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Respondent.

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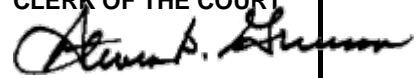
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 3

THURSDAY, MARCH 23, 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.

KARR REPORTING, INC.

2006

1 **LAS VEGAS, NEVADA, THURSDAY, MARCH 23, 2017, 9:50 A.M.**

2 *** * * * ***

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

4 THE COURT: Good morning. Mr. Sprowson is here, the
5 State is present. And I believe we have a representative of
6 the Las Vegas Justice Court who brought the records that were
7 subpoenaed by Mr. Sprowson.

8 Mr. Sprowson, did you obtain the items that you
9 need?

10 MR. SPROWSON: It's kind of a hard question. I
11 received some material that our search warrants and it had
12 some of the information that I asked for. But because there's
13 vocabulary differences, I was asking for case names, case
14 numbers. So what I was presenting was event number and search
15 warrant numbers and event times. It does seem to be
16 pertaining to the documents. I don't have my name associated
17 with it, but there's an event number. So I would assume that
18 event numbers would be original search warrant that was filed
19 in my case.

20 THE COURT: Can we let the representative from
21 Justice Court go at this point?

22 MR. SPROWSON: Yes. I'm satisfied with the
23 questions that I've had to ask her.

24 THE COURT: Okay. And State, can we likewise let
25 the Justice Court representative leave?

1 MR. SWEETIN: I have no problem with that, Judge. I
2 would just like to make a record.

3 THE COURT: Ma'am, you're free to go. Thank you.
4 Yes, Mr. Sweetin, sir.

5 MR. SWEETIN: I'd just like to make a record that
6 Joanne Patterson. I believe it's P-a-t-t-e-r-s-o-n, from the
7 Clark County Justice Court was present, did present the
8 defendant with the records he requested, which would include
9 the certified copies of the search warrants, which were
10 previously provided to him. I think he acknowledged that.
11 And there was also what she referred to as screenshots. That
12 depicted the time that those particular documents were
13 screened into the system.

14 The defendant discussed with her the specifics of
15 the documents and the procedure in the Justice Court for about
16 30 minutes. And in the course of that discussion she resolved
17 the issue in regards to exactly how certified copies are
18 produced, exactly what those certified copies might look like
19 as they are produced. Then, documents over this time period
20 were actually entered into the system, how that's documented
21 with the screenshots that she was provided. And essentially
22 how those documents are later filed and retrieved, whether it
23 be by case number or associated with the event number of the
24 case. All that was described to the defendant and the
25 defendant had no further questions to my knowledge.

1 THE COURT: Okay. Just a housekeeping matter before
2 we bring the jury in. My staff indicated you guys had kind of
3 worked out or kind of thought through a schedule that perhaps
4 we get a jury this morning, we need to give them the basic
5 admonishments, get them sworn in. And then you and the
6 defendant were going to go through the evidence; is that
7 correct?

8 MR. SWEETIN: That's correct, Judge. I have someone
9 available to bring the evidence in, and I told them I'd call
10 them, depending on how things progressed, sometime around
11 lunchtime.

12 THE COURT: Okay. And you think that will take
13 what, this afternoon, or how long do you think it will take?

14 MR. SWEETIN: I think that might take a bit. I'm
15 not sure how much the defendant's going to want to look at the
16 evidence.

17 THE COURT: Sure. So, should we start openings
18 tomorrow morning or today?

19 MS. BLUTH: The State can do whatever Your Honor
20 would like or whatever Mr. Sprowson would like. I don't
21 know --

22 MR. SPROWSON: I do have one issue, if they're
23 finished. The issue I have, and I just want to verify this
24 with the State, do they plan on calling [REDACTED] today or
25 tomorrow for testimony evidence?

1 MS. BLUTH: Yes.

2 MR. SPROWSON: Okay. And she's flying out of the
3 area or is she leaving the area or --

4 MS. BLUTH: Yes.

5 MR. SPROWSON: Okay. See, the problem I have is,
6 first thing is that she's, according to what I learned
7 yesterday, she's somewhere in Reno attending college; is that
8 correct?

9 MS. BLUTH: I'm not going to talk about where she is
10 or where she isn't.

11 MR. SPROWSON: Because I'm entitled to know where
12 she is to issue a subpoena.

13 MS. BLUTH: If you'd like to issue a subpoena I will
14 serve her with it, but I'm not going to tell you where she
15 lives.

16 MR. SPROWSON: Well, Brady vs. Maryland, I'm allowed
17 to have witness information. Not only that, but here's the
18 problem that I have, Your Honor. If they present [REDACTED]
19 testimonial evidence and I'm allowed cross-examination, then
20 when their case in chief is finished and I'm ready to do my
21 direct examination of the witness, which, by my questions, not
22 the State's, by my question there's exculpatory evidence that
23 will be revealed. Just for the fundamental principle of
24 fairness, I want to know how I'm going to be able to resolve
25 that issue to have this witness, which is material, which is

1 my main witness besides myself in my defense, how am I going
2 to have this witness here? Because I know the statute reads
3 that -- if it's Reno, I heard Reno. Reno I know is at least
4 100 miles away from this area.

5 So the statute reads according to the subpoenas that
6 that witness doesn't have to show up. I also read other
7 material that if she's a material witness out of state you can
8 invoke the Uniform Act, but she's not out of state, she's in
9 Reno. So the problem --

10 MS. BLUTH: Let me cure a couple of your concerns,
11 Mr. Sprowson, before you go any further. After I have her on
12 direct examination, Mr. Sprowson's going to have the
13 opportunity to cross-examine her. So you will have the full
14 right to ask her any and all questions as soon as I finish
15 with her tomorrow.

16 MR. SPROWSON: Direct examination?

17 MS. BLUTH: I'm going to do a direct examination,
18 and then as soon as I'm done you're going to have the
19 opportunity to cross-examine her.

20 MR. SPROWSON: Cross-examination, I understand, is
21 based upon the State's questions, right? My concern is my
22 direct examination --

23 THE COURT: He wants to exceed the scope of direct.

24 MS. BLUTH: Excuse me, Your Honor?

25 THE COURT: He wants to exceed the scope of direct

1 is what he wants.

2 MS. BLUTH: As long as that's relevant information
3 to this case, I probably don't mind him going outside the
4 scope as long as I find it relevant. If that will help, you
5 know, if that will -- I don't want her to have to come back is
6 my point because she's on spring break which is why we kind of
7 were trying to do it this week. I don't want this to
8 interfere with her scholastics. She has a 4.0, she's doing
9 really well, and she does not want to miss any school. So I
10 don't have a problem with him exceeding the direct examination
11 as long as it's pertinent and relevant to this case.

12 MR. SPROWSON: Your Honor, I want to reserve my
13 direct examination until I present my case in chief, because I
14 also need time to prepare. The State has all the advantages,
15 I have all the disadvantages.

16 THE COURT: Here's the problem --

17 MR. SPROWSON: I'm facing five life sentences.

18 MS. BLUTH: He didn't serve the State with a witness
19 list.

20 MR. SPROWSON: I don't have an address to serve her.
21 How can I serve her?

22 MS. BLUTH: No. You did not -- Mr. Sprowson did not
23 notice any witnesses.

24 THE COURT: Okay. Here's another issue. If it's
25 your witness you're responsible for the financial aspect of

1 getting them here.

2 MR. SPROWSON: Say again.

3 THE COURT: If it's your witness you're responsible
4 for the financial aspect of getting them here. I'm assuming
5 since you've been in the detention center awhile you don't
6 have the resources.

7 MR. SPROWSON: Right. Correct.

8 THE COURT: So I don't know how you're going to do
9 it the way you want to do it. You can do it however you want
10 since you're representing yourself. If you can exceed the
11 scope of direct, you can go into anything that is relevant and
12 allowable under the statutes. Obviously, there's limitations
13 on what you can ask her on this kind of case. But you would
14 -- should be able to ask most of what you want to ask her. If
15 you want to call her in your case in chief, just be prepared
16 to get her back down here at your expense, sir.

17 Is there anything else?

18 MS. BLUTH: Not on behalf of the State, Your Honor.

19 MR. SPROWSON: Your Honor, this is still an issue
20 for me because, you know, that's -- that's a constitutional
21 violation. I have a right -- you know, I have more than a
22 right to do a cross-examination. Cross-examination, even if
23 they do allow me, I need time to prepare and to address
24 certain issues in my case that would more than go out of the
25 scope of what they're asking. But, you know, the time that

1 I'm going to be allowed to prepare has been, again, shortened.
2 I would like to put my whole case in chief together like
3 they've had the opportunity to do.

4 THE COURT: You still have to follow the rules. We
5 went over this before. You have to subpoena her properly and
6 you have to provide at your expense, get her here. There's
7 not a mechanism for the opposing party to get her here.

8 MR. SPROWSON: Why don't I just sign a guilty plea?
9 You guys are not allowing me anything that I'm entitled to.

10 MS. BLUTH: Excuse me, Mr. Sprowson. Every time Mr.
11 Sprowson does not get his way, he discussed the fact that his
12 rights are being violated. The one right that Mr. Sprowson
13 has completely asked for and has been given is the right to
14 represent himself. Under the right to represent yourself he's
15 still held to the same evidentiary rules as I am. If he
16 wanted to call witnesses and if he wanted to notice witnesses,
17 that was within his right. He did not notice any witnesses.
18 He did not notice Jaysenia Torres.

19 He will have a full opportunity to cross-examine
20 her. I will allow him to exceed the scope as long as it's
21 relevant to this case. And him saying he hasn't had time, I'm
22 not sure what he's been doing. I mean, it's been almost four
23 years. For him to say that he hasn't had time to prepare a
24 direct or a cross for the main witness, I just don't
25 understand how that could be possible. So there's decisions

1 that he has made and he has to stick by those decisions.

2 And no one is violating any constitutional rights
3 simply because he doesn't get his way. You can't throw a fit
4 every time you don't get your way. He's held to the same
5 standards that I am and as Mr. Sweetin is.

6 THE COURT: Okay. I --

7 MR. SPROWSON: Your Honor, I'd just like to make a
8 correction. I've been here not four years. I've been here
9 under three years and I am incarcerated and I do -- I get out,
10 the tower that I'm in, I don't have -- you know, they're
11 assuming that I have like a full workday that they get, that I
12 have access to computers, and I have all the access to the
13 resources that they have.

14 My biggest problem, and I understand it's a
15 disadvantage representing myself, but again, considering the
16 factors that I have that legal right to represent myself and
17 the fact that it's the jail that is restricting my access to
18 certain things that I need to go ahead and -- how can I say,
19 prepare up to speed, according to their standards. I don't
20 have the resources they do, and I'm doing the best that I can
21 with the resources I have and limitations. We're locked up.
22 We get out maybe one to two hours a day at most. We'll get
23 out four hours a day.

24 And in that time, you know, that's when I have to
25 get my resources. I have to wait and order resources. I get

1 that maybe once a week. And sometimes, just recently, I have
2 a document and I can show you later, I don't have it with me,
3 where I've tried to order manila envelopes and things and
4 supplies, legal supplies, and I wasn't able to. It was
5 restricted. So I'm trying to figure out, okay, so how am I
6 going to do all this stuff.

7 Then the law library that we have, when we're doing
8 research, after five minutes it times out. Then all that
9 research that you're doing on there and you're trying to get
10 into the case and read the case and get all the information
11 that you need, by the time you start trying to copy all that
12 stuff down, it starts all over again. And then you've got to
13 go back in there, you've got to go back into the system, and
14 it takes awhile.

15 What I'm talking about is I have been trying to
16 prepare for this trial, and I've been trying to get things
17 together with the resources that I have. I am very, very
18 restricted. I understand I chose to represent myself and I
19 take that burden, but the problem is I'm just asking for just
20 some -- how can I say -- leeway on the fact that these
21 limitations I've had to face since I've been in here. And I
22 haven't been here four years. I was here six months, I got
23 out nine months, and I've been back two years and one month.
24 So it's been two years and one month. That whole time I
25 didn't have my case in my hands. I didn't start my case

1 until --

2 THE COURT: Mr. Sprowson, we do need to get a jury
3 unless -- let me just make a quick record. I agree with both
4 of you. I agree with the defendant in that there are
5 limitations obviously to represent yourself, especially if
6 you're in the detention center. But we've provided you with
7 the resources you've requested as far as the investigator, et
8 cetera.

9 I agree with the State also, and we went over this
10 during your canvass, that you are held to the same standards
11 as the lawyers in the case, notwithstanding your obvious
12 limitations. You're held to the same evidentiary rules and
13 everything else. The bottom line is this. You can choose to
14 defend your case the way you'd like to defend your case. I
15 will let you call the victim in your case in chief without --
16 notwithstanding the fact that you didn't specify her as a
17 witness, simply because I don't think there's a prejudice to
18 the State because they know that she's a victim in this case
19 and she would have pertinent information to both the State and
20 the defense in the case.

21 However, that doesn't get around the other issue of
22 it is the obligation of the person who wants to present a
23 witness as part of their case in chief that they have to bear
24 the financial burden of getting that witness here. If you
25 have the ability to do that, then great. If you don't have

1 the financial resources to bring [REDACTED] here from wherever
2 she may be living, the only suggestion I can give you would be
3 the State has stipulated to allow you to go beyond the scope
4 of direct. Which means you can basically ask her all the
5 questions you want so long as they're relevant and they're not
6 in violation of the statute in the types of cases -- questions
7 that can be asked of a victim in this type of case. Okay?
8 But that's where you stand now.

9 I'm going to step into my office real quick, I'll
10 come back in a minute. And we need to bring the jury in.

11 MR. SPROWSON: Can I just say something for the
12 record real quick?

13 THE COURT: They're getting increasingly frustrated.

14 MR. SPROWSON: Can I just say something for the
15 record real quick?

16 THE COURT: Very quickly, sir.

17 MR. SPROWSON: I just want to state that you've
18 provided me with an investigator, and I've only had the
19 investigator for a short period of time.

20 THE COURT: He was provided once you requested it.

21 MR. SPROWSON: Say again?

22 THE COURT: He was provided once you requested it,
23 sir.

24 MR. SPROWSON: Yes. That's part of the problem is
25 I've only had him for a short and limited time and I've asked

1 him to issue certain subpoenas and he has not. That's the
2 problem. The first problem I'm having, and the State is
3 asking me to just hand the subpoena over to them and then
4 they'll serve it. But this is part of the problem I've been
5 having is actually getting what I've been trying to do done.
6 I know it's my requirement to issue a subpoena and if I make
7 those efforts to get that subpoena, the person, for example,
8 my investigator, I'm trusting that he would do this.

9 A lot of times some of the stuff that I'm asking him
10 to do doesn't get done or he says well, we couldn't do that.
11 I asked him to say hey, where is -- is the victim here, is the
12 victim -- where's the victim at so I can actually issue a
13 subpoena. He couldn't get that information for me so I had no
14 way to actually even issue a subpoena.

15 THE COURT: I acknowledge your frustration, sir.
16 There's nothing I can do about it. But we do need to call the
17 jury in.

18 MR. SPROWSON: Also, the calendar was moved back and
19 forth. So I'm trying to plan --

20 MS. BLUTH: We're still back to the same issue,
21 Judge. We've been over this issue many times.

22 MR. SPROWSON: Just call in the jury. I just want
23 to make a record, Your Honor. That's all.

24 THE COURT: I acknowledge and I recognize that you
25 do have frustrations. And unfortunately, they're the same

1 frustrations other people representing themselves face. They
2 are real, but it doesn't eliminate the need for you to follow
3 the rules.

4 I'm going to step into my office for one minute. I
5 will be back, we're going to bring the jury in, and we need to
6 select a jury.

7 MS. BLUTH: Yes, Your Honor. Did you want to bring
8 Ms. Teeter in? Remember, she was the one yesterday who said I
9 can't speak about this in front of everybody? What did you
10 want me to do with her?

11 THE COURT: Right. Let's bring her in right now.

12 MS. BLUTH: She's badge number 643, Ms. Teeter.

13 THE COURT: I'm glad you reminded me. Thank you so
14 much.

15 Hi, ma'am. Come on in. We don't want to single you
16 -- I kind of want to single you out, but I don't want to make
17 you feel uncomfortable in any way. The only reason I called
18 you in is yesterday when you were being asked questions there
19 was something that you started to say and then you felt that
20 you couldn't say it in front of all the people that were
21 sitting there. If it pertains to your ability to serve as a
22 juror, I kind of need some information, please.

23 PROSPECTIVE JUROR NO. 643: I was molested when I
24 was 16. [inaudible]

25 THE COURT: So is it -- so based upon your personal

1 history, is it hard to the level of would it affect your
2 ability to sit and be able to listen and not be overcome by
3 emotion in this case?

4 PROSPECTIVE JUROR NO. 643: To be honest, yes.

5 THE COURT: Okay. And I appreciate you sharing
6 this. It happened when you left there?

7 PROSPECTIVE JUROR NO. 643: I've been thinking about
8 it all night.

9 THE COURT: What?

10 MS. BLUTH: She's been thinking about it all night.

11 THE COURT: All right.

12 MS. BLUTH: We'll submit it, Your Honor.

13 THE COURT: If you want to go back outside, that's
14 fine. We don't want to upset you at all and we don't want to
15 embarrass you, we just need to find out what's going on to
16 make sure that you're appropriate for this particular case.
17 Thank you for sharing that with us.

18 Mr. Sprowson, is there any objection to sending her
19 back down to jury services and replacing her with another
20 juror?

21 MR. SPROWSON: No. I have no problem with that,
22 Your Honor.

23 THE COURT: Okay. So why don't you quietly release
24 her down to jury services. We'll call someone else.

25 MS. BLUTH: And then, Your Honor, in regards to Mr.

1 Seward, and I apologize. We didn't have an opportunity to
2 talk about it in front of the jury. Mr. Seward, he's number
3 761, I believe yesterday he expressed the fact that he had --
4 I can't remember if it was he had seen something about it on
5 the news, but that he, when he heard these charges that he
6 didn't feel like he could be fair to Mr. Sprowson and that he
7 -- he's in seat 13. Just that he didn't feel like he could be
8 fair to Mr. Sprowson.

9 So I thought about it last night and I just feel --
10 and if Mr. Sprowson wants to try to rehabilitate him, but I
11 think since he has voiced he didn't feel like he could be fair
12 to Mr. Sprowson, that he probably shouldn't remain on the
13 jury. So I'm asking to excuse him for cause.

14 THE COURT: Yeah. My notes indicate he can follow
15 the law, even if he doesn't agree with it. However, it would
16 be a struggle. He saw news footage on this case. What he saw
17 would affect him as a juror and his judgment would be
18 compromised is what he said.

19 Mr. Sprowson, do you have any objections to letting
20 him go, or do you want to try to talk to him and see if you
21 can rehabilitate him, sir?

22 MR. SPROWSON: I'd like to kind of hold onto him.
23 What I understood was the conversation yesterday was because
24 they had recently legalized marijuana and he was saying he had
25 an issue with that. It wasn't so much that when marijuana was

1 unlawful, he probably said look, it's the law, don't smoke.
2 But now they're legalizing marijuana and I think his conflict
3 was with the fact of marijuana was --

4 MS. BLUTH: No, it's not about the marijuana. He
5 said he couldn't give you a fair trial.

6 MR. SPROWSON: I didn't catch that part about him
7 saying --

8 MS. BLUTH: Well, I caught it and the Judge just
9 read about -- the Judge just read that he had read about this
10 in the newspaper and he did not feel like he could give you a
11 fair trial. So if you want to keep him, that's fine.

12 MR. SPROWSON: Yeah, I'd like to keep him.

13 THE COURT: You're entitled to attempt to
14 rehabilitate him. So we will defer on this challenge for
15 cause.

16 MS. BLUTH: Okay.

17 THE COURT: We'll let that one lady go. We'll fill
18 her in. I've got to use the restroom real quick. I don't
19 know if Mr. Sprowson does or you guys. I'll be back in a
20 minute or less.

21 MS. BLUTH: Yes, Your Honor.

22 THE COURT: Thank you. Be right back.

23 (Pause in proceedings)

24 MS. BLUTH: Your Honor, Mr. Sprowson and I were
25 discussing, and obviously I explained that you're the boss,

1 that I would finish my voir dire, he would -- he's going to
2 start and do his, and then we'll pick a jury. Your Honor,
3 will instruct and then this afternoon Mr. Sprowson and Mr.
4 Sweetin are going to go through the evidence and go through
5 the evidence loggings. Then I'm going to meet with the victim
6 while they're doing that. Then tomorrow morning we can start
7 with openings and go right through with the witnesses, if
8 that's okay with Your Honor.

9 THE COURT: Okay. And your offer, you're going to
10 give it to us right now?

11 MR. SPROWSON: Yeah, I'm going to go ahead -- give
12 me a few minutes and I'll just go ahead and see what she says
13 about this and I'm going to go ahead and put this together. I
14 can do this while we're doing the jury thing to save time.

15 THE COURT: As long as you're focused.

16 (Prospective jury panel convened at 10:17 a.m.)

17 THE COURT: Kimberly Hightower, No. 769. Ma'am, can
18 you come up and sit in that chair next to the pregnant lady --

19 PROSPECTIVE JUROR NO. 646: 646.

20 THE COURT: The lady in the black dress or the black
21 top. Hi, ma'am. Good morning. We've got to get you up to
22 speed with the other jurors. All right.

23 As you heard, there may be a law enforcement
24 official who will be called to testify in this case. Would
25 you give more weight or credence to the testimony of a law

1 enforcement official simply because he or she was in law
2 enforcement?

3 PROSPECTIVE JUROR NO. 769: No.

4 THE COURT: Are you in law enforcement?

5 PROSPECTIVE JUROR NO. 769: No.

6 THE COURT: Do you have any close friends or
7 influential family members that are in law enforcement?

8 PROSPECTIVE JUROR NO. 769: No.

9 THE COURT: Have you ever been the victim of a
10 crime?

11 PROSPECTIVE JUROR NO. 769: A burglary, yes.

12 THE COURT: When did that occur?

13 PROSPECTIVE JUROR NO. 769: Probably six years ago.

14 THE COURT: Was it here in Las Vegas?

15 PROSPECTIVE JUROR NO. 769: Yes.

16 THE COURT: Were police called?

17 PROSPECTIVE JUROR NO. 769: Yes, they were.

18 THE COURT: Was anyone arrested as a result of that?

19 PROSPECTIVE JUROR NO. 769: No.

20 THE COURT: Did you ever have to go to court for
21 that?

22 PROSPECTIVE JUROR NO. 769: No.

23 THE COURT: All right. Any other times you've been
24 the victim of a crime?

25 PROSPECTIVE JUROR NO. 769: No.

1 THE COURT: The fact that you had that burglary,
2 does that affect your ability to be fair to both the State and
3 the defense in this case?

4 PROSPECTIVE JUROR NO. 769: Oh, no.

5 THE COURT: Have you ever been accused of committing
6 a crime?

7 PROSPECTIVE JUROR NO. 769: No.

8 THE COURT: Ma'am, have you ever been a juror
9 before?

10 PROSPECTIVE JUROR NO. 769: No.

11 THE COURT: Can you follow this instruction? You
12 must follow all instructions of the Court on the law, even if
13 they differ from your personal conceptions of what you think
14 the law ought to be. Can you follow that instruction?

15 PROSPECTIVE JUROR NO. 769: Yes.

16 THE COURT: Can you follow this instruction? A
17 person who's accused of committing a crime is presumed to be
18 innocent in a criminal trial. Can you follow that
19 instruction?

20 PROSPECTIVE JUROR NO. 769: Yes.

21 THE COURT: Can you follow this instruction? The
22 defendant does not have to present any evidence in order for
23 you to return a verdict of not guilty. Can you follow that
24 instruction?

25 PROSPECTIVE JUROR NO. 769: Yes.

1 THE COURT: Can you follow this instruction? The
2 State has the burden of proving the defendant guilty beyond a
3 reasonable doubt. Can you follow that instruction?

4 PROSPECTIVE JUROR NO. 769: Yes.

5 THE COURT: Ma'am, are you employed?

6 PROSPECTIVE JUROR NO. 769: Yes and no. My husband
7 and I do a network marketing company together. But other than
8 that, I'm a full-time, stay-at-home mom.

9 THE COURT: So the yes part is you work with your
10 husband on the network marketing?

11 PROSPECTIVE JUROR NO. 769: Yes.

12 THE COURT: How long have you done that?

13 PROSPECTIVE JUROR NO. 769: This company, six years.
14 Before that, I've done other companies as well.

15 THE COURT: And how long have you been home with the
16 children?

17 PROSPECTIVE JUROR NO. 769: Twenty-two years.

18 THE COURT: Prior to doing the network marketing or
19 being stay-at-home mom, did you have other jobs?

20 PROSPECTIVE JUROR NO. 769: I did. I did data entry
21 and then also customer service for like a subsidiary of an
22 insurance company.

23 THE COURT: Any other jobs?

24 PROSPECTIVE JUROR NO. 769: No.

25 THE COURT: And your husband, is his full-time job

1 the network marketing?

2 PROSPECTIVE JUROR NO. 769: He does that on the
3 side. He's also a full-time registered nurse.

4 THE COURT: Does he have any area of specialty?

5 PROSPECTIVE JUROR NO. 769: Right now he's in a
6 trauma patient care unit at Sunrise Hospital.

7 THE COURT: You said you have children?

8 PROSPECTIVE JUROR NO. 769: Yes, I have four.

9 THE COURT: How old?

10 PROSPECTIVE JUROR NO. 769: I have two 22 year olds,
11 a 19 year old, and a 14 year old.

12 THE COURT: Do you have twins?

13 PROSPECTIVE JUROR NO. 769: They're actually not
14 twins. One of them we unofficially adopted a few years ago.

15 THE COURT: Oh, okay. So tell me about each of the
16 22 year olds. Boy or girl?

17 PROSPECTIVE JUROR NO. 769: Both boys. One of them
18 -- you're going to ask what they do for work.

19 THE COURT: I am.

20 PROSPECTIVE JUROR NO. 769: One of them works at a
21 -- it's called -- well, it's a towing company. He's like a
22 dispatcher for that. And then my other son does Uber.

23 THE COURT: I've just recently become addicted to
24 that. That's quite convenient.

25 PROSPECTIVE JUROR NO. 769: That's how I got here

1 the first day. It was nice.

2 THE COURT: All right. The 19 year old, boy or
3 girl?

4 PROSPECTIVE JUROR NO. 769: Girl. And she's at
5 school in Utah.

6 THE COURT: And the last one, the 14 year old?

7 PROSPECTIVE JUROR NO. 769: She's a girl and she's
8 at home.

9 THE COURT: She's a student?

10 PROSPECTIVE JUROR NO. 769: Yes. We home school,
11 but yes.

12 THE COURT: How long have you been in Clark County,
13 Nevada?

14 PROSPECTIVE JUROR NO. 769: Thirteen years.

15 THE COURT: All right. I'm going to turn you guys
16 over to the State.

17 MS. BLUTH: Thank you, Your Honor.

18 Good morning, everyone. As you noticed this
19 morning, you were waiting for a little bit. And just to
20 assure you guys, whenever you're waiting out there, we're not
21 having fun in here. We're actually usually working on motions
22 and evidence and things like that. So there are times when
23 you actually will be out there waiting. Unfortunately, it's
24 just a part of the process.

25 Is there anyone here that gets really, really

1 frustrated by that, to the point where it bothers you, like
2 you can't deal with it, you can't concentrate? Okay. Showing
3 no response.

4 Also, those of you who are lucky enough to be
5 selected, Her Honor will read rules about, kind of like how
6 she [indiscernible] allowed to talk to anyone about the case,
7 you're not allowed to research it. So those rules are
8 important. If you do hear another juror talking about it with
9 someone else or another juror tries to come and talk to you,
10 is there anyone here who wouldn't feel comfortable going to
11 Jason and saying hey, jurors are talking about it? Is that
12 something that would be kind of embarrassing or you wouldn't
13 be able to do? Okay. Showing no response.

14 So I just have -- I know that we had asked this
15 already, but we had a few people come forward and say hey, I
16 didn't raise my hand the first time because I was embarrassed
17 or I didn't feel comfortable. So is there anyone here who has
18 been a victim of a crime and didn't raise their hand the first
19 time when the Judge asked? And if you want to talk about it
20 outside the presence of everybody, we can at a later time.
21 We'd just like to know who you are. Is there anybody else?
22 Showing no response, Your Honor.

23 Okay. So I will go back to -- where's the
24 microphone? Oh, good. We'll stick with you then. So in
25 regards to your home being burglarized, I know you said that

1 no one was caught and nobody was prosecuted [indiscernible]
2 court. Did you feel like that was handled property by the
3 police officers that did arrive?

4 PROSPECTIVE JUROR NO. 769: Yes and no. I was out
5 of town, so my son was home taking care of it. I -- kind of
6 yes, kind of no.

7 MS. BLUTH: Did you feel like they could have done
8 more?

9 PROSPECTIVE JUROR NO. 769: Yeah, I'm sure they
10 could have.

11 MS. BLUTH: Was that Henderson Police Department,
12 Metro, North Las Vegas?

13 PROSPECTIVE JUROR NO. 769: North Las Vegas.

14 MS. BLUTH: We don't have any officers coming in in
15 this trial in regards to North Las Vegas, but would you hold
16 it against officers in this case because simply you felt like
17 they didn't do what they should have done in your case?

18 PROSPECTIVE JUROR NO. 769: Oh, no.

19 MS. BLUTH: In regards to the young man that you
20 adopted. Was that a situation where he was in a home that
21 maybe, I don't know what the right word would be, but that he
22 needed to be in your home for like safety reasons or things
23 like that?

24 PROSPECTIVE JUROR NO. 769: No.

25 MS. BLUTH: Oh, okay. So how did it come that he

1 was adopted by you guys?

2 PROSPECTIVE JUROR NO. 769: He was going to high
3 school with my son, and he was living on his own. His parents
4 were deported back to Mexico. Just living on his own. My son
5 felt he needed a home and a family, place to live.

6 MS. BLUTH: And then home schooling. What goes into
7 the decision in regards to home schooling?

8 PROSPECTIVE JUROR NO. 769: What do you mean?

9 MS. BLUTH: You know, why home schooling?

10 PROSPECTIVE JUROR NO. 769: I'm not a fan of public
11 school. There's a lot of teachers here, no offense. I've
12 been home schooling since my oldest was two or, I mean, in
13 second grade. Sorry. I just felt like it was for us. And
14 then when we moved to Vegas I didn't feel like -- I didn't
15 hear a lot of good about the school district, and it was so
16 big. So we just decided to continue home schooling.

17 MS. BLUTH: Where did you move from?

18 PROSPECTIVE JUROR NO. 769: Utah.

19 MS. BLUTH: This is kind of going to a different
20 area. In regards to there's so much social media out there
21 now that children have access to, you know, Facebook, Twitter,
22 Snapchat, all of that. Do you monitor like your younger
23 child, like the 14 year old, do you monitor his or her usage
24 of those things?

25 PROSPECTIVE JUROR NO. 769: I try to.

1 MS. BLUTH: Can you be fair to both sides?

2 PROSPECTIVE JUROR NO. 769: Of course.

3 MS. BLUTH: Thank you so much. Can you please pass
4 that down to Ms. Miller, 684? All the way down. You're
5 quiet, Ms. Miller. So let's talk about your three children,
6 31, 33, and 34. So when you were raising them, how did you
7 know which one was telling the truth? They get into an
8 argument, how could you tell?

9 PROSPECTIVE JUROR NO. 684: Voice pitch changes.
10 The boys are a little bit -- you can kind of tell when they're
11 telling a tale.

12 MS. BLUTH: The boys?

13 PROSPECTIVE JUROR NO. 684: Yeah, the boys. My
14 daughter was pretty good. She didn't get in much mischief or
15 anything. The boys, they didn't do anything other boys didn't
16 do. You know, they were just boys. They didn't get into a
17 lot of trouble or anything.

18 MS. BLUTH: Were you more protective of your
19 daughter versus your sons or no?

20 PROSPECTIVE JUROR NO. 684: Yes and no.

21 MS. BLUTH: What do you mean?

22 PROSPECTIVE JUROR NO. 684: I was pretty protective
23 of all of them. My middle child is a diabetic and he would go
24 out and his friends would want to give him candy. But then he
25 would get sick and they would drag him back to the house, you

1 know, where his sugar either went up or went down. So I was
2 pretty protective of him. My daughter, being a girl, just a
3 mom is more protective, you know, because I'm always -- she
4 has brothers. They have a lot of friends. So I'm always
5 watching everybody.

6 MS. BLUTH: Was she the youngest?

7 PROSPECTIVE JUROR NO. 684: She's the youngest, yes.

8 MS. BLUTH: Your children are quite close in age.
9 So even though she was the youngest, her brothers were only
10 about two and three years older than her, but you still kind
11 of wanted to protect her?

12 PROSPECTIVE JUROR NO. 684: Yeah.

13 MS. BLUTH: Did you feel like she was more
14 vulnerable to the older boys, like the friends?

15 PROSPECTIVE JUROR NO. 684: Well, big brothers are
16 not letting anybody talk to little sister, so it wasn't really
17 a problem.

18 MS. BLUTH: That makes sense. Okay. Is there
19 anything about these charges that brought you concern?

20 PROSPECTIVE JUROR NO. 684: It's just a matter of
21 hearing something and then it goes through your mind and then
22 you have to stop and think that okay, now I have to separate
23 fact from fiction. You never like the circumstance to begin
24 with, but you still have to be fair about the decision in the
25 end.

1 MS. BLUTH: Thank you very much for that. Would you
2 mind passing the microphone to Mr. Hughes, he's badge number
3 768. Hi, Mr. Hughes.

4 PROSPECTIVE JUROR NO. 768: Hi.

5 MS. BLUTH: I want to talk to you a little bit about
6 being attacked and losing your eyesight. What year was that?

7 PROSPECTIVE JUROR NO. 768: 1992.

8 MS. BLUTH: Was that a random attack or did you know
9 them?

10 PROSPECTIVE JUROR NO. 768: No. I had never laid
11 eyes on those boys before.

12 MS. BLUTH: Were you just walking?

13 PROSPECTIVE JUROR NO. 768: No. I was just -- I was
14 waiting for the bus and they came by, and particularly this
15 one boy, he said something about I had dragon breath. So I
16 just paid no attention. I thought they just kids being kids.
17 I thought they were going on about their business. Next thing
18 I knew the same boy come towards me, and then that's when the
19 alarm bell rang in my mind and I said this boy's about to hit
20 me, which he swung at me. So me and him started fighting. I
21 got the best of him. So he went back and got his friends. By
22 that time I said well, I'd better leave here because I could
23 tell these boys were up to no good.

24 So I got back to the school parking lot, but when I
25 got back there they came and they surrounded me. Then one of

1 them gave a signal. I remember one of them hitting me in the
2 back of my head and then another one hit me and I fell. And
3 then they just started stomping me in my right eye. Every
4 time I tried to get up they would level me again. So I
5 screamed for help and they ran.

6 So when I got back to the school, fortunately I saw
7 them there. But what happened, the police officer who was a
8 school police officer or security guard, happened to see them.
9 When he saw them running he apprehended them and brought them
10 back to school, asked me can I identify them. So I told him
11 yes.

