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Respondent.

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1 THE COURT: No? Do you know the term evidence?
2 PROSPECTIVE JUROR NO. 328: Evident?
3 THE COURT: Evidence.
4 PROSPECTIVE JUROR NO. 328: Yes.
5 THE COURT: You know that term. Okay. How about objection?
6 PROSPECTIVE JUROR NO. 328: Objection, yes.
7 THE COURT: You know that term. Okay. So do -- how -- how well do
8 you think you would fare if you were on the jury? Do you think you could pay
9 attention and -- and if you're chosen, deliberate effectively with all the other jurors?
10 PROSPECTIVE JUROR NO. 328: I'm not sure. That's my concern.
11 THE COURT: You're not sure? Okay. Are you nervous about -- about
12 serving?
13 PROSPECTIVE JUROR NO. 328: Yeah. When -- if I don't understand.
14 THE COURT: Okay. Have there been some words today you did not
15 understand? Already, some words?
16 PROSPECTIVE JUROR NO. 328: Yes, a little bit.
17 THE COURT: A little bit. You guys want to approach?
18 [Bench conference transcribed as follows.]
19 THE COURT: The law is you don't need perfect English, but you have
20 to sufficiently understand.
21 MS. KOLLINS: Can you ask her if she can read -- if she can read
22 English?
23 THE COURT: I'll ask her if she can read and how effectively she can
24 read.
25 MS. KIERNY: I think if she understands at 60 percent, I don't think

1 that's going to be enough.

2 MR. WESTBROOK: The -- the test you've made on presumption --

3 THE COURT: I -- the lowest I've gone --

4 MR. WESTBROOK: -- and --

5 THE COURT: -- is maybe, like, 75 percent is when people told me.
6 Never gone below that.

7 MR. WESTBROOK: Your test on all of the terms of our -- like
8 presumption and stuff convinced me, too. And I actually didn't know about the
9 statute. I'm glad you told me. I didn't realize there was a statute on the point.

10 THE COURT: Oh, yeah, I can show you later.

11 MR. WESTBROOK: That's awesome.

12 THE COURT: But, you and probably Carli can look it up.

13 MR. WESTBROOK: I just literally that we, like, couldn't do it. I wasn't
14 necessarily opposed to doing it, but I just thought that we couldn't. So I'm glad that
15 there's a statute on point.

16 THE COURT: Okay.

17 MS. KIERNY: With her quantifying 60 percent, that makes me
18 uncomfortable --

19 THE COURT: Okay.

20 MS. KIERNY: -- with how much she would be able to understand.

21 THE COURT: Thank you for -- all right. Thank you.

22 MR. WESTBROOK: Thanks.

23 [End of bench conference.]

24 THE COURT: All right. So -- Ms. -- Ms. Dang, I am going to excuse
25 you. Sorry for all the difficult questions, but I have to make sure. All right.

1 Because we like to -- to afford people the opportunity to serve on the jury if they
2 can. But I think in this case, I'm going to excuse you, based on language difficulty.
3 So you may gather your personal belongings and leave.

4 PROSPECTIVE JUROR NO. 328: Thank you.

5 THE COURT: Thank you. All right.

6 Anybody else who has too much difficulty speaking English? No
7 hands. All right.

8 What about is there anybody here who has trouble hearing?
9 Trouble hearing, in which case we have a head set you can wear. Trouble hearing
10 anybody? No. All right.

11 Is there anybody who here has trouble seeing? Sight -- sight
12 impaired? If you're sight-impaired, we might --

13 Yes, so there's a person in the back. Let's hear about that.
14 Badge number?

15 PROSPECTIVE JUROR NO. 253: Badge No. 253, Dylan Araque.

16 THE COURT: Mr. Araque, so you have glasses. Tell us about your
17 condition, sir.

18 PROSPECTIVE JUROR NO. 253: I have a really bad astigmatism in
19 both of my eyes. I've had it since I was nine years old. It's grown worse and worse
20 over the hours of me going to school and work constantly. I use the computer
21 about 18 hours a day to 17 hours a day.

22 THE COURT: All right. So you have special glasses that help correct
23 to some extent?

24 PROSPECTIVE JUROR NO. 253: Yes. So I have -- so the -- so for
25 my left eye I have near-sighted. On the right side, I have far-sighted.

1 THE COURT: All right. Does your prescription allow you to drive a
2 car?

3 PROSPECTIVE JUROR NO. 253: Yes.

4 THE COURT: All right. Do you believe that if you're sitting here in the
5 box, the jury box, say -- say you need to see something on the -- on the exhibit
6 monitor, if the monitor is, say, three feet away, and you're, like, on the end --

7 PROSPECTIVE JUROR NO. 253: Oh, that'd be fine.

8 THE COURT: -- would that be close enough for you to see?

9 PROSPECTIVE JUROR NO. 253: Yeah, that would be fine. That
10 would be fine. It's just that if I was from here to that TV, then I would not be able to
11 see a thing.

12 THE COURT: All right.

13 PROSPECTIVE JUROR NO. 253: So.

14 THE COURT: So you think if we made reasonable accommodations
15 for you, that you would be able to -- to see the exhibits?

16 PROSPECTIVE JUROR NO. 253: Yes.

17 THE COURT: All right. We'll try to make it work for you then.

18 PROSPECTIVE JUROR NO. 253: All right. Thank you.

19 THE COURT: All right. Thank you for disclosing that. If you're chosen,
20 we'll accommodate you. Thank you. Is there anybody else who has seeing
21 difficulties? No. Okay.

22 Is here anybody here who is 70 years of age or older? 70 years
23 of age or older?

24 Yes, sir. What is your badge number?

25 PROSPECTIVE JUROR NO. 206: Badge No. 206, Allen Stanek.

1 THE COURT: All right, Mr. Stanek. We have a statute that makes it
2 voluntary if you're 70 years of age or older you're not required to serve. So you
3 could excuse yourself or you could sit through the process and learn from it, and
4 possibly get chosen as -- as one of the -- the jurors in this case.

5 PROSPECTIVE JUROR NO. 206: I'll sit through the process.

6 THE COURT: All right. Very good. Thank you for your dedication and
7 community service, sir. All right.

8 Is there anybody else who's 70 years of age or older? No. All
9 right.

10 Is there anybody here who has been convicted of a felony and it
11 has not yet been expunged and they have not yet had their -- their rights restored?
12 Because I would need to know that. All right. I don't see any hands here. All right.

13 So the next part, I need to know if there's anybody here who has
14 some hardship that would prevent them from serving. And a hardship doesn't
15 mean -- it doesn't include things like a short vacation that you might have
16 scheduled, a couple day vacation, where you can -- if you have refundable tickets
17 and it's not for some emergency. If you have a doctor's appointment that can be
18 rescheduled, that's not a hardship. If -- if you have somebody that -- if you have a
19 young child and you need to arrange for a babysitter, and you have somebody who
20 can watch -- watch your child while you're here at no great financial burden to you,
21 then -- then that's not a hardship.

22 Some of the things that are hardships, if -- if you are seriously ill
23 and -- and can't focus or can't be here, that's a reason. If you have a medically
24 necessary procedure that you can't postpone, that -- that is a hardship. If it would
25 be financially difficult for you to be here, because you're not going to get your full

1 pay and you -- and you, basically, are working -- you're basically living paycheck to
2 paycheck, week to week, and it's going to be a severe financial hardship to you to
3 make ends meet, then I'll need you to explain that to me. That could be a hardship.
4 All right.

5 Also, if you're -- you're the sole caretaker of somebody that
6 needs round-the-clock care, and you can't make arrangements for someone else to
7 do that, then that is grounds for proving hardship.

8 Finally, if you are a public service employee in a -- in a particular
9 position where your absence for the time of trial is going to be a severe hardship to
10 the public and put safety at risk, that's also a valid concern. All right. And if you are
11 an essential employee at a place where it's -- where essential services are going to
12 be deprived at your place of business due to your absence, and your employer can
13 not make acceptable alternative arrangements, that could be a hardship.

14 So those are generally the hardships. If you've got something
15 that you're not sure, and you think might fit in the category, I'll hear from you. But
16 generally our goal here -- our justice system only works if we have people that are
17 dedicated, willing to serve, respect for -- for the Sixth Amendment to our
18 Constitution, which gives you this right to serve as a juror. Our system only works
19 when we have people bringing diverse life experiences and their willingness to
20 serve for some period of time. So I encourage you to serve. It's an extremely
21 important process. It's a process that has been around, some say, for as long
22 as 2000 years BC. We've, United States, has refined the process. So we hope
23 that you can take advantage of this opportunity to serve.

24 That being said, marshal, please pass the microphone to the first
25 row and see if there's anybody that needs to talk to me about a potential hardship.

1 Let's start with -- I'd like to start and go in order, so let's start with whoever might be
2 the lowest number.

3 154 was Kenneth Buker, we'll start with him. And if you have
4 something you need to say with me -- say to me, just stand up and state your
5 badge number and name. If you don't have anything to say, just pass the
6 microphone to the next person. Okay. All right.

7 What I'm going to do, I'll listen to everybody. I don't make the
8 decisions right now. I listen to everybody and then I make a decision who gets
9 excused.

10 Oh, one more grounds for excusal. If you're a -- if you're a
11 full-time student and you're going to miss two classes or more, that's generally a
12 good -- good excuse for -- for me. All right. Or -- or if you're going to miss a final,
13 that's a good excuse. All right. All right. Now.

14 PROSPECTIVE JUROR NO. 156: Badge 156, Claudia McNamara.

15 THE COURT: All right. What you got?

16 PROSPECTIVE JUROR NO. 156: I'm an hourly employee -- excuse
17 me -- and I'm also the sole employee for my company. So I don't know if that
18 counts.

19 THE COURT: So do you own the business?

20 PROSPECTIVE JUROR NO. 156: No.

21 THE COURT: So you're the sole employee and an hourly employee?

22 PROSPECTIVE JUROR NO. 156: Yes. If I don't work, I don't get
23 paid.

24 THE COURT: Okay. And where do you work?

25 PROSPECTIVE JUROR NO. 156: It's called Nevada Slots and

1 Supplies.

2 THE COURT: All right. And have you talked to your employer about
3 the possibility of you being here for two weeks?

4 PROSPECTIVE JUROR NO. 156: No, he knows I'm here, but we
5 didn't know that coming in. So.

6 THE COURT: All right. And what does your employer do when you
7 take a week vacation?

8 PROSPECTIVE JUROR NO. 156: I haven't even had a vacation yet
9 this year, but we try to make arrangements in advance. I have everything prepaid
10 and -- and --

11 THE COURT: What type of work are you involved in at the Slots and
12 Supplies?

13 PROSPECTIVE JUROR NO. 156: I run the office.

14 THE COURT: Is it retail, wholesale, or what?

15 PROSPECTIVE JUROR NO. 156: We sell used slot machines and
16 parts, so manufacturing and distributing.

17 THE COURT: All right. So what effect would this have on the
18 business if you were here for two weeks?

19 PROSPECTIVE JUROR NO. 156: Nothing would get done.

20 THE COURT: All right. Would you lose clients? Or Would you be
21 able to make up -- make up the lost work, once you got back?

22 PROSPECTIVE JUROR NO. 156: Probably, yes.

23 THE COURT: Could the -- could the owner come in and do some of
24 the work while you're gone?

25 PROSPECTIVE JUROR NO. 156: He's semi-retired and is in San

1 Diego most of the time.

2 THE COURT: All right. Do you know of anyone else who could come
3 in and do part of the work while you're gone?

4 PROSPECTIVE JUROR NO. 156: No.

5 THE COURT: All right. Well --

6 PROSPECTIVE JUROR NO. 156: It's software-driven, and
7 database-driven. So.

8 THE COURT: So how much revenue would the company lose over
9 the next two weeks, if you know?

10 PROSPECTIVE JUROR NO. 156: I don't know if we would lose
11 anything. Everything would just be in arrears, or stale-dated, I guess.

12 THE COURT: Okay. All right. Well, I'll talk some more with the
13 attorneys and we'll get back to you on that one. Okay. Okay. All right.

14 Who's next on that row? Anybody else? Pass it down until
15 someone wants to talk to me.

16 Hi.

17 PROSPECTIVE JUROR NO. 164: Hi. Badge No. 164, Ortiz.

18 THE COURT: Yes, Ms. Ortiz, what would you like to say?

19 PROSPECTIVE JUROR NO. 164: I'm currently on maternity leave. I
20 just had a baby via C-section 11 weeks ago, and I'm breastfeeding. My fiancé took
21 the day off to be with the baby. He is not going to get paid, and he's going to get
22 written up for today, so I'm hoping that I can get excused.

23 THE COURT: And how old is the baby now? How many weeks?

24 PROSPECTIVE JUROR NO. 164: 11 weeks.

25 THE COURT: 11 weeks?

1 PROSPECTIVE JUROR NO. 164: Uh-huh.
2 THE COURT: Okay. And your husband took time off work to be here?
3 PROSPECTIVE JUROR NO. 164: Yes.
4 THE COURT: Would -- I mean, would his employer allow him to take
5 two weeks off to -- to accommodate you?
6 PROSPECTIVE JUROR NO. 164: I don't think so. It's based on PTO.
7 THE COURT: Okay. All right. And is he the only one working in your
8 family?
9 PROSPECTIVE JUROR NO. 164: Yes.
10 THE COURT: All right. Well, I'll get back to you on that. Thank you.
11 PROSPECTIVE JUROR NO. 165: Badge No. 165, Murphy. I'm a
12 full-time student at UNLV and my finals are next week and the week after.
13 THE COURT: Full-time student?
14 PROSPECTIVE JUROR NO. 165: Yeah.
15 THE COURT: And finals start next week?
16 PROSPECTIVE JUROR NO. 165: Finals start the 8th. Next week is
17 study week, so, basically, you study all week.
18 THE COURT: I see.
19 PROSPECTIVE JUROR NO. 165: And there's -- I still have classes
20 that are held Monday, Wednesdays, from 1:00 to 8:00 p.m.
21 THE COURT: All right. Thank you. All right. You have a seat and
22 we'll get back to you. All right.
23 Anybody in the next row?
24 Marshal, bring it back to Cindy Doyle.
25 PROSPECTIVE JUROR NO. 166: Hi. Badge No. 166, Doyle. And I

1 have a one-year-old, and I'm a single mom, so if I work -- if I don't come in for two
2 weeks, I don't make money. So.

3 THE COURT: Okay. Where do you work?

4 PROSPECTIVE JUROR NO. 166: At the Orleans.

5 THE COURT: What's your normal shift there?

6 PROSPECTIVE JUROR NO. 166: I work from -- between -- two days
7 a week I work in the day, and then the other two I work at night. So from 10:00
8 to 2:00 in the morning, depends.

9 THE COURT: All right. And the other two days during the day?

10 PROSPECTIVE JUROR NO. 166: Yeah.

11 THE COURT: What -- can you tell us what time you work in the day,
12 your day shift?

13 PROSPECTIVE JUROR NO. 166: Between -- it starts at -- either
14 at 10:00 a.m., or 11:00 to about 6:00, 7:00.

15 THE COURT: And so it sounds like you're really saying this is a
16 financial hardship --

17 PROSPECTIVE JUROR NO. 166: Yeah.

18 THE COURT: -- because you don't want to take off work to --

19 PROSPECTIVE JUROR NO. 166: Well, I don't get paid.

20 THE COURT: Won't -- won't get paid, right. No, I understand that.
21 You must have someone who watches your one-year-old when you're working?

22 PROSPECTIVE JUROR NO. 166: I -- actually, I don't at the moment. I
23 have one person, and it's my stepmom, because she's in town from Utah.

24 THE COURT: Okay. So -- so you would be able to -- she could stay
25 from Utah for a couple more weeks, while you're in trial?

1 PROSPECTIVE JUROR NO. 166: Well, she works in Utah.
2 THE COURT: Okay.
3 PROSPECTIVE JUROR NO. 166: She's here because her dad is sick.
4 THE COURT: So what do you plan to do once your --
5 PROSPECTIVE JUROR NO. 166: I've actually been looking into day
6 cares all day today, sitting --
7 THE COURT: Okay. So --
8 PROSPECTIVE JUROR NO. 166: -- in the lobby, yeah.
9 THE COURT: So once your stepmom leaves, you won't have
10 anybody?
11 PROSPECTIVE JUROR NO. 166: Yeah.
12 THE COURT: All right. And are you living paycheck to paycheck?
13 PROSPECTIVE JUROR NO. 166: Yeah.
14 THE COURT: Do you have any significant assets saved? Do you own
15 your own house?
16 PROSPECTIVE JUROR NO. 166: No.
17 THE COURT: Do you own your own -- own any real property?
18 PROSPECTIVE JUROR NO. 166: No.
19 THE COURT: All right. Do you have more than, you know, \$2,000 in a
20 savings account?
21 PROSPECTIVE JUROR NO. 166: No.
22 THE COURT: Okay. All right. And thank you for speaking out. I
23 appreciate your time.
24 PROSPECTIVE JUROR NO. 166: Okay. Thanks.
25 THE COURT: Thank you. I'll get back to you. All right.

1 Who else in that row? Hi.

2 PROSPECTIVE JUROR NO. 183: Badge 183, Jose Reyes.

3 THE COURT: Yes, Mr. Reyes?

4 PROSPECTIVE JUROR NO. 183: Mine would pretty much be a
5 financial hardship, as well. I have a wife and three kids. And she works part-time,
6 and I'm pretty much check-to-check, so it would -- it would hurt to be out for two
7 weeks.

8 THE COURT: So how old are the -- the kids?

9 PROSPECTIVE JUROR NO. 183: Nine, six, and four.

10 THE COURT: And who watches them when you and your wife are
11 both at work?

12 PROSPECTIVE JUROR NO. 183: Mother-in-law.

13 THE COURT: All right. And how -- how many hours a week does your
14 wife work?

15 PROSPECTIVE JUROR NO. 183: She works part-time, so she --
16 anywhere from 10 to 30.

17 THE COURT: And how many hours a week do you work?

18 PROSPECTIVE JUROR NO. 183: I work 40.

19 THE COURT: All right. What's your job, sir?

20 PROSPECTIVE JUROR NO. 183: I'm a cook at the Cosmopolitan.

21 THE COURT: All right. So -- so are -- are you basically living week to
22 week, even with both you and your -- your spouse working?

23 PROSPECTIVE JUROR NO. 183: Yeah, she's has slow seasons.
24 She's a waitress and --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 183: -- it's really slow at her place.

2 THE COURT: Do you own your own house?

3 PROSPECTIVE JUROR NO. 183: I rent a house.

4 THE COURT: You're renting a house? All right. Do you have any
5 significant assets, a savings account over \$2,000?

6 PROSPECTIVE JUROR NO. 183: No, not at all.

7 THE COURT: Do you own any other significant assets?

8 PROSPECTIVE JUROR NO. 183: No.

9 THE COURT: All right.

10 PROSPECTIVE JUROR NO. 183: Just car payments and stuff.

11 THE COURT: All right. At the end of each month, do you have any
12 discretionary, disposable, income after you pay all your bills?

13 PROSPECTIVE JUROR NO. 183: No.

14 THE COURT: Okay. Your employer is not going to pay you while
15 you're here?

16 PROSPECTIVE JUROR NO. 183: No. Not as far as I know, no.

17 THE COURT: All right. Well, thank you, sir. I'll get back to you.

18 PROSPECTIVE JUROR NO. 183: Thank you.

19 THE COURT: All right. Anybody else in that row?

20 Hi, sir.

21 PROSPECTIVE JUROR NO. 196: Hi. Badge No. 196, Roberts.

22 THE COURT: Yes, Mr. Roberts.

23 PROSPECTIVE JUROR NO. 196: Yes. I'm a school teacher at Kenny
24 C. Guinn Middle School, and we have standardized tests coming up very shortly,
25 and I got -- I just feel like being out two weeks would affect that. Because the

1 district is starting to go by our -- our pay goes by how well they do on tests; that's
2 what they're starting to lean towards. So.

3 THE COURT: Yeah. When do those standardized tests begin?

4 PROSPECTIVE JUROR NO. 196: May 15th.

5 THE COURT: May 15th. Okay. So you wanted to be there to teach
6 the kids?

7 PROSPECTIVE JUROR NO. 196: Exactly.

8 THE COURT: Have you had any particular substitute that you trust
9 that you've called in before?

10 PROSPECTIVE JUROR NO. 196: Not really. I really don't miss a
11 whole lot of days of school. So.

12 THE COURT: Yeah. What grades are you teaching in middle school?

13 PROSPECTIVE JUROR NO. 196: I teach eighth grade.

14 THE COURT: Eighth grade? And how many kids do you have in your
15 classes?

16 PROSPECTIVE JUROR NO. 196: I'd say roughly around 140.

17 THE COURT: Okay. A hundred -- and that's several different classes?

18 PROSPECTIVE JUROR NO. 196: Yeah, I have six classes of --
19 ranging from 30 to 20.

20 THE COURT: And so would all 140 kids lose the ability of your
21 teaching and have to deal with a substitute between now and -- and the end of trial
22 if you were here?

23 PROSPECTIVE JUROR NO. 196: Yes.

24 THE COURT: Does the school at least have a procedure to -- to bring
25 in a substitute who can teach them on the standardized test, if -- in your absence?

1 PROSPECTIVE JUROR NO. 196: Sometimes we can get other
2 teachers around the school to fill in the spot during their prep time, but...

3 THE COURT: Sounds like you've got a hesitancy to do that.

4 PROSPECTIVE JUROR NO. 196: Fill in?

5 THE COURT: You're -- you're not -- you don't want to do it that way,
6 though?

7 PROSPECTIVE JUROR NO. 196: No, I don't like doing it that way.
8 And we don't -- the school doesn't care for long-term subs, either. Because most of
9 the time kids don't do that well with subs, anyways.

10 THE COURT: Yeah. I am concerned about the impact this would have
11 on 140 kids. I'll make a note and we'll get back to you on that one. Thank you.

12 PROSPECTIVE JUROR NO. 196: Okay.

13 THE COURT: All right. Who's next?

14 PROSPECTIVE JUROR NO. 199: Badge No. 199, Fable Silverberg. I
15 actually have a question, because I don't know if this falls under hardship or not,
16 but my question is transportation.

17 THE COURT: Uh-huh.

18 PROSPECTIVE JUROR NO. 199: Because I don't own a car, and I'm
19 unemployed right now. So I don't know if a bus pass could be provided or
20 something of that sort. That's my only concern.

21 THE COURT: Well, yeah, there's no -- I can't make -- I can't get you a
22 bus pass, no. So it really comes down to whether it would be a financial hardship
23 for you to have to pay for a bus. And sometimes -- sometimes it is, you know.

24 PROSPECTIVE JUROR NO. 199: Yeah.

25 THE COURT: But I --

1 PROSPECTIVE JUROR NO. 199: I'm unemployed, like I said.

2 THE COURT: I usually like to have people that have that -- that type of
3 issue see if there's a neighbor or friend or a sister or somebody that you know close
4 who can -- who can drive you and pick you up each day. Do you know anybody
5 that could meet that?

6 PROSPECTIVE JUROR NO. 199: No.

7 THE COURT: All right. Do you -- do you -- you live by yourself?

8 PROSPECTIVE JUROR NO. 199: No. I live with my parents, but they
9 don't have a car, either.

10 THE COURT: They don't have a car either?

11 PROSPECTIVE JUROR NO. 199: Uh-uh.

12 THE COURT: Can -- can they loan you the bus money?

13 PROSPECTIVE JUROR NO. 199: SSI. They're on Social Security, so
14 everything is with bills.

15 THE COURT: All right. All right. Thank you very much. I'll get back to
16 you.

17 PROSPECTIVE JUROR NO. 203: Badge No. 203, Wallace.

18 THE COURT: All right, Mr. Wallace.

19 PROSPECTIVE JUROR NO. 203: I'm also a high school teacher, and
20 we're coming up on end-of-course exams next week.

21 THE COURT: What school?

22 PROSPECTIVE JUROR NO. 203: Sunrise Mountain High School.

23 THE COURT: All right. How many students do you teach?

24 PROSPECTIVE JUROR NO. 203: I believe there's 162 total.

25 THE COURT: All right. So this is a little bit different. This isn't the

1 standardized testing, but it's just end-of-course exams?

2 PROSPECTIVE JUROR NO. 203: It's the new standardized testing
3 that --

4 THE COURT: Oh.

5 PROSPECTIVE JUROR NO. 203: -- the kids have to pass to graduate.

6 THE COURT: All right. Is that around May 15th, also?

7 PROSPECTIVE JUROR NO. 203: It actually starts on Monday, part of
8 it. It's going to run for the next three to four weeks.

9 THE COURT: So you don't need to prep them, but you're saying you
10 need to be there to administer the test?

11 PROSPECTIVE JUROR NO. 203: Yes.

12 THE COURT: All right. And how long does the test last, did you say?

13 PROSPECTIVE JUROR NO. 203: Usually, it's -- it depends on the
14 days, but when -- it's going to run every day next week. It -- certain kids they bring
15 in each day, it goes alphabetically, so they bring in A through whatever the first day.
16 Next day would be the next group, and all the way down.

17 THE COURT: So explain to me why it's so crucial for you to be there to
18 administer that test, rather than getting a -- a substitute.

19 PROSPECTIVE JUROR NO. 203: I guess it -- I guess, technically, it
20 wouldn't be crucial. It's just hard to get subs up there and when I do get subs, they
21 don't really do anything. So.

22 THE COURT: Okay. So, I mean, you're doing your due diligence and
23 looking out for your kids at school to -- to raise that point. This one seems a little bit
24 questionable, but -- but, I'm not sure. I'm going to talk to the attorneys and then --

25 PROSPECTIVE JUROR NO. 203: Okay.

1 THE COURT: -- and then make a decision. All right.

2 PROSPECTIVE JUROR NO. 203: Okay.

3 THE COURT: All right. Thank you, sir. All right.

4 Who's next?

5 PROSPECTIVE JUROR NO. 212: 212, Lacroix.

6 THE COURT: Mr. Lacroix?

7 PROSPECTIVE JUROR NO. 212: Not necessarily a hardship, just a
8 fact, so to speak. I just underwent cancer surgery, and had some problems, as of
9 eight weeks ago. Ended -- unexpectedly ended up back in the hospital for seven
10 days.

11 THE COURT: Oh. Okay.

12 PROSPECTIVE JUROR NO. 212: Went back two weeks ago and the
13 mass is back, and kind of treatment right now. And I'm just saying, unexpectedly, I
14 could, you know --

15 THE COURT: Yeah.

16 PROSPECTIVE JUROR NO. 212: -- have to leave like I did eight
17 weeks, you know.

18 THE COURT: Are you undergoing any treatment that would impair
19 your concentration?

20 PROSPECTIVE JUROR NO. 212: Not at the moment.

21 THE COURT: Well, not at the moment, but something could arise, so
22 you're letting us know?

23 PROSPECTIVE JUROR NO. 212: That's all I'm saying, yeah.

24 THE COURT: All right. And that's -- that's why we have a couple of
25 alternates, if something happened --

1 PROSPECTIVE JUROR NO. 212: Yeah.
2 THE COURT: -- we could always let you go.
3 PROSPECTIVE JUROR NO. 212: I'm good.
4 THE COURT: Are you willing to give it a try?
5 PROSPECTIVE JUROR NO. 212: Oh, no, absolutely.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 212: I just wanted to make sure that, you
8 know.
9 THE COURT: All right. No, thank you. You did the right thing in letting
10 us know. Thank you very much. We'll -- we'll try to make it work and see how it
11 goes.
12 PROSPECTIVE JUROR NO. 212: Thank you.
13 THE COURT: All right. Thank you, sir. All right.
14 Who's next?
15 PROSPECTIVE JUROR NO. 214: 214, Erdmann.
16 THE COURT: Yes?
17 PROSPECTIVE JUROR NO. 214: My company will pay for me to be
18 here, but I will lose 10 percent of my pay, and I am a single income family, so. And
19 three weeks would be a lot of -- would be a lot of money to lose.
20 THE COURT: Okay. Three weeks, you lose 10 percent of your salary
21 for three weeks?
22 PROSPECTIVE JUROR NO. 214: Yep.
23 THE COURT: All right.
24 PROSPECTIVE JUROR NO. 214: Because I work second shift, so I
25 get a shift --

1 THE COURT: What type of job are you in, sir?
2 PROSPECTIVE JUROR NO. 214: I fix airplanes.
3 THE COURT: Okay. And do you -- do you own your own home?
4 PROSPECTIVE JUROR NO. 214: We do, but, I mean, we're paying for
5 it monthly. It's not paid off.
6 THE COURT: You have a mortgage?
7 PROSPECTIVE JUROR NO. 214: Yeah.
8 THE COURT: Do you know if you -- the amount of equity in your home,
9 if any?
10 PROSPECTIVE JUROR NO. 214: We just bought it a couple of years
11 ago, so -- I think three years ago, so it's mainly interest we've paid.
12 THE COURT: Okay. All right. And what is your marital status?
13 PROSPECTIVE JUROR NO. 214: Married. I got an eight-year-old and
14 an older one in the Army.
15 THE COURT: All right. And does your spouse work?
16 PROSPECTIVE JUROR NO. 214: No.
17 THE COURT: Okay. All right. All right, sir. Thank you. We'll get back
18 to you on that one. Thank you. All right.
19 PROSPECTIVE JUROR NO. 217: Badge 217, Cummins.
20 THE COURT: Yes? Hi, Ms. Cummins.
21 PROSPECTIVE JUROR NO. 217: I am also a cancer survivor. And
22 the disease management protocol for me is MRIs every three months, two times -- I
23 get two MRIs, one on one day, one on another, and then bloodwork. Number one
24 MRI is tomorrow, and number two MRI is the next day, also the bloodwork. And to
25 extend -- extend this further for me would be the hardship, because the cancer I

1 have is called rare and aggressive, and it needs to be constantly monitored.

2 THE COURT: Okay. All right. Well, thank you for that information.
3 Sorry about your health issues. Wish you the best, ma'am. All right.

4 Who's next?

5 Thank you, marshal.

6 Is that the last row back there? Anybody need to talk to me in
7 that last row? No? Okay.

8 Then we come all the way over to here.

9 PROSPECTIVE JUROR NO. 253: Badge No. 253, Dylan Araque. I
10 am current --

11 THE COURT: 253. Yes, Mr. Araque.

12 PROSPECTIVE JUROR NO. 253: Yes. So I'm actually -- I do full-time
13 work and I actually am a part-time student at College of Southern Nevada. We do
14 have -- this week, I actually have -- I actually have an exam today, after -- around --
15 at 6:00 p.m. I also have exams coming up the next two weeks. And I feel as if that
16 I don't -- I don't know how much -- I usually work and I go to school at night. So
17 whatever time I have free, I usually use it to study or do homework.

