11 MR. SPROWSON: Isn't that -- isn't that standard,  
12 though, in those types of questions in jury selection anyway?  
13 I mean, you're not supposed to get too much into the case.

14 THE COURT: Yeah, pretty much. It depends -- it  
15 always depends how you ask them. For the most part, you can't  
16 -- you can ask the jury kind of hypothetical questions and how  
17 they feel about certain issues. You just can't ask them for a  
18 tentative ruling.

19 MR. SPROWSON: Well, that's fair and -- and  
20 understood.

21 THE COURT: Kind of form of art.

22 MS. BLUTH: The last question is: How did Your  
23 Honor want to handle the situation? This was covered -- has  
24 been covered quite a bit in regards to the media and I know  
25 normally we, you know, deal with situations in a pretrial jury

1 questionnaire. We didn't do that in this case for multiple  
2 reasons. So how would Your Honor like to handle that  
3 situation?

4 THE COURT: Usually I ask the question of anyone, do  
5 you believe you may have heard or read about this case? And  
6 if so, raise your hand. And I absolutely if -- I mean, and  
7 I'll -- if they raise their hand, then, I'll ask a little bit  
8 of questions. You guys can absolutely follow up because I  
9 think it is relevant.

10 MS. BLUTH: Okay. I -- I -- but that will be done  
11 in front of everyone, correct? We're not going to bring them  
12 in -- like, say ten people --

13 THE COURT: I don't see with this case any reason to  
14 bring them in.

15 MS. BLUTH: Okay. I'm just -- I just want to make  
16 sure I know how to do it.

17 THE COURT: It's been years. I don't think there's  
18 really been much -- there's been a few news stories here and  
19 there, I think, but I don't think there's been anything else.

20 MS. BLUTH: Okay.

21 THE COURT: I don't think it's like a war machine  
22 that was all over the news or OJ Simpson. Mr. Sprowson or Ms.  
23 Bluth or Mr. Sweetin, do you have any additional questions?

24 MS. BLUTH: Not on behalf of the State, Your Honor.  
25 Thank you.

1 THE COURT: Are we about ready? We're not?

2 MR. SPROWSON: Your Honor, just real quick.

3 THE COURT: Okay.

4 MR. SPROWSON: How long do you estimate that this  
5 will take?

6 THE COURT: I'm sorry, sir.

7 MR. SPROWSON: How long will you estimate that this  
8 process will be for today?

9 THE COURT: I'd be shocked if we get a jury today.  
10 Probably wrap it up about 4:45.

11 MR. SPROWSON: Okay. The only thing is, if I may,  
12 with the indulgence of the State, I have diabetes. I do have  
13 a legitimate medical issue.

14 THE COURT: Sure.

15 MR. SPROWSON: And I just want to bring it up  
16 because today I had issues with my medications going back  
17 there. I was waiting for the charge nurse, and I just need to  
18 bring this up because during the procedures I'm going to have  
19 to have some kind of accommodation. I am a --

20 THE COURT: Absolutely.

21 MR. SPROWSON: -- hundred percent dependent  
22 diabetic, so I may need --

23 THE COURT: What do you need?

24 MR. SPROWSON: I may need to have -- I need to know  
25 the times that we're going to be conducting all these things

1 so I can schedule it with the nurses because I have to get  
2 medication, my insulin. Otherwise, my blood sugar goes too  
3 high, and then I will --

4 THE COURT: Do you need to bring food or is it just  
5 your medication?

6 MR. SPROWSON: I just need accommodations to be able  
7 to, you know -- well, first of all, I need to find out what  
8 times we're going to be doing this. Presumably it's going to  
9 be in the morning?

10 THE COURT: So this week it's 1:00 to 5:00 on  
11 Wednesday, approximately. It could be more like 1:00 to 4:45,  
12 4:50. On Thursday and Friday, it's 9:30 to 4:45,  
13 approximately. And how often do you need to take a break for  
14 your insulin?

15 MR. SPROWSON: Well, I take insulin three times a  
16 day, so.

17 THE COURT: Sure.

18 MR. SPROWSON: And that's the other thing, too, is I  
19 don't know -- am I going to be held in the court holding all  
20 morning or is it going to be right before trial because I just  
21 -- the thing is I need to make accommodations and I'm legally  
22 entitled to these accommodations because I do have --

23 THE COURT: I don't disagree with you on any aspect.  
24 Just tell me what you need, please.

25 MR. SPROWSON: Well, I need -- I need to get the

1 schedules so I can arrange it. All I need is the  
2 accommodation, and then I have to make arrangements with the  
3 nurses, and then if you can facilitate that for me because I  
4 went back to get my insulin and the -- and the nurses weren't  
5 around. Then, I had to come up here, you can ask the officer  
6 back there. I had to end up skipping my medication because,  
7 you know, we were running close, I had to get dressed, I had  
8 to get up here.

9 THE COURT: Are you okay right now?

10 MR. SPROWSON: Didn't want to miss the witness.  
11 Bottom line, just --

12 THE COURT: Are you -- are you --

13 MR. SPROWSON: -- if we can make sure that I get my  
14 medication.

15 THE COURT: Are you okay?

16 MR. SPROWSON: I'm okay today. It's just that I  
17 want to make sure I don't have any problems during the trial.  
18 I apologize for my behavior earlier. I think I was  
19 [inaudible] just a little bit. I'm calm now. It won't happen  
20 again. I apologize to the State.

21 THE COURT: Get my attention -- I'm a little  
22 concerned that you didn't have a chance to get your insulin  
23 today.

24 MR. SPROWSON: And that's part of it because I'm not  
25 feeling good, that's part of the reason why -- you know,

1 because I didn't get my insulin, I didn't even have a chance  
2 to eat.

3 THE COURT: Do you need some food?

4 MR. SPROWSON: No, I'm fine right now. I just -- I  
5 just want to make sure that -- that that I have a fair trial,  
6 that I'm able to conduct it, you know, with that. So I'm  
7 going to -- I'm going to talk with Mr. Yohay, get the times,  
8 and then if -- if I need anything from you, I'm going to --  
9 I'm going to talk to my CO and then tell him, like, this is  
10 the times I'm going to have trial and I need to have  
11 accommodations from a nurse and see -- go from there. You  
12 know, I got a 24-hour lockdown because I wanted to get back  
13 here and now they're holding it against me. I just want to  
14 avoid that. That's my point, you know.

15 THE COURT: Sure. Officer, what time are you  
16 bringing him over each day?

17 CORRECTION OFFICER: Can I say something, Judge?

18 THE COURT: Yes.

19 CORRECTION OFFICER: My name is Officer Hytch  
20 [phonetic]. I took Mr. Sprowson back to get his medication  
21 and for him to eat. It was, I guess, some problem with him  
22 because by the time -- I gave him enough time when we left for  
23 him to eat and to get his medication, and the housing officer  
24 called for his medication, and that was around about 11:00 --  
25 we left at 11:30, about -- about 20 till is when he was back

1 -- till 12:00 is when he was back into his module.

2 I left and I told him I would be back around about  
3 12:15. I got back around about 10 after 12:00. They had --  
4 and he had time enough to eat, but they hadn't given him his  
5 medication yet, and I don't know what kind of conflict it was  
6 between him and the nurse or whatever, but he was given the  
7 opportunity to do it, but he said he didn't want to do it, all  
8 right? He didn't want to take the medication and cause we was  
9 told to be back here at quarter to 1:00, right?

10 And that -- it ran a little tight, it was running a  
11 little tight, but still yet we still could have got back still  
12 close around then. So I just want to let you know, it can be  
13 arranged for him to take his medication as far as the trial  
14 setting. I usually know how they do it, but he'll -- he'll  
15 have the opportunity.

16 MR. SPROWSON: Yeah, and that's not my concern. And  
17 he's correct, but the problem is when I got there, we were  
18 already pressed for time and when he got there -- I'm not  
19 trying to blame anybody, Your Honor. I just want to avoid it  
20 in the future. Let's --

21 THE COURT: Let's just say this. If you need to  
22 take a break, you let me know, okay?

23 MR. SPROWSON: Okay. That's fair. That's all I  
24 want, you know, I mean, because I do have -- I do have  
25 diabetes and I'm not trying to milk it like most people do.

1 THE COURT: I don't think you're trying to milk it.  
2 Just tell me and I think that's reasonable. We'll take a  
3 break, we'll do what you need to do to be healthy, okay?

4 MR. SPROWSON: All right. Thank you. I appreciate  
5 that. And, then, I'll check with Mr. Yohay on the times and  
6 then I can confirm that with my officers so I can have a nurse  
7 there.

8 THE COURT: Absolutely.

9 MR. SPROWSON: That's all I have if you were  
10 waiting.

11 THE COURT: I'm just sitting here waiting. I'm  
12 tired. I've been going all day.

13 MR. SPROWSON: I just wanted to -- to let you know  
14 so that, you know --

15 THE COURT: I'm good. You saw me, I'm just kind of  
16 thinking I've been in court most of my day.

17 (Pause in proceedings)

18 THE COURT: Ready?

19 MR. SPROWSON: Can I use the restroom before we get  
20 started?

21 THE COURT: Yes, you sure can.

22 (Pause in proceedings)

23 THE COURT: Okay. All right. We're going to bring  
24 the jury in now.

25 MS. BLUTH: Your Honor, during the process, will you

1 ask -- you're going to ask if they have children, and would  
2 you mind asking the ages so we don't have to, if that's okay?

3 THE COURT: Sure.

4 MS. BLUTH: Thank you.

5 THE COURT: Hold on. Do you want the specific ages?  
6 I usually ask if they're minors or adults.

7 MS. BLUTH: The specific ages, too, if you don't  
8 mind.

9 THE COURT: Okay.

10 (Pause in proceedings.)

11 (In the presence of the prospective jury panel.)

12 THE MARSHAL: The jury is present. All present,  
13 Judge.

14 THE COURT: Welcome, ladies and gentlemen of the  
15 jury. You are here, you've been called as potential jurors in  
16 the case of State of Nevada versus Melvyn Perry Sprowson. And  
17 everyone make themselves comfortable. It is Case C295158.  
18 Welcome. I'm Judge Stefany Miley. You've already met Jason  
19 Dean, he's the court marshal assigned to this department.

20 This is Kathy Struper, she is the court clerk.  
21 She's -- the court clerk does a lot of things during the  
22 course of trial. One of the main things she's responsible for  
23 during the course of the trial is keeping track of all the  
24 evidence and she's responsible for making sure which evidence  
25 -- making sure, keeping track which evidence comes into

1 evidence and which ones not, doesn't come into evidence, as  
2 well as a bunch of other stuff. You'll always see her typing,  
3 you know, furiously over here.

4           Sitting next to her is Maria Garibay. Maria Garibay  
5 is the court recorder in this department. For those of you  
6 that haven't done jury duty in a while or have never done it,  
7 you're probably used to seeing the court reporter, the person  
8 on the stenographic machine that takes notes. Some  
9 departments still have that.

10           Most of us have gone to a different type of system  
11 which is a recording system, so everything that's done in this  
12 courtroom is being recorded and that's what ultimately becomes  
13 the official record in this case. It's very important if you  
14 want to respond to a question that I get your full name and  
15 the last three digits of your badge number.

16           What we're going to do right now, we're going to do  
17 a quick roll call so all of you get credit for being here  
18 today. If your name is called, please make some kind of sound  
19 so we can count you present.

20                   (The Clerk called the roll.)

21           THE COURT: All right. Thank you. Looks like we  
22 have everyone. All right. So just a few preliminary matters.  
23 I -- I know for you guys -- I have a bad back so you'll  
24 sometimes see me wiggling around or standing up. The chairs  
25 are not the most comfortable chairs we have here, so if any of

1 you guys have bad backs or whatever body parts uncomfortable  
2 to sit for a long period of time, please feel free to stretch  
3 out and everything else, but please do so standing by your  
4 chairs.

5 The other thing is I know that Jason went out and  
6 talked to you guys a little bit before you came into court and  
7 I think that some people have some type of physical  
8 limitations I probably need to be aware of. If you have any  
9 type of physical limitation that could affect what we need to  
10 do in this case, please let me know so we can offer you some  
11 type of accommodation.

12 Does anyone have any type of physical limitation,  
13 whether it's sight? Hearing? Anything else? I'll get to  
14 you, sir. Ma'am, your name and badge number, please?