12 MS. BLUTH: So you hadn't seen them before, but were
13 you working -- you were working at --

14 PROSPECTIVE JUROR NO. 768: Yeah, I was working at
15 that school. But see, that was an elementary school. These
16 kids were like high school. So I think what they were doing,
17 they were skipping school and I just happened to be in the
18 wrong place at the wrong time.

19 MS. BLUTH: How long did that last, do you think?

20 PROSPECTIVE JUROR NO. 768: It was a long time.
21 Every time -- when one hit me in the back, I kind of passed
22 out. I remember every time I tried to get up they would hit
23 me again. Oh, I'd say a couple of minutes.

24 MS. BLUTH: I'm so sorry. And only one of them --
25 you said only one of them took a plea deal and they were in

1 juvenile detention for a like a year?

2 PROSPECTIVE JUROR NO. 768: Yeah. And the reason
3 why I wanted that guy, he was the instigator. If he would
4 have just, you know, walked away or not bothered me, this
5 incident wouldn't have happened. When me and him stopped
6 fighting, he went back and got his friends and then they came
7 and, you know, they finished it up.

8 MS. BLUTH: Did he ever say -- did you ever find out
9 like what was the reason? Was it race motivated?

10 PROSPECTIVE JUROR NO. 768: No, no. They was the
11 same color as I am. I think they were -- later on he said he
12 was high, they had been smoking. So I guess they was looking
13 for some devilment or something.

14 MS. BLUTH: And you taught for many years and you
15 also worked as a counselor at a children's home.

16 PROSPECTIVE JUROR NO. 768: Yes, I did.

17 MS. BLUTH: What type of children were you
18 counseling? What type of issues were they --

19 PROSPECTIVE JUROR NO. 768: They were physically
20 disabled kids, because I've had 12 that had Down syndrome --
21 well, a couple of them had Down syndrome. And then I had this
22 one -- they weren't kids, but they were teenagers and I know
23 you've probably heard of this, but they age like rapidly. So
24 they had to be kept in a bubble because they were easily
25 susceptible to a type of germs and stuff. So I dealt with

1 them.

2 MS. BLUTH: Okay. It seemed when you were talking
3 yesterday that you always taught elementary, right, you never
4 went to middle or high?

5 PROSPECTIVE JUROR NO. 768: No, I didn't. I was
6 generally, especially at a couple of different schools, was a
7 floater where if, you know, they need my assistance as far as
8 teaching, you know, I'd be there.

9 MS. BLUTH: You were in the main group when I was
10 asking the majority of the questions about following the law
11 and those type of things. Do you have any opinions in regards
12 to any of those where you thought oh, I have an answer for
13 that?

14 PROSPECTIVE JUROR NO. 768: What you mean? Say that
15 again.

16 MS. BLUTH: Just like the questions, you know we
17 talked about do you expect a child to testify a certain way or
18 do you think that they can testify different depending on how
19 they are.

20 PROSPECTIVE JUROR NO. 768: Well, yeah, I do,
21 because, matter of fact, I remember when I was about 10 and my
22 mother and my father was going through a divorce. I had to
23 get up there and testify. It was hard. I mean because, you
24 know, you sort of had to pick sides and stuff. I remember my
25 father was -- he was in the courtroom so the judge took us

1 back into his chambers and tell us about our view.

2 MS. BLUTH: So, do you think since you were a child
3 and you testified, do you expect a child to testify a certain
4 way, or do you think it depends on the child?

5 PROSPECTIVE JUROR NO. 768: Yes, I do. I figure it
6 depends on that particular child.

7 MS. BLUTH: Okay. Is there anything you think that
8 either the State or Mr. Sprowson should know about you?

9 PROSPECTIVE JUROR NO. 768: First of all, this is my
10 first time doing this, but I consider myself an open-minded
11 person, and I do believe in the process of a person is
12 considered innocent until they're proven guilty and stuff. If
13 I am accepted, I'll have an open mind, weigh the facts, and
14 then make my decision.

15 MS. BLUTH: The last question I have for you is that
16 we talked about, yesterday a lot about the age of
17 accountability or the fact that certain, there are certain
18 laws that prevent people from under 18 doing certain things.
19 Do you think there's wisdom in that? Do you think that that
20 law makes sense, the fact that you can't vote until you're 18
21 or you can't get a tattoo until you're 18?

22 PROSPECTIVE JUROR NO. 768: Yeah. Because I feel
23 like, you know, there's a difference as far as age and mindset
24 of a child opposed to an adult. I think that once a person is
25 in adulthood they should know better, they should accept their

1 responsibility and deal accordingly.

2 MS. BLUTH: Okay. Thank you so much. Would you
3 mind passing that just down to Ms. Funston. She's three down,
4 708. Hi.

5 PROSPECTIVE JUROR NO. 708: Hi.

6 MS. BLUTH: I wanted to talk to you about being a
7 juror and why you were the foreman.

8 PROSPECTIVE JUROR NO. 708: At that point in time,
9 nobody else wanted to. I was the only one that would at least
10 ask questions and get everybody else to participate in the
11 discussion.

12 MS. BLUTH: I know that that was a civil case.

13 PROSPECTIVE JUROR NO. 708: Yes.

14 MS. BLUTH: So it can be a lot different. But when
15 you guys went back there and deliberated, was it a fairly
16 short deliberation?

17 PROSPECTIVE JUROR NO. 708: We were back there about
18 two hours. It was because the jury didn't -- they kept trying
19 to refer back to evidence and we couldn't find it in the book.
20 Some were like I don't remember this picture, why did they say
21 about this. So we'd go back to the book and everybody would
22 try to give their point of view of what they thought. That
23 was one of our suggestions was maybe we should have
24 highlighted or somehow marked those pages so they were easier
25 to go back to.

1 MS. BLUTH: Did you guys have notepads? Did you get
2 notepads that you were allowed to take notes in?

3 PROSPECTIVE JUROR NO. 708: Yeah. We had notepads
4 and great big binders.

5 MS. BLUTH: All right. Did you find that note
6 taking helpful to you?

7 PROSPECTIVE JUROR NO. 708: It was for me. I would
8 say it was probably 50/50. Some people took notes, other
9 people was just more visual. But then when it came to
10 referring, they couldn't -- oh, they really said that.

11 MS. BLUTH: So they didn't keep their notes --

12 PROSPECTIVE JUROR NO. 708: Right.

13 MS. BLUTH: Okay. Then, another thing I wanted to
14 ask you about. In that courtroom were you allowed to ask
15 questions? After the attorneys were done asking questions
16 were you allowed to ask questions?

17 PROSPECTIVE JUROR NO. 708: No.

18 MS. BLUTH: Okay. Do you think that would have been
19 helpful if you guys were allowed?

20 PROSPECTIVE JUROR NO. 708: I think it would have
21 been. Like I said, there were so many questions that people
22 wouldn't -- either they didn't understand or couldn't clarify.
23 If we had had somebody at least able to come in and say yes,
24 this is what was said or go to this page. It went so fast.

25 MS. BLUTH: In certain courtrooms after the witness

1 is done testifying you can actually ask questions.

2 THE COURT: You can in here. Yes, you have to write
3 it down.

4 MS. BLUTH: So in this courtroom you are allowed to
5 write a question. So let's say the State is done questioning,
6 Mr. Sprowson is done questioning, and then Her Honor says do
7 any members of the jury have any questions. You can actually
8 ask the witness a question. Your question still has to -- it
9 still has to be relevant and it still has to be able to be
10 asked by the Judge. There's certain rules of evidence that
11 would have to comply with. So if you wrote a question and
12 then we didn't ask it, basically because it didn't meet
13 certain evidentiary standards, do you think you would think
14 oh, they're trying to hide something from me, or would you
15 understand that there are certain rules?

16 PROSPECTIVE JUROR NO. 708: I would understand
17 there's certain rules, because some of the questions that were
18 asked in that case you kind of went, okay, that doesn't seem
19 to be necessary.

20 MS. BLUTH: Got it. What is your thought about the
21 questions I've been asking [indiscernible] 18 and are there
22 sense to those laws? Or do you think --

23 PROSPECTIVE JUROR NO. 708: Absolutely. There's
24 reasons that they're there and I have young kids, so I would
25 not expect them to have the same answers or the same things as

1 an 18 year old. Being a teenager myself, I was not an unruly
2 teenager, but I was of different sexual orientation, if you
3 will, so my parents thought I was unruly, I did not.

4 MS. BLUTH: Thank you so much. Would you mind
5 passing it to Mr. Hardison?

6 PROSPECTIVE JUROR NO. 698: Hello.

7 MS. BLUTH: How are you?

8 PROSPECTIVE JUROR NO. 698: Doing good.

9 MS. BLUTH: Good. I just wanted to talk to you a
10 little bit about when your car was stolen in 2014, and nobody
11 was caught, it went unsolved; is that right?

12 PROSPECTIVE JUROR NO. 698: Yeah.

13 MS. BLUTH: Was that responded to by Metro?

14 PROSPECTIVE JUROR NO. 698: Yes.

15 MS. BLUTH: When you spoke -- you reported it?

16 PROSPECTIVE JUROR NO. 698: Yeah.

17 MS. BLUTH: And they just weren't able to do
18 anything about that?

19 PROSPECTIVE JUROR NO. 698: No. They found it like
20 a week later. It had been abandoned.

21 MS. BLUTH: Did you feel like they did everything
22 that they could or did you feel like they should have done
23 more?

24 PROSPECTIVE JUROR NO. 698: No. I mean, there's one
25 car in two million on the road. It's all they could do. They

1 did their job.

2 MS. BLUTH: In general, would you say you have
3 positive views towards law enforcement?

4 PROSPECTIVE JUROR NO. 698: Yeah.

5 MS. BLUTH: And then, what do you think about what
6 we've been talking about in regards to decision making and the
7 difference between adults and children? What are your
8 thoughts?

9 PROSPECTIVE JUROR NO. 698: Can I talk to you later
10 about that? I've got a little private problem I'm dealing
11 with.

12 MS. BLUTH: Absolutely. We will talk about that and
13 you can bring that to my attention. Let me see if there was
14 anything else. I think that's it.

15 The last question I have for everybody is just in
16 order to be a juror you have to be a judge. The Judge is the
17 Judge of the law, and you are the judge of the facts. Is
18 there anybody here because of philosophical beliefs, moral
19 beliefs, religious beliefs, feel like they cannot sit in
20 judgment of another person, they don't feel comfortable doing
21 that? Is there anyone here that feels that way? And if you
22 do, just please raise your hand.

23 Mr. Seward, I feel like you're thinking about that
24 one.

25 PROSPECTIVE JUROR NO. 761: Yeah, I'm putting some

1 thought into it.

2 MS. BLUTH: Tell me what you're thinking about.

3 PROSPECTIVE JUROR NO. 761: Just in general. Shoe
4 was on the other foot, just, you know, to be judged, be put in
5 that seat. Not really comfortable with that.

6 MS. BLUTH: So here's the issue. Today we'll have a
7 jury, and let's say that you're selected as one of the jurors.
8 And then, next week sometime it pops into your head and you
9 think I thought I could do this, and I just don't feel
10 comfortable sitting in judgment of another person. At that
11 point in time it's too late. Then you're kind of in and it
12 kind of gets a little bit messy. So sitting here today, do
13 you feel like that's something that you're capable of doing or
14 does it make you feel too uncomfortable?

15 PROSPECTIVE JUROR NO. 761: It still makes me feel
16 uncomfortable. It makes me feel uncomfortable. I couldn't do
17 it.

18 MS. BLUTH: Is there anything that I could say about
19 the process that would make you feel more comfortable?

20 PROSPECTIVE JUROR NO. 761: Not really.

21 MS. BLUTH: Is there anybody else that has that same
22 sentiment or feels the same way? Your Honor, showing no
23 response. So that concludes my voir dire. Obviously, at some
24 point if you wouldn't mind, we'd like the opportunity to speak
25 with Mr. Hardison. I will pass with that exception.

1 THE COURT: Sure. Mr. Sprowson, do you have any
2 questions for the jury?

3 MR. SPROWSON: Yeah. Good morning. Last time I
4 spoke with you I was a little nervous. As you know, I
5 represent myself and I am facing some serious charges. So
6 it's an uneasy feeling to be kind of on the spot. I want to
7 apologize. I didn't introduce myself. I'd like to rectify
8 that and say my name is Melvin Sprowson. I am the defendant
9 and I did choose to represent myself. I understand there's a
10 lot of risk to that, but I decided to do that after careful
11 thought. And again, I do want to thank you for being here.

12 I'm not every experienced at this. I was a
13 schoolteacher. I know that probably does kind of create some
14 feelings associated with those charges. I mean, even in my
15 own mind. But again, I know what happened, but not going into
16 that. It's not an easy thing to be up here and to have to
17 defend yourself, and I felt it necessary.

18 I only have a couple questions that I want to ask.
19 The reason I want to ask these specific questions is just
20 because they're kind of related to the charges. It just kind
21 of helps me gauge which individuals, when they're using their
22 judgment in this case and they're weighing the facts, that
23 they consider all the things involved.

24 My first question, and this is for everyone. If
25 someone threatened to kill themselves, would you put yourself

1 in conflict with the law to help them? And as a follow up,
2 why or why not? I would like to ask, how many people would
3 put themselves in conflict with the law if someone threatened
4 to kill themselves to help them?

5 PROSPECTIVE JUROR NO. 627: Could you give an
6 example of what --

7 MR. SPROWSON: Say, for example, if a friend of
8 yours calls you and says hey, you know what, I'm feeling
9 uneasy and I feel like killing myself. I really, really don't
10 -- I'm having some social problems or whatever. And you just
11 chugged down a 12 pack. You just chugged down a 12 pack and
12 you really need to go [indiscernible] and he's the only one
13 that you can rely upon. Say it's just two buddies, right? So
14 the moral decision before you would be well, obviously, I've
15 been drinking, I'd have to get in my car to go help this
16 person. Would you do it? I guess it's a good example.

17 PROSPECTIVE JUROR NO. 709: No, I would call 9-1-1.

18 PROSPECTIVE JUROR NO. 627: I think there would be
19 other options available before --

20 THE COURT: That's Mr. Ulery.

21 PROSPECTIVE JUROR NO. 627: -- I was going to --

22 THE COURT: 627.

23 PROSPECTIVE JUROR NO. 627: I think I could call
24 somebody that was sober or something. There'd be other
25 options that I would -- so I don't think it would be a choice

1 between breaking the law and then trying to save somebody's
2 life. Of course, if somebody was requiring assistance, yes,
3 I'd be right there, do whatever I can. But I think there's
4 usually other options, I think so.

5 MR. SPROWSON: So you would probably call somebody
6 and say hey, so and so is [indiscernible] call 9-1-1 or
7 something, whatever the emergency number is?

8 PROSPECTIVE JUROR NO. 627: Yeah.

9 MR. SPROWSON: Is there anyone here that would
10 actually -- and I kind of -- it's a little bit vague. I mean,
11 when I say conflict with the law, I mean, that was kind of an
12 extreme example. Here's another scenario and it's the same
13 question. I'll just kind of put it at a different level.
14 What if you weren't really aware what you were doing was
15 illegal or not illegal? In other words, it's an intent issue.
16 You know, your concern is the person's life and you're not
17 sure by you helping him it would be in conflict with the law
18 or not. Would that change the situation?

19 Or I should say would anybody -- how can I put it to
20 where you can answer it yes or no? If you were put in that
21 situation and you believe that really there was no conflict
22 with the law, but there may be, but at the time you're not
23 really thinking about it until later on -- that's probably a
24 bad way to put it. I guess the issue here is that the bottom
25 line is if someone threatened to kill themselves and -- I'm

1 trying to put the law into it because this is the way that
2 it's kind of framed in the case a little bit, not going into
3 details, but I'm trying to put it to where without disclosing
4 too much, but trying to fit it to where it can be a question
5 that I can gauge whether or not you would be prejudicial or
6 not.

7 So it's kind of a hard question I'm asking. But
8 again, so no one here, if someone threatened to kill
9 themselves, and what if nobody else was available, that you
10 thought that nobody else was available? I'll just direct that
11 to you, Mr. Ulery.

12 PROSPECTIVE JUROR NO. 627: Well, yeah, if there's
13 nobody else available. If it's like, you know, it was just me
14 and that person that's in trouble or something. I mean, when
15 -- I don't drink, but if you're drunk then your thinking's
16 impaired. I mean, my judgment right now, I would do whatever
17 I could to help the person to save the person's life. I mean,
18 try to talk to him first and then get into physical contact
19 with him, call the police, or whatever. Do whatever I could.

20 MR. SPROWSON: Okay. Thank you. Does anybody have
21 any comments on that question, on what their feelings or
22 thoughts are? I know it's a little bit vague, but I'm trying
23 to keep it [indiscernible].

24 I'll move on to the second question. This one
25 actually has two parts. This question is has anyone ever

1 viewed a catalog or advertisement for female undergarments,
2 particularly teenage section, male or female? So, in other
3 words, have you ever been online and you've been doing some
4 shopping and you've gone to the clothing section or you got a
5 J.C. Penney magazine in the mail or you've got a newspaper.
6 You look through the newspaper and there's advertisement. I
7 think for the most part has everyone seen that?

8 JURORS: Yes.

9 MR. SPROWSON: Everyone has, right? That's kind of
10 the springboard question that I wanted to start off with. So
11 we've all seen that and we can all agree that we've seen those
12 types of things.

13 My next question is -- the way I'm going to frame
14 this, if it's a yes, I'd like you to raise your hand, and I'll
15 follow it up with a no. So here's the question. Would you
16 consider, and I guess it would really depend on the content,
17 but would you consider that pornography based on your
18 understanding? If you were to look at, for example, you got a
19 newspaper, you look at it and you see adolescent underwear and
20 you're looking at that. If you would consider that
21 pornography, raise your hand. How many of you wouldn't
22 consider that pornography?

23 PROSPECTIVE JUROR NO. 627: Just the underwear,
24 right?

25 MR. SPROWSON: You've got someone in their

1 underwear, yes. An adolescent, an adolescent in their
2 underwear. Would you consider that pornography? There's --
3 and I want to say, remember, this is an advertisement. This
4 is coming from J.C. Penney or -- most of us probably shop on
5 the Internet. I know I did. If I want to buy something, it's
6 a lot easier. You go on the Internet and you have there an
7 adolescent section.

8 I see there's a lot of mothers in here that probably
9 have daughters. The mothers that have daughters, you do
10 shopping for your daughters, you buy online and you get them
11 the clothing that they need. I mean, this is something that
12 you would see. Yes or no? It's just something common, right?
13 The thrust of the question is this wouldn't automatically
14 strike you as something that is pornography, yes or no?
15 Anybody say yes?

16 PROSPECTIVE JUROR NO. 627: No, it's not
17 pornography, but I think for some men it would be a sexual
18 temptation, you know. Like in the Bible, Job says, "I made a
19 covenant with my eyes not to look at a woman." So for me,
20 like I can't take a second look. Men are visual. It's not
21 pornography but it's somewhere that you just shouldn't go. As
22 soon as you -- you know, you've got to turn away from that as
23 soon as you see it. What's the point of a man looking at
24 ladies' underwear anyway?

25 MR. SPROWSON: In follow up on that, would it be a

1 particular type of advertisement that would -- would it all be
2 -- here's a better way to say it. Would all the pictures
3 interest you that way or only some? I mean, you're saying --
4 and I know what you're quoting, Job, make a covenant with your
5 eyes. Would it be particular pictures, maybe certain poses
6 that would strike you as oh, wow, versus others that would ah?

7 PROSPECTIVE JUROR NO. 627: No. For me, personally,
8 if I see an attractive female in underwear, I'm a married man,
9 that's somewhere that I just have to turn away from that. I
10 can't look a second time because it's going to -- it will lead
11 to thoughts that I don't want to deal with, better avoided.

12 MR. SPROWSON: Are you a churchgoing man?

13 PROSPECTIVE JUROR NO. 627: Yes. I'm a born again
14 Evangelical Christian, yes.

15 MR. SPROWSON: So this is based upon your Biblical
16 beliefs and trying to keep yourself on the right road?

17 PROSPECTIVE JUROR NO. 627: Yes.

18 MR. SPROWSON: So something like that would be just
19 a little too much for you.

20 PROSPECTIVE JUROR NO. 627: For me personally, yeah.
21 I don't even go there.

22 MR. SPROWSON: I got ya. I know exactly where
23 you're going with that. A follow-up question, and this is for
24 everybody. And this is mostly for the mothers and the
25 females. Is there anyone here that would like to comment on

1 the advertisement, do you think -- this is for the mothers
2 here and this is for the females, do you think that when you
3 see these advertisements that sometimes it's just a little bit
4 gone too far? And what I mean by is just too revealing?

5 In other words, if you saw that advertisement and
6 that was your daughter, you'd be like whoa, wait a minute.
7 What are your feelings on that? And this is again addressed
8 to the mothers and the females in here, if it was your
9 daughter. Is there a point where you would say that's just
10 too far? We're talking about the advertisements that we
11 generally see every day.

12 PROSPECTIVE JUROR NO. 740: Definitely. Thomas,
13 Leslie Thomas, 740. Some ads are very simple [indiscernible]
14 and others are over the top and suggestive. So, yeah. I shop
15 online and so I would pick some things online and other things
16 I won't look at because I know they're going to be
17 inappropriate.

18 MR. SPROWSON: So you think that the -- this is an
19 advertisement technique maybe to get people to buy --

20 PROSPECTIVE JUROR NO. 740: Definitely.

21 MR. SPROWSON: Do you have any other comments on
22 something like that that you've observed besides some of it
23 being a little bit too risqué or a little bit too revealing
24 compared to maybe a day at the beach? Would you say that's
25 comparable? Something that you might see maybe someone in a

1 day at the beach compared to advertising?

2 PROSPECTIVE JUROR NO. 740: I'm not sure of the
3 question, but I think you mean --

4 MR. SPROWSON: Well, I guess -- let me reframe it.
5 Say, for example, if you went to the beach or maybe even a
6 lake, and some of the things you would see females in bikinis
7 obviously. Would you find that to be -- I guess depending on
8 the kind of bikini, I guess would you find that type of thing
9 a little bit more -- too revealing? I mean, compared to --
10 I'll give you an example. Compared to maybe 20 years ago and
11 now, the way that a lot of the folks, the younger generation
12 dresses in bikinis and such at the beach, would you say it's
13 more revealing now or more revealing later or just depends on
14 the individual?

15 PROSPECTIVE JUROR NO. 740: Depends on the
16 individual, but I'd say our society is definitely going into a
17 more revealing direction. So a day on the beach might not be
18 my preference with the dress, but it usually isn't as
19 offensive as some magazine poses in some ways that the women
20 are displayed and portrayed.

21 MR. SPROWSON: That was very good, by the way.
22 Thank you. Are there any other mothers that might have any
23 comments on this that we can add to this? I'm just curious on
24 the thoughts of the mothers here on their daughters, the type
25 -- here's a better question. I know some of you mothers here

1 have older daughters and their choices in their undergarments.
2 How many mothers here would be shocked by what their daughters
3 wear? So most of you would be like it's not a big deal, the
4 kind of undergarments that the daughters themselves would
5 choose? As far as like today's standards. And again, we're
6 measuring by more revealing, more provocative in this
7 generation.

8 PROSPECTIVE JUROR NO. 734: I would be shocked at
9 what my daughter would wear because I'm from that old school.
10 I just wouldn't want to see her in something really revealing.

11 THE COURT: Johnette Adams, No. 734.

12 PROSPECTIVE JUROR NO. 734: Oh, I'm sorry.

13 THE COURT: That's okay.

14 PROSPECTIVE JUROR NO. 734: 734, Adams.

15 MR. SPROWSON: So you would be comparing it to
16 another time period when it was a little bit more
17 conservative?

18 PROSPECTIVE JUROR NO. 734: Yes, I would.

19 MR. SPROWSON: Would you say that our times have
20 gotten extremely liberal?

21 PROSPECTIVE JUROR NO. 734: I think so. Because a
22 lot of things you see on TV, they're just too revealing, in my
23 opinion. I can't speak for anyone else. But I think that,
24 you know, coming from the '50s and '60s, from my age or my
25 generation, I just can't see all of that. I can't agree with

1 it. It's okay to have a little showing, but not a whole lot.
2 I just don't believe in it. Now, I could be wrong, and if no
3 one can agree with me, but I am -- I guess I'm one of those
4 strict mothers.

5 MR. SPROWSON: Would there be times, considering the
6 younger generation today, would you view any of the
7 undergarments or even bikinis, let's just kind of broaden it
8 out to not just undergarments, but bikinis. Obviously,
9 bikinis would be something that's out in public, undergarments
10 may or may not -- around the house maybe, but as far as out in
11 the public, things that we would see out in the public -- and
12 I'm trying to tie this to the idea of pornography.
13 Pornography is such a debated term and it actually has a legal
14 definition.

15 So one of the things that we're going to be looking
16 at -- as you've already seen in the paper and you've heard
17 about my charges, it deals with the whole idea of pornography.
18 And what I'm trying to get at with my questions is we're going
19 to -- the task of the jury is going to be to determine whether
20 or not something is or is not pornography. So this is a very
21 big question for me, and this is why I'm bringing it to a head
22 here because I need to have a jury that is going to be fair in
23 their estimation of what pornography is. So generationally
24 speaking, you would be very conservative while others might be
25 a little bit more liberal. Would you agree?

1 PROSPECTIVE JUROR NO. 734: Yes, I would. I would
2 agree on that.

3 MR. SPROWSON: Does anyone have any comments or
4 thoughts on what I just said about, what do we call it, and
5 you may already know the term, subjective, our own thoughts on
6 defining the whole idea of underwear, not underwear, or
7 bikinis or such. Just clothing in general, and associating
8 that with something that we might consider pornography. This
9 is really a big issue in some sense in my case. I'm just
10 curious on any thoughts or comments --

11 PROSPECTIVE JUROR NO. 627: I think you're asking
12 the wrong question. Jeff Ulery, 627. You're asking the wrong
13 question. It's not a matter of defining what pornography is,
14 it's a matter of immorality, you know. You just shouldn't,
15 you know, premarital sex, shouldn't go there. Once you're
16 married, you belong to your spouse. Anything aside from that,
17 it's just, it's morally wrong.

18 MR. SPROWSON: So you wouldn't -- the reason I'm
19 trying to frame it that way is so if you have an advertisement
20 on the table you already said that you wouldn't look at it,
21 you just already consider that something that's taboo for you,
22 while others that might be a little bit more liberal might
23 look at it and read the news and stuff and pass it on without
24 even -- have a second thought about it. I guess what I'm
25 trying to get at is that -- let me reframe the question.

1 Some of the things I'm touching upon is the way that
2 -- I'm going to put this -- the people dress as far as
3 nowadays. We've already -- I've gotten from some of the
4 jurors that to a certain degree it's very revealing,
5 advertising, I should take advantage of that too. Like you're
6 saying, appeal to the lustful desires of people
7 [indiscernible] buy the product.

8 PROSPECTIVE JUROR NO. 627: Oh, yeah.

9 MR. SPROWSON: The question that I'm trying to get
10 at again was just we're going to be looking at photographs
11 that you're going to have to determine on whether or not that
12 meets the definition of pornography. I understand what you're
13 saying, but this is something that again, looking at the
14 picture and saying look, oh, yeah, that's just -- I guess the
15 way that it's kind of framed is what they call prurient
16 interest in sex. And you're saying that that would for you.

17 MS. BLUTH: Judge, I apologize. I'm going to have
18 to object to the form of the question because it's asking a
19 juror to make an opinion on the law, and we can't do that in
20 voir dire.

21 THE COURT: She's right, sir.

22 MR. SPROWSON: He gave me the answer already. I'm
23 just trying to get a little bit more of what his thoughts are
24 on that.

25 I'm going to actually probably end it there. I just

1 wanted to kind of hit on those two things to kind of see what
2 people were thinking. I do appreciate the fact that you're
3 here and I thank you. I hope I made some sense of what I'm
4 trying to get at. Again, we'll go ahead and see
5 [indiscernible]. Thank you.

6 THE COURT: Thank you, Mr. Sprowson.

7 MR. SPROWSON: I'm finished.

8 THE COURT: Thank you. Are there any additional
9 questions the State wants to ask before we address the two
10 outstanding issues?

11 MS. BLUTH: No, Your Honor.

12 THE COURT: We need to speak with one of the
13 gentlemen. No?

14 MS. BLUTH: No, Your Honor, just the -- I have one
15 additional motion to make, and then I believe Mr. Hardison
16 wants to speak with us about something. But those are all the
17 issues I have.

18 THE COURT: Okay. So ladies and gentlemen of the
19 jury, please don't go far. We're just going to take about a
20 10-minute break. Again, don't talk about the case, don't
21 research the case, don't form or express any opinion on the
22 case.

23 I would just ask Mr. Hardison -- there you are --
24 could you just stay in here for a little bit, sir?

25 (Prospective jury recessed at 11:07 a.m.)

1 THE COURT: All right. Hi, Mr. Hardison. We're not
2 trying to embarrass you, single you out. But you said there's
3 some stuff that you wanted to talk about later. I'm assuming
4 outside the presence of the other jurors?

5 PROSPECTIVE JUROR NO. 698: Yes. Last week, I watch
6 Robin Meade, Morning Express, and last week there was a
7 schoolteacher in Tennessee, 51 years old, and he and a
8 15-year-old student went missing. Now, this was last week.
9 Monday morning they revealed that they went through the
10 computer of the teacher and he had, let's call them racy
11 photos, of the 15-year-old child. My brother and I started
12 talking about that and we decided that that guy was guilty as
13 all hell, he should go to jail. And we let it go.

14 The very next day we get sworn in and the very first
15 thing you bring up are the charges. They were the same
16 charges that I had already decided that the guy was guilty of.
17 And then you asked about grooming, something about grooming
18 yesterday. The lady behind me asked and she said some things
19 that I wasn't too happy about hearing, about grooming. And I
20 was -- if this has anything to do with what's going on with
21 this case now, I've already kind of made up my mind that it
22 might not be good for me to be on the jury.

23 MS. BLUTH: May I ask a question, Your Honor?

24 THE COURT: Yes.

25 MS. BLUTH: Okay. First of all, thank you for

1 bringing all that up, and I appreciate your honesty. So the
2 issue is -- I'm trying to put this, I'm trying to be careful
3 about my wording, so let me get it for one second. So what
4 you heard on the news in regards to that other case, if you
5 think that that teacher is wrong and that he broke the law,
6 that is fine. And that's perfectly fine for you to have those
7 opinions.

8 The issue is here is the State still has to prove to
9 you that the defendant did those things. So you may think
10 that what Mr. Sweetin said in that brief opening statement,
11 you say hey, I got an issue with that. Well, the State has
12 charged the defendant with those laws. It's okay to have an
13 issue with that, but you still have to hold me to my burden.
14 So if you find that that conduct is wrong, but I didn't prove
15 to you that Mr. Sprowson did that, then you have to be able to
16 find him not guilty.

17 Now, if I -- and Mr. Sweetin and I prove to you that
18 the defendant did those things that we spoke about, it's okay
19 that you find him guilty, because we've proven to you beyond a
20 reasonable doubt that he committed those crimes, and that they
21 are in fact crimes. The only issue where you can't serve is
22 that if you wouldn't hold me to my burden and you wouldn't
23 hold Mr. Sweetin to our burden. So if you're a juror, if we
24 don't prove to you these things beyond a reasonable doubt, and
25 we have failed in our job, could you come in and say I'm

1 sorry, you failed, it's not guilty?

2 PROSPECTIVE JUROR NO. 698: No. I can honestly say
3 -- sorry, guy, I kind of think you're guilty.

4 MS. BLUTH: Okay. Then that's fine and I appreciate
5 your honesty. Your Honor, obviously, then we'd make a
6 motion.

7 THE COURT: Mr. Sprowson, do you have any questions
8 of Mr. Hardison?

9 MR. SPROWSON: No, no, no. She covered it pretty
10 well.

11 THE COURT: All right, Mr. Hardison. If you'd like
12 to go use the restroom, whatever you'd like to do. We'll see
13 you in about five minutes.

14 MS. BLUTH: Thank you, Mr. Hardison.

15 THE COURT: The State's made a motion to remove him
16 for cause, and I'm assuming you're joining that, Mr.
17 Sprowson?

18 MR. SPROWSON: Yeah.

19 THE COURT: He said he can't be fair. So that will
20 be granted by way of the stipulation.

21 MS. BLUTH: Thank you, Your Honor.

22 THE COURT: Mr. Sprowson, you had an opportunity to
23 talk to the jury now. Do you have any further input on Mr.
24 Seward? I'll be honest with you, I agree with the State that
25 I'm a little concerned that he can be fair to you.

1 MR. SPROWSON: That's fine.

2 THE COURT: So we'll let him go by way of
3 stipulation. So that means we have two new jurors. So all
4 we're going to do real quick is we're going to put the two new
5 jurors here. I'm going to get them up to speed. The State's
6 only going to talk to the two new jurors because they've
7 passed the panel with respect to everyone other than the two
8 new jurors. Is that accurate?

9 MS. BLUTH: That's correct, Your Honor.

10 THE COURT: All right. And then, Mr. Sprowson, I
11 believe you passed the panel, which basically means you've
12 asked all the questions you want to ask and you're good with
13 everyone that's sitting up there with the exception of the two
14 new jurors. So we're just going to ask questions of those two
15 new jurors and we should have a jury fast.

16 Did Jason explain to you how we do the jury process,
17 the selection process?

18 MR. SPROWSON: No.

19 THE COURT: So, when you guys have both asked all
20 your questions of the two new jurors, there's going to be a
21 sheet of paper that's going to be passed back and forth. And
22 on that you get nine peremptory challenges, which means each
23 of you can get rid of nine people for whatever reason. You
24 don't have to use one of those, but you can get rid of up to
25 nine.

1 So what ultimate happens, when you guys get rid of
2 nine each we will have 14 jurors, which means we have 12 who
3 are our panel, plus we have two alternates. And I'll tell you
4 the way they do the alternates. Since one through 12 would be
5 our jury, our jurors number 13 and 14, whoever those are,
6 those would be our alternates. They're always the last two
7 people we have on the panel.

8 Where you'll really notice that is when we go ahead
9 and seat the jury, that chair at the very back right, it will
10 be number one -- one, two, three, four, and so forth. Okay?
11 And whoever's in that thirteenth and fourteenth chair is an
12 alternate.

13 MR. SPROWSON: I just have one issue --

14 (Court recessed at 11:14 a.m. until 11:25 a.m.)

15 (In the presence of the prospective jury panel)

16 THE COURT: All right, ladies and gentlemen, if you
17 can just give me a little bit more of your attention. If your
18 name is called, please stand up and move to the back of the
19 room. Counsel, please make yourselves comfortable.

20 THE CLERK: Badge number 761, Allan Seward. Badge
21 number --

22 THE COURT: You want to go sit in that back row,
23 please?

24 THE CLERK: -- 698, Joshua Hardison.

25 THE COURT: Again, in the back row, please, on the

1 side. If your name is called -- just the back row or the
2 second to last row, whatever you want to sit. If your name's
3 called, please stand up and move this direction.