18 THE COURT: So an exam today at 6:00 p.m.

19 PROSPECTIVE JUROR NO. 253: Uh-huh.

20 THE COURT: And then another exam next week?

21 PROSPECTIVE JUROR NO. 253: And I have one on Wednesday, and
22 also, as well, at 6:00 p.m. And then I have an exam next Tuesday at 6:00 p.m., and
23 then May -- I think it's --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 253: -- the week of -- after Cinco de

1 Mayo, I have the two final exams.

2 THE COURT: That's a lot of exams for part time.

3 PROSPECTIVE JUROR NO. 253: Yeah, because they -- what they do
4 is that they do an end of the chapter, the review, and then the final exam.

5 THE COURT: What are you studying for?

6 PROSPECTIVE JUROR NO. 253: Bio chemistry, so I want to actually
7 do pharmaceutical.

8 HE COURT: Okay. Great. Well, you have a lot of studying to do and
9 exam today at 6:00. I'm going to make an exception and excuse you right now.

10 PROSPECTIVE JUROR NO. 253: Okay. Thank you.

11 THE COURT: All right. Grab your belongings and -- and go -- go get
12 back to studying. Okay.

13 PROSPECTIVE JUROR NO. 253: Thank you.

14 THE COURT: Good luck to you. 253 excused for hardship.

15 Who else do we got there?

16 PROSPECTIVE JUROR NO. 284: 284, and my --

17 THE COURT: 2 what?

18 PROSPECTIVE JUROR NO. 284: 84.

19 THE COURT: 284, Patricia Vergel.

20 PROSPECTIVE JUROR NO. 284: Yes. Actually, the position where
21 I'm working, I have appointments scheduled all week, and I'm still on probation.

22 THE COURT: You're -- I don't --

23 PROSPECTIVE JUROR NO. 284: I'm still on probation.

24 THE COURT: You're on probation?

25 PROSPECTIVE JUROR NO. 284: Uh-huh.

1 THE COURT: For your employer?
2 PROSPECTIVE JUROR NO. 284: Yeah.
3 THE COURT: Where do you work?
4 PROSPECTIVE JUROR NO. 284: I work for the State of Nevada
5 Welfare.
6 THE COURT: The Welfare Department?
7 PROSPECTIVE JUROR NO. 284: Yes.
8 THE COURT: All right. So they can't take any adverse actions against
9 you by virtue of you being a juror. They can't fire you. They can't demote you.
10 They can't do anything bad against you for being here. All right. But --
11 PROSPECTIVE JUROR NO. 284: Right.
12 THE COURT: So let's talk about what other issues you might have. I
13 sense an accent. Do you speak English well enough to serve?
14 PROSPECTIVE JUROR NO. 284: Yeah.
15 THE COURT: Okay. Very good. And would it be a financial hardship
16 for you to serve?
17 PROSPECTIVE JUROR NO. 284: Well, yeah. That, too.
18 THE COURT: Well, tell me about your financial condition.
19 PROSPECTIVE JUROR NO. 284: I'm the only person working.
20 THE COURT: How many people in your family?
21 PROSPECTIVE JUROR NO. 284: Well, I have two daughters, but
22 they're already over 18.
23 THE COURT: All right.
24 PROSPECTIVE JUROR NO. 284: And --
25 THE COURT: So you don't -- you don't support them?

1 PROSPECTIVE JUROR NO. 284: My youngest, she's -- she went to
2 university and I'm helping her with expenses.

3 THE COURT: All right. And are you living by yourself now?

4 PROSPECTIVE JUROR NO. 284: Yes.

5 THE COURT: So you're single. And do you own your own house?

6 PROSPECTIVE JUROR NO. 284: I'm still paying for it.

7 THE COURT: All right. But you own your own house?

8 PROSPECTIVE JUROR NO. 284: Yeah.

9 THE COURT: And you're paying the mortgage?

10 PROSPECTIVE JUROR NO. 284: Yes.

11 THE COURT: All right. How long have you owned the house?

12 PROSPECTIVE JUROR NO. 284: About five years.

13 THE COURT: And do you have equity in your house? Do you know
14 how much?

15 PROSPECTIVE JUROR NO. 284: I'm not sure.

16 THE COURT: Okay. Do you own -- do you have car payments?

17 PROSPECTIVE JUROR NO. 284: Yes.

18 THE COURT: How many car payments?

19 PROSPECTIVE JUROR NO. 284: One.

20 THE COURT: Okay. And do you have any other significant expenses?

21 PROSPECTIVE JUROR NO. 284: No, I don't.

22 THE COURT: Okay. At the end of each month, do you have any
23 disposable, discretionary money that you can spend on entertainment or vacation,
24 things like that?

25 PROSPECTIVE JUROR NO. 284: No, not really.

1 THE COURT: Not really? So you're living, basically, paycheck to
2 paycheck?

3 PROSPECTIVE JUROR NO. 284: Yes.

4 THE COURT: Do you have -- do you have money, a little bit of money
5 in a savings account that could help you get through these next two weeks, if you
6 had to?

7 PROSPECTIVE JUROR NO. 284: Not much.

8 THE COURT: Not much.

9 PROSPECTIVE JUROR NO. 284: My concern is with my job, because
10 I'm -- I'm still -- I have appointments already set up, and I'm a case manager.

11 THE COURT: Case manager.

12 PROSPECTIVE JUROR NO. 284: So I can't just reschedule the
13 appointments.

14 THE COURT: So how many -- how many appointments do you have?

15 PROSPECTIVE JUROR NO. 284: I have at least three or four per day.

16 THE COURT: Okay. And those are for people that have welfare
17 issues that they need help with?

18 PROSPECTIVE JUROR NO. 284: Yes.

19 THE COURT: All right. If you can't -- if you call in sick someday, what
20 happens to those appointments?

21 PROSPECTIVE JUROR NO. 284: I haven't been able to call sick,
22 because I'm still on probation.

23 THE COURT: How long have you been there?

24 PROSPECTIVE JUROR NO. 284: I've been working almost five years
25 for the State, but I just got this position about three months ago.

1 THE COURT: Oh, three months. Okay. All right. These
2 appointments, are they with people that you have established working client
3 relationships with, or are they, like, just different people each -- each day?

4 PROSPECTIVE JUROR NO. 284: It's the first-time appointment for --

5 THE COURT: First time? So do they have a -- what's -- what's your
6 job called? You said case manager?

7 PROSPECTIVE JUROR NO. 284: Administrative assistant IV.

8 THE COURT: So if you didn't come in, could they get somebody else
9 to handle some of the work --

10 PROSPECTIVE JUROR NO. 284: I have --

11 THE COURT: -- for a couple of weeks?

12 PROSPECTIVE JUROR NO. 284: -- a backup, but she has her own
13 appointments, too.

14 THE COURT: Yeah. Okay. Okay. Well, thank you for explaining that,
15 how it works, to me. And thank you for your hard work. And we'll get back to you.
16 Okay. Thank you. All right.

17 Marshal, the other side. Let's start, No. 1. Or who would be --
18 Loreto Agbuya, 286, if she has anything. Or who's first?

19 PROSPECTIVE JUROR NO. 288: Hi. Badge 288, Maureen Knoblock.

20 THE COURT: Maureen Knoblock. Okay. Yes?

21 PROSPECTIVE JUROR NO. 288: I have problems -- I had neck
22 surgery five years ago, and I have continual muscle nerve damage and I get
23 spasms. I'm on medication. And some days are good and some days aren't, so I
24 just thought I'd mention it.

25 THE COURT: All right. And do you take the medication before or after

1 the spasm starts?

2 PROSPECTIVE JUROR NO. 288: No, I take two muscle relaxers a
3 day, and then --

4 THE COURT: Two per day.

5 PROSPECTIVE JUROR NO. 288: -- non-narcotic pain pills. And then
6 I still get really bad headaches in the back of my head, so it's hard for me to stay up
7 for hours and hours without leaning back on a recliner to rest the muscles.

8 THE COURT: Okay. Would a -- a pillow or special chair help?

9 PROSPECTIVE JUROR NO. 288: I could try it, but, you know, if I get
10 chosen if I have problems.

11 THE COURT: Does the muscle relaxant medication affect your ability
12 to concentrate or your memory?

13 PROSPECTIVE JUROR NO. 288: Well, I get sleepy sometimes, like,
14 when I'm sitting.

15 THE COURT: If you got sleepy and -- could you raise your hand to let
16 us know that you need some fresh air or a break, so you could stay alert?

17 PROSPECTIVE JUROR NO. 288: Yes.

18 THE COURT: All right. Do you -- are you willing to give it a try? Try to
19 make it work?

20 PROSPECTIVE JUROR NO. 288: Sure. Yeah, I'll try.

21 THE COURT: All right. If, during this jury selection process, you find
22 it's just too unbearable or uncomfortable, raise the issue with us again, okay?

23 PROSPECTIVE JUROR NO. 288: Okay. Thank you.

24 THE COURT: All right. Thank you.

25 PROSPECTIVE JUROR NO. 288: Thank you.

1 THE COURT: All right. Who else?
2 PROSPECTIVE JUROR NO. 302: Badge No. 302.
3 THE COURT: Ms. Saiz?
4 PROSPECTIVE JUROR NO. 302: Saiz.
5 THE COURT: Yes?
6 PROSPECTIVE JUROR NO. 302: Yes. Hi. I'm not working right now.
7 My husband is the only one working. We have seven kids. I had surgery two
8 weeks ago and it's the gastric bypass. So I'm not eating very well, and most of the
9 time I feel weak. And my -- I have kids at home. Most of them go to school, but I
10 have two at home that I can't afford to take them to babysitter, since I'm not
11 working.
12 THE COURT: And you have a husband that -- is your husband
13 working, you said?
14 PROSPECTIVE JUROR NO. 302: My husband.
15 THE COURT: And where does he work?
16 PROSPECTIVE JUROR NO. 302: He works at Goodfellows
17 Corporation.
18 THE COURT: Is that a bonding company? Bail bond? No?
19 PROSPECTIVE JUROR NO. 302: No, it's like a -- they do machines
20 to -- rock crushing machines.
21 THE COURT: Oh, okay.
22 PROSPECTIVE JUROR NO. 203: Yeah.
23 THE COURT: Do you normally need both you and he working, in --
24 PROSPECTIVE JUROR NO. 302: Yes.
25 THE COURT: -- order to make enough money?

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1 PROSPECTIVE JUROR NO. 302: Yes.
2 THE COURT: So with you not working, now it's -- you're living
3 paycheck --
4 PROSPECTIVE JUROR NO. 302: It's really hard right now.
5 THE COURT: What are the ages of your kids?
6 PROSPECTIVE JUROR NO. 302: I have a two-year-old, a
7 four-year-old, a seven, a six, a eight, 10, a 13, and a 15-year-old.
8 THE COURT: Who's watching them when you're normally working,
9 when you do have a job and you're working?
10 PROSPECTIVE JUROR NO. 302: I pay a babysitter.
11 THE COURT: Okay.
12 PROSPECTIVE JUROR NO. 302: Yeah.
13 THE COURT: All right. And while you're not working, you can't afford a
14 babysitter, right?
15 PROSPECTIVE JUROR NO. 302: No.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 302: No. It's --
18 THE COURT: Do you own -- I got to ask you, you don't own your own
19 house, do you?
20 PROSPECTIVE JUROR NO. 302: No.
21 THE COURT: And you don't have any substantial assets in a savings
22 account?
23 PROSPECTIVE JUROR NO. 302: No. Uh-uh.
24 THE COURT: Okay. All right. Thank you. I appreciate that, ma'am.
25 PROSPECTIVE JUROR NO. 302: Okay. Thank you.

1 THE COURT: You can sit down.

2 Who else needs to talk to me?

3 PROSPECTIVE JUROR NO. 304: Me.

4 THE COURT: We're going to go maybe five more minutes and take a
5 break.

6 Yep?

7 PROSPECTIVE JUROR NO. 304: Badge 304, Lisa Schirmeister. I'm
8 a single parent. I really don't have \$2,000 in assets. I take -- my daughter only has
9 to go to school one day a week, and that would probably be where the main conflict
10 would be. She goes to school from 12:00 to 3:45. If I needed to, I might be able to
11 get my older daughter to drive her for me.

12 My work coverage is a hit or miss, because we deal -- it changes
13 on a daily basis a lot of times, because we deal with people on life support
14 machines and CPRs and everything else. They usually -- we can get coverage,
15 some days we do run. I don't have any PTO. I don't have the 2,000 saved,
16 because I just came back from two vacations. I'm not going to lie.

17 THE COURT: That's all right.

18 PROSPECTIVE JUROR NO. 304: I know they're paying me --

19 THE COURT: Do you own your own house?

20 PROSPECTIVE JUROR NO. 304: No. I'm renting an apartment.

21 THE COURT: Renting?

22 PROSPECTIVE JUROR NO. 304: I know I get paid for being here,
23 they'll reimburse me for being here for a full day's pay while I'm here today. I don't
24 know if that will go for two weeks or not. So if they do, then, yeah.

25 THE COURT: Well, you got to find out.

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1 PROSPECTIVE JUROR NO. 304: Well, I can't while I'm in here, and I
2 just found out two weeks. I would have to call them and ask them.

3 THE COURT: Yeah, I'll give you a break, you can find out and let us
4 know.

5 PROSPECTIVE JUROR NO. 304: Yeah, that's all I would have to do.
6 Like I said, I know they do pay us for jury duty; I just don't know how many days
7 they pay us for jury duty. But, I only work two to three days a week.

8 THE COURT: Sounds like you got a good excuse if you can't get paid,
9 but let's find out.

10 PROSPECTIVE JUROR NO. 304: Yeah.

11 THE COURT: All right. And you --

12 PROSPECTIVE JUROR NO. 304: But, like I said, it's, like --

13 THE COURT: -- have one child and you're single, right?

14 PROSPECTIVE JUROR NO. 304: Yeah. And then, like I said, I only
15 work usually -- I work, like, Sunday, Monday, and a Saturday, or I work, like,
16 Sunday, Monday, Tuesday. So it's either, like, Monday and Tuesdays are my
17 normal days or just one during the week, and then I just, like, my daughter is the
18 only one I would have to find transportation for.

19 THE COURT: All right. Thank you.

20 PROSPECTIVE JUROR NO. 304: You're welcome.

21 THE COURT: Who else?

22 PROSPECTIVE JUROR NO. 315: Badge No. 315, Mariah Peek.

23 THE COURT: Yes?

24 PROSPECTIVE JUROR NO. 315: I'm a part-time student and I start
25 my classes at 5:00. And so getting out of here, like, late would be a problem.

1 THE COURT: How many classes a week do you have? Give me your
2 schedule for this week.

3 PROSPECTIVE JUROR NO. 315: I have class from 5:00 to 10:00. It's
4 just one class.

5 THE COURT: One class --

6 PROSPECTIVE JUROR NO. 315: Monday --

7 THE COURT: -- on Monday?

8 PROSPECTIVE JUROR NO. 315: Monday through Thursday.

9 THE COURT: Oh, so it's Monday, Tuesday, Wednesday and
10 Thursday?

11 PROSPECTIVE JUROR NO. 315: Uh-huh.

12 THE COURT: That would be a problem. What are you studying?

13 PROSPECTIVE JUROR NO. 315: I go to cosmetology school at
14 Euphoria.

15 THE COURT: Is this a program that you may be able to continue until
16 to next month or is it -- I mean, how often do they offer this --

17 PROSPECTIVE JUROR NO. 315: I'm actually --

18 THE COURT: -- this education program.

19 PROSPECTIVE JUROR NO. 315: -- almost done with school --

20 THE COURT: Oh, you're almost done?

21 PROSPECTIVE JUROR NO. 315: -- so, I have to just --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 315: -- keep going till...

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

1 Who else, marshal?

2 PROSPECTIVE JUROR NO. 329: Badge No. 329, Granados.

3 THE COURT: Gabriella Granados. Yes, what would you like to tell
4 us?

5 PROSPECTIVE JUROR NO. 329: Well, actually, I have
6 an 11-month-old, and my maternity ends on Tuesday of next week. And it was an
7 unpaid maternity leave. So the most I have right now is a hundred dollars in my
8 bank account. So when I start work next week, I don't even know if I could even
9 take any more days off.

10 THE COURT: Well, they would have to give you the time off, it would
11 just be unpaid.

12 PROSPECTIVE JUROR NO. 329: Yeah.

13 THE COURT: So tell me about your -- your financial condition and
14 what hardship you have.

15 PROSPECTIVE JUROR NO. 329: Well, right now, I still live at home.
16 But everybody -- and I would need somebody to watch my baby, because I don't
17 have a babysitter now. Right now, she's switching off between four people today.

18 THE COURT: Okay. What expenses do you have?

19 PROSPECTIVE JUROR NO. 329: I pay car insurance and my cell
20 phone and my own credit card bills.

21 THE COURT: Would you be able -- would you have trouble paying
22 those if you lost two weeks of income?

23 PROSPECTIVE JUROR NO. 329: Yeah, because I only saved for the
24 three months that I was off, so that's why I'm down to --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 329: -- what I have now.

2 THE COURT: What's your normal job?

3 PROSPECTIVE JUROR NO. 329: I work at a jewelry store in the -- in
4 the mall.

5 THE COURT: All right. And you're single?

6 PROSPECTIVE JUROR NO. 329: Yes.

7 THE COURT: All right. Thank you, ma'am.

8 PROSPECTIVE JUROR NO. 329: Thank you.

9 THE COURT: All right. Who's next?

10 PROSPECTIVE JUROR NO. 333: 333, Ebony Caldwell.

11 THE COURT: Yes, Ms. Caldwell?

12 PROSPECTIVE JUROR NO. 333: I don't know if it will be hardship, but
13 I do work seven days a week. I have two jobs. I work usually 9:00 to 6:00 in the
14 morning and -- I mean, in the early morning, and then I work graveyard.

15 THE COURT: What shift is that?

16 PROSPECTIVE JUROR NO. 333: Anywhere from 10:00 to 3:00 10:00
17 to 4:00, so I get off from one job and go to the next job. So, like, today when I leave
18 here, I will be scheduled to go to work at 10:00 p.m., and I'll either get off
19 at 3:00 a.m. or 4:00 a.m., and I have to report to my other job at 11:15 to 8:15, and
20 back at my other job at 10:00.

21 THE COURT: Well, if you were a juror here, you wouldn't be able to
22 work your 9:00-to-6:00 job.

23 PROSPECTIVE JUROR NO. 333: Right.

24 THE COURT: And -- and as far as your other job, there's a Nevada law
25 that says that an employer cannot ask you to work within eight hours of when you

1 have to start jury duty. So.

2 PROSPECTIVE JUROR NO. 333: It's two different jobs.

3 THE COURT: Yeah, I know.

4 PROSPECTIVE JUROR NO. 333: Yeah. Okay.

5 THE COURT: So your second job, your 10:00-to-3:00 job, 10:00 p.m.
6 to 3:00 in the morning --

7 PROSPECTIVE JUROR NO. 333: Right.

8 THE COURT: -- graveyard shift, right?

9 PROSPECTIVE JUROR NO. 333: Yes.

10 THE COURT: There's a 10-hour rule. Or, I'm sorry, an eight-hour rule.
11 So if you're starting jury at 10:00 in the morning, or, say, 9:00 in the morning some
12 days, right, you can't work past 2:00 a.m. So that would be a -- or at least your
13 employer can't make you work past --

14 PROSPECTIVE JUROR NO. 333: Okay.

15 THE COURT: -- 2:00 a.m. You might be able to work something out
16 where you would -- could work part of your shift.

17 PROSPECTIVE JUROR NO. 333: When we go on break, will I be -- I
18 know from one job I will be able to be excused, but I don't know about the other
19 one, because they --

20 THE COURT: All right.

21 PROSPECTIVE JUROR NO. 333: -- didn't know --

22 THE COURT: So how will that affect you? Suppose you were chosen
23 as a juror, because everybody loved you and wanted you to be their juror, then
24 how -- could you -- could you make it work somehow?

25 PROSPECTIVE JUROR NO. 333: I mean, I would try to make it work.

1 I got off here at -- I got off at 4:00 in the morning and made it here.

2 THE COURT: Yeah. Okay.

3 PROSPECTIVE JUROR NO. 333: And I have to be back at work
4 at 10:00.

5 THE COURT: How'd you get here? Did you have transportation?

6 PROSPECTIVE JUROR NO. 333: Yes.

7 THE COURT: All right. Do -- what's your marital status?

8 PROSPECTIVE JUROR NO. 333: I'm married.

9 THE COURT: Okay. And what is -- what's -- is your spouse
10 employed?

11 PROSPECTIVE JUROR NO. 333: Yes.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 333: We just finished school, so we are
14 paying student loans.

15 THE COURT: Congratulations. Hope you're enjoying the community
16 employment situation here. Good. Well, thank you. We'll -- we'll see if it will work.
17 We'll try to get through some of the -- more of the voir dire process and see where
18 that leads us.

19 PROSPECTIVE JUROR NO. 333: Okay. Thank you.

20 THE COURT: Thank you. Okay.

21 Who else needs to talk to me? Let's finish this and then we'll
22 take our lunch break.

23 PROSPECTIVE JUROR NO. 338: Juror No. 338.

24 THE COURT: 338, Gabrielle Rum-Gomez.

25 PROSPECTIVE JUROR NO. 338: Yes. I teach part-time at Nevada

1 State College, chemistry and math. And this is the last week of classes for my
2 students. And then next week is our -- are their final exams. And I have to have
3 their grades in by May 10th, so there's no way for me to give them the last week of
4 instruction or their finals before their grades are due. And their final is worth 25
5 percent of their class grade.

6 THE COURT: All right. And how would you feel about a substitute
7 handling all of that while you were here?

8 PROSPECTIVE JUROR NO. 338: There is not a substitute. None of
9 the professors will cover normally for the other ones, because they have their own
10 classes. So they would go, basically, without learning the last week of classes.

11 THE COURT: And how many students would be affected by this?

12 PROSPECTIVE JUROR NO. 338: I have 24 in one class; I have 10 in
13 the other.

14 THE COURT: All right. And what school? NSC? What's that?

15 PROSPECTIVE JUROR NO. 338: Nevada State College.

16 THE COURT: Oh, Nevada State College.

17 PROSPECTIVE JUROR NO. 338: In Henderson.

18 THE COURT: Okay. All right. Boy, not a good week for teachers, is
19 it?

20 PROSPECTIVE JUROR NO. 338: No.

21 THE COURT: Usually, we get lots of teachers that -- that are anxious
22 to serve. All right. Thank you. All right.

23 Who else?

24 PROSPECTIVE JUROR NO. 353: It's 353, Brandon Wellman.

25 THE COURT: Yep?

1 PROSPECTIVE JUROR NO. 353: I need to speak to you privately.
2 THE COURT: Need to speak to me privately.
3 PROSPECTIVE JUROR NO. 353: Yes.
4 THE COURT: All right. Why don't you approach, and then I'll have the
5 attorneys come forward, too.
6 PROSPECTIVE JUROR NO. 353: All right.
7 THE COURT: You can come forward.
8 [Bench conference transcribed as follows.]
9 THE COURT: Just speak softly, so everyone in the room doesn't need
10 to hear. What -- what's your situation?
11 PROSPECTIVE JUROR NO. 353: Okay. So I'm in the Army National
12 Guard, and I don't really feel comfortable saying out loud.
13 THE COURT: Okay.
14 PROSPECTIVE JUROR NO. 353: It's kind of weird. I have a drill date
15 coming up soon. I believe -- I know [indiscernible] let us out to make sure the date.
16 But also I'm going to be on orders this -- not this week, but next week, and the two
17 weeks after that. So for a good solid three weeks.
18 THE COURT: So and if you're on orders, does that mean --
19 PROSPECTIVE JUROR NO. 353: I will be --
20 THE COURT: -- you get called away right away, or?
21 PROSPECTIVE JUROR NO. 353: It means I'll probably be there
22 from 7:00 to --
23 THE COURT: Can you be excused from that?
24 PROSPECTIVE JUROR NO. 353: No, because --
25 THE COURT: Can you talk to your CO or --

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1 PROSPECTIVE JUROR NO. 353: -- that -- then I would not end on -- I
2 wouldn't end on a good year for military.

3 THE COURT: Oh, really. Okay.

4 PROSPECTIVE JUROR NO. 353: Yes. And I talked to my readiness
5 and CO about it.

6 THE COURT: You guys have any questions for -- for this gentleman?

7 PROSPECTIVE JUROR NO. 353: And I actually want to do this, but
8 I -- I'm --

9 THE COURT: Yeah. We get a lot of, like, military personnel that are
10 always pretty excited about doing this.

11 PROSPECTIVE JUROR NO. 353: Yeah, because my father has done
12 it, and he's police in the military and he said it was really cool. And I was, like, oh,
13 that would be cool. But I got --

14 THE COURT: Does anybody have --

15 MR. WESTBROOK: So are you saying they would actually dock you
16 for doing jury duty? Which is of course a -- kind of a government entity.

17 PROSPECTIVE JUROR NO. 353: No, see here's the thing, is I'm
18 going to be doing -- the reason I'm -- it's for AT. I'm having my AT and I'm doing it
19 early, because I'm in the process with the Henderson Police Department of getting
20 hired. I'm more than halfway through. And the only way that I can end in a good
21 year is to do my AT in --

22 MR. WESTBROOK: Your -- your year end at the end of May?

23 PROSPECTIVE JUROR NO. 353: Huh?

24 MR. WESTBROOK: Does your year end at the end of May?

25 PROSPECTIVE JUROR NO. 353: No.

1 MR. WESTBROOK: Or is it --

2 PROSPECTIVE JUROR NO. 353: But, see, if I do get hired into the

3 Academy, it starts in July. And so it's a six-month process and I won't end in a

4 good year, because I won't end my -- annual training is in July, as well.

5 THE COURT: Oh, when you say in a good year, you mean you'll have

6 to make up --

7 PROSPECTIVE JUROR NO. 353: No.

8 THE COURT: -- your lost time?

9 PROSPECTIVE JUROR NO. 353: There's no making up.

10 MR. WESTBROOK: There's no making up either --

11 MS. KIERNY: Will you be discharged at a different rank or something?

12 PROSPECTIVE JUROR NO. 353: No.

13 MS. KIERNY: I don't understand the ending badly; I'm sorry.

14 THE COURT: Yeah, I don't understand, either.

15 PROSPECTIVE JUROR NO. 353: The way he explained it to me is so,

16 say I work five years, I'll only be counted as working four good years instead of five.

17 THE COURT: So you get docked that whole --

18 PROSPECTIVE JUROR NO. 353: Yes.

19 THE COURT: -- semester?

20 MR. WESTBROOK: And you can't make up a year --

21 PROSPECTIVE JUROR NO. 353: No.

22 MR. WESTBROOK: -- because you're in the police academy,

23 hopefully?

24 PROSPECTIVE JUROR NO. 353: Yes.

25 THE COURT: All right. Anything, Ms. Kollins? All right.

1 MS. KOLLINS: Orders are out of the jurisdiction? Are the orders
2 getting you out of the jurisdiction? Is that the point of the orders that --

3 PROSPECTIVE JUROR NO. 353: Yes.

4 MS. KOLLINS: -- are coming up? Okay.

5 THE COURT: So you'll be leaving Clark County?

6 PROSPECTIVE JUROR NO. 353: Leaving?

7 THE COURT: For your orders.

8 PROSPECTIVE JUROR NO. 353: No. No, no, no. I'm sorry. I
9 misunderstood that. No, no. I'll be here over by Nellis.

10 THE COURT: But you can't be here during the day and --

11 PROSPECTIVE JUROR NO. 353: No.

12 THE COURT: -- there doing your stuff?

13 PROSPECTIVE JUROR NO. 353: No.

14 MR. WESTBROOK: No. Being on orders means you have to be there
15 or --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 353: There -- be there, or be square.

18 MR. WESTBROOK: That may as well be in Hawaii.

19 THE COURT: Yeah. All right. Thank you.

20 PROSPECTIVE JUROR NO. 353: Yes. Yes, sir.

21 THE COURT: I appreciate that.

22 [End of bench conference.]

23 THE COURT: All right. Anybody else? We about done, marshal?

24 THE MARSHAL: We have two more, Your Honor.

25 THE COURT: All right. Let's hear.

1 PROSPECTIVE JUROR NO. 368: Badge 368, Edward Rizk.

2 THE COURT: Mr. Rizk, okay. What do you got to tell us?

3 PROSPECTIVE JUROR NO. 368: I currently am a small business
4 owner. I just opened up my new restaurant about five weeks ago. And I'm
5 currently working open to close in my restaurant, trying to get it to succeed. I don't
6 have enough employees in order to cover a full day's shift, let alone for two, three
7 weeks.

8 THE COURT: When did you first open?

9 PROSPECTIVE JUROR NO. 368: It was the beginning of the second
10 week of March.

11 THE COURT: And what more do you feel comfortable telling me about
12 that situation?

13 PROSPECTIVE JUROR NO. 368: I mean, I'll tell you anything about
14 it. I had to call my -- my father drove in from California to help me run the business
15 today so I could be here. I do have a handful of help, but not enough to work, you
16 know --

17 THE COURT: Are they open -- is the restaurant open for business
18 now, then?

19 PROSPECTIVE JUROR NO. 368: Breakfast, lunch, and dinner.

20 THE COURT: Okay. What type of food? I mean, what type of place is
21 it?

22 PROSPECTIVE JUROR NO. 368: It's a fast casual eatery. It's called
23 Ziki's. It's kind of like a Mediterranean Chipotle.

24 THE COURT: So you just -- so you're -- with your father there, he can
25 probably supervise. Is your main concern about not having the labor force you

1 need?

2 PROSPECTIVE JUROR NO. 368: Oh, not for two weeks. I mean, if I
3 was here for a couple of days, it wouldn't be that big of an issue. But for -- to be
4 here an extended period of time would -- there's no way I could have that shift --
5 those shifts covered.

6 THE COURT: All right. Thank you.

7 PROSPECTIVE JUROR NO. 368: Thank you.

8 THE COURT: Appreciate that. Who else?

9 PROSPECTIVE JUROR NO. 371: Number 371, Don Pursell.

10 THE COURT: All right, Mr. Pursell. What's up?

11 PROSPECTIVE JUROR NO. 371: Well, my hardship is not so much
12 for me, personally. It's just for the small business where I work. I'm a principle at a
13 firm, seven or eight employees. It's an advertising agency for law firms. And,
14 virtually, anything that happens in the office comes across my desk, whether it's
15 copy writing, or proofreading, or heading up client meetings, and what not. So in
16 the 17 years I've been there, I've rarely gone more than five business days in a row
17 without being in the office for that exact reason, that when any one of us in this
18 small firm is out, it's difficult for everybody else there.