15 PROSPECTIVE JUROR NO. 734: I'm sorry. I didn't  
16 hear you.

17 THE COURT: Your name and badge number.

18 PROSPECTIVE JUROR NO. 734: My name is Johnette  
19 Adams and my badge number is 734.

20 THE COURT: Yes, ma'am. What is your limitation?

21 PROSPECTIVE JUROR NO. 734: I can't hear out of my  
22 right ear.

23 THE COURT: Okay. Can you not hear out of it at  
24 all?

25 PROSPECTIVE JUROR NO. 734: I can a little.

1 THE COURT: And how is that left ear?

2 PROSPECTIVE JUROR NO. 734: It's all right.

3 THE COURT: Can you hear okay out of your left ear?

4 PROSPECTIVE JUROR NO. 734: My left ear is not too  
5 bad, but the right ear is nothing.

6 THE COURT: Okay. Do you wear a hearing aide? Do  
7 you wear hearing aides?

8 PROSPECTIVE JUROR NO. 734: I have one at home, but  
9 it's not good.

10 THE COURT: Okay. Well, we do have some headphones  
11 which can amplify the sound. You're welcome to try those if  
12 you like. Would you like to try them?

13 PROSPECTIVE JUROR NO. 734: Yes, I can try them.

14 THE COURT: Okay. Let's -- let me know if that  
15 helps you out a little bit. And I'm not overly good about  
16 speaking loudly, especially at this time of the day because  
17 I'm a little bit tired. So if I'm not speaking loud enough,  
18 get my attention and I'll speak up, okay? And we'll have the  
19 attorneys and Mr. Sprowson do the same thing. Do you want to  
20 try them on? Can you hear me now?

21 PROSPECTIVE JUROR NO. 734: Yes, I can hear.

22 THE COURT: It works?

23 PROSPECTIVE JUROR NO. 734: Yes.

24 THE COURT: All right. So we had a gentleman in the  
25 back. Yes, sir. Your name and badge number.

1 PROSPECTIVE JUROR NO. 768: Badge Number 078 and I  
2 can't see out of my right eye.

3 THE COURT: Your name?

4 PROSPECTIVE JUROR NO. 768: Doctor restricts me as  
5 far as my driving. I -- I can drive, like, in my local area,  
6 but to get here I, like, get on the highway, so that would be  
7 my only problem.

8 THE COURT: All right. May I have your name,  
9 please?

10 PROSPECTIVE JUROR NO. 768: Dennis Hughes.

11 THE COURT: Okay. How is your left eye?

12 PROSPECTIVE JUROR NO. 768: It's -- it's fine.

13 THE COURT: So if -- if you were to -- can you see  
14 distance okay? So if something were to be -- if you're  
15 selected as a juror there may be something up on that screen.  
16 Would you be able to see it?

17 PROSPECTIVE JUROR NO. 768: Yeah, yeah, I can see.

18 THE COURT: Okay. And we can always accommodate  
19 you. We can bring the screen further, closer, or whatever you  
20 need. All right. And, then, your driving, how did you get  
21 here today? Did you have to rely on someone to take you?

22 PROSPECTIVE JUROR NO. 768: Yeah, I had a friend of  
23 mine bring me.

24 THE COURT: Okay. And is that friend available  
25 other days?

1           PROSPECTIVE JUROR NO. 768: Well, see, they -- he  
2 just happen to be off and -- and they work schedule vary, so  
3 it's hard for me to really depend on one particular person.

4           THE COURT: Okay. So we'll make note of that. Does  
5 anyone else have any physical limitations that I need to be  
6 aware of? Okay.

7           So let me give you guys a quick run down on what's  
8 going to happen. So in a second I'm going to have the State  
9 stand up, they're going to introduce themselves. They're  
10 going to tell you a little bit of this case, just an overview.  
11 They're going to give you a list of individuals who may be  
12 called to testify in this case. When they've introduced  
13 themselves, Mr. Sprowson will have a chance to stand up,  
14 introduce himself, give you a little bit of information about  
15 the case, and then he'll list any individuals who may be  
16 called as a witness in this case. Thereafter, you guys are  
17 going to be sworn in as jurors and you're going to go through  
18 a series of questions.

19           I'll be very honest with all of you guys. Today,  
20 given the -- the late start we had today, it is probably  
21 unlikely we will have a jury selected today, so you will have  
22 to come back and I just want to put all of that out there for  
23 you guys. It would be one o'clock tomorrow. And just so you  
24 guys can make arrangements, keeping in mind you might be  
25 selected as a juror in this case, I know it's tough for you

1 guys to miss work, okay, but we really do appreciate you guys  
2 showing up and serving as a juror.

3 Certainly, if any one of you guys were a party in a  
4 case you would want jurors that come in and that listen to  
5 everything and are interested, and that's what the State --  
6 what the State and the Defendant want in this particular case,  
7 as well. So it is really important, your participation. I  
8 understand there's other places you may rather be, but this is  
9 very important to both -- to all the individuals in this case.

10 So if you're selected as jurors just kind of keep  
11 this out there. The jury -- the court day is not a full day  
12 because I have other matters. As a general rule, the trial  
13 would be from 1:00 to approximately 4:45 on Monday, Tuesday,  
14 Wednesday. On Thursday and Friday it would start at  
15 approximately 9:30 to about 4:45, okay? So just kind of keep  
16 that in mind.

17 With that being said, I'm going to ask that the  
18 State please stand up, introduce themselves and tell us a  
19 little bit about the case.

20 MR. SWEETIN: Thank you, Judge. Good afternoon,  
21 ladies and gentlemen. My name is James Sweetin and seated  
22 next to me is Jacqueline Bluth and we're deputy district  
23 attorneys with the Clark County DA's Office assigned to case  
24 -- or prosecute the subject case captioned State versus Melvyn  
25 Sprowson wherein the Defendant's charged with first degree

1 kidnapping, child abuse and neglect with substantial bodily  
2 harm, and unlawful use of minor in the production of  
3 pornography.

4           Specifically, it's alleged that between July 1st,  
5 2013, and November 1st of 2013, Melvyn Sprowson, the  
6 Defendant, at the age of about 44, developed a sexual  
7 relationship with 16-year-old girl by the name of Jaysenia  
8 Torres. Contact was initially made on Craigslist over the  
9 Internet and that progressed to a continued contact between  
10 the Defendant and -- and this child over the Internet and by  
11 phone in which the Defendant asked Jaysenia to be his  
12 girlfriend, which progressed to the Defendant causing Jaysenia  
13 to take nude and sexually explicit photos of herself and send  
14 them to the Defendant over the computer through the Internet;  
15 and which lead to the Defendant picking up Jaysenia from her  
16 home, the home she shared with her mother, her sister and her  
17 grandmother in the middle of the night while her family slept,  
18 and taking her to live at his house for an extended period of  
19 time while Jaysenia's family searched for her.

20           Now, Jaysenia was at the Defendant's residence,  
21 residing for approximately nine weeks, and during which this  
22 -- over this period of time Jaysenia was completely isolated  
23 from any contact with her parents or anyone else, not attend  
24 school, slept in the same bed as the Defendant and was caused  
25 to perform sexual acts. And this continued over this period

1 of about nine weeks until the police found the child at that  
2 residence.

3 Now, as the Judge said, the State does have a list  
4 of witnesses and these are witnesses that have been provided  
5 to the Defendant, provided notice of all those witnesses, and  
6 I'm going to read you from that list. And the reason this is  
7 important is because the Judge is going to ask you whether or  
8 not you recognize any of these people or know any of these  
9 people.

10 The State retains the right to call all of these  
11 witnesses, but most likely will not call all of these  
12 witnesses. First, Gary Abbott and Matt Campbell from the  
13 Clark County School District Police Department. A custodian  
14 of records for Fidelity Communications and Red Rock Jewelers  
15 in Henderson. Custodian of records from Wells Fargo Bank.  
16 Troy Cox, also from the Clark County School District Police  
17 Department. Michelle Fischer, who works for the Children's  
18 Advocacy Center. Mr. Gates, who is a volunteer at the  
19 Henderson Police Department. Kathy Harris. Gilbert Lindsey.  
20 Detective Logiudice from the Henderson Police Department.  
21 Nancy Lombardo, who's a police officer out of state. Mitchell  
22 Maciszak, who is with the Clark County School District Police.  
23 Officer Malone, also with the Henderson Police Department.  
24 Mike Marshal with the Clark County School District Police  
25 Department. Bob Patel and Usha Patel. David Platt with the

1 Clark County School District Police. Denise Savaspano.  
2 Jeffery Schell with the Clark County School District Police.  
3 Cheryl Smith. Kathryn Smith. Amber Swartwood. Jaysenia  
4 Torres. As well as Dr. Maya Strange. Ms. Silsby. Daniel  
5 Crump. Robyn Donaldson. Dr. Rosenman. Francis Chelli. Noel  
6 Reid. Dr. Emmanuel Nwapa. Lyndsey Brennan Garcia. Dr. Bryn  
7 Rodriquez. And Vena Davis. Thank you.

8 THE COURT: Mr. Sprowson, would you like to  
9 introduce yourself?

10 MR. SPROWSON: Yes, I would, Your Honor. Good  
11 afternoon. I would like to say thank you for being here.  
12 Obviously, you've heard some pretty nasty things stated by the  
13 State, but I just want to remind you that in our country we're  
14 entitled to a jury trial, which means that we're innocent  
15 until proven guilty. A lot of things that the State has  
16 stated is designed to create an image in your mind to look at  
17 me as a person who has done horrible things. Now, keep in  
18 mind, when they say pictures of a nude person, the picture's  
19 not -- or actually exhibits --

20 MS. BLUTH: Your Honor, I apologize. I don't mean  
21 to interrupt, Mr. Sprowson, but this is just a brief  
22 rendition.

23 MR. SPROWSON: Well, Your Honor, he mentioned that I  
24 took pictures of her nude. I have a fair opportunity to  
25 explain that they're not nude photographs. They are pictures

1 of her in her underwear. There's a big difference between  
2 nude --

3 THE COURT: Just quickly --

4 MR. SPROWSON: -- and underwear.

5 THE COURT: -- introduce yourself and, you know, and  
6 your version --

7 MR. SPROWSON: Your Honor, I just want a fair trial.

8 THE COURT: -- of the case. We just can't try our  
9 case right now. Yeah.

10 MR. SPROWSON: I understand that, and I'm  
11 introducing myself. He said a whole spew of things about me.  
12 I don't get the same opportunity? Just -- just clarify.

13 THE COURT: That's really more --

14 MR. SPROWSON: All -- basically, look, all I want to  
15 say is --

16 THE COURT: -- openings, closings.

17 MR. SPROWSON: -- whoever is the jury, please listen  
18 to everything and just take it with a salt of grain. Thank  
19 you, Your Honor.

20 THE COURT: And, Mr. Sprowson, do you anticipate  
21 calling any witnesses, sir?

22 MR. SPROWSON: Do I what? No.

23 THE COURT: Calling any witnesses?

24 MR. SPROWSON: Not at this time.

25 THE COURT: Okay.

1 MR. SPROWSON: I probably won't, just myself and  
2 maybe Jaysenia Torres.

3 THE COURT: Okay. All right. Ladies and gentlemen,  
4 we're about to begin the process called voir dire, voir dire,  
5 however you want to call it. All that is is the questioning  
6 of the jury. It is done under oath. I'm going to ask you  
7 please stand, raise your right hand to be sworn in.

8 (Prospective jury panel sworn by the Clerk.)

9 THE COURT: All right. Please make yourself  
10 comfortable. Sit back down. Okay. So this is the way we're  
11 going to do it. I get to ask my -- my questions of you guys  
12 first before I turn you guys over to the State and, then,  
13 ultimately the defense. The first questions are easy and  
14 they're directed to everyone in this room. And then what  
15 happens after I ask my questions to all of you guys, I'm going  
16 to focus on this group sitting over here by the jury box and  
17 in front of the jury box and I'm going to have some specific  
18 questions for them. Okay.

19 The one thing I have to tell you because I'm bad  
20 about doing it is I am a hand talker, but because everything's  
21 being taken down to make an official record, it's really  
22 important if I haven't said it already, that every time you  
23 want to respond to something, I get a verbal response. Even  
24 though I can see your hands moving like mine are always  
25 moving, I still can't take that down on the record, so make

1 sure you give me a verbal response to go along with whatever  
2 hand or head gestures you guys have.

3 So first question is easy. Is everyone in here a US  
4 citizen? Everyone says yes. Great. Okay.

5 And I -- I know that one person has a response to  
6 this, but does anyone know the Court? And in the back, your  
7 name and badge number?