4 THE CLERK: Badge number 770, Marcell Gilliam or
5 seat 13. Badge number 773, Clarence Taylor, seat 20.

6 THE COURT: All right. Good morning to my two new
7 individuals. All right, gentlemen. As you probably heard,
8 there's law enforcement officials who may be called to testify
9 in this case. Would you give them more weight or credence to
10 the testimony of a law enforcement official simply because he
11 or she was in law enforcement?

12 PROSPECTIVE JUROR NO. 770: No.

13 THE COURT: And sir? There you are? No?

14 PROSPECTIVE JUROR NO. 773: I am not a law
15 enforcement officer.

16 THE COURT: All right. Would you give more weight
17 to the testimony of a police officer just because he was a
18 police officer?

19 PROSPECTIVE JUROR NO. 773: No.

20 THE COURT: You're not a law enforcement. Sir, are
21 you in law enforcement?

22 PROSPECTIVE JUROR NO. 770: No.

23 THE COURT: Do either of you gentlemen have close
24 friends or family members that are in law enforcement?

25 PROSPECTIVE JUROR NO. 770: I had some, but they're

1 long gone now.

2 THE COURT: Sir, do you have any close friends or
3 family?

4 PROSPECTIVE JUROR NO. 773: I have close friends
5 that are lawyers.

6 THE COURT: Lawyers? Here in Las Vegas?

7 PROSPECTIVE JUROR NO. 773: Yes.

8 THE COURT: Those friends, those friendships, would
9 they affect your ability to be fair to the State and the
10 defense in this case?

11 PROSPECTIVE JUROR NO. 773: Absolutely not. I don't
12 like either one of them.

13 THE COURT: All right. So, gentlemen, have either
14 of you ever been the victim of a crime?

15 PROSPECTIVE JUROR NO. 770: No.

16 PROSPECTIVE JUROR NO. 773: No.

17 THE COURT: Have either one of you ever been accused
18 of committing a crime?

19 PROSPECTIVE JUROR NO. 770: No.

20 PROSPECTIVE JUROR NO. 773: No.

21 THE COURT: Can both of you gentlemen follow these
22 instructions? You must follow all instructions of the Court
23 on the law, even if they differ from your personal conceptions
24 of what you think the law ought to be. Can both of you follow
25 that instruction?

1 PROSPECTIVE JUROR NO. 770: Yes.

2 PROSPECTIVE JUROR NO. 773: Yes.

3 THE COURT: You had a little hesitation, sir.

4 PROSPECTIVE JUROR NO. 773: I'd like to hear it, I
5 guess.

6 THE COURT: An easy way to explain it is, you know,
7 if you're driving down the street, say like the road behind my
8 house, it's a 35. Really, my opinion it should be a 45
9 because everyone drives 45 anyways, it should be a 45. But
10 the bottom line is, the speed limit is 35 miles an hour, so
11 that means you have to drive 35 miles an hour, even if you
12 don't agree with it. So you kind of have to follow the law,
13 even if you don't agree with it. Can you do that?

14 PROSPECTIVE JUROR NO. 773: Yes.

15 THE COURT: All right. Another -- can you follow
16 this instruction? A person who's accused of committing a
17 crime is presumed to be innocent in a criminal trial. Can
18 both of you follow that instruction?

19 PROSPECTIVE JUROR NO. 770: Yes.

20 PROSPECTIVE JUROR NO. 773: Yes.

21 THE COURT: And can you follow this instruction?
22 The defendant does not have to present any evidence in order
23 for you to return a verdict of not guilty. Can both of you
24 follow that instruction?

25 PROSPECTIVE JUROR NO. 770: Yes.

1 THE COURT: Mr. Taylor, you're hesitating a little
2 bit.

3 PROSPECTIVE JUROR NO. 773: I didn't understand the
4 question.

5 THE COURT: I think Ms. Bluth touched on it earlier.
6 As we sit here today, the defendant is not guilty, the
7 defendant is innocent. The burden of proof is on the State.
8 The State has to prove their case beyond a reasonable doubt.
9 Do you agree with all that? Basically, the defendant can just
10 sit by and do nothing if they so desire because the burden is
11 on the State to prove their case.

12 PROSPECTIVE JUROR NO. 773: I agree with that.

13 THE COURT: Do you understand that -- again, the
14 defendant doesn't have to do anything because the burden's
15 entirely on the State. The defendant can sit back, not call
16 any witnesses, not present any evidence. And even if the
17 defendant does nothing, the State does not fulfill their
18 burden of proving the defendant guilty beyond a reasonable
19 doubt, you have to find him not guilty.

20 PROSPECTIVE JUROR NO. 773: Okay.

21 THE COURT: Can you follow this instruction? The
22 State has a burden of proving -- I think I just went over
23 that. The State has the burden of proving the defendant
24 guilty beyond a reasonable doubt. And both of you gentlemen
25 can agree with that instruction, right?

1 PROSPECTIVE JUROR NO. 770: Yes.

2 PROSPECTIVE JUROR NO. 773: Yes.

3 THE COURT: Have either of you gentlemen ever been a
4 juror before?

5 PROSPECTIVE JUROR NO. 770: No.

6 PROSPECTIVE JUROR NO. 773: No.

7 THE COURT: Let's start with Mr. Gilliam, Marcell,
8 No. 770. Mr. Gilliam, are you employed, sir?

9 PROSPECTIVE JUROR NO. 770: Yes.

10 THE COURT: What do you do, sir?

11 PROSPECTIVE JUROR NO. 770: Driver for public
12 services.

13 THE COURT: How long have you done that?

14 PROSPECTIVE JUROR NO. 770: Thirteen years, going on
15 14.

16 THE COURT: Mr. Gilliam, prior to being a driver,
17 what did you do for a living?

18 PROSPECTIVE JUROR NO. 770: Worked at U.S. Foods.
19 Prior to that, Coca-Cola. Prior to that was UPS.

20 THE COURT: Were you a driver with all those
21 different companies or did you do other things?

22 PROSPECTIVE JUROR NO. 770: Warehouse.

23 THE COURT: All right. Any other jobs? We have you
24 back to UPS. Anything prior to UPS?

25 PROSPECTIVE JUROR NO. 770: Yes. Prior to that I

1 worked at hotels as a receiver. And prior to that was -- I
2 was stationed at Nellis Air Force Base.

3 THE COURT: So you were in the Air Force?

4 PROSPECTIVE JUROR NO. 770: Yes.

5 THE COURT: How long were you in the Air Force, sir?

6 PROSPECTIVE JUROR NO. 770: Four and one-half years.

7 THE COURT: All right. And prior to the Air Force,
8 any other jobs, sir?

9 PROSPECTIVE JUROR NO. 770: No.

10 THE COURT: Are you married, sir?

11 PROSPECTIVE JUROR NO. 770: No.

12 THE COURT: Do you have children, sir?

13 PROSPECTIVE JUROR NO. 770: Two boys.

14 THE COURT: How old are they?

15 PROSPECTIVE JUROR NO. 770: Twenty-three and 19.

16 THE COURT: All right. So what does the 23 year old
17 do for a living?

18 PROSPECTIVE JUROR NO. 770: He's a waiter.

19 THE COURT: And the 19 year old?

20 PROSPECTIVE JUROR NO. 770: He's still a student.

21 THE COURT: How long have you been in Clark County,
22 Nevada?

23 PROSPECTIVE JUROR NO. 770: Thirty years.

24 THE COURT: Thank you very much, sir. Mr. Taylor,
25 sir. Are you employed?

1 PROSPECTIVE JUROR NO. 773: I am retired.

2 THE COURT: What did you retire from?

3 PROSPECTIVE JUROR NO. 773: Junior glaziers here in
4 Las Vegas.

5 THE COURT: Were you union?

6 PROSPECTIVE JUROR NO. 773: Yes.

7 THE COURT: How long did you do that for a living?

8 PROSPECTIVE JUROR NO. 773: From -- I was a union
9 glazier back in Michigan, Florida. I followed the work. I've
10 been doing it for like 20 years.

11 THE COURT: And prior to doing that line of work,
12 what did you do?

13 PROSPECTIVE JUROR NO. 773: I owned CW Transport
14 Services, Inc. in Michigan.

15 THE COURT: What did you do there?

16 PROSPECTIVE JUROR NO. 773: We pulled liquids and
17 dry freight for various companies around there.

18 THE COURT: Prior to that job, sir?

19 PROSPECTIVE JUROR NO. 773: I was owner operator.

20 THE COURT: Of what type of business?

21 PROSPECTIVE JUROR NO. 773: A trucking business.

22 THE COURT: Okay. For how long?

23 PROSPECTIVE JUROR NO. 773: Sixteen years.

24 THE COURT: Are we getting back to the early years
25 yet?

1 PROSPECTIVE JUROR NO. 773: Right. Prior to that
2 was -- after high school I went to work for Wells Pet Food in
3 Monmouth, Illinois. And I worked for Butler Manufacturing
4 Company in Galesburg, Illinois for 10 years.

5 THE COURT: Anything else?

6 PROSPECTIVE JUROR NO. 773: I can't remember that.

7 THE COURT: Are you married?

8 PROSPECTIVE JUROR NO. 773: Yes, ma'am.

9 THE COURT: Does your wife work?

10 PROSPECTIVE JUROR NO. 773: Yes, ma'am.

11 THE COURT: What does she do, sir?

12 PROSPECTIVE JUROR NO. 773: She's a payroll
13 consultant for Barrick Gold and Copper.

14 THE COURT: Okay. I say that because I am familiar
15 with them through different cases I've had in court. And your
16 children?

17 PROSPECTIVE JUROR NO. 773: I do have four children.

18 THE COURT: You said four?

19 PROSPECTIVE JUROR NO. 773: Yes.

20 THE COURT: How old are they, sir?

21 PROSPECTIVE JUROR NO. 773: Forty-nine, 44, 34, and
22 33.

23 THE COURT: Let's start with the 49 year old. Boy
24 or girl?

25 PROSPECTIVE JUROR NO. 773: It's a boy.

1 THE COURT: And what does he do for a living?

2 PROSPECTIVE JUROR NO. 773: He's a
3 superintendent/job project manager for one of the architect
4 firms in town.

5 THE COURT: And the 44 year old, male or female?

6 PROSPECTIVE JUROR NO. 773: Female.

7 THE COURT: What does she do?

8 PROSPECTIVE JUROR NO. 773: She's a stay-at-home
9 mom.

10 THE COURT: So, do you have a few grandchildren?

11 PROSPECTIVE JUROR NO. 773: I have a few
12 grandchildren, yes, ma'am.

13 THE COURT: And the 34 year old?

14 PROSPECTIVE JUROR NO. 773: He is a professional
15 baseball [indiscernible].

16 THE COURT: And lastly, the -- is it 33 year old?

17 PROSPECTIVE JUROR NO. 773: The 33 year old is in
18 Michigan. He has his own company that does basically small
19 construction.

20 THE COURT: Mr. Taylor, sir, how long have you been
21 in Clark County, Nevada?

22 PROSPECTIVE JUROR NO. 773: Came here in 2005.

23 THE COURT: Thank you so much. Sir, we're going to
24 turn you two gentlemen over to the State for a few questions.

25 MS. BLUTH: Do you still have the mic, Mr. Taylor?

1 Would you go ahead and pass it to Mr. Gilliam? Good morning.
2 So you've been hearing -- you've heard a lot of questions that
3 we've asked. Did you -- was there a question that you heard
4 that you had an opinion to but you couldn't answer because you
5 were over there?

6 PROSPECTIVE JUROR NO. 770: Probably quite a few.

7 MS. BLUTH: Okay. Let's go through them. Well,
8 actually, why don't you tell me.

9 PROSPECTIVE JUROR NO. 770: I can't remember --

10 MS. BLUTH: Do you remember them?

11 PROSPECTIVE JUROR NO. 770: No.

12 MS. BLUTH: So in regards to whatever -- I think
13 Judge already asked you if you've ever been a victim of a
14 crime and you said no, right?

15 PROSPECTIVE JUROR NO. 770: Yes.

16 MS. BLUTH: And then the next question I had asked
17 was about criminal justice system, do you think it works, do
18 you think there are flaws? What are your thoughts on that?

19 PROSPECTIVE JUROR NO. 770: I think there's flaws.

20 MS. BLUTH: Can you tell me about those? What do
21 you think they are?

22 PROSPECTIVE JUROR NO. 770: Withholding evidence,
23 not sharing the complete package.

24 MS. BLUTH: Do you think that's the police, the
25 prosecutors?

1 PROSPECTIVE JUROR NO. 770: Yeah, prosecutors and
2 maybe the defendant.

3 MS. BLUTH: Okay. So you think that --

4 PROSPECTIVE JUROR NO. 770: That's what makes it
5 flawed.

6 MS. BLUTH: What would be another flaw?

7 PROSPECTIVE JUROR NO. 770: You have to ask me a
8 question.

9 MS. BLUTH: What?

10 PROSPECTIVE JUROR NO. 770: You have to ask me a
11 question so I can --

12 MS. BLUTH: Is that the only fault that you see or
13 are there more faults?

14 PROSPECTIVE JUROR NO. 770: I can't say right off
15 the top of my head right now. We'll have to bump into that.

16 MS. BLUTH: So in regards to the courts here in Las
17 Vegas we have what's called a discovery system where both
18 sides have to share evidence with each side and let each side
19 see their complete file. I'm not sure that that's in every
20 state, but here in Las Vegas and in Nevada, that's the rule.
21 And Her Honor is the one who orders that. Does that alleviate
22 any concerns in regards to either the State not sharing their
23 evidence with Mr. Sprowson or Mr. Sprowson not sharing his
24 evidence?

25 PROSPECTIVE JUROR NO. 770: It should -- yeah, I

1 think so.

2 MS. BLUTH: What are your thoughts about local law
3 enforcement?

4 PROSPECTIVE JUROR NO. 770: I like local law
5 enforcement.

6 MS. BLUTH: What did you do in the Air Force?

7 PROSPECTIVE JUROR NO. 770: I was a aircraft weapons
8 guys, put it that way. I was [indiscernible] to the 462,
9 aircraft armament systems specialist.

10 MS. BLUTH: Thank you for your service. So you
11 hesitated a little bit when Her Honor was talking about
12 following the laws. And you said well, I kind of have to hear
13 them first. Was that your response?

14 PROSPECTIVE JUROR NO. 770: Well, she made it clear
15 with that example.

16 MS. BLUTH: Okay. So yesterday I used the example
17 about marijuana and how usually people are on one side of the
18 fence with marijuana. Do you remember us talking about that?

19 PROSPECTIVE JUROR NO. 770: Yeah.

20 MS. BLUTH: So let's -- I don't know your personal
21 views about marijuana, but let's say that you are pro
22 marijuana, that people should be able to use marijuana. In
23 the city that you live in you cannot, you can't smoke it, you
24 can't do this, you can't do that. So you're called to be on a
25 jury where a person who had marijuana in their home is being

1 prosecuted that you really feel like that should be the law.
2 Could you still sit on that jury knowing that that was the law
3 and that --

4 PROSPECTIVE JUROR NO. 770: No.

5 MS. BLUTH: So even if that was the law, you can't
6 -- you wouldn't be willing to follow it because it was against
7 what you believed.

8 PROSPECTIVE JUROR NO. 770: Against what I believe
9 and what I see, personally, say it's against the law. You see
10 everybody's doing it, so, I mean, who am I to [indiscernible].

11 MS. BLUTH: You heard a little bit earlier someone
12 talking about sitting in judgment of another person. So when
13 you just said who am I, it made me think of that. Are you a
14 person who feels comfortable sitting in judgment of another
15 human being?

16 PROSPECTIVE JUROR NO. 770: No, not exactly.

17 MS. BLUTH: As a juror, I think that most of us as
18 children are taught we shouldn't judge others, we should get
19 to know other human beings and we shouldn't judge someone, you
20 should never judge a book by its cover. But when you're a
21 juror you're almost tasked with doing that. I don't think
22 it's -- it's not you're judging him or her as a human being,
23 but you're judgment whether or not their actions are criminal.
24 There are some people that can do that, and then there are
25 some people who for philosophical, moral, religious reasons

1 that can't. Where are you at in that spectrum?

2 PROSPECTIVE JUROR NO. 770: More so in that moral,
3 philosophical range.

4 MS. BLUTH: So you're not someone who feels like you
5 can do that, not comfortable doing that.

6 PROSPECTIVE JUROR NO. 770: No, not exactly.

7 MS. BLUTH: Is there anything that I could tell you
8 about the process that would make you feel more comfortable
9 about it, or is that just simply how you feel?

10 PROSPECTIVE JUROR NO. 770: That's how I feel.

11 MS. BLUTH: I appreciate your honesty. Thank you
12 so much. Would you mind passing it to Mr. Taylor? Thank you,
13 Mr. Gilliam.

14 Okay, Mr. Taylor. I have a question for you. When
15 you said -- when Judge was asking you questions about your
16 friends that are lawyers and you said it wouldn't affect you
17 because you don't like either of them, were you talking about
18 your friends or us and Mr. Sprowson?

19 PROSPECTIVE JUROR NO. 773: I'm talking about my
20 friends. My friends the lawyers.

21 MS. BLUTH: So you were just teasing.

22 PROSPECTIVE JUROR NO. 773: I see them every week
23 and I kid them about being lawyers because I'm not one. I can
24 do that.

25 MS. BLUTH: Are they civil attorneys or do they do

1 criminal law?

2 PROSPECTIVE JUROR NO. 773: I really don't know and
3 never cared. They're just nice people.

4 MS. BLUTH: But do you talk about their work or no?

5 PROSPECTIVE JUROR NO. 773: Very seldom. Well, one
6 of them does, but he writes a lot of papers for other lawyers
7 and he rides around the countryside and works for two hours
8 and plays for the rest.

9 MS. BLUTH: I like his job.

10 PROSPECTIVE JUROR NO. 773: He's a pretty cool guy.

11 MS. BLUTH: We talked a lot about yesterday in
12 regards to teenagers. And you have several children, so you
13 had teenagers.

14 PROSPECTIVE JUROR NO. 773: Yeah.

15 MS. BLUTH: Were they all well-behaved or were they
16 slick?

17 PROSPECTIVE JUROR NO. 773: I had two that were very
18 slick. The youngest and my daughter had a little bout with
19 slipping out the backdoor or the bedroom window.

20 MS. BLUTH: Where was she going?

21 PROSPECTIVE JUROR NO. 773: To skate.

22 MS. BLUTH: To skate?

23 PROSPECTIVE JUROR NO. 773: Yes. Roller skate on --

24 MS. BLUTH: I thought you were going to say
25 something super naughty.

1 PROSPECTIVE JUROR NO. 773: Well, she turned out to
2 be the State champion roller skate kid, yeah, because she just
3 couldn't skate.

4 MS. BLUTH: So how old was she when she was doing
5 that?

6 PROSPECTIVE JUROR NO. 773: Twelve, 13, 14.

7 MS. BLUTH: Did you guys try to ground her when she
8 would do that?

9 PROSPECTIVE JUROR NO. 773: No. I sneak on them and
10 see if I can see what they're doing and I'd just kind of fade
11 back and go --

12 MS. BLUTH: Okay. So once you knew she was safe you
13 went back home.

14 PROSPECTIVE JUROR NO. 773: Yeah. I knew who they
15 were associating with, our next-door-neighbor, the people by
16 the racquetball court. I knew them all, you know, in the
17 neighborhood.

18 MS. BLUTH: So you felt like she wasn't in danger.

19 PROSPECTIVE JUROR NO. 773: We kind of looked out
20 for each other.

21 MS. BLUTH: When I've been asking the questions
22 about laws and the purpose behind laws in regards to 18, you
23 know, the age of 18 being an age where people can start making
24 some decisions on their own. Do you believe that there's
25 wisdom in that law being 18, or do you think it should be

1 later, or do you think it should be earlier? What do you
2 think about that age and those rights?

3 PROSPECTIVE JUROR NO. 773: I really have no opinion
4 on that. It's just like with anything else. You can have
5 different levels of maturity. You can have some 13 year olds
6 that can give dissertations on many subjects and a 22 year old
7 is still -- can't find his wallet in the morning.

8 MS. BLUTH: But that 13 year old --

9 PROSPECTIVE JUROR NO. 773: It's arbitrary.

10 MS. BLUTH: That 13 year old who is smart and can do
11 dissertations and things like that, can he or she make
12 decisions, more mature decisions about other things in life
13 that adults can't?

14 PROSPECTIVE JUROR NO. 773: They would have the
15 capacity to and may not be because of their upbringing to make
16 choices that were borderline or maybe not exactly what they
17 should be doing at that time in their life.

18 MS. BLUTH: So that 13 year old who -- the smart 13
19 year old, let's say it's a he, should he be accountable for
20 his actions the same way an adult should be held accountable?

21 PROSPECTIVE JUROR NO. 773: No.

22 MS. BLUTH: Explain that to me.

23 PROSPECTIVE JUROR NO. 773: Because of maturity and
24 the law. The law says whatever it is, 18, 19, 21, I don't
25 think a 13 year old should be subjected to that responsibility

1 yet. They may be able to do it, but not by law they can't.

2 MS. BLUTH: And what about -- you heard me speaking
3 earlier to Mr. Gilliam about following the law. Even if you
4 don't necessarily believe it sometimes, do you have an issue
5 with that?

6 PROSPECTIVE JUROR NO. 773: I have no issue with it.

7 MS. BLUTH: Okay. Thank you so much.

8 THE COURT: Pass for cause?

9 MS. BLUTH: Not for Mr. Gilliam.

10 THE COURT: Okay. Mr. Sprowson, do you have any
11 questions, sir?

12 MR. SPROWSON: I have a question. Not for the two
13 new individuals, but I have one more question that I'd like to
14 pose to the entire jury. Is that possible? Just one
15 question, just a follow up.

16 THE COURT: Just one question, please. Really,
17 we're not supposed to go backwards.

18 MR. SPROWSON: I had wait until we get involved with
19 other things. I just -- she kind of sparked an idea --

20 THE COURT: We have the jury now, so if you have one
21 question, please go ahead.

22 MR. SPROWSON: That's fine. I can pass on it.

23 THE COURT: Are you sure?

24 MR. SPROWSON: She sparked an idea I wanted to
25 expand upon something.

1 THE COURT: Do you have any questions of Mr. Gilliam
2 or Mr. Taylor?

3 MR. SPROWSON: No, I don't.

4 THE COURT: Mr. Sprowson and Ms. Bluth, can you come
5 up here please so I can speak with you?

6 MS. BLUTH: Yes, Your Honor.

7 (Bench conference transcribed as follows)

8 MS. BLUTH: Is the white noise on?

9 THE COURT: It is the white noise. I think Ms.
10 Bluth has an issue with Mr. Gilliam.

11 MS. BLUTH: [inaudible]

12 THE COURT: No. Well, we'll talk about it, but it's
13 not going to pick it up because my voice is really bad.

14 MS. BLUTH: [inaudible]

15 THE COURT: Yeah, he did say that. Some religions
16 don't allow you to sit in judgment.

17 MR. SPROWSON: [inaudible]

18 THE COURT: We have [inaudible] decision one way or
19 the other [inaudible].

20 MR. SPROWSON: [inaudible]

21 THE COURT: Do you mean ask him some questions about
22 that, like Jehovah's Witnesses? I will not do it.

23 MR. SPROWSON: [inaudible]

24 THE COURT: You did, but that was just the first one
25 [indiscernible] those are the ones usually [indiscernible]

1 judgment.

2 MR. SPROWSON: [inaudible]

3 MS. BLUTH: [inaudible]

4 THE COURT: Let me just get this one juror taken
5 care of.

6 (End of bench conference)

7 (In the presence of the prospective jury panel)

8 THE COURT: Mr. Gilliam, thank you for your time,
9 sir. I'm going to ask you to please stand up and move to the
10 back of the room. We need to call someone else.

11 Ladies and gentlemen, I'm going to have to ask you
12 guys -- I'm so glad all of you earlier in response to Ms.
13 Bluth's question said you don't mind waiting a little bit. I
14 need your indulgence a little bit. I've got a bunch of cases
15 that are trying to go to trial all at the same time and
16 obviously, I can only be in one at a time. I have a case that
17 I have to address something immediately. It's supposed to go
18 to trial next week in front of another judge because I'll be
19 in this trial. So we need to get this other individual in the
20 seat, we need to ask him his questions. But I do need your
21 patience. I need 10 minutes to talk to about four attorneys
22 in this other case and I promise you we will have a jury I
23 would bet you before 12:30. Okay? But again, I do appreciate
24 your patience.

25 Why don't we call the new person for Mr. Gilliam's

1 seat.

2 THE CLERK: Badge number 776, Gary Lawson, for seat
3 13.

4 THE COURT: Good morning. I need to get you up to
5 speed. I know you've been listening to these questions for
6 three days, so you probably know what I'm going to ask you.

7 Sir, as you heard, there may be some law enforcement
8 officials who are called to testify. Would you give more
9 weight or credence to the testimony of a law enforcement
10 official simply because he or she is in law enforcement?

11 PROSPECTIVE JUROR NO. 776: No.

12 THE COURT: Are you in law enforcement, sir?

13 PROSPECTIVE JUROR NO. 776: No.

14 THE COURT: Close friends or family members in law
15 enforcement?

16 PROSPECTIVE JUROR NO. 776: No.

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

19 PROSPECTIVE JUROR NO. 776: No.

20 THE COURT: Have you ever been accused of committing
21 a crime?

22 PROSPECTIVE JUROR NO. 776: No.

23 THE COURT: Have you ever been a juror?

24 PROSPECTIVE JUROR NO. 776: Yes.

25 THE COURT: When?

1 PROSPECTIVE JUROR NO. 776: About three, two or
2 three years ago.

3 THE COURT: Was it here in Las Vegas?

4 PROSPECTIVE JUROR NO. 776: Yeah, here in this -- up
5 here.

6 THE COURT: Civil or criminal?

7 PROSPECTIVE JUROR NO. 776: Criminal.

8 THE COURT: Don't tell me what the verdict was, but
9 was your jury able to reach a verdict?

10 PROSPECTIVE JUROR NO. 776: Yes.

11 THE COURT: Were you the foreperson?

12 PROSPECTIVE JUROR NO. 776: No.

13 THE COURT: Sir, can you follow these instructions?
14 You must follow all instructions of the Court on the law, even
15 if they differ from your personal conceptions of what you
16 think the law is. Can you follow that instruction?

17 PROSPECTIVE JUROR NO. 776: Yes.

18 THE COURT: Can you follow this instruction? A
19 person who's accused of committing a crime is presumed to be
20 innocent in a criminal trial. Can you follow that
21 instruction?

22 PROSPECTIVE JUROR NO. 776: Yes.

23 THE COURT: Can you follow this instruction? The
24 defendant does not have to present any evidence in order for
25 you to return a verdict of not guilty. Can you follow that

1 instruction?

2 PROSPECTIVE JUROR NO. 776: Yes.

3 THE COURT: Can you follow this instruction? The
4 State has the burden of proving the defendant guilty beyond a
5 reasonable doubt. Can you follow that instruction?

6 PROSPECTIVE JUROR NO. 776: Yes.

7 THE COURT: Sir, are you employed?

8 PROSPECTIVE JUROR NO. 776: Yes.

9 THE COURT: What do you do, Mr. Lawson?

10 PROSPECTIVE JUROR NO. 776: Casino dealer for 21
11 years. And prior to that a newspaper delivery in Kansas City,
12 Missouri for about 10 years. Prior to that, during my teenage
13 years, I had a lawn care business. That's basically it.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR NO. 776: I'm sorry?

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NO. 776: No.

18 THE COURT: Children?

19 PROSPECTIVE JUROR NO. 776: No.

20 THE COURT: How long have you lived in Clark County,
21 Nevada?

22 PROSPECTIVE JUROR NO. 776: Seventeen years.

23 THE COURT: Thank you. By the State.

24 MS. BLUTH: May I just stay right here, Your Honor?

25 THE COURT: Sure.

1 MS. BLUTH: Hi. Oh, no, it's you still. When you
2 were a juror, like Judge said, can't tell me the verdict, but
3 what type of criminal case was it? Like, what were the
4 charges?

5 PROSPECTIVE JUROR NO. 776: Theft of alcohol from
6 Caesar's Palace.

7 MS. BLUTH: Okay. Did you deliberate for a long
8 time on that?

9 PROSPECTIVE JUROR NO. 776: No, an hour or two. Not
10 too long.

11 MS. BLUTH: When you went back there, did you feel
12 comfortable sitting back there and voicing your opinions?

13 PROSPECTIVE JUROR NO. 776: Not really, but, I mean,
14 I did it. I had no problems, but not real comfortable with
15 it.

16 MS. BLUTH: Is it because you don't like speaking or
17 what made it uncomfortable?

18 PROSPECTIVE JUROR NO. 776: Yeah, I'm a little shy
19 in big groups of people I guess, and a little uncomfortable.

20 MS. BLUTH: That makes sense. When you came in here
21 and you heard the charges, these charges are obviously a lot
22 different than the previous case you sat in. Did you have any
23 reactions either way?

24 PROSPECTIVE JUROR NO. 776: I read the Las Vegas
25 Review Journal every day and I believe I saw something in the

1 past about -- I don't remember all the details. It's been
2 awhile back, but I do read the paper every day and remember
3 seeing something about the case.

4 MS. BLUTH: Is there anything about that that stays
5 with you or that creates something in your mind that makes you
6 think you wouldn't be able to be fair to either side?

7 PROSPECTIVE JUROR NO. 776: I think I could be fair.

8 MS. BLUTH: In regards to following the law, you
9 know now that you were a previous juror, you were given that
10 stack of instructions on what the law is. Even if you
11 disagree with what the law is, can you still agree to abide by
12 it and be a juror, or is that something you could struggle
13 with?

14 PROSPECTIVE JUROR NO. 776: Yeah, I can agree with
15 that.

16 MS. BLUTH: You've heard us talk about the age of 18
17 and certain laws happen to those of us that are over 18. Do
18 you understand -- not understand -- do you agree with it? Do
19 you agree with that?

20 PROSPECTIVE JUROR NO. 776: Yes.

21 MS. BLUTH: Why do you think that the age of 18 was
22 chosen versus 14 or 20?

23 PROSPECTIVE JUROR NO. 776: They should be more
24 mature by age 18 and it's the legal age.

25 MS. BLUTH: Do you think that -- for instance, Mr.

1 Taylor was talking about if there's a 13 year old, they're
2 very mature and they're very smart, let's take that scenario a
3 step further. Do you think that that smart 13 year old should
4 be held to the same level of accountability as an adult under
5 the law?

6 PROSPECTIVE JUROR NO. 776: No. Even though some
7 13, 15 year olds are much more intelligent than a lot of
8 adults, still there's rules, you know, for kids that age.

9 MS. BLUTH: Do you feel comfortable sitting as a
10 juror, sitting in judgment in front of another person?

11 PROSPECTIVE JUROR NO. 776: I'm a little
12 uncomfortable with the charges and, you know, potential
13 evidence that might be presented. I think I could be fair,
14 but a little uncomfortable with it.

15 MS. BLUTH: I understand what you're saying in
16 regards to the pictures is what you're referring to; is that
17 right?

18 PROSPECTIVE JUROR NO. 776: Yeah.

19 MS. BLUTH: But what about the charges in specific
20 makes you feel uncomfortable?

21 PROSPECTIVE JUROR NO. 776: Well, like most people,
22 I'm, you know, strongly against pedophiles, child abusers, pet
23 abusers, animal abusers, things like that. Just not
24 comfortable with it.

25 MS. BLUTH: I understand. And I completely

1 understand that and respect that. The only issue that comes
2 in to play is if you wouldn't be able to give the defendant a
3 fair trial because of those beliefs. But if you can hold the
4 State to their burden, then the law says it's okay for you to
5 be a juror.

6 PROSPECTIVE JUROR NO. 776: Yeah.

7 MS. BLUTH: All right. Thank you so much. We'll
8 pass for cause, Your Honor.

9 THE COURT: Mr. Sprowson, any questions of Mr.
10 Lawson?

11 MR. SPROWSON: Yeah. I would like to ask Mr. Lawson
12 a question. Good afternoon, Mr. Lawson. Melvin Sprowson, I
13 am the defendant. There's been a lot of discussion about laws
14 established and should you follow the law. I find it
15 interesting. The question I have for you is say, for example,
16 there was something that you liked to do, that's not saying
17 that you do, but say it's drinking. In one state the age is
18 18 you can drink, and the other state is 21. Now -- and you
19 wanted to drink something and you're actually 19. And you
20 live in the state where it's 21. Would you travel to the
21 state that allows the drinking to be 18?

22 PROSPECTIVE JUROR NO. 776: Yeah. Probably, yeah.

23 MR. SPROWSON: So, would you say then that sometimes
24 the law is a matter of geography? What I mean by that is
25 depending on where you are it might be legal in one place --

1 and if you think, a good example would be marijuana --

2 PROSPECTIVE JUROR NO. 776: Right. I was just going
3 to say that. Marijuana, it's legal here in Nevada and
4 California, but most states it's not. It's not legal
5 federally, but geographically, you're right.

6 MR. SPROWSON: Right. And the same thing with
7 drinking. There's a lot of states that have different ages
8 for drinking. And not only that, there are 29 states that
9 sexual consent is 16. So -- and then there are other states
10 where it has to be 18. So I guess really what I'm getting at
11 is -- and you've answered it, so it really, it was your desire
12 to do whatever was described by the law in one state is legal
13 versus the other, you would go to the legal state and actually
14 do what you want to do. Say, for example, the example was
15 drinking, and you said yes, right?

16 PROSPECTIVE JUROR NO. 776: Yeah.

17 MR. SPROWSON: All right. That's all I really
18 wanted to say. Thank you.

19 THE COURT: I need to interject. I just need
20 clarification. We talked about this a little bit when we went
21 through can you follow these instructions. If you're selected
22 as a juror in this case, at the very end of the case, whoever
23 is selected will receive what's called jury instructions. And
24 the jury instructions are the law that you'll apply in
25 deciding the case. What I need to make sure, though, is you

1 use the law as given, you don't come up with a different
2 version of what you think the law to be. Will you use the law
3 as given, even if you disagree with it, sir?

4 PROSPECTIVE JUROR NO. 776: Yes.

5 THE COURT: Okay. Thank you. Thank you, Mr.
6 Sprowson. Pass for cause, Mr. Sprowson?

7 MR. SPROWSON: Yes.

8 THE COURT: And the State passed for cause. Ladies
9 and gentlemen, and please, it's on me, I need your indulgence.
10 Like I said, I have another case that's supposed to go
11 tomorrow and I have to get -- I'm sorry, it's supposed to go
12 Monday but I can obviously only be in one place at a time. So
13 there are a couple issues I have to resolve in that case, and
14 I have two inmates waiting on that case. So can you just
15 indulge me? Again, I apologize. I appreciate all the time
16 you spend, but I can't be two places at once. I need to
17 address this one matter. I just need until about 20 after.
18 So if you want to get a soda, water, whatever you need.
19 Please don't go far and then come back in. We'll get a jury
20 picked and the rest of you will go about and hopefully have a
21 wonderful day.