19 THE COURT: What type of services do you do for law firms?

20 PROSPECTIVE JUROR NO. 371: Marketing, advertising, strategic
21 planning, consulting, special events.

22 THE COURT: All right. Thank you, Mr. Pursell.

23 PROSPECTIVE JUROR NO. 371: Thank you.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR NO. 372: Badge No. 372, Palapar.

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1 THE COURT: Okay. Ms. Palapar, what you got?

2 PROSPECTIVE JUROR NO. 372: My father was killed in a car
3 accident, and this -- the whole process gave me trauma, and the pressure and
4 anxiety, I think my judgment might be impaired.

5 THE COURT: So, okay, how long ago did that happen, ma'am?

6 PROSPECTIVE JUROR NO. 372: That was like almost 10 years ago,
7 but everything is coming back to me.

8 THE COURT: Okay. This is -- does it matter this is a different type of
9 case?

10 PROSPECTIVE JUROR NO. 372: It's a different type of case, but I
11 might be one-sided. I'm not sure, but I don't think that I could make a -- you know,
12 my judge -- I'm not sure about my judgment.

13 THE COURT: Yeah. Well, these are important issues to bring up with
14 the attorneys, when they're going to ask you some questions about --

15 PROSPECTIVE JUROR NO. 372: Okay.

16 THE COURT: -- about your ability to serve. That's not a financial
17 hardship question or -- or a hardship; it's more like your ability to be fair and
18 impartial.

19 PROSPECTIVE JUROR NO. 372: Yeah.

20 THE COURT: As far as your emotion, is your emotion triggered in part
21 by, you know, being -- just being in a courtroom?

22 PROSPECTIVE JUROR NO. 372: Just being back in the courtroom.

23 THE COURT: So being in a courtroom brings up bad memories? You
24 haven't been back in a courtroom since -- since the situation with your dad?

25 PROSPECTIVE JUROR NO. 372: No. This is the first time.

1 THE COURT: Your first time? All right. Was there -- was there --
2 there was a lawsuit then, involving your dad?

3 PROSPECTIVE JUROR NO. 372: Yes.

4 THE COURT: All right. And was it -- was it a criminal or a civil case?

5 PROSPECTIVE JUROR NO. 372: Civil and criminal.

6 THE COURT: Both? Civil and criminal?

7 PROSPECTIVE JUROR NO. 372: Yeah.

8 THE COURT: Okay. And did -- did they -- so the police caught the
9 guy who --

10 PROSPECTIVE JUROR NO. 372: Yes.

11 THE COURT: -- was responsible? And -- okay.

12 PROSPECTIVE JUROR NO. 372: Uh-huh.

13 THE COURT: And how do you feel that the process was handled?
14 Was it handled fairly by all sides?

15 PROSPECTIVE JUROR NO. 372: He just got away with it. He just,
16 like, he just said that he -- he filed the bankruptcy and got away with it.

17 THE COURT: Oh, okay. All right. Well, I'm sorry you feel so bad
18 about that. It sounds like very horrible thing to have to relive, and we'll see. Let
19 me -- let me think about this and we'll decide what to do. Okay?

20 PROSPECTIVE JUROR NO. 372: All right. Thank you very much.

21 THE COURT: Thank you. I can tell you're, you know, you're crying
22 and very upset --

23 PROSPECTIVE JUROR NO. 372: Sorry about that.

24 THE COURT: -- and this will be traumatic for you. Do you think -- do
25 you think -- how -- how do you feel right now? Obviously, very traumatic.

1 PROSPECTIVE JUROR NO. 372: Yeah. I'm -- I'm not comfortable.

2 THE COURT: Do you feel you'd feel a little bit better if you came in
3 tomorrow or is it -- you're going to feel the same way that you do now?

4 PROSPECTIVE JUROR NO. 372: I think I'm going to be feeling the
5 same way. Because, like, I'm not comfortable being in this room.

6 THE COURT: Okay. Okay. Thank you.

7 PROSPECTIVE JUROR NO. 372: Okay. Thank you.

8 THE COURT: All right. Anybody else? No. Okay.

9 What I'm going to do is -- because talking to the attorneys might take a
10 few minutes. I'm going to excuse all of you for lunch, and then when you come
11 back -- I'm going to give you an hour and 15 minutes. When you come back, then
12 I'm going to announce the names of the people that are excused for the day, and
13 then we're going to continue with the process. Let me see if there's any one I
14 wanted to excuse right away. There might have been one or two that I was going
15 to go ahead and excuse right away.

16 The cancer victim that has the MRI tomorrow and the next day,
17 Ms. Cummins, Badge No. 217, I'm going to excuse you right now. You may gather
18 your things and -- and leave. Okay.

19 And, let's see. I wasn't sure about you Mr. Lacroix. You don't --
20 you're not having any treatment today or tomorrow, right?

21 PROSPECTIVE JUROR NO. 212: No, not today.

22 THE COURT: Yeah, I think we're going to try to make it work. We'll
23 see. All right.

24 The lady regarding the transportation issues, Fable Silverberg,
25 I'm going to excuse you right away, Badge No. 199. You may gather your

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1 belongings and leave. Thank you very much for your -- for your time.

2 The -- just a couple others, and then the rest of you I'm going to
3 have some more -- some follow-ups, so give me a moment here.

4 Ms. Anahi Ortiz, you're breastfeeding your 11-week-year-old
5 brand-new baby after your C-section. I'm going to go ahead and excuse you.
6 Badge No. 164, you're excused. Good luck to you, ma'am.

7 Ms. Angelica Saiz, you have six children under 14 -- seven --
8 sorry, seven children under 14. You just had surgery two weeks ago, gastric
9 bypass. You -- you indicated you feel weak. You indicated both health reasons, as
10 well as financial reasons, and security and safety of your kids. Those are all
11 sufficient reasons. I'm going to go ahead and excuse you right now, based on
12 hardship. And -- you're excused, you may gather your belongings and leave.
13 Okay. It's Badge No. 302. All right.

14 Those are the only ones I'm going to excuse right now. The rest
15 I'm going -- I need to talk to counsel about and we'll decide where to go.

16 Ladies and gentlemen, you're now going to take a recess. I'm
17 going to want you all back here at 2:25. All right. 2:25. I have to read you the
18 standard admonishment.

19 Do not communicate among yourselves or with anybody else
20 about this trial or the subject matter of this trial; do not communicate at all with any
21 of the parties, attorneys, or witnesses involved in this case; do not seek or obtain
22 any information or comments about the case from any source, including, without
23 limitation, newspapers, television, radio, Internet, e-mail, cell phones, or any other
24 electronic device, do not read, watch, or listen to any report of or commentary about
25 the case, do not form or express any opinion on any subject connected with this

1 trial until the case is finally submitted to you for deliberations, do not perform any
2 research or investigations.

3 You are directed to return to the hallway outside this courtroom
4 for further proceedings at 2:25. The marshal will assist you in lining up at that time,
5 and when you come back in you are required to take the same exact seats that you
6 have now. You are excused. Any other questions, ask the marshal.

7 [Prospective jury panel recessed at 1:11 p.m.]

8 THE COURT: Now we're outside the presence of the jurors. Please
9 be seated.

10 Do you guys mind taking 10 minutes now to go through these
11 other potential recusals?

12 MR. WESTBROOK: Not at all.

13 MS. KIERNY: That's perfect.

14 MR. HAMNER: That's fine, Your Honor.

15 THE COURT: Great. And then I'll give you guys a full one-hour lunch.
16 All right. How about let's turn to 156, Claudia McNamara. I'm -- I'm inclined to keep
17 this person on for now, I think. Hourly sole employee, she's thinking that they
18 would not actually lose any revenue. She could probably try to make it up. I'll let
19 you guys voir dire more on that if you want, but I'm inclined to keep this person on.

20 MS. KOLLINS: You know, Your Honor, perhaps we can remind them
21 all that they do have those three mornings. I mean, she has three mornings she
22 can go to work, Tuesday, Wednesday, Thursday. I know for some people that
23 doesn't work, but for the ones that are saying they can't be out of the office, if we
24 tell them, you know, you have three half days in the middle of the week.

25 MR. WESTBROOK: For her, in particular, that sounds like that might

1 work.

2 THE COURT: Good plan. Thank you. So let's -- let's move on. So
3 we're going to keep -- all right. Let's go to page -- let's go to 165, Madisen Murphy,
4 a student. I think we should let the student go.

5 MR. HAMNER: That's fine, You Honor.

6 MS. KIERNY: I agree.

7 MR. WESTBROOK: Finals, UNLV, I agree.

8 THE COURT: All right. So I will excuse. Thank you guys. All right.

9 Next would be 166, Cindy Doyle, financial hardship. This seemed to
10 be legitimate. Single mom, eight-year-old, works at the Orleans. She's got two
11 different shifts.

12 MS. KIERNY: No objection, Your Honor.

13 THE COURT: Wouldn't be able to work either of those.

14 MS. KOLLINS: No objection, Your Honor, by the State.

15 THE COURT: Good. So that's excused. All right.

16 183, Jose Reyes. He's a cook at the Cosmo. His wife --

17 MS. WESTBROOK: I have three kids down for him.

18 THE COURT: They have three kids.

19 MS. KIERNY: I have five. Oh, family of five. Three kids, yeah.

20 MS. WESTBROOK: Oh, there you go.

21 THE COURT: He has three kids. His wife works part-time, 10 to 30
22 hours a week. He did confirm he has no significant assets.

23 MS. KIERNY: I mean, I think with the cook, there's a tip-sharing
24 situation there. I think it would be very hard for him. But -- so we don't object to --
25 to removing him, but it's up to you.

1 MS. KOLLINS: State takes no position.
2 THE COURT: I'm -- I'm going to excuse Reyes for hardship. All right.
3 THE CLERK: 183?
4 MS. KOLLINS: Correct.
5 THE COURT: 183. 196, Colton Chase Roberts, school teacher, 140
6 kids will be affected in the ability to prepare for standardized testing.
7 MR. WESTBROOK: Is that true that they're actually going to start
8 linking his pay to the standardized testing? That is ludicrous.
9 THE COURT: Well, I know they do have some kind of merit-based
10 evaluations.
11 MR. WESTBROOK: But linked to standardized testing, that is rough.
12 THE COURT: But I didn't know that --
13 MS. KIERNY: But I do know the standardized testing is everything at
14 those schools.
15 MR. HAMNER: We don't have an --
16 MR. WESTBROOK: Yeah, it is.
17 MR. HAMNER: We don't have an objection to letting him go.
18 MR. WESTBROOK: We don't have an objection, anyway.
19 THE COURT: Let's excuse the teacher. All right.
20 MR. WESTBROOK: Sounds good.
21 THE COURT: So no objection, 196.
22 MS. KIERNY: I think we have Wallace in the same boat, then.
23 THE COURT: Yeah, Wallace 203, another teacher. This one was 162
24 kids.
25 MR. HAMNER: That's fine, Your Honor.

1 THE COURT: In the same boat. I'm excusing Wallace for cause. It's
2 going to impact the kids, that's what I worry most about.

3 MS. KIERNY: Right.

4 THE COURT: All right. 214, Steve Erdmann. I'm not -- I -- I'm not so
5 concerned that he's going to lose 10 percent of his pay. That's -- I think he can --
6 think he can suffer through that.

7 MS. KIERNY: It's pretty impressive that he's still getting 90 percent for
8 not --

9 THE COURT: Yeah, I'm going to keep this person.

10 MR. WESTBROOK: Your Honor, did we skip 212, Lacroix? I believe
11 he was the other cancer sufferer, right?

12 THE COURT: He said -- I think he said he can try to make it work. He
13 said he was going to try to make it work and if he starts to feel bad, he'll let us
14 know.

15 MS. KIERNY: I was just concerned with him having the recent
16 diagnosis, that it had recurred. I don't know how you could concentrate on anything
17 else. But if that's --

18 THE COURT: He said he's -- he's --

19 MS. KIERNY: -- if that's the court's decision --

20 THE COURT: He said there's no present impediment and he wants to
21 serve.

22 MS. KIERNY: Okay.

23 THE COURT: So I don't --

24 MS. KIERNY: Well, then, we won't second guess.

25 THE COURT: I don't think I can remove him for cause, but he's

1 certainly excusable as a peremptory challenge, if someone is concerned.

2 MS. KIERNY: No.

3 MR. WESTBROOK: Sounds good.

4 THE COURT: But he did seem to be observant and paying attention
5 so far.

6 MR. WESTBROOK: I agree. I agree.

7 THE COURT: But if something comes up, let's -- let's pay attention
8 and see how he's doing.

9 MS. KIERNY: Okay.

10 THE COURT: So I'm going to keep him. All right.

11 214 we're going to keep.

12 Let's go up to 269, I already -- I excused already, right? Yep.
13 That was the English.

14 284, Patricia Vergel, she's working at the State Welfare
15 Department as a case manager, three to four appointments per day. Someone
16 else might be able to handle it. She -- she does own a house, probably some
17 equity, making car payments, probably getting by month to month. But -- but this
18 isn't, you know, worse in terms of financial hardship. I think she can make it.

19 MR. HAMNER: Agreed, Your Honor.

20 MR. WESTBROOK: Agreed, Your Honor.

21 THE COURT: So I'm going to keep her for now; is that all right?

22 MR. HAMNER: Yes, Your Honor.

23 MR. WESTBROOK: Yes, Your Honor.

24 THE COURT: No objection at this point? All right. All right. All right.
25 Very good.

1 Let's go forward to 304, Lisa Schirmeister, single parent, no
2 assets, respiratory therapist. She -- she has no more PTO left, She has no
3 savings, and she's renting her house.

4 MS. KIERNY: I think that's a financial hardship.

5 MR. HAMNER: I agree.

6 MS. KIERNY: But she was going to look into whether she could --

7 MS. KOLLINS: I think she could switch her shifts, but I'll submit it to
8 the court.

9 THE COURT: Let's see if she can work -- if her work will pay. It's a
10 question mark. If her work will -- will pay, then -- or shift -- shifts, I think she'll be
11 okay. Otherwise, we got to let her go. Right?

12 MS. KIERNY: I don't know when she could work the shifts.

13 MR. HAMNER: We should get some clarification from her, because I
14 think you had told her to check and see and --

15 THE COURT: Yeah, she's going to check, so we'll check on that.

16 MR. WESTBROOK: I agree with this court's analysis, though.

17 THE COURT: Thank you. Check on -- that's 304. All right.

18 Let's move forward to 315, part-time student, classes Monday,
19 Tuesday, Wednesday, Thursday, 5:00 to 10:00 at cosmetology school. I don't want
20 to stop early. I'd have to stop -- we'd have to stop at 4:15 for the person to get
21 there.

22 MR. HAMNER: I don't --

23 MS. KOLLINS: I say we just let her go.

24 MR. HAMNER: I would let her go.

25 MS. KIERNY: Yes.

1 MR. WESTBROOK: Yeah.

2 THE COURT: All right. Excuse the student.

3 THE CLERK: 315?

4 THE COURT: 315.

5 Next, 329, Gabriella Granados.

6 MS. KIERNY: I think she meant to say she has an 11-week-old.

7 That's what it seemed -- she said 11 months, but when she said she was ending
8 maternity leave, she had already used up everything, I think it would make more
9 sense that it was an 11-week-old.

10 THE COURT: Oh, that would make more sense if it was 11-week.

11 MR. WESTBROOK: Yeah, that's what I was thinking.

12 MS. KIERNY: Right. And then if we were excusing the other one with
13 an 11-week-old, I feel she's probably in the same boat.

14 THE COURT: Seemed worse. She also said she only has a hundred
15 dollars to her name.

16 MR. WESTBROOK: Yeah, I noted that too, she only has a hundred
17 dollars.

18 MR. KIERNY: What do you think? No, if you disagree --

19 MR. HAMNER: No, no, no, no. I -- I don't think we have any issue,
20 either. I mean, it sounds as -- I think her fact pattern is as similar as the last person
21 who recently had a baby.

22 THE COURT: That would be consistent. Yeah. All right.

23 333, Ebony Caldwell, two jobs, 9:00 to 6:00, 10:00 to 3:00,
24 married. I think we can keep this person for now. I wasn't persuaded that there's a
25 financial hardship.

1 MR. WESTBROOK: I am curious about asking her when exactly she
2 sleeps.

3 MR. HAMNER: I was wondering the same thing.

4 MR. WESTBROOK: That sounds like the worst schedule ever to me.

5 THE COURT: Yeah, but she won't be able to do the 10:00 to 3:00 if
6 she's here.

7 MR. WESTBROOK: Right. Absolutely.

8 THE COURT: So. Yeah, you can ask her that.

9 MR. WESTBROOK: Well, if she can't do the 10:00 to 3:00 -- was it
10 the 9:00 to 6:00 that said that they would allow her to get time off? I don't know if
11 she specified which one it was.

12 MR. HAMNER: I think we can get further clarification later.

13 MR. WESTBROOK: Yeah. She said one job would let her have the
14 time off.

15 MS. KIERNY: And she was going to call.

16 MR. WESTBROOK: And she was going to call the other one. So.

17 THE COURT: They both have to let her. I'll write a note if I have to.
18 All right?

19 MR. WESTBROOK: Yeah.

20 THE COURT: All right. Let's keep going. A couple more.

21 338 Gabrielle Rum-Gomez. She teaches part-time at Nevada
22 State College, last week of classes.

23 MS. KIERNY: I mean, I think if we're letting all the other teachers go.

24 THE COURT: Finals. She needs the grade, and she says that they
25 won't -- a substitute can't come in and grade and prep and then handle finals.

1 MS. HAMNER: I think we're in agreement with counsel. It's fine with
2 letting -- letting them go.

3 THE COURT: All right. Thank you.

4 353, Brandon Thomas Wellman, Nevada National Guard. Next
5 week he's going to have orders to take him out of the jurisdiction.

6 MS. KOLLINS: I say we just let him go.

7 MR. WESTBROOK: Agreed.

8 MS. KIERNY: That's fine.

9 THE COURT: We'll excuse him.

10 368, Edward Rizk, just opened up a new business. His
11 father-in-law is there so far. I'm not sure this one, I'm kind of torn on this one.

12 MS. KIERNY: Oh, I don't know. I think that seems like the most
13 stressful situation I could imagine. I would --

14 THE COURT: Brand new business.

15 MS. KIERNY: Yeah.

16 MR. WESTBROOK: Yeah.

17 MS. KIERNY: Five weeks old.

18 THE COURT: I mean, I don't want the business to fail.

19 MR. WESTBROOK: It's also a restaurant. That's -- that's a lot of
20 hands-on.

21 THE COURT: Oh, restaurants have 90 percent failure rate.

22 MR. WESTBROOK: Yeah, and that's in the best-case scenario. And it
23 sounds like there's a lot of hands-on with him, on everything at this point. So it
24 sounded pretty good to me.

25 MR. KIERNY: I was going to say --

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1 THE COURT: Mr. Hamner, what are you thinking about?

2 MR. HAMNER: I think we -- Ms. Kollins and I were speaking. We
3 don't have any objections to letting him go.

4 THE COURT: All right. I will let him go. I exercise my discretion and
5 let him go as a hardship, because I don't want his brand new business to fail. It just
6 opened up a month and a half ago. It could be struggling. All right.

7 371, Donald Pursell. This one I'm less inclined to let her go.
8 She's not the owner of the business. She's one of the employees. Or he, rather.
9 He contends he's an essential employee, but I think this seems like the type of work
10 that -- that he could get done in some of the mornings, and some of the work can
11 be done at night, and some of the work can be passed on to some other people.
12 So I'm going to keep Donald Pursell. Any objection?

13 MR. WESTBROOK: No, Your Honor.

14 MR. HAMNER: No objection.

15 THE COURT: All right. And 372, Fides Palapar, father killed in the
16 accident 10 years ago. She seemed somewhat traumatized. I don't know if she'll
17 get over it in a little bit. You guys want to ask her some more questions about this
18 or would you prefer to let her go?

19 MS. KOLLINS: I don't think we want to inquire of her in front of the
20 panel. She's too emotional. That would be the State's position.

21 MR. WESTBROOK: I agree. Just being in the courtroom is making
22 her cry.

23 THE COURT: It is. All right. So I'll excuse her. All right. That's 373.

24 How many jurors does that leave us with? The law clerk is going
25 to count.

1 MR. WESTBROOK: I'm sorry, Your Honor, I had that as 372; is that --
2 THE COURT: Oh, I'm sorry.
3 MR. WESTBROOK: -- correct?
4 THE COURT: Yes, 372, correct.
5 MR. WESTBROOK: Thank you.
6 THE COURT: Thank you.
7 MS. HAMNER: I have 42.
8 THE COURT: All right. I think we'll be fine. I mean, if we're going to --
9 look, we might get started in exercising some peremptory challenges today. If so,
10 that will give us a guide in how many people we're going to need tomorrow. All
11 right?
12 MR. WESTBROOK: Sounds good.
13 MR. HAMNER: Understood, Your Honor. Thank you.
14 THE COURT: That's why I do it this way.
15 MR. WESTBROOK: Thank you, Your Honor.
16 THE COURT: All right. Enjoy your break. Could you be back here in
17 one hour, folks?
18 MS. KOLLINS: Yes, sir.
19 MR. HAMNER: Yes, Your Honor.
20 MR. WESTBROOK: I'm sorry, Your Honor?
21 THE COURT: Can you be back here in an hour?
22 MR. WESTBROOK: Absolutely. We'll be back.
23 THE COURT: All right. Thank you. All right. Court is adjourned.
24 [Court recessed at 1:23 p.m., until 2:35 p.m.]
25 [Outside the presence of the prospective jury panel.]

1 THE COURT: All right. Good morning again. Good afternoon.

2 MS. KIERNY: Hi.

3 MR. WESTBROOK: Good afternoon, Your Honor.

4 THE COURT: *State vs. Azucena*, C-321044. Are we ready to bring
5 the prospective jurors in?

6 MS. KIERNY: Real quick -- go ahead.

7 MR. HAMNER: Yeah, we just had one little point of clarification. We
8 were just -- the parties were just talking. We noticed kind of a lot of the preliminary
9 questions are kind of written down, and we just didn't know, because it wasn't
10 listed. Do you typically ask in these type of cases about whether or not anyone has
11 been a victim of or know someone -- of a sexual crime or been accused of?

12 THE COURT: Yeah, I was going to add that.

13 MR. HAMNER: Okay. I just didn't know. I figured it may not have
14 been exhaustive list.

15 THE COURT: I don't have it here, but I do have a couple of questions.

16 MR. HAMNER: That -- okay. Great.

17 MR. WESTBROOK: We all agree that's appropriate for the court to
18 ask. We just didn't know if you were asking it or not.

19 THE COURT: I will. Thank you.

20 MS. KIERNY: And then I just had one tiny little thing. When I was
21 over the lunch break reviewing my notes --

22 THE COURT: Yeah.

23 MS. KIERNY: -- Ms. Knoblock, No. 288, I -- I know she had the neck
24 spasms and said she could be accommodated with that. My concern was that
25 she's on muscle relaxers that cause her to be sleepy. Obviously, some muscle

1 relaxers, I don't know if that's what's she's on, you know, you can't even drive with
2 them, can't operate heavy machinery, maybe you shouldn't be deciding someone's
3 fate. But that was just my concern, the fact that she was on that -- those
4 prescription, obviously, muscle relaxers.

5 THE COURT: Yeah, I think I asked her if it was -- if she would still be
6 able to focus. I think she said she thinks so.

7 MS. KIERNY: She thinks it just would make her sleepy. She's just real
8 sleepy. So.

9 MS. HAMNER: I thought -- the State kind of echoed your sentiments.
10 I didn't think she was expressing an inability to do so, just that she may be in
11 discomfort. And I think the parties could probably, if they want, ask some further
12 questions about it during voir dire. But I don't think it warrants letting her go, at this
13 point.

14 THE COURT: Yeah, not at this point, but let's keep an eye on her and
15 see if she's focusing. And if it looks like she's wandering or not paying attention or
16 starting to sleep, let's say something to one another.

17 MR. HAMNER: Yes, Your Honor.

18 MS. KIERNY: Okay.

19 THE COURT: Thank you. Anything else?

20 MS. KIERNY: That's -- that's it.

21 THE COURT: Okay. Let's go ahead and, marshal, bring them in,
22 please.

23 THE MARSHAL: Yes, Your Honor.

24 [Prospective jury panel reconvened at 2:41 p.m.]

25 THE COURT: All right. Great. Please be seated, everybody. We're

1 back on the record in the case State of *Nevada vs. Jose Azucena*, Case No.
2 C-17-321044.

3 We're going to proceed with the jury voir dire hardship
4 discussion. The court has reviewed many of the requests for excusal based on
5 hardship and I'm prepared to release several more people. If you believe you
6 should be excused, but your name is not called, don't get too disheartened; it
7 simply means we might need to talk to you a little bit more. We need more
8 information, and I'll ask some questions and the attorneys will ask some questions.
9 And so this means you probably -- probably won't get excused today if your name
10 is not called, but you -- you still might be considered for excusal tomorrow. All right.
11 And we're going to 5:00 today. All right.

12 So the following people, when you hear your name, you are
13 excused with the thanks of the court. Let me see where we start. All right.
14 Badge -- and if counsel hears me make a mistake, let me know, so we can catch it,
15 nip it in the bud. All right. All right.

16 Badge No. 166, Cindy Doyle, you are excused for hardship;
17 Badge No. 183, Jose Reyes, you are excused for hardship; Badge No. 196, Kolten
18 Chase Roberts, you are excused for hardship; Badge No. 203, John Gordon
19 Wallace, you are excused for hardship. I think we already excused 269, Alejandro
20 Sampayan?

21 THE CLERK: Yes.

22 THE COURT: So I'll skip that. All right. Got a question about Lisa
23 Schirmeister, Badge No. 304.

24 What did you find out for us?

25 PROSPECTIVE JUROR NO. 304: Badge 304, Lisa Schirmeister. I

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1 spoke to my work when I was on break. They said there would be no -- no
2 hardship needed on that end. I did get my daughter covered, as well, to get
3 transportation.

4 THE COURT: Great. So they'll cover you?

5 PROSPECTIVE JUROR NO. 304: Yes.

6 THE COURT: Great. How do you feel about serving?

7 PROSPECTIVE JUROR NO. 304: Good.

8 THE COURT: All right. Good. Well, welcome. All right.

9 Badge No. 315, Mariah Peeks, you are excused for hardship,
10 thank you; Badge No. 329, Gabriella Granados, you are excused for hardship;
11 Badge No. 338, Gabrielle Rum-Gomez, you are excused for hardship;
12 Badge No. 353, Brandon Wellman, you are excused for hardship; Badge No. 368,
13 Edward Rizk, you are excused for hardship; Badge No. 372, Fides Palapar, you are
14 excused for hardship, and sorry for your trauma, and I wish you well. All right.
15 That's all for the moment.

16 At this point in time I'm going to ask the clerk to please call the --
17 the following number of people. We need 32.

18 THE CLERK: Okay.

19 THE COURT: I want you to call 32 people to the box. And for
20 purposes of this proceeding, the box will include the jury box, the eight seats
21 immediately in front of the jury box, and then the first eight seats immediately in the
22 gallery, immediately behind the district attorneys' table. Call the names in
23 numerical order, beginning with lowest number first.

24 As you hear your name called, please step forward and take a
25 seat in the so-called box. Seat No. 1 is all the way back in the left, and it goes 1

1 through 8. Then front row in the box is 9 through 16, and the chairs right in front of
2 the box are 17 through 24, and then Seats 25 through 32 would be that first row.
3 And you're the -- the first group of people that we're going to discuss questioning
4 with in this next phase. All right.

5 Madam Clerk, please proceed.

6 THE CLERK: Okay. In Seat --

7 THE COURT: And that's going to end up being most of you up there.

8 THE CLERK: In Seat No. 1, Badge No. 154, Kenneth Buker;
9 Badge No. 156, Claudia McNamara; Badge No. 157, Tracy Garrett; Badge No. 158,
10 Paulo-Gregory Faupel; Badge No. 159, Belinda Haag; Badge No. 160, George
11 Nelson; Badge No. 162, Holly Davis; Badge No. 168, Linda Klosowski;
12 Badge No. 177, Starlette Gordon; Badge No. 179, Marianne Coppola;
13 Badge No. 186, Cedo Bucalo; Badge No. 193, Renee Preuss-Ayress;
14 Badge No. 194, Joyce Hudson; Badge No. 206, Allen Stanek; Badge No. 212, Eric
15 Lacroix; Badge No. 214, Steve Erdmann; Badge No. 215, Eddie Batista;
16 Badge No. 221, Angela Donato; Badge No. 228, Nicholas Rivera; Badge No. 230,
17 Lisa Sutherland; Badge No. 231 Staporn Buasuwan; Badge No. 232, Elzetta
18 Zurzolo, How do you pronounce your name?

19 PROSPECTIVE JUROR NO. 232: Elzetta Zurzolo.

20 THE CLERK: Zurzolo, there you go. Badge No. 235, Dean Jaeger;
21 Badge No. 237, Michael Keck; Badge No. 239, Rhonda Gonzalez; Badge No. 242,
22 Erica Perkins; Badge No. 267, Charlene Trosclair; Badge No. 272, Kathleen
23 Schneider; Badge No. 284, Patricia Vergel; Badge No. 286, Loreto Agbuya;
24 Badge No. 288, Maureen Knoblock; and Badge No. 300, Andrea Bruner.

25 That's 32.

1 THE COURT: That's 32. Thank you very much. All right.

2 Ladies and gentlemen, it's your -- those of you who are sitting in
3 the box, I need to ask you some questions. First, I want to make sure that
4 everybody understands, under our system, certain basic principles of law apply in
5 every criminal trial. They are, number one, that the defendant is presumed
6 innocent, and that, number two, the State has the burden of proving, beyond a
7 reasonable doubt, that the defendant is guilty. Does anybody not believe in these
8 basic principles of American Justice? I don't see any hands. Very good.

9 There's one more thing I need to mention to everybody as a
10 group. Under the law, if you are selected to serve as a juror, you will be required to
11 decide the facts of the case. In making your decision, however, you must be
12 guided by the law as it applies to the facts. It will be my duty to instruct you on what
13 the law is. So my question to all of you is this: Is there anybody who will not be
14 able to follow the law, if you believe the law should be different than what I tell you it
15 is in Nevada? Any hands? All right. Seeing no hands, then everybody will follow
16 the law as it is instructed to them.