8 PROSPECTIVE JUROR NO. 631: Lisa Vollmer, 631.

9 THE COURT: All right. Ms. Vollmer, it has been a  
10 long time, I believe.

11 PROSPECTIVE JUROR NO. 631: Yes, it has.

12 THE COURT: Okay. So if -- if memory serves, you  
13 work for State Farm Insurance Company?

14 PROSPECTIVE JUROR NO. 631: Correct.

15 THE COURT: Okay. And I think that I knew you back  
16 when I was an attorney with State Farm; is that correct?

17 PROSPECTIVE JUROR NO. 631: Correct.

18 THE COURT: Okay. And I don't believe we've had any  
19 interaction -- I stopped working for State Farm, I believe, in  
20 approximately the early 2000's. I don't believe we've had any  
21 interaction since that time; is that correct?

22 PROSPECTIVE JUROR NO. 631: No, we have not.

23 THE COURT: Okay. And notwithstanding the fact that  
24 you and I used to have some business dealings together, can  
25 you be fair to the State and can you be fair to the Defendant?

1 PROSPECTIVE JUROR NO. 631: Yes, I believe that I  
2 can.

3 THE COURT: All right. Thank you. Does anyone else  
4 know me? Yes, sir. Name and badge number?

5 PROSPECTIVE JUROR NO. 726: Andrew Guzik, Badge No.  
6 726. I'm a licensed attorney. I practiced in front of you  
7 before.

8 THE COURT: You have, and I'm sorry if I don't  
9 remember everyone off the top of my head. Sir, what type of  
10 law do you do?

11 PROSPECTIVE JUROR NO. 726: I do insurance defense,  
12 primarily, [inaudible], premises liability.

13 THE COURT: Okay. And -- and I'm sorry that if I  
14 didn't recognize you coming in, but I see a lot of people.  
15 The fact that you've had cases in front of me, if you're  
16 selected as a juror in this case, can you be fair to both the  
17 State and the Defense?

18 PROSPECTIVE JUROR NO. 726: Yes.

19 THE COURT: All right. Thank you very much. Does  
20 anyone else know me? All right. And I introduced Kathy  
21 Struber and Maria Garibay, my court staff. Does anyone know  
22 either of them? Everyone says no.

23 And you've already had a chance to meet Jason and  
24 Jason tends to be wondering about all the time and knows a lot  
25 of people. Does anyone know Jason? No one knows Jason.

1 Great. All right.

2 Does anyone know the two District Attorneys assigned  
3 to represent this -- handle this case, which would be Mr.  
4 Sweetin and Ms. Bluth?

5 MS. BLUTH: I'm going to stand up, Your Honor,  
6 because some of them are trying to see me, in case they know  
7 me. I didn't stand up earlier.

8 THE COURT: Sometimes you recognize people, but I'm  
9 horrible with names, but you may recognize them. Does anyone  
10 recognize Ms. Bluth and Mr. Sweetin either by face or by name?  
11 Everyone says no. Oh. I have a hand in the back. Ma'am,  
12 name and badge number.

13 PROSPECTIVE JUROR NO. 844: Barbara Brown, Badge No.  
14 844. I recognize the District Attorney from serving a year on  
15 Grand Jury.

16 THE COURT: When were you on a Grand Jury?

17 PROSPECTIVE JUROR NO. 844: It ended a year ago this  
18 December.

19 THE COURT: Okay. And do you know Ms. Bluth and Mr.  
20 Sweetin?

21 PROSPECTIVE JUROR NO. 844: Just her.

22 THE COURT: Okay. And do you think you could be  
23 fair to the State and the defense if you're selected as a  
24 juror?

25 PROSPECTIVE JUROR NO. 844: I do.

1           THE COURT: Thank you very much. Does anyone else  
2 know -- they have two district attorneys assigned to this  
3 case. No one else. Great.

4           Does anyone know Mr. Sprowson, the Defendant in this  
5 case? I have one hand. Name and badge number.

6           PROSPECTIVE JUROR NO. 709: 709, Martha Silvasy.  
7 And I've seen him on media.

8           THE COURT: I'm going to get to that question. All  
9 right. Have you seen any recent stories?

10          PROSPECTIVE JUROR NO. 709: No.

11          THE COURT: All right. And when do you believe  
12 you've read or seen something about this case?

13          PROSPECTIVE JUROR NO. 709: It was a while ago. I  
14 don't remember specifically.

15          THE COURT: Okay. And you guys are going to receive  
16 an instruction, you'll receive this instruction every time you  
17 leave the courtroom, and you'll receive if you're selected as  
18 a juror, also you'll receive it if you're selected as a juror  
19 in the your jury instructions. Okay.

20          So if you're selected as a juror in this case you  
21 can only consider what you see and hear in the walls of the  
22 courtroom. Anything that may have been seen or heard outside  
23 the courtroom, you can't consider it at all in making your  
24 decision. Do you think that you could put aside anything you  
25 may have seen or heard and base any decision on what you see

1 and hear within the walls of the courtroom?

2 PROSPECTIVE JUROR NO. 709: It would be a challenge  
3 for me, I'll be honest.

4 THE COURT: Based upon the nature of the charges? I  
5 mean --

6 PROSPECTIVE JUROR NO. 709: Based off the nature of  
7 the charges and the circumstance with the situation that I've  
8 read and -- or excuse me -- saw in the news media.

9 THE COURT: All right. Thank you for that  
10 information. Anyone else who may have seen or heard something  
11 about this case outside the courtroom? Your name and badge  
12 number.

13 PROSPECTIVE JUROR NO. 831: Julian Branscombe, 831.  
14 My fiance is very much in the news and all the web sites and  
15 everything and we watched a couple programs [inaudible] on  
16 him, so. I don't know if that's going to affect anything,  
17 but.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 831: [Inaudible] my judgment.

20 THE COURT: Can you give me a little more  
21 information? Did you see something on this particular case?

22 PROSPECTIVE JUROR NO. 831: Yes, I recognized his  
23 face when I walked in. Saw numerous things on it. I'm on a  
24 lot of social media and I believe I saw something on the local  
25 news and also on the Internet.

1 THE COURT: And do you think you can put aside  
2 whatever you may have seen outside the courtroom?

3 PROSPECTIVE JUROR NO. 831: I -- I can't -- personal  
4 history and pieces of the case would make me very -- I hate to  
5 say it -- against the Defendant.

6 THE COURT: All right. Does anyone else have a  
7 response? Does anyone else believe they may have seen or  
8 heard something about this case before coming into court  
9 today? I have a hand. Oh. Yes, ma'am. Your name and badge  
10 number.

11 PROSPECTIVE JUROR NO. 692: Julie Langile, 0692.

12 THE COURT: Yes, ma'am.

13 PROSPECTIVE JUROR NO. 692: And I -- I don't know  
14 that I've heard anything about the case, but I've seen him  
15 before.

16 THE COURT: Seeing him as a neighbor? At the  
17 grocery store?

18 PROSPECTIVE JUROR NO. 692: In passing. I -- I do a  
19 lot of performance entertainment-style work. I come into  
20 contact with a lot of people.

21 THE COURT: Uh-huh.

22 PROSPECTIVE JUROR NO. 692: So I don't think it  
23 would harbor my judgment in any way, but I can't say that I've  
24 never seen him. I've seen him before.

25 THE COURT: Do you recall whether you had any kind

1 of conversation with him?

2 PROSPECTIVE JUROR NO. 692: [Inaudible.]

3 THE COURT: All right. Do you think you can --  
4 assuming you had a conversation or assuming you observed him  
5 doing something, can you leave all that outside and only  
6 consider what you see in here within the walls of this  
7 courtroom?

8 PROSPECTIVE JUROR NO. 692: Yes, I can.

9 THE COURT: Great. Thank you. All right. Does  
10 anyone else believe they may have heard or read something  
11 about this case before coming into court today? Okay.

12 And the one thing that I have to tell you guys,  
13 especially since we're not going to have a jury selected  
14 tonight, it's really, really important that -- well, until  
15 you're dismissed as jurors, okay, that you don't talk about  
16 this case at all. If you're addicted to social media, you  
17 have to put something -- all you can say is you've been called  
18 as a potential juror in a criminal case. You can't say  
19 anything more about it, okay? I -- I need for you guys to not  
20 go and Google it, get on social media, or do anything else.

21 And the reason for that is this: Both the State and  
22 the Defendant are entitled to a fair trial, okay? And,  
23 basically, when you do that it taints this whole trial, which  
24 means potentially the case could have to be tried again. So  
25 until you're discharged, please do not go anywhere near social

1 media and don't talk about it at all with anyone, okay?  
2 Because a lot of times people find out you're in a trial.  
3 They say, oh, is it criminal? Civil? Tell me a little bit  
4 about it. You can't say anything, okay?

5 All right. So I'm going to direct my attention --  
6 oh. I have one more question for everyone else in this  
7 courtroom. Does -- do all of you still have your right to  
8 vote? Everyone says yes. Great. All right.

9 Now I'm going to direct my attention to these people  
10 sitting over here and the jury box and in front of the jury  
11 box. See, I'm using my hands again. All right. Have -- as  
12 you may have heard, there's law enforcement officials who may  
13 be called to testify in this case. Would anyone give more  
14 weight or credence to the testimony of a law enforcement  
15 official simply because he or she was in law enforcement?  
16 Everyone shaking their head and saying no. Okay.

17 All right. Are any of you in law enforcement  
18 yourself? Really? Okay. Hold on. I'm making notes. Okay.  
19 Let me broaden that a little bit. Does anyone have any close  
20 friends or family members that are law enforcement? I hear  
21 some yeses. Let me make my notes real quick. Okay.

22 What I'm going to do, I heard more than one yes.  
23 I'm going to move from the back forward. Okay. And remember,  
24 I need name and badge number. So in the very back row, who do  
25 you know in law enforcement? You can raise your hand.

1 All right. We have Denise Crosby, Badge 632. Who  
2 do you know?

3 PROSPECTIVE JUROR NO. 632: [Inaudible.] My son and  
4 his son are best friends.

5 THE COURT: What does he do with Metro?

6 PROSPECTIVE JUROR NO. 632: He's a sergeant. He  
7 just got promoted.

8 THE COURT: Does he handle any type of -- particular  
9 type of crimes?

10 PROSPECTIVE JUROR NO. 632: I truly don't know what  
11 he does.

12 THE COURT: Okay. Well, if you don't talk about  
13 them, I don't know if -- you guys don't talk about cases, do  
14 you?

15 PROSPECTIVE JUROR NO. 632: No.

16 THE COURT: And, you know, every type of -- assuming  
17 you have talked about the random case, every single case is  
18 different, okay? And as I said several times today, what I  
19 need you to do is anything you may hear out of the courtroom,  
20 you got to put it out of your mind and you have to base a  
21 decision on what you hear within the walls of this courtroom.  
22 Can you do it?

23 PROSPECTIVE JUROR NO. 632: Yes.

24 THE COURT: And can you do it being fair to both the  
25 State and the Defense?

1 PROSPECTIVE JUROR NO. 632: Yes.

2 THE COURT: Okay. Great. Anyone else in the back  
3 row? All right. Let's move forward a row. The next row.  
4 Yes, sir. You're Mr. Doyle Bias?

5 PROSPECTIVE JUROR NO. 642: Doyle Bias.

6 THE COURT: 642.

7 PROSPECTIVE JUROR NO. 642: Yes.

8 THE COURT: All right. Mr. Bias.

9 PROSPECTIVE JUROR NO. 642: I don't know him  
10 personally, but he's a -- he works with Metro. He's a friend  
11 of the family on my wife's side.

12 THE COURT: Do you know his name?

13 PROSPECTIVE JUROR NO. 642: Curt. Don't know his  
14 last name, though.

15 THE COURT: Guessing you don't know his last name,  
16 he's not a super good friend. Is that fair?

17 PROSPECTIVE JUROR NO. 642: Uh-huh.

18 THE COURT: Okay. And it sounds like you don't talk  
19 to Curt very often. The fact that your family knows Curt,  
20 would that affect your ability to be fair to the State and the  
21 Defense in this case?

22 PROSPECTIVE JUROR NO. 642: No.

23 THE COURT: Okay. Let's move on down Mr. Bias' row.  
24 Anyone else, friends or family? Yes, sir, with the gray  
25 shirt. Name and badge.