22 So, as always, don't talk about the case, don't
23 research the case, don't form or express any opinion about the
24 case.

25 (Court recessed at 12:03 p.m. until 12:33 p.m.)

1 (In the presence of the prospective jury panel)

2 THE COURT: Thank you again. Again, ladies and
3 gentlemen, thank you for your patience. So what's going to
4 happen over the next several minutes is you'll see the State
5 and the defendant passing a sheet of paper back and forth.
6 And on that sheet of paper they're writing names of
7 individuals who are going to be excused as jurors in this
8 case. The process should take 10 minutes, 10, 15 minutes at
9 most. Just make yourself comfortable. You can talk to your
10 neighbor, you can move around your seat. Just don't leave,
11 because sometimes they need to see you to put a face to a
12 name. Once they've done that we'll have a jury and everyone
13 else will be dismissed.

14 (Off the record - peremptory challenge)

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, if your name is called, please stand up and move to the
17 back of the room. Don't leave the courtroom yet.

18 (Clerk calls names)

19 THE COURT: Counsel for the State and Mr. Sprowson,
20 please look at the jury. Is this the jury you selected?

21 MS. BLUTH: Yes, Your Honor.

22 THE COURT: Mr. Sprowson?

23 MR. SPROWSON: Yes.

24 THE COURT: All right. Everyone else, you're going
25 to be excused as jurors at this point. Do they have to go

1 down to Jury Services, Jason?

2 THE MARSHAL: No, Judge, they just go right on home.

3 THE COURT: All right. Thank you so much for your
4 time. I appreciate your patience over the last several days.
5 Enjoy the remainder of your day. Have a wonderful weekend as
6 well.

7 Ladies and gentlemen, as you've probably figured out
8 by now, you've been selected as the jury in this case. What I
9 need for you to do is stand up and please raise your right
10 hand and be sworn in as jurors.

11 (Clerk administers oath to jurors)

12 THE COURT: Please sit down and make yourself
13 comfortable. So I just kind of want to run something by you
14 guys. What's going to happen the remainder of the day,
15 today's going to be a short day. So basically what I need to
16 do is there's some preliminary instructions that I need to
17 give you guys. It's just basic instructions on how to kind of
18 look at the evidence as it's presented during the course of
19 the case. And at that point, you guys will be released for
20 the day.

21 Now, I can do two things. I understand it's 1:00
22 and I know you might be really hungry. I don't know if you
23 brought snacks, ma'am. It will take me like 20 minutes to go
24 through these instructions. What I would prefer to do is just
25 power through for the next 20 minutes and let you guys go for

1 the day versus sending you out for lunch and bringing you back
2 in an hour or so. What would you rather do?

3 JURORS: Power through.

4 THE COURT: Power through. Let's power through.
5 And then, when we come back tomorrow we're going to come back
6 at 9:00 in the morning. What's going to happen, the State
7 will present its opening and Mr. Sprowson, if he desires, will
8 have a chance to do opening. Thereafter, we're going to jump
9 right into the witnesses. Jason will kind of give you guys a
10 tentative schedule for next week so you can plan with your
11 jobs, your kids, or whatever else is going on.

12 We've sworn you in as jurors now. Ladies and
13 gentlemen, you've been selected as the jury in this case. I'm
14 going to take a few minutes to talk to you about what to
15 expect. My comments are intended to serve as an introduction
16 to the trial. At the end of the trial I'll give you more
17 detailed instructions in writing, and these instructions will
18 control your deliberations.

19 As you're aware, this is a criminal case brought by
20 the State of Nevada against the defendant. The case is based
21 on information. The clerk is going to stand up and read the
22 information and state the plea of the defendant.

23 (Information read - not transcribed)

24 THE COURT: Ladies and gentlemen of the jury, the
25 information just read to you is simply a description of the

1 charge made by the State against the defendant. It is not
2 evidence, and it does not prove anything. Therefore, the
3 defendant starts out with a clean slate. The defendant has
4 pled not guilty and is presumed innocent.

5 This is a criminal trial and there's two basic rules
6 you have to keep in mind. First, the defendant is presumed
7 innocent unless and until proved guilty beyond a reasonable
8 doubt. The defendant is not required to present any evidence
9 or to prove his innocence. The law never imposes upon a
10 defendant in a criminal case the burden of calling any
11 witnesses or introducing any evidence.

12 Second, in order to convict, the State must prove
13 beyond a reasonable doubt that the crime was committed and the
14 defendant is the person who committed the crime. It is going
15 to be your duty to decide from the evidence to be presented
16 whether the defendant is guilty or not guilty. You're the
17 sole judges of the facts. You will decide what the facts are
18 from the evidence which will be presented.

19 The evidence will consist of testimony of witnesses
20 and documents and other things received into evidence as
21 exhibits. You must apply the facts of the law which I shall
22 give you, and in that way you will reach your verdict. It is
23 important you form your duty of determining the facts
24 diligently and conscientiously for ordinarily, there's no way
25 of correcting an erroneous determination of the facts by the

1 jury.

2 You should not take anything I may say or do during
3 the trial as indicating my opinion as to how you should decide
4 the case or to influence you in any way in your determination
5 of the facts. At times I may even ask questions of witnesses.
6 If I do, it is for the purpose of bringing out matters which
7 should be brought out and not in any way to indicate my
8 opinion about the facts or to indicate the weight or value you
9 should give to the testimony of a witness.

10 In deciding the facts of this case you may have to
11 decide which witnesses to believe and which witnesses not to
12 believe. You may believe everything a witness says or only
13 part of it or none of it at all. In considering the weight or
14 value of the testimony of any witness, you may consider the
15 appearance, attitude and behavior of the witness when
16 testifying and a number of other things, including the
17 witness's ability to see or hear or know the things the
18 witness testifies to, the quality of the witness's memory, the
19 inclination of the witness to speak truthfully, whether or not
20 the witness has any interest in the outcome of the case or any
21 motive, bias, or prejudice, whether the witness is
22 contradicted by anything the witness said or wrote before the
23 trial, and how reasonable is the witness's testimony when
24 considered with other evidence which you do believe.

25 In deciding whether or not to believe a witness,

1 keep in mind people sometimes forget things. You need to
2 consider whether a contradiction is an innocent lapse of
3 memory or an intentional falsehood. That may depend on
4 whether it has to do with an important fact or only a small
5 detail. The weight or value of evidence does not necessarily
6 depend on the number of witnesses testifying for one side.
7 You must consider all the evidence and you may decide that the
8 testimony of a smaller number of witnesses on one side has
9 more weight or value than that presented by the larger number
10 of witnesses on the other side.

11 There's two types of evidence, direct and
12 circumstantial. Direct evidence is testimony about what the
13 witness personally saw, heard, or did. Circumstantial
14 evidence is indirect evidence. It is proof of one or more
15 facts from which you can find another fact. For example, if
16 you wake up in the morning and see the ground, the sidewalks,
17 and all the streets are wet and water is running down the
18 gutters, you may find from those facts that it rained during
19 the night. It is proof of one or more facts in which you can
20 find another fact.

21 In contrast, if you're awake during the night and
22 actually saw the rain fall, that's direct evidence, because
23 it's something you personally saw. You may consider both
24 direct and circumstantial evidence in deciding the case. The
25 law permits you to give equal weight or value to both, but it

1 is for you to decide how much consideration to give to any
2 evidence.

3 Certain things are not evidence and you must not
4 consider them as evidence in deciding the facts of this case.
5 Statements and arguments by the attorneys, questions and
6 objections of the attorneys, testimony I instruct you to
7 disregard and anything you may see or hear when the Court is
8 not in session, even if what you see or hear is done or said
9 by one of the parties or by one of the witnesses. Remember,
10 evidence is sworn testimony by a witness while Court is in
11 session and documents and other things received into evidence
12 as exhibits.

13 There are rules of law which control what can be
14 received into evidence. When a lawyer asks a question or
15 offers an exhibit into evidence and the lawyer on the other
16 side or the defendant on the other side thinks that it's not
17 permitted by the rules, that lawyer or that defendant may
18 object. If I overrule the objection the question may be
19 answered or the exhibit received. If I sustain the objection,
20 the question cannot be answered and the exhibit cannot be
21 received.

22 Whenever I sustain an objection to a question,
23 ignore the question and do not guess what the answer might
24 have been. Sometimes I may order evidence stricken from the
25 record and tell you to disregard or ignore such evidence.

1 This means when you're deciding the case you must not consider
2 the evidence which I've told you to disregard.

3 It is the duty of the lawyer or the defendant to
4 object to evidence which the lawyer or the defendant believes
5 may not be permitted under the rules. You should not be
6 prejudiced in any way against the lawyer or the defendant who
7 makes objections on behalf of the party the lawyer represents
8 or the defendant representing himself. Also, I may find it
9 necessary to admonish a lawyer or the defendant. If I do so
10 you should not be prejudiced toward the lawyer or the
11 defendant because I found it necessary to admonish that
12 individual.

13 Until the case is submitted to you, do not talk to
14 each other about it or about anyone or about anyone who has
15 anything to do with it until the end of the case and you go to
16 the jury room to decide upon your verdict. Do not talk with
17 anyone else about this case or anyone who has anything to do
18 with it until the trial has ended and you've been discharged
19 as jurors. Anyone else includes members of your family and
20 your friends. You may tell them that you're a juror in a
21 criminal case, but don't tell them anything else about it
22 until after you've been discharged.

23 Do not let anyone talk to you about the case or
24 about anyone who has anything to do with it. If someone
25 should try to talk to you, please report that to me

1 immediately by letting Jason, the Marshal, know. Do not read
2 any news stories, listen to any radio broadcasts, or watch any
3 television reports about the case or about anyone who has
4 anything to do with it. That includes, obviously, going on
5 the Internet or any type of social media. And this is very,
6 very important. You guys need to lay off social media during
7 the course of the trial.

8 Again, you can say basically you're a juror in a
9 criminal case. You can't say anything else about it. That
10 includes Facebook, Snapchat, Instagram, anything that I'm not
11 thinking of. You just cannot go onto social media during the
12 course of the trial and discuss anything about this case.

13 Another thing that's really important, we're all so
14 used to this digital age where information is at our
15 fingertips. You cannot do any research or make any
16 investigation about the case on your own. I know it may sound
17 very innocent if you hear something during the trial and you
18 want to just Google it real quick. Please don't do so. The
19 mere act of doing that could taint this entire trial. So
20 please, stay off the Internet with respect to anything related
21 to this trial.

22 Also, there's going to be different scenes that are
23 discussed, different locations that are discussed during the
24 course of the trial. Do not go near those scenes during the
25 course of the trial. I'm not asking you to loop totally

1 around the valley, but please go -- just make an effort not to
2 go by different scenes which may be mentioned or locations
3 which may be mentioned during the course of the trial. And
4 the reason for this is it's not that the parties don't want
5 you to know something, it's just quite simply over the last
6 several years in the valley everything is changing. So just
7 because something looks one way today doesn't mean it looked
8 that way several years ago when this case occurred.

9 At the end of the trial you'll have to make your
10 decision based on what you recall of the evidence. You'll not
11 have a written transcript to consult, and it's difficult and
12 time consuming for the recorder to read back lengthy
13 testimony. I urge you to pay close attention to the testimony
14 as it's given.

15 As I indicated during jury selection, this
16 department does allow jury questions. If you have a question
17 what you need to do is write it down, put your name on it, and
18 also put your juror identification number. Either get my
19 attention or Jason's attention before that witness leaves the
20 stand. I will show it to the attorneys and Mr. Sprowson. If
21 it's a question that can be asked, taking into consideration
22 the rules of the evidence, then we'll go ahead and ask that
23 question. But again, sometimes remember there's things that
24 we just -- you may want to know but we really can't bring up
25 during the course of the trial because it's just not allowed

1 by the rules.

2 Again, you can take notes during the trial to help
3 you remember what the witnesses said. If you do take notes,
4 please keep them to yourself until you and your fellow jurors
5 go to the jury room to decide the case. Don't let note taking
6 distract you so that you don't hear all the testimony that's
7 given. You need to rely on your own memory of what was said
8 and not be overly influenced by the notes of the other jurors.

9 Do not make up your mind about what the verdict
10 should be until after you've gone to the jury room to decide
11 the case and you and your fellow jurors have discussed the
12 evidence. Always keep an open mind.

13 A juror may not declare to a fellow juror any fact
14 relating to this case of which the juror has knowledge. If a
15 juror discovers during the trial or after the jury has retired
16 that the juror or any other juror has personal knowledge of
17 any fact in controversy in the case, you need to disclose the
18 situation to me immediately. You do so by letting Jason know
19 and he will get that information to me. This means if you
20 learn during the course of the trial you have personal
21 knowledge of any fact which is not presented by the evidence
22 in the case, again, you have to let me know through the
23 Marshal.

24 Sometimes things that come up is, you know, like
25 when we ask if you know certain witnesses. I'm terrible with

1 names. So if you ask me if I know Joe Smith. I may say no.
2 But then I see the person sitting on the stand, I think hey,
3 that guy lives down the street from me. Happens to everyone.
4 It's not a big deal. But what is important is that once you
5 recognize that individual you need to let us know immediately.
6 All right?

7 Remember, during the trial the attorneys for both
8 sides, as well as the defendant and the court personnel, other
9 than Jason, they're not permitted to talk to you. These
10 individuals are not being anti-social, they're bound by ethics
11 and the law not to talk to you because doing so could
12 contaminate your verdict.

13 The trial's going to proceed in the following
14 manner. The deputy district attorney will make an opening
15 statement, which is an outline to help you understand what the
16 State expect to prove. Next, the defendant may, but does not
17 have to, make an opening statement. Openings statements are
18 an introduction to the evidence which the party making the
19 statement intends to prove. The State will then present its
20 evidence and the defendant may choose to cross-examine the
21 witnesses. Following the State's case, the defendant may
22 present his own evidence and then the district attorney may
23 cross-examine the defendant's witnesses. However, as I said,
24 the defendant is not obligated to present any evidence or any
25 witnesses at all.

1 After all the evidence has been presented, I'll
2 instruct you on the law. After the instructions on the law
3 have been read to you, each side has the opportunity to
4 present oral argument. What is said in closing argument is
5 not evidence. The arguments are designed to summarize and
6 interpret the evidence. Since the State has the burden of
7 proving the defendant guilty beyond a reasonable doubt, the
8 State has the right to open and close the arguments. After
9 the arguments have been completed, you'll retire to deliberate
10 upon your verdict.

11 All right. Ladies and gentlemen, I'm going to let
12 you go at this time. I'd like to see you tomorrow at 9:00.
13 Jason will give you instructions about where to park. This is
14 going to be important. You're going to learn this
15 admonishment because you're going to hear it every time you
16 leave the courtroom.

17 You're admonished not to converse amongst yourselves
18 or with anyone on any subject connected with the trial. Do
19 not read, watch, or listen to any report of or commentary on
20 the trial by any medium of information including, without
21 limitation, television, newspaper, radio, Internet, social
22 media, et cetera. And do not form or express an opinion on
23 this case until it's submitted to you for deliberation.

24 Look and see where you're seated because you'll be
25 in the exact same seats until this trial is completed. Have a

1 lovely day. We'll see you tomorrow at nine. Jason, I think
2 on Tuesday of next week we're going to try to start at 10:30,
3 so we can get a little extra time.

4 (Jury recessed at 1:21 p.m.)

5 THE COURT: So we're going to go off the record and
6 I'm going to go back in my office and do work. I don't know,
7 you need to go down and eat because you probably need your
8 insulin too.

9 MR. SPROWSON: I just have one question for the
10 State.

11 THE COURT: Yeah.

12 MR. SPROWSON: I'm sorry about being a pest. Can
13 you give me an assessment on when I'll be able to get chain of
14 custody for my computer and my phone, the one I kind of
15 referred to?

16 MS. BLUTH: Sure. It will be, when we bring in the
17 evidence, it will be here too, but let me see if they emailed
18 it to me. I don't check my email in here very often.

19 THE COURT: Officer, how long until you have Mr.
20 Sprowson back up here?

21 OFFICER: How long?

22 THE COURT: Yeah. He needs his medicine and he
23 needs to eat.

24 OFFICER: We'll take him downstairs, call the nurse,
25 have the nurse come over and give him his medicine. Whatever

1 you give us.

2 THE COURT: I just want him to have time. And then,
3 Mr. Sweetin probably needs to go get a bite real quick.

4 MS. BLUTH: I don't see it yet, Mr. Sprowson, but
5 I'll make a phone call.

6 THE COURT: When should Mr. Sweetin be back? 2:15?
7 Is that enough time? You want to get something to eat?

8 MR. SWEETIN: Maybe 2:30 would be safer.

9 THE COURT: 2:30 is fine. All right. If you guys
10 don't need me, we're going to go off the record.

11 (Court recessed for the evening at 1:23 p.m.)
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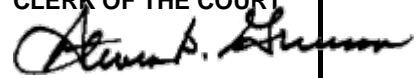
ACKNOWLEDGMENT:

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



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

FRIDAY, MARCH 24, 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.

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1 **LAS VEGAS, NEVADA, FRIDAY, MARCH 24, 2017, 9:18 A.M.**

2 *** * * * ***

3 (Outside the presence of the jury)

4 THE COURT: All right. So, again, Kathy was giving
5 me the rundown that you guys had the opportunity to go through
6 the evidence yesterday.

7 MR. SWEETIN: That's correct, Judge. Just for the
8 record, we had the detectives from the Henderson -- or,
9 rather, Clark County School District Police Department bring
10 in all the evidence that had been booked in this case, and the
11 defendant was given the opportunity to review the evidence to
12 review the chain of custody detail on each piece of evidence.
13 Some of those items of evidence that were marked that the
14 State was putting into their case, the defendant was given the
15 opportunity to mark whatever evidence he wanted to put in his
16 case. He decided that there wasn't any remaining evidence he
17 wanted to mark and put into his case.

18 There were some questions that he had for that
19 detectives in regards to the chain of custody that was not
20 detailed on the evidence exactly what the evidence was. Those
21 questions were answered. His standby counsel was with him at
22 the time he did this review. And as I understand, all his
23 questions were answered at that time.

24 THE COURT: Mr. Sprowson, sir.

25 MR. SPROWSON: Well, I have a few issues in regards

1 to that. There was some documentation that was under seal
2 that the State had an opportunity to review. I do not. I
3 don't know how, Your Honor. I would like --

4 THE COURT: Specifically what?

5 MR. SPROWSON: -- to address that. For the most
6 part the State is correct. I had an opportunity to view all
7 of the evidence, and we went through it. We spent a great
8 deal of time. I did present two possible exhibits to Ms. --
9 Kruger?

10 THE COURT: Streuber.

11 MR. SPROWSON: Streuber. Streuber. Sorry.
12 Streuber, Ms. Streuber. There also was an issue of -- if I
13 can discuss with you. I know today, if I understand
14 correctly, we're supposed to do the opening statements, and
15 the State is going to present I'm not sure how many witnesses.
16 But I remember last time I brought up the issue of the direct
17 examination of the alleged victim.

18 I wanted to ask Your Honor how she would propose
19 that we do that. Because I know that the State is going to
20 have their direct examination; I'm going to have an
21 opportunity to my cross-examination. But I want to make a
22 distinction between my cross and my direct, and I'd like to
23 possibly just defer my opening statement to after my cross so
24 that it's distinctive that I'm doing a direct examination, and
25 I just want to ask Your Honor how she would like to deal with

1 that.

2 THE COURT: Okay. So the defendant can do their
3 opening at two different times. You can either do it
4 immediately after the State, or technically you can do it at
5 the opening of -- the beginning of your presentation of the
6 evidence. And then, really, the choice is up to you. The way
7 people ordinarily do it when -- it is not uncommon, I will
8 tell you that, I'll make that representation, when we bring
9 someone in, if one side wants to call them in case in chief
10 and the other one wants to call in their case in chief,
11 usually witnesses are just brought in once. Not always, but
12 that's not unusual, I'll tell you that. It's usually for
13 financial reasons.

14 And usually what happens is, obviously, as a general
15 rule, as you're aware, you can only ask questions within the
16 scope of the direct examination when you're on
17 cross-examination, okay. And where that comes into play is on
18 direct examination you can ask open-ended questions. So tell
19 me what you did today, things like that. On cross-examination
20 you can ask leading questions, okay.

21 So when you have the issue of doing your direct
22 examination, your cross-examination at the same time, what I'm
23 getting to, where it really affects things is, number one, you
24 can exceed what the State brings up in their direct
25 examination, but it also modifies the way in which you can ask

1 a question. So if you're asking a question that is beyond
2 what the State asks in their direct, so if it's on your direct
3 examination, you can't ask it in a leading format. You have
4 to ask in an open-ended format just like the State is doing.
5 Follow?

6 MR. SPROWSON: Okay. So if I understand correctly,
7 the way that it would be distinguished is the leading question
8 would -- would indicate that it is following their scope and
9 have a cross-examination. And then --

10 THE COURT: Yes.

11 MR. SPROWSON: -- when I go beyond that, when I kind
12 of -- it's more of an open-ended question, it would kind of
13 infer that I'm into my direct examination?

14 THE COURT: Well, I don't know. I'll be honest with
15 you. I don't know that the jury makes the distinction one way
16 or the other. I think the jury just hears the evidence
17 regardless.

18 MR. SPROWSON: Yeah.

19 THE COURT: But as far as my listening to it and
20 responding to objections, it makes a difference on whether
21 you're on direct or cross and how the question is presented.

22 MR. SPROWSON: Right, and that's why I brought this
23 to your attention.

24 THE COURT: But the jury just hears it. I'll be
25 honest with you.

1 MR. SPROWSON: Right, right. And that's why I
2 brought it to your attention because, you know, I don't want
3 to -- every time I try to introduce some evidence or try to --
4 to ask the alleged victim a question that the State object,
5 object, object, object, you know, and I don't want to have to
6 keep getting shut down because I do want to have a fair
7 opportunity to present my side.

8 THE COURT: Sure.

9
10 MR. SPROWSON: The jury definitely should hear all
11 of the evidence, not just what the State is going to present.
12 And also --

13 THE COURT: Well, a suggestion. This is what we do.
14 Like I said, this is not uncommon. It happens in civil cases,
15 it happens -- well, it happens a lot in civil cases, actually.
16 And sometimes we just let the -- you know, we can always -- in
17 my opinion, and the State knows this because they've tried
18 cases with me, I keep the jury informed. I think it's better
19 to keep them informed of what's going on.

20 And so a lot of times what we'll say is, ladies and
21 gentlemen of the jury, the State has called this witness in
22 their case in chief and the defense is going to call this
23 witness in their case in chief for sake of, you know, we have
24 the witness here, they're just all going to ask their
25 questions at this time while the witness is on the stand.

1 That is not uncommon, and we can let the jury know, you know,
2 that way they know that she's your witness, as well.

3 MS. BLUTH: And, Your Honor, just for clarification
4 purposes for Mr. Sprowson, it doesn't matter if she's, you
5 know, my witness on direct or his witness on direct, my
6 objections are going to be the same. So as long as it's
7 relevant and as long as there aren't any evidentiary rules
8 that keep it from coming in, I'm not going to object. But it
9 doesn't make a difference if I'm on direct or he's on direct,
10 the objections are still going to be the same.

11 And then also, Ms. Torres is actually leaving to go
12 back to college, and so I -- I mean, it's his choice if he'd
13 like to serve her with a subpoena and fly her back, but after
14 today she is gone. So I would -- unless he has the means to
15 fly her back, then I would make sure that he asks all the
16 questions he can today.

17 MR. SPROWSON: Yeah, and that's why I brought this
18 up, Your Honor, because I -- we had this discussion already
19 that she was --

20 THE COURT: You know --

21 MR. SPROWSON: -- going to go back.

22 THE COURT: -- we can make it easy. And like I
23 said, explaining things to the jury doesn't really hurt either
24 one of you guys. If you want, okay, I've seen it done a
25 multitude of different ways, is if it's easier for you guys,

1 well, easier for you, Mr. Sprowson, the State can do their --
2 their direct, you can do your cross. And then if we want we
3 can tell the jury because she has to go back to school, Mr.
4 Sprowson is now going to present his direct examination of the
5 witness.

6 And I don't think it harms you guys to let the jury
7 know what's going on, and that may make it easier as far as
8 organizing your questions. If you want to do that, Mr.
9 Sprowson, I don't care. Whatever you'd like to do.

10 MR. SPROWSON: Yeah, I'd like to do that, and I'd
11 like to defer your opening to right after the --

12 THE COURT: Why don't you do this. When you're done
13 with your cross-examination, kind of get my attention and say,
14 Judge, I'd like to start on my direct. And then I'll just
15 make a little announcement to the jury explaining them --
16 explaining to them procedurally what's going to happen, okay?

17 MR. SPROWSON: Okay. And then -- and I'd like to do
18 my opening at that time so it kind of leads into my direct.

19 MS. BLUTH: Yeah, he can't -- he can't do that.

20 THE COURT: Well, you can only -- your opening --
21 most people do their opening immediately after the first side
22 does it, but technically you can do it at the presentation of
23 your case, which means you can't do your opening until they've
24 closed their case.

25 MR. SPROWSON: So because theirs is still open it

1 kind of --

2 THE COURT: Yep.

3 MR. SPROWSON: Okay. So I --

4 THE COURT: It's either in the beginning --

5 MR. SPROWSON: -- pretty much would have to --

6 THE COURT: -- or when you start your case, but it
7 cannot be in the middle of their case.

8 MR. SPROWSON: Okay. And is there any way that I
9 can get a breakdown of how the day is going to go so that I
10 can kind of, just for planning purposes, and what the State
11 intends on doing and the Court. I know it's going to be a
12 full day; correct?

13 THE COURT: Yes.

14 MR. SPROWSON: Okay. So -- and I know that JT is
15 going to be called. I know we have opening statements. So is
16 there any way the Court can provide me with somewhat of a gist
17 of how it's going to go today so I can have an idea so I can
18 give a better judgment on when I can present my stuff?

19 THE COURT: The State is going to do their opening.
20 After the do their opening, I'm going to ask whether or not
21 you want to present your opening at that time or whether you
22 want to defer until your case in chief. Depending on what you
23 say, you'll either do the opening or the State will call the
24 first witness.

25 I believe the first witness to be Jaysenia Torres;

1 is that correct?

2 MS. BLUTH: That's correct.

3 THE COURT: All right. And then I have a feeling
4 she might be on the stand a bit since you're both calling her
5 in your case in chief, and the State will call their next
6 witness.

7 Who is lined up next?

8 MS. BLUTH: Her mother, and that -- I'm sure that
9 that will take the majority of the day.

10 MR. SPROWSON: Okay. So those will be the two
11 today?

12 MS. BLUTH: I mean, if we get done with Kathy we can
13 probably line some other people up, but for right now that's
14 who we're planning on calling.

15 MR. SPROWSON: Okay. Sounds good.

16 THE COURT: Yeah, we'll just play it by ear as the
17 day goes on.

18 MR. SPROWSON: Okay.

19 THE COURT: And then the jury will, obviously, get
20 breaks for the bathroom, and they'll get about an hour break
21 for lunch.

22 MR. SPROWSON: Okay. And I just want to bring up
23 one other topic. You know, this morning -- and I understand
24 I'm incarcerated and all this other stuff.

25 THE COURT: Uh-huh.

1 MR. SPROWSON: I -- I was trying to work on my
2 opening statement this morning and I asked for an opportunity
3 to do that. Now, I'm not trying to indicate anything --
4 anybody did anything wrong on the officer side, but I just
5 want to make a record that I did ask for an opportunity while
6 I was in the holding tank to -- to work on my paperwork. My
7 paperwork was kept from me and I was not allowed to do any
8 kind of preparation during that time. And I'm just doing this
9 for -- for record sake.

10 THE COURT: Uh-huh.

11 MR. SPROWSON: I'm not trying to indicate that
12 anybody did anything wrong. I'm sure they probably were
13 following policy. But I just want to let this Court know that
14 I was not afforded that opportunity, and this is one of the
15 reasons why I'm bringing up deferring the opening statement to
16 a later time so that I have more opportunity to work on it
17 since I wasn't afforded that time.

18 THE COURT: Just remember, if you're going to do
19 your opening statement after the State presents their case,
20 again, you can't argue the evidence. That's closing. You can
21 only --

22 MR. SPROWSON: Yeah, I know.

23 THE COURT: -- just indicate what the evidence will
24 show, which just means what your presentation of the -- the
25 evidence will show. Okay?

1 MR. SPROWSON: Right. Well, and I know. I'm just
2 trying to give a roadmap. But, you know, I want to do -- I
3 want to do something that is correct and lawful and meaningful
4 to the jury. And that's why, you know, it's -- I'm entitled
5 to a fair trial and I just want to have a fair opportunity.

6 THE COURT: Okay. Well, you have during their
7 opening and let me know. Like I said, I'll ask you, you tell
8 me what you want to do, and then we'll proceed accordingly,
9 sir.

10 MR. SPROWSON: Okay.

11 THE COURT: Okay.

12 MR. SWEETIN: And, Judge, just to make a complete
13 record, defense counsel -- or defendant previously brought up
14 the issue in regards to looking at some records that were here
15 that he wasn't able to fully examine. As it turns out, there
16 were two records that were opened from previous proceedings
17 within this Court of records that had been filed by this Court
18 at some point that were marked sealed inadvertently. One of
19 those we were able to discern was a -- it appeared to be bank
20 records relating to Jaysenia, another one related to the
21 mental health records related to Jaysenia.

22 Once we -- once I looked at the mental health
23 records, I -- I -- where did these come from, and I looked and
24 I saw that it was sealed. And at that point we put it back in
25 the envelope and we didn't look at it any further. The

1 defendant wanted to look at that item further. I said that --
2 that he could make that -- ask the Court that today and the
3 Court would make -- make a decision.

4 I know that in this case there has been litigation
5 in regards to a psychological evaluation of the victim, which
6 was denied, and some other things. So I'm guessing, or I
7 suppose that -- that those particular items were probably
8 marked based upon an in camera review of those items, because
9 I haven't seen them in any discovery that I have.

10 THE COURT: Were they marked as a court exhibit? I
11 think they were. I think that was -- and Ms. Bluth can
12 refresh my recollection -- I thought that was way back when
13 John Momot was still on the case.

14 MS. BLUTH: Right. So Mr. Momot made a motion to
15 psych the victim, and then also made a motion regarding the
16 previous therapy records. And so I received those and Your
17 Honor did an in camera review. And then after you did an in
18 camera review, you gave each of us a copy of the medical
19 records, and then those were given to Mr. Momot, those were
20 given to me. And then when Mr. Yohay took the case over, I
21 had to make a complete copy of those, as well as, you know,
22 all the other medical records because she's seen so many
23 therapists. So --

24 THE COURT: Okay. So all those were, as it would be
25 based upon my standard procedure, it would be -- those would

1 be the original I received, they're always made a court
2 exhibit.

3 MR. SPROWSON: And I just want to make a correction.
4 Mr. Yohay did not take the case over. I am pro se. I took
5 the case over. Mr. Yohay is my standby counsel.

6 THE COURT: I understand. Because of the nature of
7 some of the records, they went through Mr. Yohay because we
8 couldn't leave them at the jail.

9 MR. SPROWSON: I just want to make a record, Your
10 Honor. That's all.

11 THE COURT: Yeah, that's fine. Is there anything
12 else? I forgot one thing in my office which will --

13 MS. BLUTH: There is one.

14 THE COURT: -- take me 30 seconds.

15 MS. BLUTH: There is another thing before opening.

16 THE COURT: Of course.

17 MR. SWEETIN: And, Judge, just in regards to the
18 parameters under which the defendant is going to be asking
19 questions, I'm concerned in regards to exhibits that he
20 submitted to the Court and -- and indicated that he was going
21 to be seeking to admit them.

22 One of them is essentially a medical record of
23 Jaysenia when she was at the mental health facility in which
24 it makes reference to the fact that she was attempting to call
25 another boy when her mother essentially kept her from jumping

1 over the -- the balcony. The other is a newspaper article in
2 which the Henderson Police, I guess, are not quoted, but it's
3 mentioned that upon talking to the Henderson Police that they
4 indicated that Jaysenia was not being held at the house
5 against her will.

6 Now, these -- these would normally not -- not come
7 into evidence, obviously. Issues in regards to Jaysenia and
8 her contact or any -- any issues in regards to her and
9 potentially other boys, that shouldn't come into evidence.
10 And the mindset of police officers in the course of their
11 investigation also should not come in. So the State is just
12 concerned in regards to where the defendant might be going.

13 MR. SPROWSON: The article that he's referring to,
14 the newspaper article is in regards to Sergeant Maciszak. And
15 I do -- if I pronounce his name correctly. He is going to be
16 testifying. So, you know, this is a statement that he has
17 made to the press --

18 MS. BLUTH: He's not testifying, Your Honor, just so
19 we're clear.

20 MR. SPROWSON: It's still a statement that this
21 individual made to the press. That's why -- you know, I
22 understood that it was potential exhibits, so that's why, you
23 know, just for caution sake I submitted. The other one, the
24 Montevista medical record, when we were in the lower court,
25 the State asked for a continuance. Mr. Momot, who was my

1 attorney at the time, wanted some justification on why there
2 was a continuance.

3 The State had argued she was in a mental hospital
4 and -- and so on and so forth. Momot is like, hey, we need to
5 justify the continuance. So the State provided -- this is a
6 State provided document to the defense. It was included as
7 one of the exhibits already in our writ of habeas corpus
8 that's already been presented to this Court, as well, in the
9 writ of habeas corpus that Momot argued.

10 And the reason why I put it as an exhibit, because
11 it's not just in reference to other boys. I'm being charged
12 with child abuse with an enhancement of mental -- substantial
13 mental harm. The State is going to attempt to lay everything
14 at my doorstep. And I think -- I'm not going to get into any
15 sexual history. I'm not because I'm going to respect that.

16 But the fact of the matter is I am not the first
17 person that she has dated. I am not the first older person
18 that she has dated. And matter of fact, she has a history of
19 running away, and this record reveals that. And it's not just
20 a medical analysis. It reveals details that are pertinent and
21 material to my case. And that's why I -- like I said, at the
22 time, if I introduce it, it's a possibility at this point. I
23 submitted it, just in case, at some point in my case. If I
24 didn't submit it, then, hey, I'm at a loss. But it will be up
25 to Your Honor's decision at that point. I just ask that you

1 defer your decision until then.

2 THE COURT: Okay. So --

3 MS. BLUTH: Your Honor, I --

4 THE COURT: Hold on, please.

5 MS. BLUTH: Okay.

6 THE COURT: So how do you foresee this information
7 coming in? Because --

8 MR. SPROWSON: Well, I'd have to --

9 THE COURT: -- as it stands, it's hearsay.

10 MR. SPROWSON: Say again?

11 THE COURT: As it stands, it's hearsay, which means
12 that it's -- it's an out of court statement offered to prove
13 the truth of the matter asserted. Are you thinking --

14 MR. SPROWSON: Well, here's --

15 THE COURT: -- in terms of cross-examining the
16 victim?

17 MR. SPROWSON: Well, see, Your Honor, because I
18 don't -- this is my first time, and so I don't know how things
19 are going to go. I am just trying to prepare and be cautious.
20 I submitted it to the Court just in case -- and I would use it
21 for impeachment purposes if I need it to be. Whether it is JT
22 or whether it is one of the officers or whatever it is, I
23 still -- I'd need a copy and kind of just preview the
24 information that is in there.