17 Ladies and gentlemen, you have a handout in front of you. What
18 I need to do is get all of that information about you from that handout. So we're
19 going to start with juror in Seat No. 1.

20 Let me go ahead and ask you sir, to follow along in the handout.
21 And what is your -- what is your name and badge number?

22 PROSPECTIVE JUROR NO. 154: Kenneth Buker, Badge No. 154.

23 THE COURT: And how long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 154: Nine years.

25 THE COURT: What level of education did you complete?

1 PROSPECTIVE JUROR NO. 154: High school.

2 THE COURT: And are you presently employed? If so, what is your
3 job position?

4 PROSPECTIVE JUROR NO. 154: I am a production supervisor.

5 THE COURT: What is your marital status?

6 PROSPECTIVE JUROR NO. 154: I am married.

7 THE COURT: Very good. Does your form have the question about
8 children?

9 PROSPECTIVE JUROR NO. 154: Yes.

10 THE COURT: Okay. Good. Do you have any children? If so, what
11 are their ages?

12 PROSPECTIVE JUROR NO. 154: No children.

13 THE COURT: All right. Very good. Have you ever served on a jury
14 before?

15 PROSPECTIVE JUROR NO. 154: No, sir.

16 THE COURT: All right. Thank you. That's all I need right now. Pass
17 the microphone.

18 So, ma'am, if you could please provide us with the same
19 information?

20 PROSPECTIVE JUROR NO. 156: Sure. I'm Badge No. 156. Sorry,
21 Claudia McNamara. I was born here, so 48 years. I have a bachelor's degree. I'm
22 an office manager. I'm divorced, and I have two daughters, 18 and 22.

23 THE COURT: Very good. Thank you. One more thing. You had
24 mentioned that, you know, you're an hourly employee. You're the sole employee,
25 and you're worried about if you don't get your work done. Just wanted to remind

1 you, looks like Tuesdays, Wednesdays, and Thursdays of this week and probably
2 next week, we won't need the jurors until 1:00. And so you're free to go to work
3 and just need to be here by 1:00. So hopefully that will help you in getting some
4 stuff done in the morning.

5 PROSPECTIVE JUROR NO. 154: Thank you.

6 THE COURT: All right. If you're chosen. You may not be chosen.
7 We'll see how it goes. All right. Thank you. All right.

8 Go ahead, sir.

9 PROSPECTIVE JUROR NO. 157: Name is Tracy Garrett, Badge 157.
10 Been in Clark County for 10 years. Completed some college. I'm a senior lead
11 software engineer. Currently married, two children, two girls, ages 13 and 10.
12 Never served on a jury.

13 THE COURT: All right. Thank you, Mr. Garrett. Pass the mic.

14 PROSPECTIVE JUROR NO. 158: Hello. My name is Paulo Faupel.
15 Badge No. 158. I've lived in Clark County for about 25 years. I have a bachelor's
16 degree. My current job position is in procurement in a casino. I'm not married, no
17 children, and I've served about three years ago, about three days.

18 THE COURT: What type of case was that, civil or criminal?

19 PROSPECTIVE JUROR NO. 158: Civil, sir.

20 THE COURT: And that was -- was that in State Court, here in Clark
21 County?

22 PROSPECTIVE JUROR NO. 158: Yes, same exact building.

23 THE COURT: All right. And were you -- did you happen to be the
24 foreperson?

25 PROSPECTIVE JUROR NO. 158: No, not me.

1 THE COURT: Not you? Okay. Did the jury reach a -- a decision?
2 You don't need to tell me what it is.

3 PROSPECTIVE JUROR NO. 158: Yes, they did, in favor of the
4 defendant.

5 THE COURT: Well, okay. Very good. Anything about that experience
6 make it difficult for you to serve as a jury?

7 PROSPECTIVE JUROR NO. 158: No, not really.

8 THE COURT: Did you learn anything or see anything that -- that
9 makes you, you know, have doubts about the process or question the process?

10 PROSPECTIVE JUROR NO. 158: I think I'm very familiar, based on
11 serving three years ago.

12 THE COURT: All right. Very good. And that was a civil case, you
13 said?

14 PROSPECTIVE JUROR NO. 158: Civil.

15 THE COURT: All right. And you'll be instructed later. I don't need to
16 tell you what the -- the burden is, but the burden of proof, that you were given in the
17 civil case is different than the burden of proof in a criminal case. This is a criminal
18 case; you understand that?

19 PROSPECTIVE JUROR NO. 158: Correct.

20 THE COURT: All right. So just be sensitive to that when you heard
21 the instructions. All right. Very good. Thank you, sir. You can pass the
22 microphone.

23 PROSPECTIVE JUROR NO. 159: I'm Belinda Haag. My badge
24 number is 159. I've lived in Clark County for about 12 years. Education, I have an
25 associate's degree in business. My job position is I'm a technical writer. I'm

1 married, it'll be 40 years this year.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 159: I have three children in their 30s
4 and three grandchildren. And I served on a jury in 2012.

5 THE COURT: Civil or criminal case?

6 PROSPECTIVE JUROR NO. 159: Criminal.

7 THE COURT: Were you the foreperson?

8 PROSPECTIVE JUROR NO. 159: No.

9 THE COURT: What type of criminal -- what type of crime was alleged
10 there?

11 PROSPECTIVE JUROR NO. 159: Defrauding against a casino.

12 THE COURT: All right. And did they reach a decision?

13 PROSPECTIVE JUROR NO. 159: Yes, we did.

14 THE COURT: All right. Anything about that experience make it
15 difficult for you to serve --

16 PROSPECTIVE JUROR NO. 159: No, it was very efficient.

17 THE COURT: -- on a jury here? Okay. We'll try and be efficient for
18 you. All right. Thank you, ma'am. You can pass the microphone.

19 PROSPECTIVE JUROR NO. 160: Name George Nelson,
20 Badge No. 160. Been in Clark County 32 years. Completed some college. I'm a
21 department head. Not married, no children, never served on a jury.

22 THE COURT: What type of department head are you? What type of
23 field is that?

24 PROSPECTIVE JUROR NO. 160: Smith's Grocery Store.

25 THE COURT: Okay. All right. Thank you very much, sir.

1 PROSPECTIVE JUROR NO. 162: Okay. Holly Davis, Badge No. 162.
2 I've lived in Clark County about 22 years. High school diploma. I'm a bakery
3 wrapper, not married, and I have a three-year-old son, and I've never served.

4 THE COURT: All right. Thank you. All right.

5 Who's next?

6 PROSPECTIVE JUROR NO. 168: Linda Klosowski, Badge 168. Lived
7 in Clark County about 27 years. Some college. I'm retired, not married, no
8 children, and I did serve on a jury in 2014.

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

10 PROSPECTIVE JUROR NO. 168: It was civil.

11 THE COURT: And were you the foreperson?

12 PROSPECTIVE JUROR NO. 168: No, I was not.

13 THE COURT: Did the jury reach a decision?

14 PROSPECTIVE JUROR NO. 168: Yes.

15 THE COURT: Is there anything about that experience that would
16 make it difficult for you to -- to be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 168: No, it wouldn't.

18 THE COURT: All right. Thank you very much. You're retired, Linda
19 Klosowski; what -- what was your line of work? If you can speak up.

20 PROSPECTIVE JUROR NO. 168: I did --

21 THE COURT: What was your line of work?

22 PROSPECTIVE JUROR NO. 168: I did administrative work at the
23 airlines for 25 years.

24 THE COURT: Okay. Thank you very much.

25 Thanks, marshal. All right.

1 Ms. Gordon?

2 PROSPECTIVE JUROR NO. 177: Starlette Gordon, Badge No. 177.
3 Lived in Clark County nine years. Associate degree in nursing, work at Spring
4 Valley Hospitals as an RN. Not married. I have two girls. My youngest one, with
5 my grandchild, lives with me. And I've never served.

6 THE COURT: All right. Thank you, very much.

7 PROSPECTIVE JUROR NO. 179: Marianne Coppola, Badge No. 179.
8 I've lived in Clark County for seven years. I have a master's degree. I am a
9 full-time nanny and in-home day care provider. Not married, no children, and never
10 served.

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

12 Can go to Bucalo.

13 PROSPECTIVE JUROR NO. 186: Cedo Bucalo --

14 THE COURT: Bucalo.

15 PROSPECTIVE JUROR NO. 186: Bed number -- Badge No. 186. I've
16 been here 18 years. I've got Bachelor's in Business Administration. I'm a pit boss
17 at a casino. Not married, no children, never served on jury duty.

18 THE COURT: Thank you, Mr. Bucalo.

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

20 PROSPECTIVE JUROR NO. 193: Renee Preuss-Ayres,
21 Badge No. 193. I've lived in Clark County for 22 years. I have an Associate's in
22 Computer Science. I'm a to-go specialist at the Olive Garden. I am married. I
23 have two daughters at the age of 5 and 11. And I've never served on a jury duty.

24 THE COURT: All right. And what did you say your position is at Olive
25 Garden?

1 PROSPECTIVE JUROR NO. 193: A to-go specialist.
2 THE COURT: Oh, to-go specialist.
3 PROSPECTIVE JUROR NO. 193: It's like the lead cashier.
4 THE COURT: Okay. Great. Thank you, very much.
5 PROSPECTIVE JUROR NO. 194: Hi. My name is Joyce Hudson,
6 Badge 194. Lived in Clark County for 18 months. Education completed,
7 Associates in Applied Science. I'm a charge nurse, registered nurse, at Marquis
8 Centennial Hill. I'm a widow. I have two grown children, 30 and 31, and I never
9 served before.
10 THE COURT: All right. And so you've been in -- in Clark County 18
11 months?
12 PROSPECTIVE JUROR NO. 194: Yes.
13 THE COURT: And where were you from originally?
14 PROSPECTIVE JUROR NO. 194: Rockford, Illinois, Born and raised.
15 THE COURT: Well, welcome to our state.
16 PROSPECTIVE JUROR NO. 194: Thank you.
17 THE COURT: I hope you enjoy it here. Thank you.
18 Mr. Stanek?
19 PROSPECTIVE JUROR NO. 206: Yes, sir. My name is Allen Stanek.
20 My badge number is 206. I've lived in Clark County for 27 years. Education
21 completed, two associate's and one bachelor's. Job position, retired twice.
22 Married, three daughters, ages 47, 45, and 43. Never served on a jury.
23 THE COURT: All right. Looks like you have some law enforcement
24 experience. We'll get to that in a little bit.
25 PROSPECTIVE JUROR NO. 206: Okay.

1 THE COURT: All right. Thank you.

2 PROSPECTIVE JUROR NO. 212: Name is Eric Lacroix.

3 Badge No. 212. Been here four years in Clark County. Education, high school.
4 Retired athlete that just coaches youth hockey here in town now. Married, three
5 children, 13, 10 and 7. Never served on a jury.

6 THE COURT: Thank you.

7 Let's go to Mr. Erdmann.

8 PROSPECTIVE JUROR NO. 214: Steve Erdmann, Badge 214. Been
9 here a little over nine years. Bachelor's degree. I'm a senior avionics technician on
10 private jets. I'm married. I got an eight-year-old daughter, and a 21-year-old
11 stepdaughter that's in the Army. And I've never been on a jury.

12 THE COURT: Thank you, Mr. Erdmann.

13 PROSPECTIVE JUROR NO. 215: Name is Eddie Batista,
14 Badge No. 215. Years lived in Clark, 10. Completed high school, unemployed,
15 single, no kids, and never served.

16 THE COURT: All right. Thank you, Mr. -- Mr. Batista. Glad you're
17 here.

18 Hi.

19 PROSPECTIVE JUROR NO. 221: Hi. Angela Donato, Badge 221.
20 I've lived in Clark County for 19 years. Some college. I'm a real estate agent. I'm
21 married. I have two kids; 14 is my son, and 11, my daughter. And I've served on a
22 jury, criminal

23 THE COURT: All right. Where was that?

24 PROSPECTIVE JUROR NO. 221: Here.

25 THE COURT: All right. Was that in state court or federal court?

1 PROSPECTIVE JUROR NO. 221: It was right here in this court.

2 THE COURT: Right here? Okay. Great.

3 PROSPECTIVE JUROR NO. 221: Yep, five years ago.

4 THE COURT: Five years ago? And did they reach a verdict?

5 PROSPECTIVE JUROR NO. 221: Yes.

6 THE COURT: And were you the foreperson?

7 PROSPECTIVE JUROR NO. 221: No.

8 THE COURT: Is there anything about that experience that would
9 make it hard for you to be fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 221: No.

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

12 PROSPECTIVE JUROR NO. 228: My name is Nicholas Rivera,
13 Badge No. 228. I was born and raised in Clark County, so 21 years. I have a high
14 school degree -- or, diploma, excuse me. And I'm a DMV technician. Not married,
15 no kids, and never served on a jury.

16 THE COURT: All right. Thank you. And you're -- I think you're
17 probably the youngest person on the jury.

18 PROSPECTIVE JUROR NO. 228: I wouldn't be surprised.

19 THE COURT: If you're picked. All right.

20 UNIDENTIFIED JUROR: I just turned 18 yesterday.

21 THE COURT: All right. Let's go.

22 PROSPECTIVE JUROR NO. 228: My name is Lisa Sutherland. My
23 badge number is 230. I've lived in Clark County for 41 years. I've got a bachelor's
24 degree in nursing. I'm a registered nurse. I'm not married. I have a son that's 15,
25 and I have never served.

1 THE COURT: Well, that was fast. Okay.

2 PROSPECTIVE JUROR NO. 228: Sorry.

3 THE COURT: Thank you very much.

4 PROSPECTIVE JUROR NO. 231: My name is Staporn Buasuwan,
5 Badge No. 231. Lived in Clark County for 16 years. High school graduated. Job is
6 a slot tech. Married. I have one son, 20 years old. And never served.

7 THE COURT: Thank you, Mr. Buasuwan.

8 PROSPECTIVE JUROR NO. 232: My name Elzetta Zurzolo. My
9 badge number is 232. I've lived in Clark County off and on for 40-some years. I've
10 been back now for about -- about 26. I've had some college education. I'm a
11 customer service for Golden Entertainment. I'm single. I have three children,
12 ages 34, 32 and 25. And I've never served.

13 THE COURT: Thank you, Ms. Zurzolo.

14 PROSPECTIVE JUROR NO. 232: Incorrect, but okay.

15 THE COURT: Okay. Oh. Say it again.

16 PROSPECTIVE JUROR NO. 232: Zurzolo.

17 THE COURT: Zurzolo.

18 PROSPECTIVE JUROR NO. 232: Uh-huh.

19 THE COURT: Zurzolo. Is it spelled, Z-U-R-Z-O-L-O?

20 PROSPECTIVE JUROR NO. 232: Uh-huh.

21 THE COURT: Okay. Thank you.

22 PROSPECTIVE JUROR NO. 232: You're welcome.

23 PROSPECTIVE JUROR NO. 235: Hi. My name is Dean Jaeger,
24 Badge No. 235. I have lived in Clark County for 18 years. High school graduate.
25 My position is a cage shift supervisor. I'm divorced with two children, 29 and 27.

1 And I've served on a criminal jury.

2 THE COURT: How long ago?

3 PROSPECTIVE JUROR NO. 235: About seven years.

4 THE COURT: Was that here in this building?

5 PROSPECTIVE JUROR NO. 235: Yes.

6 THE COURT: All right. And were you the foreperson?

7 PROSPECTIVE JUROR NO. 235: No.

8 THE COURT: And did the jury reach a verdict?

9 PROSPECTIVE JUROR NO. 235: No.

10 THE COURT: No? Okay. Is there anything about that experience that
11 would make it hard for you to be fair and impartial in this case?

12 PROSPECTIVE JUROR NO. 235: No.

13 THE COURT: Okay. Very good. Thank you, sir.

14 PROSPECTIVE JUROR NO. 237: All right. Hi. My name is Michael
15 Keck. My badge number is 237. I completed high school and a year of college. I
16 bar tend at Money Plays. Not married, no children, and I've never served on a jury.

17 THE COURT: All right. Thank you very much, sir.

18 PROSPECTIVE JUROR NO. 237: Yes, sir.

19 THE COURT: Ms. Gonzalez?

20 PROSPECTIVE JUROR NO. 239: My name is Rhonda Gonzalez,
21 Badge No. 239. I've lived in Clark County 27 years. Some college. I work for the
22 Clark County School District as an assistant accountant. I'm married. I have three
23 children, 30, 27, and 25. And I've never served.

24 THE COURT: All right. Thank you.

25 PROSPECTIVE JUROR NO. 242: Erica Perkins, Badge No. 242.

1 Born and raised, so 28 years. Some college. I work for CCSD as specialized
2 programs teacher's assistant. I'm single, no kids, and never served.

3 THE COURT: Okay. And you said you're a teaching assistant for
4 CCSD?

5 PROSPECTIVE JUROR NO. 242: Yes.

6 THE COURT: All right. Very good. And never served on a jury. All
7 right. Very good. Thank you.

8 PROSPECTIVE JUROR NO. 267: Charlene Trosclair, Badge No. 267.
9 I've lived here 20 years. High school education. I'm an entertainment lead usher in
10 the showroom for Caesar's Entertainment. I'm married. I got four children, 13, 19,
11 25, 29.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 267: And I have never served.

14 THE COURT: All right. Thank you, Ms. Trosclair.

15 PROSPECTIVE JUROR NO. 272: Hi. My name is Kathy Schneider.
16 My badge number is 272. I've lived here 49 years. Completed high school and a
17 few classes in college. I'm retired, married. I have two children, 48 and 44. And I
18 have served on a jury.

19 THE COURT: How long ago?

20 PROSPECTIVE JUROR NO. 272: I can't remember.

21 THE COURT: Okay. Was that here in town?

22 PROSPECTIVE JUROR NO. 272: Yes.

23 THE COURT: All right. Do you know if it was civil or criminal?

24 PROSPECTIVE JUROR NO. 272: I --

25 THE COURT: If you're not sure, that's okay.

1 PROSPECTIVE JUROR NO. 272: I'm not positive.

2 THE COURT: Okay. Do you know if you were the foreperson?

3 PROSPECTIVE JUROR NO. 272: No, I wasn't.

4 THE COURT: Okay. Is there anything that stands out about that
5 experience that makes it hard for you to be fair and impartial in this case?

6 PROSPECTIVE JUROR NO. 272: No. No.

7 THE COURT: All right. All right. Very good. I appreciate -- what
8 did -- what -- what line of work did you used to be in?

9 PROSPECTIVE JUROR NO. 272: I was a cashier and I was a dealer.

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

11 PROSPECTIVE JUROR NO. 284: Hi. My name is Patricia Vergel and
12 my badge number 284. I've lived in Clark County 37 years. Some college. My
13 position is admin IV. Not married, two children, 30 and 19. And I never serve.

14 THE COURT: All right. Thank you, very much.

15 PROSPECTIVE JUROR NO. 286: My name is Loreto Agbuya. My
16 badge number is 286. I live in Clark County for 17 years. I completed associate's
17 degree in electronics. Currently, a position quality assurance in a slot maker.
18 Married with three children, 27, 25, 23. And I never served on a jury.

19 THE COURT: So you said you work in quality assurance at what
20 company?

21 PROSPECTIVE JUROR NO. 286: It's a slot machine maker, Konami
22 Gaming.

23 THE COURT: Okay. All right. Thank you, Mr. Agbuya.

24 PROSPECTIVE JUROR NO. 288: My name is Maureen Knoblock,
25 Badge No. 288. I've lived in Clark County for 36 years. Education completed, high

1 school. Job position, I'm retired and I was a office worker. I'm married. I have four
2 children, ages 47, and triplets that are 43. And I've never served on a jury.

3 THE COURT: All right. So you're the one who's taking some muscle
4 relaxants, and we -- we're just going to, you know, watch you a little bit to make
5 sure you're not falling asleep and it's not making you too drowsy. So far do you feel
6 alert enough to pay attention to everything we're doing?

7 PROSPECTIVE JUROR NO. 288: Yes.

8 THE COURT: All right. If you feel that you lose any significant focus,
9 let us know. Okay?

10 PROSPECTIVE JUROR NO. 288: Okay.

11 THE COURT: All right. Thank you.

12 PROSPECTIVE JUROR NO. 288: Thank you.

13 THE COURT: All right. Who's next?

14 PROSPECTIVE JUROR NO. 288: Hi. My name is Andrea Bruner,
15 Badge No. 300. I've lived in Clark County for 28 years, high school. Job position --
16 position, pardon me, is a customer service representative. Divorced, now engaged,
17 one child and she's 11. And I've never served on a jury.

18 THE COURT: All right. Were you -- where are you a customer service
19 rep?

20 PROSPECTIVE JUROR NO. 288: A repossession company.

21 THE COURT: A repossession company?

22 PROSPECTIVE JUROR NO. 288: Yes, sir.

23 THE COURT: Okay. Like, take back cars when people don't pay, that
24 kind of thing?

25 PROSPECTIVE JUROR NO. 288: Yes.

1 THE COURT: Okay. Okay. Great. Where does that leave us? Is
2 that everybody? All right.

3 So I got a few more questions for you folks. So if this applies to
4 you, raise your hand. So has -- has anybody here ever testified as a witness in a
5 criminal lawsuit before? That's testified as a witness in a criminal lawsuit? If so,
6 raise your hand and let me know your badge number. All right.

7 We got a gentleman here. Tell us your badge number and
8 name.

9 PROSPECTIVE JUROR NO. 206: Badge No. 206, 2-0-6, Allen
10 Stanek. It's been a long time, Your Honor, but back in the early '90s as a patrol
11 officer for LVNPD, testified in several criminal cases.

12 THE COURT: All right. Very good, sir. And when did you stop
13 working for the LVNPD?

14 PROSPECTIVE JUROR NO. 206: June of 2012.

15 THE COURT: June of 2012. All right. So I'm -- I'm wondering do you
16 still have some -- some buddies on the force that you keep --

17 PROSPECTIVE JUROR NO. 206: I do.

18 THE COURT: That you keep in contact with?

19 PROSPECTIVE JUROR NO. 206: Somewhat.

20 THE COURT: Do you ever talk to them about some of the cases that
21 they're working on? Probably comes up a little bit, huh?

22 PROSPECTIVE JUROR NO. 206: Comes up once in a while.

23 THE COURT: You ever talk to them about, you know, the types of
24 cases that you've heard this case involves?

25 PROSPECTIVE JUROR NO. 206: No, I have heard.

1 THE COURT: No?

2 PROSPECTIVE JUROR NO. 206: No.

3 THE COURT: None of those? Okay. Ever talk about the PD's policies
4 and procedures that have been in existence since 2012; You ever talk about those?

5 PROSPECTIVE JUROR NO. 206: Yeah, some.

6 THE COURT: Some? Okay. Do you -- you heard names of certain
7 witnesses. Some of those might be police department personnel that are testifying.
8 Did you recognize any of those names?

9 PROSPECTIVE JUROR NO. 206: I heard the names, but I don't -- I
10 could not recall one of the -- no, I don't -- I don't know them at all. And I don't think
11 I've really ever heard their names before.

12 THE COURT: Okay. So you're going to get an instruction at some
13 point, a preliminary instruction that tells you how you're to judge the credibility of
14 witnesses. And I'm -- I'm going to explain to you that it's -- it's certain things --
15 you've got to judge the credibility of a witness based upon what you see, hear, and
16 observe in trial. In particular, when the witness on the stand, you got to listen to
17 their testimony. You'll look at their demeanor and manner of testifying on the stand.
18 You got to look at what they're saying, their ability to perceive what they're testifying
19 to. You have to look at whether they're consistent in their -- in their story of what
20 they're saying. You've got to look at whether what they're saying is consistent with
21 the evidence in the case, is it consistent with other testimony in the case. You got
22 to look at whether the person on the stand testifying has a motive or bias or some
23 reason to fabricate.

24 I mean, you've got to look at all of those factors. And you do that
25 for every single witness. All right. It's the same with a police officer. Are you

1 willing to -- to accept that, that you're going to judge every witness on the stand,
2 including police officers, the same way?

3 PROSPECTIVE JUROR NO. 206: Well, I would surely make that
4 positive effort, of course.

5 THE COURT: All right. Is there --

6 PROSPECTIVE JUROR NO. 206: I don't think I'd treat --

7 THE COURT: Are you starting off -- go ahead, sir.

8 PROSPECTIVE JUROR NO. 206: No, I'm just saying I wouldn't treat a
9 Metro officer testimony any differently than any of the other participants as -- as
10 testifying, but --

11 THE COURT: All right. Because I need to make sure that you're not
12 going to just, you know, automatically -- because some people automatically
13 believe what a police officer says, some people automatically disbelieve what a
14 police officer says. I need people that are going to not have an opinion and listen to
15 everything, look at the demeanor, and judge it in context of everything else before
16 making an opinion; can you do that?

17 PROSPECTIVE JUROR NO. 206: Yes.

18 THE COURT: All right. And you're -- you're confident you can do that,
19 even though you have worked for the police before?

20 PROSPECTIVE JUROR NO. 206: Yes.

21 THE COURT: Okay. All right. Do you think you can be a fair and
22 objective juror?

23 PROSPECTIVE JUROR NO. 206: Yes, sir.

24 THE COURT: Can you keep an open mind and not form any opinions
25 until all the evidence is in?

1 PROSPECTIVE JUROR NO. 206: Yes, sir.

2 THE COURT: All right. And are you willing to -- to accept the fact that
3 the defendant sitting here is presumed innocent at this point in time, until and
4 unless the State proves otherwise by the burden of beyond a reasonable doubt on
5 all the elements of the claims?

6 PROSPECTIVE JUROR NO. 206: Yes, sir.

7 THE COURT: All right. All right. Thank you, sir. I appreciate that.

8 PROSPECTIVE JUROR NO. 206: Thank you, Your Honor.

9 THE COURT: All right. Is there anybody else who -- who has ever
10 testified as a witness in a criminal trial before? Witness in a criminal trial? All right.

11 Is there anybody here who has ever been convicted of a crime?
12 Sometimes we get some people with a DUI. We still need to know it, so don't be
13 embarrassed. Anybody who's been convicted of a crime in the first 32? If so, I just
14 need you to raise your hand. Nope? Okay. Oh, we got one. Okay.

15 Seat No. 16.

16 And if you're not sure, just, you know, err on the side of telling
17 us.

18 PROSPECTIVE JUROR NO. 214: A couple of misdemeanors, like, 20
19 years ago for intoxicated in public. I don't know if that counts.

20 THE COURT: Okay. So that's, like, 20 years ago?

21 PROSPECTIVE JUROR NO. 214: Yeah, it was, like, when I was,
22 well, 18, 19, 20, years old, something like that.

23 THE COURT: All right. Is there anything about that experience that is
24 going to cause you to automatically want to rule against the -- the State or the
25 district attorney?

1 PROSPECTIVE JUROR NO. 214: No.
2 THE COURT: All right. Is there anything about that experience that's
3 going to make you want to rule against the -- the defendant?
4 PROSPECTIVE JUROR NO. 214: No.
5 THE COURT: All right. Can you be fair and open-minded?
6 PROSPECTIVE JUROR NO. 214: Uh-huh.
7 THE COURT: Are you going to follow the law?
8 PROSPECTIVE JUROR NO. 214: Yep.
9 THE COURT: Yep? All right. All right. Thank you, sir.
10 Anybody else? All right.
11 Is there anybody here --
12 THE MARSHAL: Judge, he had his --
13 THE COURT: Oh, yes, sir. Sorry. Go ahead, sir. Your badge
14 number?
15 PROSPECTIVE JUROR NO. 215: 215.
16 THE COURT: 215. And your name?
17 PROSPECTIVE JUROR NO. 215: Eddie Batista.
18 THE COURT: Mr. Batista, what do you got?
19 PROSPECTIVE JUROR NO. 215: Convicted of a DUI four years ago.
20 THE COURT: Four years ago?
21 PROSPECTIVE JUROR NO. 215: Right.
22 THE COURT: And in what jurisdiction was that, here in Clark County?
23 PROSPECTIVE JUROR NO. 215: Yes.
24 THE COURT: All right. And did -- did that get resolved?
25 PROSPECTIVE JUROR NO. 215: Yes.

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1 THE COURT: All right. And how does that -- how did that make you
2 feel?

3 PROSPECTIVE JUROR NO. 215: Better.

4 THE COURT: Better?

5 PROSPECTIVE JUROR NO. 215: Taught me a lesson.

6 THE COURT: Taught you a lesson. Okay. So you don't hold any
7 grudge against anybody, do you?

8 PROSPECTIVE JUROR NO. 215: No.

9 THE COURT: All right. And do you believe you can be fair and
10 impartial to both sides in this trial?

11 PROSPECTIVE JUROR NO. 215: Yes, sir.

12 THE COURT: All right. Thank you for being honest. I appreciate that,
13 sir.

14 Anybody else? No? All right.

15 Is there anybody here who's been a victim of crime? And so, if
16 so, I need to see -- usually, there's several people that have been a victim of crime.
17 That means even if your car's been broken into, I just need to know, just very
18 generally -- or your house has been broken into or a battery or purse snatch or, you
19 know, a partner stole from your business account or something. I just need to
20 know, you know, if anyone has ever been a victim of crime. If so, let's just find out
21 name and badge number, and what it was and how long ago.

22 PROSPECTIVE JUROR NO. 206: Allen Stanek, Badge No. 206,
23 battery on a PO.

24 THE COURT: Say again?

25 PROSPECTIVE JUROR NO. 206: I was the victim. I was a battered

1 police officer

2 THE COURT: Oh, battered police officer. How long ago was that?

3 PROSPECTIVE JUROR NO. 206: Oh, '95-'96.

4 THE COURT: All right. And despite that experience, you can still be
5 fair and impartial to both sides in this case?

6 PROSPECTIVE JUROR NO. 206: Yes, Your Honor.

7 THE COURT: All right. Very good. I -- yep --

8 PROSPECTIVE JUROR NO. 159: It's --

9 THE COURT: Let's just go one person at a time. You got to wait until
10 you get the microphone, so just raise your hand, and then when you get the mic,
11 you can talk. Okay?

12 PROSPECTIVE JUROR NO. 159: Okay. Badge No. 159, Belinda
13 Haag. About a year ago our house was broken into and all the power tools were
14 stolen out of our garage, both cars were ransacked.

15 THE COURT: All right. And is that going to cause you to favor one
16 side over the other --

17 PROSPECTIVE JUROR NO. 159: No.

18 THE COURT: -- in this case? All right. Are you willing to accept the
19 law that the defendant is presumed innocent at this point, right?