1 PROSPECTIVE JUROR NO. 673: David Sturtze, 673.

2 THE COURT: Who do you know, sir?

3 PROSPECTIVE JUROR NO. 673: Gilbert Diaz, works for  
4 the CCSD school police.

5 THE COURT: Okay. What does he do there?

6 PROSPECTIVE JUROR NO. 673: He's a sergeant.

7 THE COURT: All right. And anyone else you know  
8 that's in law enforcement?

9 PROSPECTIVE JUROR NO. 673: No.

10 THE COURT: All right. And can you set aside your  
11 friendship with Mr. Gilbert and be fair and impartial to both  
12 the State and the Defense?

13 PROSPECTIVE JUROR NO. 673: He's my uncle.

14 THE COURT: He's what?

15 PROSPECTIVE JUROR NO. 673: He's my uncle, so --

16 THE COURT: Your uncle.

17 PROSPECTIVE JUROR NO. 673: -- so friendship part,  
18 he's my uncle, so.

19 THE COURT: Okay. So notwithstanding the  
20 relationship with your uncle, can you be fair to the State and  
21 the Defense?

22 PROSPECTIVE JUROR NO. 673: Yes.

23 THE COURT: Thank you very much. Anyone else in Mr.  
24 Sturtze's row? Yes, ma'am. Your name and badge number?

25 PROSPECTIVE JUROR NO. 675: Breanna Garrison, 675.

1 I know Judge William Kephart.

2 THE COURT: All right. How do you know Judge  
3 Kephart?

4 PROSPECTIVE JUROR NO. 675: He's my father's best  
5 friend. I've known him since I was [inaudible].

6 THE COURT: Okay. And I don't know how much Judge  
7 Kephart talks about cases. You understand that each and every  
8 case is different, correct? Okay. And we talked about over  
9 and over again today is whatever you talked about with Judge  
10 Kephart, okay, about other cases, you can't consider that.  
11 You have to listen to what's said and done within the walls of  
12 this courtroom and base the decision solely on what's said and  
13 done within the walls of the courtroom. Can you do that?

14 PROSPECTIVE JUROR NO. 675: Yes.

15 THE COURT: All right. Anyone else on Breanna's  
16 row? No. Yes, ma'am. Your name and badge number.

17 PROSPECTIVE JUROR NO. 643: Laura Teeter, 643.

18 THE COURT: Yes, ma'am. Who do you know?

19 PROSPECTIVE JUROR NO. 643: My son-in-law, he's an  
20 officer in [Inaudible] County.

21 THE COURT: What does he do there?

22 PROSPECTIVE JUROR NO. 643: He's a sheriff out  
23 there.

24 THE COURT: Okay. Does he have any particular cases  
25 he deals with?

1 PROSPECTIVE JUROR NO. 643: No, I haven't  
2 [inaudible].

3 THE COURT: Okay. And anyone else you know? And  
4 can you set that -- I'm not saying set the relationship aside,  
5 but set it aside for purposes of this trial?

6 PROSPECTIVE JUROR NO. 643: Yes.

7 THE COURT: And be fair to both the State and the  
8 Defense?

9 PROSPECTIVE JUROR NO. 643: Yes.

10 THE COURT: Okay. And anyone else in Ms. Teeter's  
11 row that I've missed? All right. Moving one row forward.  
12 Does anyone know or have any close friends or family in law  
13 enforcement? No one. Okay. We're moving one row closer to  
14 me. Does anyone have any close friends or family in law  
15 enforcement? Yes, ma'am. Your name and badge number?

16 PROSPECTIVE JUROR NO. 724: Badge No. 724, Robyn  
17 Moore.

18 THE COURT: Yes, ma'am.

19 PROSPECTIVE JUROR NO. 724: [Inaudible] Do you want  
20 his name?

21 THE COURT: Yes.

22 PROSPECTIVE JUROR NO. 724: [Inaudible.]

23 THE COURT: Okay.

24 THE RECORDER: I can't hear her.

25 PROSPECTIVE JUROR NO. 724: Oh. I'm sorry. My

1 cousin, I'm from Minnesota, so my cousin and my uncle, they're  
2 both now retired [inaudible]. One is a bailiff and one is a  
3 police officer for [inaudible].

4 THE COURT: Okay. And can you be fair to both the  
5 State and the Defense notwithstanding those relationships?

6 PROSPECTIVE JUROR NO. 724: Yes, I think so.

7 THE COURT: Thank you. Anyone else in Ms. Moore's  
8 row? All right. And the last row, the two individuals  
9 closest to me, anything you guys would like to add? All  
10 right. So have I -- have I spoken with everyone on the issue  
11 of friends or family in law enforcement? Okay.

12 The next question is: Have any of you ever been the  
13 victim of a crime? Okay. I hear all no's, and I have a few  
14 hands up. So let's go with the hands up. Ms. Vollmer, you're  
15 Badge No. 631. Please tell me what happened.

16 PROSPECTIVE JUROR NO. 631: Theft, I've been the  
17 victim of theft.

18 THE COURT: What kind of theft?

19 PROSPECTIVE JUROR NO. 631: I had some things stolen  
20 out of my vehicle.

21 THE COURT: How long ago?

22 PROSPECTIVE JUROR NO. 631: Twenty-five years ago.

23 THE COURT: Okay. Was that in Las Vegas?

24 PROSPECTIVE JUROR NO. 631: Yes.

25 THE COURT: Was anyone prosecuted?

1 PROSPECTIVE JUROR NO. 631: No.

2 THE COURT: All right. And do you hold it against  
3 the State or the Defense because of this incident?

4 PROSPECTIVE JUROR NO. 631: No.

5 THE COURT: Thank you very much. I have one more  
6 gentleman, I think in the turquoise jersey.

7 PROSPECTIVE JUROR NO. 698: Number 698.

8 THE COURT: Yes, sir.

9 PROSPECTIVE JUROR NO. 698: Josh Hardison. I had my  
10 truck stolen.

11 THE COURT: When?

12 PROSPECTIVE JUROR NO. 698: Three years ago.

13 THE COURT: Here in Las Vegas?

14 PROSPECTIVE JUROR NO. 698: Yes.

15 THE COURT: Was anyone prosecuted?

16 PROSPECTIVE JUROR NO. 698: No.

17 THE COURT: And do you hold it against the State or  
18 the Defense?

19 PROSPECTIVE JUROR NO. 698: No.

20 THE COURT: Can you be fair to both?

21 PROSPECTIVE JUROR NO. 698: Yes.

22 THE COURT: Thank you very much. All right. Anyone  
23 else I've missed who's been a victim of crime? And, yes,  
24 you're Leslie Thomas, 740?

25 PROSPECTIVE JUROR NO. 740: Yes. Theft in my home

1 when I was present and theft from my body. No one was  
2 prosecuted.

3 THE COURT: Where did those occur?

4 PROSPECTIVE JUROR NO. 740: The home in Las Vegas,  
5 the person in Washington [inaudible].

6 THE COURT: Okay. So no one was prosecuted. Can  
7 you be fair to the State and the Defense?

8 PROSPECTIVE JUROR NO. 740: [Inaudible.]

9 THE COURT: Thank you very much. All right. Anyone  
10 I missed who's been the victim of crime? I have a hand  
11 partially up. Okay.

12 PROSPECTIVE JUROR NO. 709: It was a stolen purse.

13 THE COURT: Ma'am, name and badge number.

14 PROSPECTIVE JUROR NO. 709: I'm sorry. Martha  
15 Silvasy, 709.

16 THE COURT: Yes.

17 PROSPECTIVE JUROR NO. 709: It was a stolen purse at  
18 a club, here in Vegas, probably 14 years ago.

19 THE COURT: Can you be fair to the State and  
20 Defense?

21 PROSPECTIVE JUROR NO. 709: Yes.

22 THE COURT: All right. And ma'am with the purplish  
23 flower?

24 PROSPECTIVE JUROR NO. 724: Robyn Moore, 724. We  
25 have -- we were building a home in Mesquite, Nevada. Quite a

1 bit of things stolen from the home in the building process.

2 THE COURT: How long ago did that occur?

3 PROSPECTIVE JUROR NO. 724: Oh, it was about a year  
4 ago.

5 THE COURT: Was anyone prosecuted?

6 PROSPECTIVE JUROR NO. 724: No, they never caught  
7 anybody.

8 THE COURT: All right. Can you be fair to the State  
9 and the Defense?

10 PROSPECTIVE JUROR NO. 724: I think so, yes.

11 THE COURT: Thank you very much. All right. Anyone  
12 I've missed. Okay. So the next one's a version of the same  
13 question. Has anyone been accused of committing a crime?  
14 Everyone says no. Okay.

15 MS. BLUTH: No, someone said yes.

16 THE COURT: I heard a yes. All right, sir. Name  
17 and badge number.

18 PROSPECTIVE JUROR NO. 735: Stephen Loew, 735.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR NO. 735: Driving under the  
21 influence.

22 THE COURT: Okay. And when was that?

23 PROSPECTIVE JUROR NO. 735: 2013.

24 THE COURT: And were you convicted of DUI?

25 PROSPECTIVE JUROR NO. 735: Yes.

1 THE COURT: Was it here in Las Vegas?  
2 PROSPECTIVE JUROR NO. 735: Yes.  
3 THE COURT: All right. And was it a misdemeanor?  
4 PROSPECTIVE JUROR NO. 735: Yes.  
5 THE COURT: And was your case closed?  
6 PROSPECTIVE JUROR NO. 735: Yes.  
7 THE COURT: All right. And do you hold it against  
8 the State or the Defense?  
9 PROSPECTIVE JUROR NO. 735: No.  
10 THE COURT: Can you be fair to the State and the  
11 Defense?  
12 PROSPECTIVE JUROR NO. 735: Yes.  
13 THE COURT: Thank you very much. Anyone else who's  
14 been accused of committing a crime? Yes, ma'am. Name and  
15 badge.  
16 PROSPECTIVE JUROR NO. 709: Martha Silvasy, 709.  
17 THE COURT: I'll know this soon.  
18 PROSPECTIVE JUROR NO. 709: 1996, DWI. In North  
19 Carolina.  
20 THE COURT: I'm assuming it's closed?  
21 PROSPECTIVE JUROR NO. 709: Yes, ma'am.  
22 THE COURT: And was it a misdemeanor?  
23 PROSPECTIVE JUROR NO. 709: I think so. I lost my  
24 license for six months and was on probation for a year.  
25 THE COURT: Okay. And can you be fair to the State

1 and the defense notwithstanding?

2 PROSPECTIVE JUROR NO. 709: Yes.

3 THE COURT: Great. Anyone else? I have a hand in  
4 the back here. Mr. Ulery, Badge 627.

5 PROSPECTIVE JUROR NO. 627: Yes. Does that count, a  
6 conviction?

7 THE COURT: Well, it depends what it is. I mean,  
8 I'm sorry. It doesn't depend what it is. Was it a  
9 misdemeanor? What was --

10 PROSPECTIVE JUROR NO. 627: No, it was a felony.

11 THE COURT: It was a felony. Okay. How long ago?

12 PROSPECTIVE JUROR NO. 627: 2006.

13 THE COURT: Do you mind if I ask what it was for?

14 PROSPECTIVE JUROR NO. 627: Not at all. I spanked a  
15 boy with a belt.

16 THE COURT: So what was the charge?

17 PROSPECTIVE JUROR NO. 627: Assault of a child, of a  
18 minor, I guess.

19 THE COURT: Okay. And was it here in Las Vegas?

20 PROSPECTIVE JUROR NO. 627: No, it was in Washington  
21 State.

22 THE COURT: Is the case closed out?

23 PROSPECTIVE JUROR NO. 627: Yes.

24 THE COURT: Do you -- do you have your civil rights  
25 back?

1 PROSPECTIVE JUROR NO. 627: Yes.

2 THE COURT: Okay. So you can vote, you can be a  
3 juror and everything else?

4 PROSPECTIVE JUROR NO. 627: Yes, ma'am.

5 THE COURT: Okay. And can you be fair to the State  
6 and the Defense?

7 PROSPECTIVE JUROR NO. 627: Yes.

8 THE COURT: All right. Thank you very much. Anyone  
9 else who's been accused or convicted of committing a crime? I  
10 expanded the question a little bit to anyone who has been  
11 accused. Has anyone been accused of committing a crime?  
12 Everyone says no. I mean, that's everyone who is going to  
13 respond, everyone else says no. All right.