25 But I do not plan on using it in an inappropriate or

1 unlawful or in a, I should say, something that would violate
2 the Court's procedures. And, again, it's always before Your
3 Honor. I just want -- I just -- out of caution because this
4 is my first time. I'm inexperienced. Obviously, the State is
5 in here every day. They -- they have -- they're professionals
6 at this. I'm not. So exercising just a side of caution, I
7 submitted it.

8 Ultimately, it will be up to you, Your Honor, to
9 whether or not I could. But if there is an opportunity and I
10 say, hey, look, you know what, here's my opportunity to lay a
11 foundation, you know, impeachment purposes or whatever, if
12 there's something in there that I could actually use, I don't
13 want to cut myself short on that. And out of caution, I did
14 submit it as an exhibit.

15 And I'm not trying to do it to -- to hurt their
16 case, though it would be in my best interest. I'm just doing
17 it out of a side of caution because I'm an inexperienced
18 person, I'm representing myself, and I'm just trying to do the
19 best I can.

20 THE COURT: How are you anticipating using the news
21 article?

22 MR. SPROWSON: Well, the news article, well I was --
23 like I said, I don't know. They've given me an exhaustive
24 list of witnesses. His name is on there, so I was assuming
25 that he was going to testify. Obviously, since the statement

1 is in direct reference to him, I was going to use that in
2 regards to him as far as like a statement that he made to the
3 press.

4 And, again, that would be either for impeachment
5 purposes or just trying to -- you know, if I present, hey, you
6 know, did you say this and he says no, well, it says it right
7 here. You know what I'm saying? Impeachment purposes.

8 THE COURT: State?

9 MS. BLUTH: Thank you. This -- this issue -- I'm
10 not talking about that article. The previous conduct with the
11 victim has already been litigated. I did a motion in limine
12 and to just ask for the parameters of what would be in. And I
13 was a little bit unclear with the Court's first decision, so
14 then I filed a second motion just for clarification for the
15 Court's ruling on my motion in limine. And I actually had the
16 minutes here like two days ago, but I believe it's like
17 January 2016 where the Court does a -- in the Court minutes
18 it's explained.

19 But what the Court stated was that the defendant
20 could not get into the victim's other relationships, but that
21 the defendant could get into the fact that she had sought
22 therapy before and that we would be able to -- you know, he,
23 Mr. Sprowson, would have the ability to say, well, you know,
24 you weren't completely healed from your previous therapy
25 before this happened, so then how can we lay the causation and

1 -- you know, and then we could speak to her, well, you did
2 have therapy before, did you feel like those issues were
3 worked out.

4 So I don't think that there's anything precluding
5 him from talking about the fact that, you know, she had to
6 receive therapy beforehand and she's in therapy again. But
7 the Court's ruling was that any prior relationships, any prior
8 sexual contact, and anything having to do with the David case
9 was inadmissible. And so yesterday when Mr. Sprowson was
10 going through those exhibits, we realized that maybe that --
11 perhaps that wasn't clear, and we can't unring the bell. So
12 that's why we wanted to talk about this before opening
13 statements and before Jaysenia takes the stand.

14 THE COURT: Do you have a copy -- does he have a
15 copy of that order?

16 MS. BLUTH: Let me see.

17 MR. SPROWSON: Well, the article mentions -- it
18 doesn't mention any names, Your Honor. All it says is that
19 she's dated 30s, 40s, individuals in different age ranges.
20 All I want to establish in my case is that I'm not the first
21 because, you know, obviously they're going to try to lay
22 everything at my doorstep and that's totally unfair to do
23 that. You know, I mean, there has been some prior experiences
24 with other individuals. You know, I'm already at a
25 disadvantage because I can't mention David Shloman (phonetic)

1 as far as the sexual aspect, but to preclude that she's never
2 had any relationship with anybody else and then I'm --

3 THE COURT: Okay. Well --

4 MR. SPROWSON: -- the first person is --

5 THE COURT: -- we have to -- let's go back to the
6 argument of relevance. In most cases that information would
7 not come in, the mental health stuff. But the reason the
8 mental health stuff is coming in is because basically the
9 State has put her mental health condition at issue, which
10 means they have to basically show that based upon your actions
11 she has these mental health issues.

12 So it is absolutely relevant in this Court's opinion
13 that whether or not she had the same issues previously.
14 That's why I'm allowing you to go into that. But there has to
15 be, as far as her prior sexual relationships, there's got to
16 be some nexus between that and how that relates to this
17 offense. The fact that she may have a thing for older guys,
18 that alone does not have any relevance to what you're being
19 charged with.

20 Now, it may come up again, depending on what she
21 testifies to on the stand because I -- you never know what
22 they're going to say, but there's -- it's got to be something.
23 You can't basically say she's a slut and -- do you understand
24 what I'm saying?

25 MR. SPROWSON: Your Honor --

1 THE COURT: You can't basically say she's a slut
2 because she likes older men and she likes me, too. I mean,
3 there has to be some nexus to what the charges are against
4 you. Do you follow me?

5 MR. SPROWSON: May I clarify, Your Honor?

6 THE COURT: Yeah.

7 MR. SPROWSON: I don't think of her that way.

8 THE COURT: And that was a poor --

9 MR. SPROWSON: And I just want to --

10 THE COURT: -- probably a poor choice of words.

11 MR. SPROWSON: I just want to clarify. This is
12 somebody --

13 THE COURT: But I'm saying you can't use her prior
14 sexual history in this case unless there's some kind of nexus.

15 MR. SPROWSON: I understand. If I may, Your Honor.
16 All I want to show, and I'm not talking about sexual conduct,
17 I don't even need to get into sexual conduct, all I want to
18 show is that there is a pattern. There is a pattern of
19 running away. There is a pattern of seeking out older men.
20 And what I'm trying to show is that there is a pattern in this
21 -- in this whole scenario. And all I want to establish,
22 because I don't want it perceived by the jury that I am the
23 first individual. I'm all right with -- with the limitations.
24 I don't plan on getting -- as a matter of fact, I prefer not
25 to get into her sexual conduct.

1 THE COURT: Okay.

2 MR. SPROWSON: This is a person that I absolutely
3 care for. I am not here to -- you know, I don't care what any
4 defense attorney says, you've got to attack this person and
5 make them out to be bad, I'm sorry, I'm not going to do that.

6 THE COURT: Show me where you're -- tell me where
7 you're going with this because I'm not --

8 MR. SPROWSON: All I want to show --

9 THE COURT: -- seeing how it's relevant that she
10 went out with men who were older than her prior to you.

11 MR. SPROWSON: All I want to do is just show a
12 pattern that she has ran away and that she has sought out
13 older men before. That's all. Because here's the thing,
14 what's at issue is the Craigslist article. I published a
15 Craigslist article. I did not seek her out, okay. I did not
16 seek her out. I published the article. It was -- and we'll
17 get into more details on why that happened during the case.

18 THE COURT: Uh-huh.

19 MR. SPROWSON: But I published that article. She
20 answered the article, okay. I didn't seek her out. So the
21 important point, how this is connected, is that there is a
22 pattern of individual seeking -- this particular individual
23 has previously sought out older men. The case -- I'm sure
24 that the State is going to argue that I enticed her. They're
25 going to argue that I sought her out --

1 THE COURT: Okay.

2 MR. SPROWSON: -- you know.

3 THE COURT: But I want you to understand something,
4 sir, that basically your crime stands alone, which means that
5 basically just because she did something before, it does not
6 negate the wrongfulness of what -- it does not negate the
7 alleged wrongfulness of what you did. Which means even if
8 she's had relationships with other men, that doesn't mean the
9 fact that you had a relationship with her in the scenario set
10 forth by the State, that doesn't mean that that would make it
11 okay. Each crime stands alone. Do you understand that?

12 MR. SPROWSON: Yeah, and I understand that, Your
13 Honor. And like I said, I'm only bringing this up because
14 this is just potential stuff, you know. And like I said, I'm
15 trying to exercise the side of caution. And, again, the
16 reason why I bring those things up, because, you know, right
17 now I'm playing it off the cuff, I'm an inexperienced person
18 and I have all the disadvantages, so --

19 THE COURT: And you keep saying that. We've
20 already --

21 MR. SPROWSON: Right. Right.

22 THE COURT: -- established.

23 MR. SPROWSON: And I know that.

24 THE COURT: We can move on.

25 MR. SPROWSON: But anyways, just to move it along.

1 THE COURT: Okay.

2 MR. SPROWSON: What was I going to say now? I kind
3 of lost my train of thought.

4 THE COURT: What I'm saying is basically just
5 because some other men may have engaged, and I'm just saying
6 allegedly may have engaged in wrongful conduct with her, that
7 doesn't make your conduct with her okay.

8 MR. SPROWSON: I know. But I don't want everything
9 laid at my doorstep is all I'm arguing. Stockholm Syndrome,
10 I'm sure, is going to come up in this. Stockholm Syndrome,
11 and I'm sure they're going to have their -- their experts
12 testify.

13 THE COURT: Why don't we want and see what comes up
14 because I can't speculate --

15 MR. SPROWSON: Right.

16 THE COURT: -- what's going to come up.

17 MR. SPROWSON: Well, that's why I just -- that's why
18 I put it there, Your Honor. I don't know when it will come
19 into play. I'm just exercising a side of caution.

20 MS. BLUTH: And that's what the State's doing, as
21 well. So I just want Mr. Sprowson to make sure he understands
22 the Court's ruling because I can't unring the bell if he opens
23 and he brings these things up. So I don't know if we need to,
24 after I'm done with my direct, he needs to ask questions of
25 what he can and can't get into. But I believe that the

1 Court's ruling is very clear, but I don't know if Mr. Sprowson
2 understands it. And we can't unring the bell, so that's why
3 we asked this pre --

4 THE COURT: The only reason, again, and I'm going to
5 reiterate this one last time, is the only reason the mental
6 health stuff is coming in is because it's an element of what
7 the State has to prove. And in the Court's opinion, you
8 should be able to attack. It's one of the elements of their
9 case. And, again, I think you understand now that your case
10 stands alone. It doesn't matter that other men may or may not
11 have been engaged in wrongful conduct with her. It doesn't
12 matter. It doesn't negate any of your actions. Your actions
13 stand alone. Do you understand?

14 MR. SPROWSON: Yeah. In relation to the Stockholm
15 Syndrome, that is a mental state, a mental issue.

16 THE COURT: Well, and I don't know how that's going
17 to -- I don't -- I haven't seen the evidence, sir. I mean, I
18 don't have all the discovery and everything else.

19 MR. SPROWSON: Well, the only reason I mentioned
20 the --

21 THE COURT: Let's wait and see what comes up.

22 MR. SPROWSON: Right. That's what I'm saying.
23 Well, it mentions with a pattern of Stockholm Syndrome usually
24 starts with the first incident and then it -- and then it kind
25 of builds up. So the reason is if it starts with me, then

1 they've somehow got a case. But if there's been some previous
2 incidences of other men -- and I'm not trying to say, well,
3 she did this, she did this, she did this.

4 THE COURT: Why don't we --

5 MR. SPROWSON: All I'm saying is that --

6 THE COURT: -- instead of speculating what's going
7 to come into evidence, why don't we wait and see what comes
8 up.

9 MR. SPROWSON: That's what I was --

10 THE COURT: It is not unusual for things to come up
11 that we didn't anticipate and have to address them at that
12 time. If you're unsure, please ask me, though, because we
13 can't unring the bell.

14 MR. SPROWSON: Yeah, I understand. And like I said,
15 I don't plan on violating any of the things. I think I
16 understand for the most part. There may be some stuff I might
17 be unclear about, so --

18 THE COURT: That's fine, that's fine, that's fine.
19 I just have -- forgot one thing in my office.

20 MS. BLUTH: Yes, Your Honor.

21 THE COURT: I'll be back in 30 seconds.

22 (Pause in the proceedings)

23 THE COURT: How is your blood sugar? Are you
24 feeling okay?

25 MR. SPROWSON: Yeah, I'm good today. I did talk to

1 the officers, you know. What time do we anticipate the lunch
2 break?

3 THE COURT: I don't know. When do you need to take
4 your insulin again?

5 MR. SPROWSON: Well, I mean, I'm good until at least
6 mid-noon, like 12:00, 1:00, something like that.

7 THE COURT: If you need to take your insulin at
8 noon --

9 THE MARSHAL: 12:15 lunch, maybe?

10 THE COURT: Yeah. Are you okay that long?

11 MR. SPROWSON: Yeah. I just have to go down there,
12 see the nurse, get my medication.

13 THE COURT: It'll be an hour. I mean, I've got to
14 give them an hour to go up and down the elevator.

15 MR. SPROWSON: Yeah.

16 THE COURT: So we'll plan on noon so that you don't
17 have any slumps in your medication, okay?

18 MR. SPROWSON: Okay. Thank you.

19 THE COURT: Ms. Bluth, is that where you want to
20 stand for openings?

21 MS. BLUTH: If that's okay, Your Honor.

22 THE COURT: I don't care.

23 MS. BLUTH: I mean, I'll probably move around, but
24 I'll keep my voice up so the instructions -- I mean, so my
25 voice travels to the mics.

1 THE COURT: Oh, and there's one more thing I wanted
2 to make a record on. In this courtroom I never turn off the
3 recordings. However, on bench conferences I have a lot of
4 trouble with my sound system so it's usually of insufficient
5 quality to ever be able to transcribe.

6 So, Mr. Sprowson, it's important to listen to this.
7 If something comes up here in a bench conference, you need to
8 make sure if it's important that you make a record of it at
9 the break. You know when you come up here and there's the
10 white noise?

11 MR. SPROWSON: Uh-huh.

12 THE COURT: It's still recording, it's just my -- my
13 sound system is not very good, so it's of insufficient quality
14 to ever be able to transcribe. So should you need a
15 transcript of it, you won't be able to get it. It'll just say
16 inaudible. So what you do is at a break, make a note of it,
17 and I'll try to make a note of it. At the break just make a
18 record.

19 MR. SPROWSON: Okay.

20 THE COURT: Okay. When the jury is outside the
21 room.

22 MR. SPROWSON: All right.

23 (Pause in the proceedings)

24 THE COURT: Mr. Sprowson, are you ready?

25 MR. SPROWSON: Can I have like one more minute, Your

1 Honor? I'm sorry. I'm just, you know, I'm a little slow and
2 just one more minute.

3 THE COURT: Okay. Just don't explain. Just do it.

4 (Pause in the proceedings)

5 THE COURT: And Mr. Sprowson, the only thing I was
6 asking Ms. Bluth was just kind of on timing issues, if
7 possible we would like to have some longer days since we got a
8 slow start on the trial.

9 MR. SPROWSON: Say again? I --

10 THE COURT: The only thing I was asking Ms. Bluth
11 right now was the ability to stay a little later if need be.

12 MR. SPROWSON: Okay. That's fine. As long as my
13 medication and stuff is taken care of, you know.

14 THE COURT: Yeah, and I --

15 MR. SPROWSON: I'm incarcerated, so I'm not going
16 anywhere.

17 THE COURT: Yeah, and I just have some -- you know,
18 I've got to make sure the whole family is covered. But if I
19 can stay late, let's do it so we can get the trial done.

20 MR. SPROWSON: Yeah. About 30 more seconds, Your
21 Honor, and I'll be set.

22 THE COURT: Sure.

23 (Pause in the proceedings)

24 THE COURT: All right. You're ready?

25 MR. SPROWSON: Yes. Thank you.

1 THE COURT: Okay. Sorry. I stepped out to see what
2 I needed to handle in my office.

3 MS. BLUTH: Did you say we're going to do an early
4 start on Tuesday, Judge?

5 THE COURT: 10:30.

6 MS. BLUTH: Perfect. And Wednesday is still 1:00;
7 right? Okay.

8 MR. SPROWSON: In regards to that, Your Honor, can I
9 get a breakdown or at least a copy of a paper or something of
10 what the Court's schedule is so I can -- you know, I've got to
11 prepare while I'm -- I've got to work around the, you know --

12 THE COURT: Yeah.

13 MR. SPROWSON: -- facility's schedule and --

14 THE COURT: I've got to -- yes. The answer is yes.

15 MR. SPROWSON: Okay.

16 THE COURT: We'll jot it down before we leave today,
17 okay?

18 MR. SPROWSON: Okay. I appreciate that. Thank you.

19 THE COURT: No worries.

20 Jason, everyone is ready currently.

21 THE MARSHAL: Okay.

22 THE COURT: So go get the jury real quick.

23 (Inside the presence of the jury)

24 THE COURT: All right. Thank you, ladies and
25 gentlemen. There is a method to our madness with respect to

1 the chairs. Well, good morning, everybody. We're here on the
2 State of Nevada versus Melvyn Sprowson, Case C295158. When we
3 left off yesterday I gave you guys kind of an overview of how
4 this trial is going to run. What's going to happen next is
5 the State is going to present their openings. And all of you
6 guys are situated.

7 And the one thing I want to apologize for, as I know
8 Ms. Bluth touched on this when we were doing jury selection,
9 if there's ever delays in the trial, please don't hold them
10 against the attorneys. The reason is, you know, we have
11 everyone come at a certain time. Then, unfortunately, things
12 come up that we didn't otherwise anticipate and sometimes it
13 delays us getting you guys into the courtroom. But we do
14 respect your time and we really appreciate that you're here,
15 so please don't take any offense.

16 With that being said. Ms. Bluth, if you want to
17 present.

18 MS. BLUTH: Thank you, Your Honor.

19 STATE'S OPENING STATEMENT

20 MS. BLUTH: On August 1, 2013, the defendant, Melvyn
21 Sprowson, posted an ad on Craigslist in the meet people
22 section. And the line that he posted was lonely millionaire,
23 34 years old. 16 year old Jaysenia Torres saw that ad.
24 Jaysenia was 16. She had turned 16 on [REDACTED] so about six
25 weeks beforehand.

1 A conversation ensued between the two of them where
2 Jaysenia wrote, hey there -- with a smiley face -- sure you're
3 a millionaire, I'm Jay, nice to meet you. The defendant
4 responded, if you like, maybe we can see what's up, what are
5 you looking for, do you live in Las Vegas? Jaysenia responds,
6 I don't really know, I'm 16, with a smiley face.

7 And so the conversation ensues between the two of
8 them and they continue talking, and multiple things come up in
9 that conversation. And one of the things that comes up in
10 that conversation is the defendant asks Jaysenia if she's a
11 virgin, and if she's not a virgin, whether or not she likes
12 sex. The two, like I said, consider -- or, excuse me,
13 continue their conversation, and then the defendant asks
14 Jaysenia if she has any photos. And Jaysenia sends a photo
15 like you see in this photograph.

16 And the two continue to communicate for a period of
17 days via email. And for those of you who have never used
18 Craigslist, you don't necessarily -- the person that you're
19 speaking with, they don't have your direct email. You have an
20 email through Craigslist. So you email, and then it goes
21 through Craigslist, and then Craigslist sends it to the other
22 person.

23 So after communicating via Craigslist for some time,
24 Jaysenia makes clear that they should move their conversation
25 to an app called Kik, K-I-K. And Kik is a text message system

1 where text messages, you're not charged for the text messages.
2 They don't necessarily show up in your phone records. And so
3 a lot of teenagers usually use that so their parents don't
4 know what's going on.

5 So Jaysenia explains to the defendant that she has a
6 very protective mother, her mother would not be okay with this
7 type of conversation or this type of relationship and so that
8 they need to move the messaging to this Kik program, and so
9 they do. And so from then on, the two start communicating
10 through Kik.

11 Now, shortly thereafter, the defendant asked
12 Jaysenia to be his girlfriend and Jaysenia says yes. And this
13 is before the two ever meet. And there were plans between the
14 two of them of how they were going to communicate because
15 Jaysenia had made clear that her mother would not condone this
16 type of behavior or relationship. And so they developed ways
17 in which they could speak to make sure that Jaysenia's mom, a
18 woman you'll hear from today, Kathryn -- excuse me -- Kathryn
19 smith.

20 And so what they would do is Jaysenia would email
21 the defendant or somehow communicate to him like, okay, I'll
22 call you in a second or you can call me now, but they always
23 made sure to take precautions so that Ms. Smith did not find
24 out what was going on.

25 Now, Ms. Smith will tell you that she started

1 noticing that Jaysenia was in her room a lot more, that
2 whenever her mom came into the room the computer would shut or
3 the phone would go down. And she started thinking like what's
4 going on here, I don't feel like she's acting the way she --
5 she used to be acting, I feel like she's being more secretive,
6 she's in her room more, she's on her computer more. And so
7 she started noticing these things, so she started keeping an
8 eye on it.

9 At some point the defendant asked Jaysenia to send
10 him some sexy photos. And Jaysenia, being 16 years old, sends
11 some photos like the ones that you see here. And though
12 Jaysenia thought that those were sexy and cute, the defendant
13 asked for more explicit photos and explained to her the type
14 of poses that he wanted her to use.

15 Now, I'm not going to show all of these pictures
16 this morning. I'm just going to show a few. But when
17 defendant asked for more racy photos, he explained to Jaysenia
18 what he wanted. In this photo he asked her for a butt
19 picture, and in this photo he asked her to spread her legs and
20 take a picture of her crotch. At one point he also asked for
21 another butt photo, and he asked her to pose in the way that
22 you're seeing on the computer.

23 Now, like I said, the -- they had never met person
24 to person. Their communication was via photos, email, Kik,
25 text messages, things of the such. And Jaysenia let the

1 defendant know that she was working at the Omelet House. Her
2 and her grandma both worked at the Omelet House. And one day
3 after work Jaysenia and the defendant were speaking, and he
4 said, hey, I went by your work today.

5 And Jaysenia said, oh, okay, well, why didn't you
6 say hi? And he said, oh, I just came, you know, I saw what
7 you looked like, and Jaysenia said, well, how -- I don't
8 believe you were really there, how do you know? And the
9 defendant explained, well, you were wearing a really cute teal
10 like a bow in your hair and, you know, I just watched you from
11 afar. Then the two decide that they should actually meet in
12 person.

13 And so Jaysenia was going to a roller skating rink
14 with one of her friends, and that was something that Jaysenia
15 liked to do. And so she told the defendant, hey, I'm going
16 with my friend to the roller skating rink, and the defendant
17 said, okay, maybe I'll stop by. So while Jaysenia is there
18 with one of her friends, the defendant walks in. And he
19 doesn't have roller skates or anything, and so Jaysenia says
20 to her friend, oh, one of my old teachers is here, I'm just
21 going to go stop and I'm just going to say hi.

22 And so Jaysenia leaves her friend and she sits down
23 with the defendant and, you know, this is the first time
24 seeing each other face to face and they keep it very short,
25 very quick, because they don't want her friend to catch on and

1 Jaysenia had just said, oh, he's just an old teacher. So
2 they, you know, kind of introduce themselves, get familiar
3 with each other in the way of, you know, just looking at one
4 another. And then he leaves quickly after that, but they were
5 able to spend, you know, some time together.

6 The defendant also wired Jaysenia \$150. These are
7 Jaysenia's bank documents. And you'll see that on August 22nd
8 he puts in \$150 to Jaysenia so she can go and get some school
9 clothes because she'll be starting school pretty soon at the
10 end of the month. Now, shortly after that Jaysenia is
11 shopping with a friend by the name of Jessica. And Jaysenia
12 asks her mother if she can spend the night at Jessica's home.
13 And Ms. Smith says absolutely, I don't see any problem with
14 that. Jaysenia told her friend Jessica that she needed to go
15 home.

16 And so Jaysenia's mother thought that she was at
17 Jessica's, and Jessica thought that Jaysenia was going home.
18 And what really happened was the defendant picked up Jaysenia
19 and took her to his home where they spent the night together,
20 and the two of them had sex. That sex was unprotected. And
21 the defendant told Jaysenia that they didn't need to use a
22 condom because he could not have babies. That was their first
23 night together.

24 Their second night together was right after that
25 because Jaysenia called her mom and said, hey, I'm having so

1 much fun at Jessica's house, may I stay another night? And
2 Jaysenia's mother said, yeah, absolutely. And so they spent a
3 second night together. At the end of that second night the
4 defendant surprised Jaysenia and gives her this diamond ring
5 that you see. And he gives it to her and she wears it on a
6 necklace around her neck and tells her that that's a promise
7 ring, that they are going to get married, you know, that he
8 loves her and she loves him.

9 Well, Jaysenia goes home wearing that diamond ring,
10 and that's the first thing that Kathryn Smith sees. And when
11 she asks her mother -- or when she asks her daughter about it,
12 Jaysenia tells her mother, oh, I just found it laying on the
13 floor at Target. And Kathy is a little smarter than that and
14 says you didn't find that ring laying on the ground at Target,
15 Jaysenia. And Jaysenia says, oh, yeah, you're right, my
16 friend Josh, who is a friend at school, oh, he gave it to me.

17 And Kathy knows now at this point there is something
18 not right here. Things aren't making sense, and she starts to
19 really question what's going on to the point where she takes
20 Jaysenia's phone away. When she takes Jaysenia's phone away,
21 she sees that there is a number that she doesn't recognize, a
22 number from California, which turns out to be the defendant's
23 number. And she can tell that these two have been talking all
24 the time for long periods of time. And so she starts to
25 really kind of grill into Jaysenia what's going on.

1 Jaysenia will tell you that on the bus that day
2 riding to school she remembers calling the defendant. She
3 believes it was with a friend's phone and saying, hey, you
4 know, my mom is onto us, she knows what's going on, I'm pretty
5 sure she's going to ground me, we've got to figure out
6 something to do. And so that night when Jaysenia gets home,
7 her mother has really gone through everything now. She's had
8 time to think about it.

9 She puts things together, the ring, the phone call,
10 and so she grounds Jaysenia. And she tells Jaysenia, I don't
11 know who it is that you're seeing, I don't know who it is that
12 you're talking to, but we've got big issues here. So she
13 takes Jaysenia's phone away and she takes her laptop away.
14 And Jaysenia, you know, throws a fit, she's an angry teenager.
15 And later that night she tells her mom, mom, I really need my
16 laptop back because I have to do a project, a school project,
17 and I need it just to write something up.

18 And so Jaysenia goes and instead of doing her
19 homework she emails the defendant and she tells him my mom is
20 onto us, she's grounded me, I'm never going to be able to see
21 you again, you know, please, what are we going to do, come get
22 me, we have to be together. And the defendant, you know,
23 responds, okay, make sure you grab your social security card
24 and your birth certificate.

25 And so that night when her parents go to -- when her

1 mother goes to bed, Jaysenia sneaks into her mother's room.
2 She grabs her birth certificate, she grabs her social security
3 number, and she grabs her electronics, her cell phone and her
4 laptop underneath her mom's bed. The defendant picks her up
5 in the early morning hours. And when he does so, he drives up
6 in this vehicle that you see here, and he picks her up a
7 little bit down the street.

8 And when he gets there, like I explained, he tells
9 her, you know, bring your social security card and your birth
10 certificate. He tells her to immediately turn off her cell
11 phone and her laptop so that they can't be tracked in any way.
12 And then as soon as they get to the house, he changes his
13 phone number because he knows that Ms. Smith also has his
14 phone number. And then when they get to the home, they set
15 into place kind of a further plan and rules.

16 And this is where the defendant lives, at 4195 East
17 Russell Road. And just to give you an idea of the direction,
18 it was in -- within five miles of the Torres home to where the
19 defendant lived. And so like I stated, when they get to the
20 defendant's home, some rules are put in place, and Jaysenia
21 will tell you about those rules this morning.

22 Some of those rules are there's no going outside
23 during the day because if someone sees you then they'll know
24 that you're here and they'll come and get you and take you
25 back to your mother. There's no other males allowed in the

1 house, and do not go into his closet. Jaysenia was not
2 allowed to go into his closet or touch anything in his closet.

3 And then there was a plan devised. And the plan was
4 that if Jaysenia was ever found, she would just keep coming
5 back. No matter how many times they found her, she would just
6 keep coming back. She wouldn't go to school. Jaysenia will
7 tell you that school was very important to her. She had
8 gotten into a magnet school called Atech and that she was a
9 straight A student.

10 But the two of them discussed the fact that if she
11 went to school, then people would obviously know where she was
12 and take her back. So the plan was to keep Jaysenia at the
13 defendant's home until she turned about 17 and a half or 18,
14 and then she would either go back to high school or she would
15 get a GED.

16 If they were caught, Jaysenia would tell the
17 authorities that all the defendant needed was a roommate, and
18 that she signed up to be his roommate and that there was
19 absolutely no sexual relationship between the two, and that
20 she was the initiator of the contact and that she, Jaysenia,
21 was to take all of the blame because since she was a minor,
22 nothing could really happen to her seriously, but he could get
23 into a lot of trouble. And so these were what -- these
24 mechanisms were what was put in place in case the two got
25 caught.

1 So when Kathryn Smith wakes up that morning, she
2 wakes up at 5:00. She has three daughters and she has to get
3 everybody ready. And when she wakes up, obviously she finds
4 Jaysenia not in bed. And like any mother, she panics. And so
5 what she does is she contacts the Henderson Police Department.
6 She goes to Henderson and she files what's called a missing
7 person's report.

8 Now, Henderson Police Department puts a missing
9 person alert into what's called an NCIC. It's a national
10 database so that when someone goes missing you put their name
11 and their descriptors in there, put it all out to other law
12 enforcement agencies to let anybody know if you come in
13 contact with this individual, she's missing, she's a minor.
14 So that's what Henderson Police Department does.

15 Now, Henderson doesn't necessarily have a missing
16 persons section. They have a volunteer. And the volunteer
17 that you will hear about and hear from is an elderly gentleman
18 who is actually retired, and he's a volunteer that works at
19 Henderson. And he only works part-time about two days a week,
20 and so he was the person that was assigned to figure out what
21 was going on with Jaysenia.

22 And so even though that there's a volunteer working,
23 Kathryn still keeps trying to find her daughter on her own,
24 working all day every day trying to figure out where Jaysenia
25 is. You can imagine as a mother she's worried sick and she

1 doesn't feel like a volunteer two days a week is really
2 bringing her the solace that she needs.

3 Jaysenia will talk to you a little bit about life at
4 the defendant's home. The defendant was a kindergarten
5 teacher and Wengert Elementary School. And so when she would
6 be home all day, he would be at school teaching. And so at
7 home there wasn't a lot for her to do and she became very
8 isolated. She never left the house. She wasn't allowed
9 contact with anyone, and she actually left the home very few
10 times.

11 And when she left the home, the defendant would have
12 her dress like a boy. He would -- they would put her hair up
13 into a baseball cap. They would put big glasses on her and
14 baggy clothes and they would just go for a drive once or
15 twice. And sometimes when she missed her family, they would
16 drive by her family's house just so she could see it. But
17 other than that, Jaysenia did not leave the home, even to go
18 in the backyard. She was very isolated.

19 During the day she will tell you that she would
20 watch video, workout videos on YouTube. The defendant bought
21 her a coloring book and so she would color during the day, and
22 she would eat like frozen food and things of that like out of
23 -- excuse me, things like that out of the freezer. She began
24 to miss her family, she began to miss her mother and her
25 grandma who also lived with her, but she really began to miss

1 her little sisters.

2 And so she would talk about that to the defendant,
3 and she would ask could I call them. And he would just tell
4 her, you know, you can, but if you do things like that, we're
5 going to get caught and they're going to make you go home.
6 And so then she would say, okay, you're right. And she began
7 to feel isolated and she began to develop low self-esteem.
8 And I'll get into the specifics about that in a moment.

9 Now, like I said, during the day, the defendant had
10 recently moved into this apartment-type condo, so there really
11 wasn't any furniture in the home, especially in the bedrooms.
12 And there was not a whole lot of light in the house, and so
13 Jaysenia would spend most of her time in this room right here.
14 And most of the time she would spend -- the defendant bought
15 her a crayon set with some coloring books, and then brought
16 her this book, City of Bones. But there was no scholastic
17 books, you know, there wasn't any like homeschool-type
18 situation or any books. So these are the things that she
19 would do all day.

20 Now, after she had been there, the defendant brought
21 home this piece of paper, this missing piece of paper. And
22 Jaysenia realized, you know, hey, my family is looking for me.
23 And it had multiple pictures of her with her age and the last
24 time she was seen. Jaysenia will also tell you that her and
25 the defendant checked social media.

1 And on Facebook and Twitter, things like that, her
2 family was posting pictures of her and it was being shared
3 amongst people of the community, like, please, help me find my
4 daughter. Her aunt was posting things, please, help us find
5 our niece. And they would look at those things together and
6 they knew that her mother and her grandmother and her aunt
7 were out there looking for her.

8 Jaysenia will tell you about ways that she feels --
9 she felt that she was manipulated. And the defendant would
10 tell her specifically in regards to her mother that her mother
11 wasn't looking for her, that she didn't want her back, that
12 her mother wasn't a good person and she had too many rules and
13 that she was too controlling. He also told Jaysenia that he
14 went to the Omelet House where her grandma worked and where
15 Jaysenia worked to kind of get the vibe, to see if, hey,
16 people were talking about it or anyone -- there were missing
17 photos. And he came back and said, no, there's nothing, no
18 one is looking for you.

19 The defendant would get very jealous over anytime he
20 thought she might be communicating with someone. So, for
21 instance, there was a specific day when Jaysenia was on her
22 computer and the defendant couldn't see exactly what she was
23 looking at. And he freaked out thinking that she was perhaps
24 speaking to other males and, you know, kind of got at her and
25 yelled at her about speaking to other males, which she wasn't

1 because she wasn't allowed to communicate with anybody.

2 And so the defendant said, well, fine, you're going
3 to go, just go and pack up your stuff, pack up your stuff and
4 I'm taking you home. And so she went upstairs, she packed up
5 her stuff, she came down, and she found him crying. And you
6 don't love me, you want to go home, you -- this is all about
7 you, I've done so much for you. And so then Jaysenia would
8 feel bad, she didn't want to disappoint him, and so she would
9 say never mind, I'll -- I'll stay.

10 That happened another time when Jaysenia was talking
11 about missing her family. Fine, if you miss your family so
12 much, pack up your stuff, let's go, pack up your stuff,
13 upstairs, it's time to go. She packs up her stuff, she comes
14 down, he's crying. Why are you crying? Well, you don't love
15 me, I've done all of this for you, I've made these sacrifices
16 for you, and now you're just going to leave me. So she'd
17 unpack her stuff and stay.

18 And so it was things like this that made it hard on
19 Jaysenia. She's 16 years old. She loves him, she loves her
20 family, and she really felt torn. She wanted to stay with him
21 and she wanted to see her family, too.

22 Now, during this whole time period now, we're
23 talking Jaysenia was gone for a little over two months. And
24 so in that two-month period, Ms. Smith is racking her brain
25 trying to find her daughter, and she doesn't feel like she's

1 getting the help that she needs from Henderson. And so what
2 she does is she has the ring. She still has the ring that the
3 defendant gave Jaysenia.