20 PROSPECTIVE JUROR NO. 159: Yes.

21 THE COURT: All right. And you're going to give everyone a fair trial
22 and listen carefully to all the evidence?

23 PROSPECTIVE JUROR NO. 159: Yes.

24 THE COURT: All right. Thank you, very much. All right.

25 Who else? Anybody else in that back row? The very back row?

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1 Yep, I see a hand.

2 PROSPECTIVE JUROR NO. 162: Holly Davis. My badge number

3 is 162. And I had physical and sexual assault.

4 THE COURT: Say again?

5 PROSPECTIVE JUROR NO. 162: Physical and sexual assault.

6 THE COURT: You personally have been attacked --

7 PROSPECTIVE JUROR NO. 162: Yes.

8 THE COURT: -- or assaulted?

9 PROSPECTIVE JUROR NO. 162: Yes.

10 THE COURT: Okay. And how long ago did that happen?

11 PROSPECTIVE JUROR NO. 162: I have the sexual when I was 13

12 and 14, as well as physical when I was 17.

13 THE COURT: All right. Did law enforcement catch the -- the

14 perpetrators?

15 PROSPECTIVE JUROR NO. 162: They were all set free.

16 THE COURT: All set free? Was there a trial?

17 PROSPECTIVE JUROR NO. 162: Not that I knew of. One of them

18 actually escaped the state.

19 THE COURT: Oh. So somebody escaped before they could be

20 locked up and --

21 PROSPECTIVE JUROR NO. 162: Yes.

22 THE COURT: -- and indicted or a criminal complaint was against

23 them, right?

24 PROSPECTIVE JUROR NO. 162: Yes.

25 THE COURT: All right. And what about the other ones; was there a

1 trial or were they found not guilty?

2 PROSPECTIVE JUROR NO. 162: The -- the one for the physical was
3 guilty, but he was sentenced for only three months.

4 THE COURT: Okay. Was there a plea bargain?

5 PROSPECTIVE JUROR NO. 162: Not that I remember.

6 THE COURT: Okay. So do you -- do you feel that -- I mean, the -- the
7 one that was sentenced for the short sentence, do you feel that they were let off too
8 easy?

9 PROSPECTIVE JUROR NO. 162: Yeah.

10 THE COURT: And how do you think that happened?

11 PROSPECTIVE JUROR NO. 162: I'm not very sure, honestly.

12 THE COURT: Do you -- do you question the -- the diligence or the
13 work ethic of either the police or the investigators or the DA on that case?

14 PROSPECTIVE JUROR NO. 162: No.

15 THE COURT: No? Okay. Do you -- do you harbor any kind of ill
16 feelings towards the district attorney based on that case?

17 PROSPECTIVE JUROR NO. 162: No, not at all.

18 THE COURT: All right. Was that -- was that here in Clark County?

19 PROSPECTIVE JUROR NO. 162: Yes.

20 THE COURT: All right. And -- and so it would have been -- was it --
21 was it State -- State prosecution, or there was State charges --

22 PROSPECTIVE JUROR NO. 162: Yes.

23 THE COURT: -- not federal charges?

24 PROSPECTIVE JUROR NO. 162: Yes.

25 THE COURT: All right. All right. Do you believe you can set that case

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1 aside and not -- not let it affect your judgment in this case?

2 PROSPECTIVE JUROR NO. 162: I'm not really sure. I actually feel
3 kind of uncomfortable being here.

4 THE COURT: Yeah. Is that because of the nature of the --

5 PROSPECTIVE JUROR NO. 162: Yes.

6 THE COURT: -- of the crime?

7 PROSPECTIVE JUROR NO. 162: Yes.

8 THE COURT: Okay. So is there -- do you need more information
9 about the case before you can decide, or do you -- or is your own comfort level
10 making you want to, like, get discharged now?

11 PROSPECTIVE JUROR NO. 162: Pretty much, like, right now. Just
12 hearing about it makes me uncomfortable. I'm not sure if I can go through with it.

13 THE COURT: Was -- was this a random attack? You didn't know the
14 perpetrators?

15 PROSPECTIVE JUROR NO. 162: Two of them were not.

16 THE COURT: Two were not?

17 PROSPECTIVE JUROR NO. 162: Two were not, no.

18 THE COURT: Okay. All right. And if -- so I can put this on the record,
19 if -- if you stayed in this case, how would that affect your ability to concentrate and
20 to listen to the evidence and judge the case fairly?

21 PROSPECTIVE JUROR NO. 162: I can listen, but I believe I'd be
22 pretty biased, honestly, based on my experiences, it would be hard.

23 THE COURT: Okay. Is -- is there anyway -- do you -- are you --
24 without saying who, are you biased in favor of one side over the other side already?

25 PROSPECTIVE JUROR NO. 162: Yes.

1 THE COURT: And that's without hearing any of the evidence?

2 PROSPECTIVE JUROR NO. 162: Yes.

3 THE COURT: Yes? And what's the hope of -- if I were instructing you,
4 you know, under the law, you have to set that aside and base your decision in this
5 case, just based on the evidence in this case, would it be possible for you to do
6 that, or would that be pretty difficult?

7 PROSPECTIVE JUROR NO. 162: I would try my hardest.

8 THE COURT: Okay. We need more than a try, though.

9 PROSPECTIVE JUROR NO. 162: Right.

10 THE COURT: And I hate to pressure you on this. What -- like, how
11 successful do you think you could be in trying to, you know, set aside that really
12 bad, awful event that happened to you, and -- and give both sides a fair trial here?

13 PROSPECTIVE JUROR NO. 162: Right. I honestly don't trust myself
14 to.

15 THE COURT: Okay. Okay. All right. Thank you. I appreciate that.

16 Does anybody want to approach?

17 MS. KIERNY: Sure.

18 [Bench conference transcribed as follows.]

19 THE WESTBROOK: I think she needs to --

20 MS. KIERNY: I think you're inclined to release her.

21 THE COURT: Yeah, but I wanted to see if you wanted to make a pitch
22 for me to keep her.

23 MS. KOLLINS: I mean, there's probably some questions we could ask
24 her to be fair. But, I mean, I think she's already said that she doesn't trust herself.
25 So I don't think we're coming back from that.

1 THE COURT: Okay. Thank you.

2 [End of bench conference.]

3 THE COURT: Thank you.

4 Well, Ms. Davis, I think I'm going to go ahead and excuse you.
5 Okay. I don't want you to have to sit through the trial. All right. But maybe you can
6 find a -- you know, I hope you have an opportunity to serve in another capacity, at
7 another trial something in the future. All right?

8 PROSPECTIVE JUROR NO. 162: All right. Thank you so much.

9 THE COURT: Thank you very much for your time.

10 So 162 is excused.

11 Madam Clerk, will you please find -- call the next person to order
12 to take that seat

13 THE CLERK: That would be Badge No. 301, Minfred Thomas, in
14 Seat No. 7.

15 THE COURT: All right. Mr. Thomas, please come forward. Please
16 step on up there in Seat No. 7.

17 Mr. Thomas, why don't you tell us your name and badge
18 number, and years in Clark County, and education, to start with.

19 PROSPECTIVE JUROR NO. 301: My name is Minfred Thomas,
20 Badge No. 301. I've been in Clark County for 12 years. I only went to the 11th
21 grade. I had a choice between a job and school, and I chose a job.

22 THE COURT: And what's been your occupation, sir?

23 PROSPECTIVE JUROR NO. 301: I'm a school bus driver for Clark
24 County. I deal with special needs.

25 THE COURT: All right. Thank you for your work, sir. And do you

1 have any children?

2 PROSPECTIVE JUROR NO. 301: Yes. I got three girls. One -- one
3 is 36, the next one is 24, and the one under is 22.

4 THE COURT: Ever serve on a jury?

5 PROSPECTIVE JUROR NO. 301: Never served.

6 THE COURT: All right. Sir, are you willing to follow the law as the
7 court instructs you?

8 PROSPECTIVE JUROR NO. 301: Yes.

9 THE COURT: And do you agree with the basic principles of American
10 justice that I -- that I outlined?

11 PROSPECTIVE JUROR NO. 301: Uh-huh, yes.

12 THE COURT: Yes? All right. Very good. Very good, sir. Sir, have
13 you ever been a witness to a criminal lawsuit?

14 PROSPECTIVE JUROR NO. 301: No.

15 THE COURT: Have you ever been a victim of crime?

16 PROSPECTIVE JUROR NO. 301: Yeah, quite a few times.

17 THE COURT: Quite a few times?

18 PROSPECTIVE JUROR NO. 301: Yes.

19 THE COURT: All right. Tell us -- why don't you tell us --

20 PROSPECTIVE JUROR NO. 301: I was born and raised in Los
21 Angeles and --

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 301: -- New York. So.

24 THE COURT: Why don't you tell us about your experiences as a -- as
25 a victim.

1 PROSPECTIVE JUROR NO. 301: Well, as a victim, assault and
2 battery, robbery, breaking -- breaking, entering, stuff -- you know, I had a lot of stuff
3 stolen from me. I had somebody get into my bank account, you know, took my
4 money and -- and so forth. So.

5 THE COURT: You've got speak up a little bit.

6 PROSPECTIVE JUROR NO. 301: I had, you know, it's been quite a
7 few different things, robbery, burglary, assault and battery.

8 THE COURT: So let me ask you this, can you be fair and objective in
9 this case?

10 PROSPECTIVE JUROR NO. 301: Yeah. Yes.

11 THE COURT: All right. Is there anything about those prior -- prior
12 attacks against you or crimes against you, anything about that that makes you
13 either, you know, against -- against the State or against the defense?

14 PROSPECTIVE JUROR NO. 301: Oh, no.

15 THE COURT: No?

16 PROSPECTIVE JUROR NO. 301: No.

17 THE COURT: All right. Have you ever -- have you ever been arrested
18 for a crime? Or did I -- what -- no, convicted of a crime is what I'm asking
19 everybody.

20 PROSPECTIVE JUROR NO. 301: Yes, I have.

21 THE COURT: All right. Convicted? Why don't you tell us.

22 PROSPECTIVE JUROR NO. 301: I was convicted of -- in a felony
23 case of -- I think it was drug possession.

24 THE COURT: All right. And what state was that in?

25 PROSPECTIVE JUROR NO. 301: That was in California.

1 THE COURT: All right. Did you ever -- so were you found guilty of a
2 felony, then?

3 PROSPECTIVE JUROR NO. 301: I -- put it this way, I don't mess with
4 drugs. I don't do anything. I was found guilty, but --

5 THE COURT: Well, the thing is, I need to know if it's a felony or a
6 gross misdemeanor or a misdemeanor.

7 PROSPECTIVE JUROR NO. 301: No, it was -- I -- I did four years.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 301: So they labeled it as a felony. I did
10 it in --

11 THE COURT: So did you ever have your -- your civil rights restored so
12 that you could vote and --

13 PROSPECTIVE JUROR NO. 301: Yes. That was back in the '80s.

14 THE COURT: All right. So you did -- that was back in the '80s?

15 PROSPECTIVE JUROR NO. 301: Yes.

16 THE COURT: All right. And so you -- you're eligible to vote now in
17 California or when you lived there?

18 PROSPECTIVE JUROR NO. 301: Yeah.

19 THE COURT: Okay. All right. Because you need to have your rights
20 restored in order to sit on the jury, that's why I'm asking.

21 PROSPECTIVE JUROR NO. 301: Oh, okay.

22 THE COURT: Okay?

23 PROSPECTIVE JUROR NO. 301: Yeah.

24 THE COURT: But you believe -- you believe you were restored?

25 PROSPECTIVE JUROR NO. 301: Yes.

1 THE COURT: All right. Very good. Thank you, sir. And maybe
2 there's a way we could double check that. All right.

3 Let's go back to I was asking everybody if anyone here has been
4 a victim of crime. If so, I need to talk to you all one at a time. Just pass the mic
5 around.

6 PROSPECTIVE JUROR NO. 214: 21 --

7 THE COURT: Whoever's got it can go.

8 PROSPECTIVE JUROR NO. 214: 214, Steve Erdmann. Basically, I
9 reported a hit and run on my car, like, six, seven years ago.

10 THE COURT: All right. Anything about that experience make it hard
11 for you to be fair and impartial here?

12 PROSPECTIVE JUROR NO. 214: No, I'm good.

13 THE COURT: And you can give both sides a fair shake?

14 PROSPECTIVE JUROR NO. 214: Yep.

15 THE COURT: All right. Thank you. Just pass the mic down. Just
16 keep passing it down until someone wants to talk.

17 PROSPECTIVE JUROR NO. 193: Renee Preuss-Ayres,
18 Badge No. 193. I was sexually molested as a child.

19 THE COURT: Say again?

20 PROSPECTIVE JUROR NO. 193: Sexually molested as a child.

21 THE COURT: Okay. All right. Sorry to hear that. How old were you?

22 PROSPECTIVE JUROR NO. 193: As far back as I can remember to
23 the age of 10.

24 THE COURT: All right. And -- and was it by a stranger or relative?

25 PROSPECTIVE JUROR NO. 193: Relative.

1 THE COURT: And did they -- what -- what actions were taken against
2 your relative?

3 PROSPECTIVE JUROR NO. 193: It was two relatives and in the state
4 of Colorado. Since my cousin didn't testify -- my aunt wouldn't let my cousin testify,
5 they dropped the case. So -- because my uncle is unstable, I guess. So.

6 THE COURT: So this is a different state.

7 PROSPECTIVE JUROR NO. 193: Yes.

8 THE COURT: And different law.

9 PROSPECTIVE JUROR NO. 193: Yes.

10 THE COURT: Different defendant, different allegations, and
11 Defendant is presumed innocent.

12 PROSPECTIVE JUROR NO. 193: Yes, that's correct.

13 THE COURT: You understand all of that here?

14 PROSPECTIVE JUROR NO. 193: Yes, I do.

15 THE COURT: All right. And so is anything about that case against
16 you, as horrible as it was, anything about that going to affect your ability --

17 PROSPECTIVE JUROR NO. 193: I'm --

18 THE COURT: -- to be a good juror here?

19 PROSPECTIVE JUROR NO. 193: I'm a grown woman, and I've
20 learned and I've accepted, like, what has happened to me wasn't my fault. And
21 whatever happened justice-wise was, you know, through the State of Colorado. I
22 don't think it would affect my judgment in this situation. I would keep an open mind
23 about everything about it.

24 THE COURT: All right. And if you start to feel bad feelings coming up
25 from that other case, can you set those aside --

1 PROSPECTIVE JUROR NO. 193: Yes, I can.

2 THE COURT: -- and focus?

3 PROSPECTIVE JUROR NO. 193: I -- I can. That's something I've let
4 go of, you know. It happened to me, but, you know, in order to be a functioning
5 well-rounded individual, you do have to let go of things that are bad that do happen
6 to you.

7 THE COURT: So you can look at -- look at the defendant here.

8 PROSPECTIVE JUROR NO. 193: I do. I see him.

9 THE COURT: And -- and you don't have any negative feelings
10 towards him at all --

11 PROSPECTIVE JUROR NO. 193: Not right now.

12 THE COURT: -- based upon your situation, right?

13 PROSPECTIVE JUROR NO. 193: Not right now, because I don't know
14 what the whole situation is.

15 THE COURT: Perfect.

16 PROSPECTIVE JUROR NO. 193: It's just an assumption.

17 THE COURT: And you're willing to the evidence?

18 PROSPECTIVE JUROR NO. 193: Yes. I am willing to listen to the
19 evidence.

20 THE COURT: You've been very truthful and -- and I appreciate that.

21 PROSPECTIVE JUROR NO. 193: Thank you.

22 THE COURT: Thank you. Sorry for that incident you had to deal with.
23 All right.

24 PROSPECTIVE JUROR NO. 186: Cedo Bucalo, Badge No. 186.

25 THE COURT: 186?

1 PROSPECTIVE JUROR NO. 186: Just a couple -- uh-huh. Just a
2 couple of minor things. Car was vandalized and hit a run once.

3 THE COURT: How -- how long ago were those?

4 PROSPECTIVE JUROR NO. 186: Probably eight to 10 years ago,
5 both of them.

6 THE COURT: Both of them eight to 10?

7 PROSPECTIVE JUROR NO. 186: Uh-huh.

8 THE COURT: All right. Are those going to affect your ability to serve
9 today?

10 PROSPECTIVE JUROR NO. 186: No, sir.

11 THE COURT: You can be fair and impartial?

12 PROSPECTIVE JUROR NO. 186: Yes, sir.

13 THE COURT: To both sides?

14 PROSPECTIVE JUROR NO. 186: Yes, sir.

15 THE COURT: All right. Very good. Pass -- pass the mic down. No?
16 Okay.

17 PROSPECTIVE JUROR NO. 157: It involves a minor, Your Honor. I'd
18 like to approach the bench, if possible.

19 THE COURT: Sure, you may.

20 [Bench conference transcribed as follows.]

21 THE COURT: I need your badge number.

22 PROSPECTIVE JUROR NO. 157: 157.

23 THE COURT: Okay. Not too loud, but this records you right here.

24 PROSPECTIVE JUROR NO. 157: I went through all this crap with my
25 daughter.

1 THE COURT: Oh, really. Your daughter?
2 PROSPECTIVE JUROR NO. 157: Yeah, in California.
3 THE COURT: Did --
4 PROSPECTIVE JUROR NO. 157: The guy lost his kids.
5 THE COURT: So did someone --
6 PROSPECTIVE JUROR NO. 157: But they didn't push him all the way
7 through.
8 THE COURT: Okay. She was abused by someone else? Was it a
9 relative or a stranger?
10 PROSPECTIVE JUROR NO. 157: No. It was my wife's friend's
11 husband.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR NO. 157: Ex-wife at the time. She's still my
14 ex-wife, and I didn't find out until six years after it. So this is all --
15 THE COURT: And he -- he -- and he didn't serve any time?
16 PROSPECTIVE JUROR NO. 157: He got his kids taken away.
17 THE COURT: Yeah.
18 PROSPECTIVE JUROR NO. 157: That's it.
19 THE COURT: Do you hold a grudge against the State for --
20 PROSPECTIVE JUROR NO. 157: Big time.
21 THE COURT: So --
22 PROSPECTIVE JUROR NO. 157: Big time.
23 THE COURT: -- that was in another state, right?
24 PROSPECTIVE JUROR NO. 157: It is.
25 THE COURT: Do you -- can you give --

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1 PROSPECTIVE JUROR NO. 157: It's hard as a dad though, to --
2 THE COURT: -- can you give the Nevada officials a fair shake?
3 PROSPECTIVE JUROR NO. 157: I can give the Nevada officials a fair
4 shake, no problem. I think we have a mutual friend, as well, so that's not an issue.
5 Mark Margiota [phonetic].
6 MR. HAMNER: Oh, yeah, that's true.
7 PROSPECTIVE JUROR NO. 157: Mike. Yeah, I just -- I didn't realize
8 it at the beginning.
9 MR. HAMNER: I didn't --
10 PROSPECTIVE JUROR NO. 157: Yeah. We've never met, but.
11 MR. HAMNER: We've never met.
12 THE COURT: Oh, okay.
13 MR. HAMNER: We have a person in common.
14 PROSPECTIVE JUROR NO. 157: Yeah.
15 THE COURT: Okay. Well, you know, so that's a different issue, but --
16 PROSPECTIVE JUROR NO. 157: Yeah.
17 THE COURT: -- but, I mean, can -- yes?
18 MS. KIERNY: Oh, sorry. Go ahead.
19 THE COURT: Do you believe --
20 MS. KIERNY: [Indiscernible] he could be fair to us.
21 PROSPECTIVE JUROR NO. 157: No, but it's tough for me to sit in the
22 same room and watch --
23 THE COURT: Do you believe you can set aside, you know, your --
24 your bad feelings towards law enforcement in --
25 PROSPECTIVE JUROR NO. 157: I can try.

1 THE COURT: -- another state in -- in --
2 PROSPECTIVE JUROR NO. 157: It's not so much against the State.
3 THE COURT: -- in determining whether the State has met their burden
4 in this case?
5 PROSPECTIVE JUROR NO. 157: Yeah. It's not so much against the
6 State. I have a hard time with kids and that stuff right now.
7 THE COURT: So the fact that this happened to your daughter --
8 PROSPECTIVE JUROR NO. 157: Uh-huh.
9 THE COURT: -- can you set that aside and not hold it against the
10 defendant here, because the defendant is presumed innocent?
11 PROSPECTIVE JUROR NO. 157: I can try. I can't guarantee that.
12 THE COURT: Yeah. Well, that's -- see, that's not good enough.
13 PROSPECTIVE JUROR NO. 157: Yeah. It's a tough one.
14 THE COURT: Because I can't -- I can't have anybody --
15 PROSPECTIVE JUROR NO. 157: It's still fresh -- it's still fresh for me.
16 THE COURT: Why would -- if it's a separate gentleman, separate
17 facts, why would you taint him, based on what happened in another case?
18 PROSPECTIVE JUROR NO. 157: Because I saw the way my child
19 was treated, and most kids don't lie. Not about stuff like that.
20 THE COURT: Is that what you firmly believe?
21 PROSPECTIVE JUROR NO. 157: Yeah. And it's tough for me to
22 swallow.
23 THE COURT: What do you guys say?
24 MS. KOLLINS: How long ago was your daughter's?
25 THE COURT: Want to voir dire him?

1 PROSPECTIVE JUROR NO. 157: Hers was six years ago, and I didn't
2 find out about it until a year and a half ago. So -- and this all goes back to -- no
3 offense to the court, but this all goes back to she kept it quiet, my ex kept it quiet,
4 because she didn't want to lose the child support. That came out when they tried
5 to -- they were trying to move to North Carolina. It came out in the court case there.
6 It was pretty rough. And everybody's -- the kids have been through therapy, and
7 we've been through therapy.

8 MS. KOLLINS: You don't think there's been enough time and distance
9 between that experience, such that you could --

10 PROSPECTIVE JUROR NO. 157: It's only been a year. We're barely
11 out of therapy.

12 THE COURT: One year out of therapy?

13 PROSPECTIVE JUROR NO. 157: Yeah. We're not even a year out of
14 therapy.

15 MR. HAMNER: How long since the --

16 PROSPECTIVE JUROR NO. 157: Therapy's been about six months
17 since we stopped.

18 MR. HAMNER: Whole family is going to therapy?

19 PROSPECTIVE JUROR NO. 157: Yeah. It was mandated by Ito in
20 California, Commissioner Ito. I'll give you the case number, if you want it.

21 THE COURT: All right. I think I'm going to -- I think I'm going to
22 excuse you, unless you can tell me right now that you --

23 PROSPECTIVE JUROR NO. 157: I -- I'd be honest with you, I can't --

24 THE COURT: -- can unequivocally guarantee that you will give the
25 defendant a fair trial and not let this prior incident affect your judgment.

1 PROSPECTIVE JUROR NO. 157: I can't guarantee I can do that.
2 THE COURT: Okay. Well, you're being honest. I appreciate that.
3 PROSPECTIVE JUROR NO. 157: Yeah, I just -- it's too fresh.
4 THE COURT: All right. Thank you, sir.
5 PROSPECTIVE JUROR NO. 157: Fair enough.
6 [End of bench conference.]
7 THE COURT: Why don't you have a seat and let me take a --
8 PROSPECTIVE JUROR NO. 157: Back over here?
9 THE COURT: Well, do you got your stuff?
10 PROSPECTIVE JUROR NO. 157: Yeah, I'm good.
11 THE COURT: You're number 157?
12 PROSPECTIVE JUROR NO. 157: Yes, sir.
13 THE COURT: Thank you for that -- that information, Mr. Garrett, right?
14 PROSPECTIVE JUROR NO. 157: Yes, sir.
15 THE COURT: I'm going to go ahead and excuse Mr. Garrett for cause,
16 Badge No. 157. All right.
17 Thank you, sir. You may gather your things and leave.
18 PROSPECTIVE JUROR NO. 157: Thank you, sir.
19 THE COURT: Will the clerk please call the next in order to take
20 Seat No. 3?
21 THE CLERK: That would be Badge No. 304, Lisa Schirmeister.
22 THE COURT: All the way back there. Thank you. All right.
23 Ms. Schirmeister, I need some information from you.
24 Are you willing to accept the American principles of justice that
25 I -- that I explained to the other group?

1 PROSPECTIVE JUROR NO. 157: Yes.

2 THE COURT: All right. And do you agree to follow the law as I
3 instruct you?

4 PROSPECTIVE JUROR NO. 157: Yes.

5 THE COURT: Do you believe you could be fair and impartial in this
6 case if chosen as a juror?

7 PROSPECTIVE JUROR NO. 157: Yes.

8 THE COURT: All right. Can you please tell us your name and badge
9 number?

10 PROSPECTIVE JUROR NO. 157: My name is Lisa Schirmeister. My
11 badge number is 304. I've lived in Clark County for 23 years. I have a bachelor's in
12 respiratory. My job position -- I'm a respiratory therapist. I'm divorced. I have three
13 daughters, 27, 25, 13, and a grandbaby coming in July. And no, I've never served.

14 THE COURT: All right. Thank you very much. Have you ever been a
15 witness to a criminal lawsuit?

16 PROSPECTIVE JUROR NO. 157: No.

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

18 PROSPECTIVE JUROR NO. 157: No.

19 THE COURT: And have you ever been a victim of crime?

20 PROSPECTIVE JUROR NO. 157: No.

21 THE COURT: All right. Thank you.

22 We're finishing up with the back row. Anybody -- or, the middle
23 row. Anybody has been -- anybody has been a victim of crime? Anybody else?

24 PROSPECTIVE JUROR NO. 156: Is there any way that I could
25 approach the bench as well? Or...

1 THE COURT: Yes, you can.

2 [Portion of audio sealed by the Court.]

3 THE COURT: Well, I'm going to put on the record, unless you're
4 saying something -- you want me to hear this?

5 MR. WESTBROOK: Oh, no. It's -- it's not about this.

6 THE COURT: Oh, okay. Then -- then I'm going to continue what I'm
7 doing.

8 Juror No. 156, Claudia McNamara, I'm going to excuse. Thank
9 you very much for your time and good luck to you.

10 PROSPECTIVE JUROR NO. 156: Thank you.

11 THE COURT: So will the clerk please take the next person in order for
12 that seat.

13 THE CLERK: That will be Badge No. 305, Charles Elliston.

14 THE COURT: Charles Elliston. Welcome, Mr. Elliston.

15 So, Mr. Elliston, are you willing to accept our basic principles of
16 law that in every -- every criminal defendant the is presumed innocent and the State
17 has the burden of proving beyond a reasonable doubt that the defendant is guilty;
18 Do you believe in those principles of American justice?

19 PROSPECTIVE JUROR NO. 305: Yes, sir.

20 THE COURT: All right. And you agree to follow the law as it will be
21 instructed to you?

22 PROSPECTIVE JUROR NO. 305: Yes, sir.

23 THE COURT: All right. Have you ever been convicted of a crime?

24 PROSPECTIVE JUROR NO. 305: Just a traffic warrant.

25 THE COURT: Traffic warrant. Okay. And have you ever been a

1 victim of crime?

2 PROSPECTIVE JUROR NO. 305: Yes, sir.

3 THE COURT: Tell us about that.

4 PROSPECTIVE JUROR NO. 305: Quite a few times, about four times.
5 I've been burglarized, my car, my vehicles, different locations throughout the Valley.

6 THE COURT: All right. And anything about those experiences cause
7 you to be not fair and impartial to the -- both sides in this case?

8 PROSPECTIVE JUROR NO. 305: No --

9 THE COURT: Can you be fair and impartial?

10 PROSPECTIVE JUROR NO. 305: Yes, sir.

11 THE COURT: All right. Why don't go ahead and tell us the
12 biographical information that we need, sir.

13 PROSPECTIVE JUROR NO. 305: My name is Charles Elliston, badge
14 number is 305. I've lived in Clark County about 40 years. And technical training for
15 HVAC. I currently am a mechanic engineer at a bakery in Henderson. I'm married.
16 I have one child, about 32 years old. And I've never served on a jury.

17 THE COURT: All right. Very good. Do you think you'll be a fair and
18 impartial juror?

19 PROSPECTIVE JUROR NO. 305: Yes, sir.

20 THE COURT: And how does -- how do you feel about being up here
21 at this point?

22 PROSPECTIVE JUROR NO. 305: Very --

23 THE COURT: Hesitant?

24 PROSPECTIVE JUROR NO. 305: It's weird being in front of a group
25 of people. I'm not used to that.

1 THE COURT: Oh, okay. Well, it's going to get worse. Because the
2 attorneys are going to ask questions soon. So -- all right. Anything else you want
3 to tell us?

4 PROSPECTIVE JUROR NO. 305: No.

5 THE COURT: All right. Very good.

6 Was there anybody else -- I think we still have some people that
7 need to tell us about whether they've been a victim of crime. So just keep passing
8 the mic around until everyone's had a chance to speak.

9 Badge number?

10 PROSPECTIVE JUROR NO. 177: 177, Starlette Gordon.

11 THE COURT: All right. Yes, ma'am.

12 PROSPECTIVE JUROR NO. 177: I was a victim of identity theft.
13 When I reported it, the police officers pretty much didn't do anything. They just
14 pretty much told me I'd just have to forget it. And so the bank helped me resolve
15 that part. But the person that I knew did it, they didn't even do anything to him at
16 all. And then another time I had a -- a gun pulled on me. That case, it was an
17 illegal person that got put in jail for five years.

18 THE COURT: Okay. So you were happier about the results in the
19 second matter?

20 PROSPECTIVE JUROR NO. 177: Correct.

21 THE COURT: All right. The first matter you said the police didn't do
22 anything.

23 PROSPECTIVE JUROR NO. 177: No.

24 THE COURT: Was that here in Clark County?

25 PROSPECTIVE JUROR NO. 177: No.

1 THE COURT: What state was that?
2 PROSPECTIVE JUROR NO. 177: Missouri.
3 THE COURT: Missouri. All right. So you're not going to hold that
4 against the DAs here, are you?
5 PROSPECTIVE JUROR NO. 177: Probably not.
6 THE COURT: Okay. Probably not?
7 PROSPECTIVE JUROR NO. 177: I -- I was pretty bitter about it, at the
8 time, and -- I don't know.
9 THE COURT: All right. Well, this is a different state.
10 PROSPECTIVE JUROR NO. 177: Yeah.
11 THE COURT: We've got a different sheriff, right?
12 PROSPECTIVE JUROR NO. 177: Right.
13 THE COURT: We got a different district attorney, right?
14 PROSPECTIVE JUROR NO. 177: Yes. I just have other issues that
15 probably discuss later.
16 THE COURT: All right. Well, you don't -- okay. Well, I'll let them talk
17 to you about those other issues. All right.
18 PROSPECTIVE JUROR NO. 177: Okay.
19 THE COURT: All right. All right. So that's 177.
20 Who else? Who else has been a victim of crime?
21 PROSPECTIVE JUROR NO. 228: Nicholas Rivera, Badge No. 228.
22 About eight years ago, my parents' house, when I was living there still, was
23 burglarized. And they stole a lot of jewelry from my parents, as well as my sister.
24 They ended up catching the person that did it, and he was supposed to be on
25 parole in California, so he was taken to California and handled through their

1 system.