14 So I need for you guys to listen to these  
15 instructions and tell me if you can follow these instructions.  
16 First, you must follow all instructions of the Court on the  
17 law even if they differ from your personal conceptions of what  
18 the law ought to be. Basically, you have to follow the law as  
19 I give it, even if you disagree with it. Can all of you  
20 follow that instruction? Everyone says yes. Great.

21 Can you follow this instruction? A person accused  
22 of committing a crime is presumed to be innocent in a criminal  
23 trial. Can all of you follow that crime -- I mean, follow  
24 that instruction? All right.

25 And can you follow this instruction? The Defendant

1 does not have to present any evidence in order for you to  
2 return a verdict of not guilty. Can everyone follow that  
3 instruction? Everyone says yes.

4 And, lastly, can you follow this instruction? It's  
5 the State's burden of proving the Defendant guilty beyond a  
6 reasonable doubt. Can everyone follow that instruction?  
7 Okay.

8 So what I'm going to do now is I'm going to go one  
9 by one and I have some questions for each of you. Again, you  
10 know, I meant to tell you this at the very beginning. You  
11 know, some of these questions, as you've already seen, they're  
12 very general, okay? And they're given to everyone in the  
13 courtroom, and then what's going to happen now, they're going  
14 to be a little bit more specific and they're going to be  
15 tailored to particular individuals.

16 So -- and, then, the State's going to have a chance  
17 to follow up on those questions, as well the Defendant. And  
18 their questions, again, may be tailored and may be very  
19 specific to particular individuals. What I don't want is  
20 please don't feel any offense if we ask you a very specific  
21 question. The reason it's not, we don't -- it's not that we  
22 want to pry into your lives. We don't want to make you guys  
23 embarrassed. That -- that would never be our intent. The  
24 only thing we're trying to figure out is if you're an  
25 appropriate juror in this particular case, okay?

1           So with that being said I'm going to start with Mr.  
2 William Pfundstein, Badge 526. Sir, how are you today?

3           PROSPECTIVE JUROR NO. 526: [Inaudible.]

4           THE COURT: And are you employed?

5           PROSPECTIVE JUROR NO. 526: No.

6           THE COURT: Are you retired? Between jobs?

7           PROSPECTIVE JUROR NO. 526: Retired.

8           THE COURT: What did you retire from?

9           PROSPECTIVE JUROR NO. 526: Postal service.

10          THE COURT: How long were you with the post office?

11          PROSPECTIVE JUROR NO. 526: Eighteen years.

12          THE COURT: And what did you do there, sir?

13          PROSPECTIVE JUROR NO. 526: I was a clerk,  
14 supervisor.

15          THE COURT: Okay. And before working at the Post  
16 Office, what did you do?

17          PROSPECTIVE JUROR NO. 526: Worked in a mine,  
18 Pearson Mine, Colorado.

19          THE COURT: A mine?

20          PROSPECTIVE JUROR NO. 526: Yes.

21          THE COURT: Okay. What aspect of the mine did you  
22 work in?

23          PROSPECTIVE JUROR NO. 526: Underground, 2000 foot  
24 underground.

25          THE COURT: Really? I guess you're not

1 claustrophobic?

2 PROSPECTIVE JUROR NO. 526: No.

3 THE COURT: That would kind of make me be a little  
4 bit claustrophobic. All right. Sir, how long were you with  
5 the mine?

6 PROSPECTIVE JUROR NO. 526: Couple of years.

7 THE COURT: And, then, prior to that?

8 PROSPECTIVE JUROR NO. 526: Construction.

9 THE COURT: Okay. How long were you in  
10 construction, sir?

11 PROSPECTIVE JUROR NO. 526: Off and on throughout  
12 the years, various jobs.

13 THE COURT: Various jobs. And, then, before you got  
14 into construction, did you have a different job?

15 PROSPECTIVE JUROR NO. 526: That's pretty much what  
16 it's been.

17 THE COURT: Okay. And are you married?

18 PROSPECTIVE JUROR NO. 526: No.

19 THE COURT: And do you have children?

20 PROSPECTIVE JUROR NO. 526: No.

21 THE COURT: How long have you lived in Clark County,  
22 Nevada, sir?

23 PROSPECTIVE JUROR NO. 526: I'll say I've been here  
24 eight years.

25 THE COURT: Thank you so much. If you could pass it

1 on to Diane Rafferty, Badge 607. And you guys are going to  
2 figure this out soon enough. It's the exact same questions,  
3 so if you want to start thinking about your responses. Ms.  
4 Rafferty, are you employed?

5 PROSPECTIVE JUROR NO. 607: Yes.

6 THE COURT: What do you do?

7 PROSPECTIVE JUROR NO. 607: Executive assistant for  
8 Silver State School's credit union.

9 THE COURT: For credit union you said?

10 PROSPECTIVE JUROR NO. 607: Yes, ma'am.

11 THE COURT: Okay. How long have you been there?

12 PROSPECTIVE JUROR NO. 607: Eight years.

13 THE COURT: And what did you do prior?

14 PROSPECTIVE JUROR NO. 607: I worked at another  
15 credit union before it went belly up.

16 THE COURT: For how long?

17 PROSPECTIVE JUROR NO. 607: Nine years there.

18 THE COURT: As an executive assistant.

19 PROSPECTIVE JUROR NO. 607: Manager, branch manager.

20 THE COURT: Okay. And prior to that?

21 PROSPECTIVE JUROR NO. 607: Let me think here.

22 Worked at a credit union down in Buloxi, Mississippi.

23 THE COURT: Have you been in the banking industry  
24 for a while?

25 PROSPECTIVE JUROR NO. 607: For a while, yes.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 607: Credit union all the  
3 way.

4 THE COURT: So prior to being in the banking  
5 industry, did you have a different type of job?

6 PROSPECTIVE JUROR NO. 607: Yes, I did home daycare  
7 when my husband was in the military, we were stationed in  
8 England, home daycare there, and other various jobs as we  
9 moved around.

10 THE COURT: You want to give me an idea what those  
11 were?

12 PROSPECTIVE JUROR NO. 607: Waitressing, picking  
13 mushrooms in England. Various jobs.

14 THE COURT: And is your husband employed?

15 PROSPECTIVE JUROR NO. 607: Yes.

16 THE COURT: What does he do?

17 PROSPECTIVE JUROR NO. 607: He works for JT3.

18 THE COURT: What is it?

19 PROSPECTIVE JUROR NO. 607: JT3.

20 THE COURT: What is that?

21 PROSPECTIVE JUROR NO. 607: Military contracting.

22 THE COURT: And, then, previously he was active  
23 duty?

24 PROSPECTIVE JUROR NO. 607: Yes.

25 THE COURT: Any children?

1 PROSPECTIVE JUROR NO. 607: Yes.  
2 THE COURT: How many?  
3 PROSPECTIVE JUROR NO. 607: Three.  
4 THE COURT: How old are they?  
5 PROSPECTIVE JUROR NO. 607: Oh. Good heavens. Let  
6 me think here. Thirty-two, 33, and 35.  
7 THE COURT: All adults.  
8 PROSPECTIVE JUROR NO. 607: Yes.  
9 THE COURT: Okay. Tell me something about the  
10 32-year-old. What does the 32-year-old do for a living?  
11 PROSPECTIVE JUROR NO. 607: She works for a make-up  
12 company up in Utah.  
13 THE COURT: What kind of company?  
14 PROSPECTIVE JUROR NO. 607: Make-up.  
15 THE COURT: Oh. Make-up.  
16 PROSPECTIVE JUROR NO. 607: Uh-huh. Unique.  
17 THE COURT: Gotcha. And, then, the 33-year-old?  
18 PROSPECTIVE JUROR NO. 607: Thirty-three, he also  
19 works for JT3.  
20 THE COURT: Is he active duty military at some  
21 point?  
22 PROSPECTIVE JUROR NO. 607: No, he was not.  
23 THE COURT: Okay. And, then, the 35-year-old?  
24 PROSPECTIVE JUROR NO. 607: Thirty-five-year-old is  
25 a stay-at-home mom.

1 THE COURT: And how old are those grandchildren of  
2 yours?

3 PROSPECTIVE JUROR NO. 607: I'm sorry?

4 THE COURT: How old are those grandchildren you  
5 have?

6 PROSPECTIVE JUROR NO. 607: They range anywhere from  
7 2 years to 11, and I have eight of them.

8 THE COURT: You have eight?

9 PROSPECTIVE JUROR NO. 607: Eight grandchildren,  
10 yes.

11 THE COURT: How lucky you are.

12 PROSPECTIVE JUROR NO. 607: I am.

13 THE COURT: Okay. So between 2 and 11. Okay. And  
14 how long have you been in Clark County, Nevada?

15 PROSPECTIVE JUROR NO. 607: Since 1999.

16 THE COURT: Thank you so much. If you could pass it  
17 down to Douglas Lentz, Badge No. 612. Sir, are you employed?

18 PROSPECTIVE JUROR NO. 612: Yes.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR NO. 612: Physical therapist with  
21 Kindred [phonetic] healthcare, which is a long-term acute care  
22 ICU facility.

23 THE COURT: Okay. And how long have you done that?

24 PROSPECTIVE JUROR NO. 612: About two and a half  
25 years.

1 THE COURT: And prior to that?

2 PROSPECTIVE JUROR NO. 612: Student over at Troy  
3 [phonetic] University in Nevada.

4 THE COURT: Okay. And was this your first career or  
5 did you have a career prior to going to school?

6 PROSPECTIVE JUROR NO. 612: Pretty much the first  
7 because the one before was a tech at a physical therapy  
8 clinic.

9 THE COURT: Okay. Any other jobs?

10 PROSPECTIVE JUROR NO. 612: I was ice hockey coach  
11 at the Jim Kroc Center when I lived back in San Diego.

12 THE COURT: Are you married?

13 PROSPECTIVE JUROR NO. 612: Yes.

14 THE COURT: Does your wife work?

15 PROSPECTIVE JUROR NO. 612: Yes.

16 THE COURT: What does she do?

17 PROSPECTIVE JUROR NO. 612: She was over at Mandalay  
18 Bay. She's kind of, like, in charge of the, like, the  
19 scheduling department for the gaming, housekeeping and such.

20 THE COURT: Do you have children?

21 PROSPECTIVE JUROR NO. 612: I do not.

22 THE COURT: And how long have you been in Clark  
23 County, Nevada?

24 PROSPECTIVE JUROR NO. 612: Approximately 2011.

25 THE COURT: Six years?

1 PROSPECTIVE JUROR NO. 612: Give or take.

2 THE COURT: Thank you. You want to pass it on down  
3 to Gayle Carlton, Badge 614?

4 PROSPECTIVE JUROR NO. 614: Yes.

5 THE COURT: Hi.

6 PROSPECTIVE JUROR NO. 614: Hi.

7 THE COURT: All right. Ms. Carlton, are you  
8 employed?

9 PROSPECTIVE JUROR NO. 614: Yes.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR NO. 614: I have two jobs. I work  
12 at Foothill High School with the Clark County School District  
13 and I also work at the Boulder City Library in the youth  
14 department.

15 THE COURT: Okay. Let me ask you a little bit about  
16 the jobs. What do you do at Foothills High School?

17 PROSPECTIVE JUROR NO. 614: Now I'm at the front  
18 desk. Prior to that I was working with the special needs  
19 children.

20 THE COURT: So do you have any particular  
21 certifications to work with special needs?

22 PROSPECTIVE JUROR NO. 614: No, I was an  
23 instructional assistant.

24 THE COURT: And Boulder City Library, youth  
25 department, what do you do there?

1 PROSPECTIVE JUROR NO. 614: I'm in charge of story  
2 time and art club and I help the patrons to find things, run  
3 the programs, check in and out materials.

4 THE COURT: And prior to having those two jobs, what  
5 did you do for a living?

6 PROSPECTIVE JUROR NO. 614: I've also worked at the  
7 Henderson Library District in circulation and then I worked  
8 many years at a school at -- it's a private school, a  
9 Christian School.

10 THE COURT: What did you do at the school?

11 PROSPECTIVE JUROR NO. 614: I was the art teacher  
12 and also the dance teacher, PE for the girls dance.

13 THE COURT: Do you have teaching certification?

14 PROSPECTIVE JUROR NO. 614: No, it was kind of an  
15 umbrella thing underneath the Abeka curriculum.

16 THE COURT: Okay. And anything else?

17 PROSPECTIVE JUROR NO. 614: Prior to that I was  
18 teaching dance, teaching art, and preschool at the Clark  
19 County -- like the Parks and Rec.