4 And so she has one of -- she has two thoughts, and
5 she thought one or both of them might work. She thought if I
6 pawn this ring, because it had a specific -- I think they're
7 called IGT numbers. The diamond actually has a number
8 associated with it on the ring. And she thought if I pawn
9 this ring, hopefully he has reported it stolen by now and the
10 police will come looking for me and I'll say it's not stolen,
11 it was given to my daughter, and whoever is reporting this
12 stolen, they have my daughter.

13 So she pawns the ring. Well, that didn't happen.
14 No one came looking for the ring. No one reported it stolen.
15 So when she pawns that ring, she takes the money and she hires
16 a private investigator. And she has already done a lot of the
17 private investigating by herself. She's ordered the phone
18 records, she has the Wells Fargo account.

19 And like I showed you earlier, it actually says the
20 name in the account. It says Melvyn Sprowson, sender, on the
21 date of August 22nd, and then \$150. So she has a name. She
22 ordered Jaysenia's phone records, so she has the number. So
23 the -- Kathryn Smith gives all this information to the private
24 investigator, and so now they have a name, a number, and Ms.
25 Smith Googled the name Melvyn Sprowson.

1 And when she Googled the name Melvyn Sprowson, she
2 saw that there was something on the Internet that said Clark
3 County School District welcomes the new teachers for the year
4 of 2013, and she saw the defendant's name and she saw the
5 school that he worked with. So the private investigator and
6 Ms. Smith gather up all this information and they go to the
7 Henderson Police Department and they give Volunteer Gates all
8 of this updated information.

9 Volunteer Gates sees a detective that works in the
10 special victims unit and says, hey, this is the information we
11 have on the missing juvenile, can you do some follow up? And
12 that detective is a detective by the name of Detective
13 Logiudice. So the detective goes to the elementary school
14 where the defendant works and begins to ask him questions.

15 The defendant says that when he first moved to town
16 he placed an add on Craigslist looking for new friends because
17 he didn't know anybody in town and that he spoke to many
18 females on there, one of which he believes to be Jaysenia, her
19 age never came up in the conversation, and that she had
20 complained about issues with her family and had asked him for
21 a loan, which he had given her. And he also had changed his
22 number when -- after he had spoken to her, but simply because
23 he wanted a local number and didn't want to have an out of
24 state number.

25 So Detective Logiudice -- oh, excuse me. And he

1 also mentions that he never saw her, never had any person to
2 person contact with Jaysenia, and there was no further contact
3 after the money he had loaned. And Detective Logiudice made
4 clear, hey, this -- this little girl is missing, her family is
5 worried about her, they don't know where she is, and the
6 defendant provides this information.

7 So Kathy Smith, she is on a rampage. Like she is
8 going to find her daughter if it's the last thing she does.
9 And she went to her younger daughter's school and just had
10 spoken to the teachers saying, hey, you know, my younger
11 daughters are struggling, they're having a difficult time
12 because their sister is missing, and if they're behaving
13 differently, please just let me know because I want to make
14 sure that I get them the help that they need while we're
15 trying to help their sister.

16 Well, there's a retired police officer from New York
17 who is -- now lives in Las Vegas and works for the Clark
18 County School District and he is Clark County School District
19 Police, and his name is Gary Abbott. And he would often see
20 Kathy Smith off at the school dropping off her daughters. And
21 he was aware that Jaysenia was missing, and so he -- you know,
22 he tried to stay updated with Kathy. And Kathy tells him
23 about the information that has been recovered and that has
24 been handed over to the Henderson Police Department.

25 And so Officer Abbott calls Henderson and says would

1 you mind if I go to and talk to Mr. Sprowson? And they said,
2 no, any -- any help, we'll take it. And so the officer goes
3 and he has the defendant's name, his place of employment, his
4 phone number, and he knows that he was the last person to
5 communicate with Jaysenia via Craigslist and the telephone.

6 So on October 31st Jaysenia has now been missing
7 over two months. She went missing on August 28th. And so on
8 October 31st of 2013, he makes contact with the defendant at
9 the school. The defendant says he was contacted by Jaysenia
10 around June or July through Craigslist, not sure if age ever
11 came up in the conversation, and that she had asked him for a
12 loan, and that he had never met her in person. Officer
13 Abbott, again, she's missing, her family is -- wants to come
14 in contact with her, if you have any information, please help.

15 Now, Officer Abbott will tell you when he left he
16 didn't have a good feeling. He thought there's something
17 going on here and I need to get to the bottom of it. And so
18 Officer Abbott, on November 1st of 2013, the following day,
19 goes to the defendant's apartment complex and he makes contact
20 with a woman by the name of Kathy Harris who is the apartment
21 manager.

22 And he asks Kathy, hey, is there an individual by
23 Melvyn Sprowson that lives here, have you seen him, have you
24 seen any minor females with him? And Kathy says, no, we've
25 never seen anyone, a private investigator came a few months

1 ago asking the same questions, but we've never seen anyone,
2 any juvenile around his home.

3 Ms. Harris then says but, you know, there is a smoke
4 alarm going off in one of two of the apartments. It's either
5 Mr. Sprowson's apartment or the apartment next door, and we
6 can't figure out what is going on in those apartments, and I'm
7 going to send my maintenance man, an individual by the name of
8 Gilbert Lindsey, over there.

9 So Gilbert Lindsey goes into the multiple apartments
10 to check, and when he opens the door of defendant's apartment,
11 he sees Jaysenia Torres. And when he sees Jaysenia, he says,
12 you know, who are you? And she says, oh, I'm 18, you know,
13 I'm 18, I live here. And so Mr. Lindsey realizes that, you
14 know, this is what's going on and he goes downstairs and he
15 tells Officer Abbott. Officer Abbott realizes that he's found
16 Jaysenia Torres in the defendant's apartment. She's now been
17 missing from August 28th to November 1st. Her family is
18 immediately contacted.

19 And you'll hear from Jaysenia as soon as we're done
20 here this morning with opening statements, and Jaysenia will
21 tell you she sticks to that plan. She lies and she lies and
22 she lies. Oh, I wanted to, I wanted a roommate, he was
23 looking for a roommate and I didn't want to live with my mom
24 anymore, my mom is controlling, it's a father and daughter
25 relationship, you don't understand the depth of this

1 relationship and what this man has done for me, and she keeps
2 it going. And not only does she lie to the police officer,
3 she then goes into what's called a forensic interview.

4 Forensic interviewers work at the Southern Nevada
5 Children's Advocacy Center. And they work with children who
6 have been in these types of situations or children who have
7 been abused and sexually abused because certain types of
8 techniques are more appropriate when interviewing children.
9 And so she goes for what's referred to as a forensic interview
10 at the center. And she lies in a little bit of it, and then
11 she starts weaving in truth like I love him, I want to be with
12 him, I never want to go back to my mom and things like that.

13 Well, they then take -- while they are interviewing
14 Jaysenia, they go back now to the defendant's school. And
15 you'll hear from a detective by the name of Detective
16 Caldwell, and they have contact with the defendant. Again, he
17 says I haven't had any contact with Jaysenia in the last 24
18 hours, my relationship with her is only through phone and
19 email and I loaned her \$150. And then Detective Caldwell
20 says, listen, we were just at your house, we know she was
21 there, we know you've had her for the past two months.

22 When Jaysenia gets home, her family, as you can
23 imagine, is elated to see her. And her sisters are crying,
24 her mom is crying, and Jaysenia is angry. She's angry. She
25 doesn't want to be there, she -- her mother has ruined her

1 life, her mother doesn't understand, they're going to get
2 married, she doesn't need to go to school, they know what's
3 going on.

4 And Jaysenia said, I'll do anything to go back to
5 him, you'll never prevent me, we are going to be together, to
6 the point where Jaysenia had to sleep at Jaysenia's door to
7 keep her from leaving the house. And when that wasn't enough,
8 Kathy would put Jaysenia in a car and just drive around all
9 night so she knew that her daughter could not leave and that
10 she knew the defendant could not come and get her daughter.

11 After, you know, realizing that Jaysenia is just not
12 okay, that she's behaving crazy, that her mom does not know
13 what's going on, she takes her to Montevista, which is a
14 mental hospital for the youth here in our community. And
15 Jaysenia stays for, I believe, about 24 hours. Jaysenia then
16 goes home. She's still behaving crazy. She says I -- you
17 know, I'm going to kill myself if you won't let me be with
18 him, and she attempts to jump off the balcony in their home.

19 Kathy calls 911, an ambulance comes, and Jaysenia is
20 taken to Montevista again, and this time for an extensive
21 period of treatment. While at Montevista, Jaysenia finds out
22 that she has contracted chlamydia and that makes her very
23 upset and very angry with the defendant. And now she is in
24 this internal struggle. She doesn't know who to love, who
25 loves her, who to believe.

1 And Jaysenia goes to a place in Reno which is an
2 in-patient treatment center for six months called Willow
3 Springs. And you will hear from some therapists and you will
4 hear from Jaysenia about the type of treatment that she needed
5 for multiple reasons, but one of them just being reintegrated
6 into society after being -- not having any contact with anyone
7 for over two months.

8 During -- so for those of you that, you know, are in
9 the legal system, before we get to trial we have a hearing
10 called a preliminary hearing. And in this case, before we
11 have a preliminary hearing, while Jaysenia is at Willow
12 Springs, she tells her counselors and her mom, mom, he asked
13 me to take pictures and I sent him pictures and he told me how
14 to pose and I did so and those -- he has those photos and
15 those photos are on my phone.

16 A search warrant was then conducted on defendant's
17 home on December 5, 2013, and you will see picture of that
18 search warrant and you will see items that show Jaysenia to be
19 living there. This is a pink bear that the defendant had
20 bought Jaysenia. You'll see, you know, girl sponges, razors,
21 her retainers. The defendant also had bought her some games,
22 gameboards for her to play. And then you'll see a letter that
23 Jaysenia wrote about her and the defendant's relationship and
24 how her mother is an evil stepmother but that he saved her and
25 that they were going to live together forever.

1 You will also learn that when they did that search
2 warrant they got the defendant's iPad, as well as his iPhone,
3 and they also took this computer. A forensic analysis, it's
4 called -- the computer forensic lab then can do what's called
5 a phone dump where they can go into your phones and your
6 laptops and do what's a complete image and see what type of
7 text messages, phone calls, emails, pictures you have on
8 there. Now, it's not 100 percent. They can't get every
9 picture you've ever taken, every text message you've ever
10 deleted, but we'll talk about some of the things that they
11 received off of these.

12 Jaysenia, while she was at Willow Springs, she had
13 only been there about a week, had to come down and testify
14 before the defendant and the State at the justice court level
15 in what's referred to as a preliminary hearing. And during
16 direct examination when I was asking Jaysenia questions, she
17 did fine, she answered them, she didn't seem distracted, she
18 kept her eyes on me. And we took a water break after she was
19 done with my direct examination.

20 And Jaysenia will tell you that while she was
21 sitting there, the defendant passed her and whispered some
22 things to her, told her that he loved her, was mouthing things
23 to her when the defense attorney started doing his questioning
24 and holding his heart. And Jaysenia will tell you that she
25 flipped. She flipped on me and she turned on me during the

1 preliminary hearing and she changed her testimony and she made
2 it again, this is me, this is all about me, this is my fault,
3 he loved me, he had to do these things because I would have
4 killed myself if he didn't. After the preliminary hearing is
5 over, Jaysenia goes back to Willow Springs. She goes to her
6 therapist, and shortly after that she writes a letter to the
7 court.

8 Dear Court, although I was honest in my statement, I
9 did withhold information I felt I needed to protect Melvyn,
10 which I now see was wrong. While I was in the courtroom,
11 Melvyn did whisper to me over and over it's okay until the
12 guard man told him to stop. But after that, while he walked
13 to the bathroom, he winked while passing me. And when he came
14 back, he sat and put his hand to his heart. I understand I
15 should not have looked at him, but I also know he shouldn't
16 have done that. I only want this whole thing to be fair. I
17 feel I was personally taking sides and not just answering
18 questions. I'm very sorry for not doing it right the first
19 time, and now I'm doing what is -- at least I'm doing what is
20 right now. Sincerely, Jaysenia Torres.

21 Jaysenia then goes back to Willow Springs and she
22 stays about -- about five months, a little shy of six months,
23 where she goes through lots of behavioral therapies and they
24 would do certain exercises like reintegrating her into
25 society. For instance, her and her therapist would go to like

1 a gas station and she would pick out a candy bar. And the
2 therapist would stay over by the candy bar, and she would go
3 to the convenience store and she would have to interact with
4 the clerk.

5 And those probably seem like minimal things and
6 things that we do every day, but that wasn't. That was a big
7 deal to her, especially if the clerk was an older male. So
8 those types of things she worked on, and she worked very hard.

9 Sometimes when court cases are going on, there's
10 things referred to as no contact orders, and there was a no
11 contact order in this case. And the defendant was told you
12 are not to have any contact via Twitter, text message, voice,
13 you know, conversations on the phone, in person, Skype. No
14 contact order. He's to have no contact.

15 When Jaysenia got out of Willow Springs, the
16 defendant was not in jail. He was out of custody. But her
17 mother, to make Jaysenia feel safe, had told Jaysenia that he
18 was in custody. And so Jaysenia was home one day and she was
19 on Instagram. And out of nowhere she gets a message.

20 And before I explain these messages, when they had
21 talked about getting married, the name they were going to name
22 their first daughter was going to be Audrey. And so they had
23 decided we're going to get married, we're going to have a
24 child, it's going to be a little girl, and we're going to name
25 her Audrey.

1 So when Jaysenia is on Instagram that day, she gests
2 -- she sees that someone has asked to be her friend by the
3 name of Audrey_██████ So it's the name, and then this is
4 Jaysenia's birthday. So Jaysenia says, it's so weird, your
5 name is the name I wanted to name my daughter and my birthday,
6 weird; right? Audrey responds, is it, or do we know someone
7 in common? Jaysenia says, Mel? And then a smiley face from
8 Audrey.

9 Jaysenia, seriously, who is this, it's not funny,
10 it's not a cute joke. Audrey says, it's me. Jaysenia says,
11 me who? Audrey, it's me, Mel, I'm living in Oklahoma, but
12 I'll get in trouble if they find out I'm talking to you,
13 please don't say anything to anyone, hello? Jaysenia, hey,
14 why would you risk that, you lied to me, you lied. Jaysenia
15 says, that's not possible -- meaning it's not Mel. And he
16 writes 11/19/68, which is the defendant's birthdate.

17 Jaysenia, he's in jail and hates me. Audrey, no,
18 they lied to you. Jaysenia, explain yourself now. Jaysenia,
19 is that it, are you just going to say that and leave, what
20 now, why Oklahoma, you lied about California and you gave me
21 an STD, hello? Audrey, I'm here, I didn't give you an STD and
22 I didn't lie, you don't understand the limitations on my
23 freedom and ability. Jaysenia, well, explain, and, okay,
24 STFU, I gave myself an STD, please.

25 Audrey, how do I know this is Jay and not her

1 mother? Jaysenia says, I sent you -- a sent a video. Audrey,
2 where are you? Jaysenia, bedroom, watching Judge Judy.
3 Jaysenia, your turn. Audrey, you are really beautiful.
4 Jaysenia, you are stalling. Audrey says no. Audrey,
5 honestly, I didn't give you an STD, I was checked and I didn't
6 have anything, plus I don't sleep around, either, so I don't
7 know what happened. Jaysenia, can you send me a video or
8 something, do you work?

9 Audrey, I'm scared, are you going to tell your mom,
10 I don't mean any harm, just want you to be happy. Jaysenia,
11 you're scared, I'm scared, why Oklahoma, do you have a job,
12 you're going to jail, huh? Jaysenia, how do I know this is
13 Melvyn? Jaysenia says she works, send me a video, then I'll
14 know it's you. Audrey, do you hate me? Jaysenia, why do you
15 keep asking that, what are your limitations? Audrey, have you
16 looked me up on the Internet? Jaysenia, yes, only things
17 about me coming up.

18 Audrey, I will always love you. Jaysenia, well, are
19 you going to stop talking to me? Audrey, is it you?
20 Jaysenia, of course it's me, you contacted me. Audrey, please
21 don't say anything to anyone, and I'm glad you are okay, are
22 you working, yes, I work. Jaysenia, I'm not 16 anymore, I'm
23 not a freaking idiot, everything you may think of me is wrong,
24 I don't sleep around, and I damn straight didn't have an STD
25 before I met you. Jaysenia, how do you even have Internet

1 freedom? Audrey, okay, I'll go away, please don't hate me.

2 Jaysenia, no, what do we do now? Audrey, keep calm.

3 Jaysenia, how do I know it's even Melvyn and not his dick
4 attorney?

5 And then Audrey keeps changing the screen name. So
6 Audrey now becomes LisaThomas04. Lisa, do you have a phone?
7 Jaysenia, I'm sorry, you should have never contacted me, you
8 know I suck with secrets, I can't not show, I'm different in
9 some way, you should have just never contacted me, Mel. Lisa,
10 why? Lisa, did you tell your mom? Lisa, please don't say
11 that. Jaysenia, I didn't tell anyone, but you can't ask me to
12 keep this a secret, I'll have to kill myself to keep it.

13 Lisa, no, I'll go back to jail. Jaysenia, it's
14 okay, no one will know. Lisa, please, if you can't, I'll have
15 to stop talking. Jaysenia, I'll just be with God sooner than
16 I thought, this world sucks anyway, ha ha. Lisa, please be
17 calm and mature, I need you, do you take meds, are you okay?
18 Jaysenia, goodbye, Mel. Lisa, are we breaking up? Jaysenia,
19 pray to God he will show you what you did was wrong because he
20 knows you have sinned. Lisa, okay, I will thank you and God
21 bless.

22 So Jaysenia freaks out and calls her mom and she is
23 screaming to her mom, he found me, he found me. Because
24 Jaysenia thinks that the defendant is in jail, and so now
25 Kathy has to explain, okay, he's not in jail, but he wasn't

1 supposed to contact you. They immediately call the Henderson
2 Police Department, and the Henderson Police Department takes
3 screenshots of all of these.

4 And while the detective is there, while the officer
5 from Henderson is there, they can see that the screen name
6 keeps changing. It started at Nowaydude555, then Audrey, and
7 then Lisa. And the pictures keep changing and the screen
8 names keep changing.

9 So then you will hear from Detective Matthew
10 Caldwell. So what Detective Matthew Caldwell does, he also
11 works for the Clark County School District Police Department.
12 And what Matt Caldwell does is he takes Jaysenia's phone --
13 or, excuse me, her iPod. She had like iPod 5 Touch, and they
14 -- he takes that and he takes it to the computer forensic lab
15 and he does a dump.

16 So he takes an entire image of that iPod. He then
17 sees that there is the names, the Nowaydude555 and those
18 screen names. He subpoenas and does search warrants for
19 Instagram and finds an email account associated with those.
20 He then sees that that email account is attached to the
21 defendant. I think his email is like Sequence580@hotmail.com.
22 He then researches that email account and sees that it was
23 using an IP address in Oklahoma at a hotel.

24 He then contacts a detective in Oklahoma to go to
25 that hotel. And when they go to that hotel, they see that the

1 defendant, Melvyn Sprowson, with an address in Oklahoma, with
2 the same vehicle, 669KWC is his license plate, mustang, is
3 staying there during that time period and show that it
4 actually was the defendant violating the no contact order and
5 contacting Jaysenia after knowing that Jaysenia had been in a
6 six-month treatment program and under medication and under
7 psychiatric therapy, and he still contacted her.

8 Ladies and gentlemen, at the end of the trial, after
9 you have heard the testimony from Jaysenia and her mother and
10 multiple other witnesses, and after you see the photos and
11 evidence, the State is going to ask you and the State will
12 prove to you beyond a reasonable doubt to find the defendant
13 guilty of the crimes that the State has charged him with.

14 Thank you, Your Honor.

15 THE COURT: Mr. Sprowson, do you wish to present
16 your opening at this time?

17 MR. SPROWSON: Yes, I will, Your Honor.

18 DEFENDANT'S OPENING STATEMENT

19 MR. SPROWSON: Good morning. Good morning, jury.
20 That was quite extensive and it was mixed with a little bit of
21 truth and a lot of misleading. I'm going to admit to you that
22 a lot of those things did happen, but, you know, as with a lot
23 of things, the State has to kind of skew it so that they
24 can --

25 MS. BLUTH: Judge, I'm going to object. This is

1 argument. It's just what the evidence will show. We can only
2 talk about what the evidence will show, not argument.

3 THE COURT: He's -- she's right.

4 MR. SPROWSON: Well, pretty much --

5 THE COURT: Just --

6 MR. SPROWSON: -- again, getting into what the State
7 had presented, so let me just start with their statement that
8 I placed an ad in Craigslist. That was correct. The ad did
9 not say lonely millionaire, 34. The ad said lonely
10 millionaire seeks gold-digging slut. That's what the ad had
11 said.

12 Now, I had placed that ad not -- not in attempt to
13 seek anybody -- or seek anybody out, but that was actually put
14 on Craigslist because I happened to be bored. It was meant to
15 be a joke. And so, again, like I said, there's a little bit
16 of truth mixed in with a little bit of falsity.

17 As I placed that in there, I got a lot of responses.
18 And, like I said, it was a joke, you know. I would get some
19 bantering going back with a few people. There was a lot of
20 different emails that I talked with different people. And as
21 -- as time progressed, I did happen to get a response from JT.
22 I'll call her JT, Jaysenia. And we did start a conversation,
23 but one of the things that came up, she did mention something
24 about that she was 16. She did mention she was 16.

25 And so immediately when she mentioned that, I told

1 her, I said, well, you know, is it okay with your parents, you
2 know, that I talk to you? I said, you know what, we can talk
3 if it's okay with your parents. I did ask her that. Now,
4 whether or not that's going to be revealed, that is what I'm
5 going to testify to today. Not today, but in my testimony.
6 And when I cross-examine Jaysenia, I'm going to ask her about
7 those things, as well.

8 And in the course of time in that conversation, I
9 was cautious because I am from California, and California the
10 law is 18 years old, you know. And being a teacher, I was
11 extremely cautious. Because I'm here today, I got caught up
12 in this, I'm here today over -- over a lot of things that had
13 happened, and in this conversation I wanted to make clear that
14 I was not violating any kind of law, okay.

15 So what I'm going to argue in the course of time in
16 my presentation is just I'm going to explain to you, I'm going
17 to probably when I give my testimony, I'm going to tell you my
18 side of the story. And then as I'm giving you little tidbits,
19 I'm just going to respond to some of the things that they
20 said. So, you know, like I said, I'm new at this.

21 And one of the things that I wanted to draw out was
22 that it's not like I'm seeking her out. I was cautious about
23 it. I said, hey, you know, is it okay with your parents? You
24 know, we talked about it a little bit. And one of the things
25 that she started, that she brought into the conversation, was

1 that in Nevada 16 is the age of legal consent for sex. Okay.
2 So I'm like why are you telling me this? So we got into
3 further conversation about that, and that's how the whole
4 conversation started getting in. And we did develop an online
5 relationship talking back and forth. So I'm going to stop
6 there on that topic.

7 As far as the pictures, when we were having a
8 conversation, because the pictures didn't come along until
9 later on in our conversations, and on one of the occasions JT,
10 or Jaysenia, asked me if I wanted a breast picture. I said,
11 wow, a breast picture? And keep in mind, you know, I'm like,
12 you know, like you took a breast picture? And she had
13 indicated to me that, and I don't know if I'm allowed to say
14 this, but she had previously taken it and I'm not going to get
15 into the reason why, okay. But she had previously taken this
16 picture. Not at my request. Not at my request. She had this
17 already, okay. But she asked me if I wanted this picture.

18 Okay. Again, the State is trying to present that I
19 am the one that is enticing her, that I am the one that is the
20 leading her, that I am the one that is trying to get her to
21 come to me. And, again, being the adult, whether or not you
22 agree with my moral decision to have a conversation with her,
23 you know, repeatedly, repeatedly, she's the one that finally
24 asked me, hey, I want to see you face to face.

25 So she invites me to her job, which is about a half

1 a mile from where I live. So I said, sure, you know what, and
2 it's the Omelet House. You know what, I like catfish, they
3 have catfish there. So I said, okay, you know what, I want to
4 get some dinner, I want to get some catfish, I'll come by,
5 I'll see you, I'll get the catfish. That's what happened
6 there.

7 Okay. Now, in the course of time being a teacher,
8 you know, I realized that kids -- school was getting ready to
9 start. I had just came here to start a job, and, you know,
10 she's telling me, hey, you know, my mom and I are going to go
11 school clothes shopping and, you know, she has to buy clothes
12 for my -- my sisters. She has to buy clothes for my sisters.
13 You know, mom is not -- not a rich person, she's -- she
14 doesn't have a lot of money.

15 Now, keep in mind, I'm a teacher, I have a little
16 bit of extra money. So you know what, I am developing a
17 relationship with her, you know. You know, we were starting
18 to talk, we were starting to like each other. Now, keep in
19 mind, it was never, ever, ever, ever my intention for her to
20 ever come live with me or to engage in a relationship beyond
21 this at that point.

22 So anyway, how does the \$150 come into play? Well,
23 being a teacher and realizing, hey, you know what, your mom
24 doesn't have a lot of money, why don't I give you \$150 so that
25 you can spend money on school clothes and so your mom can

1 spend the rest of her money on your sisters? Hey, that's a
2 great idea. That's what happened there. Okay. And I did
3 wire her the money.

4 Now, think about this, if I was intending to kidnap
5 her or do all these other things, why would I send her \$150
6 knowing full well that my name would be on there? Knowing
7 full well that my name would be on that? I did this out of an
8 act of charity, out of an act of kindness, not only to
9 Jaysenia, but her mother, as well. Understanding and being a
10 teacher and what it's like to have to buy clothes for kids for
11 school.

12 The other thing, in this whole thing when everything
13 started coming to a head -- well, I just want to address a
14 couple other things first that they brought up. There were
15 several other meetings. The meeting at the skating rink,
16 again, each time that we had a meeting there was a
17 conversation. She wanted me to come see her. She wanted to
18 see me.

19 Now, I know the State is going to present I'm the
20 one enticing her, I'm the one that's asking to do this, I
21 happened to go by there. I was reluctant, I said, no, you
22 know what, I want to keep this at a distance. And I said,
23 look, you know, if we develop this relationship, I don't want
24 anything to happen until you're 18 years old. I don't want
25 anything to happen until you're 18 years old because I know,

1 and being a fool, look what happened, I'm in this situation
2 now because -- and we'll get into details and how it all came
3 about. I wanted to wait, and she will testify, hopefully
4 truthfully, that that was the case.

5 My intention was never, ever, ever to have anything
6 beyond a relationship on the telephone, on the computer,
7 talking, and then I wanted to, out of -- out of caution, to
8 wait and see if she would -- you know, teenagers are fickle.
9 And, yeah, you might say it's not good judgment to get into a
10 relationship with someone that's younger, but keep in mind, I
11 wasn't planning on getting into a relationship with her at 16.
12 I was going to wait until she was 18. Two years would pass
13 by. If she still was interested, then we would have a
14 relationship.

15 Unfortunately, because she's impetuous, insistent,
16 and wanted me to push the relationship further -- you know,
17 and every time I was the one that was reluctant. But I gave
18 in because I loved her, I cared about her, and I was
19 developing a relationship with her. And, yes, when she turned
20 18, if things were still good, I was planning on to continue
21 the relationship, get married, and do a lot of those things.
22 The right thing to do.

23 Now, as things came to a head, the issue of the
24 laptop. I wasn't at her home. I don't know how things -- she
25 did say, look, you know what, my mom -- well, let me back up a

1 little bit. There was three occasions -- well, we had one
2 with the skating rink, the Omelet House, and both of those
3 were at her insistence. I told you about the catfish. I went
4 there to get the catfish. She saw me, hey, you know.

5 So we continued the relationship, I got the catfish,
6 she saw me. The skating rink, she was like one time we were
7 talking on the phone, hey, I'm at the skating rink, why don't
8 you come and, you know, I want to see you, I want to see you,
9 I want to see you. Okay. After being reluctant, reluctant,
10 she's insistent, I go. Okay. Those are the two occasions
11 that I remember.

12 Now, when things came to a head, I think the State
13 was mentioning something about her mom had found out, oh, hey,
14 you know, my mom found out we were in a -- oh, I left one out.
15 The Boca Park, I believe. Okay. Boca Park comes up. Hey, I
16 got an idea, I'm going to have my friend say that I'm spending
17 the night at her house, and I want you to come pick me up and
18 I want to spend the night at your house. I'm like, you know,
19 I told you I don't want to push this too early, I don't want
20 to get into a relationship too soon. You know, because I
21 understand what the law is.

22 Now, again, unfortunately, when I say I understand
23 what the law is, again, based upon wanting to be careful and
24 not have anything happen that would ruin the relationship,
25 okay. So she's insistent, she's insistent, she's insistent.

1 So she has me pick her up at Boca Park, which is a mall.

2 So, okay, yes, I go, I pick her up, you know. And
3 she says, well, you know, hey, my mom -- I'm just going to lie
4 to my mom and say that, hey, I'm at someone else's house
5 again. You know, it may have been a bad choice. Yes, she did
6 spend the night with me, and, of course, she did -- I did take
7 her back home, okay.

8 Now, continuing on, there was a few other things
9 that the State had mentioned. Let me just try to -- I just
10 want to counter -- kind of counter some of the things that the
11 State had said. Eventually, at some point she came to live
12 with me. Again, we're going to get into, I guess, when the
13 State presents their case in chief, I do my cross-examination,
14 we're going to get into a discussion how that came about. But
15 one of the charges that I'm being faced with is kidnapping.

16 And, again, I'm not going to want to get into a
17 whole -- whole too much until I present my case in chief and I
18 actually do a cross and a direct examination of -- of the
19 alleged victim. But there was a point where she came to live
20 with me and the State had mentioned that I said don't go into
21 my closet and don't go into a certain area.

22 Now, again, this is a person that was staying with
23 me. This is a person that, you know, I'm going and leaving my
24 house every day going to work, mind you, with the door
25 unlocked, she has access to the TV, she has access to the

1 Internet, she has groceries that I had bought for her. I came
2 home every night. I don't do this. I came home every night
3 and cooked for her. She made a statement he took better care
4 of me than my own mother.

5 Now, I don't want to downgrade Kathryn Smith. I'm
6 sure she's one of the greatest mothers there is out there.
7 And, unfortunately, I got caught up in this between the mother
8 and the daughter. And I wish I would have never got into the
9 middle of this, but, unfortunately, that's the case and that's
10 why I'm here facing these criminal charges, okay.

11 Now, I told her not to go through my property. Any
12 person, if you had somebody staying with you, would you want
13 them to go through your property? Probably not. That's what
14 I told her, please don't go through my property, you know.
15 It's not that, hey, I'm hiding something. Just please don't
16 go through my property. The other thing I said, hey, look,
17 don't have any other men at my house. That would be
18 disrespectful. I'm letting you stay here. Please, do not let
19 -- have any other men at my house. That's disrespectful to
20 me, okay.

21 Now, the State is trying to depict me as a
22 kidnapper. The State is trying to depict me as a child
23 abuser. The State is trying to depict me as someone directing
24 child pornography. Oh my god. This is how the State is
25 trying to characterize me. And they have to. They absolutely

1 have to. But the bottom line is I'm an older male who got
2 into a relationship with someone younger. Was it -- is it the
3 best choice? Probably not.

4 In hindsight, you know, it was probably not the best
5 choice. Probably was -- probably was one of the worst choices
6 that I've ever made in my life. Did I commit a crime, though?
7 No. Was it my intention to kidnap her? No. Was it my
8 intention to abuse her? No. Was it my intention to have her
9 take pictures of herself? Again, pictures that she asked me
10 if I wanted. And I'm talking about the initial picture. I'm
11 not going to get into a discussion about the rest of it, but
12 the initial picture she asked me if I wanted it. I never,
13 ever initiated that conversation.

14 Okay. Now, there's also this whole thing about
15 there was a plan. And, again, keep in mind, because there's a
16 lot of truth mixed in with some falsity. So what I'm going to
17 try to do in my defense is try to sift through that and try to
18 show you that some of the things that the State is saying and
19 I will admit to is the truth. Absolutely. But there's a lot
20 of things that they're saying that are false, okay. There's a
21 lot of things that they are saying that are false. And so
22 whether or not that I'm going to be able to -- to clear that
23 out and to sift that through, I don't know. I'm going to give
24 it my best shot.

25 But there is an issue of a plan came up. And there

1 was discussions about a plan. Now, keep in mind, initially
2 when we had a conversation, she was telling me that she wanted
3 to get away from her mother. She didn't know how to get away
4 from her mother. Now, this was not a plan. I was humoring
5 her and I had a conversation with her and I said, yeah, you
6 know what, this is what some people do. You know, there is a
7 thing if you want to be emancipated. And we had talked about
8 this.

9 I don't know who initiated the emancipation
10 conversation, it may have been her, it may have been me, I
11 don't know. But we were -- you know, one of the things when
12 we have a conversation, she's a very intellectual person. She
13 talks like an adult. And I think maybe that's one of the
14 reasons why I didn't -- I wasn't more reluctant than I already
15 was to -- to continue the conversation, okay. So we're having
16 this conversation and I'll say, you know, well, this is what
17 people do when they -- they want -- you know, they want to
18 become emancipated. One of the things you've got to do is
19 you've got to get a job and you've got to show a judge, you've
20 got to show a judge that you're able to support yourself.

21 I don't know if it somehow clicked in her mind,
22 well, hey, I'm a teacher, I live by myself, I have my own
23 place. I never suggested that she come live with me. I never
24 suggested that that was a plan. I don't even know how that
25 came into. And I'll get a -- kind of introduce that just a

1 little bit later, but at this point I was humoring her.

2 And as someone who was older, I said, you know, this
3 is what I've heard on what people do, you know. They first --
4 first they've got to establish that they can live somewhere on
5 their own, have a job, and support themselves. No judge is
6 going to let you be emancipated if you can't even support
7 yourself or feed yourself. What judge in their right mind
8 would ever grand you emancipation? This is what I told her.
9 This was not a plan for she and I to do. This was something
10 that I said, look, this is what people do and what you would
11 have to do if you want to be emancipated. I'm just giving her
12 advice at this point.

13 Okay. Let me -- let me kind of move on. The fact
14 that they're trying to say she was isolated, people of the
15 jury, I went to work every single day. I worked hard every
16 single day. The door was wide open every single day. She had
17 access to the entire house every day. She could have left.
18 She lived 1.7 miles.

19 I drove her to her house every day. If you want to
20 go home, this is how you get home. You want to go home? This
21 is how you get home. Let me show you how you get home. Every
22 day. Every day I would ask her, and she will tell you, do you
23 want me to take you home? Do you want me to take you home?
24 Her response? No, I am home. Do you want me to take me home?

25 I understood that she felt lonely. She's wanting to

1 stay away from her mother. I said, look, you know, I'm not
2 the one keeping her there, okay. As I said, the door was
3 wide open every single day. I went to work every single day.
4 She had a computer, she had access to the Internet, she had
5 her cell phone with her. She could have communicated with
6 anybody she wanted.