2 THE COURT: All right. Were you satisfied in the way it was handled?

3 PROSPECTIVE JUROR NO. 228: Yes.

4 THE COURT: All right. Do you think you could be fair and impartial to
5 both sides in this case?

6 PROSPECTIVE JUROR NO. 228: Absolutely.

7 THE COURT: All right. Thank you, sir. All right. Pass the
8 microphone down. Just pass it down to the end, until someone wants to speak.

9 PROSPECTIVE JUROR NO. 232: Oh, I was just -- I just wanted to
10 say that I was robbed on my job. It's been about 20-21 years ago.

11 THE COURT: I need your badge number.

12 PROSPECTIVE JUROR NO. 232: Oh, I'm sorry. Elzetta Zurzolo, 232.

13 THE COURT: 232. Thank you, Ms. Zurzolo. You were robbed on
14 your job?

15 PROSPECTIVE JUROR NO. 232: Yeah. It's been about 20-21 years
16 ago, but I described him, ID'd him, and he was arrested and did time.

17 THE COURT: Was a weapon used?

18 PROSPECTIVE JUROR NO. 232: No, he just threatened me.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 232: He said he had one and he said
21 that he had a partner outside with a shotgun aimed at me. But --

22 THE COURT: Oh, wow.

23 PROSPECTIVE JUROR NO. 232: -- it didn't scare me.

24 THE COURT: You're tough. Well, we're glad that --

25 PROSPECTIVE JUROR NO. 232: Didn't scare me.

1 THE COURT: -- you escaped unharmed and that you're here. You're
2 going to be able to give both sides here a fair trial?

3 PROSPECTIVE JUROR NO. 232: Oh, yes.

4 THE COURT: Okay. Very good. Thank you, ma'am.

5 Who else?

6 PROSPECTIVE JUROR NO. 237: Badge No. 237, sir. I was robbed
7 at gunpoint when I was bartending about 15 years ago. Shook me up pretty good.
8 But as I got older, I learned to get over it, you know. I'm still bartending now, and I
9 just take one day at a time, you know, so.

10 THE COURT: Great.

11 PROSPECTIVE JUROR NO. 237: Yes, sir.

12 THE COURT: So you're over it enough to -- to give both sides a fair
13 trial here, right?

14 PROSPECTIVE JUROR NO. 237: Yes, sir.

15 THE COURT: All right. All right.

16 PROSPECTIVE JUROR NO. 237: Just wanted to be honest about
17 that. So thank you.

18 THE COURT: I appreciate that. All right.

19 Anybody over in this other side?

20 PROSPECTIVE JUROR NO. 239: Rhonda Gonzalez, Badge No. 239.
21 When I was 10 I was molested by a stranger on a school bus, and -- not a school
22 bus, a city bus. And the man was mentally ill and was put into a mental institution.

23 THE COURT: Okay. So they caught the person and put him --

24 PROSPECTIVE JUROR NO. 239: Uh-huh.

25 THE COURT: -- in a facility where he can get some help --

1 PROSPECTIVE JUROR NO. 239: Yes.
2 THE COURT: -- hopefully.
3 PROSPECTIVE JUROR NO. 239: Yes. He was mentally ill.
4 THE COURT: All right. And do you think law enforcement handled the
5 whole situation appropriately?
6 PROSPECTIVE JUROR NO. 239: Very well, yes.
7 THE COURT: All right. Are you going to -- are you willing to give both
8 the district attorney and the defense attorneys a fair trial?
9 PROSPECTIVE JUROR NO. 239: Yes.
10 THE COURT: All right. Thank you very much, ma'am.
11 Anybody else back there been a victim?
12 PROSPECTIVE JUROR NO. 272: My name is Kathy Schneider,
13 Badge No. 272. I had my purse stolen twice. I've had my car hit -- you call it hit
14 and run. And I was tried to be robbed at gunpoint at work.
15 THE COURT: Was that all here in Clark County?
16 PROSPECTIVE JUROR NO. 272: Yes.
17 THE COURT: How long ago was the last of these incidents?
18 PROSPECTIVE JUROR NO. 272: Maybe six years ago.
19 THE COURT: Six years ago? And -- and did you report these crimes.
20 PROSPECTIVE JUROR NO. 272: Yes.
21 THE COURT: And was there follow-up by the police or the
22 investigators?
23 PROSPECTIVE JUROR NO. 272: The -- the ones that I was at work,
24 they didn't find the people.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 272: And the two when I was robbed,
2 no, they never -- nothing ever happened. They never found them. And the hit and
3 run, no. None of them.

4 THE COURT: All right. So how does that make you feel towards law
5 enforcement in Clark County overall?

6 PROSPECTIVE JUROR NO. 272: Oh, it's okay.

7 THE COURT: Okay? Are you willing to give the district attorney's
8 office here a fair trial?

9 PROSPECTIVE JUROR NO. 272: Yes.

10 THE COURT: Are you willing to give the defendant here a fair trial?

11 PROSPECTIVE JUROR NO. 272: Yes.

12 THE COURT: All right. Do you think you -- you can be a good juror?

13 PROSPECTIVE JUROR NO. 272: I think so.

14 THE COURT: Okay. Good. I appreciate that. Well, you got to try.
15 Thank you. All right.

16 Who else? Hi.

17 PROSPECTIVE JUROR NO. 284: Patricia Vergel, 284.

18 THE COURT: 284.

19 PROSPECTIVE JUROR NO. 284: My car got stolen once. I had a hit
20 and run. And another time my debit card was copied and was used in another
21 state. And I always wanted -- I wanted to mention that I sealed my record years
22 ago of something that happened in the '80s.

23 THE COURT: Okay. That's fine. If it's sealed, you don't need to tell
24 us.

25 PROSPECTIVE JUROR NO. 284: Okay.

1 THE COURT: But thank you for mentioning that. So do you think you
2 can carefully listen to all the evidence and then make a fair decision?

3 PROSPECTIVE JUROR NO. 284: Yes.

4 THE COURT: Yes?

5 PROSPECTIVE JUROR NO. 284: Yep.

6 THE COURT: All right. I don't remember, have you ever served as a
7 jury before?

8 PROSPECTIVE JUROR NO. 284: No.

9 THE COURT: All right. So this is a very important responsibility and
10 you're going -- you're going to do your absolute best to be fair to both sides, right?

11 PROSPECTIVE JUROR NO. 284: Yes.

12 THE COURT: All right. Thank you, very much, ma'am.

13 PROSPECTIVE JUROR NO. 286: Yeah, my name is Loreto Agbuya.
14 I got --

15 THE COURT: Badge number?

16 PROSPECTIVE JUROR NO. 286: Badge No. 286.

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

18 PROSPECTIVE JUROR NO. 286: Yeah. Yeah, our house got
19 burglarized by a -- by a I thought it was a kid, but actually he was not 21 years old.
20 It happened on the day, 10:00 in the morning. Luckily, I came back to get my check
21 account, and he was -- we both came in at the house at the same time through
22 the -- the sink, backyard window. And I was -- we came in at the same time. I tried
23 to chase him, but he was like a kangaroo and was going over the fence so fast. But
24 I -- I called the cops right away and -- and 15 minutes later, he came back to the
25 front yard, the front street. And I recognized him, tried to chase him again, but

1 luckily, the police caught him on the other side of the fence, and, you know, I -- we
2 identified it was him. And they put him in jail.

3 And the thing that made me really -- really felt good, because it
4 was his third strike, and the police said that he was going to be put away for a
5 while.

6 THE COURT: All right. Well, thank you for that information, sir. And
7 so are you willing to be fair and impartial to both sides here?

8 PROSPECTIVE JUROR NO. 286: Yes.

9 THE COURT: All right. One of the things -- well, we'll get to that later.
10 Thank you, sir. All right. You can pass the microphone.

11 Anybody else want to talk?

12 PROSPECTIVE JUROR NO. 300: May I approach?

13 THE COURT: Yes, you may, please. What -- what badge number are
14 you?

15 PROSPECTIVE JUROR NO. 300: 300.

16 THE COURT: Oh, 300. Okay.

17 [Bench conference transcribed as follows.]

18 PROSPECTIVE JUROR NO. 300: Two things I'm not sure. I had a
19 charge of domestic violence. I -- I got house arrest. I don't know if it was --

20 THE COURT: Against you?

21 PROSPECTIVE JUROR NO. 300: Yeah. I don't know if I was
22 convicted. I don't want to say it out loud. And then, second, I had an assault with a
23 deadly weapon against me.

24 THE COURT: Were you ever convicted of those?

25 PROSPECTIVE JUROR NO. 300: Huh?

1 THE COURT: Were you ever convicted of those?
2 PROSPECTIVE JUROR NO. 300: The -- the assault, it was domestic.
3 THE COURT: Okay.
4 PROSPECTIVE JUROR NO. 300: And I left the house. It -- I -- I got
5 house arrest, so I mean, it didn't go to trial.
6 THE COURT: House arrest, okay.
7 PROSPECTIVE JUROR NO. 300: So I assume that that would be a
8 guilt conviction.
9 THE COURT: It still could have been a felony.
10 PROSPECTIVE JUROR NO. 300: I was young. It wasn't a felony.
11 No.
12 THE COURT: Okay. It wasn't a felony?
13 PROSPECTIVE JUROR NO. 300: No.
14 THE COURT: Good. Okay.
15 PROSPECTIVE JUROR NO. 300: It was not, but I just -- I was young.
16 THE COURT: Okay.
17 PROSPECTIVE JUROR NO. 030: I -- I didn't really ask too many
18 questions, so I blame myself.
19 THE COURT: How many years ago was that?
20 PROSPECTIVE JUROR NO. 300: Oh, like eight --
21 THE COURT: Eight years ago?
22 PROSPECTIVE JUROR NO. 300: -- eight, nine, years ago.
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 300: Yeah.
25 THE COURT: Okay. And so you successfully completed the house

1 arrest?

2 PROSPECTIVE JUROR NO. 300: Yeah. And then --

3 THE COURT: Okay. Was that here in Clark County?

4 PROSPECTIVE JUROR NO. 300: Yes, sir.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 300: And then I had a -- my ex -- I had
7 assault.

8 THE COURT: What?

9 PROSPECTIVE JUROR NO. 300: My ex, I had assault with a deadly
10 weapon. He --

11 THE COURT: Against your ex?

12 PROSPECTIVE JUROR NO. 300: He assaulted me. No, he
13 assaulted me.

14 THE COURT: Oh, he assaulted you?

15 PROSPECTIVE JUROR NO. 300: Yes, sir.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 300: That was here in Clark County.
18 That was about five years ago. He -- it was a felony. It did get dropped. I don't
19 harbor any ill will towards the justice system.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 300: I spoke and said that I didn't really
22 necessarily want him to go to jail for a long period of time. I just wanted him to
23 learn his lesson and --

24 THE COURT: Okay. So this -- every case is different.

25 PROSPECTIVE JUROR NO. 300: Right.

1 THE COURT: Are you willing to listen to all the evidence and then
2 follow the law in this case?

3 PROSPECTIVE JUROR NO. 300: Yes, sir.

4 THE COURT: And you can be fair?

5 PROSPECTIVE JUROR NO. 300: Yes, sir.

6 THE COURT: Okay. That's all I need to know, that you can be
7 objective and honest and fair.

8 PROSPECTIVE JUROR NO. 300: Yeah.

9 THE COURT: And I --

10 PROSPECTIVE JUROR NO. 300: I'm just nervous speaking.

11 THE COURT: -- sense you're going to do that.

12 PROSPECTIVE JUROR NO. 300: And it's --

13 THE COURT: No. Thank you for coming forward.

14 PROSPECTIVE JUROR NO. 300: Yeah. Okay.

15 THE COURT: Okay. I want to keep you on the jury, though.

16 PROSPECTIVE JUROR NO. 300: Okay. Yeah.

17 THE COURT: At least --

18 PROSPECTIVE JUROR NO. 300: No, that's fine.

19 THE COURT: -- to the next stage.

20 PROSPECTIVE JUROR NO. 300: I -- yeah, I just wanted to tell you. I
21 just --

22 THE COURT: Okay. I'll let the attorneys ask some more questions.

23 PROSPECTIVE JUROR NO. 300: Okay. All right. Thank you.

24 THE COURT: Thank you.

25 MR. WESTBROOK: Thank you, Your Honor.

1 [Portion of audio sealed by the Court.]

2 MS. KOLLINS: Just one second.

3 THE COURT: Yeah?

4 MS. KOLLINS: Now that we've disclosed this up here, that doesn't
5 mean it's not fodder for follow-up out there, right? Because she came and --

6 THE COURT: No, you can follow up.

7 MS. KOLLINS: Okay. Well, she approached, so I didn't know what
8 the -- how the court wanted to --

9 THE COURT: Well, I -- I have -- as soon as you're done, I have an
10 explanation.

11 MS. KOLLINS: Okay. I just -- I was just curious if I -- if you didn't want
12 me to question her in front of the panel.

13 THE COURT: I'm going to tell you. I'm going to tell you now. Come
14 closer.

15 MR. WESTBROOK: Oh. Oh, come closer.

16 THE COURT: Okay. All right. When you ready, after you -- at an
17 appropriate point, feel free to ask to -- to continue to voir dire her outside the
18 presence of the jury. I don't want any more of this coming up under presence of the
19 jury. So we can take that outside. Okay? Maybe there's some other stuff you can
20 get done before that, so we can --

21 MS. KOLLINS: I have a lot of other stuff.

22 THE COURT: Okay.

23 MS. KOLLINS: Okay.

24 THE COURT: Thank you.

25 MS. KOLLINS: Thanks.

1 [End of bench conference.]

2 THE COURT: All right. What else do we got? Anybody else a victim
3 of crime that didn't get a chance to talk to me? No? All right.

4 Let me see what else I have here before I let Ms. Kollins begin --
5 oh, law enforcement.

6 I need to know who has ever been affiliated with law
7 enforcement or who has an immediate close family member affiliated with law
8 enforcement? If so, raise your hand. I need to see how many. We have about six,
9 seven, people.

10 Marshal, please pass the microphone, if you could.

11 So law enforcement connection. All right. Same -- same thing,
12 all I need to know is you tell me, you know, Hi, Badge No. 318, connection to law
13 enforcement is, you know, my dad served in the sheriff's department, and I'm still
14 going to be fair and impartial. That's all I need to know. Or if you're not going to be
15 fair and impartial, let me know. All right.

16 PROSPECTIVE JUROR NO. 228: My name is Nicholas Rivera,
17 Badge No. 228. My father is a SWAT officer currently, and my mom works in the --
18 at the police headquarters as a supervisor for the Sexual Assault Department. And
19 yes, I will still give a fair and -- fair.

20 THE COURT: You can be fair and unbiased?

21 PROSPECTIVE JUROR NO. 228: Yes.

22 THE COURT: Okay. Very good.

23 PROSPECTIVE JUROR NO. 228: Thank you.

24 PROSPECTIVE JUROR NO. 230: Lisa Sutherland, Badge No. 230. I
25 have a stepsister that's a parole and -- or a detentions officer here, and a

1 stepbrother that's Henderson PD. And it will have no effect on this.

2 THE COURT: All right. Thank you.

3 PROSPECTIVE JUROR NO. 232: Elzetta Zurzolo, 232. I have two
4 nephews that are correction officers.

5 THE COURT: Will you still be fair and impartial?

6 PROSPECTIVE JUROR NO. 232: Oh, I can be fair and impartial.

7 THE COURT: Okay. All right. Very good.

8 PROSPECTIVE JUROR NO. 237: Badge No. 237. I don't know if it
9 will have anything to do with -- a girl I went out for many years, I'm still raising her
10 son. They're still -- her family still one of my best friends. And one of my other best
11 friends is a marshal. So -- but I'm definitely fair and impartial. Fair.

12 THE COURT: Okay. Very good.

13 PROSPECTIVE JUROR NO. 214: 214, Steve Erdmann. I don't know
14 if it counts, but when I was in the Air Force, I had to do the police augmentee
15 program. So for about a month I worked as a security policy, riding in a car and
16 guarding the gates. And then I also -- since she brought up correctional officer, my
17 dad is a retired prison guard. And I'll be fair and impartial.

18 THE COURT: All right. Very good. And you already told us.

19 PROSPECTIVE JUROR NO. 206: Yeah, I already told my story.

20 THE COURT: You already told your story. Thank you, sir.

21 PROSPECTIVE JUROR NO. 186: Cedo Bucalo, Badge No. 186. I
22 just have a buddy who's a cop here at Las Vegas. And also my cousin in Arizona,
23 she's a probation officer. But I'll be fair and unbiased to both sides.

24 THE COURT: What was the first person you mentioned?

25 PROSPECTIVE JUROR NO. 186: He's a cop here, Darko Milanovich

1 [phonetic]. That's my buddy. He's my friend.

2 THE COURT: Your friend?

3 PROSPECTIVE JUROR NO. 186: Yeah, he works here for Las Vegas
4 Metro. And I have a cousin --

5 THE COURT: Do you know what type of cases he handles?

6 PROSPECTIVE JUROR NO. 186: He just finished the academy, like,
7 last year, so he's kind of fresh.

8 THE COURT: All right. I'll let them question you more about that.

9 PROSPECTIVE JUROR NO. 186: Okay.

10 THE COURT: Thank you. You think you could --

11 PROSPECTIVE JUROR NO. 186: Yeah, I'll be fair and unbiased.

12 THE COURT: You know you can still be fair and impartial?

13 PROSPECTIVE JUROR NO. 186: Sure.

14 THE COURT: Okay. Next person? Anybody? Anybody else?
15 Nobody else? All right.

16 We can give the marshal the -- marshal, we need help over
17 there. Thank you, sir.

18 Law enforcement connection?

19 PROSPECTIVE JUROR NO. 272: Yes. My name is Kathy
20 Schneider, 272. My brother is retired off the police department in California and he
21 was also in undercover.

22 THE COURT: All right. Can you be fair and impartial?

23 PROSPECTIVE JUROR NO. 272: Yes.

24 THE COURT: All right. Anybody else?

25 PROSPECTIVE JUROR NO. 288: Badge No. 288, Maureen

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1 Knoblock. My brother-in-law worked for a corrections officer in Clark County, and
2 then he went on to be an FBI agent. But he's now retired.

3 THE COURT: Can you be fair and impartial?

4 PROSPECTIVE JUROR NO. 288: Yes.

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

6 At this point, let me see if there's anything else I need to know. I
7 don't have anything further.

8 I'm going to turn this over to Ms. Kollins, who -- from the district
9 attorney's office, who now is free to address you either individually or as a group.
10 All right.

11 And, Ms. Kollins, you can take the microphone from the marshal
12 and you can be in charge of directing it however you want it to go.

13 MS. KOLLINS: Okay. I will do so. Thank you, Your Honor.

14 Good afternoon, ladies and gentlemen. This is a tough time
15 slot, 4:00 in the afternoon. On behalf of the Clark County District Attorney's Office,
16 I'd like to take this opportunity to thank you for your time and attention. These
17 charges are serious. We understand that your devotion to our case here is serious,
18 because you all have lives and obligations that you're setting aside.

19 So on behalf of myself, Mr. Hamner, the Special Victims Unit, I
20 want to thank you for that in advance.

21 THE COURT: Ms. Kollins, let's try to maybe just go for, like, 10
22 minutes, and then take a break. Because already -- it's been a long time since a
23 break. If you don't mind.

24 MS. KOLLINS: Do you want me to just stop now? I can come back.

25 THE COURT: I'll leave that up to you. Do you want to do a break? Do

1 you guys want to break now? I think we need to stretch.

2 MS. KOLLINS: Everybody need some time or are we good?

3 THE COURT: Okay. All right. They've spoken. Okay, look. Raise
4 your hand if you need to use a break. Otherwise, I'm going to let her go as long as
5 she's comfortable.

6 PROSPECTIVE JUROR 232: Let's do this.

7 MS. KOLLINS: Okay. Let's do it. Let's do it. Okay.

8 In all seriousness, though, and all candor, it's probably not lost
9 on any of you here, based on the introduction you heard from my co-counsel and
10 the charges that were read, that this is a case about child sexual assault, child
11 sexual abuse. So I have some questions for you about that, and some of your
12 opinions that you might have on cases, and technology, and kids, and things like
13 that.

14 This is a little bit different than the questions --

15 Oh. Thank you. That's so not going to happen right now.
16 You're setting me up. No. Okay.

17 How many people here spend time around kids, at least
18 sometimes? Okay. When I say kids, I'm talking under 12, 13. Just about
19 everybody have some experience with kids? I'm going to ask you, is there any
20 specific expectation that you would have when a kid comes here -- in here and
21 speaks to you? In other words, is every kid going to act the same when they come
22 in here to speak to you on this topic?

23 What did I do with the mic? Did you take the mic?

24 THE MARSHAL: Yes.

25 MS. KOLLINS: Let's start with you, Mr. Buker, in the back. Do you

1 have any set -- and you're Badge No. 154? What kind of expectations do you have
2 for a kid witness in this kind of circumstance?

3 PROSPECTIVE JUROR NO. 154: I would expect them to be a little
4 hesitant.

5 MS. KOLLINS: Okay. Hesitant. Anything else?

6 PROSPECTIVE JUROR NO. 154: Probably a little scared to be up on
7 the witness stand.

8 MS. KOLLINS: Would you agree with me it's a difficult topic to discuss,
9 sexual abuse?

10 PROSPECTIVE JUROR NO. 154: Absolutely.

11 MS. KOLLINS: Probably embarrassing for a lot of adults, even?
12 Would you agree with that?

13 PROSPECTIVE JUROR NO. 154: Yes.

14 MS. KOLLINS: Okay. What would you expect of a kid's demeanor
15 that was going to come in here and talk about sexual abuse?

16 PROSPECTIVE JUROR NO. 154: I would expect them to be
17 embarrassed, quiet, reluctant.

18 MS. KOLLINS: Would you agree with me that every kid might not
19 react the same?

20 PROSPECTIVE JUROR NO. 154: Yes.

21 MS. KOLLINS: Some kids might find it scary, like you said, or be timid;
22 would you agree?

23 PROSPECTIVE JUROR NO. 154: Yes.

24 MS. KOLLINS: And other kids just might find the topic embarrassing.
25 Sometimes little kids get giggly --

1 PROSPECTIVE JUROR NO. 154: Yes.
2 MS. KOLLINS: -- over things at inappropriate times --
3 PROSPECTIVE JUROR NO. 154: Absolutely.
4 MS. KOLLINS: -- do you agree with that?
5 PROSPECTIVE JUROR NO. 154: Absolutely.
6 MS. KOLLINS: If you could pass the microphone to Mr. Elliston, right
7 next to you, Badge 305.
8 What do you think about that?
9 PROSPECTIVE JUROR NO. 305: I believe what you said is true.
10 They will be embarrassed, giggly, try to hide things.
11 MS. KOLLINS: Along those lines, do you think every victim or a kid
12 that's been preyed on sexually, is going to show the same trauma --
13 PROSPECTIVE JUROR NO. 305: No.
14 MS. KOLLINS: -- in their personality?
15 PROSPECTIVE JUROR NO. 305: No, I don't believe that.
16 MS. KOLLINS: So do you -- are you comfortable, then, kind of judging
17 a kid by a kid's standard?
18 MR. WESTBROOK: Your Honor, may we approach for a minute?
19 THE COURT: Sure.
20 [Bench conference transcribed as follows.]
21 MR. WESTBROOK: I'm deeply concerned about the State asking the
22 jury to judge kids by a kid's standard. The standard is this courtroom is proof
23 beyond a reasonable doubt. I think what they're trying to do is preemptively
24 lower the standard to make up for the fact that they have witnesses who are
25 contradicting each other, contradicting themselves. Kids need to be judged by the

1 content of what they say and the surrounding circumstances. But there is no
2 different standard under law for how you judge kids and how you judge other
3 witnesses. There isn't. And what they're trying to do is create a lesser standard in
4 the law that doesn't exist.

5 MS. KOLLINS: Actually --

6 THE COURT: I don't think it had anything to do with the -- the burden
7 of proof in this case. She was going towards how to assess their credibility.

8 MR. WESTBROOK: By a kid's standard?

9 THE COURT: That's what she's talking about.

10 MS. KOLLINS: Well, there's a jury instruction on point that talks about
11 the demeanor, their ability to relay facts on the stand. And the court's exactly right,
12 that's what I'm talking about is credibility. I hadn't completed the rest of my
13 follow-up questions yet, but I am in no way diluting the reasonable doubt standard.

14 THE COURT: Question is kind of vague. You got to try to rephrase
15 that a little bit. Because I didn't know what you meant. I didn't know what a kid's
16 standard is.

17 MS. KOLLINS: Okay.

18 THE COURT: Can you try to tweak that a little bit?

19 MS. KOLLINS: Sure.

20 MR. WESTBROOK: Thank you.

21 [End of bench conference.]

22 MS. KOLLINS: Do you think it's difficult for a child to describe their
23 sexual abuse to a room full of strangers?

24 PROSPECTIVE JUROR NO. 305: Definitely, yes.

25 MS. KOLLINS: Do you believe that kids use a different vocabulary

1 than you might use to describe sexual abuse?

2 PROSPECTIVE JUROR NO. 305: Yes.

3 MS. KOLLINS: Or any other adult?

4 PROSPECTIVE JUROR NO. 305: Yes.

5 MS. KOLLINS: Because those children use a different vocabulary or
6 have a different vernacular, does that make them less credible?

7 PROSPECTIVE JUROR NO. 305: No.

8 MS. KOLLINS: So would you agree with me that a child, again, is
9 going to describe something that happened to them, different than you or I would?

10 PROSPECTIVE JUROR NO. 305: Yes.

11 MS. KOLLINS: Okay. Do you think -- what do you think about this
12 notion, that kids' life experiences are going to at least contribute to how they come
13 in here and communicate to you? And by that, I mean age, educational
14 background, socioeconomic background, language skills, all those things.

15 PROSPECTIVE JUROR NO. 305: Probably. Yes.

16 MS. KOLLINS: If you could pass the microphone one to your left,
17 please.

18 Ma'am, your badge number is 304, could you please pronounce
19 your last name for me again, so I don't butcher --

20 PROSPECTIVE JUROR NO. 304: Schirmeister.

21 MS. KOLLINS: Schumeister?

22 PROSPECTIVE JUROR NO. 304: Schirmeister.

23 MS. KOLLINS: Schirmeister. Thank you. Do you have a set of
24 expectations from a kid witness?

25 PROSPECTIVE JUROR NO. 304: Kids will act different and things --

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1 they're going to be nervous when they're up on the stage. They're going to get --
2 some will get fidgety. They're going to be shy. Some might become reserved and
3 some might be talk a little bit more. They're going to have a different vocabulary,
4 different -- each kid is going to have a different way of explaining things in different
5 terms, like you said.

6 MS. KOLLINS: So is there just one set of characteristics or one set of
7 way -- or one way for a victim to act that makes them credible?

8 PROSPECTIVE JUROR NO. 304: There's not -- I won't say there's
9 really just one set way. There's ways that they -- that you have to observe how
10 they're acting, the way they're speaking and talking to you to be able to distinguish
11 if they're telling what is the truth and what is a lie. You can't just go ahead and
12 automatically say, Okay, well this one's fidgety. No, you're not credible because
13 you're fidgety. That might be the way that they present themselves, because the
14 atmosphere around everybody that they don't know, people questioning them,
15 they're uncomfortable with what's going on. Some might be fidgety. Like I said,
16 some will fidget, some will cry, some will talk and be just straight forward and they'll
17 be able to answer at an adult level, even though they are still a child.

18 MS. KOLLINS: So there's a whole vast set --

19 PROSPECTIVE JUROR NO. 304: Yeah, you have to --

20 MS. KOLLINS: -- of reactions?

21 PROSPECTIVE JUROR NO. 304: -- take in everything and what's
22 going on in the situation, what's going on with them at the time, to decide at the
23 time. You can't just say -- look right at them and say, Oh, I'm not going -- I'm
24 discrediting you because of this, or you're credible because you can act more
25 mature than the other one. Because different ages act different and they speak

1 different languages.

2 MS. KOLLINS: And -- and how about some of the notions I brought up
3 to Mr. Elliston, vocabulary, socioeconomic background, and things like that; Do
4 those contribute to how a kid speaks?

5 PROSPECTIVE JUROR NO. 304: Yes, it can.

6 MS. KOLLINS: Okay. And would you be willing to weigh those
7 things --

8 PROSPECTIVE JUROR NO. 304: Yes.

9 MS. KOLLINS: -- to assess the credibility of a kid? Okay. So when I
10 spoke before, I kind of jumped ahead of myself, when I said, can you hold a child to
11 a child standard. And I meant taking into consideration all of those types of things.

12 PROSPECTIVE JUROR NO. 304: Yeah, you have to take into their
13 ages and what's going on. Like some -- like, to get them to actually answer you,
14 you might have to, like, sit down, like, they would -- if they went to a counselor, a
15 counsel, like, to a psychologist for help or whatever, they might not answer a
16 psychologist straight out forward, so a psychologist would have to come up with a
17 different approach them to. Play, like, a little game with them to -- to get them to
18 come open up and try to make them more comfortable as possible. They should
19 respond properly.

20 MS. KOLLINS: And what do you think about this venue? Is this kind
21 of scary in here?

22 PROSPECTIVE JUROR NO. 304: It's going to be kind of scary for
23 them, yes.

24 MS. KOLLINS: Some adults don't even like to speak in here, right?

25 PROSPECTIVE JUROR NO. 304: Right.

1 MS. KOLLINS: So it's probably scary for seven-, eight-, nine-year-old
2 to come in here and look at people they've never seen before and talk about a
3 sexual experience; would you agree with that?