20 THE COURT: And prior to that?

21 PROSPECTIVE JUROR NO. 614: That's -- that's about  
22 it. That's what I've done.

23 THE COURT: All right. Are you married?

24 PROSPECTIVE JUROR NO. 614: No.

25 THE COURT: Do you have children?

1 PROSPECTIVE JUROR NO. 614: Yes.

2 THE COURT: How many?

3 PROSPECTIVE JUROR NO. 614: Three.

4 THE COURT: How old are they?

5 PROSPECTIVE JUROR NO. 614: Thirty, 19 and 23.

6 THE COURT: And the 30-year-old, what does that

7 person do for a living?

8 PROSPECTIVE JUROR NO. 614: She works at a

9 restaurant. She just started and I don't know the name of it.

10 THE COURT: Wait staff?

11 PROSPECTIVE JUROR NO. 614: She's the hostess.

12 THE COURT: Okay. And the 19-year-old?

13 PROSPECTIVE JUROR NO. 614: He works at Starbucks.

14 He lives with me.

15 THE COURT: What does he do at Starbucks?

16 PROSPECTIVE JUROR NO. 614: He's a barista.

17 THE COURT: There's a lot to learn on that.

18 PROSPECTIVE JUROR NO. 614: Yes, he's very good.

19 THE COURT: And the 23-year-old?

20 PROSPECTIVE JUROR NO. 614: He works at Barry's

21 Plastics.

22 THE COURT: Barry's Plastics?

23 PROSPECTIVE JUROR NO. 614: Uh-huh.

24 THE COURT: What is that?

25 PROSPECTIVE JUROR NO. 614: It's in Henderson. They

1 make plastic containers. He's one of the engineers and  
2 mechanics on the machinery.

3 THE COURT: All right. And how long have you been  
4 in Clark County, Nevada?

5 PROSPECTIVE JUROR NO. 614: Since 1981.

6 THE COURT: Thank you so much, ma'am. If you could  
7 pass it on down to Kevin Phillips, Badge No. 616. All right,  
8 Mr. Phillips. Hi. So are you employed?

9 PROSPECTIVE JUROR NO. 616: I'm on SIS right now. I  
10 just got on there.

11 THE COURT: What happened?

12 PROSPECTIVE JUROR NO. 616: Messed up my shoulder at  
13 work.

14 THE COURT: What kind of work were you in?

15 PROSPECTIVE JUROR NO. 616: HVAC technician, that's  
16 heating, ventilation, air-conditioning.

17 THE COURT: Yeah. And, then, how long have you been  
18 a HVAC tech?

19 PROSPECTIVE JUROR NO. 616: For ten years.

20 THE COURT: And prior to that?

21 PROSPECTIVE JUROR NO. 616: Valet.

22 THE COURT: For how long?

23 PROSPECTIVE JUROR NO. 616: Twelve.

24 THE COURT: And prior to that?

25 PROSPECTIVE JUROR NO. 616: A lot of jobs after

1 that, construction.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 616: I worked for the water  
4 district for ten years.

5 THE COURT: What did you do at the water district?

6 PROSPECTIVE JUROR NO. 616: Did the mains and  
7 service lines.

8 THE COURT: Okay. Before that?

9 PROSPECTIVE JUROR NO. 616: That's from '77 to '88.

10 THE COURT: That's a while.

11 PROSPECTIVE JUROR NO. 616: Yeah.

12 THE COURT: What else?

13 PROSPECTIVE JUROR NO. 616: I don't know, going back  
14 that far.

15 THE COURT: Have we gotten you close to the teenage  
16 years?

17 PROSPECTIVE JUROR NO. 616: I was in construction.

18 THE COURT: Okay. Are you married?

19 PROSPECTIVE JUROR NO. 616: No.

20 THE COURT: Children?

21 PROSPECTIVE JUROR NO. 616: No.

22 THE COURT: And how long in Clark County, Nevada?

23 PROSPECTIVE JUROR NO. 616: I moved here in 1960.

24 THE COURT: All right. Thank you, Mr. Phillips. If  
25 you want to pass it on down to Jeffrey Ulery, Badge No. 627.

1 Mr. Ulery, what do you do for a living?

2 PROSPECTIVE JUROR NO. 627: Right now I'm  
3 unemployed, but I -- I've been a truck driver for 17 years. I  
4 -- I'm collecting long-term disability through my previous  
5 employer.

6 THE COURT: Okay. So you're unemployed because of  
7 the disability?

8 PROSPECTIVE JUROR NO. 627: That's correct, because  
9 of my disability.

10 THE COURT: Okay. Is it a partial disability or  
11 whole body disability?

12 PROSPECTIVE JUROR NO. 627: It's partial. It's,  
13 like, this man here, my right shoulder. I've had a couple  
14 rotator cuff surgeries that I'm having to correct the problem.

15 THE COURT: Okay. Let me think. Is there anything  
16 about that -- this shoulder injury that would preclude you  
17 from listening to this case?

18 PROSPECTIVE JUROR NO. 627: No.

19 THE COURT: And prior to working as a truck driver,  
20 what did you do?

21 PROSPECTIVE JUROR NO. 627: I was -- I spent -- I  
22 did tours of duty in the Marine Corp and the Coast Guard.

23 THE COURT: How long were you in the military?

24 PROSPECTIVE JUROR NO. 627: Seven and a half years.

25 THE COURT: And what did you do with the military?

1 What did you do?

2 PROSPECTIVE JUROR NO. 627: Well, I was trained in  
3 the Marine Corp as artillery and missile guidance system tech.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 627: And the Coast Guard I  
6 was an amble-bodied seaman.

7 THE COURT: Okay. Before that -- I'm sorry. I'm  
8 not yawning. I'm sorry. I didn't mean any disrespect, but  
9 I've been in the same position for a -- several hours now.

10 PROSPECTIVE JUROR NO. 627: Pretty boring stuff.

11 THE COURT: So I apologize. It's toward the end of  
12 my day. All right. So we have you back to the military.  
13 What did you do before that?

14 PROSPECTIVE JUROR NO. 627: Quite a few different  
15 jobs. A lot of restaurant work, construction work.

16 THE COURT: Uh-huh. Anything else, sir?

17 PROSPECTIVE JUROR NO. 627: No.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR NO. 627: Yes.

20 THE COURT: Does your wife work?

21 PROSPECTIVE JUROR NO. 627: Yes, she does.

22 THE COURT: What does she do?

23 PROSPECTIVE JUROR NO. 627: She works at the JB  
24 Robinson Jewelers in the Meadows Mall.

25 THE COURT: Okay. And do you have children?

1 PROSPECTIVE JUROR NO. 627: Yes, we have a son that  
2 will be eight in two months.

3 THE COURT: All right. And how long have you been  
4 in Clark County, Nevada?

5 PROSPECTIVE JUROR NO. 627: About three months shy  
6 of three years.

7 THE COURT: Thank you so much. If you want to pass  
8 it on down to Lisa Vollmer, Badge No. 631. Ms. Vollmer, what  
9 do you do for a living currently?

10 PROSPECTIVE JUROR NO. 631: I work for State Farm  
11 Insurance as an injury claim trainer.

12 THE COURT: And how long have you been at State  
13 Farm?

14 PROSPECTIVE JUROR NO. 631: Eighteen, going on 19  
15 years.

16 THE COURT: And prior to State Farm?

17 PROSPECTIVE JUROR NO. 631: I worked for three  
18 different Workers Compensation Claim carriers. I've been an  
19 injury claim professional for the past 30 years.

20 THE COURT: Okay. And before getting into -- I  
21 guess we'd say loosely the insurance industry, what did you  
22 do?

23 PROSPECTIVE JUROR NO. 631: I was a medical  
24 assistant.

25 THE COURT: So what is your background? Do you have

1 some kind of medical training?

2 PROSPECTIVE JUROR NO. 631: Yes.

3 THE COURT: What is it?

4 PROSPECTIVE JUROR NO. 631: I obtained a certificate  
5 as a medical assistant and I've also been studying nursing off  
6 and on since the '80s.

7 THE COURT: Okay. So you still studying nursing?

8 PROSPECTIVE JUROR NO. 631: Yes, I am at UNLV  
9 currently.

10 THE COURT: So are you close to finishing?

11 PROSPECTIVE JUROR NO. 631: I'm close to admission  
12 to a program. I've got all my pre-reqs and then you apply for  
13 admission.

14 THE COURT: Oh. Okay. Great. So we have you back  
15 to being all the way back in time to being a medical  
16 assistant. Are we getting pretty close to the teenage years?

17 PROSPECTIVE JUROR NO. 631: Yes, indeed.

18 THE COURT: I think we all kind of had the same jobs  
19 during the teenage years, just a few everyone has. Are you  
20 married?

21 PROSPECTIVE JUROR NO. 631: Yes.

22 THE COURT: Okay. Does your husband work?

23 PROSPECTIVE JUROR NO. 631: Yes.

24 THE COURT: What does he do?

25 PROSPECTIVE JUROR NO. 631: He's a real estate

1 appraiser and sales person.

2 THE COURT: What kind of things does he sell?

3 PROSPECTIVE JUROR NO. 631: Real estate.

4 THE COURT: I'm sorry. That's right.

5 PROSPECTIVE JUROR NO. 631: Residential.

6 THE COURT: Do you have children?

7 PROSPECTIVE JUROR NO. 631: Yes.

8 THE COURT: How many?

9 PROSPECTIVE JUROR NO. 631: One.

10 THE COURT: How old?

11 PROSPECTIVE JUROR NO. 631: Seventeen.

12 THE COURT: Still in school?

13 PROSPECTIVE JUROR NO. 631: Yes.

14 THE COURT: All right. And how long have you been  
15 in Clark County, Nevada, ma'am?

16 PROSPECTIVE JUROR NO. 631: Since 1991.

17 THE COURT: All right. Thank you, Ms. Vollmer. Can  
18 you pass it down to Denise Crosby, who's Badge 632. Ms.  
19 Crosby, good afternoon.

20 PROSPECTIVE JUROR NO. 632: Good afternoon.

21 THE COURT: Are you employed?

22 PROSPECTIVE JUROR NO. 632: Yes.

23 THE COURT: What do you do?

24 PROSPECTIVE JUROR NO. 632: I work for Lowe's.

25 THE COURT: How long have you been with Lowe's?

1 PROSPECTIVE JUROR NO. 632: I've been there four  
2 years.

3 THE COURT: All right. And what do you do at  
4 Lowe's?

5 PROSPECTIVE JUROR NO. 632: I design kitchens.

6 THE COURT: All right. And prior to Lowe's?

7 PROSPECTIVE JUROR NO. 632: I was a stay-at-home mom  
8 for about five years, and then I was in the banking industry  
9 for Bank of America and, previous to that, Valley Bank for 20  
10 years.

11 THE COURT: Okay. And are you married?

12 PROSPECTIVE JUROR NO. 632: No.

13 THE COURT: And you have one child, right?

14 PROSPECTIVE JUROR NO. 632: No, I have --

15 THE COURT: Oh. I'm sorry. I don't know why I got  
16 one, but you have a child?

17 PROSPECTIVE JUROR NO. 632: I have five.

18 THE COURT: Five kids. How old are they?

19 PROSPECTIVE JUROR NO. 632: Twenty-nine, 27, and the  
20 last three are 17.

21 THE COURT: Your triplets?

22 PROSPECTIVE JUROR NO. 632: Yes.

23 THE COURT: Wow. I have 17-year-old twins. Two is  
24 a lot. I can't imagine adding a third. All right. So the  
25 29-year-old, what does the 29-year-old do?

1 PROSPECTIVE JUROR NO. 632: A stay-at-home mom.

2 THE COURT: Okay. And what about the 27-year-old?

3 PROSPECTIVE JUROR NO. 632: He's in Reno and I don't  
4 really know what he's doing.

5 THE COURT: Okay. He's being an adult.

6 PROSPECTIVE JUROR NO. 632: Yes.

7 THE COURT: Okay. And, then, the 17-year-olds, are  
8 they students?

9 PROSPECTIVE JUROR NO. 632: Yes, they are.

10 THE COURT: All right. And how long have you been  
11 in Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 632: Since 1978.

13 THE COURT: Thank you very much, Ms. Crosby. Pass  
14 that mike all the way down the row back to Mr. Doyle Bias,  
15 642. Mr. Bias has the black-and-white striped shirt on. All  
16 right. Mr. Bias, are you employed?