7 I said, you know what, I understand you're here by
8 yourself. I have to go to work. I can't just leave my job.
9 I have responsibilities. I have to go to work. I'll tell you
10 what I'll do, when I get home, let's go on drives. I took her
11 out of the house, we'd go on drives. We would go on drives.
12 I took her out. Anywhere she wanted to go. Took her by the
13 lakes, took her here.

14 We went and bought fast food in plain sight of
15 everybody. If she was in danger she could have said, hey, I'm
16 in danger. She was right next to me. We went and we bought
17 food. I spoiled her. I took care of her. Was it the right
18 decision? In some cases, no, but my number one priority was
19 to take care of this young lady. That was my number one
20 priority. Child abuse? I don't think so. Substantial mental
21 harm?

22 MS. BLUTH: Judge, objection.

23 MR. SPROWSON: I don't think so.

24 MS. BLUTH: This is argument.

25 THE COURT: Sustained.

1 MR. SPROWSON: Okay.

2 THE COURT: Just focus on what the evidence will
3 show, sir, please.

4 MR. SPROWSON: Okay. I'll continue on. Forgive me.
5 As far as the pawning of the ring, yes, I did give her a ring.
6 I had bought this ring previously. I had it in my closet.
7 It's a female ring. I'm not doing anything with it. You
8 know, it seems like this relationship is developing more and
9 more, faster than I really even wanted it to. Like I said, I
10 wanted to wait until this young lady was 18. She's impetuous,
11 she's insistent, she's intelligent, and she's pushing and
12 she's pushing and she's pushing.

13 Now, I'm going to tell you, by the way, did I want
14 to be in a relationship with her? Yes, I did. I'm not going
15 to lie to you. I absolutely find her attractive. She's a
16 beautiful young lady. Was I in love with her? I couldn't
17 tell you what love is. I still don't know what love is. But
18 did I care for her? Yes.

19 Okay. Let me continue. The ring thing, I honestly
20 don't know what happened with the ring thing. I gave her a
21 ring. I had it sitting in my closet. I wasn't going to do
22 anything with it. We were developing a relationship. You
23 know what, here, why don't you take the ring, take the ring,
24 it's a beautiful ring. I don't know if they showed you
25 pictures. It was a beautiful ring. I thought it was a nice

1 -- a nice gesture. Eventually, this ring was pawned to pay
2 for an investigator.

3 Okay. So just to kind of move things up, there's a
4 lot of things that happened in my case, and she was with me
5 for two months. And, you know, like I stated, I'm facing
6 kidnapping, I'm facing child abuse with substantial mental
7 harm, and I'm facing the unlawful use of a minor in the
8 direction of child pornography. Very serious and harsh
9 charges. Did those things happen? The State is going to try
10 to prove they did, but I -- I absolutely did not do these
11 things.

12 Let me continue. I want to remind this jury, and
13 maybe this is not a wise thing to say. When I -- when all
14 this came to a head, November 1, 2013, I was arrested at work.
15 I was taken straight to Clark County Detention Center, and I
16 spent six months in that -- in the Detention Center. I
17 finally took my retirement money that I had saved and I had to
18 pay for an attorney and I eventually bailed out. Judge Miley
19 was kind enough to grant me a bail reduction. I had an
20 extremely high bail. She was kind enough to grant me a bail
21 reduction, and I bailed out.

22 My brother is in the military. He has a house in
23 Oklahoma. I went to go live with him. I'm freaking out
24 because I'm like, hey, I put myself in extreme risk to help
25 somebody, somebody that, yes, I was developing a relationship

1 with. But bottom line, my intention was not to harm anybody,
2 but to help this person. I moved to Oklahoma after spending
3 six months in jail for the very first time. I have no
4 criminal history. I've never done anything wrong in my entire
5 life.

6 So I'm talking to my brother, he's in the military,
7 you know, and I'm trying to figure out what to do. And, yes,
8 there came -- there came a point where there -- a situation
9 arose where she was eventually -- oh, let me just -- I wanted
10 to say this. So I bailed out; I went to Oklahoma. Mind you,
11 when I bailed out, there were no -- absolutely no conditions
12 set on my bail. This is fact. When I bailed out there were
13 no conditions on my bail. Immediately, when I bailed out, I
14 got out of the state and I went to Oklahoma. I needed to get
15 away from here and I needed to think about, hey, what's going
16 on in my life? And my brother was the best place to go.

17 Momot, John Momot, was my attorney at this time.
18 And about a week into it, I get a phone call. Hey, State
19 filed a motion, now you've got -- you can't do this, you can't
20 do that, you can't do this. I said, wait a minute, you're
21 putting all these conditions on something that I've already
22 bailed out. And you're putting conditions on my bail already
23 after I bailed out?

24 So one of the conditions was you can't be around
25 minors. My brother is divorced. He has minors. Every

1 weekend or every other weekend those minors visit. So every
2 other weekend, you know what I did? I either went to a motel
3 to obey those conditions, or I slept in my car for the entire
4 weekend at a park to obey those conditions.

5 Was anybody monitoring me? No. You know who was
6 monitoring me? My own conscience. I wanted to do the right
7 thing even though I had no one monitoring me. My brother, if
8 he was here, he's in Oklahoma, it's kind of hard for him to
9 get here, he would testify to that fact. I put myself in
10 extreme, extreme misery to obey the State's requirements.

11 Now, there came a situation where essentially
12 Jaysenia was contacted. I'm not going to get into that. I'm
13 not going to talk about that. The bottom line is a lot of
14 things happened. And the witness that I have -- again, I am
15 very limited, limited in finances, I'm limited in a lot of
16 things. The witness that I would have had be here to help me
17 with that is not going to be here, so I can't really discuss
18 that at this point. I'll have to figure out another way to
19 defend it.

20 Okay. Let me continue. All right. In my
21 cross-examination of JT, Jaysenia, and in my direct
22 examination, we're going to -- I'm going to do both today.
23 The State is going to do their direct examination, I'm going
24 to cross, and then I'm going to do my direct examination. The
25 reason why I'm doing that is because Jaysenia is in school

1 right now. She's in college and I hear she's doing very well.
2 I don't want to interrupt that. She's got to fly back to --
3 I'm assuming she's in school in Reno. This is what the State
4 has informed me.

5 MS. BLUTH: No, Judge. Objection. The State has
6 never informed him anywhere she is.

7 MR. SPROWSON: Well, I heard -- I heard she's in
8 Reno --

9 THE COURT: Okay. Sustained.

10 MR. SPROWSON: -- in conversation.

11 THE COURT: We -- she's flying in. We'll just say
12 that.

13 MR. SPROWSON: She's flying in. I heard Reno from
14 somewhere. I'll just put it that way. I don't know where it
15 came from. Somebody said she's in Reno. Anyway, long story
16 short, she's quite a distance away and I don't have the
17 finances to fly her in later on in my case in chief. So
18 bottom line, we're going to do the direct examination today.
19 I'm going to do the best I can. I'm not fully prepared for
20 that.

21 MS. BLUTH: Judge, objection. This is not what the
22 evidence will show.

23 MR. SPROWSON: Sorry.

24 THE COURT: Sustained.

25 MR. SPROWSON: Again, this is what -- I'm going to

1 get into that right now. Anyway, I just kind of wanted to lay
2 a little background on that. Okay. I'm going to show that --
3 that I had no criminal intent to keep, imprison, or confine JT
4 from her mother. I'm going to show that I could not have
5 kidnapped JT because there was never any criminal intent to
6 keep, imprison, or confine JT, Jaysenia, from anyone.

7 I'm going to show that JT testified that I was
8 extremely cautious and reluctant to get her, that it was
9 Jaysenia's intent to leave Kathryn Smith's residence and not
10 return. I'm going to show that there was no confinement or
11 imprisonment. I've said that already. That it could not --
12 I'm going to show that JT could not have returned to Kathryn
13 Smith's home at any time because she did not want to be there.

14 I'm going to show that JT had Internet access to
15 email anyone for assistance if she wanted to, that it was in
16 possession of her cell phone the entire time. I'm going to
17 show that the reality is that JT was keeping herself from
18 Kathryn Smith, not me. I'm going to show that I did not have
19 any criminal intent to hold JT to unlawful service or to
20 perpetrate upon her an unlawful act. I'm going to show that
21 it was the alleged victim who purposefully and explicitly
22 tried to remain concealed. You cannot kidnap someone who is
23 trying to run away from the very person that she's alleged to
24 be kidnapped from.

25 I'm going to show that the State is pushing its

1 theory of kidnapping beyond a common sense application of the
2 statute. And according to the State's theory, I'm not going
3 to get into an argument, but any person who takes care of and
4 provides food and shelter to a runaway youth is guilty of
5 first degree kidnapping. And that cannot and is likely not
6 the conduct the legislature intended to punish pursuant to NRS
7 200.310(1).

8 I'm going to show that the State did not and cannot
9 establish that Mr. -- that me, Mr. Sprowson, directly caused
10 JT any harm or injury that constitutes substantial mental or
11 bodily harm. I'm going to show that quite simply the State
12 cannot even establish the base offense of abuse or neglect
13 pursuant to NRS 200.508(4)(a). That I not cause any physical
14 or mental injury of a non-accidental nature to Jaysenia.

15 I did not sexually abuse or sexually exploit
16 Jaysenia. Jaysenia was not negligently treated or mistreated.
17 She was well cared for, provided with shelter, food, books,
18 games, coloring materials, and generally treated with
19 kindness. I'm going to show that. More importantly, the
20 authorities reported that JT was found in good health and
21 unharmed. I'm going to show that there is not even a hint of
22 me using unlawful force or violence in this case.

23 There is not a hint of physical injury to Jaysenia,
24 much less substantial bodily harm. That there was no evidence
25 that I caused injury to the intellectual or psychological

1 capacity or emotional condition of JT as evidenced by
2 observable and substantial impairment of JT's ability to
3 function within her normal range of performance or behavior.

4 I'm going to show that there is no injury or JT's --
5 to JT's, or Jaysenia's, intellectual ability. That there has
6 -- that there was also no substantial impairment to her
7 psychological capacity. Again, I'm repeating that. I'm going
8 to repeat again that the State has not established the basic
9 offensive abuse or neglect by it's definition, much less the
10 enhancement to substantial bodily harm or substantial mental
11 harm.

12 I'm going to show that I did not unlawfully use JT
13 in the production of child pornography. Because the images
14 that the State charged me with do not depict sexual conduct.

15 MS. BLUTH: Judge, I'm going to object. This is
16 argument, not what the evidence will show.

17 THE COURT: If you could rephrase.

18 MR. SPROWSON: Well, the evidence will show that
19 there's no sexual conduct, obviously.

20 THE COURT: That's fine. Just what the evidence
21 will show.

22 MR. SPROWSON: Okay. Will not show any sexual
23 conduct. The evidence will show that there's no sexual
24 conduct in there at all, and that is tied to sexual portrayal.
25 A sexual portrayal would imply some kind of sexual conduct.

1 Keep that in mind. A picture, just because it looks a certain
2 way, it has to have certain things in order to qualify as
3 pornography. That's what I'm getting at.

4 Let me see. Okay. Again, contrary to NRS
5 200.700(3) which defines sexual conduct, none of the images
6 charged depict JT engaged in sexual intercourse, number one.
7 None of them show a lewd exhibition of her genitals.

8 MS. BLUTH: Judge, this is argument. This is also
9 the law that they have to be --

10 MR. SPROWSON: Well, this is the pictures
11 themselves.

12 MS. BLUTH: Excuse me, Mr. Sprowson.

13 THE COURT: Mr. Sprowson.

14 MR. SPROWSON: They don't show that.

15 THE COURT: Hold on, Mr. Sprowson.

16 MS. BLUTH: Excuse me. I have to lay an objection.

17 THE COURT: Don't argue, please, with the State.

18 MS. BLUTH: So the reading of the law in an opening
19 statement is improper because only the Court can instruct on
20 the law. So I would just --

21 THE COURT: I agree with you.

22 MS. BLUTH: Thank you.

23 THE COURT: And, Mr. Sprowson, at the very end of
24 the case, we will present the law --

25 MR. SPROWSON: Okay.

1 THE COURT: -- to the jury.

2 MR. SPROWSON: That's fine. I agree, Your Honor.
3 Okay. All right. Let me just continue, then. Excuse me,
4 Your Honor. I mean, Your Honor and the State --

5 MS. BLUTH: That's okay.

6 MR. SPROWSON: -- and the jury. This is new to me.
7 I'm doing the best I can. Forgive me, please.

8 I'm going to show that I cannot be criminally liable
9 for knowingly using, encouraging, enticing, coercing, or
10 permitting JT to be the subject of a sexual portrayal in
11 performance. I'm going to show that standing alone it is
12 impossible to know what is meant by sexual portrayal or how it
13 differs from sexual conduct. I'm going to show that based on
14 the sexual portrayal of a minor cannot survive a vagueness
15 charge. Well, I'm not going to argue the law. I'll save that
16 until later.

17 I'm going to show that as such it is extremely
18 difficult in this case to determine how it would be
19 impermissible and criminal for Jaysenia to be depicted in a
20 manner which appeals to my prurient interest in sex, and we're
21 going to get into that. I'm going to show that I cannot be
22 criminally liable for knowingly using, encouraging, enticing,
23 coercing, or permitting Jaysenia to be the subject of a sexual
24 portrayal in performance. The statute -- well, I'm not going
25 to get into the law again on this.

1 And I think I'm going to close with just a few more
2 words. You know, there's a lot of things that the State is
3 going to bring up. There's going to be a lot of truth,
4 there's going to be a lot of falseness. And hopefully, in my
5 defense, I'm going to be able to sift that out for you.
6 There's two people that are going to testify in my -- my
7 defense. I'm going to -- like I stated earlier, I'm going to
8 do the best I can at cross-examination when the State does
9 their direct. And then I'm going to try and do a direct
10 examination the best I can.

11 And ultimately the sole witness in my case is me.
12 Because, really, only two people were there, the alleged
13 victim and myself. And when I say that, I don't mean that we
14 were just always alone. There were times, there were many
15 times, where we went out into the public. There were many
16 times when she was seen by people out in the public.

17 The State talked a lot about rules. Most of you
18 that are parents here, you always have rules for your kids.
19 These kids weren't met for her as a kid. These were rules
20 that I said, look -- and I didn't enforce them. I said be
21 respectful to me. This is my home. If you're a homeowner, if
22 you rent, if you live anyplace, you don't want people going
23 through your stuff. You don't want people bringing people
24 over your house. These are common sense things that everybody
25 would ask someone who was staying with them to honor. Not

1 enforce. To honor, okay.

2 I wasn't there. I went to work every day. I came
3 home. Yeah, in fact, I'd go out for an hour. It took -- I
4 mean, I was exhausted all day at work. I'd go home, go
5 shopping for an hour. I'd ask her what do you want, what do
6 you want, what do you want? Buy me some vegetables, buy me
7 some lunch meat, Skittles, I love Skittles. I bought a bunch
8 of Skittles. Went shopping. You can ask her.

9 You know, it's funny, I never cooked steak in my
10 entire life until I met this young lady. Cooked steak,
11 potatoes, vegetables. I poured it on. I cooked almost every
12 night. And when I didn't cook after I worked, I would take
13 her out, we'd go get some fast food, El Pollo, different
14 restaurants. I asked her what do you like? I would take her
15 there. And we didn't go into the restaurant. I'm not going
16 to lie to you about that. We went through the drive-thru and
17 then we'd come back home and we'd eat it and watch TV. We'd
18 have conversations.

19 Now, I'm not going to get -- I'm not going to argue
20 my case. Like I said, I'm not allowed to argue my case in
21 this. I'm just presenting what I'm going to try to defend and
22 what I'm going to try to present. What I am going to present
23 to you is the day to day operations of what happened. Most of
24 the time I wasn't there. Most of the time I was at work.

25 Keep in mind she had total control of my house.

1 Total control of my house when I wasn't there. She could have
2 done anything she wanted when I wasn't there. I didn't tell
3 her she couldn't leave. She may have perceived that. I just
4 said, hey, you left your mother's house, okay, it's not a good
5 idea if you want to stay away from your mother. Now, whether
6 that was bad advice or good advice, I'm not trying to keep her
7 from her mother. I'm not trying to keep her from anybody. As
8 you can clearly see, I was not there during the day every day.

9 Anyway, I'm going to also show you that as far as,
10 again, the child abuse, you know, this charge of child abuse,
11 this young lady had absolutely no physical abuse at all.
12 Mental abuse, you know, I really don't know how that's going
13 to come out. But like I said, I never had any intention to
14 abuse anybody mentally. I don't even know how you define some
15 of the things that the State is probably going to bring up.

16 You know, I did the best I could to take care of her
17 while she was in my care. I did the best to provide for her
18 while she was in my care. I did the best to help her while
19 she was in my care. I did the best to advise her. Now, keep
20 in mind, I'm not a counselor. I'm a teacher. My area of
21 expertise is in -- is in teaching kids.

22 Now, mind you, I was teaching kindergarten, 1st
23 grade, I've taught 5th grade, I've taught 4th grade. These
24 are all ages that range from kindergarten all the way up to
25 5th grade, which is probably around -- you're looking at 5, 6,

1 all the way to probably 10, 11. This is the age range that I
2 dealt with, okay. So when I'm thinking about mental stuff and
3 with these kids, you know, I'm being the best I can.

4 And keep in mind, I want to say one other thing.
5 I'm going to show you that she was not my student. She was
6 not my student, okay. This is a young lady I met on a
7 Craigslist ad that I -- I put up because I was bored. Again,
8 as I stated, lonely millionaire seeks gold-digging slut. Not
9 implying that she is one. Never would I ever do that, but
10 that's what the ad stated.

11 I'm not a lonely millionaire. I allowed that
12 earlier on because, out of respect for the young lady, I
13 didn't want people thinking that she was a gold-digging slut.
14 I honor this young lady. Never, never, ever do I want any
15 harm to her, even now, even if I have to go to jail or prison
16 for the rest of my life. I hope she does well. Because do I
17 care for her? Yes. As you can see, I have gone through so
18 much already because I care for this young lady.

19 You know, I don't know what else to say to you, but
20 I'm going to have to save the rest of it. Before I close this
21 out, let me think if anything before -- because this is going
22 to be my opening statement. I just want to counter some of
23 the stuff that the State has kind of skewed. Like I said,
24 there's a lot of truth to what they mentioned. I'm not going
25 to deny that.

1 But, you know, you've got to -- I think there's a
2 quote that maybe I just -- this is not argumentative. This is
3 just a statement that I'd like to quote and put into my
4 opening statement. He represents a case seems right until
5 they are cross-examined. I think most of you may know that
6 one. And I'm going to end it at that note. And I'm putting
7 my life in your hands.

8 MS. BLUTH: Judge, objection. That's not true. His
9 life is not in their hands. They don't even handle
10 sentencing. That's completely improper.

11 MR. SPROWSON: Well --

12 THE COURT: Okay.

13 MR. SPROWSON: Okay. Your life is not in my hands.
14 I perceive it that way. Put it that way. I perceive that
15 your life is -- I'll skip it.

16 THE COURT: And I think --

17 MR. SPROWSON: I'll skip it.

18 THE COURT: Hold on.

19 MR. SPROWSON: Sorry.

20 THE COURT: I think the objection is --

21 MR. SPROWSON: Anyway, without going on any --

22 THE COURT: Hold on just a second. I just -- hold
23 on, please. You're going to be given this instruction later
24 on. You guys are not the ones who are going to pronounce
25 sentence, and I think that's the State's objection. That is

1 left up to the Judge. Rather, at the end of this case, once
2 everything has been presented to all of you, you'll just make
3 the determination whether Mr. Sprowson is guilty or not guilty
4 of the crimes charged.

5 And, Mr. Sprowson, if you'd like to continue.

6 MR. SPROWSON: Yeah. I'm sorry. It's just my
7 misunderstanding. You're not doing the sentencing. You're
8 right. But when I say your life is in my hands -- I mean, my
9 life is in your hands, what I'm saying is that you're the
10 jury, you're the ones who are going to decide the case, and I
11 want you to do it according to the law, okay. And if that
12 means I go to prison, that means I go to prison. I want you
13 to do that according to the law, and I want you to honor the
14 State's presentation. And if they meet their burden, then
15 please do as they ask and find me guilty. But that's what I
16 mean by my life is in your hands. I just wanted to clarify
17 that, okay.

18 And like I said, I try to be as honest as I can. I
19 don't always do the best in my life decisions. Okay. And I'm
20 going to end it there. Thank you very much for your patience.
21 You know, I probably missed a lot of things that the State has
22 said and tried to counter. You know, it's been several -- at
23 least it's three years ago. A lot of things that have
24 happened, you know, have kind of been clouded over the time,
25 but the pertinent things are always here. And I just want to

1 again thank you for your time.

2 THE COURT: Thank you, Mr. Sprowson.

3 MR. SPROWSON: And that's [inaudible] opening
4 statement.

5 THE COURT: Why don't I give the jury just a
6 five-minute break to stand, stretch, use the restroom,
7 whatever they need to do before you bring in the first
8 witness, all right. And we do recognize that lunch time is
9 coming up, but I'd like to get the first witness on and get
10 that testimony started.

11 Mr. Sprowson, if you'd like to sit down, sir,
12 please.

13 Ladies and gentlemen of the jury, again, you'll hear
14 this every time. You're admonished not to converse amongst
15 yourselves or with anyone on any subject connected with the
16 trial. Do not read, watch, or listen to any report of or
17 commentary on the trial, and do not form or express an
18 opinion.

19 Please come back in five minutes. And, again,
20 please sit in the same seats. Remember, you can't talk to
21 anyone.

22 (Jury recessed at 11:33 a.m.)

23 THE COURT: Okay. The jury is out.

24 Mr. Sprowson, how long do we have until you need to
25 take your medicine?

1 MR. SPROWSON: Oh, wow, is it already that late?
2 What time does the Court plan on taking lunch?

3 THE COURT: I'd like to get at least 30 minutes in,
4 if not 12:15. He's got to take his insulin.

5 MR. SPROWSON: So are you going to start with your
6 first witness or --

7 MS. BLUTH: Yeah, it's whatever you guy want.

8 MR. SPROWSON: Well, I just need -- can I take -- I
9 just need to take a bathroom break and I'm good.

10 THE COURT: That's fine. Are you going to be
11 okay --

12 MR. SPROWSON: Yeah.

13 THE COURT: -- as long as we -- if we stop like at
14 12:15?

15 MR. SPROWSON: Yeah. Well, we're going to stop at
16 12:15 and then go to lunch; right?

17 THE COURT: Yeah, I just want to make sure --

18 MR. SPROWSON: Yeah, I just need to use the
19 restroom. That's all.

20 THE COURT: I don't care about that. Okay.

21 (Court recessed at 11:35 a.m., until 11:47 a.m.)

22 (Inside the presence of the jury)

23 THE COURT: Welcome back, ladies and gentlemen of
24 the jury.

25 Counsel, if you'd like to make yourself comfortable

1 with the exception of whoever is going to bring in the first
2 witness.

3 MS. BLUTH: May I call? Is that --

4 THE COURT: That's what I meant to say.

5 MS. BLUTH: Sorry.

6 THE COURT: Mr. Sprowson, do you want to sit down.

7 Thank you.

8 MS. BLUTH: Jaysenia Torres, please.

9 JAYSENIA TORRES, STATE'S WITNESS, SWORN

10 THE CLERK: Please be seated. Would you please
11 state and spell your first and last name for the record.

12 THE WITNESS: Jaysenia Torres. Do you want me to
13 spell both?

14 THE CLERK: Yes, please.

15 THE WITNESS: J-A-Y-S-E-N-I-A T-O-R-R-E-S.

16 MS. BLUTH: May I proceed, Your Honor?

17 THE COURT: Can you come here for a second?

18 MS. BLUTH: Of course.

19 (Bench conference)

20 THE COURT: Now an adult, are they going to film her
21 face?

22 MS. BLUTH: Oh, no. So I put -- was going to put on
23 the record, I already explained everything to them. No,
24 because she was a minor at the time of the crime, they can't
25 publish her face or her name, but they all know that.

1 THE COURT: Okay. I thought --

2 MS. BLUTH: I've already talked to --

3 THE COURT: -- [inaudible].

4 MS. BLUTH: -- all of them.

5 THE COURT: Okay. I just wanted to make sure you
6 knew, too, okay.

7 MR. SPROWSON: That's fine.

8 THE COURT: Okay.

9 (End of bench conference)

10 THE COURT: Oh, I'm sorry. Ms. Bluth, if you'd like
11 to continue. I'm sorry.

12 MS. BLUTH: Thank you.

13 DIRECT EXAMINATION

14 BY MS. BLUTH:

15 Q Hi Jaysenia. Just because I know that you talk so
16 very quietly --

17 A Yeah.

18 Q -- I'm sure that this is hard, but that little thing
19 in front of you is actually a microphone. So you don't need
20 to bend over to talk to it, but you just have to keep your
21 voice up a little bit so that the microphone can actually
22 catch it. Does that make sense?

23 A Yeah.

24 Q Okay. And I'll try to remind you throughout, but if
25 you wouldn't mind just trying to keep your voice up.

1 A Thank you.

2 Q There you go. Comfortable?

3 A Yeah.

4 Q Okay. All right. So how old are you?

5 A Now?

6 Q Yes.

7 A 19.

8 Q And when is your birthday?

9 A [REDACTED]

10 MS. BLUTH: Can everybody hear her?

11 BY MS. BLUTH:

12 Q Just a little bit louder.

13 A Okay.

14 JUROR: Yeah, a little louder.

15 BY MS. BLUTH:

16 Q Okay. That's okay. I know it's hard to get used to
17 because we're not used to it. But even though we're kind of
18 close, see how loud I'm talking?

19 A Yeah.

20 Q If you could -- it's okay. You're doing --

21 A Sorry.

22 Q No, you're doing fine. You're doing fine. There's
23 nothing you've done wrong, okay?

24 A Okay.

25 Q Okay. So I think I asked you when is your birthday.

1 A Yeah.

2 Q And did you -- I'm sorry. If you -- if you said it,
3 I didn't hear it. What was it?

4 A [REDACTED]

5 Q Okay. And how old does that make you now?

6 A 19.

7 Q Do you go to college?

8 A Yes.

9 Q What are you studying?

10 A Elementary education.

11 Q And I know that it probably sounds like a dumb
12 question because you said elementary education, but what do
13 you want to be when you, quote, unquote, grow up?

14 A I want to be a 2nd grade teacher.

15 Q Why -- why do you want to be a 2nd grade teacher?

16 A Just because that was my favorite teacher in
17 elementary school, so --

18 Q Okay. That makes sense. Are you a little nervous?

19 A Yeah.

20 Q It's okay. Have you brought a few things with you
21 to kind of help with that?

22 A Yeah.

23 Q Can you show me what they are?

24 A I just have like Play-Doh, and then like a little
25 shield.

1 Q Okay. The Play-Doh, what's up with the Play-Doh?

2 A It's just like soothing to like play with.

3 Q Okay. All right. That's fine. I just could tell
4 that there were some things in your hand, so I just wanted to
5 make a record of it. Now, I'd like to ask you some questions
6 and turn your attention to summer of 2013. So in June of that
7 year did you turn 16? Do I have the math right?

8 A Yes.

9 Q Okay. And who are you living with them?

10 A My mom.

11 Q And what's your mom's name for the record?

12 A Like full name? Kathryn Smith.

13 Q Okay. And who else lived with you and your mom at
14 your home?

15 A My two sisters and my grandmother.

16 Q And if you were 16, how old were your sisters?

17 A Like 10 and like 9.

18 Q Okay. So they were a little bit -- a little bit
19 younger than you?

20 A Yeah.

21 Q All right. And you said your grandma lived with
22 you, as well? Is that a yes?

23 A Yes.

24 Q Okay. And you all -- and I don't want to ask you
25 for your specific address, but you lived here in Clark County,

1 Las Vegas, Nevada?

2 A Yes.

3 Q Now, during that time period, would you have been
4 going into your sophomore year or your freshman year of high
5 school?

6 A My sophomore year.

7 Q Now, were you a pretty good student?

8 A Yeah.

9 Q And because of your grades did you go to a specific
10 type of school?

11 A Yeah.

12 Q And what type of school was that?

13 A A magnet school.

14 Q And in your freshman year did you get like straight
15 As?

16 A Yeah, I did really good.

17 Q Okay. During this time period when you were 15, 16,
18 were you having issues getting along with your mom?

19 A Yes.

20 Q Can you explain to me kind of like the type of
21 issues that they were?

22 A Like just like chores and like keeping my room clean
23 and not staying out late. Like normal issues.

24 Q Like normal issues?

25 A Yeah.

1 Q Okay. But then in like your 15, 16 year old mind,
2 did those --

3 A Those were like huge problems.

4 Q Okay.

5 A Yeah.

6 Q So would you -- would you fight with your mom about
7 things like that?

8 A Yes.

9 Q So I wanted to talk to you about some -- some
10 questions in regards to Craigslist. In the summer around
11 August of 2013, before you started school, did you start
12 talking to somebody on Craigslist?

13 A Yes.

14 Q Can you explain how it is that that conversation
15 started?

16 A Can you like rephrase it a little?

17 Q Sure. So my first question was is you started
18 talking to someone via -- like through Craigslist.

19 A Yes.

20 Q How did that start? Like did you -- was there an
21 ad, did you post?

22 A Yeah, there as an ad --

23 Q Okay. And what --

24 A -- on Craigslist.

25 Q And what did the ad say?

1 A Like lonely millionaire.

2 Q Lonely millionaire?

3 A Yeah.

4 Q And did it have an age associated with it?

5 A Yeah, like 34.

6 Q And so when it said, you know, lonely millionaire,
7 age 34, what did you do? How did you respond?

8 A What do you mean?

9 Q Did you write the person, or did you -- did you guys
10 start talking?

11 A Yeah. Yeah.

12 Q And what did you say once you, you know, clicked on
13 a link or started talking to the person?

14 A I was just -- I just said hi and like are you --
15 yeah.

16 Q Okay. When you got -- so did the person start
17 talking to you back?

18 A Yeah.

19 Q When you talk through Craigslist, is like -- like
20 you can text each other? Can you --

21 A It's email, but it's like not your real email. They
22 use a different email.

23 Q Okay.

24 A Like a Craigslist email.

25 Q So let me -- let me --

1 A So they don't have your personal email.

2 Q Okay. So like if you and I are communicating
3 through Craigslist, like you won't have my email; right?

4 A No.

5 THE RECORDER: Someone's phone is ringing.

6 MS. BLUTH: Oh. Is that -- I hear it, but I don't
7 -- oh.

8 JUROR NO. 12: I'm sorry.

9 MS. BLUTH: It's okay. Don't worry about it.

10 JUROR NO. 12: I didn't even know it was on.

11 MS. BLUTH: Don't worry about it.

12 And I'm going to proceed, okay, Judge?

13 THE COURT: Yeah, I think we're ready.

14 MS. BLUTH: All right. No worries.

15 BY MS. BLUTH:

16 Q Okay. So I guess just what I was trying to
17 understand is when you and I, if we're communicating through
18 Craigslist, we don't have each other's emails. Craigslist
19 kind of creates a pathway --

20 A Like a fake email.

21 Q A fake email. Okay. Perfect. So did you -- when
22 you responded, at any point in that conversation did you tell
23 the person you were speaking with your age?

24 A Yes.

25 Q And what did you say?

1 A I said I'm 16.

2 Q And did the two of you kind of continue
3 communicating through that Craigslist?

4 A Yeah.

5 Q During the conversation, does this person, the
6 lonely millionaire, do they ever ask you if you are a virgin?

7 A Yes.

8 Q And do they ask you if you -- you know, if you're
9 not a virgin, if you like sex, like things like that?

10 A Yes.

11 Q Do you guys exchange photos, you and this person?

12 A Yes.

13 Q And when I say photos, I'm going to show you --

14 MS. BLUTH: May I approach, Your Honor?

15 THE COURT: You may.

16 MS. BLUTH: Thank you.

17 BY MS. BLUTH:

18 Q Jaysenia, I'm approaching you with what's marked for
19 purposes of identification as State's Proposed 22 and 23. Do
20 you recognize these photos?

21 A Yeah.

22 Q And are these photos that you took around that time
23 period?

24 A Yes.

25 Q And do these fairly and accurately depict, are they

1 copies of the photos?

2 A What, like --

3 Q Yeah, so like the -- it's just kind of a legal term
4 that we have to say, but it means are these exact copies of
5 the photos?

6 A Like the original photos?

7 Q Yes.

8 A Yeah.

9 Q Okay.

10 A Yes.

11 MS. BLUTH: And, Your Honor, at this time I'd move
12 to admit into evidence State's Proposed 22 and 23.

13 THE COURT: Any objections?

14 MR. SPROWSON: No.

15 THE COURT: They'll be admitted.

16 (State's Exhibit 22 and 23 admitted.)

17 MS. BLUTH: And permission to publish?

18 THE COURT: You may.

19 BY MS. BLUTH:

20 Q Okay. So I'm going to put in over on the Elmo --
21 this is called the Elmo. Is that TV working in front of you,
22 Jaysenia?

23 A It's white.

24 MS. BLUTH: Okay. Am I doing something wrong?

25 THE RECORDER: No, hold on.

1 MS. BLUTH: Oh, okay.

2 THE WITNESS: Okay. Yeah, I can see now.

3 BY MS. BLUTH:

4 Q All right. Let me zoom out for you. Okay. Now,
5 the photos you exchanged, is this 23, is that what you looked
6 like?

7 A Yeah.

8 Q And then 22 -- or, yeah, 22. Are these the photos
9 that you exchanged?

10 A Yeah.

11 Q Okay. Now, were you the only one to exchange
12 photos, or did the person send you a photo?

13 A I don't remember.

14 Q I'm sorry?

15 A I don't remember.

16 Q That's okay. If anything I ask you don't remember,
17 that's totally fine. Did I explain to you the only rule in
18 court?

19 A Don't lie.

20 Q To tell the truth; right?

21 A Yeah.

22 Q So if you don't know, it's okay to say you don't
23 know, okay?

24 A Okay.

25 Q Okay. All right. So when you had this

1 conversation, ultimately, and we'll talk about how we get
2 there, but ultimately you end up meeting this person and
3 seeing this person; correct?

4 A Yes.

5 Q And do you know the name of that person?

6 A Melvyn.

7 Q Okay. Do you see Melvyn in the courtroom?

8 A Yeah.

9 Q Okay. Can you just point to him and describe an
10 article of clothing that he's wearing?

11 A A shirt.

12 Q Do you know the -- can you see the color of his
13 shoes?

14 A Black.

15 MS. BLUTH: Your Honor, can the -- can you please
16 notate for the record that the witness has identified the
17 defendant?

18 THE COURT: I will.

19 MS. BLUTH: Thank you.

20 BY MS. BLUTH:

21 Q Do you need some water?

22 A No.

23 Q You want to keep going?

24 A Yeah.

25 Q Okay. Now, -- so instead of me having to keep

1 referring to him as the lonely millionaire, I'm just going to
2 ask you some questions without the defendant, okay?