4 PROSPECTIVE JUROR NO. 304: Yes.

5 MS. KOLLINS: And some adults can't even stand up in this room and
6 talk about their last sexual experience, right?

7 PROSPECTIVE JUROR NO. 304: Yes.

8 MS. KOLLINS: You agree with that? If you could pass the
9 microphone one to your left, to Mr. Faupel, Juror No. 158.

10 PROSPECTIVE JUROR NO. 158: Yes, ma'am.

11 MS. KOLLINS: How are you?

12 PROSPECTIVE JUROR NO. 158: Good.

13 MS. KOLLINS: How are you? What do you think about the notion that
14 these crimes occurred in secret; what do you think about that?

15 PROSPECTIVE JUROR NO. 158: Well, kids do act scared, and they
16 look forward to the repercussions if they go forward and tell the truth. So secrets
17 do happen.

18 MS. KOLLINS: Okay. So you said kids avoid the repercussions; is
19 that what you said?

20 PROSPECTIVE JUROR NO. 158: Correct.

21 MS. KOLLINS: Okay. What are some of the reasons that you think
22 that a child or children might delay disclosing something like this happening?

23 PROSPECTIVE JUROR NO. 158: Maybe future physical or sexual
24 abuse.

25 MS. KOLLINS: Okay. Anything else?

1 PROSPECTIVE JUROR NO. 158: There's probably countless stuff.

2 MS. KOLLINS: Do you think they might be afraid to tell?

3 PROSPECTIVE JUROR NO. 158: Definitely.

4 MS. KOLLINS: Okay. What are some of the -- what are some things
5 that, at least in a kid's mind, there is to be afraid of, once you come forward and
6 you talk about something like this; What do you think a kid -- in a kid's head, what
7 do you think they might think?

8 PROSPECTIVE JUROR NO. 158: They might think that they're just
9 telling a lie.

10 MS. KOLLINS: That -- no, that people aren't going to believe them?

11 PROSPECTIVE JUROR NO. 158: Correct.

12 MS. KOLLINS: Okay. Do you think they could feel threatened?

13 PROSPECTIVE JUROR NO. 158: Absolutely.

14 MS. KOLLINS: Okay. Maybe by their perpetrator, by their molester,
15 that they could feel threatened?

16 PROSPECTIVE JUROR NO. 158: Uh-huh. Yes.

17 MS. KOLLINS: Okay. What if that perpetrator or molester is
18 somebody that has ingratiated or injected himself into the family's circle; Do you
19 think that heightens a kid's fear level in terms of delaying when they come forward?

20 PROSPECTIVE JUROR NO. 158: I believe so.

21 MS. KOLLINS: Okay. So if -- if Mom and Dad and everybody's friends
22 with this person, do you think it's scarier for a kid to come forward?

23 PROSPECTIVE JUROR NO. 158: I would assume so.

24 MS. KOLLINS: Do you have any set of expectations for a kid that
25 comes in here and relays this kind of information to you?

1 PROSPECTIVE JUROR NO. 158: Like previously stated, kids are
2 going to react differently, based on their experiences and their age. So not -- not
3 for me, no set of expectations.

4 MS. KOLLIINS: If you could pass the microphone one to your left,
5 please.

6 Ms. Haag?

7 PROSPECTIVE JUROR NO. 159: Haag.

8 MS. KOLLINS: Hag? Haag? Sorry, long A. Juror No. 159, how are
9 you this afternoon, ma'am?

10 PROSPECTIVE JUROR NO. 159: Good.

11 MS. KOLLINS: Good. Tough subject matter? I heard a big sigh there
12 of exasperation.

13 PROSPECTIVE JUROR NO. 159: It is.

14 MS. KOLLINS: And, plus, you've been sitting here long today and
15 it's 4:20, and it's probably the last thing you want to be doing, right?

16 PROSPECTIVE JUROR NO. 159: Yes.

17 MS. KOLLINS: Okay. I understand. Not a surprise this is not a
18 pleasant topic for anyone here. I'm sure you couldn't pick one person in this room
19 that wants to talk about this stuff today, so I appreciate your time.

20 Spend much time around kids?

21 PROSPECTIVE JUROR NO. 159: Oh, yeah. Well, my kids grew up.

22 MS. KOLLINS: Grown up? Do you have --

23 PROSPECTIVE JUROR NO. 159: They're in --

24 MS. KOLLINS: -- grandbabies now?

25 PROSPECTIVE JUROR NO. 159: They're in their 30s now.

1 MS. KOLLINS: Ever take any of them a long time to come tell you
2 about something that happened? A little while?

3 PROSPECTIVE JUROR NO. 159: Oh, no. They were pretty good
4 about telling me when I didn't want to know.

5 MS. KOLLINS: You didn't want to know? Okay. Do you have any set
6 of expectations what a child -- how a child should relay their victimization to you?

7 PROSPECTIVE JUROR NO. 159: Oh, no. I know how hard it is to
8 come forward with stuff -- stuff like that.

9 MS. KOLLINS: Okay. So the reasons that I was discussing with
10 Mr. Faupel, the reasons for delay, what do you think about those? Or do you have
11 any comments about why kids would delay disclosing this kind of stuff?

12 PROSPECTIVE JUROR NO. 159: Probably because they're afraid
13 people wouldn't believe them, especially their -- excuse me, especially because
14 they're family.

15 MS. KOLLINS: I don't mean to upset you.

16 PROSPECTIVE JUROR NO. 159: Yeah. Personal experience.

17 MS. KOLLINS: I don't -- I don't want to pry and I don't want you to
18 share anything --

19 PROSPECTIVE JUROR NO. 159: No, it's okay.

20 MS. KOLLINS: -- you're not prepared to.

21 PROSPECTIVE JUROR NO. 159: It's okay.

22 MS. KOLLINS: But if that's going to influence your ability to do equal
23 justice to both sides, I'd ask you to share. If not we can talk about it at another
24 time.

25 PROSPECTIVE JUROR NO. 159: No, it's okay. My -- my dad was the

1 one. So it was family. My mother didn't want to believe me. She thought it was my
2 fault and they just didn't want to deal with it. It was better just to not talk about it.
3 So you know, I'm like her; I'm a grown-up, and I thought I'd gotten over it, but things
4 bubble up. But...

5 MS. KOLLINS: And those stayed secrets?

6 PROSPECTIVE JUROR NO. 159: Yeah. Yeah. But it's -- it's all
7 better now. My dad begged forgiveness and I gave it to him.

8 MS. KOLLINS: And you realize that anything to do with that has
9 nothing to do with the facts that we're here to talk about, right?

10 PROSPECTIVE JUROR NO. 159: Yeah. Yeah.

11 MS. KOLLINS: And you think you can set that emotion aside so that
12 you could be fair in this case?

13 PROSPECTIVE JUROR NO. 159: Sure.

14 MS. KOLLINS: Do you think kids always use language literally, like
15 you and I might, when they are --

16 PROSPECTIVE JUROR NO. 159: No.

17 MS. KOLLINS: -- younger?

18 PROSPECTIVE JUROR NO. 159: Oh, no.

19 MS. KOLLINS: Okay. Do you think there's some concepts that you
20 and I can discuss freely, and I know what you mean and you know what I mean, but
21 that notion's going to be lost on littler kids?

22 PROSPECTIVE JUROR NO. 159: Oh, of course.

23 MS. KOLLINS: So maybe kids don't grasp abstract concepts well?

24 PROSPECTIVE JUROR NO. 159: That's for sure.

25 MS. KOLLINS: Or when you ask them multiple negatives, You didn't

1 do this, did you; do you think this is some of those kinds of things that are hard for a
2 kid to follow?

3 PROSPECTIVE JUROR NO. 159: It is.

4 MS. KOLLINS: Okay. Do you think kids recognize -- well, let me ask
5 that in a different way.

6 Would you agree with me that a kid's language and ability to
7 communicate is shaped is their background?

8 PROSPECTIVE JUROR NO. 159: Definitely.

9 MS. KOLLINS: Okay. So their education level, their home life, their --
10 what they're exposed to, all those types of things?

11 PROSPECTIVE JUROR NO. 159: Yes. They shape them.

12 MS. KOLLINS: Okay. Do you -- what do you think about this notion,
13 when -- I'm sorry.

14 PROSPECTIVE JUROR NO. 159: That's okay.

15 MS. KOLLINS: It's 4:30 and I'm losing -- losing my trains of thought
16 here. I apologize. Not enough caffeine for lunch.

17 Do you think offenders do -- and when I say offenders, I mean
18 sexual offenders -- do you think they do things specifically to get close to kids or
19 ingratiate themselves into kids' lives?

20 PROSPECTIVE JUROR NO. 159: I don't know.

21 MS. KOLLINS: Have you ever heard of the term grooming before?

22 PROSPECTIVE JUROR NO. 159: Oh, yeah.

23 MS. KOLLINS: As it relates to sex offenders? What do you -- what do
24 you think that means?

25 PROSPECTIVE JUROR NO. 159: Well, my dad was good at that.

1 MS. KOLLINS: So buy things? Buy them things? Give them things?
2 Befriend? Take them places they like to go? Those kind of things?

3 PROSPECTIVE JUROR NO. 159: Yeah. Yeah. Get on their good
4 side.

5 MS. KOLLINS: Okay. And stay on the good side of the kids and stay
6 on the good side of the adults that are watching the kids --

7 PROSPECTIVE JUROR NO. 159: Right.

8 MS. KOLLINS: -- that are victims too, right? Does that make sense?

9 PROSPECTIVE JUROR NO. 159: It does.

10 MS. KOLLINS: Okay. Could you pass the microphone one to your
11 left? Thank you.

12 Mr. Nelson, Badge No. 160, how are you this afternoon?

13 PROSPECTIVE JUROR NO. 160: Good. Thank you. You?

14 MS. KOLLINS: The judge told me to take a break in 10 minutes 20
15 minutes ago.

16 So do you want me to keep going?

17 THE COURT: I'm okay if everyone else is. It's just a matter -- I just
18 want my jurors happy.

19 MS. KOLLINS: Is everyone happy or does everybody need a minute?
20 Okay.

21 THE COURT: Raise your hand if you need a break. I don't mind.
22 Someone back there? Go ahead.

23 Marshal will you -- there's one of the prospective jurors back in
24 the gallery.

25 Ma'am, I just need to advise you, the admonishment I gave you

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1 before still applies. Don't talk to anybody while you're -- just head to the restroom,
2 come right back. Don't do any research. Don't talk on the phone. Don't
3 communicate with anybody. Don't talk to fellow jurors. Don't form any opinions.
4 And -- and do all that and come right back. You -- you can go, also. I'll let you both
5 go. You both promise not to talk to each other?

6 UNIDENTIFIED PROSPECTIVE JUROR: We promise.

7 THE COURT: All right. Come right back. Thank you.

8 MS. KOLLINS: Okay. So before this, I'd been going one by one. And
9 now I'm going to try to get the group involved a little bit, because when I'm going in
10 order y'all know I'm coming, and the rest of y'all can sit back a little bit. So I'm just
11 going to try to get the group talking about some of the things that we've been
12 talking about, if that's okay.

13 What does everybody think about the notion that every victim is going
14 to act the same way? Anybody? Somebody jump in.

15 UNIDENTIFIED PROSPECTIVE JUROR: They're -- they're not going
16 to act the same way.

17 PROSPECTIVE JUROR NO. 194: They're not going to act the same.

18 MS. KOLLINS: All right. If you can you hand the microphone down in
19 the middle to Ms. Ayres.

20 PROSPECTIVE JUROR NO. 193: Preuss-Ayres.

21 MS. KOLLINS: Is that right, Ms. Ayres?

22 PROSPECTIVE JUROR NO. 193: Yeah, Ayres is fine. You can just
23 do Ayres.

24 MS. KOLLINS: 193, right?

25 PROSPECTIVE JUROR NO. 193: Yes, 193. I am 193. I have two

1 children and one of my children is, like, when you try to talk to her she completely
2 shuts down. And then my other child is like blah, blah, blah, blah, like a little book
3 of spelling, you know, like -- so every child in every different type of situation is
4 going to act differently. And you have to perceive and know when -- and look and
5 them and just understand what they're trying to express, you know.

6 MS. KOLLINS: Okay.

7 PROSPECTIVE JUROR NO. 193: Because they do, you know. And
8 coming from, like, what happened, when I was younger, yeah, of course, they're
9 scared and they're frightened, and they don't know what's going to happen to them,
10 and whatever else, you know. So you just have to look at open-mindedly and try to
11 understand the whole situation.

12 MS. KOLLINS: So all those different things, that they might be
13 embarrassed, that they might be scared, that they might be a chatterbox or not a
14 chatterbox, all those --

15 UNIDENTIFIED PROSPECTIVE JUROR: They may think it's their fault.

16 MS. KOLLINS: They might think it's their fault.

17 PROSPECTIVE JUROR NO. 193: Yeah, they might think it is their
18 fault, so.

19 MS. KOLLINS: They might think that they're in trouble.

20 PROSPECTIVE JUROR NO. 193: Yes, they could.

21 MS. KOLLINS: Even now, coming into trial, all those things might be
22 coming into play; Would you agree with that?

23 PROSPECTIVE JUROR NO. 193: Yes, I do agree with it, strongly.

24 MS. KOLLINS: And they're going to look at 14 of you, whoever you
25 might be in the end, who they've never met before, and have to talk about this stuff;

1 Would you agree with me that that's going to be difficult?

2 PROSPECTIVE JUROR NO. 193: Yes, I do.

3 MS. KOLLINS: Is there anybody in this group, including back here -- I
4 don't want you guys to think I'm ignoring you -- that -- that disagrees with that and
5 think it's just no big deal for a kid [indiscernible]?

6 Can you pass the microphone to --

7 PROSPECTIVE JUROR NO. 206: Stanek, 206.

8 MS. KOLLINS: Yes. I know your name -- I know your name from
9 when I was first a deputy. But --

10 PROSPECTIVE JUROR NO. 206: Really?

11 MS. KOLLINS: I do. I do.

12 PROSPECTIVE JUROR NO. 206: Okay.

13 MS. KOLLINS: But it's been a minute.

14 PROSPECTIVE JUROR NO. 206: You know, this is kind of a twist on
15 what we've been talking about. But when a child is involved as a victim, a sexual
16 assault victim, especially with family members, sometimes it becomes natural to
17 them to where they will actually try to defend the criminal or the assaulter or the
18 rapist. I've seen that a number of times over the years, where the child is actually
19 "in love" with their -- with their person.

20 MS. KOLLINS: Offender?

21 PROSPECTIVE JUROR NO. 206: Yes, their offender. And they will
22 actually go so far as to do all they can to defend them. And they think it's normal
23 thing, especially sometimes it's an extended ongoing thing.

24 MS. KOLLINS: And if you see a situation where it's -- where it's
25 protracted and the abuse is protracted, that might be the circumstance; is that what

1 you're saying?

2 PROSPECTIVE JUROR NO. 206: Yes.

3 MS. KOLLINS: You have passed the microphone to Ms. Hudson,
4 Juror 194.

5 How are you?

6 PROSPECTIVE JUROR NO. 194: Okay.

7 MS. KOLLINS: Okay. You were commenting before, and I appreciate
8 you taking the microphone. What was your comment?

9 PROSPECTIVE JUROR NO. 194: I think you made a comment about
10 when they receive gifts, and sometime we have to realize, too, that it's not always
11 the outspoken one. It could be the quiet one that's timid. And then they also feel
12 when they speak on the stand, this was our secret, and they're letting a secret out,
13 which they were told to keep.

14 MS. KOLLINS: Okay. Yeah. Probably told to keep by their offender,
15 perhaps?

16 PROSPECTIVE JUROR NO. 194: Yes.

17 MS. KOLLINS: Or maybe told to keep by another victim?

18 PROSPECTIVE JUROR NO. 194: Yes.

19 MS. KOLLINS: Okay. And sometimes if they were close to that
20 person, would you agree that they might feel like they were betraying them, much
21 like --

22 PROSPECTIVE JUROR NO. 194: He was saying.

23 MS. KOLLINS: -- Mr. Stanek said?

24 PROSPECTIVE JUROR NO. 194: Yes.

25 MS. KOLLINS: Right. And do you think -- do you think it's a struggle

1 for a kid who, in one part of their life this person is very kind to them and gives them
2 gifts and candy and things like that, but in the other part of their life, they're the
3 molester?

4 PROSPECTIVE JUROR NO. 194: Yes.

5 MS. KOLLINS: Do you think that's an inner struggle for a small child?

6 PROSPECTIVE JUROR NO. 194: Yes, very much. Very much.

7 MS. KOLLINS: And would you agree with me that's probably hard for
8 them to juxtapose or understand?

9 PROSPECTIVE JUROR NO. 194: Exactly. But, they feel like this
10 person took me on a special trip, gave me a special toy. But then on the other side,
11 the flip side, they're living with the torment of being the victim.

12 MS. KOLLINS: And perhaps afraid to tell, because of other things, like
13 threats?

14 PROSPECTIVE JUROR NO. 194: Threats.

15 MS. KOLLINS: Okay. And so, that's another kind of struggle. Over
16 here, you're really good to me. You do this bad stuff to me, but now you're making
17 me fear for my well-being or maybe somebody around me's well-being?

18 PROSPECTIVE JUROR NO. 194: Right.

19 MS. KOLLINS: Do you think that might make a kid hesitant?

20 PROSPECTIVE JUROR NO. 194: Exactly. The threats.

21 MS. KOLLINS: Is there anybody that disagrees with that or has a
22 comment about that?

23 PROSPECTIVE JUROR NO. 214: I just had a comment on that,
24 too. 214.

25 MS. KOLLINS: Yes, sir.

1 PROSPECTIVE JUROR NO. 214: I know, like, with my daughter,
2 she's eight, and just trying to get little things out of her, like little things that happen
3 on the playground, it can take a day or two. So I can't even imagine how long it
4 takes them to get the children to open up and just, you know, say, Hey, this is what
5 happened. Because that's way bigger than anything I've ever been through.
6 Because --

7 MS. KOLLINS: I know you're talking little things. You're talking, like,
8 maybe she got bullied --

9 PROSPECTIVE JUROR NO. 214: Yeah.

10 MS. KOLLINS: -- or she got into a little shoving match with somebody,
11 and that's even -- that's tough for her to come talk to you about, even as Dad,
12 because afraid she's going to be in trouble, afraid she's going to be embarrassed.
13 In your mind, this is kind of a --

14 PROSPECTIVE JUROR NO. 214: Or even just something dumb like,
15 Oh, she said we're not friends anymore. And you -- you can tell something is
16 bothering her, but it might take four hours to get it out of her. So I can't imagine
17 how long it takes to get it out of these kids, when something like that happens.

18 MS. KOLLINS: So you -- you can understand, then, some of the
19 reasons we talked about why a kid would wait to disclose, being afraid, being
20 embarrassed about the subject matter. And -- and maybe some touches -- some
21 touches might not be bad to a kid, because they don't know yet. They don't know
22 that being, you know, brushed over the breast and it doesn't hurt -- they don't know
23 that that's bad yet; would you agree with that?

24 PROSPECTIVE JUROR NO. 214: I agree. And they also might only
25 be telling part of the truth, because they're trying to think the other part of the truth

1 might get them in trouble. So when they go -- when an adult does that, you might
2 think they're lying, but a kid just doesn't know any better.

3 MS. KOLLINS: In your own experiences with your daughter, what --
4 you know, she's got her own personality. What kind of things or emotions do you
5 look at when you're trying to tell if she's being truthful; like, what kind of things, as a
6 dad, do you look at?

7 PROSPECTIVE JUROR NO. 214: You know, she really doesn't lie to
8 me. I thought she has a couple of times, but she really pretty much either says she
9 forgot what happened or she tells me the truth.

10 MS. KOLLINS: And she's eight?

11 PROSPECTIVE JUROR NO. 214: Yeah.

12 MS. KOLLINS: So she's third grade?

13 PROSPECTIVE JUROR NO. 214: Second grade.

14 MS. KOLLINS: Second grade? But you can tell when something's
15 bothering her?

16 PROSPECTIVE JUROR NO. 214: Yeah. And the -- the forgot thing is
17 the cue where she doesn't -- she's not ready to tell me yet, if she says, I forgot.

18 MS. KOLLINS: I forgot?

19 PROSPECTIVE JUROR NO. 214: Yeah.

20 MS. KOLLINS: Yeah. That's -- that's like a -- that's kind of a safety,
21 safe-all for kids, I forgot. I forgot. I forget. Okay.

22 I'm sorry, I heard some comment.

23 PROSPECTIVE JUROR NO. 304: My daughters when stuff would
24 happen, she'll usually go up -- she'll shut down and get quiet and then go lock
25 herself in her room and say nothing's wrong. And then just, like, try to avoid --

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1 avoid you personally.

2 MS. KOLLINS: And for the record, that was Juror 304, and she did not
3 have the microphone.

4 That's okay. It happens.

5 MR. WESTBROOK: I'm sorry, Your Honor, may we approach? It's
6 just a technical issue with the interpretation.

7 [Bench conference transcribed as follows.]

8 MS. KOLLINS: Is something wrong with the mic?

9 MS. KIERNY: The interpreter is so loud. We can't hear a thing.
10 We've asked him several times to be quiet. No other interpreter had this issue.

11 THE COURT: Oh. I can't hear him.

12 MS. KIERNY: Well, we can't hear anything.

13 MR. WESTBROOK: We can hear virtually nothing else.

14 MS. KIERNY: And then he's complaining that when they don't use the
15 microphone, he can't interpret.

16 MR. WESTBROOK: So two things. One, we're having the hardest
17 time hearing. Can we, like, maybe, I don't know, move closer, would that work?
18 He's just -- I don't know. We have a difficult situation with the layout of the
19 courtroom. Nobody's fault, but the designer's I guess.

20 The second issue, and -- and probably more important for our
21 purposes is, unless the jurors are speaking into the microphone, he can't hear
22 them, so he can't interpret, so they need to use it, unfortunately.

23 THE COURT: Yeah, that's a big issue.

24 MR. WESTBROOK: That's the bigger issue.

25 MS. KOLLINS: That was only the last one, and I'll make sure it doesn't

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1 happen again.

2 THE COURT: Yeah. Okay.

3 MS. KOLLINS: I didn't want to interrupt her.

4 THE COURT: Okay. So we'll fix that. Okay.

5 MR. WESTBROOK: Okay.

6 THE COURT: Okay. Looks like we're good. Let's just keep going,
7 then.

8 MR. WESTBROOK: Sounds good. Thank you.

9 THE COURT: All right. Thank you.

10 [End of bench conference.]

11 MS. KOLLINS: Bad deputy DA. You have to talk in the microphone or
12 I'm going to get in trouble. Okay. So you got to make sure you get the microphone
13 before you start talking. I'll try to use my outside voice, so everybody can hear me.
14 If you can't hear me, please let me know. I'll be more than happy to repeat myself,
15 since you're going to be talking to me for a little while longer this afternoon.

16 Is anybody here familiar with the concept of being a mandatory
17 reporter? Anybody? Okay. Where's the mic? There we go. Thank you.

18 PROSPECTIVE JUROR NO. 194: I am.

19 MS. KOLLINS: Ms. Hudson, 194. Are you a mandatory reporter?

20 PROSPECTIVE JUROR NO. 194: I am a mandated reporter, yes.

21 Well --

22 MS. KOLLINS: Does everybody know what a mandatory reporter is?
23 If a child or someone under the age of 18 comes to you and has been the victim of
24 sexual abuse or physical abuse, and they come to you in your position as a
25 teacher, a counselor, a police officer, a child protective service worker, you are

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1 required by law to report that to law enforcement or to make a hotline call to child
2 protective services. And so that's kind of the gist of it.

3 Have you had to exercise that in your position?

4 PROSPECTIVE JUROR NO. 194: No.

5 MS. KOLLINS: Okay. Any of your coworkers had to exercise that in
6 their position?

7 PROSPECTIVE JUROR NO. 194: Yes.

8 MS. KOLLINS: Do you know anything about the circumstances of
9 that?

10 PROSPECTIVE JUROR NO. 194: Once you make the report through
11 the 800, the hotline, you're followed up with a testimony of -- or a written consent.
12 You -- once you report it, you're not -- like, the counselor takes over from there.
13 You're not removed from any situation, but the victim is removed, is separated from
14 the victim and the victor.

15 MS. KOLLINS: Okay. That's the process, but I was talking about the
16 circumstance that led one of your coworkers to exercise that. Was it sexual abuse
17 or physical abuse?

18 PROSPECTIVE JUROR NO. 194: Physical.

19 MS. KOLLINS: Physical abuse? Okay. And that was in -- do you
20 work for a doctor's office or a hospital?

21 PROSPECTIVE JUROR NO. 194: At the time, I was at a hospital.

22 MS. KOLLINS: The hospital. Okay. In your position in that hospital,
23 did you deal with sexual assault examinations or anything like that?

24 PROSPECTIVE JUROR NO. 194: No.

25 MS. KOLLINS: No? Okay.

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1 There was someone else that was a mandatory reporter?
2 PROSPECTIVE JUROR NO. 230: Juror 230.
3 MS. KOLLINS: Ms. Sutherland.
4 PROSPECTIVE JUROR NO. 230: Yes.
5 MS. KOLLINS: Thank you. You're a mandatory reporter?
6 PROSPECTIVE JUROR NO. 230: Yes, ma'am.
7 MS. KOLLINS: Have you ever had to exercise your responsibilities as
8 a mandatory reporter?
9 PROSPECTIVE JUROR NO. 230: Yes, ma'am.
10 MS. KOLLINS: Physical or sexual abuse?
11 PROSPECTIVE JUROR NO. 230: Both.
12 MS. KOLLINS: The last sexual abuse case you did, was that here in
13 Clark County?
14 PROSPECTIVE JUROR NO. 230: Yes.
15 MS. KOLLINS: And did you phone it in to CPS or Metro or?
16 PROSPECTIVE JUROR NO. 230: Traditionally, we'll go with Metro
17 first, so they can come and take the statements. And then they'll traditionally call
18 out CPS at the same time, and they'll handle it from there.
19 MS. KOLLINS: Some people call the hotline --
20 PROSPECTIVE JUROR NO. 230: Uh-huh.
21 MS. KOLLINS: And some people call Metro.
22 PROSPECTIVE JUROR NO. 230: Traditionally, for the sexual abuse,
23 we'll go with Metro first to decide if we need to transport to a different facility. But
24 other that, physical and neglect, we'll go with CPS first.
25 MS. KOLLINS: Was this a minor?

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1 PROSPECTIVE JUROR NO. 230: Yes.

2 MS. KOLLINS: And the facility you work in -- I wrote RN --

3 PROSPECTIVE JUROR NO. 230: Yes.

4 MS. KOLLINS: -- and I did not hear where you worked exactly.

5 PROSPECTIVE JUROR NO. 230: I work at the -- at UMC.

6 MS. KOLLINS: At UMC? Okay. Well, then, that makes sense. Then
7 you are familiar with acute examinations and all that, like, things [indiscernible] 72
8 hours or --

9 PROSPECTIVE JUROR NO. 230: We're familiar with the rules.
10 Anything under 12 years old traditionally gets transported to a different facility.
11 Anything over 12 years old goes to our SANE exam over on the adult side.

12 MS. KOLLINS: Okay. Do you interact with very many sexual --
13 assault sexual abuse victims in your position?

14 PROSPECTIVE JUROR NO. 230: Yes.

15 MS. KOLLINS: Okay. So you're familiar with how examinations are
16 done and things like that?

17 PROSPECTIVE JUROR NO. 230: Vaguely.

18 MS. KOLLINS: Okay. Are you ever the intake nurse for any of those
19 examinations? You do the triage for --

20 PROSPECTIVE JUROR NO. 230: Not for the examination. I am an
21 initial triage nurse, where I can take the complaint from the parent or the child, and
22 then get them into the department to see the physician and decide what needs to
23 go on then.

24 MS. KOLLINS: Okay. And so I would imagine then, in your job, that
25 you have seen sexual assaults that are acute, and by that, I mean within 72 hours

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1 and --

2 MR. WESTBROOK: Your Honor, I'm sorry. May we approach very
3 quick?

4 THE COURT: Of course.

5 [Bench conference transcribed as follows.]

6 MR. WESTBROOK: I have two objections on this whole line of
7 questioning. The first is, she's asking whether she's seen sexual assaults. She
8 has no idea whether she's seen sexual assaults, but the presumption that she's
9 putting into the jury's mind is going to a sexual assault nurse examiner over to
10 UMC, and a sexual assault has occurred. That's in no way the case. But what --
11 what she's doing is feeding that into the jury's mind, a sexual assault nurse
12 examiner has been called, that means a sexual assault has occurred.

13 Furthermore, she's used now three times the word victim. I
14 understand that that's not in reference to anybody in this case, that that was
15 probably the subject of our order, not to use the word victim. We're referring to
16 anybody who's been a subject of mandatory report as a victim, transfers it to our
17 case. It puts the presumption in the minds of the jury that if a report has been
18 made, that person is a victim. Fanatically, that's been the theme of this voir dire so
19 far.

20 I'm not as worried about the [indiscernible] or the objection, while
21 they're trying their case in front the jury in voir dire, it's an objection. I know the
22 State's made the objection many times. To a certain extent that's happening. I'm
23 trying not to object and interrupt, unless I think it's really acute. I think that the
24 overuse of the word victim and the assumption that the State's putting out there and
25 just feeding to the jury, that when there's an allegation of a sexual assault, it's a

1 sexual assault. She's not referring to them as alleged sexual assaults or
2 accusations of sexual assaults or accusations of abuse. She's referring to them as
3 if the charge means it happened.

4 And I've been looking at the jury. They're all accepting that if a
5 charge is made, then the charge has happened. I think it has the -- the capacity for
6 tainting the panel and I'm concerned about it. I'm going to object to that.

7 THE COURT: What's the mandatory reporting in this case? Is that
8 what happened in this case?

9 MR. WESTBROOK: In this case, it was reported to neighbors and
10 parents. However, a SANE nurse is --

11 THE COURT: This has nothing to do with what she's asking.

12 MR. WESTBROOK: There's a SANE nurse examiner involved,
13 though.

14 THE COURT: Oh.

15 MR. WESTBROOK: And we're talking to someone at UMC who has
16 direct contact with SANE nurse examiners as part of her regular job. I mean, I
17 thought that we were going to go to a similar place with the police officer, when he
18 was talking as if he went through interviews and that's where he got all the
19 psychology of the -- you know, the sexual abuser, which was --

20 THE COURT: Will you give her a chance to talk?

21 MR. WESTBROOK: Yeah, go ahead.

22 THE COURT: Okay.

23 MS. KOLLINS: I'm not even clear what his objection is, other than I
24 used the word victim. My understanding of the court's ruling is I was not to refer to
25 my victims as victims. We're talking in the abstract here about victimology. We're

1 not talking about -- I mean, we're talking to them, not specifically about my kids.