17 PROSPECTIVE JUROR NO. 642: Yes.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR NO. 642: I'm a houseman at the  
20 Cosmopolitan of Las Vegas.

21 THE COURT: What do you do as a houseman?

22 PROSPECTIVE JUROR NO. 642: I clean hallways, back  
23 of the house.

24 THE COURT: Okay. You get to listen to the music  
25 ever?

1 PROSPECTIVE JUROR NO. 642: No.

2 THE COURT: You come in after the fact?

3 PROSPECTIVE JUROR NO. 642: Yeah.

4 THE COURT: All right. How long have you been  
5 there, please?

6 PROSPECTIVE JUROR NO. 642: Six years.

7 THE COURT: And prior to that?

8 PROSPECTIVE JUROR NO. 642: I worked at Cappalo  
9 Gaming for about a year until he closed.

10 THE COURT: What did you do there?

11 PROSPECTIVE JUROR NO. 642: Change clerk for, like,  
12 slot machines.

13 THE COURT: Okay. And prior to that?

14 PROSPECTIVE JUROR NO. 642: I worked at Subway.

15 THE COURT: How long were you there?

16 PROSPECTIVE JUROR NO. 642: About a year.

17 THE COURT: And prior to that?

18 PROSPECTIVE JUROR NO. 642: I worked at Harmon  
19 Medical and Rehabilitation Hospital.

20 THE COURT: What did you do at Harmon Medical?

21 PROSPECTIVE JUROR NO. 642: I was a supervisor --  
22 supervisor linen attendant.

23 THE COURT: Were you kind of behind the scenes  
24 there?

25 PROSPECTIVE JUROR NO. 642: No, I --

1 THE COURT: Did you deal with patients is what I was  
2 trying to ask?

3 PROSPECTIVE JUROR NO. 642: No, I just -- we did the  
4 housekeeping and janitor work and --

5 THE COURT: Gotcha. All right. So prior to Harmon,  
6 what did you do?

7 PROSPECTIVE JUROR NO. 642: KFC in San Antonio,  
8 Texas.

9 THE COURT: Are you a Texan?

10 PROSPECTIVE JUROR NO. 642: No.

11 THE COURT: All right. I'm a Texan. So, all right,  
12 you're at KFC for how long?

13 PROSPECTIVE JUROR NO. 642: Only a few -- maybe a  
14 couple months till I moved back to Vegas.

15 THE COURT: Okay. So do we have you pretty much  
16 close to the teenager years?

17 PROSPECTIVE JUROR NO. 642: No.

18 THE COURT: Really? Okay. Let's keep going.

19 PROSPECTIVE JUROR NO. 642: Then I -- before that I  
20 worked at Taco Bell, before that I worked at the 99 cent  
21 store, and before that I worked at Circus Circus. That's my  
22 teenage years.

23 THE COURT: Back to the teenager years finally?

24 PROSPECTIVE JUROR NO. 642: Yes.

25 THE COURT: All right. Thank you. And are you -- I

1 mean, are you married?

2 PROSPECTIVE JUROR NO. 642: Yes.

3 THE COURT: What does your wife do?

4 PROSPECTIVE JUROR NO. 642: She's a veterinary  
5 assistant, but she's on leave right now.

6 THE COURT: Okay. And do you have children?

7 PROSPECTIVE JUROR NO. 642: Yes, I have a daughter  
8 and one on the way.

9 THE COURT: Oh. Is that the reason she's on leave?

10 PROSPECTIVE JUROR NO. 642: Yeah.

11 THE COURT: So your daughter that's been born, how  
12 old is she?

13 PROSPECTIVE JUROR NO. 642: She'll be five in July.

14 THE COURT: And, then, you have one that's due when?

15 PROSPECTIVE JUROR NO. 642: September.

16 THE COURT: All right. And how long have you been  
17 in Clark County, Nevada?

18 PROSPECTIVE JUROR NO. 642: Almost all my life.

19 THE COURT: Eighteen plus years fair enough?

20 PROSPECTIVE JUROR NO. 642: Since '88.

21 THE COURT: Since '88. Okay. Thank you, Mr. Bias.

22 Please pass it down to Laura Teeter, Badge 643. Ms. Teeter,  
23 are you employed?

24 PROSPECTIVE JUROR NO. 643: Yes.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR NO. 643: I'm a food server.  
2 THE COURT: How long have you done that?  
3 PROSPECTIVE JUROR NO. 643: Thirty years.  
4 THE COURT: Thirty years. That's a long time.  
5 Okay. Prior to that?  
6 PROSPECTIVE JUROR NO. 643: That's about it.  
7 THE COURT: Okay. Are you married?  
8 PROSPECTIVE JUROR NO. 643: Yes.  
9 THE COURT: Does your husband work?  
10 PROSPECTIVE JUROR NO. 643: Yes.  
11 THE COURT: What does he do?  
12 PROSPECTIVE JUROR NO. 643: He's a cook.  
13 THE COURT: And do you have children?  
14 PROSPECTIVE JUROR NO. 643: Yes.  
15 THE COURT: How many?  
16 PROSPECTIVE JUROR NO. 643: Three.  
17 THE COURT: How old?  
18 PROSPECTIVE JUROR NO. 643: Thirty-five, 36 and 25.  
19 THE COURT: All right. And what does the  
20 35-year-old do?  
21 PROSPECTIVE JUROR NO. 643: She owns her own  
22 photograph business.  
23 THE COURT: And the 36-year-old?  
24 PROSPECTIVE JUROR NO. 643: He's an auto tech.  
25 THE COURT: A what?

1 PROSPECTIVE JUROR NO. 643: Auto technician.

2 THE COURT: Oh. Auto tech. Okay. And the  
3 25-year-old?

4 PROSPECTIVE JUROR NO. 643: She is a sergeant in a  
5 -- God, I can't think of it. Makes me nervous. Security  
6 place.

7 THE COURT: All right. And how long have you been  
8 in Clark County, Nevada?

9 PROSPECTIVE JUROR NO. 643: Since '62.

10 THE COURT: Thank you, Ms. Teeter. If you want to  
11 pass it on down to Antoinette Cisneros, Badge 646. Ms.  
12 Cisneros, are you employed?

13 PROSPECTIVE JUROR NO. 646: Yes.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR NO. 646: I'm a choir teacher for  
16 CCSD.

17 THE COURT: How long have you done that?

18 PROSPECTIVE JUROR NO. 646: Six or five years and  
19 subbed for half a year, so five and a half.

20 THE COURT: Are you a licensed teacher?

21 PROSPECTIVE JUROR NO. 646: Yes.

22 THE COURT: Okay. And before becoming a teacher,  
23 what did you do?

24 PROSPECTIVE JUROR NO. 646: I worked at a Christian  
25 daycare, and then I went to school, and I also worked at the

1 Bellagio and sold tickets for Cirque du Soileil.

2 THE COURT: All right. Anything else? All right.

3 Are you married?

4 PROSPECTIVE JUROR NO. 646: I am.

5 THE COURT: Does your spouse work?

6 PROSPECTIVE JUROR NO. 646: Yes.

7 THE COURT: What does he do?

8 PROSPECTIVE JUROR NO. 646: He's a licensed

9 attorney.

10 THE COURT: In Las Vegas?

11 PROSPECTIVE JUROR NO. 646: Yes.

12 THE COURT: Where does he work?

13 PROSPECTIVE JUROR NO. 646: Emerson Law Associates.

14 THE COURT: Is that insurance defense?

15 PROSPECTIVE JUROR NO. 646: Yes.

16 THE COURT: Okay. So if you're selected as a juror

17 in this case, you know you can't go home and -- well, no one

18 can go home and talk about the case, right?

19 PROSPECTIVE JUROR NO. 646: Yes.

20 THE COURT: And especially you cannot go home and

21 run things by your husband, you understand that, right?

22 PROSPECTIVE JUROR NO. 646: I understand that.

23 THE COURT: All right. And I'm assuming the fact

24 he's your husband that wouldn't affect your ability to be fair

25 and impartial, would that be a correct statement?

1 PROSPECTIVE JUROR NO. 646: That is correct.

2 THE COURT: All right. And do you have any  
3 children?

4 PROSPECTIVE JUROR NO. 646: We have one on the way.

5 THE COURT: Okay. I thought I saw a bump, but.

6 PROSPECTIVE JUROR NO. 646: Yes, maybe -- maybe in a  
7 couple weeks.

8 THE COURT: Okay. That makes me a tad nervous.

9 PROSPECTIVE JUROR NO. 646: Yeah.

10 THE COURT: When are you due?

11 PROSPECTIVE JUROR NO. 646: I'm due April 30th.  
12 She's measuring two weeks early.

13 THE COURT: You've had other children?

14 PROSPECTIVE JUROR NO. 646: Huh?

15 THE COURT: You're due April 30th, so we have a few  
16 weeks.

17 PROSPECTIVE JUROR NO. 646: Yes.

18 THE COURT: Is this your first?

19 PROSPECTIVE JUROR NO. 646: This is our first.

20 THE COURT: Does your doctor think you're going to  
21 be more than two weeks early?

22 PROSPECTIVE JUROR NO. 646: No, because he told my  
23 husband that he has to wait until May to do depositions.

24 THE COURT: Okay. But is he allowing your husband  
25 to do depositions in the next few weeks?

1 PROSPECTIVE JUROR NO. 646: Yes.

2 THE COURT: Okay. So if you get selected as a juror  
3 and you need to stand up, take a little break, whatever,  
4 standing up is fine. If you need to take a little break for  
5 whatever reason, make sure, just let us know and that's fine  
6 as well, okay?

7 PROSPECTIVE JUROR NO. 646: Okay. What about the  
8 food situation? I'm starving right now.

9 THE COURT: You can bring food.

10 PROSPECTIVE JUROR NO. 646: Okay.

11 THE COURT: I'm assuming that since you're an adult  
12 you won't make a mess?

13 PROSPECTIVE JUROR NO. 646: No.

14 THE COURT: All right. And you'll put it in the  
15 trash? And I say that because, believe it or not, people do  
16 leave their trash in here. Okay. You think you can clean up  
17 your mess and whatever, no problem. I understand.

18 PROSPECTIVE JUROR NO. 646: Okay.

19 THE COURT: And that's the same for anyone else. If  
20 you need something to nibble on, again, just don't make a mess  
21 and throw out your trash, please. All right. And how long  
22 have you been in Clark County, Nevada?

23 PROSPECTIVE JUROR NO. 646: Since '89.

24 THE COURT: Thank you very much, Ms. Cisneros.  
25 Let's move it on down to Jacquelyn Howard, Badge 651. Ms.

1 Howard, are you employed?

2 PROSPECTIVE JUROR NO. 651: Yes.

3 THE COURT: What do you do?

4 PROSPECTIVE JUROR NO. 651: I am a teacher for Clark  
5 County School District.

6 THE COURT: I don't think I've ever had so many  
7 teachers at once. Okay. How long have you been at CCSD?

8 PROSPECTIVE JUROR NO. 651: Twenty-six years.

9 THE COURT: And what do you do there?

10 PROSPECTIVE JUROR NO. 651: I teach third, fourth  
11 and fifth gifted and talented education.

12 THE COURT: GATE?

13 PROSPECTIVE JUROR NO. 651: Yes.

14 THE COURT: And have you always done GATE?

15 PROSPECTIVE JUROR NO. 651: No, I've done second  
16 grade, third grade, fourth grade, fifth grade.

17 THE COURT: So all elementary?

18 PROSPECTIVE JUROR NO. 651: Yes, all elementary.

19 THE COURT: And prior to being a teacher, what did  
20 you do for a living?

21 PROSPECTIVE JUROR NO. 651: I was in college and I  
22 worked for the dean of college part-time and waitressing and  
23 hostessing, and that's my teenage years.

24 THE COURT: You're back to your teenage years.  
25 Perfect. And then, are you married?

1 PROSPECTIVE JUROR NO. 651: I am not.

2 THE COURT: Okay. Do you have children?

3 PROSPECTIVE JUROR NO. 651: I do not.

4 THE COURT: And how long have you been at Clark  
5 County, Nevada?

6 PROSPECTIVE JUROR NO. 651: Twenty-six years.

7 THE COURT: Thank you so much, Ms. Howard. If you  
8 want to pass it on down to David Sturtze, Badge 673. Mr.  
9 Sturtze, what do you do for a living?