3 A Okay.

4 Q All right. So you -- when you were speaking with
5 him, did you make it clear that, you know, your mother or your
6 family could not know about this?

7 A Yes.

8 Q Did you guys continue talking even after that
9 initial first day?

10 A Yeah.

11 Q And at some point you said you -- you know, you said
12 you were communicating through the Craigslist email, but at
13 some point did you move to a different method of
14 communication?

15 A Yeah, Kik.

16 Q Kik. Okay. Can you explain to us old people what
17 Kik is?

18 A It's like a messenger app so you don't have to use
19 your actual phone.

20 Q Okay. Now, do you get charged for those?

21 A No.

22 Q And if, let's say, your mom went through your
23 phone --

24 A I could delete the app.

25 Q You delete the app?

1 A Yeah.

2 Q Okay. So how often would you guys communicate
3 through Kik?

4 A Every day.

5 Q Is it like once or twice a day, all day?

6 A No, like all day.

7 Q Why did you change from like the Craigslist email
8 system to Kik?

9 A It was just harder to check your email and --

10 Q So why didn't you just move to texting each other
11 versus Kik?

12 A Because my parents couldn't know and my mom checks
13 my phone. Well, at the time she did.

14 Q Did you -- did you communicate to the defendant
15 those things and why you needed to use Kik?

16 A Yes.

17 Q Now, after you guys had been communicating via
18 Craigslist and via Kik, did your relationship turn into more,
19 instead of being friends, like a boyfriend-girlfriend type
20 relationship?

21 A Yes.

22 Q And how -- like how did it change? Was there a
23 conversation?

24 A Like -- yeah, it was just like he had just asked.

25 Q And how did he ask?

1 A I don't -- it was just like a text message, like --

2 Q Asking like if you'd be his girlfriend?

3 A Yeah.

4 Q Okay.

5 A It was like right away.

6 Q And did you agree to be his girlfriend?

7 A Yes.

8 Q After you guys started dating one another, did the
9 defendant ever ask you of -- of other photos, like if he could
10 have other photos of you?

11 A Yes.

12 Q And can you explain to me how -- how that topic came
13 up and what happened?

14 A Just for like -- like it was random, I'm pretty
15 sure. It was just like for sexy pictures and stuff like that.

16 Q He asked you for sexy pictures?

17 A Yeah.

18 Q Okay. And so when the defendant asked you for sexy
19 pictures, did you -- did you take photos of yourself?

20 A Yes.

21 Q And did you send them to him?

22 A Yes.

23 Q And when you sent them to him, did he think that
24 those were like sexy enough?

25 A No.

1 Q And then how -- so how did he express that to you?

2 A Like just gave me different positions and stuff to
3 do for the pictures.

4 Q And did this happen on one day or multiple different
5 days?

6 A Multiple different days.

7 Q Okay. Okay, Jaysenia.

8 MS. BLUTH: May I approach, Your Honor?

9 THE COURT: You may. You don't need to ask again.

10 MS. BLUTH: Okay. Thank you.

11 BY MS. BLUTH:

12 Q Okay. So I am going to show you some photos, and I
13 just want you to -- you okay?

14 A Yeah.

15 Q Okay. I just want you to thumb through these first
16 and just let me know if you recognize them, and then I'll have
17 a few questions for you, okay?

18 A Okay. Just all the pictures?

19 Q Yeah. Just look at them and then I'll have -- I'll
20 have some questions for you.

21 A Do I have to look at all of them? Yeah.

22 Q Did you look through those?

23 A Yeah.

24 Q Okay.

25 MS. BLUTH: And I'm going to put the numbers on the

1 record in one second, Your Honor, but I just want to ask her
2 some foundational questions.

3 THE COURT: Sure.

4 BY MS. BLUTH:

5 Q In regards to the questions that -- or in regards to
6 the photos that I've shown you, are these the photos that you
7 sent to the defendant after he requested that you take photos
8 and send them to him?

9 A Yes.

10 Q Okay. And are these fair and accurate copies of
11 those pictures?

12 A Yes.

13 Q Okay.

14 MS. BLUTH: Judge, at this time I'd ask to move into
15 evidence -- let me get the numbers correct.

16 THE WITNESS: Are you going to show all these
17 pictures?

18 MS. BLUTH: Just one second. Okay. So I'd ask to
19 move into evidence, Your Honor, State's Proposed 25 through --
20 excuse me, 24 through 29.

21 THE COURT: Any objection, Mr. Sprowson? Do you
22 want to see which photographs --

23 MR. SPROWSON: I haven't seen the --

24 THE COURT: -- she's referencing?

25 MR. SPROWSON: -- pictures, so -- excuse me?

1 THE COURT: Can you show them to him, please?

2 MR. SPROWSON: Yeah, I'd like to see them before I
3 object or not object. Are these all in order? Let's see.

4 MS. BLUTH: And, Your Honor, for the record, I
5 apologize. I said 29. I meant 28. So it's 24 through 28. I
6 apologize.

7 THE COURT: Thank you.

8 MR. SPROWSON: No objection, Your Honor.

9 THE COURT: All right. They'll be admitted.

10 (State's Exhibit 24-28 admitted.)

11 MS. BLUTH: Thank you.

12 BY MS. BLUTH:

13 Q So, Jaysenia, I'm going to ask you a few questions,
14 okay?

15 A Okay.

16 Q All right. So -- and I'm going to put a few of
17 these on the overhead in a second. But when the defendant
18 first asked you to take some photos, and he said, you know,
19 sexy pictures, did you -- did you really -- were you
20 comfortable or know what to do?

21 A No.

22 Q Okay. And so I'm showing you right now what's now
23 in evidence as State's 25. Are these the photos that you --

24 A Yeah.

25 Q -- originally sent thinking that they were sexy?

1 A Yeah.

2 Q Okay. And when you sent these, did the defendant
3 communicate to you that -- that he didn't like -- not that he
4 didn't like them, but that they weren't sexy?

5 A He wanted more, yeah.

6 Q Okay. Now, I'm showing you State's 26, which is --
7 looks to be -- is that your bathroom?

8 A Yeah.

9 Q Okay. Now, are these a different day than what I
10 just showed you in 25?

11 A Yes.

12 Q Okay. Now, I'm showing you State's 27.

13 A That's a different day.

14 Q Is this a different day as the other two --

15 A Yeah.

16 Q -- that I've shown you? Okay. And now showing you
17 State's 28, which is a whole bunch of photos, and you're in --

18 A All the same thing.

19 Q -- you're in the same like underwear bra set?

20 A Yeah.

21 Q Are these -- are these five pictures the -- are they
22 all on the same day?

23 A Yes.

24 Q But are they on a different day than each of the
25 ones --

1 A Yes.

2 Q -- I've just shown you? Okay. And then I'm going
3 to show you State's 24. Is this a photo of you?

4 A Yes.

5 Q And is this a different day than all the other days?

6 A Yes.

7 Q Okay. So I'm -- I'm going to try to go through
8 these as fast as possible because I know that it's not the
9 easiest thing, okay. So I'm just going to ask some real quick
10 questions and we don't -- we won't even go through all of
11 them, okay?

12 A Okay.

13 Q So now I'm going to put on the overhead State's --
14 State's 25. And are these the ones that you had originally
15 sent like thinking that they were sexy?

16 A Yes.

17 Q Okay. And then there's a second page in that, which
18 is a shot of your chest; is that right?

19 A Yes.

20 Q Okay. So these are the ones that you originally
21 sent?

22 A Yes.

23 Q Now, I'm going to move to State's 28. Showing you
24 the first page of 28. Now, this is a different day than the
25 ones I just showed you; correct?

1 A Yes.

2 Q And did you take these on your own, or did the
3 defendant request them?

4 A Well, he requested like sexy pictures, but that
5 picture I did on my own.

6 Q Okay. So he --

7 A Like my own way.

8 Q Got you. So he requested sexy pictures from you,
9 and then the first page of Exhibit 28, this was your idea of
10 like sexy?

11 A Yeah.

12 Q Okay. And then I'm going to show you the second
13 page. And whose idea was this?

14 A I think that was mine, too.

15 Q Okay. And then I'm going to show you the third
16 page. You start taking pictures of your bottom?

17 A Yeah, he wanted butt pictures.

18 Q He asked for butt pictures?

19 A Yes.

20 Q Okay. And so did he explain -- like how did he let
21 you know exactly what to do or what he wanted?

22 A He just said like, yeah, butt pictures.

23 Q Okay. Just try to talk a little bit louder, okay?

24 A Yeah.

25 Q I know it's hard. And then I'm showing you now the

1 fourth page. What was going on here?

2 A Like what do you mean? I don't --

3 Q Was this -- because some you say that you -- it was
4 your idea of how --

5 A Yeah.

6 Q -- to pose, and then some were his and he was
7 explaining to you how to pose. So I'm just asking on the
8 fourth page of that exhibit, how was that -- this done?

9 A I posed like that, but I think taking clothes off
10 was him. Like I didn't think about taking my clothes off at
11 first.

12 Q Okay. So the first time in -- like in regards to
13 the first picture that I showed you, you kept --

14 A Like my shirt on.

15 Q -- your shirt on?

16 A Yeah.

17 Q And then whose idea was it to take the clothes off?

18 A I don't remember.

19 Q That's okay. Knowing yourself and knowing --

20 A I didn't think -- like I -- the first one was my
21 idea, so I assume that we talked about me taking the shirt
22 off.

23 Q Okay. Would you -- would you have taken the shirt
24 off like on your volition?

25 A No.

1 Q Okay. And now I'm going to show you the last page
2 of Exhibit -- excuse me, the second to last page of Exhibit
3 25. Excuse me, Exhibit 28. I apologize. And is this you?

4 A Yeah.

5 Q Okay. And why did you do this pose?

6 A That was his idea.

7 Q Okay. And now the last page is -- of Exhibit 28 is
8 this.

9 A That was his idea.

10 Q Okay. And he -- I mean, what words did he use that
11 let you know --

12 A A crotch --

13 Q -- he wanted you to --

14 A -- photo.

15 Q A crotch photo?

16 A Yeah.

17 Q Okay. Now, I had asked you some questions about
18 State's Proposed -- or excuse me, now in evidence as State's
19 27. Do you see --

20 A Yeah.

21 Q -- that picture? Is that you?

22 A Yeah.

23 Q Okay. And is that -- where are you at?

24 A My bathroom.

25 Q Okay. Are all of these photos at your home?

1 A Yes.

2 Q The home that we talked about earlier --

3 A Yes.

4 Q -- that you lived with your mother and grandma?

5 A Uh-huh.

6 Q Is that a yes?

7 A Yes.

8 Q Okay. And this picture, why did you take this

9 picture?

10 A He wanted another butt picture.

11 Q A butt picture?

12 A Yeah.

13 Q Okay. And now -- and was that -- this butt picture,

14 was that a different date --

15 A Yes.

16 Q -- than the other two days we've talked about?

17 A Yes.

18 Q Now showing you what's in evidence as State's 26.

19 The second page is you, it looks like laying down in your bed;

20 is that right?

21 A Yeah.

22 Q And whose idea was it to take that photo?

23 A His.

24 Q Okay. And did he say I want breast photos or butt

25 photos or how did you know?

1 A Just like naked or like part naked.

2 Q Part naked? Okay.

3 A Not clothed.

4 Q And then showing you the first page of that same
5 exhibit, which is Exhibit 26. You're in the bathroom in that
6 same underwear, so are these taken on the same day?

7 A Yes.

8 Q And, again, is that your bathroom at your home?

9 A Yes.

10 Q And why did you go -- move into the bathroom and do
11 topless?

12 A What do you --

13 Q In the first picture we saw -- we can see you like
14 laying on a bed.

15 A Yeah.

16 Q And then it looks like you move into your bathroom
17 and you're standing. So why did you move from room to room?

18 A I don't know.

19 Q Okay. Was this on the same day that he requested
20 half nude photos?

21 A Yes.

22 Q Okay. And then lastly I'm showing you State's 24.
23 Is this your bed?

24 A Yeah.

25 Q And is that your body?

1 A Yeah.

2 Q Okay. And was this on a different day than each of
3 the other photos I've shown you?

4 A Yes.

5 Q And you're in that same pose that I had -- we had
6 talked about earlier. You said it was kind of like a photo of
7 your crotch?

8 A Yes.

9 Q Why did you take this photo, which is Exhibit 24?

10 A Because he wanted another crotch one. Like he like
11 said like spread your legs and stuff like that.

12 Q He asked you to spread your legs?

13 A Yeah.

14 Q Okay.

15 MS. BLUTH: Your Honor, I apologize. I didn't know
16 at what time you wanted me to stop.

17 THE COURT: Can we go a little bit longer, please?

18 MS. BLUTH: Sure, yeah. Just you --

19 THE COURT: Maybe until --

20 MS. BLUTH: -- tell me when.

21 THE COURT: -- about 12:30.

22 Are you guys good? Okay.

23 MS. BLUTH: Okay.

24 BY MS. BLUTH:

25 Q And so I know this seems like not a smart question,

1 but obviously your mother had no idea at this point that you
2 were even communicating with the defendant; is that right?

3 A Yeah, she had no idea.

4 Q She had --

5 A No -- yeah. Like she had no idea.

6 Q Okay. And then, obviously, she wouldn't have any
7 idea that you were sending these types of photos?

8 A Yeah.

9 Q Okay. Now, where were you working at the time?

10 A The Omelet House.

11 Q And who worked at the Omelet House with you?

12 A My grandmother.

13 Q I'm going to show you a picture. It's -- I'm
14 showing you State's Proposed Exhibit 17. Do you recognize
15 this photo?

16 A Yeah.

17 Q And who is this?

18 A Me.

19 Q And is that your Omelet House uniform?

20 A Yeah.

21 Q Okay. Is this a fair and accurate depiction of this
22 selfie that you took?

23 A Yes.

24 Q Okay.

25 MS. BLUTH: And, Your Honor, I'd move to admit into

1 evidence State's Proposed 17.

2 THE COURT: Did you show it to the defendant?

3 MS. BLUTH: I did.

4 MR. SPROWSON: Yes.

5 THE COURT: Any objections?

6 MR. SPROWSON: No objections, Your Honor.

7 THE COURT: It'll be admitted.

8 (State's Exhibit 17 admitted.)

9 MS. BLUTH: And permission to publish, please.

10 THE COURT: Yes.

11 BY MS. BLUTH:

12 Q Okay. And so this is you in the Omelet House shirt.

13 And who did you send this picture to?

14 A Melvyn.

15 Q The defendant?

16 A Yeah.

17 Q Okay. And just like before or after work or
18 something?

19 A Yeah.

20 Q Now, did he know that you were working at the Omelet
21 House?

22 A Yes.

23 Q And did there come a day when he came to your work
24 and you didn't even know --

25 A Yeah.

1 Q -- that he was there?

2 A Yeah.

3 Q Okay. Can you explain that? How did you find out?

4 A Like he had come in and then afterwards he messaged
5 me that he had saw me at work.

6 Q And did he express to you like what you were
7 wearing, or how did you know he --

8 A Yeah, like he named one of the bows because I wear
9 bows to work, well, when I worked there.

10 Q Okay. And so he explained to you what you were
11 wearing?

12 A Yeah.

13 Q Had you asked him to come see you at the Omelet
14 House, or was that his idea?

15 A That was his idea.

16 Q Did you -- and you had no idea he was there?

17 A No, not until after he texted me that he had come
18 in.

19 Q You said that you guys became boyfriend and
20 girlfriend pretty quickly. And in a moment we're going to
21 talk about August 28th when you and the defendant -- when the
22 defendant comes and picks you up at your house, okay? So I'm
23 trying to kind of figure out a timeline. You said you became
24 boyfriend and girlfriend pretty quickly --

25 A Yes.

1 Q -- after you initially started messaging each other?

2 A Yeah.

3 Q And at some point did you guys actually meet each
4 other face to face for the first time?

5 A Yes.

6 Q And where was that at?

7 A A roller skating rink.

8 Q And were you there alone, or were you there with
9 other friends?

10 A I was there with a friend.

11 Q Did you tell the defendant that you would be there?

12 A Yeah.

13 Q And did you know he was coming to the roller skating
14 rink?

15 A Yes.

16 Q Okay. And what was the plan with him coming?

17 A To just say hi and like meet me.

18 Q When -- did you get there first, or did he get there
19 first?

20 A We were there first.

21 Q You and your friend?

22 A Yeah.

23 Q And after being there for a certain period of time,
24 did you see the defendant come into the roller skating rink?

25 A Yeah.

1 Q Now, did he have skates or anything like that?

2 A No.

3 Q So what did you tell your friend about who the
4 defendant was?

5 A Like one of my old teachers.

6 Q Why did you lie to her?

7 A Because it -- I don't know. Like --

8 Q You have to talk just a little bit louder. I know
9 it's hard.

10 A I don't know. Just because it's like not good.

11 Q Okay.

12 A Like he was a lot older than me.

13 Q So you didn't feel comfortable --

14 A Yeah.

15 Q -- telling her the truth?

16 A Yeah.

17 Q You said he was a lot older. At some point did you
18 realize that he wasn't 34?

19 A Yeah.

20 Q How old was he?

21 A 44.

22 Q 44?

23 A Yeah.

24 Q Okay. By the time you meet him in person at the
25 roller skating rink, do you know his real age at that point?

1 A No. Because I remember him telling me his age when
2 I slept over.

3 Q Okay. So then at the roller skating rink when you
4 were -- when he comes in, do you leave your friend and go
5 speak to him?

6 A Yeah.

7 Q Did you guys talk for a lot of time, a little time?

8 A Not really, just like a small like real quick.

9 Q Okay. And what was the point of you guys getting
10 together that day?

11 A Just to say hi and like meet each other because I
12 had never met him. Even though he had seen me before, I had
13 never seen him before.

14 Q Okay. So you guys just have a short meeting?

15 A Yeah.

16 Q And then do you go back to roller skating and he
17 leaves?

18 A Yeah. He came pretty -- really far at the end.

19 Q Okay.

20 A Because like the roller skating rink, like you can
21 come in without skates, like without -- you can come in
22 without buying anything if you come at a certain time.

23 Q Okay.

24 A Like really late when they're about to close or
25 whatever.

1 Q Okay.

2 A So he came really late. So I think he left, and
3 then we left like really closely afterwards.

4 Q Okay. Now, did your mom have any idea at that point
5 that you were communicating with him or talking to him in any
6 way?

7 A No.

8 Q Did you continue to explain to him that your mom and
9 your family --

10 A Yes.

11 Q -- would have issues?

12 A Yes.

13 Q And because of that did you guys take certain
14 precautions so your mom wouldn't catch you?

15 A Yes.

16 Q Can you explain to me what some of those precautions
17 are?

18 A Like he wouldn't call me. Like if we were going to
19 talk on the phone, I would call him first.

20 Q Did he know not to call you?

21 A Yes, we talked about it.

22 Q And did you tell him why?

23 A Yeah.

24 Q How often were you guys communicating at this point,
25 do you think?

1 A Like every day still.

2 Q And is it --

3 A We talked and text like every day up until like that
4 day.

5 Q Okay. Before August 28th, did the defendant ever
6 give you money?

7 A Yes.

8 Q And how was it that he gave you the money?

9 A Like he transferred it to my bank account.

10 Q How did that come up? Like did you ask him for
11 money?

12 A No, I don't -- he just like -- I don't know. I
13 never asked for it. He was just like kind of like, here, this
14 is for you kind of thing.

15 Q Were you going to be starting school pretty soon,
16 like in a few weeks?

17 A Yeah.

18 Q Okay. Did you have an idea of what you were
19 supposed to use the money for?

20 A He said I could use it for whatever I wanted to.

21 Q Okay. Now, I want to talk about you said that you
22 didn't find out his age until you spent the night over at his
23 house, so I want to talk to you about that, okay? How was it
24 that you guys met up before you spent the night? Like how did
25 you initially meet that day? Where were you?

1 A Target.

2 Q And were you with a friend?

3 A Yeah, the same friend from the roller skating rink.

4 Q Okay. And had you asked your mother permission to
5 stay the night at that friend's house?

6 A Yes.

7 Q And did your mom give you permission?

8 A Yes.

9 Q And so did you end up spending the night at your
10 friend's house?

11 A No.

12 Q So what did you tell your friend?

13 A That I was going home.

14 Q And did you really go home?

15 A No.

16 Q What happened?

17 A I ended up getting picked up by the defendant.

18 Q Okay. Just talk a little bit louder. I'm sorry. I
19 don't mean to be annoying.

20 A It's okay. I just -- he picked me up.

21 Q The defendant picked you up?

22 A Yeah.

23 Q Okay. And what type -- what color was his car, do
24 you remember?

25 A Red.

1 Q And when he picks you up, where does he pick you up
2 from?

3 A The Target.

4 Q Now, was your -- did your friend see him pick you
5 up?

6 A She left first. Her mom picked her up before he
7 picked me up.

8 Q Okay. And how did the two of you make that plan,
9 like I'm going to tell my friend that I'm spending the night
10 and, you know?

11 A It was like -- it was pretty last minute because I
12 had originally thought about sleeping over my friend's house.
13 Like I really was planning on sleeping at her place. And then
14 we talked about it and it was like an opportunity for me to
15 spend the night at his place instead.

16 Q Okay.

17 A Because my mom already gave me the okay.

18 Q Got it. So you guys are communicating. And then is
19 this through Kik?

20 A Yes, and like phone calls because I would call him.

21 Q Got it. So he picks you up from the Target. And
22 then where does he take you?

23 A To his place.

24 Q Had you ever been to his place before?

25 A No.

1 Q And so when you guys get there, is it daytime, night
2 time?

3 A It's like late afternoon. Because I remember we
4 were at like that shopping area for like -- until like 4:00.
5 Like the sun was setting, but it wasn't night time.

6 Q Okay. And so when you guys get to his house, what
7 do you guys do?

8 A Like we hung out and like he showed me around and
9 stuff.

10 Q All right. Were the two of you intimate?

11 A That night, yeah.

12 Q Okay. And when I say intimate, meaning the two of
13 you had --

14 A Yeah, we had sex.

15 Q You had sex.

16 A Yeah.

17 Q Now, when you wake up in the morning, your mom still
18 thinks that you're at your friend's house.

19 A Yeah.

20 Q Do you need a break?

21 A No.

22 Q Okay. When you wake up do you call your mom and ask
23 her to --

24 A I'm sorry.

25 Q No, it's totally okay. It's totally okay. You want

1 it just right here?

2 A Yeah.

3 Q Okay. Good?

4 A Yeah.

5 Q Okay. So when you wake up your mom still thinks
6 you're at your friend's house.

7 A Yeah.

8 Q So when you call her, what do you say?

9 A Well, I just ask her if I can sleep over again.

10 Q What did your mom say?

11 A Yeah.

12 Q So when you get the permission from your mother to
13 stay another night, do you do so?

14 A Yeah.

15 Q And this is at the defendant's house?

16 A Yes.

17 Q And this is also here in Clark County in Las Vegas;
18 right?

19 A Yes.

20 Q Was it very far from where you lived?

21 A No.

22 Q On the second night, did you -- were you and the
23 defendant intimate again?

24 A I don't know.

25 Q Okay. And when you say you don't know, is there a

1 reason why you don't know, like you can't remember?

2 A I'm pretty sure that night like we drank.

3 Q You drank alcohol?

4 A Yeah.

5 Q Okay. Where did you get the alcohol?

6 A The defendant.

7 Q Okay. And so you're not quite sure if you had --

8 A Yeah, no, I'm not sure.

9 Q Okay. And that's perfectly fine. If you don't
10 know, just say you don't know, okay?

11 A Yeah.

12 Q All right. So when you wake up -- you know what,
13 and I apologize, Jaysenia, because I forgot to ask you
14 something about the first night that you were there. The
15 first night you were there and you and the defendant were
16 intimate, did he use a condom?

17 A No.

18 Q And did he tell you why you didn't need --

19 A He said he couldn't have kids, so --

20 Q Now, the -- so now let's move to the you wake up the
21 second morning. Did the defendant give you any type of gift
22 that day?

23 A Yes.

24 Q What type of gift did he give you?

25 A A ring.

1 Q A ring? Can you tell me what it looked like?

2 A It was like a diamond, like a wedding ring kind of,
3 or like a promise -- it was a promise ring.

4 Q And what did he say to you when he gave it to you?

5 A Like there was a promise that we were going to be
6 together, we were going to get married.

7 Q Okay. Did you believe -- did you think you were
8 going to be with him?

9 A Yeah.

10 Q Did you think you'd get married?

11 A Yeah.

12 Q Did you -- did you think you loved him?

13 A Yeah.

14 Q Okay. And when he gave you that ring, did -- did he
15 act like it was a special ring to him, or it was just a ring
16 laying around the house?

17 A It was special. Like he was pretty clear I could
18 not lose it, like that it was important that I didn't lose the
19 ring because it wasn't cheap.

20 Q Okay. And I'm showing you what's been marked as
21 State's Proposed Exhibit 20. Do you recognize this photo?

22 A Yeah.

23 Q Is this a photo that you took?

24 A Yeah.

25 Q Okay. And --

1 A And to clarify.

2 Q Yeah.

3 A He said this wasn't cheap. We were going to replace
4 this.

5 Q Okay.

6 A So just in case like --

7 Q Okay. All right. We'll make that clear.

8 A Okay.

9 Q Thank you for -- thank you for clarifying. So in
10 regards to this, though, is this a fair and accurate depiction
11 of the photo that you took?

12 A Yeah.

13 MS. BLUTH: And, Your Honor, I'd move to admit into
14 evidence State's Proposed 20.

15 THE COURT: Objections?

16 MR. SPROWSON: No.

17 THE COURT: That'll be admitted.

18 (State's Exhibit 20 admitted.)

19 MS. BLUTH: And permission to publish, please.

20 THE COURT: You may.

21 MS. BLUTH: Thank you.

22 BY MS. BLUTH:

23 Q So now this pink -- these pink walls and these pink
24 pillows, is this your house?

25 A That's my room, yeah.

1 Q In your mom's house?

2 A Yeah.

3 Q Okay. And this ring right here, is this the ring
4 that he gave you?

5 A Yes.

6 Q And this was the promise ring?

7 A Yes.

8 Q And had you two had like a discussion after that
9 ring about getting married and things like that?

10 A Yeah, like we were going to have a daughter and
11 stuff like that.

12 Q Okay. Did you have a name for your daughter?

13 A Audrey.

14 Q Now, when you -- when I got up there and I
15 approached you with the ring you said that he had told you
16 that one part of it was expensive and the other part you were
17 going to replace?

18 A Yeah, it's the diamond he said that wasn't cheap,
19 like that wasn't -- like don't lose it, don't --

20 Q Got you. Okay. So the center stone right here?

21 A Yeah.

22 Q And then it looks like -- sorry, there's kind of a
23 glare, sometimes it's hard, but so the actual ring part, the
24 setting part, that was the part you guys were going to
25 replace?

1 A Yeah.

2 Q Now, it looks like here it's on a necklace.

3 A Yeah, I just put it on one of my necklaces so that

4 my mom wouldn't see it.

5 Q So that your mom wouldn't see it?

6 A Yeah.

7 Q So when you do get home that day, how is that you

8 get home?

9 A He dropped me off.

10 Q At your house?

11 A I'm pretty sure. I don't really remember that.

12 Q That's okay. When you get home, though, does your

13 mom recognize that you're wearing a necklace?

14 A Not right away, but eventually she noticed that --

15 that the ring is like -- she notices the ring.

16 Q And does she ask you questions about it?

17 A Yeah.

18 Q And do you --

19 A Like where I got it, and I lied.

20 Q You lied?

21 A Yeah.

22 Q Did you like make up multiple lies?

23 A Yeah.

24 Q Did she believe any of them?

25 A No.

1 Q After you lie to her, what does she do?

2 A She took my phone and everything away.

3 Q Did she take the ring away?

4 A Yeah.

5 Q Now, after she takes your phone away, does she -- is
6 she able to look through your phone and see phone calls --

7 A Yeah.

8 Q -- from a number she doesn't recognize?

9 A Yeah.

10 Q And does she start to ask you questions in regards
11 to what's going on?

12 A Yes.

13 Q And did you lie to her?

14 A Yes.

15 Q Do you -- do you remember having a conversation with
16 the defendant where you talk to him maybe like on the way to
17 school and say to him, hey, my mom is kind of catching on to
18 some of this stuff?

19 A Yes.

20 Q And what is his response?

21 A What do you mean?

22 Q Like is he concerned, does he tell you, oh, it's
23 okay, like --

24 A He's a little concerned, too, because we won't be
25 able to talk. Like she took -- she was taking everything,

1 like my laptop.

2 Q Now, had the two of you ever spoken about a term
3 referred -- it's called emancipation?

4 A Yeah.

5 Q And how -- tell me about that. Who brought it up?
6 Did you know what it meant?

7 A I don't know who brought it up. We were talking
8 about it. I ended up looking it up, like looking up what you
9 had to do to get emancipated.

10 Q Okay. And you wanted to be emancipated because why?

11 A So we could be together.

12 Q Did your mom ever like -- did she ever hurt you?

13 A No.

14 Q Did she feed you?

15 A Yes.

16 Q Did she clothe you?

17 A Yes.

18 Q Was she a good mom?

19 A Yes.

20 Q Okay.

21 A She was definitely a great mom, but --

22 Q But you were 16; right?

23 A Yeah.

24 Q Did the defendant ever talk to you about maybe
25 getting a lawyer?

1 A Yeah, and that was his idea.

2 Q To get a lawyer?

3 A Yeah.

4 Q When you get home from school that day, does your
5 mom still take -- does your mom still take away your phone?

6 A Yeah.

7 Q Did she also take away your laptop?

8 A Yes.

9 Q Without your phone or your laptop, did you have a
10 way to contact Melvyn?

11 A No.

12 Q And at that point are you grounded? Like is she --

13 A Yes.

14 Q -- pretty upset with you?

15 A Yeah.

16 Q And are you able -- we're now talking about August
17 28th. Are you able to somehow get your laptop back?

18 A Yeah, I told her I was working on a school
19 assignment.

20 Q And when you tell your mom, hey, I'm working on a
21 school assignment, I need my laptop, does she allow you to
22 have it back?

23 A Yes.

24 Q And what do you do with it?

25 A I contact the defendant.

1 Q Okay. And what do you say?

2 A That I'm not going to be able to talk to him for
3 awhile and that we had to figure something out because, yeah,
4 if we don't now, then we're not going to be able to talk for a
5 really long time.

6 Q Okay. And so do the two of you kind of devise a
7 plan about what's going to happen?

8 A Yes.

9 Q And what's that?

10 A He was going to pick me up.

11 Q Is he going to pick you up like --

12 A That night, like late at night, like really like
13 early in the morning, late at night.

14 Q Why was he going to pick you up late at night?

15 A So that they didn't know.

16 Q Your family?

17 A Yeah.

18 Q So does he instruct you to bring any -- any pieces
19 of -- any items with you?

20 A Yeah.

21 Q What did he instruct you?

22 A Like my social security card and like my birth
23 certificate and stuff.

24 Q Did you know where those were?

25 A Yeah.

1 Q So before he comes and gets you, are you able to get
2 those things?

3 A Yes.

4 Q And are you able to get back your cell phone?

5 A Yes, and my laptop.

6 Q How did -- explain to me how you get those.

7 A Because I got my birth certificate and my social
8 security care a little bit earlier like while my mom was still
9 awake because she knew where they were and I actually didn't
10 know where they were until I like kind of ask her, but like I
11 tried to make it like nonchalant kind of ask her.

12 Q Okay.

13 A And my laptop and my phone were under her bed, so I
14 like snuck in when she was sleeping and I just grabbed them
15 like right before I left. Like that was the last thing I
16 grabbed.

17 Q Okay. When you grab those things and you leave, do
18 you leave through the front door, through a window, how did
19 you leave?

20 A The front door.

21 Q And when you left, was the defendant -- when you
22 left your home, was the defendant waiting for you?

23 A Yes.

24 Q Like right in front of the house, down the house,
25 where?

1 A Like right -- like not in front of the house, but
2 like the street right across, like -- like I just had to cross
3 right there to get to his car.

4 Q When you get to him, he's in that red car you talked
5 about?

6 A Yes.

7 Q Do you guys have a conversation when you get in the
8 car?

9 A I told him he -- I gave him like another chance.
10 Like I said he didn't have to take me and like I would
11 understand.

12 Q Okay. And what did he say?

13 A He said we're leaving. Like --

14 Q He said you guys --

15 A Yeah.

16 Q -- were leaving?

17 A Yeah.

18 Q Did he ever ask you if you got everything, like you
19 got --

20 A Yeah.

21 Q -- the items?

22 A Yeah. I first thing he had me turn my phone off,
23 like make sure my phone was off.

24 Q Did he have you turn your phone off as soon as you
25 got in that car or --

1 A Yeah, it was as soon as I got in the car.

2 Q And why did he want you to turn your phone off?

3 A Just so they couldn't track it or anything.

4 Q Meaning your family?

5 A Yeah.

6 Q Did you do so?

7 A Yeah.

8 Q Okay. Where do you guys go after you get in his
9 car?

10 A His place.

11 Q And when you get to his place, what do you guys do?

12 A Well, he changes his phone number.

13 Q The defendant changes --

14 A Yeah.

15 Q -- his phone number? Now, why did he change his
16 number?

17 A Because my mom had seen that I talked to someone
18 that she didn't know on my phone, and he didn't want them to
19 be -- my family to be able to trace back his number.

20 Q Okay. So did he change his number that night?

21 A Yes, like right when we got back.

22 Q Okay. Now, you still had, you know, your items. So
23 you had your laptop and you had the cell phone. When you get
24 there, do you make sure those things are off?

25 A Yes.

1 Q And where do you put them?

2 A Underneath like -- he had like a TV, and like under
3 his TV he had like a little opening.

4 Q Okay.

5 A So under there.

6 Q All right. Now, when you -- after you guys kind of
7 get home and get settled, do you make like a plan of how this
8 is going to work that night, or does that happen later?

9 A Later.

10 Q And the first night you stay there, the two of you
11 sleep together again?

12 A Yeah.

13 Q And by that, I mean being intimate together.

14 A Yeah.

15 Q And the next day, like at that point in time did you
16 know he was a kindergarten teacher?

17 A I found out when I was with him. I don't remember
18 him telling me beforehand, like before I ran away. I remember
19 finding out after I stayed with him that he was a teacher.

20 Q Okay. So the next day like when he, you know, gets
21 up and goes to work, do you know he's a kindergarten teacher
22 then?

23 A Yeah.

24 Q And so what's the plan since he's going to go to
25 work? Because you were in school at that point; right?

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 X PAGES 2006-2255**

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17 **CERTIFICATE OF SERVICE**

18 I hereby certify that this document was filed electronically with the Nevada
19 Supreme Court on the 2 day of May, 2018. Electronic Service of the foregoing document
20 shall be made in accordance with the Master Service List as follows:

21 ADAM LAXALT
22 STEVEN S. OWENS

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

23 I further certify that I served a copy of this document by mailing a true and
24 correct copy thereof, postage pre-paid, addressed to:

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