2 THE COURT: And you can't discuss the facts of this case.

3 MS. KOLLINS: I'm not.

4 THE COURT: In fact, if you were to say, you know, the evidence is
5 going to show, or In this case, this is what happened, that would be wholly
6 inappropriate, and I would expect an objection, because you're not allowed to tell
7 the jury -- you're not allowed to testify. You're not allowed to tell the jury what the
8 facts are.

9 MS. KOLLINS: Understood. And -- and I don't think I've even stepped
10 near that line. Now, what I am doing --

11 THE COURT: Well, you suggested one time earlier and there was an
12 objection, that the crime in this case was a secret. [Indiscernible] thinking it was a
13 hypothetical.

14 MS. KOLLINS: I said would it surprise you that these crimes occur in
15 secret.

16 THE COURT: Oh, you were talking about hypothetical, then?

17 MS. KOLLINS: I'm talking in the abstract.

18 THE COURT: All right. When it -- I was a little unsure when that came
19 up.

20 MS. KOLLINS: Right.

21 THE COURT: But okay. So let's --

22 MS. KOLLINS: So he's -- he's --

23 THE COURT: So -- yeah.

24 MS. KOLLINS: -- griping that I'm using the word victim. What I'm
25 asking -- here's a --

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1 THE COURT: I don't have a problem, as long as you're not referring to
2 the victim in this case.

3 MS. KOLLINS: I --

4 THE COURT: Because the --

5 MS. KOLLINS: I haven't.

6 THE COURT: All right. To the victims in this case, they're alleged
7 victims, and we don't know that they're victims.

8 MS. KOLLINS: And -- and I haven't.

9 THE COURT: Yeah. No, you haven't.

10 MS. KOLLINS: So --

11 MR. WESTBROOK: She also did volunteer the family friend in this
12 case.

13 THE COURT: I don't understand the other point.

14 MR. WESTBROOK: She volunteered that it was a family friend has
15 been accused in this case.

16 THE COURT: Well, let's don't -- let's don't volunteer any facts of this
17 case. Keep it hypothetical.

18 MS. KOLLINS: I have. I'm doing my best.

19 THE COURT: He just said you haven't. So I don't -- I don't want to
20 have a mini trial up here about whether you have or haven't. I'm just telling you
21 don't. All right. So, okay? All right?

22 MR. WESTBROOK: That's fine.

23 THE COURT: Let's keep going.

24 MR. WESTBROOK: Thanks, Judge.

25 THE COURT: Thank you.

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1 [End of bench conference.]

2 MS. KOLLINS: You and I were discussing victims coming into your
3 facility at all different stages of their victimization.

4 PROSPECTIVE JUROR NO. 230: Yes, ma'am.

5 MS. KOLLINS: And so have the victims that you've seen across the
6 board all had similar demeanors?

7 PROSPECTIVE JUROR NO. 230: No.

8 MS. KOLLINS: And would range from what to what? What have you
9 seen?

10 PROSPECTIVE JUROR NO. 230: A lot of times our first impressions
11 are from the parents and how they're responding. The children in that situation
12 have a tendency to take a back seat to whatever the parent's stating to us and
13 talking. We traditionally don't get a lot -- in a lot of the interview process from the
14 child. We take the statements from the parents initially, so the child doesn't have to
15 go through multiple times of repeating the same stuff. So they're usually very quiet
16 and -- and maybe reserved.

17 MS. KOLLINS: So you don't have any particular set of expectations of
18 how a child should act?

19 PROSPECTIVE JUROR NO. 230: No.

20 MS. KOLLINS: Okay.

21 PROSPECTIVE JUROR NO. 230: I work with lots of children and they
22 all --

23 MS. KOLLINS: You have the gamut of emotions and ability to
24 communicate and all those types of things?

25 PROSPECTIVE JUROR NO. 230: Absolutely.

1 MS. KOLLINS: Okay. Anybody else that has exercised their
2 mandatory reporter responsibilities? Over here? Anybody? Okay.

3 Who has a problem with the notion that testimony is evidence?
4 Who has a problem with that? Anybody have a question as to what that means?

5 Mr. Lacroix, you're looking at me a little puzzled. Can I give you
6 the microphone?

7 PROSPECTIVE JUROR NO. 212: Sure.

8 MS. KOLLINS: Okay. Let -- let's chat. We've got 15 minutes. Thank
9 you.

10 PROSPECTIVE JUROR NO. 212: Go ahead.

11 MS. KOLLINS: What do you think about the notion that testimony is
12 evidence?

13 PROSPECTIVE JUROR NO. 212: Can you elaborate a little more?
14 How is that?

15 MS. KOLLINS: Okay. Well, you're going to get a jury instruction --

16 PROSPECTIVE JUROR NO. 212: Yep.

17 MS. KOLLINS: -- that testimony from the witness stand, that means
18 what comes out of people's mouths --

19 PROSPECTIVE JUROR NO. 212: Yep.

20 MS. KOLLINS: -- is evidence. You're to assess its credibility that
21 that's evidence.

22 PROSPECTIVE JUROR NO. 212: Yes.

23 MS. KOLLINS: Anything you can touch, feel, see, that comes into
24 the -- into evidence is evidence. But testimony alone, the words in this case -- lots
25 of people --

1 PROSPECTIVE JUROR NO. 212: A child.
2 MS. KOLLINS: -- police officers --
3 PROSPECTIVE JUROR NO. 212: Yeah.
4 MS. KOLLINS: -- alleged victims, all kinds of people, that testimony is
5 evidence. What do you think about that?
6 PROSPECTIVE JUROR NO. 212: Agreed.
7 MS. KOLLINS: What they tell you?
8 PROSPECTIVE JUROR NO. 212: I would have to agree with that.
9 MS. KOLLINS: Okay.
10 PROSPECTIVE JUROR NO. 212: Yep.
11 MS. KOLLINS: In fact, you're going to get an instruction here in
12 Nevada that if you believe the testimony of an alleged victim beyond a reasonable
13 doubt, that that is sufficient for a conviction; What do you think about that?
14 PROSPECTIVE JUROR NO. 212: You're getting technical on me a
15 little bit there.
16 MS. KOLLINS: Okay. In the state of Nevada --
17 PROSPECTIVE JUROR NO. 212: Yes.
18 MS. KOLLINS: -- the testimony of an alleged victim of sexual abuse
19 does not have to be corroborated by any other evidence. So if you believe the
20 victim beyond a reasonable doubt, their testimony from the stand, that is sufficient
21 for a conviction in Nevada; what do you think about that?
22 PROSPECTIVE JUROR NO. 212: I'm still struggling with it.
23 MS. KOLLINS: Okay.
24 PROSPECTIVE JUROR NO. 212: I got to be honest with you.
25 MS. KOLLINS: Okay. What are we struggling with?

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1 THE COURT: Well, I'm struggling, because I -- I don't want you to ask
2 questions that are touching on the law that I'm going to instruct them. They'll get
3 the law and then they'll figure it out. So you can ask them -- I don't want you to ask
4 them what the law is going to be or how they feel about what the law might be. All
5 right. So we're going to move on from this.

6 MS. KOLLINS: I can't ask them about testimony as evidence?

7 THE COURT: You can ask them about that, but not in the way you did
8 it.

9 MS. KOLLINS: Okay.

10 THE COURT: You were asking about whether corroboration is needed
11 or not needed, and what the law is going to be on that. You can ask him his
12 personal opinion on whether there should be corroboration, but you can't tell them
13 what the law is going to be.

14 MS. KOLLINS: Are you willing to accept the notion that testimony is
15 evidence?

16 PROSPECTIVE JUROR NO. 212: I don't mean to laugh at this. I'm --

17 MS. KOLLINS: No, it's okay.

18 PROSPECTIVE JUROR NO. 212: I'm not.

19 MS. KOLLINS: I mean, we deal with it every day, so to us, it's just -- it
20 is what it is. I'm not trying to be glib or trying to be tricky or weird. I just -- because
21 a lot of people have an issue with the fact that what comes out of a witness's mouth
22 on the stand is evidence and it's in the record. And that's something you need to
23 consider when you deliberate. Some people just think if you can't touch it, you
24 know, like DNA or a video tape, then it's not evidence. Some people have an issue
25 with the spoken word of a witness as evidence. So that's all I'm trying to talk about.

1 PROSPECTIVE JUROR NO. 212: I don't think so. I mean.
2 MS. KOLLINS: Okay. All right. That's all I'm asking.
3 PROSPECTIVE JUROR NO. 212: It's okay.
4 MS. KOLLINS: Okay.
5 PROSPECTIVE JUROR NO. 212: Pardon me. I'm --
6 MS. KOLLINS: No. No. And I'm not picking on you.
7 PROSPECTIVE JUROR NO. 212: I didn't go to law school or... Sorry.
8 MS. KOLLINS: Does anybody have a problem with the notion that
9 sexual abuse can occur without a physical injury? Anybody think if there's sex
10 abuse, there has to be an injury? Anybody think that?
11 I'm going to hand the microphone to Mr. Batista, Juror 215.
12 How are you?
13 PROSPECTIVE JUROR NO. 215: Can you repeat the question,
14 please?
15 MS. KOLLINS: Sure. Do you think sexual abuse can occur without
16 there being a physical injury afterwards?
17 PROSPECTIVE JUROR NO. 215: Yes.
18 MS. KOLLINS: Okay. Would you agree with me that things like
19 touching and rubbing, that's not going to leave a physical injury?
20 PROSPECTIVE JUROR NO. 215: Agree.
21 MS. KOLLINS: Okay. Is there anybody that disagrees with that?
22 I'm going to talk to Ms. Perkins, Juror 242.
23 How are you?
24 PROSPECTIVE JUROR NO. 242: All right.
25 MS. KOLLINS: Do you spend much time around kids?

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1 PROSPECTIVE JUROR NO. 242: A lot.
2 MS. KOLLINS: A lot?
3 PROSPECTIVE JUROR NO. 242: Uh-huh.
4 MS. KOLLINS: What are the ages of the kids that you spend time
5 with?
6 PROSPECTIVE JUROR NO. 242: 10 to 15.
7 MS. KOLLINS: That's a whole -- that's a big variance, isn't it, from 10
8 to 15 years old? Lots of changes going on --
9 PROSPECTIVE JUROR NO. 242: Right.
10 MS. KOLLINS: -- from 10 to 15. Do they all communicate the same?
11 PROSPECTIVE JUROR NO. 242: No.
12 MS. KOLLINS: Do they all -- do you ever know -- can you tell when
13 they're lying? Tell when they're fibbing? Some of them?
14 PROSPECTIVE JUROR NO. 242: The ones that I work directly with,
15 yes.
16 MS. KOLLINS: What -- what kind of things do you look for when you're
17 looking at that age range of kids?
18 PROSPECTIVE JUROR NO. 242: Some get angry when you question
19 them. Some --
20 MS. KOLLINS: Defensive angry?
21 PROSPECTIVE JUROR NO. 242: Uh-huh. Some might think it's
22 funny or kind of comical.
23 MS. KOLLINS: Because -- because some kids get scared and some
24 kids get the giggles about just about anything you talk to them about, right?
25 PROSPECTIVE JUROR NO. 242: Right.

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1 MS. KOLLINS: What about when they're talking about embarrassing
2 stuff; Do they all act different?

3 PROSPECTIVE JUROR NO. 242: Very different.

4 MS. KOLLINS: Things that embarrass them? Yeah?

5 PROSPECTIVE JUROR NO. 242: Yeah.

6 MS. KOLLINS: Why do you think a kid would make up sexual abuse
7 allegations? Why do you think a kid would do that?

8 PROSPECTIVE JUROR NO. 242: Attention.

9 MS. KOLLINS: What else?

10 PROSPECTIVE JUROR NO. 242: To relate to peers around them,
11 maybe.

12 MS. KOLLINS: To relate to peers?

13 PROSPECTIVE JUROR NO. 242: Popularity, they think it's cool or
14 something to do.

15 MS. KOLLINS: When you said they would think it's cool or popularity,
16 do you have, like, an example where you think somebody made something up to be
17 cool or be, like, in the group or something?

18 PROSPECTIVE JUROR NO. 242: Well, I can talk from personal
19 experience, just, like, family members. There was a situation that happened to one
20 person, and their siblings thought it was okay to accuse the person of the same
21 thing, when it didn't happen.

22 MS. KOLLINS: So --

23 PROSPECTIVE JUROR NO. 242: Just to get as much attention as
24 that person was getting at the time.

25 MS. KOLLINS: So you thought there was one real person that had

1 been -- are we talking about a sexual abuse situation? Before I choose my words.

2 PROSPECTIVE JUROR NO. 242: Uh-huh.

3 MS. KOLLINS: Okay. And just for the record, that was an affirmative,
4 yes?

5 PROSPECTIVE JUROR NO. 242: Yes.

6 MS. KOLLINS: So one person was victimized and then another
7 person jumped on the wagon, so that, you think, to get the same attention that the
8 person that was actually victimized did?

9 PROSPECTIVE JUROR NO. 242: Right.

10 MS. KOLLINS: Okay. Did that detract from the credibility of the
11 victimized person?

12 PROSPECTIVE JUROR NO. 242: No.

13 MS. KOLLINS: Did it make you believe them any less?

14 PROSPECTIVE JUROR NO. 242: No.

15 MS. KOLLINS: Okay. I'm going to talk to my Money Plays bartender --

16 PROSPECTIVE JUROR NO. 237: Okay.

17 MS. KOLLINS: -- here on the end.

18 PROSPECTIVE JUROR NO. 237: Great.

19 MS. KOLLINS: I know. It's what I think, too.

20 Mr. Keck, Juror No. 237. How are you?

21 PROSPECTIVE JUROR NO. 237: I'm doing good.

22 MS. KOLLINS: Good. Any strong opinions about any of this stuff
23 we're talking about?

24 PROSPECTIVE JUROR NO. 237: It hurts, you know, to -- to hear stuff
25 like that. I wouldn't wish that on anybody, so --

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1 MS. KOLLINS: Okay.

2 PROSPECTIVE JUROR NO. 237: -- you know, you -- just to watch --
3 to be able to watch somebody up on the stand, the courage they'd have to have to
4 go up and say that alone, means a lot, you know.

5 MS. KOLLINS: I notice -- I believe you said you didn't have any kids; is
6 that correct?

7 PROSPECTIVE JUROR NO. 237: I don't have any kids, no.

8 MS. KOLLINS: Okay.

9 PROSPECTIVE JUROR NO. 237: I've got a girlfriend. She's got a -- a
10 young -- a 10-year-old boy, and her daughter is 18. She's just finishing up high
11 school.

12 MS. KOLLINS: So a little bit of interaction with kids?

13 PROSPECTIVE JUROR NO. 237: Sure. Sure.

14 MS. KOLLINS: Okay.

15 PROSPECTIVE JUROR NO. 237: And my sister has kids and --

16 MS. KOLLINS: So you're an uncle, and you spend a little bit of time
17 around kids?

18 PROSPECTIVE JUROR NO. 237: Absolutely.

19 MS. KOLLINS: And so as far -- you know, the things we were -- I'm
20 going to kind of loop this back to the beginning a little bit, because we're getting
21 ready to wrap this up for today.

22 PROSPECTIVE JUROR NO. 237: Okay. Yeah, I've got to go to work,
23 anyway.

24 MS. KOLLINS: Do you think you have any problem just, like,
25 assessing the differences in the way kids will communicate? And do -- do you think

1 they should act a certain way?

2 PROSPECTIVE JUROR NO. 237: I mean, they're kids, you know,
3 they're going to -- they're going to act the way they're going to act, you know. I
4 mean, you just -- I've -- I've learned that a lot.

5 MS. KOLLINS: Yeah. So one of things we were talking about earlier
6 is, you know, some kids might be visibly shaken and distraught to come up here
7 and talk to you about this kind of stuff --

8 PROSPECTIVE JUROR NO. 237: Absolutely.

9 MS. KOLLINS: -- would you agree?

10 PROSPECTIVE JUROR NO. 237: Absolutely.

11 MS. KOLLINS: And some kids might just do this. They got nothing,
12 right? You know, they're not going to react. They're not going to talk. They're just
13 going to shut down. Would that surprise you?

14 PROSPECTIVE JUROR NO. 237: No, not at all.

15 MS. KOLLINS: And some kids might be giggly, because they can't say
16 the word vagina in public, because it embarrasses them.

17 PROSPECTIVE JUROR NO. 237: Right.

18 MS. KOLLINS: Would you agree?

19 PROSPECTIVE JUROR NO. 237: I agree.

20 MS. KOLLINS: Okay. So all that -- that vast way that kids
21 communicate, that's -- you're going at least assess that when you look at their
22 credibility, and you're going to take that into consideration for me?

23 PROSPECTIVE JUROR NO. 237: Yes.

24 MS. KOLLINS: Okay. Why do you think a kid would lie about sex
25 abuse?

1 PROSPECTIVE JUROR NO. 237: I agree with what she said, just
2 popularity.

3 MS. KOLLINS: Popularity?

4 PROSPECTIVE JUROR NO. 237: You know, just give somebody a,
5 you know, Hey, this happened to me. And, obviously, it's not cool, but it's just
6 something that I think goes right through their mind.

7 MS. KOLLINS: Sure.

8 PROSPECTIVE JUROR NO. 237: You know, it gives them attention.

9 MS. KOLLINS: Why do you think a kid would delay telling about sex
10 abuse?

11 PROSPECTIVE JUROR NO. 237: Scared.

12 MS. KOLLINS: Scared? Scary -- what would be scary?

13 PROSPECTIVE JUROR NO. 237: I mean, I -- if that happened to me,
14 I'd be petrified to be around the person that, you know...

15 MS. KOLLINS: Scared of telling parents, might be in trouble; does
16 that --

17 PROSPECTIVE JUROR NO. 237: Yes.

18 MS. KOLLINS: -- sound reasonable?

19 PROSPECTIVE JUROR NO. 237: Yes.

20 MS. KOLLINS: Scared of some kind of retaliation by the perpetrator;
21 would that be reasonable?

22 PROSPECTIVE JUROR NO. 237: That's very reasonable.

23 MS. KOLLINS: Okay. Perhaps, you know, the person is in the family
24 circle, so that makes it scary, too?

25 PROSPECTIVE JUROR NO. 237: Very.

1 MS. KOLLINS: Don't want to piss off Mom and Dad?

2 PROSPECTIVE JUROR NO. 237: Correct.

3 MS. KOLLINS: Okay. So all those reasons are reasons that a kid
4 might, you know, hesitate or delay a little bit --

5 PROSPECTIVE JUROR NO. 237: Absolutely.

6 MS. KOLLINS: -- in coming forward? Okay. Would you -- strike that
7 question. Sorry.

8 Is -- I can't ask it like that, either. I'm sorry.

9 PROSPECTIVE JUROR NO. 127: That's all right.

10 MS. KOLLINS: Give me just a moment. It's rare -- it's rare that I'm
11 tongue tied, so I'm kind of surprising myself this afternoon. I usually have a lot to
12 say.

13 Another notion I brought up earlier was that kids' life experiences
14 could contribute to their ability to communicate; would you agree with that?

15 PROSPECTIVE JUROR NO. 237: I would.

16 MS. KOLLINS: Okay. So things like education, socioeconomic
17 background, things like that?

18 PROSPECTIVE JUROR NO. 237: Sure. Yeah.

19 MS. KOLLINS: You know, maybe a kid that had the benefit of a
20 Bishop Gorman education speaks differently than somebody that didn't.

21 PROSPECTIVE JUROR NO. 237: Absolutely. Yeah.

22 MS. KOLLINS: Okay. So would you be able to take all of those kinds
23 of things into consideration?

24 PROSPECTIVE JUROR NO. 237: Yes. Absolutely.

25 MS. KOLLINS: Okay. What other things do you think contribute to the

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1 difficulty of a kid coming in here, sitting up here, and promising to tell the truth to
2 this court and to the 14 people over here that they don't know; what things do you
3 think contribute to their anxiety?

4 PROSPECTIVE JUROR NO. 237: I think the biggest thing is being --
5 and I've also been in radio, so this doesn't affect me at all, to talk, but some of it is
6 never being able to go up in front of people. It's got to -- got to be just as scary as
7 anything. And then to be able to talk about what happened to them, I would -- I
8 wouldn't even know how to start.

9 MS. KOLLINS: So public speaking, one?

10 PROSPECTIVE JUROR NO. 237: Yes.

11 MS. KOLLINS: Because speaking is kind of a drag?

12 PROSPECTIVE JUROR NO. 237: Sure.

13 MS. KOLLINS: Honestly, it really is.

14 PROSPECTIVE JUROR NO. 237: Yeah. Yeah.

15 MS. KOLLINS: Because everybody is looking at you.

16 PROSPECTIVE JUROR NO. 237: Yeah.

17 MS. KOLLINS: And there's that.

18 PROSPECTIVE JUROR NO. 237: Yeah.

19 MS. KOLLINS: And just anxiety about the subject matter, because
20 we're talking about sex stuff --

21 PROSPECTIVE JUROR NO. 237: Correct.

22 MS. KOLLINS: -- right?

23 PROSPECTIVE JUROR NO. 237: Yeah.

24 MS. KOLLINS: And I mentioned earlier, if you would all agree with me,
25 talking about their last sexual experience for most adults would be pretty difficult in

1 this venue --

2 PROSPECTIVE JUROR NO. 237: Absolutely. Yeah.

3 MS. KOLLINS: --- would you agree with that?

4 PROSPECTIVE JUROR NO. 237: Yeah.

5 MS. KOLLINS: And then compound that with the fact that you're a
6 minor --

7 PROSPECTIVE JUROR NO. 237: Yeah.

8 MS. KOLLINS: -- and this is something that you're unfamiliar with?

9 PROSPECTIVE JUROR NO. 237: Correct.

10 MS. KOLLINS: Okay. So would you use all of those things, that
11 embarrassment, that fear, that public speaking anxiety, the age, the background, all
12 those things we talked about, to assess their credibility?

13 PROSPECTIVE JUROR NO. 237: Yes.

14 MS. KOLLINS: And earlier when I referred to a kid's standard, I've
15 kind of, like, wrapped it around now, but that's what I was referring to, just all those
16 types of things, when you assess kids' credibility; would you be able to weigh all
17 those things?

18 PROSPECTIVE JUROR NO. 237: Sure.

19 MS. KOLLINS: Okay. And one last thing, because I think I'm almost
20 straight up 5:00.

21 PROSPECTIVE JUROR NO. 237: Yeah.

22 MS. KOLLINS: Would you agree that a kid's language, their language
23 skills are shaped by their background, by their education level?

24 PROSPECTIVE JUROR NO. 237: Yeah. But that's not their fault.
25 You know, it just -- it just happens sometimes, you know.

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1 MS. KOLLINS: Just -- just environment and venue, where they grew
2 up, how they grew up --

3 PROSPECTIVE JUROR NO. 237: Yeah, sure. Just some -- some
4 people are going to learn to do it a little better than others and that doesn't make
5 them a bad person, you know.

6 MS. KOLLINS: Does it make them incredible, though?

7 PROSPECTIVE JUROR NO. 237: I'm not sure what -- how to --

8 MS. KOLLINS: Well, You and I would probably tell a story a different
9 way, right?

10 PROSPECTIVE JUROR NO. 237: Right.

11 MS. KOLLINS: If we both saw a car accident outside, you and I would
12 probably tell the story a different way.

13 PROSPECTIVE JUROR NO. 237: Right.

14 MS. KOLLINS: You'd be like, Oh, man, did you see that, like, 2016
15 Charger? That thing was cherry. And I'd be, like, Oh, my God that guy ran through
16 the -- you know --

17 PROSPECTIVE JUROR NO. 237: Right.

18 MS. KOLLINS: -- you'd be looking at the car, maybe I'd be looking at
19 the -- I don't know, how fast he was going.

20 PROSPECTIVE JUROR NO. 237: Sure.

21 MS. KOLLINS: But you and I might tell that story differently --

22 PROSPECTIVE JUROR NO. 237: Right.

23 MS. KOLLINS: Right? Maybe just because of our backgrounds?

24 PROSPECTIVE JUROR NO. 237: Correct.

25 MS. KOLLINS: And doesn't mean that either of them --

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1 PROSPECTIVE JUROR NO. 237: Is wrong.
2 MS. KOLLINS: Either one of us is wrong; we just see it different.
3 PROSPECTIVE JUROR NO. 237: Right.
4 MS. KOLLINS: Kind of make sense?
5 PROSPECTIVE JUROR NO. 237: Gotcha.
6 MS. KOLLINS: Okay.
7 PROSPECTIVE JUROR NO. 237: Yeah.
8 MS. KOLLINS: Do you think that can be the same way with -- with a
9 kid that's relaying something, because they're -- they're telling you their perception
10 and their chronology.
11 PROSPECTIVE JUROR NO. 237: Correct.
12 MS. KOLLINS: Okay. And maybe they have -- maybe they don't
13 understand every way that someone's asking them the question.
14 PROSPECTIVE JUROR NO. 237: Right.
15 MS. KOLLINS: Would you agree with me, sometimes the answer you
16 might get from a kid is only as good as their question? I mean, you don't know
17 sometimes if they don't understand you.
18 PROSPECTIVE JUROR NO. 237: Right. Yeah.
19 MS. KOLLINS: Okay.
20 Would you like me to --
21 THE COURT: It's a good time to stop.
22 MS. KOLLINS: Okay.
23 THE COURT: Yeah. All right. So here's what we got to do. We
24 have 32 people up here that we're still doing voir dire. We got seven people in the
25 back. We may end up having some challenges tomorrow. I think I'm going to have

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1 the jury commissioner bring 10 more people in tomorrow. We'll talk about that
2 outside the presence of the jury in a minute. But I'm going to let the prospective
3 jurors go right now. I need everybody back here, lined up, ready to go, at 1:00
4 tomorrow. I have a -- I have a 30-page criminal calendar tomorrow, so I got to get
5 through a lot of stuff. All right.

6 So 1:00 tomorrow. That's every -- I'm going to read this
7 admonition before you go anywhere.

8 All you guys here in the box, you guys here in the front row, you
9 seven in the back, you need to all be back here 1:00 tomorrow, ready -- lined up,
10 ready to come in here.

11 People in the back, feel free to sit wherever you want, that's the
12 extra seven. You don't need to stay in your exact same seat. The 1 through 32
13 though, you guys are to sit in your exact same seat. All right.

14 During this recess you're admonished as follows. Do not
15 communicate among yourselves or with anybody else about this trial or the subject
16 matter of this trial; do not communicate at all with any of the parties, attorneys, or
17 witnesses involved in this trial; do not seek or obtain any information or comments
18 about this case from any source, including, without limitation, newspapers,
19 television, radio, Internet, e-mail, cell phones, or any other electronic device; do not
20 read, watch, or listen to any report or commentary about the case; do not form or
21 express any opinion on any subject connected with the trial until the case is finally
22 submitted to you for deliberations; and do not perform any research or
23 investigation.

24 You are directed to return as I indicated. Please drive safe,
25 have a good evening, and see you all tomorrow. All right. Thank you.

1 [Prospective jury panel recessed at 5:01 p.m.]

2 [Portion of audio recording sealed by judge.]

3 MR. HAMNER: Just one other question, Your Honor. Just on -- on
4 timing. Do we anticipate opening tomorrow or are we thinking we'll probably open
5 tomorrow? Or we open the day after?

6 MR. WESTBROOK: I kind of think the day after.

7 MR. HAMNER: Because we're doing -- we're doing a 1:00.

8 THE COURT: I'll tell you my thought is you guys are each going to
9 take 10 more minutes on voir dire. You're not going to have any challenges for
10 cause, and perempts are going to take 15 minutes, and then we're going to start
11 with openings. So that's --

12 MS. KIERNY: I like --

13 THE COURT: -- that's my plan.

14 MS. KIERNY: I like this stand-up routine you're doing. It's really good.

15 MR. WESTBROOK: I'm going to go buy lottery tickets now, too, since
16 we're being optimistic.

17 THE COURT: Well, that's like you asking me for my plan.

18 MR. WESTBROOK: That's a good point.

19 MS. KIERNY: I think it makes more sense -- well, whatever you guys
20 want to do.

21 MR. WESTBROOK: I feel like opening Thursday is real -- I mean,
22 sorry, Wednesday is realistic, but not tomorrow. But that's just my thought.

23 THE COURT: Here's the thing. If -- I -- and I got preliminary
24 instruction that I'm going to read --

25 MR. HAMNER: Sure.

1 THE COURT: -- that's going to take 15 minutes, too. All right. Look, if
2 you got a few minutes to spare and you don't have witness, it's not a big deal, you
3 know. If you got a few minutes to spare and you don't want to start open, or, like,
4 say, we got half an hour, we probably don't want to start openings, because that
5 means one side goes and the other doesn't, you know. But if we need to go a little
6 bit past 5:00 to get everything in, you know, I'll do that, too. I'll just -- I'll be flexible
7 with you guys.

8 MR. HAMNER: I'll -- I'll just --

9 THE COURT: I guess what --

10 MR. HAMNER: I mean --

11 THE COURT: -- I don't want is, like, a block of an hour wasted.

12 MR. HAMNER: Sure.

13 MR. WESTBROOK: Absolutely.

14 MR. HAMNER: And what -- what I'll do is I'll just prepare to be ready,
15 just in case we need to open. And -- and if it happens, it happens. If not, it's okay.

16 MS. KOLLINS: Yeah. We definitely won't get to witnesses tomorrow.

17 THE COURT: Definitely won't get to witnesses. Okay. That's good to
18 know.

19 MR. HAMNER: Thank you, Your Honor.

20 THE COURT: All right. But if you plan to open, do you -- I mean,
21 you -- you guys both want to do your openings the same day?

22 MR. WESTBROOK: Oh, yeah.

23 MR. HAMNER: I would like the openings to be on the same day.

24 MR. WESTBROOK: Yeah. And there's not going to be time for both,
25 then I would prefer to -- to go to the next day.

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THE COURT: We'll probably know after the first break.

MR. WESTBROOK: I would imagine. Thank you.

THE COURT: All right. Thanks, guys.

[Court recessed at 5:07 p.m., until the following day,
April 25, 2017, at 1:09 p.m.]

ATTEST: I do hereby certify that the foregoing is a true and correct transcript, to the best of my ability, from the audio/visual recording of the proceedings in the above-entitled case



Shawna Ortega, CET*562

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JOSE AZUCENA) No. 74071
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 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 10 day of April, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

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BY /s/ Carrie M. Connolly
Employee, Clark County Public Defender's Office