10 PROSPECTIVE JUROR NO. 673: I'm elevator mechanic.

11 THE COURT: Oh. Have you been out to the courthouse  
12 before?

13 PROSPECTIVE JUROR NO. 673: Plenty of times.

14 THE COURT: All right. So how long have you been an  
15 elevator mechanic?

16 PROSPECTIVE JUROR NO. 673: Seventeen years.

17 THE COURT: Okay. And before that?

18 PROSPECTIVE JUROR NO. 673: Ten years as a  
19 supervisor for Nationwide Pools.

20 THE COURT: And prior to that?

21 PROSPECTIVE JUROR NO. 673: Miscellaneous, little  
22 jobs. Worked at car washes, things of that sort, right out of  
23 high school.

24 THE COURT: So getting it -- that takes you back to  
25 about the high school years?

1 PROSPECTIVE JUROR NO. 673: About twenty-five years  
2 and then the car wash job.

3 THE COURT: Okay. And are you married?

4 PROSPECTIVE JUROR NO. 673: Yes.

5 THE COURT: Does your wife work?

6 PROSPECTIVE JUROR NO. 673: No.

7 THE COURT: Is she retired? Stay-at-home mom?

8 PROSPECTIVE JUROR NO. 673: Stay-at-home mom.

9 THE COURT: And how many kids do you have?

10 PROSPECTIVE JUROR NO. 673: Just the one.

11 THE COURT: How old?

12 PROSPECTIVE JUROR NO. 673: Six.

13 THE COURT: And how long have you been in Clark  
14 County, Nevada?

15 PROSPECTIVE JUROR NO. 673: Since '76.

16 THE COURT: Thank you very much. If you want to  
17 move it on down to Breanna Garrison, Badge 675. Ms. Garrison,  
18 are you employed?

19 PROSPECTIVE JUROR NO. 675: Yes.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR NO. 675: I am the president for a  
22 company for merchant services. We offer [inaudible] use your  
23 credit/debit card services, you have to come through a company  
24 like me.

25 THE COURT: Very interesting. How long have you

1 done that?

2 PROSPECTIVE JUROR NO. 675: Seven years.

3 THE COURT: And prior to that?

4 PROSPECTIVE JUROR NO. 675: I was real estate  
5 marketing for luxurial estate [phonetic] and before that right  
6 out of high school I worked briefly for the DA's Office.

7 THE COURT: Okay. And I think you know which one  
8 I'll ask you a little more details on. When you worked for  
9 the DA's Office, how long -- was it Clark County?

10 PROSPECTIVE JUROR NO. 675: Yes, it was right across  
11 -- on the third floor here.

12 THE COURT: And how long ago?

13 PROSPECTIVE JUROR NO. 675: 2006.

14 THE COURT: Until when?

15 PROSPECTIVE JUROR NO. 675: Only three months, so  
16 May, June, July.

17 THE COURT: What did you do there?

18 PROSPECTIVE JUROR NO. 675: Accounts receivable and  
19 a lot of filing.

20 THE COURT: Do you know these two attorneys who are  
21 assigned to this case?

22 PROSPECTIVE JUROR NO. 675: I do not.

23 THE COURT: And, let's see, prior to the DA's  
24 Office, what did you do?

25 PROSPECTIVE JUROR NO. 675: I was in high school.

1 THE COURT: You were in high school. Okay. And,  
2 let's see, are you married?

3 PROSPECTIVE JUROR NO. 675: No.

4 THE COURT: Children?

5 PROSPECTIVE JUROR NO. 675: No.

6 THE COURT: And how long in Clark County, Nevada?

7 PROSPECTIVE JUROR NO. 675: My whole life, so 29  
8 years.

9 THE COURT: Thank you very much, Ms. Garrison. You  
10 want to pass it on down to Elia Franco Echeverria.

11 PROSPECTIVE JUROR NO. 676: Yes.

12 THE COURT: Did I put those in the correct order?

13 PROSPECTIVE JUROR NO. 676: Yes.

14 THE COURT: Thank you. Ma'am, are you employed?

15 PROSPECTIVE JUROR NO. 676: Yes.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR NO. 676: I clean up room in  
18 housekeeping department.

19 THE COURT: All right. How long have you been in  
20 housekeeping?

21 PROSPECTIVE JUROR NO. 676: Twelve year.

22 THE COURT: And prior to that job?

23 PROSPECTIVE JUROR NO. 676: Yeah.

24 THE COURT: Before you worked in housekeeping, what  
25 did you do?

1 PROSPECTIVE JUROR NO. 676: In California, run  
2 store.

3 THE COURT: Worked at a store?

4 PROSPECTIVE JUROR NO. 676: Yeah.

5 THE COURT: What did you do at the store?

6 PROSPECTIVE JUROR NO. 676: Making books.

7 THE COURT: Is your first language Spanish?

8 PROSPECTIVE JUROR NO. 676: Yeah.

9 THE COURT: Okay. Before -- okay. So before your  
10 California job, what did you do for a living?

11 PROSPECTIVE JUROR NO. 676: In California?

12 THE COURT: Yeah, you're in California, you worked  
13 in a store; is that right?

14 PROSPECTIVE JUROR NO. 676: Machine, making books.

15 THE COURT: Like on a -- in a factory, maybe?

16 PROSPECTIVE JUROR NO. 676: Factory, yeah.

17 THE COURT: Okay. How long did you do that?

18 PROSPECTIVE JUROR NO. 676: Six year I work.

19 THE COURT: Okay. And before you had that job  
20 making the books, what did you do?

21 PROSPECTIVE JUROR NO. 676: Before?

22 THE COURT: Yes, ma'am.

23 PROSPECTIVE JUROR NO. 676: In my country, I was  
24 living in my country.

25 THE COURT: Okay. When you were living in --

1 PROSPECTIVE JUROR NO. 676: El Salvador.  
2 THE COURT: El Salvador?  
3 PROSPECTIVE JUROR NO. 676: Yeah.  
4 THE COURT: Okay. So what did you do there?  
5 PROSPECTIVE JUROR NO. 676: In El Salvador I -- I  
6 working in the house, clean the house.  
7 THE COURT: Okay. Was it kind of housekeeping?  
8 PROSPECTIVE JUROR NO. 676: Right now, yeah.  
9 THE COURT: Any other jobs, ma'am?  
10 PROSPECTIVE JUROR NO. 676: I don't understand very  
11 well.  
12 THE COURT: Any other -- any other jobs you've had  
13 during your adult life?  
14 PROSPECTIVE JUROR NO. 676: Yeah, yeah.  
15 THE COURT: Anything else?  
16 PROSPECTIVE JUROR NO. 676: No.  
17 THE COURT: Okay. Are you married?  
18 PROSPECTIVE JUROR NO. 676: Yes.  
19 THE COURT: What does your husband do?  
20 PROSPECTIVE JUROR NO. 676: Cook.  
21 THE COURT: Do you have children?  
22 PROSPECTIVE JUROR NO. 676: Yes.  
23 THE COURT: How many?  
24 PROSPECTIVE JUROR NO. 676: Two.  
25 THE COURT: How old?

1 PROSPECTIVE JUROR NO. 676: Twenty-two and 14.

2 THE COURT: Twenty-two-year-old, what does that one  
3 do for a living?

4 PROSPECTIVE JUROR NO. 676: [Inaudible] student.

5 THE COURT: Student?

6 PROSPECTIVE JUROR NO. 676: Yeah.

7 THE COURT: College student?

8 PROSPECTIVE JUROR NO. 676: Yeah.

9 THE COURT: And the 14-year-old is also a student,  
10 right?

11 PROSPECTIVE JUROR NO. 676: Yes.

12 THE COURT: And how long have you lived in Clark  
13 County, Nevada?

14 PROSPECTIVE JUROR NO. 676: [Inaudible] year.

15 THE COURT: Thank you so much. All right. If you  
16 could pass it down to Kai Miller, Badge 684. Ms. Miller, how  
17 are you today?

18 PROSPECTIVE JUROR NO. 684: I'm fine. Thank you.

19 THE COURT: What do you do for a living?

20 PROSPECTIVE JUROR NO. 684: I'm a home health aide.

21 THE COURT: How long have you done that?

22 PROSPECTIVE JUROR NO. 684: A little over a year.

23 THE COURT: Okay. And prior to that job?

24 PROSPECTIVE JUROR NO. 684: For about 30 years I was  
25 stay-at-home.

1 THE COURT: And prior to staying home with your kids  
2 what did you do?

3 PROSPECTIVE JUROR NO. 684: I had a catering company  
4 with my husband.

5 THE COURT: And prior to that?

6 PROSPECTIVE JUROR NO. 684: A chef.

7 THE COURT: And prior to that?

8 PROSPECTIVE JUROR NO. 684: Worked in Stein Mart  
9 department store.

10 THE COURT: Stein Mart, the retail store?

11 PROSPECTIVE JUROR NO. 684: Yes.

12 THE COURT: Okay. Are we getting you back to the  
13 teenage years?

14 PROSPECTIVE JUROR NO. 684: Not quite.

15 THE COURT: Okay. Let's keep going.

16 PROSPECTIVE JUROR NO. 684: Before that I did office  
17 administration for about ten years.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 684: And then Burger King.

20 THE COURT: We're back to the teenage years?

21 PROSPECTIVE JUROR NO. 684: Yes.

22 THE COURT: All right. And you're married, right?

23 PROSPECTIVE JUROR NO. 684: Yes.

24 THE COURT: What does your husband do?

25 PROSPECTIVE JUROR NO. 684: He's a chef.

1 THE COURT: Who cooks? You alternate?

2 PROSPECTIVE JUROR NO. 684: No one.

3 THE COURT: No one. Okay.

4 PROSPECTIVE JUROR NO. 684: No one at our house  
5 cooks.

6 THE COURT: No one.

7 PROSPECTIVE JUROR NO. 684: We don't.

8 THE COURT: All right. And how many -- do you have  
9 any children? You have kids, I'm assuming?

10 PROSPECTIVE JUROR NO. 684: Three.

11 THE COURT: Three kids. And I only assume because  
12 you said you were a stay-at-home mom. So how old are your  
13 kids?

14 PROSPECTIVE JUROR NO. 684: No, I just stayed at  
15 home. My kids are 31, 33 and 34.

16 THE COURT: Okay. The 31-year-old, what does that  
17 one do for a living?

18 PROSPECTIVE JUROR NO. 684: Works for the U.S. Post  
19 Office.

20 THE COURT: And the 33-year-old?

21 PROSPECTIVE JUROR NO. 684: He's actually my client.  
22 He has a lot of disabilities, so he doesn't work.

23 THE COURT: So is he on disability?

24 PROSPECTIVE JUROR NO. 684: No. He's applying.  
25 He's having a hard time getting it. He's working on it.

1           THE COURT: And the 34-year-old, what does that one  
2 do for a living? I think I'm thinking about nothing.

3           PROSPECTIVE JUROR NO. 684: Yeah, something like  
4 that. He's in between jobs.

5           THE COURT: That mean he's returned to the nest?

6           PROSPECTIVE JUROR NO. 684: Yes.

7           THE COURT: Okay. I heard that happens. Okay. So  
8 in between jobs. Okay. And how long have you been at Clark  
9 County, Nevada?

10          PROSPECTIVE JUROR NO. 684: About three years.

11          THE COURT: All right. And, you know, ladies and  
12 gentlemen, we're only going to go for about 15 minutes more,  
13 but we do need to take a quick break for some technical  
14 reasons.

15                So, again, you'll hear this every time you go out of  
16 the courtroom. You can't talk about the case. You can't  
17 research the case. Don't form or express an opinion on this  
18 case, that includes social media. Do not do anything with  
19 respect to social media on this case. Look and see where  
20 you're seated because you have to sit in the exact same seats  
21 every time you're in this courtroom. Look where you're seated  
22 and we'll see you back in just five minutes. I want to get a  
23 few more minutes in today.

24                (Court recessed for the evening at 4:28 p.m.)  
25

ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

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

KIMBERLY LAWSON  
TRANSCRIBER

UNCERTIFIED ROUGH DRAFT

1  
2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3  
4 MELVYN SPROWSON, ) No. 73674  
5 Appellant, )  
6 v. )  
7 THE STATE OF NEVADA, )  
8 Respondent. )  
9 )

10 **APPELLANT'S APPENDIX VOLUME VIII PAGES 1646-1841**

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27 BY /s/ Carrie M. Connolly  
28 Employee, Clark County Public Defender's Office